

City Council Agenda



MAY 25, 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 BE OPEN TO THE PUBLIC. SEATING CAPACITY WILL BE LIMITED TO THE FIRST 14 PEOPLE, ON A FIRST COME FIRST SERVE BASIS. COMPLIANCE WITH ALL HEALTH & SAFETY GUIDELINES INCLUDING COVID-19 SCREENING, TEMPERATURE CHECKS, FACE COVERINGS, AND PHYSICAL DISTANCING MEASURES WILL BE REQUIRED FOR IN-PERSON ATTENDANCE. PLEASE PLAN TO ARRIVE APPROXIMATELY 15 MINUTES PRIOR TO THE SCHEDULED MEETING START TIME TO ALLOW FOR SCREENING PROCESSES. FOR MORE INFORMATION, PLEASE VISIT THE CITY OF TURLOCK WEBSITE AT WWW.CITYOFTURLOCK.ORG.

THIS 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
Interim City Attorney
George A. Petrulakis

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 agendaized 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, March 2021, Accounts Payable Clerk Danette Peterson
- B. Recognition: Employee of the Month, April 2021, Public Works Construction Inspector, Sr. Manuel Quintero
- C. Proclamation: In Honor of the Retirement of Transit Planner Scott Medeiros
- D. Recognition: Special recognitions, presented by Mayor Bublak
- E. 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

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 4/29/21 in the amount of \$1,740,701.05; Weekly Demands of 5/6/21 in the amount of \$4,868,379.87
- B. **Motion:** Accepting Minutes of the Regular Meeting of March 23, 2021; Minutes of the Special Meeting of April 1, 2021; Minutes of the Regular Meeting of April 13, 2021
- C.
 1. **Motion:** Approving Amendment No. 2 with NV5, Inc. of Manteca, California, in the amount of \$19,250 (Fund 305), bringing the contract total to \$1,461,266.98 for construction management services for City Project No. 0828 "SR-99/Fulkerth Road Interchange" and extending the term of the agreement to July 31, 2021
 2. **Motion:** Approving Contract Change Order Nos. 26, 28, 29, and 30 (Final) with Agee Construction of Clovis, California, in the amount of \$119,641.09 (Fund 305), bringing the contract total to \$12,341,574.93 for construction of City Project No. 0828 "SR-99/Fulkerth Road Interchange"
 3. **Motion:** Accepting improvements and authorizing the City Engineer to file a Notice of Completion for City Project No. 0828 "SR-99/Fulkerth Road Interchange"
 4. **Resolution:** Appropriating \$140,000 to account number 305-40-440.51270 "Construction Project" from Fund 305 (Roadways) Unassigned Reserves to complete funding for City Project No. 0828 "SR-99/Fulkerth Road Interchange"
- D. **Motion:** Authorizing staff to proceed with the design of road rehabilitation for City Project No. 21-018 "Lander Avenue Rehabilitation" using Fund 218 "Measure L" funds
- E. **Resolution:** Initiating proceedings for filing of the Annual Report for Fiscal Year 2021-22 for all Landscaping and Lighting Assessment Districts (Exhibit A) and all Street Maintenance Benefit Assessment Areas (Exhibit B) in the City of Turlock and directing the City Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to each lot of each development
- F. **Motion:** Approving Amendment No. 2 to an Agreement with Stott Outdoor Advertising of Chino, California, increasing the term of the Agreement by five (5) months through December 31, 2021, and updating contract administrator information
- G.
 1. **Motion:** Authorizing the City Manager to terminate a University Pass Transit Funding Agreement with Associated Students, Inc. (ASI) of California State University, Stanislaus (CSUS) in recognition of major reductions to student ridership demand associated with pandemic-related campus closures and unknown, long-term plans for transition back to on-campus learning and operations
 2. **Motion:** Authorizing the City Manager, or his or her designee, to continue discussions with representatives from California State University, Stanislaus (CSUS), Associated Students, Inc. (ASI) of California State University, Stanislaus, and regional transportation partners to identify a solution for the CSUS campus that encourages increased use of transit and non-motorized transportation
- H. **Resolution:** Approving Transportation Development Act (TDA) transit claims for Local Transportation Funds (LTF) funding and State Transit Assistance (STA) funding with the Stanislaus Council of Governments (StanCOG) associated with the Roger K. Fall Transit Center, the Turlock-Denair Amtrak Station, and Turlock Transit services for Fiscal Year 2021-22, and authorizing the City Manager to sign and submit the subject claims
- I. **Motion:** Approving Amendment No.1 to City Contract No. 2021-41 in the amount of \$800,000 with Bureau Veritas North America Inc. bringing the contract total to \$1,000,000 for building inspection services
- J. **Motion:** Approving Amendment No. 1 to a Professional Services Agreement between the City of Turlock and Cooperative Personnel Services dba CPS HR Consulting for

