

# City Council Agenda



**NOVEMBER 10, 2020**

**6:00 p.m.**

**City of Turlock Yosemite Room**

**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.**

**THE MEETING WILL BE STREAMED ON THE CITY OF TURLOCK WEBSITE AT [WWW.CITYOFTURLOCK.ORG](http://WWW.CITYOFTURLOCK.ORG) AND BROADCASTED ON SPECTRUM CHANNEL 2.**

**MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE IN THE MEETING VIA THE FOLLOWING METHODS:**

**JOIN BY CLICKING ON THE MEETING LINK: <https://us02web.zoom.us/j/84924629186>**

**OR**

**JOIN BY ACCESSING THE ZOOM WEBSITE: <https://zoom.us/join>  
WEBINAR ID: 849 2462 9186**

**OR**

**JOIN BY TELEPHONE: 669-900-6833  
WEBINAR ID: 849 2462 9186**

---

Mayor  
**Amy Bublak**

Council Members

**Nicole Larson**  
**Andrew Nosrati**  
Vice Mayor

**Gil Esquer**  
**Becky Arellano**

City Manager  
**Toby Wells, P.E.**  
City Clerk  
**Jennifer Land**  
City Attorney  
**Douglas L. White**

**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](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.

- 
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: Veterans Day, November 11, 2020
- B. Recognition: 2019-20 Active Military Banner Retirement, presented by Mayor Bublak
- C. Proclamation: Law Enforcement Records and Support Personnel Appreciation, November 10, 2020
- D. Proclamation: Small Business Saturday, November 28, 2020
- E. Presentation: Carnegie Arts Center 2019 Annual Report, presented by Carnegie Arts Center Director Lisa McDermott

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: None

---

**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 10/08/20 in the amount of \$1,518,656.41; Accepting Weekly Demands of 10/15/20 in the amount of \$3,122,074.07
- B. Motion: Accepting Minutes of the Special Meeting of September 8, 2020; Minutes of the Regular Meeting of September 8, 2020
- C. Motion: Approving Contract Change Orders No. 2 (Supplement 1), 12, 14, 16 (Supplement 1), 18, 21, 22, and 23 in the amount of \$404,240.72 (Fund 305) with Agee Construction of Clovis, California, for City Project No. 0828 "SR-99/Fulkerth Road Interchange," bringing the contract total to \$12,003,414.28
- D. Motion: Approving Amendment No. 1 with Quad Knopf, Inc., dba QK, of Merced, California, for City Project No. 17-57 "Retainer Agreement for Engineering and Surveying Services" in the amount of \$15,680 bringing the not-to-exceed amount to \$165,680
- E.
  1. Motion: Approving Amendment No. 4 with Carollo Engineers of Walnut Creek, California, in the amount of \$374,574 (Non-General Fund - Fund 420), bringing the contract total to \$3,245,750 for professional engineering design services for City Project No. 18-69 "Surface Water Distribution System Improvements"
  2. Resolution: Appropriating \$374,000 to account number 420-52-551.51356 "Northeast Water Storage Tank-2 Mil Gal" from Fund 420 "Water" unallocated reserves for professional design services for City Project No. 18-69 "Surface Water Distribution System Improvements"
- F. Resolution: Initiating proceedings for the formation of the PM 20-03 Turlock Dental Care (Development Project No. 20-020) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area and directing the City Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- G. Resolution: Initiating proceedings for the formation of the SM 19-01 FQC (Development Project No. 20-029) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the City Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- H. Motion: Approving an Agreement with Bureau Veritas, of Sacramento, California, for building inspection services in an amount not-to-exceed \$200,000 annually (Fund 405)
- I. Resolution: Approving the Stanislaus Regional Water Authority Regional Surface Water Supply Project State Revolving Fund-Related Agreement
- J.
  1. Resolution: Determining the connections of the existing properties at 1056 Mitchell Avenue and 1060 Mitchell Avenue, located outside the jurisdictional boundary of the City of Turlock, to existing City of Turlock water and sewer lines are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures), of the CEQA Guidelines
  2. Motion: Approving an Out of Boundary Service Agreement for Water and/or Sanitary Sewer Connections Affecting Real Property located at 1056 Mitchell Avenue, Turlock, California (Stanislaus County Assessor's Parcel Number 042-021-049) and 1060 Mitchell Avenue, Turlock, California (Stanislaus County Assessor's Parcel Number 042-021-048) establishing the conditions under which the City would provide water and/or sanitary sewer services to the properties and authorizing the City Manager to sign an Out of Boundary Service Agreement for Water and/or Sanitary Sewer Connection

