

City Council Agenda



OCTOBER 13, 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. Recognition: Employee of the Month, September 2020, Building Inspector I Terry Nidey
- B. Proclamation: Breast Cancer Awareness Month, October 2020

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: 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 9/3/20 in the amount of \$1,323.15; Accepting Weekly Demands of 9/10/20 in the amount of \$434,130.24
- B. Motion: Accepting Minutes of the Special Meeting of July 28, 2020; Minutes of the Regular Meeting of July 28, 2020; Minutes of the Special Meeting of August 11, 2020; Minutes of the Regular Meeting of August 11, 2020
- C. Motion: Approving Amendment No. 1 to the Professional Services Agreement with NV5, Inc. of Manteca, California, in the amount of \$189,251.70 bringing the total to \$1,442,016.98 for construction management services for City Project No. 0828 "SR-99/Fulkerth Road Interchange" and extending the contract term to December 31, 2020
- D. Motion: Approving Amendment No. 2 with Carollo Engineers of Walnut Creek, California, for construction management services for City Project No. 15-39D "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" (upgrade and expansion of the wastewater treatment plant) to extend the contract term to June 30, 2021
- E.
 1. Motion: Approving Contract Change Order No. 11 (Final) in the amount of \$268,245.45 for City Project No. 17-30 "West Main Corridor Rehabilitation" bringing the contract total to \$8,258,278.79
 2. Motion: Accepting improvements for City Project No. 17-30 "West Main Corridor Rehabilitation" and authorizing the City Engineer to file a Notice of Completion
- F. Motion: Approving a Professional Services Agreement with GHD, Inc. of San Luis Obispo, California, in the amount of \$137,165 (Fund 217) for professional engineering and traffic surveys for City Project No. 20-023 "Engineering and Traffic Surveys"
- G. Resolution: Initiating proceedings for the formation of the PM 20-02 Jessica House (Development Project No. 20-016) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area and directing the City Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- H. Resolution: Accepting an allocation of funds, authorizing the execution of a grant agreement, and appropriating funds for the 2020 Cat and Kitten Spay-Neuter-Release Program Grant from the California Animal Welfare Funders Collaborative Grant Agreement in the amount of \$20,000 to be appropriated into revenue account number 266-20-255-348.35072 and expenditure account number 266-20-255-348.47161 in Fund 266 "Police Grants" Program 348 "Animal Services"
- I. Resolution: Accepting donations made to the City of Turlock Police Department from various donors during the fourth quarter of Fiscal Year 2019-20 in the amount of \$1,227.58 (non-monetary donations) utilized in support of the City's K9, VIPS, and general donations

7. FINAL READINGS: None

8. PUBLIC HEARINGS:

- A. Request to confirm the Annexation of 4600 Colorado Avenue (APN 072-002-044) TSM No. 2020-01, Development Project No. 20-034, into the Legends North No. 4 Landscaping and Lighting Benefit Assessment District and Street Maintenance Benefit Assessment Area, Project No. 7022 (*Bray*)

Recommended Action:

Resolution: Confirming the Annexation of 4600 Colorado Avenue (APN 072-002-044) TSM No. 2020-01, Development Project No. 20-034, into the Legends North No. 4 Landscaping and Lighting Benefit Assessment District and Street Maintenance Benefit Assessment Area, Project No. 7022

9. ACTION ITEMS:

- A. Request to approve the Tentative Agreements revising the Memorandums of Understanding (“MOU”) and Schedules of Benefits (“SOB”) between the City of Turlock and Turlock Associated Police Officers (hereinafter “TAPO”), Turlock Management Association-Public Safety (hereinafter “TMAPS”), and Unrepresented Employees (hereinafter “Management and Confidential”) covering the period of July 1, 2020 through June 30, 2021 (*Eddy*)

Recommended Action:

Resolution: Approving the Tentative Agreements revising the Memorandums of Understanding (“MOU”) and Schedules of Benefits (“SOB”) between the City of Turlock and Turlock Associated Police Officers (hereinafter “TAPO”), Turlock Management Association-Public Safety (hereinafter “TMAPS”), and Unrepresented Employees (hereinafter “Management and Confidential”) covering the period of July 1, 2020 through June 30, 2021

- B. Request to adopt a Resolution of Intent to vacate all right-of-way of that certain City street known as Isaac Way and notice of public hearing (*Bray*)

Recommended Action:

Resolution: Adopting a Resolution of Intent to vacate all right-of-way of that certain City street known as Isaac Way and notice of public hearing

- C. Request to authorize the form of and authorize the execution and delivery of a Supplemental Indenture, a Supplement to Master Installment Purchase Agreement, a Bond Purchase Agreement, a Continuing Disclosure Certificate, and an Official Statement relating to an installment purchase financing; and approve certain actions in connection therewith (*Lorenzi*)

Recommended Action:

Resolution: Authorizing the form of and authorizing the execution and delivery of a Supplemental Indenture, a Supplement to Master Installment Purchase Agreement, a Bond Purchase Agreement, a Continuing Disclosure Certificate, and an Official Statement relating to an installment purchase financing; and approving certain actions in connection therewith

