

# City Council Agenda



**AUGUST 8, 2017**

**6:00 p.m.**

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



---

Mayor  
**Gary Soiseth**

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

Interim City Manager  
**Robert A. Talloni**  
City Clerk  
**Jennifer Land**  
City Attorney  
**Phaedra A. Norton**

---

**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](http://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. PRESENTATION OF COLORS BY TURLOCK FIRE DEPARTMENT HONOR GUARD**

**C. SALUTE TO THE FLAG**

**2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS**

- A. Proclamation: In Honor of U.S. Forest Service Firefighter Brent M. Witham
- B. Proclamation: National Health Center Week, August 13-19, 2017, accepted by Golden Valley Health Centers Wunna Mine
- C. Recognition: Employee of the Month – July 2017, Senior Planner Katie Quintero
- D. Appointments: Measure L Citizens Oversight Committee – One Citizen

**3. A. SPECIAL BRIEFINGS: None**

---

**B. 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 (*Pitcock*)
  - b. Measure L Planning (*Pitcock*)
4. Fire Department
  - a. Public Safety Briefing (*Carlson*)
  - b. Fire Prevention Division (*Carlson*)
5. Municipal Services Department
6. Parks, Recreation and Public Facilities
  - a. 1,000 Flags Campaign
7. Police Department
  - a. Pet of the Month (*Jackson*)
  - b. Public Safety Briefing (*Amirfar*)

**C. PUBLIC PARTICIPATION**

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.

No action or discussion may be undertaken on any item not appearing on the posted agenda, except that Council may refer the matter to staff or request it be placed 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 Demands of 6/29/17 in the amount of \$370,248.92; Demands of 7/06/17 in the amount of \$388,641.55;
- B. Motion: Accepting Minutes of Special Meeting of July 11, 2017; Regular Meeting of July 11, 2017; Special Meeting of July 17, 2017

- 
- C. *Motion*: Accepting improvements for City Project No. 17-34 "Emergency Repair at Pedretti Park" and authorizing the City Engineer to file a Notice of Completion
- D. *Motion*: Accepting improvements for City Project No. 16-38 "Fire Station Exhaust Removal" and authorizing the City Engineer to file a Notice of Completion
- E. *Resolution*: Approving the purchase and delivery of one (1) 2017 Ford F-250 truck from Downtown Ford Sales of Sacramento, California, to be used solely as a non-revenue, fixed-route bus stop and bus shelter maintenance vehicle by City maintenance staff, through the State of California Contract No. 1-16-23-20A, in an amount not to exceed \$36,300, without compliance to formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5)
- F. *Resolution*: Re-appropriating unspent funds of \$15,000 from Fiscal Year 2016-17 to account number 110-10-112.43060\_008 "Contract Services Public Service Mitigation Fee CFD #2" from Fund 110 "General Fund" unallocated reserves to develop written procedures, policies, and/or ordinances for the administration of Community Facilities District #2 (CFD #2)
- G. *Resolution*: Adopting the Stanislaus Council of Governments (StanCOG) State Route 99 Corridor Enhancement Plan as the official landscape and architectural guidance document for future projects implemented on State Route 99
- H. 1. *Motion*: Approving Amendment No. 1 to a Memorandum of Understanding (MOU) among City of Modesto, City of Turlock, City of Hughson, City of Ceres, City of Waterford, and Stanislaus County for Integrated Regional Water Management Planning (IRWMP)
2. *Motion*: Approving a Cost Sharing Agreement to defray expenses associated with the preparation of the East Stanislaus Integrated Regional Water Management Plan (ESIRWMP)
- I. *Motion*: Approving an Agreement between the City of Turlock and Kidz Love Soccer, Inc. to offer youth soccer programs within the community, in the total amount of \$72,000 for a period of thirty-six (36) months
- J. *Motion*: Approving an Agreement between the City of Turlock and the Dragon Sports to offer youth self defense programs within the community, in the total amount of \$45,000 for a period of thirty-six (36) months
- K. *Motion*: Approving an Agreement between the Stanislaus County Office of Education, the City of Turlock, and the Turlock Unified School District authorizing the acceptance of an allocation of funds and execution of a grant agreement to implement the After School Education and Safety (ASES) Program
- L. *Motion*: Approving an Agreement between the City of Turlock and Jocelyn E. Roland, PH.D., to provide counseling/psychotherapy services to all sworn firefighters employed by the Turlock Fire Department at no cost to the covered employee, for the period of July 1, 2017, through June 30, 2018
- M. *Resolution*: Authorizing submittal of a San Joaquin Valley Air Pollution Control District (SJVAPCD) grant application for the purchase of four (4) fully funded 2017 T3 Motion Patroller electric stand up vehicles, at \$18,313 per vehicle including accessories and shipping, for a total amount of \$73,252
- N. 1. *Motion*: Approving Amendment No. 2 to the Agreement with Tyler Technologies, Inc for Standard Software License and Services to include Executime Time & Attendance Software and Executime Advanced Scheduling Software, increasing the total compensation by \$153,850
2. *Resolution*: Appropriating \$153,850 to 110-10-112.51027 funded by transfers from departments based on Schedule "A" to fund the purchase of Executime Time & Attendance Software & Executime Advanced Scheduling Software

