

# City Council Agenda



NOVEMBER 14, 2017

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor  
**Gary Soiseth**

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

Council Members

**William DeHart, Jr.**

**Amy Bublak**

**Matthew Jacob**

**Gil Esquer**

Vice Mayor

**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. SALUTE TO THE FLAG**

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

- A. Recognition: Employee of the Month - October 2017, Electrical Mechanical Maintenance Supervisor Rob Winters
- B. Proclamation: California Sikh Awareness & Appreciation Month - November 2017, accepted by Sikh Coalition Member Jaydeep Singh
- C. Proclamation: 1,000 Flags Initiative

3. **A. SPECIAL BRIEFINGS**

- 1. **CALIFORNIA STATE UNIVERSITY STANISLAUS**  
Dulce Garcia, Student Government Relations Coordinator

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**B. 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 Weekly Demands of 9/14/17 in the amount of \$708,956.56, Weekly Demands of 9/21/17 in the amount of \$1,044,863.54, Weekly Demands of 9/28/17 in the amount of \$1,160,159.18, Weekly Demands of 10/5/17 in the amount of \$852,553.02, Weekly Demands of 10/12/17 in the amount of \$527,367.52, Monthly Demands of 6/30/17 in the amount of \$1,616,919.88
- B. Motion: Accepting Minutes of Special Meeting of September 26, 2017; Accepting Minutes of Regular Meeting of September 26, 2017
- C. Resolution: Appropriating \$315,402 to account number 305-40-440.48001\_108 "Transfer Out to Fund 215 GSB & F St Signal" and to account number 215-40-420.38001\_108 "Transfer In From Fund 305 GSB & F St Signal" to be funded from Fund 305 Unallocated Reserves (CFF - Roadways) for City Project No. 11-20 "Golden State Boulevard and F Street Intersection Improvements"
- D. Resolution: Adopting an Americans with Disabilities Act (ADA) Self-Evaluation Report under City Project No. 11-27 "ADA Self-Evaluation and Transition Plan Update"
- E.
  1. Motion: Authorizing the Mayor or City Manager to execute all documents associated with amending San Joaquin Valley Air Pollution Control District (SJVAPCD) Agreement No. C-40321-A with the City of Turlock under the SJVAPCD Public Benefit Grants Program for the partial funding of alternative fuel vehicles to change the type of vehicles covered under the grant and extend the duration for expending the grant funds, as well as any associated changes, modifications, or amendments as appropriate, in support of City Project No. 17-56 "Purchase of Five (5) Alternative Fuel Vehicles"
  2. Resolution: Rescinding Resolution No. 2015-265 and adopting a new Resolution for the purchase and delivery of five (5) 2018 Ford Fusion Energi Plug-in Hybrid vehicles from Downtown Ford Sales of Sacramento, California, through the State of California Contract No. 1-16-23-10A, in an amount not to exceed \$179,016, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5) and in support of City Project No. 17-56 "Purchase of Five (5) Alternative Fuel Vehicles"

