

City Council Meeting Minutes



February 27, 2024

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California

CALL TO ORDER

Mayor Bublak called the meeting to order at 6:02 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

Motion: Approval of Agenda as posted as motioned by Vice Mayor Franco, seconded by Councilmember Monez and 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. Proclamation: Go Green Week (*Lupe Madrigal*) Turlock Scavenger (*Jessie Marchant*)

Lupe Madrigal, Monica Hernandez and Juan Tejada gave a presentation on Go Green Week, and Mayor Bublak presented the proclamation.

B. Presentation: Townsend Public Affairs – Andres Ramirez

Andres Ramirez from Townsend Public Affairs provided a PowerPoint presentation update on new bills introduced, significant and legislative focus, and state budget funding efforts.

3. PUBLIC PARTICIPATION

Mayor Bublak opened public comment and the following members of the public spoke:

Milt Trieweiler
Leslie Stokes
Christon Santos
Ron Bridegroom
Bob Puffer
John Gabelon

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With no further comment, Mayor Bublak closed public comment.

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

Motion: Waiving reading of all ordinances on the agenda, except by title as motioned by Vice Mayor Franco, seconded by Councilmember Monez and carried 5/0 by the following vote:

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

5. CONSENT CALENDAR

Mayor Bublak announced that Consent Calendar Item 5B would be pulled for separate consideration.

A. Motion: Accepting the Weekly demands of 02/02/2024 through 02/08/2024 in the amount of \$781,943.28, 02/09/2024 through 02/15/2024 in the amount of \$2,772,463.65, the Payment Register for the PR – Payroll Account for November 2023 in the amount of \$2,145,184.54, and the Investment and Cash Report for January 31, 2024 in the amount of \$273,477,449.08

B. Item pulled for separate consideration

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

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

5B Approving to Employ a CalPERS Annuitant (Interim Development Services Director) pursuant to CalPERS Requirements (*Dhami*)

Director Dhami presented the request for a resolution to approve the employment of a CalPERS annuitant.

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

Milt Trieweiler

With no further comments, Mayor Bublak closed public comment.

Action: Resolution 2024-017: Approving to Employ a CalPERS Annuitant (Interim Development Services Director) pursuant to CalPERS Requirements as motioned by Councilmember Monez, seconded by Vice Mayor Franco 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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6. FINAL READINGS

- A. Second and final reading of an Ordinance amending Turlock Municipal Code (TMC) Title 1, “General Provisions” by adding Chapter 1-9 entitled “Conflicts of Interest and Legal Compliance Documentation” (*Petrulakis*)

Mayor Bublak opened the item for public comment. There were no comments from the public, and Mayor Bublak closed public comment.

Action: Ordinance 1309-CS: Second and final reading of an Ordinance amending Turlock Municipal Code (TMC) Title 1, “General Provisions” by adding Chapter 1-9 entitled “Conflicts of Interest and Legal Compliance Documentation” as motioned by Vice Mayor Franco, seconded by Councilmember Monez and carried 5/0 by the following vote:

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

7. PUBLIC HEARINGS

- A. Denying the appeal and affirming the Planning Commission decision denying Variance 2023-01 at 2560 and 2562 Mooneyham Court, Stanislaus County APN 073-043-007 (*Werner*)

City Attorney Petrulakis informed Council that the item qualifies as a quasi-judicial proceeding, as such he requested that members of the City Council disclose information applicable to the public hearing item. Councilmember Abram disclosed that she had ex parte communication with Mr. Leoniak on February 19, 2024, in regards to the history of the structure, and what led to the hearing. Councilmember Bixel disclosed that he had ex parte communication with Mr. Leoniak. He added that their meeting was to hear the status of the appeal, understand Mr. Leoniak’s requests, and Councilmember Bixel directed him to the City Attorney.

Planning Manager Werner provided a staff report on the item and responded to questions from the City Council.

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

John Leoniak
Janine Delhi
Bob Puffer
Teri
Ron Bridegroom

With no further comment, Mayor Bublak closed public comment.