- Affecting Real Property upon approval of the Out of Boundary Service Application by the Stanislaus LAFCO, and to execute all documents, applications, assurances, agreements, and statements that may be required to implement the agreement
3. ***Motion:*** Authorizing the City Manager to certify a Stanislaus LAFCO Out of Boundary Service Application, requesting LAFCO approval for the properties located at 1056 Mitchell Avenue, Turlock, California, (Stanislaus County APN 042-021-049) and 1060 Mitchell Avenue, Turlock, California, (Stanislaus County APN 042-021-048) properties located outside the City of Turlock jurisdictional boundary and within its Sphere of Influence, to connect to the City of Turlock water and sewer system
- K. ***Resolution:*** Accepting the Turlock Downtown Property Owners Association 2019-2020 Annual Report to be filed with the City Clerk in accordance with California Streets and Highways Code Section 36650
- L. ***Motion:*** Approving an Agreement between the City of Turlock and Clark Pest Control, Inc. for pest and weed control services, for a period of three (3) years, with an option to extend the Agreement for three (3) additional one-year terms, in an annual amount not to exceed \$90,000 with a five (5) percent contingency for additional pest services if needed for the first year and an annual amount not to exceed \$74,000 for the second and third years and renewal periods if exercised
- M. ***Resolution:*** Reaffirming the Director of Emergency Services Proclamation of Existence of a Local Emergency in response to COVID-19

7. **FINAL READINGS:** None

8. **PUBLIC HEARINGS:**

- A. Request to order the vacation abandonment (AB 20-01) of all right-of-way of that certain City street known as Isaac Way (*Bray*)

***Recommended Action:***

***Resolution:*** Ordering the vacation abandonment (AB 20-01) of all right-of-way of that certain City street known as Isaac Way

- B. Request to supersede and replace Resolution No. 2020-007 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. (*Wells*)

***Recommended Action:***

***Resolution:*** Superseding and replacing Resolution No. 2020-007 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.

9. **ACTION ITEMS:**

- A. Request to approve the sale agreement, loan agreement, and joint escrow instructions in a form approved by the City Attorney for the sale of the property located at 1143 Park Street, Turlock (APN # 061-002-059-000), to be sold to the Housing Authority of the

---

County of Stanislaus, a Body Politic and Corporate, in the amount of \$433,000 subject to the terms and conditions as outlined in Attachment A, and authorize the City Manager to sign all necessary documents to effectuate the transaction (*Pitt*)

***Recommended Action:***

***Resolution:*** Approving the sale agreement, loan agreement, and joint escrow instructions in a form approved by the City Attorney for the sale of the property located at 1143 Park Street, Turlock (APN # 061-002-059-000), to be sold to the Housing Authority of the County of Stanislaus, a Body Politic and Corporate, in the amount of \$433,000 subject to the terms and conditions as outlined in Attachment A, and authorizing the City Manager to sign all necessary documents to effectuate the transaction

- B. Request to approve a promissory note, loan agreement with forgivable terms, and deed of trust in a form approved by the City Attorney, between the City of Turlock and Turlock Gospel Mission, a 501 (c)(3) non-profit organization, for the acquisition and closing costs of the real property located at 425 South Broadway, Turlock (APN # 043-049-060-000), in the total amount of \$179,000 plus escrow fees in the total amount not to exceed \$4,000, subject to the terms and conditions as outlined in Attachment A, and authorize the City Manager to sign all necessary documents to effectuate the transaction (*Pitt*)

***Recommended Action:***

***Motion:*** Approving a promissory note, loan agreement with forgivable terms, and deed of trust in a form approved by the City Attorney, between the City of Turlock and Turlock Gospel Mission, a 501 (c)(3) non-profit organization, for the acquisition and closing costs of the real property located at 425 South Broadway, Turlock (APN # 043-049-060-000), in the total amount of \$179,000 plus escrow fees in the total amount not to exceed \$4,000, subject to the terms and conditions as outlined in Attachment A, and authorizing the City Manager to sign all necessary documents to effectuate the transaction

- C. Request to provide direction to City staff regarding establishing contribution limits for candidates for City Office (*White*)

***Recommended Action:***

Provide direction to City staff to do one of the following:

- (1) Prepare an ordinance or resolution for the Council's consideration establishing contribution limits for candidates for City office; or
  - (2) Do nothing and default to contribution limits for candidates for City office established by state law
- D. Request to amend the 2020-21 Municipal Budget (Fund 110) as outlined in the Resolution to reflect increased Coronavirus Aid, Relief and Economic Security (CARES) Act funding priorities for the Coronavirus Relief Fund (CRF) and expenditures for business and community relief programs (*Wells*)

***Recommended Action:***

***Resolution:*** Amending the 2020-21 Municipal Budget (Fund 110) as outlined in the Resolution to reflect increased Coronavirus Aid, Relief and Economic Security (CARES) Act funding priorities for the Coronavirus Relief Fund (CRF) and expenditures for business and community relief programs

---

**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.

- A. Administrative Services
  - 1. Board, Commission, and Committee Vacancies (*Land*)
  - 2. Fiscal Year 2019-20 Budget Year-End Review (*Wells*)
  - 3. Fiscal year 2020-21 Budget First-Quarter Review (*Wells*)
  - 4. Re-opening Public Meetings (*Wells*)
- B. Development Services
  - 1. Departmental Update (*Bray*)
- C. Fire Department
  - 1. COVID-19 Update (*Carlson*)
- D. Parks, Recreation and Public Facilities
  - 1. Columbia Park Update (*Van Guilder*)

**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:**

- A. *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: City Manager Toby Wells and City Attorney Douglas L. White
- B. *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 Case: (1 case)

- C. 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: Carlos Espinoza  
Agency Claimed Against: City of Turlock
- D. 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: Lance and Jennifer LeVake  
Agency Claimed Against: City of Turlock

**14. REPORTS FROM CLOSED SESSION**

**15. ADJOURNMENT**