

AMENDMENT NO. 1

Dated: May 8, 2020

City Council Agenda



MAY 12, 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.

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/87043492784>

OR

**JOIN BY ACCESSING THE ZOOM WEBSITE: <https://zoom.us/join>
WEBINAR ID: 870-4349-2784**

OR

**JOIN BY TELEPHONE: 669-900-6833
WEBINAR ID: 870-4349-2784**

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.

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, April 2020, Maintenance Worker II Rudy Gutierrez
- B. Proclamation: Arbor Day, April 2020
- C. Proclamation: National Police Week, May 10-16, 2020
- D. Proclamation: Public Works Week, May 17-23, 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 4/3/20 in the amount of \$1,341,878.50; Accepting Weekly Demands of 4/9/20 in the amount of \$747,799.91; Accepting Weekly Demands of 4/16/20 in the amount of \$462,566.21; Accepting Weekly Demands of 4/23/20 in the amount of \$1,403,531.35
- B. Motion: Accepting Minutes of the Regular Meeting of April 14, 2020; Minutes of the Special Meeting of April 28, 2020
- C. Motion: Awarding bid and approving an Agreement in the amount of \$1,633,542.75 (Non-General Fund - Fund 215) with Granite Construction, of Fresno, California, for City Project No. 15-44 "Rehabilitation of Hawkeye Avenue and Lander Avenue"
- D. Motion: Awarding bid and approving an Agreement in the amount of \$468,703 (Non-General Fund - Fund 215) with Sinclair General Engineering Contractors, Inc of Oakdale, California, for City Project No. 16-56 "Intersection Improvements at Lander Avenue and F Street"
- E.
 1. Motion: Awarding bid and approving an Agreement in the amount of \$833,513.00 (Non-General Fund - Fund 410) with TNT Industrial Contractors Inc., of Sacramento, California, for City Project No. 19-50 "Sanitary Sewer Lift Stations 9, 42, & 55 Upgrades"
 2. Resolution: Appropriating \$1,009,000 (Non-General Fund) to account number 410-51-534.51323 "Sanitary Sewer Lift Stations 9, 42, & 55 Upgrades" to be funded from Fund 410 Water Quality Control unallocated reserves to provide necessary funding for City Project No. 19-50 "Sanitary Sewer Lift Stations 9, 42, & 55 Upgrades"
- F. Motion: Approving the advertisement of construction bids for City Project No. 20-009 "Well 38 Arsenic Mitigation and ICF Treatment"
- G. Motion: Approving an Agreement with the State of California, by and through the Department of California Highway Patrol, in the amount of \$73,430, for traffic control services for City Project No. 0828 "SR99/Fulkerth Road Interchange"
- H. Resolution: Approving Transportation Development Act (TDA) transit claims for Local Transportation Funds (LTF) funding and State Transit Assistance (STA) funding with the Stanislaus Council of Governments (StanCOG) associated with the Roger K. Fall Transit Center, the Turlock-Denair Amtrak Station, and Turlock Transit Services for Fiscal Year 2020-21 and authorizing the City Manager to sign and submit the subject claims
- I. Resolution: Authorizing the execution of the Certifications and Assurances and Authorized Agent Forms for the Low Carbon Transit Operations Program (LCTOP) for the following projects: Free Fare Program (\$75,229 of Section 99313 funds and \$0 of Section 99314 funds) and Fare Subsidy Program (\$46,037 of Section 99313 funds and \$4,612 of Section 99314 funds)
- J. Resolution: Approving a Letter of Agreement Between the City of Turlock and the Turlock City Employees Association regarding Outsourcing of Engineering Technician Series of Positions

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- K. **Resolution:** Authorizing the City Manager to execute Side Letters between the City of Turlock and various City Employee Groups allowing for accumulation of vacation leave above the current cap during the COVID-19 Pandemic

7. **FINAL READINGS:**

A. ***Recommended Action:***

Ordinance: Adding section (f) to Title 5, Chapter 5-21, Article 103 regarding State and local requirements for cannabis businesses and adding section (iv) to Title 9, Chapter 9-2, Article 518 (b)(6) regarding sign allowances for cannabis uses to the Turlock Municipal Code as introduced at the April 28, 2020 City Council meeting (*Quintero*)

8. **PUBLIC HEARINGS:**

- A. Request to accept findings that the City of Turlock / HOME Consortium Consolidated Plan is statutorily exempt from CEQA Guidelines, specifically Section 15262 (Feasibility and Planning Studies), Section 15267 (Financial Assistance to Low- or Moderate-Income Housing), Section 15279 (Housing for Agricultural Employees), and Section 15280 (Lower-Income Housing Projects) AND approve the Consortium Regional Consolidated Plan, a HUD mandated document for fiscal years 2021-2025, which encompasses the Community Development Block Grant and HOME Investment Partnerships for the City of Turlock, Stanislaus Urban County, and the HOME Consortium and authorize the City Manager or designee to execute all related and necessary documents AND approve the fiscal year 2020-2021 Annual Action Plan, contained as an element of the Consolidated Plan for the Community Development Block Grant Program (CDBG) and the HOME Investment Partnerships Program (HOME), authorize submission of the Annual Action Plan to the United States Department of Housing and Urban Development (HUD), and authorize the City Manager or designee to execute all related and necessary documents (*Pitt*)

