

City Council Meeting Agenda



OCTOBER 26, 2021

6:00 p.m.

**City of Turlock Yosemite Room
156 S. Broadway, Turlock, California**

Mayor
Amy Bublak

Council Members

**Nicole Larson
Andrew Nosrati**

**Rebecka Monez
Pam Franco**
Vice Mayor

Acting City Manager
Dan Madden
Interim City Clerk
Kellie E. Weaver
City Attorney
George A. Petrulakis

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agendized topic 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 five (5) 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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 - A. **CALL TO ORDER**
 - B. **SALUTE TO THE FLAG**
 - C. **ROLL CALL**
 - D. **DECLARATION OF CONFLICTS**
 - E. **DISCLOSURE OF EX PARTE COMMUNICATIONS**
 1. **Public Hearing Item 8A is a quasi-judicial proceeding**
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:

1. Proclamation: In Honor of Maintenance Worker Sr., Hans Visser, "50 Years of Service"
2. Recognition: Employee of the Month, August 2021, Turlock Fire Department, Fire Captain Andrew Quimby

4. PUBLIC PARTICIPATION

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 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.

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 10/7/21 in the amount of \$951,168.15; Weekly Demands of 10/14/21 in the amount of \$875,592.36; Monthly Demands of 6/30/21 in the amount of \$12,368,477.19
- B. Motion: Accepting Minutes of the Special Meeting of September 28, 2021; Minutes of Regular Meeting of September 28, 2021
- C. Motion: Declaring the Intention to Order Annexation No. 32 for the properties located at 1137, 1201, and 1233 Fifth Street (Stanislaus County Assessor's Parcels 043-059-001, 043-016-004, 043-016-005) to Existing Community Facilities District No. 2 (Services Mitigation)
- D. Motion: Accepting the Development Fee Annual Report for Fiscal Year 2018-2019 as required by State of California Government Code 66006(b)
- E. Motion: Authorizing the City of Turlock to join transit agencies in San Joaquin County and Stanislaus County to participate in the regional deployment of the Vamos Mobility app, a regional Mobility-as-a-Service (MaaS) platform, and related EZHub payment system, provided by Masabi, and authorizing the City Manager to execute all documents associated with implementing the proposed action

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- F. Motion: Approving an Agreement with Lamar Transit, LLC, of Salt Lake City, Utah, to sell and maintain advertising on the exteriors of Turlock Transit buses and within bus shelters as defined in RFP No. 21-020, and remit a portion of the sales revenue as defined by Compensation Proposal B of the Consultant's proposal, and authorizing the City Manager to execute all documents required to implement the proposed action
 - G. Motion: Approving an Agreement with Axon for the purchase of Axon Interview cloud-based video and audio recording equipment with associated software, components, and a five (5) year service plan for interview rooms at the Public Safety Facility, in the one-time amount of \$122,000
Resolution: Appropriating \$122,000 from the Small Equipment Replacement fund 240-00-000-213 Unassigned Reserves to account number 240-00-000-213.51032 "Interview Room Recording" for Axon Interview cloud-based video and audio recording equipment with associated software, components, and five (5) year service plan for interview rooms at the Public Safety Facility
 - H. Resolution: The City Council of the City of Turlock approving application(s) for Per Capita Grant Funds
Resolution: Accepting up to \$177,952 available under the Per Capita Program, and up to \$46,790 in the Urban Counties Subprogram, for a total of up to \$224,742 to account number 269-60-614-369.34170 "Prop 68 Per Capita Grant"
Resolution: Appropriating \$80,000 to account number 301-61-620.51300 "Construction Repairs/Improvements" to be funded from Fund 110 "General Fund" Unassigned Reserves for the ineligible grant expenses related to the Senior Center Upgrade Project
 - I. Motion: Approving an agreement with West Coast Arborists, Inc. of Stockton, California, for Tree Trimming and Maintenance Services, for a period of thirty-six (36) months, in an amount not to exceed \$345,000
 - J. Resolution: Accepting a donation from Firehouse Dispensary to be used for the City of Turlock Active Military Banner Program in the amount of \$5,000, 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"
 - K. Motion: Approving Amendment No. 1 to a Professional Services Agreement between the City of Turlock and Bob Murray & Associates, extending the term of the agreement through June 30, 2022
Resolution: Re-appropriating \$32,935 in unspent funds from Fiscal Year 2020-2021 to account number 110-10-109.43060_039 "Contract Services Executive Recruitments" from Fund 110 "General Fund" unassigned reserves for executive recruitment services
 - L. Resolution: Appropriating \$190,000 to account number 110-10-109.43010 "Contract Attorney" from Fund 110 "General Fund" unassigned reserves for anticipated fees through June 30, 2022, related to services performed by Atkinson, Andelson, Loya, Ruud & Romo
 - M. Resolution: Approving the separation of the job functions assigned to the Development Services Director/City Engineer into two separate positions of Development Services Director and City Engineer, and modifications to the job descriptions, effective October 26, 2021
 - N. Resolution: Adopting a Mobile Device Policy for City of Turlock end users
 - O. Motion: Approving an Agreement between the City of Turlock and Governmentjobs.com, Inc. dba NEOGOV, for a subscription for Insight, Onboard, Custom Employee Integration, and Candidate Text Messaging to receive and process online employment applications and new hire processing for a one (1) year term with an option to extend the Agreement for three (3) additional one (1) year terms, for a cumulative total amount not to exceed One Hundred Twenty-Five Thousand Seven Hundred Ninety-Five Dollars and Eighty-Seven Cents (\$125,795.87) if all extensions are exercised, as delineated in the Order Form in Exhibit A