Action: Resolution 2024-XXX: Denying the appeal and affirming the Planning Commission decision denying Variance 2023-01 at 2560 and 2562 Mooneyham Court, Stanislaus County APN 073-043-007 as motioned by Councilmember Monez, Seconded by Vice Mayor Franco, and failed 2/3 by the following vote:

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

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Councilmember Abram motioned to continue the hearing in April, and encourage staff to continue working out an alternative solution, seconded by Councilmember Bixel, and carried 4/1 by the following vote:

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

- B. Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Baxter Homes project (General Plan Amendment 2022-01, Rezone 2022-01, VTSM 2022-01), Amending the Land Use Diagram of the Turlock General Plan [GPA 2022-01 (Baxter Homes)], and introduction and first reading of an ordinance amending the Zoning Map of the City of Turlock, attached to Title 9 of the Turlock Municipal Code [Rezone 2022-01 (Baxter Homes)] (*Werner*)

Planning Manager Werner provided a staff report on the item and responded to questions from the City Council.

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

- Coralie Donkers
- John
- Milt Trieweiler
- Bob Puffer
- Ron Bridegroom
- Rachel Baxter

With no further comment, Mayor Bublak closed public comment.

Action: Resolution 2024-018: Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Baxter Homes project (General Plan Amendment 2022-01, Rezone 2022-01, VTSM 2022-01)

Action: Resolution 2024-019: Amending the Land Use Diagram of the Turlock General Plan [GPA 2022-01 (Baxter Homes)]

Action: Ordinance 13XX: Introduction and first reading of an Ordinance amending the Zoning Map of the City of Turlock, attached to Title 9 of the Turlock Municipal Code [Rezone 2022-01 (Baxter Homes)]

Motioned by Councilmember Bixel, seconded by Councilmember Monez, 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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8. ACTION ITEMS

- A. Approving a Master Agreement with CCME, Inc. (Merced, California office) for Construction Management and Inspection Services), in a form approved by the City Attorney, for Roads Program Capital Improvement Program (CIP) Projects (City Contract No. 2024-112); and 2) Approving a Master Agreement with Mark Thomas & Company, Inc. (Fresno, California office) for Construction Management and Inspection Services, in a form approved by the City Attorney, for Program Capital Improvement Program (CIP) Projects (City Contract No. 2024-110); and 3) Approving a Master Agreement with NV5, Inc. (Fresno, California office) for Construction Management and Inspection Services, in a form approved by the City Attorney, for Roads Program Capital Improvement Program (CIP) Projects (City Contract No. 2024-111) (*Pezeshk*)

Roads Program Manager Pezeshk presented a PowerPoint on the item and responded to questions from the City Council.

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

Milt Trieweiler
Ron Bridegroom
Bob Puffer

With no further comment, Mayor Bublak closed public comment.

Action:

- 1) Resolution 2024-020: Approving a Master Agreement with CCME, Inc. (Merced, California office) for Construction Management and Inspection Services, in a form approved by the City Attorney, for Roads Program Capital Improvement Program (CIP) Projects (City Contract No. 2024-112)
- 2) Resolution 2024-021: Approving a Master Agreement with Mark Thomas & Company, Inc. (Fresno, California office) for Construction Management and Inspection Services, in a form approved by the City Attorney, for Program Capital Improvement Program (CIP) Projects (City Contract No. 2024-110)
- 3) Resolution 2024-022: Approving a Master Agreement with NV5, Inc. (Fresno, California office) for Construction Management and Inspection Services, in a form approved by the City Attorney, for Roads Program Capital Improvement Program (CIP) Projects (City Contract No. 2024-111)

Motioned by Councilmember Monez, seconded by Vice Mayor Franco, and carried 5/0 by the following vote:

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

- B. Approving Amendments under the terms of the Master Agreements for Construction Management and Inspection Services for the City of Turlock’s Roads Initiative Program, in a form approved by the City Attorney, to be funded by Fund 115 “Measure A – Roads” account number 115-10-115.43327 “Construction Management” for Mark Thomas & Company, Inc.

