

City Council Meeting Minutes



February 14, 2023

6:00 p.m.

City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

And Via Telephone:

Portola Hotel at Monterey Bay

Two Portola Plaza, Monterey, CA 93940

831-649-4511

CALL TO ORDER

Mayor Bublak called the meeting to order at 6:00 p.m.

SALUTE TO THE FLAG

ROLL CALL AND DECLARATION OF CONFLICTS

Present: Councilmembers Cassandra Abram, Kevin Bixel, Rebecka Monez, Vice Mayor Pam Franco, and Mayor Amy Bublak.

Absent: None

| Councilmember Abram | Councilmember Bixel | Councilmember Franco | Councilmember Monez | Mayor Bublak |
|------------------------|------------------------|-------------------------|------------------------|-----------------|
| None | None | None | None | None |

1. APPROVAL OF AGENDA AS POSTED OR AMENDED

Vice Mayor Franco requested to amend the agenda to move public participation to after Action Item 8D.

Action: Motion by Vice Mayor Franco, seconded by Councilmember Bixel, to approve the agenda as amended. Motion carried 5/0 by the following vote:

| Councilmember Abram | Councilmember Bixel | Councilmember Franco | Councilmember Monez | Mayor Bublak |
|------------------------|------------------------|-------------------------|------------------------|-----------------|
| Yes | Yes | Yes | Yes | Yes |

2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS, PRESENTATIONS, AND BRIEFINGS

A. Presentation: Certificate of Recognition to Audrey Gemperle for earning the rank of Eagle Scout

Mayor Bublak presented a certificate to Audrey Gemperle in recognition of earning the rank of Eagle Scout.

B. Proclamation: Tim Redd, Retirement

Mayor Bublak presented a proclamation in honor of Tim Redd's retirement from the Turlock Police Department.

C. Briefing: Amendment to Turlock Municipal Code (TMC) Title 5, Chapter 20, Camping on Public Property Ordinance and Turlock Municipal Code (TMC) Title 5, Chapter 6, Sidewalk Displays Ordinance (*Petrulakis*)

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City Attorney Petrulakis provided a presentation on amendments to the Turlock Municipal Code Title 5, Chapter 20, Camping on Public Property Ordinance and Title 5, Chapter 6, Sidewalk Displays. He explained the amendment to the camping ordinance would enhance the unlawful camping laws by adding prohibitions on unlawful camping near locations where children congregate, namely daycare centers, schools and playgrounds. He stated some questions related to this are whether the 600' requirement is appropriate and whether there were other land uses which should be mentioned in addition to the three listed. Regarding the amendment to Turlock Municipal Code Title 5, Chapter 6, Sidewalk Displays Ordinance, he stated the amendment addressed obstructed sidewalks during business hours and prohibited obstruction of commercial sidewalks during certain specified times.

City Attorney Petrulakis stated that staff is requesting input from the City Council on these amendments.

City Council discussed this item with City Attorney Petrulakis and City staff.

Mayor Bublak opened this item for public comment. The following members of the public provided comment:

Milt Trieweiler
Mary Jackson
Ramon Rodriguez
Ryan Taylor

With no further comment, Mayor Bublak closed public comment.

Councilmember Abram expressed concerns that the commercial sidewalk ordinance was written too broadly and would rather see the ordinance tailored to the issue of obstructing the sidewalks and maintaining public access to buildings, sidewalks, etc. She does not feel the City should prevent people from being in public spaces if they are not inhibiting or impeding the access of someone else. In regards to the unlawful camping ordinance, she requested to see what areas were included in the 600' radius of the sensitive areas mentioned earlier.

Vice Mayor Franco stated she would like to see these ordinances be applied city-wide.

3. PUBLIC PARTICIPATION

Public Participation was moved to after Action Item 8D.

4. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE

Action: Motion waiving reading of all ordinances on the Agenda, except by title. Motioned by Vice Mayor Franco, seconded by Councilmember Abram, and carried 5/0 by the following vote:

| Councilmember Abram | Councilmember Bixel | Councilmember Franco | Councilmember Monez | Mayor Bublak |
|------------------------|------------------------|-------------------------|------------------------|-----------------|
| Yes | Yes | Yes | Yes | Yes |

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5. CONSENT CALENDAR

Mayor Bublak noted that there was a correction to Consent Item 5B.

- A. Resolution 2023-031: Accepting the Weekly Demands of 1/19/2023 in the amount of \$8,792,147.16, 1/26/2023 in the amount of \$1,565,119.77, and 2/2/2023 in the amount of \$,064,763.74
- B. Motion: Accepting Minutes of the 01/10/2022 Regular City Council Meeting
- C. Resolution 2023-032: Approving Amendment No. 2 to City Contract 2020-3 with Champion Industrial Contractors, Inc. for preventive maintenance, filter change-out, and repair services for HVAC units for City-owned and leased buildings, in the amount of \$125,000 and bringing the not-to-exceed compensation amount to \$625,000 (*Schulze*)
- D. Resolution 2023-033: Accepting up to \$30,500 of available funds under the Senior Nutrition Infrastructure Grant and authorizing the City Manager to execute any agreements relative to the Senior Nutrition Infrastructure Grant and appropriating \$30,500 to Revenue Account Number 270-61-635-420.35720 "Revenue" and \$30,500 to Expense Account Number 270-61-635-420.44001_000 "Supplies-General" for reimbursable expenses relative to the Senior Nutrition Infrastructure Grant (*Schulze*)
- E. Resolution 2023-034: Awarding RFP No. 2022-020 and approving an agreement for services with Telcion Communications Group for the SCADA Network Infrastructure Replacement for the Municipal Services Department in the total compensation amount not to exceed \$215,000 which includes a 10% contingency (*Goodman*)
- F. Resolution 2023-035: Authorizing the City Manager to amend the agreement with Mid Valley IT and appropriate \$50,000 from fund 501 "Information Technology" account 501-10-130.430060_000 "Contract Services" from unrestricted reserves to continue to provide Information Technology operational management support (*Loehr*)
- G. Resolution 2023-036: Accepting a donation to the City of Turlock Police Department K-9 Program from Corson Foundation for Canine Specialty not to exceed \$37,000, and appropriating said funds to revenue account number 266-20-255-346.37200_000 "Donations General" and expense account number 266-20-255-346.47115 "K-9 Expenses" in Fund 266 "Police Services Grants" in support of the purchase of two police service dogs and necessary training (*Hedden*)
- H. Resolution 2023-037: Accepting an allocation of funds to administer the Federal FY 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) from the United States Department of Justice, Office of Criminal Justice Programs, in the amount of \$32,053, and appropriating said funds to account number 266-20-255-341.35720_012 "Revenue JAG Grant 15PBJA-22-GG-02516-JAGX" and account number 266-20-255-341.51107_012 "JAG Expenses 15PBJA-22-GG-02516-JAGX" in Fund 266 "Police Services Grants" (*Hedden*)

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- I. Resolution 2023-038: Approving the employment of a CalPERS Annuitant (Interim Housing Program Manager) pursuant to CalPERS Requirements (*Dhami*)
- J. Resolution 2023-039: Approving a Memorandum of Understanding between California State University Stanislaus and the City of Turlock to become a formal CareerReadyU employer partner (*Dhami*)

Action: Motion by Vice Mayor Franco, seconded by Councilmember Abram, to adopt the Consent Calendar and carried 5/0 by the following vote:

| | | | | |
|------------------------|------------------------|-------------------------|------------------------|-----------------|
| Councilmember Abram | Councilmember Bixel | Councilmember Franco | Councilmember Monez | Mayor Bublak |
| Yes | Yes | Yes | Yes | Yes |

6. FINAL READINGS

None

7. PUBLIC HEARINGS

- A. Introduction and first reading of an Ordinance repealing and replacing Turlock Municipal Code (TMC) Title 5, Chapter 4, Article 06, Social Host Liability, regulating parties and events involving underage drinking of alcoholic beverages and ingestion of cannabis (*Hedden*)

Police Chief Hedden provided an introduction and first reading of an ordinance repealing and replacing Turlock Municipal Code Title 5, Chapter 4, Article 6, Social Host Liability. He provided the updates to the ordinance which included updated administrative fines and added language to include cannabis.