- 
- O. Motion: Approving an Agreement for Management and Administrative Services between the City of Turlock and Regional Government Services to provide management assistance and outreach services during a potential water rate setting process for Turlock's participation in the Stanislaus Regional Water Authority (SRWA) Regional Surface Water Supply Project in a total amount not to exceed \$9,000
- P. 1. Resolution: Determining City Project No. 16-76 "Swanson Centennial Park Playground Improvements" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines
2. Motion: Awarding bid and approving an Agreement in the amount of \$260,403.50 (Fund 228) with Sinclair General Engineering of Oakdale, California, for City Project No. 16-76 "Swanson Centennial Park Playground Improvements"
3. Resolution: Appropriating \$112,485 to account number 228-60-606.51270 "Construction Project" to be funded via a transfer from Fund 228 "Neighborhood Park" unallocated reserves for City Project No. 16-76 "Swanson Centennial Park Playground Improvements" to complete the necessary funding required for this project
- Q. Motion: Awarding Request for Proposal (RFP) No. 17-503 and approving an Agreement with Roadrunner Drilling & Pump Company, Inc. for Multiple-Completion Monitoring Wells (3) & Exploratory Test Holes (2) in a total amount not to exceed \$248,276 from Fund 420-52-550.43320 "Special Services/Projects"
- R. Motion: Authorizing issuance of Request of Qualifications (RFQ) for professional engineering design and construction services for the City of Turlock Municipal Services Department for various Capital Improvement Projects
- S. Motion: Rejecting Claim for Damages filed by Eilbaron Gevergizian

## 6. FINAL READINGS:

### A. Recommended Action:

Ordinance: Adding Turlock Municipal Code Title 8, Chapter 12 regarding expedited permitting procedures for electric vehicle charging stations as introduced at the July 25, 2017 City Council meeting

Resolution: Adopting a checklist regarding expedited permitting procedures for electric vehicle charging stations

## 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 order the improvements and formation of The Classics subdivision (Development Project No. 16-78) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, and confirming the diagram and benefit assessments as set forth in the annual report of the Engineer of Work and the levying and collection of assessments set forth therein for fiscal year 2017-2018 for The Classics subdivision (Development Project No. 16-78) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution 97-128. (Orosco)

**Recommended Action:**

Resolution: Ordering the improvements and formation of The Classics subdivision (Development Project No. 16-78) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, and confirming the diagram and benefit assessments as set forth in the annual report of the Engineer of Work and the levying and collection of assessments set forth therein for fiscal year 2017-2018 for The Classics subdivision (Development Project No. 16-78) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution 97-128

- B. Request to supersede and replace Resolution No. 2016-108 and adopt updated cost recovery percentages and the schedule of fees and charges for City services, to include City recreational services, pursuant to Turlock Municipal Code Section 3-3-301 et seq. (*Jacobs-Hunter*)

**Recommended Action:**

Resolution: Superseding and replacing Resolution No. 2016-108 and adopting updated cost recovery percentages and the schedule of fees and charges for City services, to include City recreational services, pursuant to Turlock Municipal Code Section 3-3-301 et seq.