- temporary professional human resource services, to increase the contract amount by \$30,000 for a total amount not to exceed \$95,000 through June 30, 2021
- K. Resolution: Authorizing the continued engagement of the law firm of Atkinson, Andelson, Loya, Ruud & Romo to provide labor negotiation and labor/employment law services to the City of Turlock pursuant to an updated Attorney Representation Agreement effective July 1, 2021 through June 30, 2022, and appropriating \$135,000 to account number 110-10-109.43010 "Contract Attorney" from Fund 110 "General Fund" unassigned reserves for anticipated fees through June 30, 2021
 - L. Resolution: Approving modifications to the job description for the position of Financial Customer Services Supervisor, effective May 25, 2021
 - M. Resolution: Approving the payment of funds related to monies received from the contractual arrangement between Mountain-Valley EMS Agency ("MVEMSA") and the County of Stanislaus emergency medical services ("EMS") transportation provider to Turlock Firefighters, Local #2434 pursuant to the Settlement Agreement resolving Unfair Practice Charge No. SA-CE-1114-M from Account Number 110-30-300.47557 "EMS Contract Expense"
 - N.
 - 1. Resolution: Authorizing the examination of the Bradley-Burns Local Sales or Transactions and Use Tax records
 - 2. Motion: Approving the Amendment and Novation Agreement to Contract between Municipal Resource Consultants and MuniServices, LLC and City of Turlock for sales tax audit services to include examination of the Local Sales or Transactions and Use Tax records pertaining to the Bradley-Burns Local Sales and Use Tax Law which is part of the Revenue and Taxation Code in California
 - O.
 - 1. Resolution: Authorizing the examination of the Measure A Local Transactions (Sales) and Use Tax records
 - 2. Motion: Approving Amendment No. 1 to an Agreement with MuniServices LLC for sales tax audit services to include examination of the Local Transactions (Sales) and Use Tax records pertaining to Measure A
 - P.
 - 1. Motion: Approving Contract Change Order No. 1 in the amount of \$142,369.80 (Non-General Fund - Fund 410) with Arrow Construction, Inc., of Sacramento, California, for City Project No. 20-011 "City Utility Trench Repair 2020," bringing the contract total to \$284,739.65
 - 2. Resolution: Appropriating \$71,185 to account number 410-51-531.43145 "Pave Trenches" from Fund 410 "Water Quality Control (WQC)" unassigned reserves and \$71,185 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"
 - Q. Resolution: Reducing the appropriation originally approved on February 23, 2021 by Resolution No. 2021-031 by \$74,169 from 110-20-210.38001_325 "Transfers In from CARES Act Funds" back to unassigned balance of CARES Act Fund 110-10-189 for funding not utilized for the two (2) School Resource Officer salaries due to the reopening of secondary schools and School Resource Officers being reassigned to high schools

7. **FINAL READINGS:**

- A. **Recommended Action:**
 - Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2020-01 Planned Development 279 (Fifth Street Community)] (*Quintero*)
 - Resolution: Establishing Conditions of Approval for Planned Development 279 (Fifth Street Community) (*Quintero*)

8. PUBLIC HEARINGS:

- A. Request to Rescind Resolution No. 2016-129 and adopt a new Resolution updating the 2020 Urban Water Management Plan and Water Shortage Contingency Plan for the City of Turlock (*Brown*)

Recommended Action:

Resolution: Rescinding Resolution No. 2016-129 and adopting a new Resolution updating the 2020 Urban Water Management Plan and Water Shortage Contingency Plan for the City of Turlock

- B. Request to Amend the Turlock Municipal Code Title 6, Chapter 7, regarding water conservation and education in accordance with Department of Water Resources' (DWR) new requirements for urban water suppliers to adopt within the Water Shortage Contingency Plan (WSCP) (*Brown*)

Recommended Action:

Ordinance: Amending the Turlock Municipal Code Title 6, Chapter 7, regarding water conservation and education in accordance with Department of Water Resources' (DWR) new requirements for urban water suppliers to adopt within the Water Shortage Contingency Plan (WSCP)

