

City Council Agenda



DECEMBER 8, 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 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 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. RECOGNITION:

- A. Outgoing Councilmember Gil Esquer and Councilmember Becky Arellano

2. ELECTION RESULTS:

- A. Resolution: Reciting the facts of the General Municipal Election held in said City of Turlock on November 3, 2020, declaring the results thereof and such other matters as are provided by law
- B. Oath of Office for City Council Members and City Treasurer
- C. Special Oath administered by the Honorable Ruben A. Villalobos

--- INTERMISSION ---

3. NEW COUNCIL SEATED:

- A. ROLL CALL
- B. DECLARATION OF CONFLICTS

4. CLOSED SESSION:

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

5. 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.

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

- A. Recognition: Employee of the Month, October 2020, Staff Services Technician Carla McLaughlin
- B. Recognition: Employee of the Month, November 2020, Police Business Unit Supervisor Amanda Fortado

7. 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.

8. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE: None**9. 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 10/22/20 in the amount of \$5,053,335.78; Weekly Demands of 10/29/20 in the amount of \$930,348.31; Weekly Demands of 11/5/20 in the amount of \$674,255.43; Weekly Demands of 11/12/20 in the amount of \$1,228,934.36
- B. ***Motion:*** Accepting Minutes of the Special Meeting of September 17, 2020; Minutes of the Special Meeting of September 22, 2020
- C. ***Motion:*** Approving Contract Change Orders No. 12 (Supplement 1), 16 (Supplement 2), 20, 24, 25, and 27 in the amount of \$50,150.70 (Fund 305) with Agee Construction of Clovis, California, for City Project No. 0828 "SR-99/Fulkerth Road Interchange" bringing the contract total to \$12,053,564.98
- D. ***Motion:*** Approving Contract Change Order No. 2 in the amount of \$157,425.14 (Non-General Fund - Fund 215), for City Project No. 15-44 "Rehabilitation of Hawkeye Avenue and Lander Avenue" bringing the contract total to \$1,819,055.63
- E. ***Motion:*** Approving Amendment No. 2 to the Agreement with DF Engineering, Inc. of Modesto, California, in the amount of \$2,900 (Non-General Fund - Fund 215), bringing the contract total to \$54,690 for professional engineering and surveying services for City Project No. 17-59 "Pedestrian Intersection Improvements at Various Locations"
- F.
 - 1. ***Resolution:*** Appropriating \$38,635 to account number 246-60-600.43700 "Slurry Seals" to be funded from Fund 247 "Downtown Assessment District" unallocated reserves to provide necessary funding for the downtown parking lot resurfacing and restriping for City Project No. 18-51 "2019 Slurry Seals"
 - 2. ***Motion:*** Approving Contract Change Order No. 1 (Final) in the decreased amount of (-\$38,317.70) for City Project No. 18-51 "2019 Slurry Seals," bringing the contract total to \$796,802.30
 - 3. ***Motion:*** Accepting improvements for City Project No. 18-51 "2019 Slurry Seals" and authorizing the City Engineer to file a Notice of Completion

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- G.
 1. Resolution: Approving the Engineer's Report for the PM 20-03 Turlock Dental Care (Development Project No. 20-020) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
 2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the PM 20-03 Turlock Dental Care (Development Project No. 20-020) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
 - H.
 1. Resolution: Approving the Engineer's Report for the SM 19-01 FQC (Development Project No. 20-029) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
 2. Resolution: Declaring the City Council's intention to order the formation of and to levy and collect assessments for the SM 19-01 FQC (Development Project No. 20-029) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area
 - I. Motion: Approving the final map for The Enclave subdivision (Development Project No. 20-034) developed by DM Squared Homes, Inc.
 - J. Resolution: Approving the purchase and delivery of three (3) 2020 Arboc Spirit of Mobility buses from A-Z Bus Sales of Sacramento, California, to replace existing midsize buses in accordance with the City's Transit Asset Management Plan, through the California Association for Coordinated Transportation (CalACT) and the Morongo Basin Transit Authority (MBTA) Purchasing Cooperative, to which the City of Turlock is a cooperative member, in an amount not to exceed \$594,477 (Fund 425), without compliance to formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(6)
 - K. Resolution: Adopting a revised Disadvantaged Business Enterprise (DBE) Program goal for Federal Fiscal Years 2021-2023 in accordance with Federal Transit Administration (FTA) regulations
 - L. Resolution: Approving and certifying a Public Transportation Agency Safety Plan (PTASP) for the City of Turlock for Fiscal Year 2020-21
 - M. Resolution: Adopting a revised Title VI Civil Rights Program update for Federal Fiscal Years 2021-2023 in accordance with Federal Transit Administration (FTA) regulations
 - N.
 1. Resolution: Accepting a donation from Fletcher Landscape Maintenance to be used for the City of Turlock Active Military Banner Program in the amount of \$1,400 to be appropriated into revenue account number 269-60-614-414.37200_000 "Donations General" and expenditure account number 269-60-614-414.44001_000 "Supplies General"
 2. Resolution: Accepting a donation from Winton, Ireland, Strom & Green to be used for the City of Turlock Active Military Banner Program in the amount of \$1,000 to be appropriated into revenue account number 269-60-614-414.37200_000 "Donations General" and expenditure account number 269-60-614-414.44001_000 "Supplies General"
 3. Resolution: Accepting a donation from Firehouse to be used for the City of Turlock Active Military Banner Program in the amount of \$5000 to be appropriated into revenue account number 269-60-614-414.37200_000 "Donations General" and expenditure account number 269-60-614-414.44001_000 "Supplies General"
 - O. Resolution: Accepting an allocation of funds and appropriating funds for the Tire Derived Product Grant from the Department of Resources Recycling and Recovery (CalRecycle) in the amount of \$150,000 to be appropriated into revenue account number 269-60-614-379.35720 "Tire Derived Product Grant" and expenditure account number 269-60-614-379.47177 "Tire Derived Product Grant Expense" and approving the purchase of two hundred thirty-seven (237) Super Sacks of Rubber Bark from Tire