Mayor Bublak opened the item for public comment. The following individuals provided comment:

Ryan Taylor
Ramon Rodriguez

With no further comment, Mayor Bublak closed public participation. Chief Hedden addressed questions presented by the public.

There was discussion on changing the language under B. Definitions, Section 2, "...and any other product of cannabis that can be smoked or ingested" to read "and any other product of cannabis that can be consumed in any form."

Action: Motion: Introduce and provide first reading of an Ordinance repealing and replacing Turlock Municipal Code (TMC) Title 5, Chapter 4, Article 06, Social Host Liability, regulating parties and events involving underage drinking of alcoholic beverages and ingestion of cannabis to include the amended language of "consumed in any form" as introduced by Vice Mayor Franco, seconded by Councilmember Bixel, and carried 5/0 by the following vote:

| | | | | |
|------------------------|------------------------|-------------------------|------------------------|-----------------|
| Councilmember Abram | Councilmember Bixel | Councilmember Franco | Councilmember Monez | Mayor Bublak |
| Yes | Yes | Yes | Yes | Yes |

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- B. Introduction and first reading of an Ordinance amending Turlock Municipal Code (TMC) Title 4, to add Chapter 20, Spectators Prohibited at Street Races and Reckless Driving Exhibitions (*Hedden*)

Turlock Police Department Captain Pacheco introduced and conducted the first reading on an ordinance amending Turlock Municipal Code (TMC) Title 4, to add Chapter 20, Spectators Prohibited at Street Races and Reckless Driving Exhibitions. Captain Pacheco stated that language was added to the ordinance to include the prohibition of spectators at sideshows and discussed the areas of town where this type of activity frequently occurs, the types of issues these activities create, and the dangers of enforcement.

Captain Pacheco responded to questions from the City Council.

Mayor Bublak opened the item for public comment. The following individuals provided comment:

Milt Trieweiler
Ramon Rodriguez
Ryan Taylor
Mary Jackson

With no further comment, Mayor Bublak closed public participation. Captain Pacheco and City Attorney Petrulakis addressed questions presented by the public.

Action: *Motion:* Introduce and conduct first reading of an Ordinance amending Turlock Municipal Code (TMC) Title 4, to add Chapter 20, Spectators Prohibited at Street Races and Reckless Driving Exhibitions as introduced by Vice Mayor Franco, seconded by Councilmember Abram and carried 5/0 by the following vote:

| Councilmember Abram | Councilmember Bixel | Councilmember Franco | Councilmember Monez | Mayor Bublak |
|------------------------|------------------------|-------------------------|------------------------|-----------------|
| Yes | Yes | Yes | Yes | Yes |

- C. Introduction and first reading of an Ordinance approving a Development Agreement by and between the City of Turlock and Evergreen Market Turlock, Inc. located at 101 E Glenwood Avenue, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 044-022-013 (*Quintero*)

Development Services Director Quintero introduced and conducted the first reading on an ordinance approving a Development Agreement by and between the City of Turlock and Evergreen Market Turlock, Inc. She briefly reviewed the history of the original Development Agreement request and discussed the current application process. Director Quintero stated the proposed agreement required a five (5) year term and a public benefit amount of no less than \$25,000 per month, or 5.25% of gross receipts, on a monthly basis during the first year of operation with a minimum monthly amount increasing \$5,000 per month annually afterward.

Director Quintero noted items that had been updated from the original Development Agreement which included updated language to the definitions to reflect changes that had occurred within state law, the deposit amount Evergreen paid, and in regards to Section 2.3, the time the

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business needed to be operational was changed, at the request of Evergreen, from six (6) months to twelve (12) months. She stated that a new section was added to the agreement to acknowledge that Evergreen would not use the existing pole sign located on the property.