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(City Contract No. 2024-110), CCME, Inc (City Contract No. 2024-112), and NV5, Inc. (City Contract No. 2024-111):

- 1) Amendment No. 1 for Task Order No. 1, City Contract No. 2024-110, Mark Thomas & Company, Inc. (Fresno, California office) in the amount of \$51,677.81 for City Project No. 23-032
- 2) Amendment No. 1 for Task Order No. 1, City Contract No. 2024-112, CCME, Inc. (Merced, California office), in the amount of \$26,663.22 for City Project No. 23-031, Bid Package 1
- 3) Amendment No. 1 for Task Order No. 1, P City Contract No. 2024-111, NV5, Inc. (Fresno, California office), in the amount of \$53,528.35 for City Project No. 23-031, Bid Package 2
- 4) Amendment No. 2 for Task Order No. 2, City Contract No. 2024-111, NV5, Inc. (Fresno, California office), in the amount of \$53,528.35 for City Project No. 23-033

Roads Program Manager Pezeshk presented a powerpoint on the item and responded to questions from the City Council.

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

Bob Puffer
Ron Bridegroom
Milt Trieweiler

With no further comment, Mayor Bublak closed public comment.

Action: Resolution 2024-023: Approving Amendments under the terms of the Master Agreements for Construction Management and Inspection Services for the City of Turlock’s Roads Initiative Program, in a form approved by the City Attorney, to be funded by Fund 115 “Measure A – Roads” account number 115-10-115.43327 “Construction Management” for Mark Thomas & Company, Inc. (City Contract No. 2024-110), CCME, Inc (City Contract No. 2024-112), and NV5, Inc. (City Contract No. 2024-111):

- 1) Amendment No. 1 for Task Order No. 1, City Contract No. 2024-110, Mark Thomas & Company, Inc. (Fresno, California office) in the amount of \$51,677.81 for City Project No. 23-032
- 2) Amendment No. 1 for Task Order No. 1, City Contract No. 2024-112, CCME, Inc. (Merced, California office), in the amount of \$26,663.22 for City Project No. 23-031, Bid Package 1
- 3) Amendment No. 1 for Task Order No. 1, City Contract No. 2024-111, NV5, Inc. (Fresno, California office), in the amount of \$53,528.35 for City Project No. 23-031, Bid Package 2
- 4) Amendment No. 2 for Task Order No. 2, City Contract No. 2024-111, NV5, Inc. (Fresno, California office), in the amount of \$53,528.35 for City Project No. 23-033

Motioned by Councilmember Monez, seconded by Vice Mayor Franco, and carried 5/0 by the following vote:

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

- C. Approving Amendments under the terms of the Master Agreements for Engineering Design Services for the City of Turlock’s Roads Initiative Program, in a form approved by the City Attorney, to be funded by Fund 115 “Measure A – Roads” Account Number 115-10-115.43366_001 “Design Roads,” For Mark Thomas & Company, Inc. (City Contract No. 2023-109), Provost & Pritchard Engineering Group, Inc. DBA Provost & Pritchard Consulting Group (City Contract No. 2023-110), and Siegfried Engineering, Inc. (City Contract No. 2023-111)

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and authorizing staff to proceed with advertising for construction of said Roads Program CIP Projects upon completion of bid documents:

- 1) Amendment No. 3 for Task Order No. 3, City Contract No. 2023-109 with Mark Thomas & Company, Inc. (Sacramento, California office), in the amount of \$1,462,736.97 under City Project No. 23-067 “ Mark Thomas Task Order No. 3 for Roads Program CIP Projects”
- 2) Amendment No. 2 for Task Order No. 2, City Contract No. 2023-110 with Provost & Pritchard Engineering Group, Inc. dba Provost & Pritchard Consulting Group (Clovis, California office), in the amount of \$991,409.78 under City Project No. 23-068 “Provost & Pritchard Task Order No. 2 for Roads Program CIP Projects”
- 3) Amendment No. 2 for Task Order No. 2, City Contract No. 2023-111 with Siegfried Engineering, Inc. (Stockton, California office), in the amount of \$671,064.59 under City Project No. 23-069 “Siegfried Task Order No. 2 for Roads Program CIP Projects”

Roads Program Manager Pezeshk presented a PowerPoint on the item and responded to questions from the City Council.