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3. Resolution: Appropriating \$15,804 to account number 506-00-000-221.51020 "Equipment Replacement" to be funded from Fund 506 Unallocated Reserves for City Project No. 17-56 "Purchase of Five (5) Alternative Fuel Vehicles" to complete the necessary funding required for the purchase of one (1) 2018 Ford Fusion Energi Plug-in Hybrid Electric vehicle
- F.
1. Motion: Approving a Retainer Agreement with DF Engineering, of Modesto, CA for engineering and surveying services, under City Project No. 17-57 "Retainer Agreement for Engineering and Surveying Services," in an amount not to exceed \$150,000
  2. Motion: Approving a Retainer Agreement with GDR Engineering, of Ceres, CA for engineering and surveying services, under City Project No. 17-57 "Retainer Agreement for Engineering and Surveying Services," in an amount not to exceed \$150,000
  3. Motion: Approving a Retainer Agreement with Northstar Engineering, of Modesto, CA for engineering and surveying services, under City Project No. 17-57 "Retainer Agreement for Engineering and Surveying Services," in an amount not to exceed \$150,000
  4. Motion: Approving a Retainer Agreement with O'Dell Engineering, of Modesto, CA for engineering and surveying services, under City Project No. 17-57 "Retainer Agreement for Engineering and Surveying Services," in an amount not to exceed \$150,000
  5. Motion: Approving a Retainer Agreement with Quad Knopf (DBA QK), of Merced, CA for engineering and surveying services, under City Project No. 17-57 "Retainer Agreement for Engineering and Surveying Services," in an amount not to exceed \$150,000
  6. Motion: Approving a Retainer Agreement with TJKM, of Sacramento, CA for engineering and surveying services, under City Project No. 17-57 "Retainer Agreement for Engineering and Surveying Services," in an amount not to exceed \$150,000
  7. Motion: Approving a Retainer Agreement with Willdan, of Fresno, CA for engineering and surveying services, under City Project No. 17-57 "Retainer Agreement for Engineering and Surveying Services," in an amount not to exceed \$150,000
- G. Resolution: Determining City Project No. 17-58 "Safe Route to Schools Americans with Disabilities Act Pedestrian Improvements at Various Locations" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15332 (In-Fill Development Projects) of the CEQA Guidelines
- H. Resolution: Initiating Proceedings for the formation of the Monte Verde subdivision (Development Project No. 14-21) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the Senior Civil Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- I. Resolution: Initiating Proceedings for the formation of The Fairbanks Ranch subdivision (Development Project No. 14-73) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the Senior Civil Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- J. Resolution: Initiating Proceedings for the formation of the Les Chateaux subdivision (Development Project No. 14-76) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the Senior Civil Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development

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- K. Resolution: Rescinding Resolution No. 2016-166 and adopting a new Resolution authorizing the Mayor, City Manager, or Development Services Director to sign all documents, applications, assurances, and statements in regard to any and all Federal Highway Administration, Federal Transit Administration, or any other federally-funded or state-funded projects
- L. Motion: Approving Amendment No. 3 to an Agreement with Tyler Technologies, Inc. for the purchase of the myCommunity Server and myInspections software including implementation and migration services, increasing the total compensation by \$41,292
- M. Resolution: Approving the purchase of one (1) 2017 Toro Groundsmaster 3280D Turf Mower from Turfstar for the Parks, Recreation and Public Facilities Department through the CMAS Contract No. 4-07-51-0020A, in the amount not to exceed \$26,442, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5)
- N. 1. Motion: Approving Amendment No. 1 to an Agreement with Community Pass of Ridgewood, New Jersey for Parks and Recreation Management Software System, amending the scope of services  
2. Resolution: Appropriating \$6,900 to account number 110-61-620.44010\_009 "Computer Recreation Management Software Maintenance" to be funded from Fund 110 unallocated reserves designated for Recreation Equipment to provide funds for the purchase of hardware and services for the Parks and Recreation Management Software System
- O. Motion: Adopting the Turlock Municipal Airport updated Airport Layout Plan regarding future development at the airport
- P. 1. Resolution: Determining the closure of Main Street, between Palm Street and Market Street, while allowing cross traffic on Golden State Boulevard to continue, for the Turlock Downtown Property Owners Association in partnership with the City of Turlock to host the 19th Annual Festival of Lights, 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  
2. Resolution: Approving a Special Event Permit Application for the 19th Annual Festival of Lights hosted by the Turlock Downtown Property Owners Association in partnership with the City of Turlock, authorizing the associated closure of Main Street, between Palm Street and Market Street for pedestrian safety, while allowing cross traffic on Golden State Boulevard to continue, on Friday, November 24, 2017 from 2:00 p.m. to 10:00 p.m., and authorizing the City Manager to apply appropriate conditions and restrictions on the street closure
- Q. Resolution: Approving the purchase of one (1) new Caterpillar Wheel Loader, Model 950GC for the Municipal Services Department, Water Quality Control Division from Holt of California, in an amount not to exceed \$251,582, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5), and declaring the replaced loader as surplus
- R. 1. Resolution: Approving the purchase of a new Caterpillar Model 420F2 HRC Backhoe Loader for the Municipal Services Department, Utility Maintenance Division from Holt of California, in an amount not to exceed \$130,163, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5), and declaring the replaced backhoe as surplus  
2. Resolution: Appropriating \$60,219 to account number 506-00-000-223.51020 "Equipment Replacement" from account number 420-52-551.51291 "Water Meters" for the purchase of one (1) Caterpillar Model 420F2 HRC Backhoe Loader for the Municipal Services Department from Holt of California

