

City Council Agenda



SEPTEMBER 22, 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. Proclamation: In Honor of the Retirement of Chief of Police Ninus C. Amirfar

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 8/2/20 in the amount of \$2,777,490.10; Accepting Weekly Demands of 8/27/20 in the amount of \$580,403.06

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- B. Motion: Accepting Minutes of the Special Meeting of July 14, 2020; Minutes of the Regular Meeting of July 14, 2020
- C.
1. Resolution: Approving a Purchase and Sale Agreement with Baljinder Dhesi for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$16,500 (Non-General Fund – Fund 215) for right of way acquisition of 301 West Linwood Avenue per the terms of the agreement
 2. Resolution: Approving a Purchase and Sale Agreement with Baljinder Dhesi for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$7,400 (Non-General Fund – Fund 215) for right of way acquisition of 309 West Linwood Avenue per the terms of the agreement
 3. Resolution: Approving a Purchase and Sale Agreement with Rick and Christi Falke for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$8,900 (Non-General Fund – Fund 215) for right of way acquisition of 133 West Linwood Avenue per the terms of the agreement
 4. Resolution: Approving a Purchase and Sale Agreement with Alexander and Mary McLeod for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$16,500 (Non-General Fund – Fund 215) for right of way acquisition of 333 West Linwood Avenue per the terms of the agreement
 5. Resolution: Approving a Purchase and Sale Agreement with Cynthia Perry for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$8,200 (Non-General Fund – Fund 215) for right of way acquisition of 233 West Linwood Avenue per the terms of the agreement
 6. Resolution: Approving a Purchase and Sale Agreement with Danny and Maria Raya for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$20,700 (Non-General Fund – Fund 215) for right of way acquisition of 401 West Linwood Avenue per the terms of the agreement
 7. Resolution: Approving a Purchase and Sale Agreement with Gary Bellani for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$21,000 (Non-General Fund – Fund 215) for right of way acquisition of 317 West Linwood Avenue per the terms of the agreement
 8. Resolution: Approving a Purchase and Sale Agreement with Jose Orozco for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$24,000 (Non-General Fund – Fund 215) for right of way acquisition of 241 West Linwood Avenue per the terms of the agreement
 9. Resolution: Approving a Purchase and Sale Agreement with Esther Islas for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$7,700 (Non-General Fund – Fund 215) for right of way acquisition of 225 West Linwood Avenue per the terms of the agreement
- D.
1. Motion: Approving Contract Change Order No. 4 (Final) in the amount of \$189,156.75 (Non-General Fund - Fund 416) with Ranger Pipelines of San Francisco, California for City Project No. 17-22A "North Valley Regional Recycled Water Program – Turlock Component," bringing the contract total to \$28,325,528.16
 2. Resolution: Approving the carryover of unexpended appropriations from Fiscal Year 2019-20 to amend the Fiscal Year 2020-21 budget for the North Valley Regional Recycled Water Project - Fund 416 "Recycled Water Sales" totaling \$343,000 to provide for the proper accounting of expenses associated with City Project No. 17-22A "North Valley Regional Recycled Water Program – Turlock Component"
 3. Motion: Accepting Improvements and authorizing the City Engineer to file a Notice of Completion for City Project No. 17-22A "North Valley Regional Recycled Water Program – Turlock Component"
- E.
1. Motion: Approving Amendment No. 3 with Carollo Engineers of Walnut Creek, California in the amount of \$159,940 (Non-General Fund - Fund 420), bringing the

