

City Council Agenda



MAY 8, 2018

6:00 p.m.

**City of Turlock Yosemite Room
156 S. Broadway, Turlock, California**



Mayor
Gary Soiseth

Council Members
William DeHart, Jr.
Matthew Jacob
Vice Mayor
Amy Bublak
Gil Esquer

Interim City Manager
Robert A. Talloni
City Clerk
Jennifer Land
Interim City Attorney
Jose M. Sanchez

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

AGENDA PACKETS: Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at www.cityofturlock.org and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1. A. CALL TO ORDER

B. SALUTE TO THE FLAG

2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS

- A. Recognition: Employee of the Month, April 2018 - Facilities Maintenance Assistant Maggie Gonzalez
- B. Recognition: Career Technical Education Work Experience Program Graduates
- C. Proclamation: National Police Week, May 13-19, 2018, accepted by Police Chief Ninus C. Amirfar
- D. Proclamation: Municipal Clerks Week, May 6-12, 2018, accepted by City Clerk Jennifer Land and Executive Administrative Assistant/Deputy City Clerk Stacey Tonarelli
- E. Presentation: Pet of the Month, presented by Animal Services Supervisor Glenna Jackson
- F. Appointment: City/County Disaster Council
- G. Appointment: City/County Liaison Committee

- H. Appointment: City of Turlock/Turlock Unified School District/California State University Stanislaus Joint Meeting
- I. Appointment: East Stanislaus Regional Water Management Partnership (Management Group)
- J. Appointment: Stanislaus Regional Water Authority
- K. Appointment: San Joaquin Valley Air Pollution Control District Valley-Wide Special City Selection Committee
- L. Appointment: Turlock Public Library Partnership
- M. Appointment: West Turlock Subbasin Groundwater Sustainability Agency

3. A. SPECIAL BRIEFINGS

- 1. Police Activities League (PAL) Update, presented by Police Chief Ninus C. Amirfar

B. PUBLIC PARTICIPATION

Pursuant to California Government Code Section 54954.3(a), this is the time set aside for members of the public to directly address the City Council on any item of interest to the public that is within the subject matter jurisdiction of the City Council and to address the Council on any item on tonight's agenda, including Consent Calendar items. You will be allowed five (5) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

Pursuant to California Government Code Section 54954.2(a)(3), no action or discussion may be undertaken on any item not appearing on the posted agenda, except that the City Council, or its staff, may briefly respond to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda.

4. A. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE

B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

C. DISCLOSURE OF TOP TEN/MAXIMUM CONTRIBUTORS

5. CONSENT CALENDAR

Information concerning the consent items listed hereinbelow has been forwarded to each Councilmember prior to this meeting for study. Unless the Mayor, a Councilmember or member of the audience has questions concerning the Consent Calendar, the items are approved at one time by the Council. The action taken by the Council in approving the consent items is set forth in the explanation of the individual items.

- A. Resolution: Accepting Weekly Demands of 3/29/18 in the amount of \$1,066,524.31; Weekly Demands of 4/5/18 in the amount of \$733,451.84; Monthly Demands of 10/31/17 in the amount of \$1,606,135.03; and Monthly Demands of 11/30/17 in the amount of \$1,300,324.83
- B. Motion: Accepting Minutes of the Special Meeting of February 14, 2018; and Minutes of the Special Meeting of March 10, 2018
- C. 1. Motion: Approving a Purchase and Sale Agreement with Julia Paul, Trustee of the Joash Paul Bypass Trust C/U/T March 29, 1991, as to an undivided 50% interest; and Philip Paul, Jr., Trustee of the Family Trust, a Sub-Trust of the Paul Living Trust dated April 27, 2001, as to an undivided 73.47 interest; and Philip Paul, Jr. Trustee of the Survivor Trust dated April 27, 2001, as to an undivided 26.53% interest in an undivided 50% for City Project No. 0828 "Fulkerth / SR 99 Interchange Improvements"