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- S. Resolution: Approving the purchase of one (1) new 2018 International Construction Dump Truck Model 7400 SBA 6X4 (SF625) for the Municipal Services Department, Water Quality Control Division from Interstate Truck Center, in an amount not to exceed \$125,449, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5), and declaring the replaced dump truck as surplus
- T. 1. Resolution: Approving the purchase of one (1) new truck-mounted Single Turner Valve Maintenance Skid for the Municipal Services Department, Utility Maintenance Division from E.H. Wachs, in an amount not to exceed \$65,992, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(2)  
2. Resolution: Re-appropriating unspent funds of \$65,992 from Fiscal Year 2016-17 to account number 506-00-000-223.51020 "Equipment Replacement" funded by a transfer from Fund 420 "Water" unallocated reserves for the purchase of a truck-mounted Single Turner Valve Maintenance Skid for the Municipal Services Department from E.H. Wachs
- U. Motion: Approving an Agreement between the City of Turlock and Aqua-Aerobic Systems, Inc. for tertiary filter media, parts, and services at the Turlock Regional Water Quality Control Facility, in an annual amount of \$90,000, without compliance to the formal bid procedure pursuant to Turlock Municipal Code Sections 2-7-08(b)(2) and 2-7-08(b)(3)
- V. Resolution: Appropriating \$160,000 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
- W. Resolution: Re-appropriating unspent funds of \$58,739 from Fiscal Year 2016-17 to account number 410-51-534.51322 "Sewer Lateral Camera" funded by a transfer from Fund 410 "Water Quality Control" unallocated reserves for the purchase of a sewer lateral inspection system, GEN 2 Dual X-BOB, including three (3) types of cameras, six (6) wheel drive vehicle, controllers, cables, miscellaneous parts, and labor from 3T Equipment Company, Inc.
- X. Resolution: Authorizing the form of and the execution and delivery of a construction installment sale agreement and grant with the State Water Resources Control Board for the North Valley Regional Recycled Water Program and approving certain actions in connection therewith
- Y. Motion: Approving an Agreement between the City of Turlock and McCann Associates for written examination test rentals in the recruitment, promotional, and hiring process for the Fire Department
- Z. Resolution: Appropriating \$38,000 to 266-20-255-362.47095\_000 "Training", \$21,815 to 266-20-255-362.41100\_001 "Overtime", \$978 to 266-20-255-362.42007 "Workers Comp", and \$316 to 266-20-255-362.42010 "Medicare" from Fund 266 "Police Services Grant-Realignment" unallocated reserves for Crisis Intervention Team training
- AA. Motion: Approving a Memorandum of Understanding (MOU) between the City of Turlock and the Stanislaus County Regional Apprehension Team to locate noncompliant offenders within Stanislaus County through proactive enforcement and authorizing the City Manager and the Chief of Police to execute the MOU
- AB. Motion: Approving an Agreement between the City of Turlock and the California Department of Corrections & Rehabilitation, Division of Adult Parole Operations, Delta District allowing parole officers and employees to use Turlock radio frequencies
- AC. Resolution: Rescinding Resolution No. 2010-205 and adopting a new Resolution approving updated civil parking penalties for violations of any regulation governing the standing or parking of a vehicle, under the authority of the City of Turlock Municipal Code Section 4-7-112, as set forth on the attached Schedule of Parking Penalties; and approving the imposition of a late penalty fee assessment

