

# City Council Meeting Agenda



**DECEMBER 14, 2021**

**6:00 p.m.**

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

Mayor  
**Amy Bublak**

Council Members

**Nicole Larson  
Andrew Nosrati**

**Rebecka Monez  
Pam Franco**  
Vice Mayor

Interim City Manager  
**Sarah Tamey Eddy**  
Interim City Clerk  
**Kellie E. Weaver**  
City Attorney  
**George A. Petrulakis**

**SPEAKER CARDS:** To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agendized topic or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

**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 five (5) 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](http://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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  - 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.

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**3. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS, PRESENTATIONS, AND BRIEFINGS:**

1. Recognition: Active Military Banner Retirement
2. Recognition: Employee of the Month, October 2021, Public Facilities Maintenance Team Leader, Wayne Rogers

**4. PUBLIC PARTICIPATION**

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 five (5) 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 10/29/21 in the amount of \$761,628.28; Weekly Demands of 11/5/21 in the amount of \$842,500.52; Weekly Demands of 11/12/21 in the amount of \$1,756,829.09; Weekly Demands of 11/19/21 in the amount of \$2,102,246.71
- B. Motion: Accepting Minutes of the Special Meeting of November 8, 2021  
Motion: Accepting Minutes of the Regular Meeting of November 9, 2021
- C. Resolution: Initiating proceedings for the formation of the Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area for 3130 and 3200 Fulkerth Road, Stanislaus County APNs 089-019-017 and 089-019-001 and directing the Acting City Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- D. Resolution: Initiating proceedings for the formation of the PM 21-01 Dutch Bros (Development Project No. 21-005) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the Acting City Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development
- E. Resolution: Initiating proceedings for the formation of the Starbucks (Development Project No. 21-028) Landscaping and Lighting Assessment District and the Street Maintenance Benefit Assessment Area and directing the Acting City Engineer to act as the Engineer of Work and produce an Engineer's Report which details the annual costs to the development

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- F. Motion: Awarding bid and approving an Agreement in the amount of \$1,824,868 (Fund 412 and Fund 421) with Rolfe Construction, Inc., of Atwater, California, for City Project No. 20-013 “Water and Sewer Main Extensions – N Golden State Blvd”  
Resolution: Appropriating \$237,743 to account number 421-52-552.51270 “Construction Project” to be funded from Fund 421 “Water Line Construction” unallocated reserves to provide the funding needed for City Project No. 20-013 “Water and Sewer Main Extensions – N Golden State Blvd”
- G. Motion: Approving Amendment No. 1 of Agreement 2021-084, between the City of Turlock and Central Valley Concrete, to absorb Agreement 2021-086, for a total not-to-exceed amount of \$120,000 (non-general fund) over the two-year term agreement
- H. Motion: Awarding RFB No. 11-2021 and approving an Agreement with Univar Solutions USA Inc. for Sodium Bisulfite for the Turlock Regional Water Quality Control Facility, in an annual compensation not to exceed \$150,000 (non-general fund) for the period December 14, 2021 through June 30, 2022, and an annual amount not to exceed \$300,000 (non-general fund) over the remaining three (3) year term of the Agreement, if all renewal periods are exercised
- I. Motion: Awarding RFB No. 13-2021 and approving an Agreement with Univar Solutions USA Inc. for Sodium Hypochlorite for the Turlock Regional Water Quality Control Facility and the City’s Water System, in an amount not to exceed \$250,000 (non-general fund) for the period December 14, 2021 through June 30, 2022, and an annual amount not to exceed \$500,000 (non-general fund) over the remaining three (3) year term of the Agreement, if all renewal periods are exercised  
Resolution: Appropriating \$50,000 to account number 410-51-530.44005-006 “Chemicals Chlorine” to be funded from Fund 410 Water Quality Control unallocated reserves to provide necessary funding for City Contract No. 2022-025
- J. Motion: Approving Amendment No. 2 to the Agreement between the City of Turlock and Provost & Pritchard Engineering Group for Design, Engineering Services During Construction, & Construction Management for Wellhead Treatment Installation to include additional scope of work for continuation of construction administration, construction management, and start-up services and training videos for staff; and increasing the compensation by \$139,200, for a total not-to-exceed amount of \$1,226,880
- K. Motion: Approving Amendment No. 1 to an Agreement with Bay City Boiler & Engineering Co. for Boiler Services for the Municipal Services Department, increasing compensation by \$10,000 (Non-General Fund), for a total not-to-exceed amount of \$35,000
- L. Resolution: Accepting donations made to the City of Turlock Parks, Recreation, and Public Facilities Department from various donors, January 2021 through September 2021, in the amount of \$3,077.48 (monetary donations) in account number 270-61-635-399.37200\_000 “Donations General,” \$2,000 (monetary donations), in account number 110-61-622-002.35720 “Christmas Parade – Revenue,” and \$500 (monetary donations) in account number 266-20-255-351.37200\_005 “National Night Out,” to fund/aid a variety of Parks, Recreation, and Public Facilities Department programs, scholarships, and activities
- M. Resolution: Approving the purchase of one (1) 2022-23 Mack MD642R with Valew 2000 Gal. Water Tank for the Parks, Recreation and Public Facilities Department from Holt of California, in an amount not to exceed \$137,000 from account number 506-00-000-231.51020 (Equipment Replacement), through Sourcewell Contract #032119-CAT and appropriating \$28,100 to account number 506-00-000-231.51020 (Equipment Replacement) to be funded from Fund 506 Unassigned Reserve for the vehicle purchase

