

City Council Agenda



MARCH 24, 2020

6:00 p.m.

City of Turlock

156 S. Broadway, Turlock, California

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH EXECUTIVE ORDER N-29-20, ISSUED BY CALIFORNIA GOVERNOR GAVIN NEWSOM ON MARCH 17, 2020, THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT.

THIS MEETING WILL NOT BE PHYSICALLY OPEN TO THE PUBLIC. ALL MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING VIA TELECONFERENCE BY CALLING (209)289-0280, CONFERENCE ID: 8095590 AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

THE MEETING WILL BE STREAMED ON THE CITY OF TURLOCK WEBSITE AT WWW.CITYOFTURLOCK.ORG

Mayor
Amy Bublak

Council Members

Nicole Larson

Andrew Nosrati

Vice Mayor

Gil Esquer

Becky Arellano

Interim City Manager

Michael I. Cooke

City Clerk

Jennifer Land

City Attorney

Douglas L. White

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. Members of the public will be allowed three (3) minutes for comments.

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.

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0. A. CALL TO ORDER
 - B. SALUTE TO THE FLAG
 - C. ROLL CALL
 - D. DECLARATION OF CONFLICTS

1. CLOSED SESSION:

The Closed Session item(s) for this meeting have been agendaized and will be heard toward the latter part of the meeting.

2. APPROVAL OF AGENDA AS POSTED OR AMENDED

This is the time for the City Council to remove items from the agenda or to change the order of the agenda. Matters may be taken up out of order of the established agenda by a four-fifths vote of the City Council.

3. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS, PRESENTATIONS, AND BRIEFINGS:

- A. Proclamation: Vietnam Veterans Day, March 29, 2020

4. PUBLIC PARTICIPATION

MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE CITY COUNCIL WILL BE GIVEN THE SAME TIME ALLOTMENT FOR COMMENTS (3 MINUTES) AS NORMALLY ALLOWED FOR MEETINGS SUBJECT TO THE PROVISIONS OF EXECUTIVE ORDER N-29-20.

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 three (3) 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.

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

6. 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 2/27/20 in the amount of \$1,461,960.78
- B. Motion: Accepting Minutes of the Special Meeting of February 11, 2020

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- C. Motion: Approving Contract Change Order No. 4 in the amount of \$25,000 (Fund 413) and Change Order No. 5 in the amount of \$208,044.50 (Fund 413) with CW Roen Construction of Danville, California for City Project No. 15-39C "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" (upgrade and expansion of the wastewater treatment plant) bringing the contract total to \$19,612,444.68
- D. Motion: Approving Contract Change Order No. 10 for a credit in the amount of (\$36,699.51) (Non-General Fund – Fund 218), for City Project No. 17-30 "West Main Corridor Rehabilitation" bringing the contract total to \$7,990,033.34
- E. Motion: Accepting improvements for City Project No. 17-46 "Sewer Lift Station #49 Pump Replacement" and authorizing the City Engineer to file a Notice of Completion
- F. Motion: Accepting improvements for City Project No. 18-35 "Corp Yard Transit Parking Extension" and authorizing the City Engineer to file a Notice of Completion
- G. Motion: Awarding bid and approving an Agreement in the amount of \$835,120.00 (Non-General Fund - Fund 246) with VSS International of West Sacramento, California, for City Project No. 18-51 "2019 Slurry Seals"
- H. 1. Resolution: Determining acceptance of the 2019 General Plan Annual Report is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) (Preliminary Review) of the CEQA Guidelines
2. Resolution: Accepting the 2019 General Plan Annual Report pursuant to California Government Code Section 65400(a)(2) to be submitted to the Governor's Office of Planning and Research and the California Department of Housing and Community Development
- I. Motion: Approving Amendment No. 2 to an Agreement with Falany Fence Co., for fence repair and installation services for various City projects on an "as-needed" basis, increasing the annual compensation by \$20,000 for a total contract amount not to exceed \$ 50,000
- J. Resolution: Accepting donations made to the City of Turlock Parks, Recreation and Public Facilities Department from various donors in July 2019 through December 2019 in the amount of \$444 (monetary donations) in account number 270-61-635-399.37200_000 "Donations General" and \$350 (non-monetary donations) to fund/aid a variety of Parks, Recreation and Public Facilities Department programs, scholarships, and activities
- K. Motion: Approving an Agreement with Avenu MuniServices, LLC, for Business License Tax Discovery, Audit, and Administrative Services to ensure fair, equal and accurate payment of business license tax and auditing of Transient Occupancy Taxes, for a period of two (2) years, with an option to extend the Agreement for three (3) additional one-year terms
- L. Resolution: Appropriating \$16,000 to account number 116-30-305.30000_000 "Budget Opening Balance General" from Fund 116 "Special Public Safety – Fire" unallocated reserves for the purchase of safety equipment
- M. Resolution: Approving the purchase and delivery of a main control panel, ruggedized video throw-phone, and laptop computers with constant recording capabilities, in a total amount not to exceed \$30,143; \$27,143 from account number 266-20-255-341.51107_006 "JAG Expenses 2017-DJ-BX-0920" and \$3,000 from 110-20-210 as a transfer of unexpended funds in 110-20-210.44030_001 "Minor Equipment Safety Equipment"
- N. Resolution: Appropriating \$6,000 to account number 202-20-245.41100_001 "Overtime Standard" from Fund 202 "Bicycle Safety" unallocated reserves