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- AD. Motion: Awarding bid, approving an Agreement in the amount of \$446,300.00 (Fund 256-41-486.47225\_002) with ANV Contractors, Inc. of Atwater, California, and expending HOME Consortium funds in the amount of \$86,455 for additional costs associated with City Project 209 "A" St. Turlock, California
- AE. Motion: Approving the seven (7) Annual Funding Agreements between the City of Turlock and each of the HOME Consortium sub-recipients for the purpose of undertaking HOME eligible housing assistance activities pursuant to Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 for FY 2017-2018 in the amount of \$953,712
- AF. Resolution: Adopting policies, procedures, and standards for the City of Turlock Lead Hazard and Asbestos Control Program relative to all funding sources
- AG. Motion: Approving Amendment No. 3 to an Agreement between the City of Turlock and Champion Industrial Contractors, Inc. for preventive maintenance, filter change out, and repair services for HVAC units for City owned and leased buildings, increasing the compensation to an annual amount of \$60,000
- AH. Resolution: Authorizing the Purchasing Officer to dispose of surplus supplies and/or equipment as directed by the City Manager pursuant to the terms set forth in Turlock Municipal Code Section 2-7-04(j)
- AI. Resolution: Rescinding Resolution No. 2015-062 and adopting a new Resolution approving a Tentative Agreement to the Memorandum of Understanding (MOU) between the City of Turlock and Turlock Associated Police Officers, covering the period of August 1, 2017 through June 30, 2018
- AJ. Resolution: Rescinding Resolution No. 2014-165 and adopting a new Resolution approving a Tentative Agreement to the Memorandum of Understanding (MOU) between the City of Turlock and Turlock Management Association-Public Safety (TMAPS), covering the period of July 1, 2017 through June 30, 2018
- AK. Resolution: Rescinding Resolution No. 2014-167 and adopting a new Resolution approving a Tentative Agreement to the Schedule of Benefits between the City of Turlock and Turlock Management Group, covering the period of July 1, 2017 through June 30, 2018
- AL. Resolution: Rescinding Resolution No. 2014-166 and adopting a new Resolution approving a Tentative Agreement to the Schedule of Benefits between the City of Turlock and Turlock Confidential Group, covering the period of July 1, 2017 through June 30, 2018
- AM. Resolution: Approving modifications to the job description for the position of Developmental Services Director/City Engineer, effective November 14, 2017
- AN. Motion: Rejecting Claim for Damages filed by Sergio Gutierrez
- AO. Motion: Rejecting Claim for Damages filed by Debbie Silveira
- AP. Motion: Rejecting Claim for Damages filed by Nirmal Singh

**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 Determine Ordinance Amendment 2016-03 (Sign Ordinance) including amendments to Turlock Municipal Code Title 9, Chapter 2, Article 1, Section 04, Subsection (g) to remove sign standards for service stations; Adding Title 9, Chapter 2, Article 1, Section 28 regarding Attention-Getting Devices; Amend the Chapter index for Title 9, Chapter 2; Amend Title 9, Chapter 2, Article 04 to renumber it as Article 3; Add

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Title 9, Chapter 2, Article 4 regarding Sign Regulations for Public Property; Repeal Title 9, Chapter 2, Article 5 (Signs); Add Title 9, Chapter 2, Article 5 regarding Sign Regulations for Private Property are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines AND Adopt Ordinance Amendment 2016-03 (Sign Ordinance) including amendments to Turlock Municipal Code Title 9, Chapter 2, Article 1, Section 04, Subsection (g) to remove sign standards for service stations; Add Title 9, Chapter 2, Article 1, Section 28 regarding Attention-Getting Devices; Amend the Chapter index for Title 9, Chapter 2; Amend Title 9, Chapter 2, Article 04 to renumber it as Article 3; Add Title 9, Chapter 2, Article 4 regarding Sign Regulations for Public Property; Repeal Title 9, Chapter 2, Article 5 (Signs); Add Title 9, Chapter 2, Article 5 regarding Sign Regulations for Private Property. (*Whitmore*)

**Recommended Action:**

Resolution: Determining Ordinance Amendment 2016-03 (Sign Ordinance) including amendments to Turlock Municipal Code Title 9, Chapter 2, Article 1, Section 04, Subsection (g) to remove sign standards for service stations; Adding Title 9, Chapter 2, Article 1, Section 28 regarding Attention-Getting Devices; Amending the Chapter index for Title 9, Chapter 2; Amending Title 9, Chapter 2, Article 04 to renumber it as Article 3; Adding Title 9, Chapter 2, Article 4 regarding Sign Regulations for Public Property; Repealing Title 9, Chapter 2, Article 5 (Signs); Adding Title 9, Chapter 2, Article 5 regarding Sign Regulations for Private Property are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines

