

City Council Agenda



AUGUST 25, 2020

6:00 p.m.

City of Turlock Yosemite Room

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/84924629186>

OR

**JOIN BY ACCESSING THE ZOOM WEBSITE: <https://zoom.us/join>
WEBINAR ID: 849 2462 9186**

OR

**JOIN BY TELEPHONE: 669-900-6833
WEBINAR ID: 849 2462 9186**

Mayor
Amy Bublak

Council Members

Nicole Larson

Gil Esquer

Andrew Nosrati

Becky Arellano

Vice Mayor

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.

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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 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: None

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 Monthly Demands of 6/30/20 in the amount of \$1,765,880.45; Weekly Demands of 7/16/20 in the amount of \$655,449.09; Weekly Demands of 7/23/20 in the amount of \$1,656,456.71; Weekly Demands of 7/30/20 in the amount of \$1,879,985.10; Weekly Demands of 8/6/20 in the amount of \$234,945.88
- B. Motion: Accepting Minutes of the Regular Meeting of June 9, 2020

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- C. 1. Resolution: Re-appropriating \$1,400,000 to account number 305-40-440.51270 "Construction Project" from unallocated reserves to provide adequate funding for City Project No. 0828 "SR-99/Fulkerth Road Interchange" in Fiscal Year 2020-2021
2. Motion: Approving Contract Change Orders No. 13, 15, and 16 in the amount of \$120,459.66 (Fund 305) with Agee Construction of Clovis, California, for City Project No. 0828 "SR-99/Fulkerth Road Interchange" bringing the contract total to \$11,599,173.56
- D. Motion: Accepting improvements for City Project No. 18-59 "Well 8 GAC System Rehabilitation and Site Work" and authorizing the City Engineer to file a Notice of Completion
- E. Resolution: Approving the purchase of four (4) eTuatara all-electric utility vehicles from the sole source provider Zeronox, appropriating funds for the purchase of the vehicles in the amount of \$79,576 into Fund 506 "Vehicle/Equipment Replacement" revenue account numbers 506-00-000-221.37235 "Parks, Rec & Public Facilities" for \$19,894, 506-00-000-233.37235 "Regional Sports Complex" for \$19,894, 506-00-000-234.37235 "Landscape Assessments" for \$19,894, and 506-00-000-372.37235 "Pedretti Park Capital" for \$19,894 and equipment replacement expenditure account numbers 506-00-000-221.51020 "Parks, Rec & Public Facilities" for \$19,894, 506-00-000-233.51020 "Regional Sports Complex" for \$19,894, 506-00-000-234.51020 "Landscape Assessments" for \$19,894, and 506-00-000-372.51020 "Pedretti Park Capital" for \$19,894, and authorizing the future acceptance of grant funds from the San Joaquin Valley Air Pollution Control District's Public Benefit Grant program for 100% reimbursement upon receipt of the vehicles
- F. Resolution: Accepting a monetary donation in the amount of \$1,000 to the City of Turlock Fire Department from Seo M. Yang MD and appropriating said funds to account number 110-30-300.37010_000 "Miscellaneous General"
- G. Resolution: Accepting an allocation of funds and appropriating funds for the 2020 Animal Homelessness and Cruelty Fund (AHCF) award from the California Department of Food and Agriculture (CDFA) in the amount of \$7,500 to be appropriated into revenue account number 266-20-255-348.35069 "Animal Services – Spay & Neuter Grant" and expenditure account number 266-20-255-348.47153 "Animal Services – Spay & Neuter Grant" in Fund 266 "Police Grants" Program 348 "Animal Services"
- H. Motion: Approving a Memorandum of Understanding between California State University Stanislaus and the City of Turlock to offer university students internships and service learning experience
- I. Resolution: Reaffirming the Director of Emergency Services Proclamation of Existence of a Local Emergency in response to COVID-19

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 Natural Healing Center Turlock LLC (NHC Turlock LLC), located at 3401 West Monte Vista Avenue, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 087-003-039 (*Wells/Quintero*)

Appeal of Conditional Use Permit 2020-01 (NHC Turlock LLC): The appeal hearing is being continued to September 22, 2020 due to the appellant having requested a thirty (30) day period within which additional information or arguments in support of the appeal may be filed pursuant to Turlock Municipal Code section 1-4-04. The City Council may consider the Ordinance separately from the appeal of Conditional Use Permit 2020-01.

Recommended Action:

Ordinance: Introducing an Ordinance for first reading approving a Development Agreement by and between the City of Turlock and Natural Healing Center Turlock LLC (NHC Turlock LLC), located at 3401 West Monte Vista Avenue, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 087-003-039

9. ACTION ITEMS:

- A. Request to adopt a Resolution of Support for the Police Department (*Wells*)

Recommended Action:

Resolution: Adopting a Resolution of Support for the Police Department

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
1. Monthly Budget Update (*Wells*)
 2. Streetlighting as an Enterprise Program (*Wells*)
- B. Fire Department
1. Public Safety Briefing (*Carlson*)
 2. COVID-19 Update (*Carlson*)
- C. Parks, Recreation and Public Facilities
1. Columbia Park Update (*Van Guilder*)

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: City Manager Toby Wells and City Attorney Douglas L. White

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- 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: Jason Jarboe
Agency Claimed Against: City of Turlock
- C. Public Employee Performance Evaluation, Cal. Gov't Code §54957(b)(1)
"Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session."
Title: City Manager

14. REPORTS FROM CLOSED SESSION

15. ADJOURNMENT