

City Council Agenda



FEBRUARY 23, 2021

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

Rebecka Monez
Pam Franco
Vice Mayor

Acting City Manager
Gary R. Hampton
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.

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. Briefing: COVID-19 Update, presented by Interim Fire Chief Gary Carlson

4. PUBLIC PARTICIPATION

MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE CITY COUNCIL WILL BE GIVEN THE SAME TIME ALLOTMENT FOR COMMENTS 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. 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: None

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 1/28/21 in the amount of \$1,124,189.91; Monthly Demands of 9/30/20 in the amount of \$4,934,340.14; Monthly Demands of

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- 10/31/20 in the amount of \$2,251,271.34; Monthly Demands of 12/31/20 in the amount of \$4,397,967.79
- B. Motion: Accepting Minutes of the Regular Meeting of December 8, 2020; Minutes of the Special Meeting of January 5, 2021; Minutes of the Special Meeting of January 7, 2021
- C. Motion: Approving the Final Map and Subdivision Improvement Agreement with KB Home North Bay, LLC, conditioned upon construction of improvements for the Les Chateaux subdivision (Development Project No. 14-76)
- D. 1. Motion: Approving Contract Change Order No. 4 (Final) in the amount of \$27,460.92 (Non-General Fund – Fund 410) for City Project No. 19-33 “Dried Solids Storage Area” bringing the contract total to \$2,896,775.92
2. Motion: Accepting Improvements and authorizing the City Engineer to file a Notice of Completion for City Project No. 19-33 “Dried Solids Storage Area”
- E. 1. Motion: Approving Amendment No.1 to an Agreement with Bureau Veritas North America, Inc. for plan check services, increasing the total compensation amount by \$500,000 (Non-General Fund – Fund 405), bringing the contract total to \$1,300,000 for the remaining term of the Agreement and renewal periods if exercised
2. Resolution: Appropriating \$800,000 to account number 405-40-405.43260 “Plan Check Services” from Fund 405 “Building” unassigned reserves to provide adequate funding to utilize professional plan check services
- F. 1. Resolution: Authorizing the execution of a service agreement between Delta Wireless, Inc., of Stockton, CA, and the City of Turlock in an amount not to exceed \$185,000 for the maintenance and service of the radio system including all portable and mobile radios for the period of July 1, 2020 through June 30, 2021, in a form approved by the City Attorney, and authorizing the City Manager to sign the agreement between Delta Wireless and the City of Turlock
2. Resolution: Approving the sole source procurement of radio system support services and equipment from Delta Wireless, Inc., of Stockton, CA, contingent on the availability of budgeted funds, without compliance to formal bid procedures in accordance with Turlock Municipal Code Section 2-7-08(b)(6)
- G. 1. Resolution: Rescinding Resolution No. 2020-199 and adopting a new Resolution appropriating a total of \$774,938 in matching funds as required by the COPS Grant for ongoing salary and benefit expenses for three (3) consecutive years beginning in Fiscal Year 2020-2021 from the General Fund unassigned reserves through a transfer from account number 110-20-210.48001_220 “Transfers Out to Fd 266 COPS Grant Match” to account number 266-20-255-361.38001_220 “Transfers In COPS Grant Match” for Fiscal Year 2020-2021
2. Resolution: Appropriating \$189,484 for one-time equipment and related expenses relative to the COPS Grant from the Cannabis Fund unassigned reserves through a transfer from account number 117-10-190.48001_220 “Transfers Out To Fd 266 COPS Grant Match” to account number 266-20-255-361.38001_220 “Transfers In COPS Grant Match” for Fiscal Year 2020-2021
- H. Resolution: Establishing a separate fund (Fund 117) within the General Fund to account for Cannabis related revenue and expenditure activity for FY 2020-2021 and all subsequent fiscal years and transferring all revenue and expenditure activity in FY 2020-2021 to date from Fund 110 to Fund 117 and recording budget for Cannabis activity in Fund 117
- I. Resolution: Establishing a separate fund (Fund 118) within the General Fund to account for Measure A (local three-quarter (3/4) cent transaction (sales) and use tax) related revenue and expenditure activity approved by voters on November 3, 2020 to take effect April 1, 2021 and appropriating \$2.7 million of revenue to Fund 118 in FY 2020-2021 and accounting for all related revenue and expenditure activity in all subsequent fiscal years in Fund 118