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Ordinance: Adopting Ordinance Amendment 2016-03 (Sign Ordinance) including amendments to Turlock Municipal Code Title 9, Chapter 2, Article 1, Section 04, Subsection (g) to remove sign standards for service stations; Adding Title 9, Chapter 2, Article 1, Section 28 regarding Attention-Getting Devices; Amending the Chapter index for Title 9, Chapter 2; Amending Title 9, Chapter 2, Article 04 to renumber it as Article 3; Adding Title 9, Chapter 2, Article 4 regarding Sign Regulations for Public Property; Repealing Title 9, Chapter 2, Article 5 (Signs); Adding Title 9, Chapter 2, Article 5 regarding Sign Regulations for Private Property

- B. Consideration of options for adoption of regulations mitigating the cost of providing public services to new residential developments and introducing ordinance Adding Turlock Municipal Code Title 3, Chapter 9, Article 8 setting forth Regulations for Mitigating the Costs of providing Public Services to New Residential Development through Annexation to Community Facilities District No. 2 . (*Whitmore*)

**Recommended Action:**

Motion: Select Ordinance Option 1 (Required for All New Residential Project subject to a Discretionary Act)

Ordinance: Adding Turlock Municipal Code Title 3, Chapter 9, Article 8 setting forth Regulations for Mitigating the Costs of providing Public Services to New Residential Development through Annexation to Community Facilities District No. 2 or an Alternative Method

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**8. SCHEDULED MATTERS**

- A. Request to approve a Career Technical Education Work Experience program between the City of Turlock and Turlock Unified School District and approving the terms of the CTE/Employer Training Agreement. (*Van Guilder*)

**Recommended Action:**

Motion: Approving a Career Technical Education Work Experience program between the City of Turlock and Turlock Unified School District and approving the terms of the CTE/Employer Training Agreement

- B. Request to authorize an exception to the 180-day wait period pursuant to California Government Code Sections 7522.56 and 21224 and approving the interim appointment of retired City employee Marie Lorenzi as a part-time Senior Accountant of the City of Turlock to provide accounting assistance to the Stanislaus Regional Water Authority and the City of Turlock's Transit Division. (*Cooke*)

**Recommended Action:**

Resolution: Authorizing an exception to the 180-day wait period pursuant to California Government Code Sections 7522.56 and 21224 and approving the interim appointment of retired City employee Marie Lorenzi as a part-time Senior Accountant of the City of Turlock to provide accounting assistance to the Stanislaus Regional Water Authority and the City of Turlock's Transit Division

- C. Request to accept the Marketing, Branding, and Tourism Report and associated recommendations from North Star Destination Strategies of Nashville, Tennessee and provide direction to staff with regard to implementation. (*Pitt*)

**Recommended Action:**

Motion: Accepting the Marketing, Branding, and Tourism Report and associated recommendations from North Star Destination Strategies of Nashville, Tennessee and providing direction to staff with regard to implementation

- D. Request to approve the amended 2018 wage scale for the Parks, Recreation and Public Facilities Department part-time employees in accordance with the City of Turlock Personnel System Rules and Regulations Section 13.01. (*Van Guilder*)

**Recommended Action:**

Resolution: Approving the amended 2018 wage scale for the Parks, Recreation and Public Facilities Department part-time employees in accordance with the City of Turlock Personnel System Rules and Regulations Section 13.01

**9. STAFF UPDATES**

1. Policy Goals and Implementation Plan (*Executive Staff*)
2. Administrative Services Department
  - a. Board, Commission, and Committee Vacancies (*Land*)
3. Development Services Department
  - a. Capital Projects, Building Activity, Transit, and Measure L Planning (*Picciano*)



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4. Fire Department
  5. Municipal Services Department
    - a. Municipal Services Monthly Update (*Cooke*)
  6. Parks, Recreation and Public Facilities Department
  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 January 9, 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 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 Legal Counsel – Anticipated Litigation, Cal. Gov't Code §54956.9(d)(4)  
*"For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation."*  
Potential Cases: (1 case)
- 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

#### 14. ADJOURNMENT