

City Council Agenda



MARCH 10, 2020

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California

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 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 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**
- 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:

- A. Recognition: Employee of the Month, February 2020, Parks, Recreation and Public Facilities Supervisor Ray Garcia
- B. Proclamation: Go Green Week, March 9-13, 2020, accepted by Staff Services Analyst Fallon Martin, Staff Services Technician Danae Lawrence, and Staff Services Assistant Nicole Mann
- C. Presentation: Go Green Week, March 9-13, 2020, presented by Staff Services Technician Danae Lawrence
- D. Appointment: Parks, Arts and Recreation Commission

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 2/6/20 in the amount of \$761,213.82; Weekly Demands of 2/13/20 in the amount of \$797,929.83; Weekly Demands of 2/20/20 in the amount of \$536,747.02; Monthly Demands of 8/31/19 in the amount of \$2,057,864.10
- B. Motion: Accepting Minutes of the Special Meeting of January 28, 2020; Minutes of the Regular Meeting of January 28, 2020; Minutes of the Special Meeting of February 17, 2020
- C.
 - 1. Motion: Issuing a 2020 Sidewalk Sale Annual Permit to the Turlock Downtown Property Owners Association (TDPOA) to be used at their discretion for businesses operating within the Turlock Downtown Property and Business Improvement District (PBID)
 - 2. Resolution: Authorizing the City Manager, or his/her designee, to approve annually the Sidewalk Sale Annual Permit to the Turlock Downtown Property Owners Association (TDPOA) to be used at their discretion for businesses operating within the Turlock Downtown Property and Business Improvement District (PBID)

-
- D. **Resolution:** Appropriating \$41,955 to account number 240-00-000-201.43555 "BCH HVAC Repairs" from Fund 240 "Small Equipment Replacement-BCH Repairs and Improvements" unallocated reserves to replace HVAC unit 4 and replace the duct work and to patch the roof around HVAC units 5 and 6 at City Hall
 - E.
 - 1. **Motion:** Approving Amendment No. 2 to a Professional Services Agreement between the City of Turlock and Wood Rodgers, Inc. for On-Call Hydrogeological Engineering Services increasing the compensation to a total amount not to exceed \$522,250
 - 2. **Resolution:** Appropriating \$100,000 to account number 420-52-530.43320 "Special Services/Projects" from Fund 420 Water Enterprise unallocated reserves (non-general fund) to fully fund On-Call Hydrogeological Engineering Services
 - F. **Motion:** Approving Amendment No. 1 to an Agreement between the City of Turlock and All Valley Smog, increasing the compensation from a maximum of \$5,000 to \$6,500 (non-general fund), for a total not-to-exceed amount of \$6,500 over the four-year term of the Agreement

7. **FINAL READINGS:** None

8. **PUBLIC HEARINGS:**

- A. Request to deny the appeal and affirm the Planning Commission Decision Granting Conditional Use Permit 2019-08 (Fire House Dispensary) AND grant Conditional Use Permit 2019-08 (Fire House Dispensary) at 1601 West Main Street (APN 089-015-006) and Establishing Conditions of Approval (*Quintero*)

Recommended Action:

Motion: Denying the appeal and affirming the Planning Commission Decision Granting Conditional Use Permit 2019-08 (Fire House Dispensary)

Resolution: Granting Conditional Use Permit 2019-08 (Fire House Dispensary) at 1601 West Main Street (APN 089-015-006) and Establishing Conditions of Approval

9. **ACTION ITEMS:**

- A. Request to appoint Toby Wells as City Manager, approve a City Manager Employment Agreement between the City of Turlock and Toby Wells, and set Terms of Employment, Salary, and Benefits for the City Manager Position (*White*)

Recommended Action:

Resolution: Appointing Toby Wells as City Manager, Approving a City Manager Employment Agreement between the City of Turlock and Toby Wells, and Setting Terms of Employment, Salary, and Benefits for the 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. Next steps related to ballot measure (*Cooke*)

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: Benjamin Lopez, Jr.

Agency Claimed Against: City of Turlock

14. REPORTS FROM CLOSED SESSION

15. ADJOURNMENT