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

Ron Bridegroom
Bob Puffer
Milt Trieweiler

With no further comment, Mayor Bublak closed public comment.

Action: Resolution 2024-024: Approving Amendments under the terms of the Master Agreements for Engineering Design Services for the City of Turlock’s Roads Initiative Program, in a form approved by the City Attorney, to be funded by Fund 115 “Measure A – Roads” Account Number 115-10-115.43366_001 “Design Roads,” For Mark Thomas & Company, Inc. (City Contract No. 2023-109), Provost & Pritchard Engineering Group, Inc. DBA Provost & Pritchard Consulting Group (City Contract No. 2023-110), and Siegfried Engineering, Inc. (City Contract No. 2023-111) and authorizing staff to proceed with advertising for construction of said Roads Program CIP Projects upon completion of bid documents:

- 1) Amendment No. 3 for Task Order No. 3, City Contract No. 2023-109 with Mark Thomas & Company, Inc. (Sacramento, California office), in the amount of \$1,462,736.97 under City Project No. 23-067 “ Mark Thomas Task Order No. 3 for Roads Program CIP Projects”
- 2) Amendment No. 2 for Task Order No. 2, City Contract No. 2023-110 with Provost & Pritchard Engineering Group, Inc. dba Provost & Pritchard Consulting Group (Clovis, California office), in the amount of \$991,409.78 under City Project No. 23-068 “Provost & Pritchard Task Order No. 2 for Roads Program CIP Projects”
- 3) Amendment No. 2 for Task Order No. 2, City Contract No. 2023-111 with Siegfried Engineering, Inc. (Stockton, California office), in the amount of \$671,064.59 under City Project No. 23-069 “Siegfried Task Order No. 2 for Roads Program CIP Projects”

Motioned by Councilmember Monez, seconded by Vice Mayor Franco, 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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- D. Adopting amendments to the Fiscal Year 2023-2024 Budget as a result of the mid-year budget review (*Moreno*)

Finance Director Moreno presented the mid-year budget review.

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

Milt Trieweiler

With no further comment, Mayor Bublak closed public comment.

Action: Resolution 2024-025: Adopting amendments to the Fiscal Year 2023-2024 Budget as a result of the mid-year budget review, as motioned by Vice Mayor Franco, seconded by Councilmember Monez, and carried 5/0 by the following vote:

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

- E. Approving the establishment of a new job description for an Investigations Unit Analyst and amend the Turlock Associated Police Officers (T.A.P.O.) Non-Sworn, Non-Dispatch Salary Schedule effective February 27, 2024 (*Dhami*)

Human Relations Director Dhami provided a staff report on the item.

Mayor Bublak opened the item for public comment. There were no comments from the public, and Mayor Bublak closed public comment.

Action: Resolution 2024-025: Adopting amendments to the Fiscal Year 2023-2024 Budget as a result of the mid-year budget review, as motioned by Vice Mayor Franco, seconded by Councilmember Monez, and carried 5/0 by the following vote:

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

9. 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. City Manager Department Monthly Reports

10. COUNCIL ITEMS FOR FUTURE CONSIDERATION

None

11. COUNCILMEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Vice Mayor Franco welcomed Mr. Hampton, and mentioned that she was re-elected Vice Chair of Stanislaus Council of Governments.

Councilmember Monez announced that the Turlock National Little League opens on Saturday, March 2, 2024.

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12. CLOSED SESSION

- A. 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 Cases: Two (2)
- B. 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 Cases: One (1)

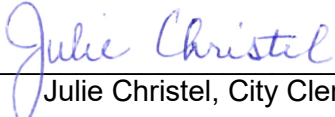
13. REPORTS FROM CLOSED SESSION

None

14. ADJOURNMENT

Mayor Bublak adjourned the meeting at 9:37 p.m.

Respectfully submitted



Julie Christel, City Clerk