

City Council Agenda



AUGUST 10, 2021

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.

PERSONS WHO ATTEND THE MEETING ARE ASKED TO READ AND FOLLOW THE CURRENT STATE OF CALIFORNIA PUBLIC HEALTH GUIDANCE AT:

www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/What-Will-June-15-Look-Like.pdf

AND AT:

www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/guidance-for-face-coverings.aspx#June15guidance

LISTING STATE-IMPOSED REQUIREMENTS FOR ATTENDING IN PERSON

THIS 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

****participant's phone number will be public****

Mayor
Amy Bublak

Council Members

Nicole Larson

Rebecka Monez

Andrew Nosrati

Pam Franco

Vice Mayor

Interim City Manager

Sarah Tamey Eddy

Interim City Clerk

Kellie E. Weaver

Interim City Attorney

George A. Petrulakis

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 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 agendized 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. Recognition: Employee of the Month, May 2021, Payroll Coordinator, Taryn Perry
- B. Presentation: Carnegie Arts Center 2020 Annual Report
- C. Briefing: Roads Update (Bray)

4. PUBLIC PARTICIPATION

MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE CITY COUNCIL WILL BE GIVEN THE SAME TIME ALLOTMENT FOR COMMENTS 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. 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 7/15/21 in the amount of \$1,774,951.03; Weekly Demands of 7/22/21 in the amount of \$882,555.54; Weekly Demands of 7/29/21 in the amount of \$1,098,276.69
- B. Motion: Accepting Minutes of the Special Meeting of May 11, 2021; Minutes of the Regular Meeting of May 11, 2021; Minutes of the Special Meeting of May 18, 2021; Minutes of the Special Meeting of May 21, 2021; Minutes of the Special Meeting of June 15, 2021
- C.
 1. Motion: Approval of Contract Change Order No. 2 (Final) with Sinclair General Engineering Construction in the amount of \$4,944.00 (Non-General Fund – Fund 215) for City Project No. 17-59 “Pedestrian Intersection Improvements, Various Locations” bringing the contract total to \$265,622.00
 2. Motion: Accepting improvements for City Project No. 17-59 “Pedestrian Intersection Improvements, Various Locations” and authorizing the City Engineer to file a Notice of Completion
 3. Resolution: Appropriating \$6,000 to account number 215-40-420.51210 “Federal Street Projects” to be funded via a transfer from Fund 217 “Streets Maintenance (Gas Tax)” unallocated reserves to provide necessary funding for City Project No. 17-59 “Pedestrian Intersection Improvements, Various Locations”
- D. Resolution: Authorizing the City Manager, or his or her designee, to approve a short-term extension to the reduced transit fare structure previously approved by the City Council under Resolution No. 2020-123, with a new expiration date of September 30, 2021, providing additional time to consider permanent fare options given pending State legislation and to allow for fare changes to align with other system changes
- E. Resolution: Rescinding Resolution No. 2021-042 and approving the sole source purchase of air purification and surface treatment technology for City transit vehicles from United Safety and Survivability Corporation (USSC) of Exton, Pennsylvania, to address the COVID-19 public health emergency in an amount not to exceed \$60,094 (Fund 426), without compliance to formal bid procedures in accordance with Turlock Municipal Code Section 2-7-08(b)(6) and in support of City Project No. 21004 “Transit Air Purification Upgrades”
- F.
 1. Motion: Approving an Access Agreement for Installation and Monitoring of Groundwater Monitoring Wells with West Turlock Groundwater Sustainability Agency
 2. Motion: Granting a Groundwater Monitoring Well Easement to West Turlock Groundwater Sustainability Agency for Installation and Monitoring of Groundwater Monitoring Wells
- G. 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
- H. Motion: Approving an Agreement between the City of Turlock and the Turlock Unified School District for Police Officer services at Turlock High School and Pitman High School

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- I. Motion: Approving Amendment No. 1 to the Agreement with White Brenner LLP (“Firm”) to extend the term for providing special counsel legal services to the City of Turlock (“City”) and authorizing the Interim City Manager to execute Amendment No. 1 to the Agreement on behalf of the City
 - J. Resolution: Approving the S.B. 1 State of Good Repair (SGR) project list for FY 2021-22, transferring SGR funding from the Transit Operations Facility Project to a future bus stop rehabilitation and enhancement project
 - K. 1. Motion: Approving Amendment No. 1 to the Agreement between the City of Turlock and R3 Consulting Group, Inc. for Solid Waste Consulting Services to include additional scope of work for continuation of Solid Waste Rate development and assistance with meeting Solid Waste Regulatory Compliance, merging City Contract No. 2020-43 “Solid Waste Rate and Fee Study and City Contract No. 2020-77 “Solid Waste Consulting Services”, and increasing the compensation by \$64,600, for a total not-to-exceed amount of \$131,516.00
2. Resolution: Re-appropriating unspent funds of \$16,000 from Fiscal Year 2020-2021 to Fiscal Year 21-22 account number 204-50-505.43320 “Special Services/Projects” from Fund 204 “AB 939 Integrated Waste Mgmt” for Amendment No. 1 to Agreement No. 2020-77 “Solid Waste Consulting Services” between the City of Turlock and R3 Consulting Group, Inc. for Solid Waste Consulting Services
 - L. Resolution: Rescinding Resolution No. 2021-142 and adopting a new Resolution establishing an Advisory Redistricting Commission to assist the City Council in the council district redistricting process necessitated by the 2020 Federal Census, to be titled “City of Turlock Redistricting Commission,” establishing requirements for membership on the Commission, and establishing the manner in which appointments are made to the Commission
 - M. Motion: Adopting a Resolution to Employ a CalPERS Annuitant (Interim Chief of Police) pursuant to CalPERS Requirements
 - N. Motion: Authorizing the Interim City Manager to enter into an agreement with CPS HR Consulting for recruitment services related to the vacant positions of City Manager, Chief of Police, Fire Chief, Municipal Services Director, and Development Services Director, in an amount not to exceed \$100,000