Director Quintero, City Attorney Petrulakis and Finance Director Moreno responded to questions from the City Council.

Ariana Van Alstine, attorney for Evergreen, addressed questions posed by the City Council.

Mayor Bublak opened the item for public comment and the following individuals spoke:

Mary Jackson

With no further comment, Mayor Bublak closed public comment.

Director Quintero and City Attorney Petrulakis responded to questions from the public.

Action: Motion: Introduce and conduct first reading of an Ordinance approving a Development Agreement by and between the City of Turlock and Evergreen Market Turlock, Inc. located at 101 E Glenwood Avenue, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 044-022-013 as introduced by Vice Mayor Franco, seconded by Councilmember Abram, and carried 4/1 by the following vote:

| Councilmember Abram | Councilmember Bixel | Councilmember Franco | Councilmember Monez | Mayor Bublak |
|------------------------|------------------------|-------------------------|------------------------|-----------------|
| Yes | Yes | Yes | Yes | No |

8. ACTION ITEMS

- A. Approving a Memorandum of Understanding (MOU) between the City of Turlock and the City of Modesto for formalized fleet maintenance services (*Jelinek*)

Chief Harcksen provided a staff report regarding the approval of a Memorandum of Understanding between the City of Turlock and the City of Modesto for formalized fleet maintenance services. He reviewed the services to be included for City of Turlock fire apparatus and discussed the benefits to the City if the agreement was approved.

Mayor Bublak opened the item for public comment and with no comment received, closed the public comment period.

Action: Resolution 2023-040: Approving a Memorandum of Understanding (MOU) between the City of Turlock and the City of Modesto for formalized fleet maintenance services as introduced by Vice Mayor Franco, seconded by Councilmember Abram, and carried 5/0 by the following vote:

| Councilmember Abram | Councilmember Bixel | Councilmember Franco | Councilmember Monez | Mayor Bublak |
|------------------------|------------------------|-------------------------|------------------------|-----------------|
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- B. Adopting amendments to the Fiscal Year 2022-2023 Budget as a result of the mid-year budget review (*Moreno*)

Finance Director Moreno provided a presentation on the mid-year budget review for fiscal year 2022-2023. He reviewed the General Fund, discussed sales tax revenue, and talked about the General Fund Reserve. He anticipated bringing the financial statements next month along with a fiscal reserve policy for City Council’s review.

Director Moreno responded to questions from the City Council.

Mayor Bublak opened the item for public comment. The following individuals spoke:

Milt Trieweiler

Director Moreno and City Manager Wilson responded to questions from the public.

Action: *Resolution 2023-041*: Adopting amendments to the Fiscal Year 2022-2023 Budget as a result of the mid-year budget review as motioned by Vice Mayor Franco, seconded by Councilmember Bixel, and carried 5/0 by the following vote:

| | | | | |
|------------------------|------------------------|-------------------------|------------------------|-----------------|
| Councilmember Abram | Councilmember Bixel | Councilmember Franco | Councilmember Monez | Mayor Bublak |
| Yes | Yes | Yes | Yes | Yes |

- C. Authorizing the City Manager to identify appropriate financing structure for Roads Program and develop Financing Team (*Moreno*)

Finance Director Moreno provided a staff report presentation regarding identifying a financing structure for the Roads Program and request to develop a financing team. He reviewed the 2022 Pavement Management Report, provided a recap of the City’s Road Program status, and discussed the purpose of the team would be to strategize and develop a plan for future financing structures, program procurement and implementation, and financing for that program.

Director Moreno responded to questions from the City Council.

Mayor Bublak opened the item for public comment and comment was received from the following individuals:

Milt Trieweiler

With no further comment, Mayor Bublak closed public comment.

Director Moreno responded to questions from the public.