- Derived Products for Landscaping for the Parks, Recreation and Public Facilities Department in an amount not to exceed \$150,000
- P. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Polydyne, Inc. of Riceboro, Georgia, for Anionic Emulsion Polymer for the Municipal Services Department, with a term of one (1) year, with an option to extend the Agreement for three (3) additional one-year terms
 - Q. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Polydyne, Inc. of Riceboro, Georgia, for Cationic Emulsion Polymer for the Municipal Services Department, with a term of one (1) year, with an option to extend the Agreement for three (3) additional one-year terms
 - R. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Carollo Engineers for Engineering and Construction Management Services for Chemical System Upgrades Project at the Regional Water Quality Control Facility (RWQCF), expanding the scope of work and increasing the compensation in the amount of \$241,950, for a total contract amount not to exceed \$968,374 (non-general fund), over the five-year term of the Agreement, if all renewal periods are exercised
 - S. Resolution: Accepting an allocation of funds, authorizing the execution of a grant agreement and commitments necessary to administer the Federal FY 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) from the United States Department of Justice, Office of Criminal Justice Programs, in the amount of \$26,846, and appropriating said funds to account number 266-20-255-341.35720_006 "Revenue JAG Grant 2020-DJ-BX-0188" and account number 266-20-255-341.51107_010 "JAG Expenses 2020-DJ-BX-0188" in Fund 266 "Police Services Grants"
 - T. Resolution: Approving modifications to the job description for the positions of Animal Control Officer and Animal Control Officer, Sr., effective December 8, 2020
 - U. Resolution: Reaffirming the Director of Emergency Services Proclamation of Existence of a Local Emergency in response to COVID-19
 - V. Resolution: Adopting the 2021 City Council meeting schedule in accordance with Turlock Municipal Code Section 2-1-02

10. **FINAL READINGS:** None

11. **PUBLIC HEARINGS:** None

12. **ACTION ITEMS:**

- A. Request to award bid and approve an Agreement in the amount of \$4,116,000 (Non-General Fund – Fund 420) with Clark Bros., Inc., of Fresno, California and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for City Project No. 20-027 "City Wide Chlorination" AND appropriate \$208,000 to account number 420-52-551.51367 "Chlorination of Well Sites (21)" to be funded from Fund 420 "Water" unallocated reserves to provide necessary funding for City Project No. 20-027 "City Wide Chlorination" (*Bray*)

Recommended Action:

Motion: Awarding bid and approving an Agreement in the amount of \$4,116,000 (Non-General Fund – Fund 420) with Clark Bros., Inc., of Fresno, California and adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for City Project No. 20-027 "City Wide Chlorination"

Resolution: Appropriating \$208,000 to account number 420-52-551.51367 "Chlorination of Well Sites (21)" to be funded from Fund 420 "Water" unallocated reserves to provide necessary funding for City Project No. 20-027 "City Wide Chlorination"

- B. Request to accept 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 (*Van Guilder*)

Recommended Action:

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

- C. Request to repeal Resolution No. 2018-191 concerning Voluntary Campaign Contribution Limits established by the City Council and accept the Campaign Regulations and Contribution Limits established by the Political Reform Act, as amended by AB 571 (*White*)

Recommended Action:

Resolution: Repealing Resolution No. 2018-191 concerning Voluntary Campaign Contribution Limits established by the City Council and accepting the Campaign Regulations and Contribution Limits established by the Political Reform Act, as amended by AB 571