Recommended Action:

Motion: Accepting findings that the City of Turlock / HOME Consortium Consolidated Plan is statutorily exempt from CEQA Guidelines, specifically Section 15262 (Feasibility and Planning Studies), Section 15267 (Financial Assistance to Low- or Moderate-Income Housing), Section 15279 (Housing for Agricultural Employees), and Section 15280 (Lower-Income Housing Projects)

Resolution: Approving the Consortium Regional Consolidated Plan, a HUD mandated document for fiscal years 2021-2025, which encompasses the Community Development Block Grant and HOME Investment Partnerships for the City of Turlock, Stanislaus Urban County, and the HOME Consortium and authorizing the City Manager or designee to execute all related and necessary documents

Resolution: Approving the fiscal year 2020-2021 Annual Action Plan, contained as an element of the Consolidated Plan for the Community Development Block Grant Program (CDBG) and the HOME Investment Partnerships Program (HOME), authorizing submission of the Annual Action Plan to the United States Department of Housing and Urban Development (HUD), and authorizing the City Manager or designee to execute all related and necessary documents

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- B. Request to accept the Analysis of Impediments to Further Fair Housing Report as required by the United States Department of Housing and Urban Development (HUD) (*Pitt*)

Recommended Action:

Motion: Accepting the Analysis of Impediments to Further Fair Housing Report as required by the United States Department of Housing and Urban Development (HUD)

- C. Request to make no change in the cap on the number of beds that may be permitted under the nondiscretionary permit process within the SB 2 emergency shelter overlay district (*Quintero*)

Recommended Action:

Motion: Making no change in the cap on the number of beds that may be permitted under the nondiscretionary permit process within the SB 2 emergency shelter overlay district

- D. Request to strongly recommend that all residents or visitors within the City of Turlock wear a face mask or covering that covers the nose and mouth when leaving their place of residence to support the safe transition of reopening businesses (*White*)

Recommended Action:

Resolution: Strongly recommending that all residents or visitors within the City of Turlock wear a face mask or covering that covers the nose and mouth when leaving their place of residence to support the safe transition of reopening businesses

- E. 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 authorizing the outdoor operation of a qualifying business (restaurants, wineries, breweries, and bars) pursuant to a special temporary outdoor operations permit and granting the City Manager temporary land use authority to implement the outdoor operations permit (*White*)

Recommended Action:

Ordinance: Waiving 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 authorizing the outdoor operation of a qualifying business (restaurants, wineries, breweries, and bars) pursuant to a special temporary outdoor operations permit and granting the City Manager temporary land use authority to implement the outdoor operations permit

- F. 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 authorizing the outdoor operation of a qualifying business (retail and commercial) pursuant to a special temporary outdoor operations permit and granting the City Manager temporary land use authority to implement the outdoor operations permit (*White*)

Recommended Action:

Ordinance: Waiving 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 authorizing the outdoor operation of a qualifying business (retail and commercial) pursuant to a special temporary outdoor operations permit and granting the City Manager temporary land use authority to implement the outdoor operations permit

- G. Request to waive reading and introduction of Urgency Ordinance, reading by title only, waiving further reading, and adoption of an Urgency Ordinance of the City Council of the City of Turlock amending Ordinance No. 1277-CS to provide that violations of the County and State shelter in place orders shall be only enforced as a public nuisance and eliminate the fine schedule set forth in Ordinance No. 1277-CS (*White*)

Recommended Action:

Ordinance: Waiving reading and introduction of Urgency Ordinance, reading by title only, waiving further reading, and adoption of an Urgency Ordinance of the City Council of the City of Turlock amending Ordinance No. 1277-CS to provide that violations of the County and State shelter in place orders shall be only enforced as a public nuisance and eliminate the fine schedule set forth in Ordinance No. 1277-CS

- H. 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 declaring and implementing the Second Phase of the Reopening of Nonessential Businesses Within the City Subject to Certain Mitigation Measures (*White*)

Recommended Action:

Ordinance: Waiving 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 declaring and implementing the Second Phase of the Reopening of Nonessential Businesses Within the City Subject to Certain Mitigation Measures

9. ACTION ITEMS: None

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. 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. 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: Scott McFarlane

Agency Claimed Against: City of Turlock

B. 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

14. REPORTS FROM CLOSED SESSION

15. ADJOURNMENT