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- J. Motion: Approving a Professional Services Agreement with Cooperative Personnel Services dba CPS HR Consulting of Sacramento, CA, for temporary professional human resources services for the Human Resources Division, in an amount not to exceed \$65,000, effective February 15, 2021
- K. Resolution: Approving City-wide pay ranges for part-time employees in accordance with California Department of Industrial Relations Minimum Wage requirement, effective January 1, 2021

7. **FINAL READINGS:** None

8. **PUBLIC HEARINGS:** None

9. **ACTION ITEMS:**

- A. Request to award bid and approve an Agreement in the amount of \$142,369.85 (Non-General Fund 410) with Arrow Construction, Inc., of Sacramento, for City Project No. 20-011 "City Utility Trench Repair 2020" AND appropriate \$92,000 to account number 410-51-531.43145 "Pave Trenches" from Fund 410 "Water Quality Control (WQC)" unassigned reserves and \$92,000 to account number 420-52-550.43145 "Pave Trenches" from Fund 420 "Water" unassigned reserves to provide necessary funding for City Project No. 20-011 "City Utility Trench Repair 2020" (*Bray*)

Recommended Action:

Motion: Awarding bid and approving an Agreement in the amount of \$142,369.85 (Non-General Fund - Fund 410) with Arrow Construction, Inc., of Sacramento, California, for City Project No. 20-011 "City Utility Trench Repair 2020"

Resolution: Appropriating \$92,000 to account number 410-51-531.43145 "Pave Trenches" from Fund 410 "Water Quality Control (WQC)" unassigned reserves and \$92,000 to account number 420-52-550.43145 "Pave Trenches" from Fund 420 "Water" unassigned reserves to provide necessary funding for City Project No. 20-011 "City Utility Trench Repair 2020"

- B. Request to authorize a no-interest loan in the amount of \$1.8 million from the General Fund unassigned reserves to be repaid with revenue generated from cannabis activity to fund the Columbia Park Pool and Splash Pad repairs project as outlined in Option "A" of the Columbia Park Master Plan Project with a twenty-four (24) month re-payment term and priority of cannabis revenue given to complete the repairs to the Columbia Park Pool and Splash Pad prior to utilizing cannabis revenue for any other project AND appropriate \$175,000 to account number 301-61-620.51300 "Construction Repairs/Improvements" to have the Columbia Park Pool and Splash Pad repairs project, as outlined in Option "A" of the Columbia Park Master Plan Project, fully designed and engineered including all ADA improvements AND authorize a community fundraising campaign to offset the cost to repair Columbia Park Pool and Splash Pad as outlined in Option "A" of the Columbia Park Master Plan Project AND authorize an Agreement with O'Dell Engineering Inc. of Modesto, California in the amount of \$160,000 for design and engineering services for Columbia Park Pool and Splash Pad, in a form approved by the City Attorney (*Van Guilder*)

Recommended Action:

Resolution: Authorizing a no-interest loan in the amount of \$1.8 million from the General Fund unassigned reserves to be repaid with revenue generated from cannabis activity to fund the Columbia Park Pool and Splash Pad repairs project as outlined in Option “A” of the Columbia Park Master Plan Project with a twenty-four (24) month re-payment term and priority of cannabis revenue given to complete the repairs to the Columbia Park Pool and Splash Pad prior to utilizing cannabis revenue for any other project

Resolution: Appropriating \$175,000 to account number 301-61-620.51300 “Construction Repairs/Improvements” to have the Columbia Park Pool and Splash Pad repairs project, as outlined in Option “A” of the Columbia Park Master Plan Project, fully designed and engineered including all ADA improvements

Resolution: Authorizing a community fundraising campaign to offset the cost to repair Columbia Park Pool and Splash Pad as outlined in Option “A” of the Columbia Park Master Plan Project