- C. Request to amend Turlock Municipal Code Title 6, Chapter 1, Article 7, Section 05 Regarding Retail Sale of Dogs and Cats to replace the word “chapter” with the word “article” (*Amirfar*)

**Recommended Action:**

Ordinance: Amending Turlock Municipal Code Title 6, Chapter 1, Article 7, Section 05 Regarding Retail Sale of Dogs and Cats to replace the word “chapter” with the word “article”

**8. SCHEDULED MATTERS**

- A. Request to determine the closure of North Rose Street (between Cooper Avenue and Cahill Avenue), Cahill Avenue (between North Rose Street and Bell Street), Bell Street (between Cahill Avenue and Lyons Avenue), and Lyons Avenue (between Bell Street and Oak Street), for the Feast of our Lady of Assumption Procession Celebration hosted by Sacred Heart Catholic Church, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines AND approve the Special Event Permit Application for the Feast of Our Lady of Assumption Procession Celebration hosted by Sacred Heart Catholic Church, authorize the associated closure of North Rose Street (between Cooper Avenue and Cahill Avenue), Cahill Avenue (between North Rose Street and Bell Street), Bell Street (between Cahill Avenue and Lyons Avenue), and Lyons Avenue (between Bell Street and Oak Street) for pedestrian safety, on Tuesday, August 15, 2017 from 5:00 p.m. to 8:00 p.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure (*Traini*)

---

**Recommended Action:**

Resolution: Determining the closure of North Rose Street (between Cooper Avenue and Cahill Avenue), Cahill Avenue (between North Rose Street and Bell Street), Bell Street (between Cahill Avenue and Lyons Avenue), and Lyons Avenue (between Bell Street and Oak Street), for the Feast of our Lady of Assumption Procession Celebration hosted by Sacred Heart Catholic Church, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines

---

Resolution: Approving the Special Event Permit Application for the Feast of Our Lady of Assumption Procession Celebration hosted by Sacred Heart Catholic Church, authorizing the associated closure of North Rose Street (between Cooper Avenue and Cahill Avenue), Cahill Avenue (between North Rose Street and Bell Street), Bell Street (between Cahill Avenue and Lyons Avenue), and Lyons Avenue (between Bell Street and Oak Street) for pedestrian safety, on Tuesday, August 15, 2017 from 5:00 p.m. to 8:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- B. Request to determine the closure of portions of Canal Drive, Main Street, Center Street, Crane Avenue, and Minaret Avenue, for Turlock High School to host the Turlock High School Homecoming Parade, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines AND approve a Special Event Permit Application for the Turlock High School Homecoming Parade hosted by Turlock High School, authorize the associated closure of portions of Canal Drive, Main Street, Center Street, Crane Avenue, and Minaret Avenue for pedestrian safety, on Friday, September 29, 2017 from 2:30 p.m. to 4:00 p.m., and authorize the City Manager to apply appropriate conditions and restrictions on the street closure (*Traini*)

**Recommended Action:**

Resolution: Determining the closure of portions of Canal Drive, Main Street, Center Street, Crane Avenue, and Minaret Avenue, for Turlock High School to host the Turlock High School Homecoming Parade, is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15304 (Minor Alterations to Land) of the CEQA Guidelines

---

Resolution: Approving a Special Event Permit Application for the Turlock High School Homecoming Parade hosted by Turlock High School, authorizing the associated closure of portions of Canal Drive, Main Street, Center Street, Crane Avenue, and Minaret Avenue for pedestrian safety, on Friday, September 29, 2017 from 2:30 p.m. to 4:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure

- C. Request to rescind Resolution No. 2016-208 and adopting a new Resolution approving updates to the City of Turlock Special Event Permit Application, adopted fees, and proposed policies for event applications received on or after August 8, 2017. (*Traini*)

**Recommended Action:**

Resolution: Rescinding Resolution No. 2016-208 and adopting a new Resolution approving updates to the City of Turlock Special Event Permit Application, adopted fees, and proposed policies for event applications received on or after August 8, 2017

- D. Request to oppose proposed amendments to Conditions of Approval #35 and #73 of County Use Permit 2012-0017 (Dan Avila & Sons) and authorize the City Manager to transmit the City Council's action to Stanislaus County (*Whitmore*)

**Recommended Action:**

Motion: Opposing proposed amendments to Conditions of Approval #35 and #73 of County Use Permit 2012-0017 (Dan Avila & Sons) and authorizing the City Manager to transmit the City Council's action to Stanislaus County

**9. 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.

**10. 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 September 12, 2017, unless otherwise specified by the Mayor or a majority of the Council.

**11. 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.

**12. 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: (2 Cases)

- 
- B. 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/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.
- C. 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
- D. 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: Mayor Gary Soiseth  
Unrepresented Employee: City Manager

13. ADJOURNMENT