Action: *Motion*: Authorizing the City Manager to identify appropriate financing structure for Roads Program and develop Financing Team as motioned by Vice Mayor Franco, seconded by Councilmember Abram, and passed 5/0 by the following vote:

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| Councilmember Abram | Councilmember Bixel | Councilmember Franco | Councilmember Monez | Mayor Bublak |
|------------------------|------------------------|-------------------------|------------------------|-----------------|
| Yes | Yes | Yes | Yes | Yes |

- D. Approving stand-alone City Council Policy and Procedure titled “Speakers at Meetings – Public” to begin the replacement of the suspended City Elected and Appointed Officials Handbook (*Petrulakis*)

City Attorney Petrulakis provided a staff report presentation on a stand-alone City Council Policy and Procedure titled “Speakers at Meetings – Public.” He discussed revisions of previous Council Handbooks and the benefits of using stand-alone policies. He also provided an overview of the “Speakers at Meetings – Public” policy.

City Attorney Petrulakis responded to questions from the City Council.

Mayor Bublak opened the item for public comment and comment was received from the following individuals:

Milt Triewailer
Mary Jackson

With no further comment, Mayor Bublak closed public comment.

There was discussion regarding the time limit for public comment, the creation of an email address where the public can submit written comment to, and where public comment could be on the agenda.

City Attorney Petrulakis responded to comments from the City Council.

Action: Motion: Approving stand-alone City Council Policy and Procedure titled “Speakers at Meetings – Public” to begin the replacement of the suspended City Elected and Appointed Officials Handbook as motioned by Councilmember Monez, seconded by Vice Mayor Franco, and carried 3/2 by the following vote:

| Councilmember Abram | Councilmember Bixel | Councilmember Franco | Councilmember Monez | Mayor Bublak |
|------------------------|------------------------|-------------------------|------------------------|-----------------|
| No | No | Yes | Yes | Yes |

PUBLIC PARTICIPATION

Mayor Bublak opened Public Participation and the following members of the public spoke:

Milt Triewailer
Mary Jackson

With no further comment, Mayor Bublak closed Public Participation.

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9. CITY MANAGER REPORTS/UPDATES

A. 2022 Pothole Repairs (*Schulze*)

Public Works Director Schulze provided a brief update on pothole repairs. He provided information on the number of staff available for repairing potholes, explained how potholes were repaired, and reviewed data on the number of potholes repaired in 2022. He also shared how the public can report potholes on the City's website.

Director Schulze and Director Loehr responded to questions from the City Council.

B. Housing Funding Update (*Quintero*)

Development Services Director Quintero provided information the HOME ARP Allocation Plan. She provided an overview of the Allocation Plan, discussed stakeholder consultations, gaps identified through those consultations, and using HOME-ARP for primarily for affordable housing and supportive services.

Mayor Bublak opened the item for public comment and with none, closed public comment.

Director Quintero responded to questions from the City Council.

10. COUNCIL ITEMS FOR FUTURE CONSIDERATION

None.

11. COUNCILMEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Vice Mayor Franco congratulated Tim Redd on his retirement, announced that signs were put up regarding panhandling, and welcomed Bill Fagan.

City Manager Wilson added that two panhandling signs were up with four more coming.

Mayor Bublak shared that she and the City Clerk performed marriage ceremonies at the McHenry Mansion.

12. CLOSED SESSION

City Clerk Christel announced the closed session titles.

A. Conference with Labor Negotiators - California Government 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: Deputy City Manager Sarah Eddy

Employee Organization: Turlock Management Association – Public Safety

Employee Organization: Turlock Firefighters Association – Local 2434

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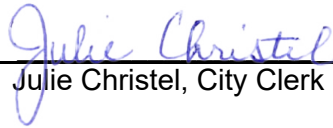
13. REPORTS FROM CLOSED SESSION

Mayor Bublak reported that for the Closed Session Items, no reportable action was taken.

14. ADJOURNMENT

Mayor Bublak adjourned the regular meeting at 10:32 p.m.

Respectfully Submitted



Julie Christel, City Clerk