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- 2. Motion: Approving a Purchase and Sale Agreement with Bains Properties Investments, LLC for City Project No. 0828 “Fulkerth / SR 99 Interchange Improvements”
 - 3. Motion: Approving a Purchase and Sale Agreement with Pradeep K. Khatri and Koklia Pradip Khatri, Trustees under the Pradeep K. Khatri and Koklia Pradip Khatri 2007 Trust Agreement dated November 1, 2007 for City Project No. 0828 “Fulkerth / SR 99 Interchange Improvements”
 - D.
 - 1. Resolution: Approving the Engineer’s Report for the Parcel Map 18-01 “Nazmi” (Development Project No. 18-23) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
 - 2. Resolution: Declaring the City Council’s intention to order the formation of and to levy and collect assessments for the Parcel Map 18-01 “Nazmi” (Development Project No. 18-23) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
 - E. Motion: Approving an Agreement with Badger Meter, Inc. dba National Meter & Automation for the purchase of all positive displacement residential and turbine water meters for the City of Turlock fixed network Automated Meter Reading system, in an annual amount not to exceed \$154,500
 - F. Resolution: Appropriating \$3,000 to account number 116-30-305.44030_000 “Minor Equipment Miscellaneous” from Fund 116 “Special Public Safety – Fire” unallocated reserves to complete the purchase of fire alerting equipment
 - G. Resolution: Rescinding Resolution No. 2012-030 and adopting the amended 2018 schedule of maximum allowable fees charged by tow car companies for towing services for the Turlock Police Department tow rotation list, pursuant to Turlock Municipal Code Section 4-15-206
 - H. Resolution: Approving a new job description for the position of Police Business Unit Supervisor, effective May 9, 2018
 - I. Motion: Approving a Professional Services Agreement with MGT of America Consulting, LLP for preparation of a Cost Allocation Plan for Fiscal Year 2018-19 in an annual amount not to exceed \$17,000 and a total amount not to exceed \$51,000
 - J.
 - 1. Motion: Approving Amendment No. 5 to an Agreement with Tyler Technologies, Inc. for additional costs for Executime Time & Attendance Software, increasing the total compensation by \$11,819
 - 2. Resolution: Appropriating \$11,819 to account number 110-10-112.51016 “Executime Software” from Fund 110 “General Fund” unallocated reserves and transfers in from contributing Departments funded from each respective Fund’s unallocated reserves as detailed in Attachment A for additional costs for the Executime Time & Attendance Software project
 - K. Motion: Approving Amendment No. 3 to an Agreement with Thatcher Company, Inc. to extend the term of the contract for an additional six (6) months for the purchase of Liquid Chlorine for the Turlock Regional Water Quality Control Facility

6. **FINAL READINGS:** None

7. PUBLIC HEARINGS

Challenges in court to any of the items listed below, may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Turlock City Council at, or prior to, the public hearing.

- A. Request to adopt an Engineering Division cost recovery fee structure, pursuant to Title 3, Finance, of the Turlock Municipal Code, for permits, inspections, and other services, with recommendations to include the addition of new fees and the increase of existing fees, with certain fee increases set at a level lower than an amount which would result in full cost recovery for some services, and setting aside General Fund monies to reimburse the Engineering Division Enterprise Fund (502) to the extent that such fees do not provide for full cost recovery for those services, as set forth in the "Development Services – Engineering Division User Fee Study". (*Orosco*)

Recommended Action:

Resolution: Adopting an Engineering Division cost recovery fee structure, pursuant to Title 3, Finance, of the Turlock Municipal Code, for permits, inspections, and other services, with recommendations to include the addition of new fees and the increase of existing fees, with certain fee increases set at a level lower than an amount which would result in full cost recovery for some services, and setting aside General Fund monies to reimburse the Engineering Division Enterprise Fund (502) to the extent that such fees do not provide for full cost recovery for those services, as set forth in the "Development Services – Engineering Division User Fee Study"