Motion: Authorizing an Agreement with O’Dell Engineering Inc. of Modesto, California in the amount of \$160,000 for design and engineering services for Columbia Park Pool and Splash Pad, in a form approved by the City Attorney

- C. Request to authorize the use of CARES Act funds to support public safety through the temporary reassignment of two (2) School Resource Officers to Patrol whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency by appropriating \$285,000 from account number 110-10-189.48001_325 “Transfer Out to Respond to COVID-19 Pandemic” to account number 110-20-210.38001_325 “Transfer In from CARES Act Funds” AND authorize the use of CARES Act funds to support public safety by ensuring minimum staffing levels in the Fire Department, thereby, providing adequate response to the public health emergency and affirm the appropriation of \$1,200,000 to account numbers in 110-10-189 for overtime salary and benefits (*Williams/Carlson*)

Recommended Action:

Resolution: Authorizing the use of CARES Act funds to support public safety through the temporary reassignment of two (2) School Resource Officers to Patrol whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency by appropriating \$285,000 from account number 110-10-189.48001_325 “Transfer Out to Respond to COVID-19 Pandemic” to account number 110-20-210.38001_325 “Transfer In from CARES Act Funds”

Resolution: Authorizing the use of CARES Act funds to support public safety by ensuring minimum staffing levels in the Fire Department, thereby, providing adequate response to the public health emergency and affirming the appropriation of \$1,200,000 to account numbers in 110-10-189 for overtime salary and benefits

- D. Request to approve an Agreement between the City of Turlock and Petrulakis Law & Advocacy, APC, regarding the providing of Interim City Attorney Services (*Hampton*)

Recommended Action:

Motion: Approving an Agreement between the City of Turlock and Petrulakis Law & Advocacy, APC, regarding the providing of Interim City Attorney Services

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. Public Safety Briefing (*Carlson*)
- B. Municipal Services
 - 1. Monthly Departmental Update (*Brown*)
- C. Police Department
 - 1. Public Safety Briefing (*Williams*)

11. COUNCIL ITEMS FOR FUTURE CONSIDERATION

Requests for Council items for future consideration will be scheduled in accordance with Resolution No. 2008-019.

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: Interim Fire Chief Gary Carlson and City Attorney Douglas L. White
- 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: Brandee Sloan
 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: Baljinder Randhawa
 Agency Claimed Against: City of Turlock

- D. 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: Zulema Batista
 Agency Claimed Against: City of Turlock
- E. 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: Dmitriy Kozlov
 Agency Claimed Against: City of Turlock
- F. Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)
"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation."
 Agency Designated Representative: Human Resources Manager Sarah Eddy
 Employee Organization: Turlock Associated Police Officers
 Employee Organization: Turlock City Employees Association
 Employee Organization: Turlock Firefighters Association-Local 2434
 Employee Organization: Turlock Management Association-Public Safety
 Unrepresented Employees: Accountant, Sr., Administrative Analyst, Administrative Services Director, Assistant to the City Manager for Economic Development/Community Housing, Chief Building Official, City Clerk, Community Housing Program Supervisor, Deputy Director Development Services/Planning, Development Services Director, Development Services Supervisor/City Surveyor, Executive Administrative Assistant/Deputy City Clerk, Executive Administrative Assistant/Municipal Services, Executive Administrative Assistant/Public Safety, Fire Chief, Human Resources Analyst, Sr., Human Resources Manager, Human Resources Technician, Information Technology Manager, Legal Assistant, Municipal Services Deputy Director, Municipal Services Director, Office Assistant I, Parks, Recreation and Public Facilities Director, Parks, Recreation and Public Facilities Manager, Payroll Coordinator, Police Business Unit Supervisor, Police Chief, Principal Civil Engineer, Regulatory Affairs Manager, Transit Manager, Utilities Manager, and Water Quality Control Division Manager.
- G. Public Employee Discipline/Dismissal/Release, Cal. Gov't Code §54957(b)(1)

14. REPORTS FROM CLOSED SESSION

15. ADJOURNMENT