

City Council Meeting Agenda

AMENDMENT NO. 1
January 10, 2023



January 10, 2023

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California

Mayor
Amy Bublak

Council Members
Kevin Bixel
Cassandra Abram
Rebecka Monez
Pam Franco
Vice Mayor

City Manager
Reagan M. Wilson
City Clerk
Julie Christel
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 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 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.

CALL TO ORDER **SALUTE TO THE FLAG** **ROLL CALL AND DECLARATION OF CONFLICTS**

1. 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.

2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS, PRESENTATIONS, AND BRIEFINGS

- A. Presentation: 2021-2022 Active Military Banner Retirement
- B. Presentation: Certificate of Recognition to Matt Cranford in honor of his retirement as CEO of the Stanislaus County Fair
- C. Proclamation: Maria Ramos, Retirement
- D. Proclamation: Tim Redd, Retirement
- E. Presentation: Introduction of Genesis of K-9 Comfort Dog Ministry, Pastor Ronald Youngdale, Good Shepherd Lutheran Church

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- F. Presentation: Carnegie Arts Center 2021-2022 Annual Report
- G. Presentation: City-wide Chlorination Project Update by Provost and Pritchard Consulting
- H. Appointment: Vice Mayor
- I. Appointment: Appointing members of the City Council to the Boards, Commissions, and Committees as listed in the agenda item

3. 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.

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

5. 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 the Weekly Demands of 12/01/2022 in the amount of \$6,401,742.65, 12/08/2022 in the amount of \$462,560.92, 12/15/2022 in the amount of \$1,922,185.11, and 12/22/2022 in the amount of \$2,862,264.12
- B. Resolution: Approving Amendment No. 2 for contract 2021-83, the Professional Services Agreement with O'Dell Engineering of Modesto, California, in the amount of \$46,690.00 (Fund 301 "Construction Repairs/Improvements"), bringing the contract total to \$276,765.00 for engineering and surveying services for City Project No. 19-51 "Columbia Pool Improvements" and extending the term through December 31, 2024 (*Schulze*)
- C. Resolution: Initiating proceedings for the formation of the California Freight (Development Project No. 22-036) 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 (*Schulze*)
- D. Resolution: Initiating proceedings for the formation of the PM 22-01 Pitau (Development Project No. 22-004) 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 (*Schulze*)
- E. Resolution: Initiating proceedings for the formation of the PM 21-03 Bright (Development Project No. 21-019) 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 (*Schulze*)

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- F. Resolution: Approving Contract Change Order No. 5 (Final) in the amount of \$135,349.04 (Non-General Fund – Fund 420) with Western Water Constructors of Santa Rosa, California, bringing the contract total to \$5,346,667.92, and authorizing the City Engineer to file a Notice of Completion for City Project No. 20-009 “Well 38 Arsenic Mitigation and ICF Treatment” (*Schulze*)
- G. Resolution: Approving a Purchase and Sale Agreement with George P. and Shirley A. Barghoud in the amount of \$1,350.00 to be funded by Fund 115 “Measure A – Roads” for City Project Nos. 22-001 and 22-017 “Wayside Drive Reconstruction and Sewer Replacement Project” (*Schulze*)
- H. Resolution: Approving a revision to the job description for Fire Engineer (*Dhami*)
- I. Resolution: Approving a revision to the job description for Public Affairs Analyst (*Dhami*)
- J. Resolution: Approving an increase to the salary range for City Engineer by approving an amendment to the salary schedule of the existing Management Memorandum of Understanding adopted by Resolution No. 2022-205 dated October 11, 2022, to include all approved Management salary ranges (*Dhami*)
- K. Resolution: Approving a revision to the job description for Water Treatment Plant Manager, Mechanical Technician II, and Mechanical Technician, Senior (*Dhami*)
- L. Resolution: Approving a new job description for Background Coordinator and an amendment to the salary schedule of the existing Confidential Schedule of Benefits adopted by Resolution No. 2022-205 dated October 11, 2022, to include all approved confidential salaries (*Dhami*)

6. FINAL READINGS

- A. Second and final reading of an Ordinance amending the Turlock Municipal Code (TMC) Title 2, Administration, adding Chapter 2-13, Article 13, regarding augmenting state law provisions on local lobbying (*Petrulakis*)

Recommended Action: Ordinance: Second and final reading of an Ordinance amending the Turlock Municipal Code (TMC) Title 2, Administration, adding Chapter 2-13, Article 13, regarding augmenting state law provisions on local lobbying

7. PUBLIC HEARINGS

- A. Ordering the improvements and formation of the Crowell (Development Project No. 22-028) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area, and confirming the diagram and benefit assessments as set forth in the annual report of the Engineer of Work and the levying and collection of assessments set forth therein for Fiscal Year 2023-2024 for the Crowell (Development Project No. 22-028) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area, pursuant to Resolution No. 97-128 (*Schulze*)

Recommended Action: Resolution: Ordering the improvements and formation of the Crowell (Development Project No. 22-028) Landscaping and Lighting Assessment District and the