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- contract total to \$2,871,176, for professional engineering design services for City Project No. 18-69 "Surface Water Distribution System Improvements"
2. **Resolution:** Appropriating \$159,000 to account number 420-52-551.51356 "Northeast Water Storage Tank-2 Mil Gal" to be funded via a transfer from Fund 420 "Water" unallocated reserves for professional design services for City Project No. 18-69 "Surface Water Distribution System Improvements"
- F. **Motion:** Approving Contract Change Order No. 3 in the amount of \$33,914 for City Project No. 19-33 "Dried Solids Storage Area" bringing the contract total to \$2,869,315
- G. **Motion:** Awarding bid and approving an Agreement in the amount of \$582,120 (Non-General Fund - Fund 218) with VSS International of West Sacramento, California, for City Project No. 20-003 "Northeast Quadrant Road Rehabilitation"
- H. 1. **Motion:** Awarding a Retainer Agreement with Blair, Church & Flynn Consulting Engineers, Inc., of Clovis, CA, for City Project No. 20-022, "RFQ for Engineering and Surveying Services" in an amount not to exceed \$150,000 annually
2. **Motion:** Awarding a Retainer Agreement with DF Engineering, Inc., of Modesto, CA, for City Project No. 20-022, "RFQ for Engineering and Surveying Services" in an amount not to exceed \$150,000 annually
3. **Motion:** Awarding a Retainer Agreement with GDR Engineering, Inc., of Ceres, CA, for City Project No. 20-022, "RFQ for Engineering and Surveying Services" in an amount not to exceed \$150,000 annually
4. **Motion:** Awarding a Retainer Agreement with North Star Engineering Group, Inc., of Modesto, CA, for City Project No. 20-022, "RFQ for Engineering and Surveying Services" in an amount not to exceed \$150,000 annually
5. **Motion:** Awarding a Retainer Agreement with O'Dell Engineering, Inc., of Modesto, CA, for City Project No. 20-022, "RFQ for Engineering and Surveying Services" in an amount not to exceed \$150,000 annually
6. **Motion:** Awarding a Retainer Agreement with Provost & Pritchard Consulting Group, of Modesto, CA, for City Project No. 20-022, "RFQ for Engineering and Surveying Services" in an amount not to exceed \$150,000 annually
- I. **Resolution:** Approving the submission of a grant application for the CARES Act Airport Grant, accepting the CARES Act Airport Grant in the amount of \$30,000, appropriating the grant funds to account number 401-10-125.34306 "FAA CARES Act Airport Grant Revenue", and authorizing the City Manager to sign and execute all documents related to the Grant
- J. **Motion:** Approving Amendment No. 2 to an Agreement between the City of Turlock and Falany Fence, increasing the annual compensation amount from \$30,000 to \$110,000 for additional fencing repair and installation services
- K. **Resolution:** Reaffirming the Director of Emergency Services Proclamation of Existence of a Local Emergency in response to COVID-19

7. FINAL READINGS:

- A. **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 as introduced at the September 8, 2020 City Council meeting (*Amirfar*)

B. **Recommended Action:**

Ordinance: 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 as introduced at the September 8, 2020 City Council meeting (*Quintero*)

8. **PUBLIC HEARINGS:**

- A. Request to deny the appeal and affirm the Planning Commission Decision Granting Conditional Use Permit 2020-01 (Natural Healing Center Turlock LLC Dispensary) AND Grant Conditional Use Permit 2020-01 (Natural Healing Center Turlock LLC Dispensary) at 3401 West Monte Vista Avenue and Establishing Conditions of Approval (*Quintero*)

Recommended Action:

Motion: Denying the appeal and affirming the Planning Commission Decision Granting Conditional Use Permit 2020-01 (Natural Healing Center Turlock LLC Dispensary)

Resolution: Granting Conditional Use Permit 2020-01 (Natural Healing Center Turlock LLC Dispensary) at 3401 West Monte Vista Avenue and Establishing Conditions of Approval

- B. Request to hear the Final Reading and adopt an Ordinance approving a Development Agreement for Natural Healing Center Turlock LLC (*Quintero*)

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 as introduced at the August 25, 2020 City Council meeting (*Wells/Quintero*)

9. **ACTION ITEMS:**

- A. Request to approve the sale agreement, loan agreement, and joint escrow instructions in a form approved by the City Attorney, for the sale of the property located at 1540 Springville Way, Turlock, CA, (APN # 042-016-028-000), to be sold to Greater Modesto Interfaith Hospitality Network dba- Modesto Family Promise-Turlock, a California nonprofit public benefit corporation, in the amount of \$288,000, subject to the terms and conditions as outlined in Attachment A, and authorize the City Manager to sign all necessary documents to effectuate the transaction (*Pitt*)

Recommended Action:

Resolution: Approving the sale agreement, loan agreement, and joint escrow instructions in a form approved by the City Attorney, for the sale of the property located at 1540 Springville Way, Turlock, CA, (APN # 042-016-028-000), to be sold to Greater Modesto Interfaith Hospitality Network dba- Modesto Family Promise-Turlock, a

California nonprofit public benefit corporation, in the amount of \$288,000, subject to the terms and conditions as outlined in Attachment A, and authorizing the City Manager to sign all necessary documents to effectuate the transaction

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 (*Wells*)
- B. Fire Department
 - 1. Public Safety Briefing (*Carlson*)
 - 2. COVID-19 Update (*Carlson*)
- C. Parks, Recreation and Public Facilities
 - 1. Columbia Park Update (*Van Guilder*)
- D. Police Department
 - 1. Public Safety Briefing (*Amirfar*)
 - 2. Community Advisory Board to the Chief of Police (*Amirfar*)

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. Public Employee Performance Evaluation, Cal. Gov't Code §54957(b)(1)
"Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session."
Title: City Manager

14. REPORTS FROM CLOSED SESSION

15. ADJOURNMENT