

City Council Agenda



APRIL 14, 2020
6:00 p.m.
City of Turlock
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. ALL MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING VIA TELECONFERENCE BY CALLING (209)289-0280, CONFERENCE ID: 8095590 AND WILL BE GIVEN THE OPPORTUNITY TO PROVIDE PUBLIC COMMENT.

THE MEETING WILL BE STREAMED ON THE CITY OF TURLOCK WEBSITE AT WWW.CITYOFTURLOCK.ORG

Mayor
Amy Bublak

Council Members
Nicole Larson
Andrew Nosrati
Vice Mayor
Gil Esquer
Becky Arellano

Interim City Manager
Michael I. Cooke
City Clerk
Jennifer Land
City Attorney
Douglas L. White

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 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. 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. Recognition: Employee of the Month, March 2020, Animal Services Supervisor Glenna Jackson
- B. Proclamation: Animal Care and Control Appreciation Week, April 12-18, 2020
- C. Proclamation: National Telecommunicators Week, April 12-18, 2020

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

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 3/5/20 in the amount of \$1,172,124.12; Accepting Weekly Demands of 3/12/20 in the amount of \$893,274.77; Accepting Monthly Demands of 11/30/19 in the amount of \$1,590,761.94; Accepting Monthly Demands of 1/31/20 in the amount of \$1,775,759.24
- B. **Motion:** Accepting Minutes of the Regular Meeting of February 11, 2020; Minutes of the Special Meeting of February 25, 2020; Minutes of the Regular Meeting of February 25, 2020
- C. **Motion:** Accepting improvements for City Project No. 13-65 "Intersection Improvements at N. Olive Avenue and Wayside Drive" and authorizing the City Engineer to file a Notice of Completion
- D.
 1. **Motion:** Approving Amendment No. 1 with West Yost Associates of Davis, California in the amount of \$266,270 (Non-General Fund - Fund 416), bringing the contract total to \$2,187,775 for construction management services for City Project No. 17-22B "North Valley Regional Recycled Water Program – Turlock Component"
 2. **Motion:** Approving Amendment No. 1 with Carollo Engineers of Walnut Creek, California in the amount of \$88,761 (Non-General Fund - Fund 416), bringing the contract total to \$954,656 for professional engineering services during construction for City Project No. 17-22C "North Valley Regional Recycled Water Program – Turlock Component"
- E. **Motion:** Approving Change Order No. 3 in the amount of \$9,547.65 (Non-General Fund - Fund 426), bringing the contract total to \$668,070.25 for City Project No. 17-51 "Roger K. Fall Transit Center Phase 3 TI"
- F. **Resolution:** Initiating proceedings for the formation of the PM 19-01 Warrior Crossing (Development Project No. 19-22) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the Interim City Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- G.
 1. **Resolution:** Extending the Adopted Fee Deferral Program for the Capital Facility Fees, Northwest Triangle Specific Plan, and Westside Industrial Specific Plan Impact Fees
 2. **Motion:** Approving the execution of a Lien Agreement for deferred payment of Development Impact fees in the amount of \$532,999.31 between the City of Turlock and SS Turlock, LLC, 1351 Fulkerth Road, Turlock, CA 95380
- H.
 1. **Resolution:** Approving an Agreement (Exhibit A) between the City of Turlock and the Turlock Certified Farmers Market (TCFM) to provide traffic control labor and equipment as approved by the City of Turlock, at the TCFM's assumption of liability and risk, reoccurring weekly for the period of twenty-two (22) weeks, on Saturdays from 6:00 a.m. to 2:00 p.m., beginning May 2, 2020 through September 26, 2020
 2. **Resolution:** Authorizing the City Manager, or his/her designee, to approve, annually, the agreement between the City of Turlock and the Turlock Certified Farmers Market (TCFM) to provide traffic control labor and equipment as approved by the City of Turlock, at the TCFM's assumption of liability and risk, for future market seasons, to be reviewed annually by the special event committee, and to be revoked at City Staff's discretion if it is determined that TCFM is not maintaining the integrity of the agreement or adhering to the Temporary Traffic Control Plan (TTCP) provided
- I. **Motion:** Approving Amendment No. 1 to an Agreement between the City of Turlock and Don Pedro Pump, Inc. for pump repair services, increasing compensation by \$50,000 for a total annual not-to-exceed amount of \$100,000 (non-general fund)