7. **FINAL READINGS:** None

8. **PUBLIC HEARINGS:** None

9. **ACTION ITEMS:**

- A. Request to Award bid and approve an agreement in the amount of \$31,894,398 (Non-General Fund - Fund 420) with Mountain Cascade Inc. of Livermore, California for construction of City Project No. 18-69 "Surface Water Distribution System Improvements" AND Approve a procurement agreement for purchase of pumps, electrical motors, and variable frequency drives with Patterson Pump Company of Toccoa, Georgia in the amount of \$832,985 (Non-General Fund - Fund 420) for City Project No. 18-69 "Surface Water Distribution System Improvements" AND Approve a Purchase and Sale Agreement with Good Shephard Lutheran Church for property located at 3500 North Quincy Road for City Project No. 18-69 "Surface Water Distribution System Improvements" AND Approve Amendment No. 6 to an Agreement

with Carollo Engineers of Walnut Creek, California in the amount of \$1,315,261 (Non-General Fund - Fund 420) for engineering services during construction for City Project No. 18-69 "Surface Water Distribution System Improvements" AND Approve an Agreement with West Yost of Davis, California in the amount of \$2,181,055 (Non-General Fund - Fund 420) for construction management services for City Project No. 18-69 "Surface Water Distribution System Improvements" (*Fremming*)

Recommended Action:

Motion: Awarding bid and approving an agreement in the amount of \$31,894,398 (Non-General Fund - Fund 420) with Mountain Cascade Inc. of Livermore, California for construction of City Project No. 18-69 "Surface Water Distribution System Improvements"

Motion: Approving a procurement agreement for purchase of pumps, electrical motors, and variable frequency drives with Patterson Pump Company of Toccoa, Georgia in the amount of \$832,985 (Non-General Fund - Fund 420) for City Project No. 18-69 "Surface Water Distribution System Improvements"

Motion: Approving a Purchase and Sale Agreement with Good Shephard Lutheran Church for property located at 3500 North Quincy Road for City Project No. 18-69 "Surface Water Distribution System Improvements"

Motion: Approving Amendment No. 6 to an Agreement with Carollo Engineers of Walnut Creek, California in the amount of \$1,315,261 (Non-General Fund - Fund 420) for engineering services during construction for City Project No. 18-69 "Surface Water Distribution System Improvements"

Motion: Approving an Agreement with West Yost Associates of Davis, California in the amount of \$2,181,055 (Non-General Fund - Fund 420) for construction management services for City Project No. 18-69 "Surface Water Distribution System Improvements"

- B. Request to Authorize the acceptance of the American Rescue Plan Act funds from the U.S. Department of Treasury Coronavirus Local Fiscal Recovery Fund up to the allocated amount of \$15,753,190 in 119-10-188.34307 "American Rescue Plan Act" AND authorize the City Manager or his/her designee to execute all documents necessary to process the receipt and disbursement of those funds. (*Burke*)

Recommended Action:

Resolution: Authorizing the acceptance of the American Rescue Plan Act funds from the U.S. Department of Treasury Coronavirus Local Fiscal Recovery Fund up to the allocated amount of \$15,753,190 in 119-10-188.34307 "American Rescue Plan Act" and authorizing the City Manager or his/her designee to execute all documents necessary to process the receipt and disbursement of those funds

- C. Request to provide direction to staff to prepare and bring back a new Resolution rescinding Resolution No. 2009-246 and adopt a new Resolution identifying a revised Contract Change Order procedure. (*Bray*)

Recommended Action:

Motion: Providing direction to staff to prepare and bring back a new Resolution rescinding Resolution No. 2009-246 and adopting a new Resolution identifying a revised Contract Change Order procedure

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. City Manager

1. Items for Future Consideration Update (*Tamey Eddy*)

11. COUNCIL ITEMS FOR FUTURE CONSIDERATION

Requests for Council items for future consideration will be scheduled in accordance with Resolution No. 2008-019.

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. 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 Sarah Eddy

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, Finance Director, 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, Roads Program Manager, Transit Manager, Utilities Manager, and Water Quality Control Division Manager.

- B. 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: Cheek, Melissa and Medina, Manuel
Agency Claimed Against: City of Turlock
- 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: Newton, Caitlin
Agency Claimed Against: City of Turlock

14. REPORTS FROM CLOSED SESSION

15. ADJOURNMENT