- Resolution: Approving the purchase of one (1) 2021 Ford F-750 Chassis with PB Loader Support Body, 10 Ft 5-7 Yard Dump Bed for the Parks, Recreation and Public Facilities Department from PB Loader Corporation, in an amount not to exceed \$149,500 from account number 219-40-428.51105 (Vehicle), through Sourcewell Contract #052417-PBL and appropriating \$11,500 to account number 219-40-428.51105 (Vehicle) to be funded from Fund 506 Unassigned Reserve for the vehicle purchase
- Resolution: Approving the purchase of one (1) 2021 Ford F-750 Chassis with PB Loader Support Body, 10 Ft 5-7 Yard Dump Bed for the Parks, Recreation and Public Facilities Department from PB Loader Corporation, in an amount not to exceed \$149,500 from account number 506-00-000-231.51020 (Equipment Replacement), through Sourcewell Contract #052417-PBL and appropriating \$11,500 to account number 506-00-000-231.51020 (Equipment Replacement) to be funded from Fund 506 Unassigned Reserve for the vehicle purchase
- N. Resolution: Rescinding Resolution No. 2020-072 and adopting a new resolution designating the authorized signatures for the City of Turlock bank accounts with Westamerica Bank
- O. Resolution: Adopting the 2022 City Council meeting schedule in accordance with Turlock Municipal Code Section 2-1-02
- P. Resolution: Approving an amendment to the Salary Schedule of the existing Confidential Schedule of Benefits and Policies adopted by Resolution No. 2021-228, dated November 9, 2021, to include all approved confidential salaries
- Q. Resolution: Appropriating \$812,488 to Fiscal Year 2021-2022 salary and benefit accounts from each respective fund's unassigned reserves as the result of a Tentative Agreement between the City of Turlock ("City") and the Turlock City Employees Association ("TCEA") covering the period of July 1, 2020 through June 30, 2024 and updating the Memorandum of Understanding ("MOU") between the City and TCEA
- R. Resolution: Reaffirming the Director of Emergency Services Proclamation of Existence of a Local Emergency in response to COVID-19
- S. Resolution: Reaffirming the Proclamation of a Local Emergency by Interim City Manager Sarah Tamey Eddy (Director of Emergency Services) in Response to a continuing Unsheltered Homeless Crisis (UHC) within the City of Turlock and Confirming Rules and Regulations No. 1 Made and Issued by Interim City Manager Sarah Tamey Eddy (Director of Emergency Services)
- T. Motion: Approving an Agreement between the City of Turlock and Petrulakis Law & Advocacy, APC law firm regarding the providing of City Attorney Services

