

City Council Agenda



OCTOBER 9, 2018

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor
Gary Soiseth

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

City Manager
Robert C. Lawton
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, September 2018, Purchasing Coordinator Lisa Quiroga
 - B. Proclamation: Code Enforcement Officer Appreciation Week, October 7-13, 2018, accepted by Fire Marshall Mark Gomez
 - C. Presentation: Pet of the Month, presented by Animal Services Supervisor Glenna Jackson

3. **A. SPECIAL BRIEFINGS:**
 1. Stanislaus Regional Water Authority (SRWA) Regional Surface Water Supply Project, presented by SRWA General Manager Bob Granberg

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 8/23/18 in the amount of \$1,671,561.56; Weekly Demands of 8/30/18 in the amount of \$1,335,769.76; Weekly Demands of 9/6/18 in the amount of \$435,660.13; Monthly Demands of 6/30/18 in the amount of \$2,107,844.62
- B. Motion: Accepting Minutes of the Special Meeting of June 6, 2018; Minutes of the Regular Meeting of June 12, 2018; Minutes of the Regular Meeting of June 26, 2018; Minutes of the Special Meeting of July 3, 2018
- C. Motion: Approving an Agreement between the City of Turlock and the 38th District Agricultural Association for the purpose of parking and turn around for the participants in the annual Christmas Parade to be held on Friday, December 7, 2018
- D. Motion: Approving Amendment No.1 to an Agreement with Geoanalytical Laboratories, Inc. for analysis services for testing and analysis of water, wastewater, recycled water, soil, and sludge, increasing the annual compensation from a maximum of \$310,000 to a maximum of \$410,000
- E. Resolution: Appropriating \$51,000 to account number 416-51-540.43361 "North Valley Regional Recycling Water Project Implementation Support" funded by a transfer from Fund 410 "Water Quality Control" unallocated reserves for the North Valley Regional Recycled Water Project (NVRWP) with Del Puerto Water District
- F. Resolution: Appropriating \$272,163 from fiscal year 2017-18 to account number 110-20-210.48001_220 "Transfers Out COPS Grant" funded by salary and benefit transfers in Fund 110 "General Fund" Department 210 "Police Services" and appropriating \$272,163 to account number 266-20-255-361.38001_220 "Transfers In COPS Grant" to provide matching funds for the 2015 COPS Grant
- G. Resolution: Authorizing the transfer of \$16,000 from account number 110-20-200.43060_002 "Contract Services Drug Enforcement Task Force" to account number 110-20-200-41001 "Full Time Salaries" and \$9,000 from account number 110-20-210.41002_006 "Part Time Help Communications" to account number 110-20-200-41001 "Full Time Salaries", establishing the Police Business Unit Supervisor as an

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- allocated position, and removing the Public Safety Business Unit Analyst from the list of allocated positions for the remainder of Fiscal Year 2018-2019
- H. 1. Resolution: Approving a new job description for the position of Public Safety Business Analyst-Fire and reclassifying one (1) employee from the position of Staff Services Assistant, effective November 1, 2018
2. Resolution: Authorizing the transfer of \$8,559 from account number 110-30-300.41001 "Full Time Salaries" to account number 110-30-220.41001 "Full Time Salaries" for the increased salary and benefit costs associated with reclassifying one (1) Staff Services Assistant to the position of Public Safety Business Analyst-Fire, and authorizing the transfer of \$14,000 from account number 110-30-300.41001 "Full Time Salaries" to account number 110-30-220.41002_000 "Part-time Help General" and approving the hiring of one (1) part-time Office Assistant Position for Neighborhood Services
- I. Motion: Approving a Memorandum of Understanding (MOU) between the City of Turlock and Modesto Junior College Regional Fire Training Center for use of Turlock Facilities to host various Public Safety and Emergency Services courses for a period of five years
- J. Resolution: Authorizing release of unclaimed checks to the City of Turlock pursuant to California Government Code Sections 50050 and 50053
- K. Motion: Rejecting Claim for Damages filed by Jack Bywater

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 amend Turlock Municipal Code Title 2, Chapter 7, Section 08 regarding Bidding Requirements (*Jacobs-Hunter*)

Recommended Action:

Ordinance: Amending Turlock Municipal Code Title 2, Chapter 7, Section 08 regarding Bidding Requirements

8. **SCHEDULED MATTERS**

- A. Request to rescind Resolution No. 2017-301 and adopting a new Resolution approving the Schedule of Benefits (SOB) between the City of Turlock and Turlock Management Group, covering the period of July 1, 2018 through June 30, 2019 AND appropriate \$257,512 to fiscal year 2018/2019 salary and benefit accounts from each respective fund's unallocated reserves due to the adoption of the Schedule of Benefits with the Turlock Management Group, covering the period of 7/1/18-6/30/19 (*Jacobs-Hunter*)

Recommended Action:

Resolution: Rescinding Resolution No. 2017-301 and adopting a new Resolution approving the Schedule of Benefits (SOB) between the City of Turlock and Turlock Management Group, covering the period of July 1, 2018 through June 30, 2019

Resolution: Appropriating \$257,512 to fiscal year 2018/2019 salary and benefit accounts from each respective fund's unallocated reserves due to the adoption of the Schedule of Benefits with the Turlock Management Group, covering the period of 7/1/18-6/30/19

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
 - a. Economic Development (*Pitt*)
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. CITY MANAGER COMMENTS

City Manager Comments 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.

11. 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.

12. 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 November 13, 2018, unless otherwise specified by the Mayor or a majority of the Council.

13. 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.

14. CLOSED SESSION

- A. Conference with Legal Counsel – Anticipated Litigation, Cal. Gov't Code §54956.9(d)(2)
“For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.”
Potential Cases: (1 case)

15. REPORTS FROM CLOSED SESSION

16. ADJOURNMENT