- B. Request to waive reading and introduce Ordinance adding Turlock Municipal Code Title 4, Chapter 3, Article 4, Sections 11 and 12 regarding the prohibition of and penalties for the use of dangerous fireworks. (*Gomez*)

Recommended Action:

Ordinance: Waive Reading and Introduce Ordinance adding Turlock Municipal Code Title 4, Chapter 3, Article 4, Sections 11 and 12 regarding the prohibition of and penalties for the use of dangerous fireworks

8. SCHEDULED MATTERS

- A. Request to amend the City of Turlock Fiscal Year 2017/2018 and 2018/2019 General Fund Budget, funding augmentation requests as approved by the City Council with General Fund unallocated reserves. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Amending the City of Turlock Fiscal Year 2017/2018 and 2018/2019 General Fund Budget, funding augmentation requests as approved by the City Council with General Fund unallocated reserves

- B. Request to amend the City of Turlock Fiscal Year 2017/2018 and 2018/2019 Non-General Fund Budget, funding augmentation requests as approved by the City Council with Non-General Fund unallocated reserves. (*Jacobs-Hunter*)

Recommended Action:

Resolution: Amending the City of Turlock Fiscal Year 2017/2018 and 2018/2019 Non-General Fund Budget, funding augmentation requests as approved by the City Council with Non-General Fund unallocated reserves

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- C. Request to accept the Turlock Downtown Property Owners Association 2017-2018 Annual Report to be filed with the City Clerk in accordance with California Streets and Highways Code Section 36650. (*Van Guilder*)

Recommended Action:

Resolution: Accepting the Turlock Downtown Property Owners Association 2017-2018 Annual Report to be filed with the City Clerk in accordance with California Streets and Highways Code Section 36650

- D. Request to appropriate \$20,000 to account number 217-50-511.44001_137 "Supplies Street light Repairs" from Fund 217 "Parks, Recreation, and Public Facilities Department Street Maintenance (Section 2103 Gas Tax)" unallocated reserves for changing the street light lamps on Lander Avenue between West Main Street and East Glenwood Avenue and on Monte Vista Avenue in the area of Stanislaus State between North Walnut and Geer Roads to complete the necessary funding required for this project. (*Bray*)

Recommended Action:

Resolution: Appropriating \$20,000 to account number 217-50-511.44001_137 "Supplies Street light Repairs" from Fund 217 "Parks, Recreation, and Public Facilities Department Street Maintenance (Section 2103 Gas Tax)" unallocated reserves for changing the street light lamps on Lander Avenue between West Main Street and East Glenwood Avenue and on Monte Vista Avenue in the area of Stanislaus State between North Walnut and Geer Roads to complete the necessary funding required for this project

- E. Request to accept the report on the current design and maintenance of the BMX Bike Park and providing direction to staff on the future management of the park. (*Van Guilder*)

Recommended Action:

Motion: Accepting the report on the current design and maintenance of the BMX Bike Park and providing direction to staff on the future management of the park

- F. Request to designate the Turlock Downtown Property Owners' Association's 4th of July Parade and Car Show a City Annual Co-sponsored event, appropriate \$5,000 annually to account number 120-10-120.47317 "City Sponsored Special Events" from Fund 120 "Tourism" reserve balance to offset costs for the Turlock Downtown Property Owners' Association's 4th of July Parade and Car Show, and authorize the City Manager to allocate annual co-sponsorship funds in the amount of \$5,000 AND designate the Turlock Downtown Property Owners' Association's Festival of Lights a City Annual Co-sponsored event, appropriate \$5,000 annually to account number 120-10-120.47317 "City Sponsored Special Events" from Fund 120 "Tourism" reserve balance to offset costs for the Turlock Downtown Property Owners' Association's Festival of Lights, and authorize the City Manager to allocate annual co-sponsorship funds in the amount of \$5,000. (*Van Guilder*)