**7. FINAL READINGS:**

- A. ***The final reading for this Ordinance and the adoption of the Resolution Establishing Conditions of Approval was scheduled to be heard at tonight's meeting. Staff is requesting the City Council consider continuing the matter and setting the final reading of the Ordinance and adoption of the Resolution Establishing Conditions of Approval for the January 11, 2022, City Council meeting. (Quintero)***

***Recommended Action:***

Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2021-01 Planned Development 280 (Balisha Ranch)]

Resolution: Establishing Conditions of Approval for Planned Development 280 (Balisha Ranch)

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8. PUBLIC HEARINGS:

- A. ***This item was continued from the October 26, 2021, City Council meeting. Staff is requesting the City Council consider continuing the matter and setting the public hearing for the January 11, 2022, City Council meeting.*** (Quintero)

Request to deny the appeal and affirm the Planning Commission decision Denying Variance 2021-01 (Perfect Union) at 2500 N. Golden State Boulevard. (Quintero)

***Recommended Action:***

***Resolution:*** Denying the appeal and affirming the Planning Commission decision Denying Variance 2021-01 (Perfect Union) at 2500 N. Golden State Boulevard

- B. Request for the City Clerk to confirm: a) Proof of Publication of Notice of Public Hearing; b) Signed Waiver and Consent; c) Completed and Signed Ballot and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and Ballot Declaring Election Results (Project Planner to prompt and facilitate these steps) AND Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below AND Calling a Special, Mailed-Ballot Election respecting Proposed Annexation Number 32 to existing Community Facilities District Number 2 (Services Mitigation) AND Declaring the results of Mailed-Ballot Election respecting Proposed Annexation Number 32 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation. (Quintero)

***Recommended Action:***

***Confirmation:*** City Clerk confirms: a) Proof of Publication of Notice of Public Hearing; b) Signed Waiver and Consent; c) Completed and Signed Ballot and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and Ballot Declaring Election Results (Project Planner to prompt and facilitate these steps)

***Public Hearing:*** Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below

***Resolution:*** Calling a Special, Mailed-Ballot Election respecting Proposed Annexation Number 32 to existing Community Facilities District Number 2 (Services Mitigation)

***Resolution:*** Declaring the results of Mailed-Ballot Election respecting Proposed Annexation Number 32 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation

- C. Request to repeal Turlock Municipal Code Title 6, Chapter 3, regarding Garbage, Rubbish, and Organic Refuse in its entirety, and add a new Title 6, Chapter 3, regarding Garbage, Recyclable Materials, and Organic Waste to incorporate changes related to upcoming SB 1383 state mandated requirements. (Madden)

***Recommended Action:***

***Ordinance:*** Repealing Turlock Municipal Code Title 6, Chapter 3, regarding Garbage, Rubbish, and Organic Refuse in its entirety, and adding a new Title 6, Chapter 3, regarding Garbage, Recyclable Materials, and Organic Waste to incorporate changes related to upcoming SB 1383 state mandated requirements

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- D. Request to supersede and replace Resolution No. 2020-007 and adopting updated cost recovery percentages and the schedule of fees and charges for City services, to include City recreational services, pursuant to Turlock Municipal Code Section 3-3-301 et seq.

Resolution: Superseding and replacing Resolution No. 2020-007 and adopting updated cost recovery percentages and the schedule of fees and charges for City services, to include City recreational services, pursuant to Turlock Municipal Code Section 3-3-301 et seq.