9. ACTION ITEMS:

- A. Request to Authorize the sole source specification of various equipment and sole source procurement of pumps, pump motors, and variable frequency drives identified in the included tables necessary for construction of City Project No. 18-69 "Surface Water Distribution System Improvements" without compliance to formal bidding procedures pursuant to Turlock Municipal Code Sections 2-7-08(b)(2) and 2-7-08(b)(6) AND Approve the advertisement for construction bids for City Project No. 18-69 "Surface Water Distribution System Improvements" (*Fremming*)

Recommended Action:

Resolution: Authorizing the sole source specification of various equipment and sole source procurement of pumps, pump motors, and variable frequency drives identified in the included tables necessary for construction of City Project No. 18-69 "Surface Water Distribution System Improvements" without compliance to formal bidding procedures pursuant to Turlock Municipal Code Sections 2-7-08(b)(2) and 2-7-08(b)(6)

Motion: Approving the advertisement for construction bids for City Project No. 18-69 "Surface Water Distribution System Improvements"

- B. Request to Approve a new job description for the position of Program Manager, effective July 1, 2021 AND Authorize the hiring of one (1) Program Manager in the Development Services Department – Engineering Division and authorizing the City Manager to offer hiring incentives based on qualifications not to exceed 40 hours of sick leave, 80 hours of vacation, and \$6,000 to be distributed 50% on the date of hire and 50% on completion of probation (*Bray*)

Recommended Action:

Resolution: Approving a new job description for the position of Program Manager, effective July 1, 2021

Resolution: Authorizing the hiring of one (1) Program Manager in the Development Services Department – Engineering Division and authorizing the City Manager to offer hiring incentives based on qualifications not to exceed 40 hours of sick leave, 80 hours of vacation, and \$6,000 to be distributed 50% on the date of hire and 50% on completion of probation

- C. Request to Approve an Agreement with Community Housing and Shelter Services (CHSS), a non-profit organization, to administer a rent, mortgage, and utility assistance program to eligible households as prescribed in Attachment A and authorize the City Manager to execute all necessary documents (*Ramos*)

Recommended Action:

Motion: Approving an Agreement with Community Housing and Shelter Services (CHSS), a non-profit organization, to administer a rent, mortgage, and utility assistance program to eligible households as prescribed in Attachment A and authorizing the City Manager to execute all necessary documents

- D. Request to seek direction from Council relative to funding priorities and possible changes to the proposed activities contained in the approved 2021-2022 Annual Action Plan that could either be included in the existing proposed activities or constitute a substantial amendment Annual Action Plan (*Ramos*)

Recommended Action:

Motion: Seeking direction from Council relative to funding priorities and possible changes to the proposed activities contained in the approved 2021-2022 Annual Action Plan that could either be included in the existing proposed activities or constitute a substantial amendment

- E. Request to Provide direction to staff regarding the review, interview and/or selection processes for the Measure A Citizens Oversight Committee (*Hampton/Land*)

Recommended Action:

OPTION 1:

Motion: Calling a special meeting to review the applications received for the Measure A Citizens Oversight Committee, interview all applicants, and appoint members to serve on the Committee

OPTION 2:

Motion: Appointing a subcommittee comprised of two (2) members of Council to review the applications received for the Measure A Citizens Oversight Committee, provide a list of top-ranking applicants to be considered or interviewed by the City Council for appointment at a special meeting

OPTION 3:

Motion: Appointing a subcommittee comprised of two (2) members of City staff overseen by the Mayor to review the applications received for the Measure A Citizens Oversight Committee to identify and recommend for appointment the two (2) applicants with the greatest financial background and conduct a random draw of the remaining applicants for appointment by Council

OPTION 4:

Motion: Providing direction to staff regarding alternative review, interview and/or selection processes for the Measure A Citizens Oversight Committee

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 (*Hampton/Silva*)
 - 2. Unsheltered Homeless and Encampments Crisis Update (*Hampton/Williams*)
- B. Fire Department
 - 1. Public Safety Briefing (*Carlson*)
- C. Municipal Services
 - 1. Monthly Departmental Update (*Brown*)
- D. 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. Conference with Legal Counsel – Initiation of Litigation, Cal. Gov't Code §54956.9(d)(4)
“For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.
Potential Case: (1 case)
- B. 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.

C. Public Employee Discipline/Dismissal/Release, Cal. Gov't Code §54957(b)(1)

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: Inderjit & Harinder Toor

Agency Claimed Against: City of Turlock

E. 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