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- O. Resolution: Accepting donations made to the City of Turlock Police Department from various donors during the second quarter of Fiscal Year 2019-20 in the amount of \$2,293.19 (monetary donations) and \$3,477.98 (non-monetary donations) utilized in support of the City's Animal Services, Blue Santa, and K9
 - P. Motion: Accepting the City of Turlock's audited Financial Statements for the Transportation Development Act for the fiscal year ended June 30, 2019

7. **FINAL READINGS:** None

8. **PUBLIC HEARINGS:**

- A. Request to adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Rezone 2019-03, Planned Development 278 (PD 278) AND amend the Zoning Map of the City of Turlock, attached to Title 9 of the Turlock Municipal Code [Rezone 2019-03 (FQC Inc)] AND establish Conditions of Approval for Planned Development 278 (FQC Inc) (*Quintero*)

Recommended Action:

Resolution: Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Rezone 2019-03, Planned Development 278 (PD 278)

Introduction of the Ordinance:

Ordinance: Amending the Zoning Map of the City of Turlock, attached to Title 9 of the Turlock Municipal Code [Rezone 2019-03 (FQC Inc)]

To be considered at the April 14, 2020 City Council Meeting:

Resolution: Establishing Conditions of Approval for Planned Development 278 (FQC Inc)

9. **ACTION ITEMS:**

- A. Request to accept a monetary donation to the City of Turlock Police Department K9 Program from Tri County Blue Line Alliance in the amount of \$7,500 and appropriate said funds to account number 266-20-255-346.47115 "K-9 Expenses" in Fund 266 "Police Services Grants" in support of the purchase of a police service dog, equipment, and necessary training (*Amirfar/Pacheco*)

Recommended Action:

Resolution: Accepting a monetary donation to the City of Turlock Police Department K9 Program from Tri County Blue Line Alliance in the amount of \$7,500 and appropriating said funds to account number 266-20-255-346.47115 "K-9 Expenses" in Fund 266 "Police Services Grants" in support of the purchase of a police service dog, equipment, and necessary training

- B. Request to accept the appraisal report (Exhibit A) for the property located at 1040 Flower St. AND direct staff to proceed with the "Letter of Interest" (Exhibit B) process to evaluate potential development opportunities for the property located at 1040 Flower St. (*Van Guilder*)

Recommended Action:

Motion: Accepting the appraisal report (Exhibit A) for the property located at 1040 Flower St.

Motion: Directing staff to proceed with the “Letter of Interest” (Exhibit B) process to evaluate potential development opportunities for the property located at 1040 Flower St.

- C. Request to ratify the Director of Emergency Services (Interim City Manager) Proclamation of Existence of a Local Emergency in response to COVID-19 AND appropriate \$150,000 to account number 110-10-189.41100_001 for Salary and 110-10-189 various for Benefits for Overtime, \$25,000 to account number 110-10-189.41002_000 for Salary and 110-10-189 various for Benefits for Part-Time, and \$25,000 to account number 110-10-189.44001_000 for Supplies-General from Fund 110 General Fund unallocated reserves to establish a budget in response to the Existence of a Local Emergency related to COVID-19 (*Cooke*)

Recommended Action:

Resolution: Ratifying the Director of Emergency Services (Interim City Manager) Proclamation of Existence of a Local Emergency in response to COVID-19

Resolution: Appropriating \$150,000 to account number 110-10-189.41100_001 for Salary and 110-10-189 various for Benefits for Overtime, \$25,000 to account number 110-10-189.41002_000 for Salary and 110-10-189 various for Benefits for Part-Time, and \$25,000 to account number 110-10-189.44001_000 for Supplies-General from Fund 110 General Fund unallocated reserves to establish a budget in response to the Existence of a Local Emergency related to COVID-19

10. CITY MANAGER REPORTS/UPDATES

City Manager reports/updates are provided for informational purposes only and no action or discussion may be undertaken. The City Manager may direct department heads to provide reports/updates at the City Manager’s request.

11. COUNCIL ITEMS FOR FUTURE CONSIDERATION

Requests for Council items for future consideration will be scheduled in accordance with the City of Turlock Elected and Appointed Officials’ Handbook (Resolution No. 2019-094), unless otherwise specified by the Mayor or a majority of the Council.

12. COUNCILMEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Councilmembers may ask questions, provide comments, and make brief announcements on notable topics of interest. The Brown Act does not allow discussion or action by the legislative body.

13. CLOSED SESSION:

CLOSED SESSION WILL BE HELD VIA TELECONFERENCE AND WILL NOT BE OPEN TO THE PUBLIC. IF THERE IS ANY REPORTABLE ACTION, IT WILL BE REPORTED OUT (VIA TELECONFERENCE) BEFORE THE CONCLUSION OF THE MEETING.

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- A. Liability Claims, Cal. Gov't Code §54956.95
"For the purposes of [Section 54956.9], 'existing facts and circumstances' shall consist only of one of the following: The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5."
Claimant: Carroll, Marsha L.
Agency Claimed Against: City of Turlock
- B. Public Employee Discipline/Dismissal/Release, Cal. Gov't Code §54957
- C. Threat to Public Services or Facilities, Cal. Gov't Code §54957(a)
"This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities."
Consultation with: Interim City Manager Michael I. Cooke and City Attorney Douglas L. White

14. REPORTS FROM CLOSED SESSION

15. ADJOURNMENT