**9. ACTION ITEMS:**

- A. Request to authorize the City Manager to execute and sign a service agreement between the City of Turlock and Downtown Modesto Partnership in a form approved by the City Attorney, in the amount not to exceed \$1,115,000, for the RAD Card Program AND a Service Agreement between the City of Turlock and Downtown Modesto Partnership for the RAD Card Program in a form approved by the City Attorney and appropriating \$1,115,000 from Fund 119 (American Rescue Plan Act (ARPA) Fund) Unassigned Reserves to Expense Account Number 119-10-188.47188 "American Rescue Plan Act – RAD Card" for the RAD Card matching program. (*Moreno*)

***Recommended Action:***

Motion: Authorizing the City Manager to execute and sign a service agreement between the City of Turlock and Downtown Modesto Partnership in a form approved by the City Attorney, in the amount not to exceed \$1,115,000, for the RAD Card Program

Resolution: Approving a Service Agreement between the City of Turlock and Downtown Modesto Partnership for the RAD Card Program in a form approved by the City Attorney and appropriating \$1,115,000 from Fund 119 (American Rescue Plan Act (ARPA) Fund) Unassigned Reserves to Expense Account Number 119-10-188.47188 "American Rescue Plan Act – RAD Card" for the RAD Card matching program

- B. Request to authorize staff to prepare a Memorandum of Understanding (MOU) with Stanislaus County to participate financially in a County-led road rehabilitation project in select county islands adjacent to the City's public right of way. (*Quintero/Fremming*)

***Recommended Action:***

Motion: Authorizing staff to prepare a Memorandum of Understanding (MOU) with Stanislaus County to participate financially in a County-led road rehabilitation project in select county islands adjacent to the City's public right of way

- C. Request to authorize staff to proceed with the property owner notification requirements of Proposition 218 for the consideration of increasing the monthly solid waste fees/charges and establish a public hearing date of February 8, 2022. (*Madden*)

***Recommended Action:***

Motion: Authorizing staff to proceed with the property owner notification requirements of Proposition 218 for the consideration of increasing the monthly solid waste fees/charges and establishing a public hearing date of February 8, 2022

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- D. Request to direct the City Manager and Interim Fire Chief to request a contract proposal from the City of Modesto, Modesto Fire Department providing for administration, management, and command of the Turlock City Fire Department. (*Botto*)

***Recommended Action:***

*Motion:* Directing the City Manager and Interim Fire Chief to request a contract proposal from the City of Modesto, Modesto Fire Department providing for administration, management, and command of the Turlock City Fire Department

- E. Request to authorize Interim City Manager or designee to utilize an Engineering firm to prepare specifications for Heating, Ventilation, and Air Conditioning (HVAC) replacements and UV light filtration system installation throughout city facilities and execute bid process. (*Moreno*)

***Recommended Action:***

*Motion:* Authorizing Interim City Manager or designee to utilize an Engineering firm to prepare specifications for Heating, Ventilation, and Air Conditioning (HVAC) replacements and UV light filtration system installation throughout city facilities and execute bid process

**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. Fire Department (*Botto*)
  - 1. Public Safety Briefing
- B. Municipal Services Department (*Madden*)
  - 1. Muni Update
- C. Finance
  - 1. Finance (*Moreno*)
- D. City Manager
  - 1. Administration (*Eddy*)

**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. AD HOC COMMITTEE REPORTS: None**

**13. 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.

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**14. CLOSED SESSION:**

- A. 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: Interim City Manager Sarah Eddy  
Employee Organization: Turlock Management Association-Public Safety
- B. Public Employee Appointment, Cal. Gov't Code §54957(b)(1)  
Title: City Manager (Discussion Only)
- C. Conference with Legal Counsel – Existing Litigation, Cal. Gov't Code §54956.9(d)(1) *"For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Litigation, to which the local agency is a party, has been initiated formally."*  
Name of Case(s): Michael N. Anhar vs. Turlock Police Department
- D. 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(s): (4 cases)
- E. 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: John Field  
Agency Claimed Against: City of Turlock
- F. 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: Jeff Sousa  
Agency Claimed Against: City of Turlock
- G. 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: Joodel Buenrostro  
Agency Claimed Against: City of Turlock



**15. REPORTS FROM CLOSED SESSION**

**16. ADJOURNMENT**