

AMENDMENT NO. 1

Dated: August 26, 2019

City Council Agenda



AUGUST 27, 2019

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California

Mayor
Amy Bublak

Council Members

Nicole Larson

Andrew Nosrati

Gil Esquer

Becky Arellano

Vice Mayor

City Manager
Robert C. Lawton
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.

0. A. **CALL TO ORDER**
- B. **SALUTE TO THE FLAG**
- C. **ROLL CALL**
- D. **DECLARATION OF CONFLICTS**

1. **CLOSED SESSION:**

The Closed Session items for this meeting have been agenda'd 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. Proclamation: Turlock American Little League 10 Year Old All-Stars Team District 73, Section 6 Championship, accepted by Team Manager Courtney Keyler

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 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 7/25/19 in the amount of \$5,167,869.75; Weekly Demands of 8/1/19 in the amount of \$1,810,284.40; Monthly Demands of 5/31/19 in the amount of \$2,143,839.42; Monthly Demands of 6/30/19 in the amount of \$2,361,874.91
- B. Motion: Accepting Minutes of the Special Meeting of July 9, 2019; Minutes of the Regular Meeting of July 9, 2019
- C. Resolution: Adopting a Resolution of Intent to vacate the 400 block of Third Street right-of-way between "C" Street and "D" Street and notice of the public hearing
- D.
 - 1. Motion: Awarding RFP No. 19-026 and approving an Agreement with Provost & Pritchard Engineering Group for Design, Engineering Services during Construction, and Construction Management for Wellhead Treatment, for a period of (3) years, with an option to extend the Agreement for (3) additional one-year terms, in a total amount not to exceed \$988,800 over the 6-year term of the Agreement, if all renewal periods are exercised
 - 2. Resolution: Appropriating \$248,800 to account number 420-52-551.51393 "Wellhead Treatment" from Fund 420 "Water Enterprise" unallocated reserves to fund RFP No. 19-026 for Design, Engineering Services during Construction, and Construction Management for Wellhead Treatment
- E. Motion: Approving a Memorandum of Understanding (MOU) with Stanislaus Business Alliance (Opportunity Stanislaus) for Economic Development and Workforce strategies for Fiscal Years 2019-2020 and 2020-2021

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- F. **Resolution:** Appropriating amounts received through the Cannabis Business Pilot Program to recover all costs incurred by the City of Turlock or its vendors for time, materials, and expenditures associated with the Cannabis Business Pilot Program

7. **FINAL READINGS:** None

8. **PUBLIC HEARINGS:**

- A. Request to introduce an Ordinance for first reading approving a Development Agreement by and between the City of Turlock and Fire House Cooperative, Inc. located at 1601 West Main Street, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 089-015-006 (*White*)

Recommended Action:

Ordinance: Introducing an Ordinance for first reading approving a Development Agreement by and between the City of Turlock and Fire House Cooperative, Inc. located at 1601 West Main Street, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 089-015-006

- B. Request to introduce an Ordinance for first reading approving a Development Agreement by and between the City of Turlock and Fuego Azul, Inc. located at 495 South Golden State Boulevard, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 043-051-016 (*White*)

Recommended Action:

Ordinance: Introducing an Ordinance for first reading approving a Development Agreement by and between the City of Turlock and Fuego Azul, Inc. located at 495 South Golden State Boulevard, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 043-051-016

- C. Request to introduce an Ordinance for first reading approving a Development Agreement by and between the City of Turlock and Cal State Ventures2 located at 501 West F Street, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 043-018-006 (*White*)

Recommended Action:

Ordinance: Introducing an Ordinance for first reading approving a Development Agreement by and between the City of Turlock and Cal State Ventures2 located at 501 West F Street, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 043-018-006

9. **ACTION ITEMS:**

- A. Request to approve and authorize the execution of the Deed of Trust with Assignment of Rents, Security, and Fixture Filing, the Regulatory Agreement and Declaration of Restrictive Covenants, and Loan Agreement in the amount of Two Million Two hundred thousand Dollars (\$2,200,000) of HOME funds as Financial assistance to EAH Housing, Inc. to develop an affordable multi-family housing project located at 500 West Linwood, Turlock (APN# 044-064-020) also known as Avena Bella Phase 2 (*Pitt*)

Recommended Action:

Motion: Approving and authorizing the execution of the Deed of Trust with Assignment of Rents, Security, and Fixture Filing, the Regulatory Agreement and Declaration of Restrictive Covenants, and Loan Agreement in the amount of Two Million Two hundred thousand Dollars (\$2,200,000) of HOME funds as Financial assistance to EAH Housing, Inc. to develop an affordable multi-family housing project located at 500 West Linwood, Turlock (APN# 044-064-020) also known as Avena Bella Phase 2

- B. Request to approve and authorize the execution of the First Amendment to the Disposition and Development Agreement, Estoppel Certificate, and any other supporting documents between the City of Turlock as the Housing Successor Agency and EAH, Inc. for the development of Avena Bella Phase 2 (*Pitt*)

Recommended Action:

Motion: Approving and authorizing the execution of the First Amendment to the Disposition and Development Agreement, Estoppel Certificate, and any other supporting documents between the City of Turlock as the Housing Successor Agency and EAH, Inc. for the development of Avena Bella Phase 2

- C. **STAFF IS REQUESTING ACTION ITEM 9C BE REMOVED FROM THE AGENDA.**

Request to establish the position of Deputy City Manager, approve the salary range and job description for the Deputy City Manager position, and authorize a related budget amendment for Fiscal Year 2019-20 for the salary and benefits for the Deputy City Manager position (~~Lawton~~) (*White*)

Recommended Action:

Resolution: Establishing the position of Deputy City Manager, approving the salary range and job description for the Deputy City Manager position, and authorizing a related budget amendment for Fiscal Year 2019-20 for the salary and benefits for the Deputy City Manager position

- D. **STAFF IS REQUESTING ACTION ITEM 9D BE REMOVED FROM THE AGENDA.**

Request to approve the updated salary range and updated job description for the position of Assistant City Manager and authorize a related budget amendment for Fiscal Year 2019-20 for the updated salary and benefits for the Assistant City Manager position (~~Lawton~~) (*White*)

Recommended Action:

Resolution: Approving the updated salary range and updated job description for the position of Assistant City Manager and authorizing a related budget amendment for Fiscal Year 2019-20 for the updated salary and benefits for the Assistant City Manager position

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. West Main Street Rehabilitation/Construction Project Update (*Bray*)

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:

Closed Session Items have been agendized as part of the Special Meeting (scheduled at 4:00 p.m. on this date) as well as this Regular Meeting to allow for continued discussion if necessary.

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."

Claimants: Baljit (Bobby) Athwal, Navneet Athwal, Daljit Atwal, and Karan Inc., d/b/a Pop-N-Cork

Agency Claimed Against: City of Turlock

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: Yubert Envia

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: Katherine E. Cravinho

Agency Claimed Against: City of Turlock

D. Conference with Legal Counsel – Anticipated Litigation, Cal. Gov't 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: (1 case)

14. REPORTS FROM CLOSED SESSION**15. ADJOURNMENT**