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- P. 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 deny the appeal and affirm the Planning Commission decision Denying Variance 2021-01 (Perfect Union) at 2500 N. Golden State Boulevard. (*Quintero*)

Recommended Action:

Resolution: Denying the appeal and affirming the Planning Commission decision Denying Variance 2021-01 (Perfect Union) at 2500 N. Golden State Boulevard

- B. Request for the City Clerk to confirm: a) Proof of Publication of Notice of Public Hearing; b) Signed Waiver and Consent; c) Completed and Signed Ballot and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and Ballot Declaring Election Results (Project Planner to prompt and facilitate these steps) AND Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below AND Calling a Special, Mailed-Ballot Election respecting Proposed Annexation Number 31 to existing Community Facilities District Number 2 (Services Mitigation) AND Declaring the results of Mailed-Ballot Election respecting Proposed Annexation Number 31 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation (*Quintero*)

Recommended Action:

Confirmation: City Clerk confirms: a) Proof of Publication of Notice of Public Hearing; b) Signed Waiver and Consent; c) Completed and Signed Ballot and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and Ballot Declaring Election Results (Project Planner to prompt and facilitate these steps)

Public Hearing: Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below

Resolution: Calling a Special, Mailed-Ballot Election respecting Proposed Annexation Number 31 to existing Community Facilities District Number 2 (Services Mitigation)

Resolution: Declaring the results of Mailed-Ballot Election respecting Proposed Annexation Number 31 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation

9. ACTION ITEMS:

- A. Request to provide direction to Staff regarding the allocation of American Rescue Plan Act funds in preparation for future Council Meeting. (*Moreno*)

Recommended Action:

Motion: Providing direction to Staff regarding the allocation of American Rescue Plan Act funds in preparation for future Council Meeting

- B. Request to approve a Professional Services Agreement between the City of Turlock and Citygate Associates, LLC, a Fire and EMS consulting group for local government municipalities, to conduct a 6-month Fire Master Plan review/study in the amount of \$79,235, with a not to exceed total of \$100,000 AND appropriate \$75,000 to account number 110-10-109.43060_000 "Contract Services General" Transfers In to Fund 110 "Measure A Fire Feasibility Study" 110-00-000.38002_004 and Transfers Out from Fund 118 Measure A unassigned reserves "Measure A Fire Feasibility Study" 118-10-115.48002_004. (*Botto*)

Recommended Action:

Motion: Approving a Professional Services Agreement between the City of Turlock and Citygate Associates, LLC, a Fire and EMS consulting group for local government municipalities, to conduct a 6-month Fire Master Plan review/study in the amount of \$79,235, with a not to exceed total of \$100,000

Resolution: Appropriating \$75,000 to account number 110-10-109.43060_000 "Contract Services General" Transfers In to Fund 110 "Measure A Fire Feasibility Study" 110-00-000.38002_004 and Transfers Out from Fund 118 Measure A unassigned reserves "Measure A Fire Feasibility Study" 118-10-115.48002_004

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. Fire Department
 - 1. Public Safety Briefing (*Botto*)
- B. Police Department
 - 1. Public Safety Briefing (*Hampton*)
- C. Municipal Services
 - 1. Monthly Departmental Update (*Madden*)

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. 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: Acting City Manager Dan Madden

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, Principal, 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, 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, Municipal Services Deputy Director, Municipal Services Director, Office Assistant I, Parks, Recreation and Public Facilities Director, Parks, Recreation and Public Facilities Manager, Parks, Recreation and Public Facilities Superintendent, Payroll Coordinator, Police Business Unit Supervisor, Police Chief, Civil Engineer, Principal, Roads Program Manager, Transit Manager, Utilities Manager, and Water Quality Control Division Manager.

B. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8

"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."

Property: 132 S Broadway Turlock, CA, 95380, Turlock, CA (APN No. 043-045-018-000)

Agency Negotiator: Acting City Manager Dan Madden

Negotiating Parties: Pierce, Timothy L & Donna K

Under Negotiation: Price and terms of payment for purchase of real property.

C. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8

"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."

Property: 4905 N. Golden State Boulevard., Turlock, CA, 95380, Turlock, CA (APN No. 045-062-018-000)

Agency Negotiator: Acting City Manager Dan Madden

Negotiating Parties: Khatri Brothers

Under Negotiation: Price and terms of payment for purchase of real property.

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- B. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."
Property: 5025 N. Golden State Boulevard, Turlock, CA, 95380, Turlock, CA (APN No. 045-062-019-000)
Agency Negotiator: Acting City Manager Dan Madden
Negotiating Parties: Khatri Brothers
Under Negotiation: Price and terms of payment for purchase of real property.
- 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: Mary M. Caton
Agency Claimed Against: City of Turlock

14. REPORTS FROM CLOSED SESSION

15. ADJOURNMENT