- D. Request to authorize the City Manager to execute Agreements with the California Department of Tax and Fee Administration for implementation of Measure A, "City of Turlock, 911 Safety/Emergency Medical Response, Community Services Measure", a Local Transactions and Use Tax, and any additional documents needed for the Department to implement the tax AND authorize the examination of the Local Transactions (Sales) and Use Tax records (*Wells*)

Recommended Action:

Resolution: Authorizing the City Manager to execute Agreements with the California Department of Tax and Fee Administration for implementation of Measure A, "City of Turlock, 911 Safety/Emergency Medical Response, Community Services Measure", a Local Transactions and Use Tax, and any additional documents needed for the Department to implement the tax

Resolution: Authorizing the examination of the Local Transactions (Sales) and Use Tax records

- E. Request to authorize the acceptance of an allocation of funds, execution of a grant agreement, and commitments necessary to administer the U.S. Department of Justice (DOJ) Community Oriented Policing Services (COPS) Grant, in an amount not to exceed \$500,000, with a projected cost of \$1,274,938 for the hiring of four (4) police officers, for three (3) years each, with COPS grant funding of \$125,000 per officer for the grant total of \$500,000 over the three (3) year grant period and projected City match funds of \$774,938 over the three (3) year grant period and appropriate \$500,000 to revenue Account Number 266-20-255-361.35720 "Police Grants - COPS" and \$1,274,938 to Salary and Benefits expenditure accounts in Fund 266-20-255-361 "Police Grants - COPS" AND appropriate \$774,938 for City match funds and \$189,484 for related

equipment needs from the General Fund unallocated reserves with revenue generated from cannabis activity through a transfer from Account Number 110-20-210.48001_220 "Transfers Out to Fd 266 COPS Grant Match" to Account Number 266-20-255-361.38001_220 "Transfers In COPS Grant Match" for FY 2020-2021 (*Pacheco*)

Recommended Action:

Resolution: Authorizing the acceptance of an allocation of funds, execution of a grant agreement, and commitments necessary to administer the U.S. Department of Justice (DOJ) Community Oriented Policing Services (COPS) Grant, in an amount not to exceed \$500,000, with a projected cost of \$1,274,938 for the hiring of four (4) police officers, for three (3) years each, with COPS grant funding of \$125,000 per officer for the grant total of \$500,000 over the three (3) year grant period and projected City match funds of \$774,938 over the three (3) year grant period and appropriating \$500,000 to revenue Account Number 266-20-255-361.35720 "Police Grants - COPS" and \$1,274,938 to Salary and Benefits expenditure accounts in Fund 266-20-255-361 "Police Grants - COPS"

Resolution: Appropriating \$774,938 for City match funds and \$189,484 for related equipment needs from the General Fund unallocated reserves with revenue generated from cannabis activity through a transfer from Account Number 110-20-210.48001_220 "Transfers Out to Fd 266 COPS Grant Match" to Account Number 266-20-255-361.38001_220 "Transfers In COPS Grant Match" for FY 2020-2021

13. 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. Monthly Budget Update (*Wells*)
 - 2. CARES Act Update (*Wells*)
 - 3. Procurement Card Program (*Wells*)
 - 4. Procurement Authority Limits for Contracts (*Wells*)

- B. Fire Department
 - 1. COVID-19 Update (*Carlson*)

- C. Parks, Recreation and Public Facilities
 - 1. Columbia Park Update (*Van Guilder*)

14. 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.

15. 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.

16. 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 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: City Manager Toby Wells
 Employee Organization: Turlock Associated Police Officers
 Employee Organization: Turlock City Employees Association
 Employee Organization: Turlock Firefighters Association-Local 2434
 Employee Organization: Turlock Management Association-Public Safety
 Unrepresented Employees: Accountant, Sr., 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/Municipal Services, Executive Administrative Assistant/Public Safety, Fire Chief, Human Resources Analyst, Sr., Human Resources Manager, Human Resources Technician, Information Technology Manager, Legal Assistant, Municipal Services Deputy Director, Municipal Services Director, Office Assistant I, Parks, Recreation and Public Facilities Director, Parks, Recreation and Public Facilities Manager, Payroll Coordinator, Police Business Unit Supervisor, Police Chief, Principal Civil Engineer, Regulatory Affairs Manager, Transit Manager, Utilities Manager, and Water Quality Control Division Manager.

- C. Conference with Legal Counsel – Initiation of 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 Case: (1 case)

- 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: Paul Moore
 Agency Claimed Against: City of Turlock

- E. 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: John Weddle
Agency Claimed Against: City of Turlock

17. REPORTS FROM CLOSED SESSION

18. ADJOURNMENT