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- J. Motion: Approving Amendment No. 1 to an Agreement between the City of Turlock and Industrial Electrical Company for water well motor repair services, increasing compensation by \$50,000 for a total annual not-to-exceed amount of \$75,000 (non-general fund)
- K. Motion: Approving Amendment No. 2 to an Agreement between the City of Turlock and Shape, Inc. for Flygt Submersible Pumps, increasing compensation by \$50,000 for a total annual not-to-exceed amount of \$132,131 (non-general fund)
- L. Resolution: Rescinding Resolution No. 2013-013 and adopting the amended Personnel System Rules and Regulations specifically, Section 14.05 regarding Employment of Relatives, Anti-Nepotism Policy, and Conflict of Interest Living Arrangements Relating to City Employment
- M. 1. Resolution: Designating the City Manager, Finance Director, and Accountant, Sr. as the Authorized Agents to execute for and on behalf of the City of Turlock any and all documents with the Federal Emergency Management Agency, the California Governor's Office of Emergency Services for the purpose of obtaining certain financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act
2. Motion: Authorizing the Mayor and Vice Mayor of the City of Turlock as the approving Governing Body Representatives to be listed on the Designation of Applicant's Agent Resolution for Non-State Agencies Form (Cal OES Form 130)
- N. Motion: Approving Contract Change Orders No. 1.1, 5, 6, 9, and 11 in the amount of \$83,136.16 (Fund 305) with Agee Construction of Clovis, California, for City Project No. 0828 "SR-99/Fulkerth Road Interchange" bringing the contract total to \$11,478,713.90
- O. Resolution: Authorizing the City Manager to execute Agreements for the Payment of the Northeast Turlock Master Plan Supplemental Fees, in a form approved by the City Attorney

7. FINAL READINGS:

- A. Request to amend the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2019-03 Planned Development 278 (FQC Inc)] AND establish Conditions of Approval for Planned Development 278 (FQC Inc) (Quintero)

Recommended Action:

Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2019-03 Planned Development 278 (FQC Inc)]

Resolution: Establishing Conditions of Approval for Planned Development 278 (FQC Inc)

8. PUBLIC HEARINGS:

- A. Request to waive reading and introduction of an Urgency Ordinance, reading by title only, waiving further reading, and adoption of an Urgency Ordinance of the City Council of the City of Turlock: (1) adopting the Stanislaus County Health Officer's March 31, 2020 Order, directing all individuals living in the County to shelter at their place of residence; (2) adopting the Governor's Executive Order N-33-20, directing all individuals living in the state to shelter at their place of residence; (3) adopting any subsequent

orders that the Stanislaus County Health Officer or any other official of the State of California may issue to limit the spread of COVID-19 during the duration of the COVID-19 state of emergency; and (4) ordering all individuals in the City of Turlock to shelter at their place of residence and setting forth enforcement rules (*White*)

Recommended Action:

Ordinance: Waiving reading and introduction of an Urgency Ordinance, reading by title only, waiving further reading, and adopting an Urgency Ordinance of the City Council of the City of Turlock: (1) adopting the Stanislaus County Health Officer's March 31, 2020 Order, directing all individuals living in the County to shelter at their place of residence; (2) adopting the Governor's Executive Order N-33-20, directing all individuals living in the state to shelter at their place of residence; (3) adopting any subsequent orders that the Stanislaus County Health Officer or any other official of the State of California may issue to limit the spread of COVID-19 during the duration of the COVID-19 state of emergency; and (4) ordering all individuals in the City of Turlock to shelter at their place of residence and setting forth enforcement rules

9. ACTION ITEMS:

- A. Request to approve Amendment No. 1 to an Agreement with We Care, a nonprofit association, to add an additional \$24,000 to their 2019-2020 Community Development Block Grant Public Services Contract and authorize the City Manager to sign all related documents AND approve Amendment No. 1 to an Agreement with United Samaritans Foundation, a nonprofit association, to add an additional \$26,000 to their 2019-2020 Community Development Block Grant Public Services Contract and authorize the City Manager to sign all related documents (*Pitt*)

Recommended Action:

Motion: Approving Amendment No. 1 to an Agreement with We Care, a nonprofit association, to add an additional \$24,000 to their 2019-2020 Community Development Block Grant Public Services Contract and authorizing the City Manager to sign all related documents

Motion: Approving Amendment No. 1 to an Agreement with United Samaritans Foundation, a nonprofit association, to add an additional \$26,000 to their 2019-2020 Community Development Block Grant Public Services Contract and authorizing the City Manager to sign all related documents

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 Department
1. Economic Development Update (*Pitt*)
 2. Finance Update (*Cooke*)
(a written staff update is included in the agenda packet)

- B. City Attorney
 - 1. Budget Update (*White*)
(a written staff update is included in the agenda packet)
- C. Development Services Department Update (*Bray*)
(a written staff update is included in the agenda packet)
- D. Fire Department
 - 1. COVID-19 Update (*Carlson*)

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: Interim City Manager Michael I. Cooke and City Attorney Douglas L. White

14. REPORTS FROM CLOSED SESSION

15. ADJOURNMENT