- D. Request to terminate the Easement/Quitclaim (“Easement Termination”) as entered into at Turlock, California by and between the City of Turlock, acting as the Successor Agency to the Turlock Redevelopment Agency, a California municipal corporation, hereinafter referred to as the “City”; and Clementine Properties, LLC, a California limited liability company, as the successor owner of 5202 North Golden State Boulevard, (Stanislaus County APN 045-053-038) as described in Attachment A, and authorize the City Manager to sign all necessary documents AND Approve the Memorandum of Understanding with the County of Stanislaus as more fully described in Attachment B and authorize the City Manager to execute all necessary documents AND Determine City Project No. 20-013 “Water and Sewer Main Extensions-Golden State Boulevard” and providing water and sewer connection to the existing properties located at 5202 and 5200 North Golden State Boulevard, (Stanislaus County APNs 045-053-038 and 045-053-039), located outside the jurisdictional boundary of the City of Turlock is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines AND Approve an Out of Boundary Service Agreement for Water and Sanitary Sewer Connection in a form approved by the City Attorney, Affecting Real Property located at 5202 and 5200 North Golden State Boulevard, (Stanislaus County Assessor’s Parcel Numbers 045-053-038 and 045-053-039) and establish the conditions under which the City would provide water and sanitary sewer services to the property and authorize the City Manager to sign an Out of Boundary Service Agreement for Water and Sanitary Sewer Connection Affecting Real Properties upon approval of the Out of Boundary Service Application by the Stanislaus LAFCO, and to execute all documents, applications, assurances, agreements, and statements that may be required to implement the agreement AND Authorize the City Manager to certify a Stanislaus LAFCO Out of Boundary Service Application, in a form approved by the City Attorney, request LAFCO approval for the out of boundary service connection to the properties located at 5202 and 5200 North Golden State Boulevard, (Stanislaus County APN 045-053-038 and 045-053-039), located outside the City of Turlock jurisdictional boundary, to connect to the City of Turlock water and sanitary sewer system AND Authorize the City Manager to issue a “Can and Will Serve Letter”, in a form approved by the City Attorney, for water and sewer services for 5202 & 5202 North Golden State Boulevard, (Stanislaus County APN 045-053-038 and 045-053-039) (*Wells*)

Recommended Action:

Motion: Terminating the Easement/Quitclaim (“Easement Termination”) as entered into at Turlock, California by and between the City of Turlock, acting as the Successor Agency to the Turlock Redevelopment Agency, a California municipal corporation, hereinafter referred to as the “City”; and Clementine Properties, LLC, a California limited liability company, as the successor owner of 5202 North Golden State Boulevard, (Stanislaus County APN 045-053-038) as described in Attachment A, and authorizing the City Manager to sign all necessary documents

Resolution: Approving the Memorandum of Understanding with the County of Stanislaus as more fully described in Attachment B and authorizing the City Manager to execute all necessary documents

Resolution: Determining City Project No. 20-013 “Water and Sewer Main Extensions-Golden State Boulevard” and providing water and sewer connection to the existing properties located at 5202 and 5200 North Golden State Boulevard, (Stanislaus County APNs 045-053-038 and 045-053-039), located outside the jurisdictional boundary of the City of Turlock is exempt from the provisions of the California Environmental Quality Act

(CEQA) in accordance with Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines

Motion: Approving an Out of Boundary Service Agreement for Water and Sanitary Sewer Connection in a form approved by the City Attorney, Affecting Real Property located at 5202 and 5200 North Golden State Boulevard, (Stanislaus County Assessor's Parcel Numbers 045-053-038 and 045-053-039) and establishing the conditions under which the City would provide water and sanitary sewer services to the property and authorizing the City Manager to sign an Out of Boundary Service Agreement for Water and Sanitary Sewer Connection Affecting Real Properties upon approval of the Out of Boundary Service Application by the Stanislaus LAFCO, and to execute all documents, applications, assurances, agreements, and statements that may be required to implement the agreement

Motion: Authorizing the City Manager to certify a Stanislaus LAFCO Out of Boundary Service Application, in a form approved by the City Attorney, requesting LAFCO approval for the out of boundary service connection to the properties located at 5202 and 5200 North Golden State Boulevard, (Stanislaus County APN 045-053-038 and 045-053-039), located outside the City of Turlock jurisdictional boundary, to connect to the City of Turlock water and sanitary sewer system

Motion: Authorizing the City Manager to issue a "Can and Will Serve Letter", in a form approved by the City Attorney, for water and sewer services for 5202 & 5202 North Golden State Boulevard, (Stanislaus County APN 045-053-038 and 045-053-039)

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. Development Services Department
 - 1. Departmental Update (*Bray*)
- B. Fire Department
 - 1. COVID-19 Update (*Carlson*)
- C. Parks, Recreation and Public Facilities
 - 1. Columbia Park Update (*Van Guilder*)

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:

Closed Session Item 13C and 13D have been agendized as part of the Special Meeting (scheduled at 5:00 p.m. on this date) as well as this Regular Meeting to allow for continued discussion if necessary.

- 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. 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: Charles Lewis
Agency Claimed Against: City of Turlock
- 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 Attorney
- D. 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