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Street Maintenance Benefit Assessment Area, and confirming the diagram and benefit assessments as set forth in the annual report of the Engineer of Work and the levying and collection of assessments set forth therein for Fiscal Year 2023-2024 for the Crowell (Development Project No. 22-028) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area, pursuant to Resolution No. 97-128

- B. Ordering the improvements and formation of the "Parcel Map 21-05 Hackler" (Development Project No. 21-024) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area, and confirming the diagram and benefit assessments as set forth in the annual report of the Engineer of Work and the levying and collection of assessments set forth therein for Fiscal Year 2023-2024 for the "Parcel Map 21-05 Hackler" (Development Project No. 21-024) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area, pursuant to Resolution No. 97-128 (*Schulze*)

Recommended Action: Resolution: Ordering the improvements and formation of the "Parcel Map 21-05 Hackler" (Development Project No. 21-024) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area, and confirming the diagram and benefit assessments as set forth in the annual report of the Engineer of Work and the levying and collection of assessments set forth therein for Fiscal Year 2023-2024 for the "Parcel Map 21-05 Hackler" (Development Project No. 21-024) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area, pursuant to Resolution No. 97-128

- C. Introducing an Ordinance for first reading amending the Turlock Municipal Code (TMC) Title 6, Chapter 6-6, Sections 6-6-04, 6-6-10, and 6-6-12 regarding cross-connection control and backflow prevention devices to incorporate changes in order to increase compliance in the City's Backflow Prevention Program (*Goodman*)

Recommended Action: Ordinance: Introduce and Ordinance for first reading amending the Turlock Municipal Code (TMC) Title 6, Chapter 6-6, Sections 6-6-04, 6-6-10, and 6-6-12 regarding cross-connection control and backflow prevention devices to incorporate changes in order to increase compliance in the City's Backflow Prevention Program

8. ACTION ITEMS

- A. Authorizing staff to transition utility service billing cycle for Refuse, Sewer, and Water services from a quadrant-based (weekly) billing back to monthly billing (*Moreno*)

Recommended Action: Motion: Authorizing staff to transition utility service billing cycle for Refuse, Sewer, and Water services from a quadrant-based (weekly) billing back to monthly billing

- B. Approving Regional Surface Water Supply Project Operations Agreement dated January 1, 2023 between the City of Turlock, City of Ceres, and Stanislaus Regional Water Authority to operate the Regional Treatment Facility (*Goodman*)

Recommended Action: Resolution: Approving Regional Surface Water Supply Project Operations Agreement dated January 1, 2023 between the City of Turlock, City of Ceres, and Stanislaus Regional Water Authority to operate the Regional Treatment Facility

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- C. Approving a Resolution proclaiming the existence of a local emergency due to the extreme weather conditions, pursuant to Government Code Section 8630 and Title 4, Chapter 2, Section 4-2-105 of the City of Turlock Municipal Code (Consideration of this item is subject to a two-thirds vote by the City Council for inclusion to the agenda pursuant to Cal. Gov. Code §54954.2(b)(2)) (*Jelinek*)

Recommended Action: Motion: Approving the inclusion of Item 8C as an action item despite it not being on the original posted agenda, pursuant to Cal. Gov. Code §54954.2(b)(2), per the City Manager's recommendation as the Director of Emergency Services for the City of Turlock in response to the extreme weather conditions throughout the state of California in which declarations of a state of emergency were proclaimed by the Governor of the State of California on January 4, 2023 and the Stanislaus County Office of Emergency Services on January 9, 2023

Recommended Action: Resolution: Proclaiming the existence of a local emergency due to the extreme weather conditions, pursuant to Government Code Section 8630 and Title 4, Chapter 2, Section 4-2-105 of the City of Turlock Municipal Code

9. 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. Point In Time Count Update (*Wilson*)

10. COUNCIL ITEMS FOR FUTURE CONSIDERATION

11. 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.

12. CLOSED SESSION

- A. Threat to Public Services or Facilities, California Government 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: Representatives from the Stanislaus County District Attorney's Office

- B. Threat to Public Services or Facilities, California Government 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: Chief Hedden, Turlock Police Department

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- C. Conference with Legal Counsel – Existing Litigation, California Government Code §54956.9(d)(1)
“For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Litigation, to which the local agency is a party, has been initiated formally.”
Name of Case(s): Jammu Petro Food, Inc. vs. City of Turlock
- D. Conference with Legal Counsel - Anticipated Litigation, California Government 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(s): (1 case)
- E. Conference with Labor Negotiators - California Government 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: Deputy City Manager Sarah Eddy
Employee Organization: Turlock Management Association – Public Safety
Employee Organization: Turlock Firefighters Association – Local 2434

13. REPORTS FROM CLOSED SESSION

14. ADJOURNMENT

DECLARATION OF POSTING

I, Julie Christel, City Clerk for the City of Turlock, certify that I caused to be posted a copy of the City of Turlock City Council Agenda for the Regular Meeting of Monday, January 10, 2023 at City Hall, 156 S. Broadway, Turlock, California, 95380 on Thursday, January 5, 2023.

Dated: January 5, 2023

/s/Julie Christel

Julie Christel, City Clerk