

City Council Agenda



SEPTEMBER 8, 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

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.

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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:

- A. Recognition: Employee of the Month, August 2020, Accountant II Sopheap Dong-Carreon
- B. Proclamation: 75th Anniversary of the End of World War II, September 8, 2020
- C. Proclamation: Jaswant Singh Khalra Day, September 6, 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 8/13/20 in the amount of \$233,888.47
- B. **Motion:** Accepting Minutes of the Regular Meeting of June 23, 2020
- C.
 - 1. **Resolution:** Re-appropriating \$202,000 to account number 413-51-539.51027_001 "Capital Clarifier #5 & MC Upgrade" from Fund 413 unallocated reserves to provide adequate funding for City Project No. 15-39C "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" in Fiscal Year 2020-2021
 - 2. **Motion:** Approving Contract Change Order No. 6 in the amount of \$53,741.53 (Non-General Fund - Fund 413) with CW Roen Construction of Danville, California for City Project No. 15-39C "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" (upgrade and expansion of the wastewater treatment plant) bringing the contract total to \$19,666,186.21
- D.
 - 1. **Resolution:** Transferring \$80,000 to account number 426-40-415-238.51270 "Construction Project" from account number 426-40-415-238.51240 "LTF Capital" to complete the necessary funding for City Project No. 17-51 "Roger K. Fall Transit Center Phase 3 TI" in Fiscal Year 2020-2021
 - 2. **Motion:** Accepting improvements and authorizing the City Engineer to file a Notice of Completion for City Project No. 17-51 "Roger K. Fall Transit Center Phase 3 TI"
- E.
 - 1. **Resolution:** Authorizing the City Manager to approve a 50% reduction in the cost of fixed route period passes (All-Day & 31-Day) and Dial-a-Ride one-way fares, restore Single-Trip fares to pre-July 2020 rates, as well as suspend Dial-a-Ride grouped travel fare options from October 1, 2020 through June 30, 2021, with financial support from the Low Carbon Transit Operations Program (LCTOP)
 - 2. **Motion:** Authorizing the City Manager, or his designee, to coordinate with State officials regarding Low Carbon Transit Operations Program (LCTOP) grants awarded to the City of Turlock, make the necessary changes, if applicable, to be consistent with grant program requirements, and execute all documents necessary to accomplish this intent
- F. **Resolution:** Approving the purchase of one (1) new Trailer Mount Thermoplastic Premelter for the Parks, Recreation and Public Facilities Department in an amount not to exceed \$72,858.78 from account number 219-40-428.51031 "Thermo Trailer" as approved by the City Council in the Fiscal Year 2019-20 adopted budget and as identified in the approved SB 1 program spending plan
- G. **Resolution:** Authorizing the acceptance of an allocation of funds, execution of a grant agreement, and the commitments necessary to administer the Selective Traffic Enforcement Program Grant through the California Office of Traffic Safety in an amount not to exceed \$60,500, appropriating said funds into Fund 266 "Police Grants" Program 352 "OTS Step Grant" revenue account number 266-20-255-352.35720 and expenditure accounts 266-20-255-352.41100_013 "Overtime OTS Step Grant" with associated benefit accounts for overtime in the amount of \$39,315, 266-20-255-352.47095_014 "Training Step Grant #PT21165" in the amount of \$3,185, and 266-20-255-352.51109_002 "Equipment – STEP Grant #PT21165" in the amount of \$18,000 for FY 2020-2021, and authorizing the City Manager to sign all documents required to apply for this grant on behalf of the City of Turlock
- H. **Resolution:** Authorizing the City Manager to continue engaging in a Joint Purchasing Plan for vehicle purchases through the State of California Contracts No. 1-18-23-10, A through H; No. 1-18-23-20, A through I; and No. 1-18-23-23, A through G, for the contract term of 5/1/18-4/30/21 along with any additional contract extensions granted by

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- the state, without compliance to the formal bid procedure pursuant to Turlock Municipal Code section 2-7-08(b)(5)
- I. **Resolution:** Rescinding Resolution No. 2018-254 and adopting an amended Conflict of Interest Code for the City of Turlock to update the list of designated employees and reporting categories for filing of the Fair Political Practices Commission (FPPC) Statement of Economic Interests Form 700

7. FINAL READINGS:

A. ***Recommended Action:***

Ordinance: Adopting an Ordinance 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*)

8. PUBLIC HEARINGS:

The City Council of the City of Turlock is holding a public hearing on behalf of Covenant Living Communities and Services (f/k/a Covenant Retirement Communities, Inc.) ("CLC") pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, and authorizing the issuance of the Series 2020A Bonds of which a portion will benefit Covenant Retirement Communities West (d/b/a Covenant Village of Turlock) and related matters.