Recommended Action:

Resolution: Designating the Turlock Downtown Property Owners' Association's 4th of July Parade and Car Show a City Annual Co-sponsored event, appropriating \$5,000 annually to account number 120-10-120.47317 "City Sponsored Special Events" from Fund 120 "Tourism" reserve balance to offset costs for the Turlock Downtown Property Owners' Association's 4th of July Parade and Car Show, and authorizing the City Manager to allocate annual co-sponsorship funds in the amount of \$5,000

Resolution: Designating the Turlock Downtown Property Owners' Association's Festival of Lights a City Annual Co-sponsored event, appropriating \$5,000 annually to account number 120-10-120.47317 "City Sponsored Special Events" from Fund 120 "Tourism" reserve balance to offset costs for the Turlock Downtown Property Owners' Association's Festival of Lights, and authorizing the City Manager to allocate annual co-sponsorship funds in the amount of \$5,000

9. STAFF UPDATES

Staff updates are provided for informational purposes only and no action or discussion may be undertaken, except that Council may request the matter be placed on a future agenda.

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Administrative Services
3. Development Services Department
 - a. Capital Projects, Building Activity, Transit, and Measure L (*Bray*)
4. Fire Department
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
7. Police Department

10. MATTERS TOO LATE FOR AGENDA/NON-AGENDA ITEMS

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:

- 1) When a majority decides there is an "emergency situation" (as defined for emergency meetings).
- 2) When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action "came to the attention of the local agency subsequent to the agenda being posted." This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A "new" need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline.
- 3) When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process. First, make two determinations: (a) that there is an immediate need to take action and (b) that the need arose after the posting of the agenda. The matter is then "placed on the agenda." Second, discuss and act on the added agenda item.

11. COUNCIL ITEMS FOR FUTURE CONSIDERATION

Requests for Council items for future consideration will be scheduled in accordance with Resolution No. 2008-019 and will be brought back to the City Council no earlier than June 12, 2018, unless otherwise specified by the Mayor or a majority of the Council.

12. COUNCIL COMMENTS

Councilmembers may provide a brief report on notable topics of interest. The Brown Act does not allow discussion or action by the legislative body.

13. CLOSED SESSION:

- A. Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)
"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation."
 Agency Designated Representative: Interim City Manager Robert A. Talloni
 Employee Organization: Turlock Associated Police Officers
 Employee Organization: Turlock City Employee Association
 Employee Organization: Turlock Firefighters Association-Local 2434
 Employee Organization: Turlock Management Association-Public Safety
 Unrepresented Employees: Administrative Analyst, Administrative Services Director, Assistant to the City Manager for Economic Development/Community Housing, Chief Building Official, City Clerk, Community Housing Program Supervisor, Deputy Director Development Services/Planning, Development Services Director, Development Services Supervisor/City Surveyor, Executive Administrative Assistant/Deputy City Clerk, Executive Administrative Assistant/Municipal Services, Executive Administrative Assistant/Public Safety, Fire Chief, Human Resources Analyst, Sr., Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Office Assistant I, Parks, Recreation and Public Facilities Director, Parks, Recreation and Public Facilities Manager, Payroll Coordinator, Police Chief, Principal Civil Engineer, Regulatory Affairs Manager, Traffic Transportation Engineering Supervisor, Utilities Manager, and Water Quality Control Division Manager.

- B. Public Employee Appointment, Cal. Gov't Code §54957(b)(1)
"Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session."
 Title: City Manager

- C. Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)
"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation."
 Agency Negotiator: Interim City Attorney Jose M. Sanchez
 Unrepresented Employee: City Manager

- D. Public Employee Appointment, Cal. Gov't Code §54957(b)(1)
"Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session."
 Title: City Attorney

14. REPORTS FROM CLOSED SESSION

15. ADJOURNMENT