Interested persons may access the public hearing by dialing into the toll-free telephone conference line number: 1-800-330-3765 and entering access code: 212-655-2551.

- A. Request to authorize the Issuance by the Colorado Health Facilities Authority of its Revenue Bonds, Series 2020A (Covenant Living Communities and Services) in one or more series in an aggregate principal amount not to exceed \$90,000,000 (the "Series 2020A Bonds"), of which a portion shall be for the benefit of Covenant Retirement Communities West (d/b/a Covenant Village of Turlock) for projects in Turlock, California and Related Matters (*Lorenzi*)

Recommended Action:

Resolution: Authorizing the Issuance by the Colorado Health Facilities Authority of its Revenue Bonds, Series 2020A (Covenant Living Communities and Services) in one or more series in an aggregate principal amount not to exceed \$90,000,000 (the "Series 2020A Bonds"), of which a portion shall be for the benefit of Covenant Retirement Communities West (d/b/a Covenant Village of Turlock) for projects in Turlock, California and Related Matters

- B. Request to amend Turlock Municipal Code sections 5-7-04 and 5-7-05 regarding updating outdated language related to the discharge of firearms and the operation of shooting ranges and galleries in the City of Turlock (*Amirfar*)

Recommended Action:

Ordinance: Amending Turlock Municipal Code sections 5-7-04 and 5-7-05 regarding updating outdated language related to the discharge of firearms and the operation of shooting ranges and galleries in the City of Turlock

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- C. Request for the City Clerk to confirm: a) Proof of Publication of Notice of Public Hearing; b) Signed Waiver and Consent; c) Completed and Signed Ballot and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and Ballot Declaring Election Results (Project Planner to prompt and facilitate these steps) AND Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below AND Calling a Special, Mailed-Ballot Election respecting Proposed Annexation Number 28 to existing Community Facilities District Number 2 (Services Mitigation) AND Declaring the results of Mailed-Ballot Election respecting Proposed Annexation Number 28 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation (*Quintero*)

Recommended Action:

Confirmation: City Clerk confirms: a) Proof of Publication of Notice of Public Hearing; b) Signed Waiver and Consent; c) Completed and Signed Ballot and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and Ballot Declaring Election Results (Project Planner to prompt and facilitate these steps)

Public Hearing: Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below

Resolution: Calling a Special, Mailed-Ballot Election respecting Proposed Annexation Number 28 to existing Community Facilities District Number 2 (Services Mitigation)

Resolution: Declaring the results of Mailed-Ballot Election respecting Proposed Annexation Number 28 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation

- D. Request to introduce an Ordinance for first reading adding Chapter 5-25, Industrial Hemp Regulations to Title 5, Public Welfare, Morals, and Conduct; amending section 9-1-202 regarding Definitions; adding Article 8 regarding Industrial Hemp Uses to Chapter 9-2, Regulations Applying to all Districts; amending section 9-3-302 regarding Commercial Use Classifications; amending Section 9-3-402 regarding Industrial Use Classifications; and amending Section 9-4-103 regarding Downtown Overlay Use Classifications, of the Turlock Municipal Code, to regulate industrial hemp uses (*Quintero*)

Recommended Action:

Ordinance: Introducing an Ordinance for first reading adding Chapter 5-25, Industrial Hemp Regulations to Title 5, Public Welfare, Morals, and Conduct; amending section 9-1-202 regarding Definitions; adding Article 8 regarding Industrial Hemp Uses to Chapter 9-2, Regulations Applying to all Districts; amending section 9-3-302 regarding Commercial Use Classifications; amending Section 9-3-402 regarding Industrial Use Classifications; and amending Section 9-4-103 regarding Downtown Overlay Use Classifications, of the Turlock Municipal Code, to regulate industrial hemp uses

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. Administrative Services
 - 1. Planning Commission Vacancy (*Land*)
- B. Development Services Department Monthly Update (*Bray*)
- C. Fire Department
 - 1. COVID-19 Update (*Carlson*)
- D. 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
- B. 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)
- 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: Amanoel Yonenpour
 Agency Claimed Against: City of Turlock

14. REPORTS FROM CLOSED SESSION

15. ADJOURNMENT