

City Council Meeting Minutes



October 10, 2023

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California

CALL TO ORDER

Councilmember Monez called the meeting to order at 6:00 p.m.

SALUTE TO THE FLAG

ROLL CALL AND DECLARATION OF CONFLICTS

Present: Councilmembers Cassandra Abram, Rebecka Monez, Kevin Bixel, Vice Mayor Pam Franco (joined via telephone)

Absent: None

Not Participating: Mayor Amy Bublak

Councilmember Abram	Councilmember Bixel	Councilmember Franco	Councilmember Monez	Mayor Bublak
8B	None	8B	None	---

1. APPROVAL OF AGENDA AS POSTED OR AMENDED

Motion: Approval of Agenda as posted as motioned by Councilmember Abram, seconded by Councilmember Bixel and carried 4/0 by the following vote:

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

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

A. Presentation Turning Point Community Programs presentation by Casey Ogelvie-Armstrong, Director of Enhanced Care Management and Community Supports Executive (*Quintero*)

Theresa White, Program Director for Turning Point Community Programs, provided a presentation on the programs her agency offers.

B. Appointment Karen Borba to Measure A Committee

Councilmember Monez announced Mayor Bublak's recommendation for the appointment of Karen Borba to the Measure A Committee.

Action: *Motion* by Councilmember Abram, seconded by Councilmember Bixel, appointing Karen Borba to the Measure A Committee. Motion carried 4/0 by the following vote:

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

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C. Presentation Investment Policy (*Moreno*)

Finance Director Moreno provided a presentation on municipal government investing which included information on who has the authority to invest City of Turlock funds, the current Investment Policy, and California Government Code Section 53600-53608.

Director Moreno responded to questions from the City Council.

Councilmember Monez opened the item for public comment and the following members of the public spoke:

John Gebelein
Ron Puffer

With no further comments, Councilmember Monez closed public comment.

Director Moreno responded to questions from the public.

D. Presentation Documentation requirements for City Grant Recipients (*Petrulakis*)

As a follow up to his briefing at the August 22, 2023 City Council meeting, City Attorney Petrulakis briefed the City Council on updated information the City Council requested regarding documentation requirements for City grant recipients. He provided a list of the programs that appeared to be the primary on-going grant programs administered by the City of Turlock. He stated that staff obtained information from our consultant, The Cloudburst Group, who was assisting the Development Services Department in establishing updated policies and procedures for the City's Housing program, regarding the required documentation that generally must be submitted to the City by a subrecipient of CDBG grants. With CDBG listed as a starting point, staff developed a comprehensive list of possible additional documentation the City could seek from potential grant recipients and subrecipients that apply to the City for funding. He then reviewed the standard CDBG documentation list for non-profit entities and the potential augmented documentation list for non-profit entities and asked that, prior to formalizing any policy, he would like Council to provide additional input and guidance.

The Council discussed the documentation requirements and having different criteria thresholds for higher grant funding.

Councilmember Monez opened the item for public comment and with no speakers, closed public comment.

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

The Council provided their input to City Attorney Petrulakis who also stated that he would begin working on a separate list for "for-profit" corporations or developments and reach out to The Cloudburst Group for their input.

E. Briefing Remote public participation for Council and committee meetings (*Abram*)

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Councilmember Abram spoke on the subject of remote public participation for City Council and committee meetings and requested the Council have a discussion regarding developing a policy to allow members of the public to remotely participate in these meetings. She feels the current practice limits the number of people that may want to participate in a meeting but are unable to attend in person. She stated that many cities and local jurisdictions do provide for some means of remote participation and understands that there may be some issues with bad actors but despite the potential for misuse, she thinks there is a real benefit for more voices to be heard and more residents help inform the decisions the Council makes.

Councilmember Abram stated that she wasn't speaking about allowing Zoom specifically, or similar type technologies, but possibly explore other options such as live moderated commenting on our livestream or allowing for email write in comments. She concluded by asking if the members of the Council would be willing to explore opening up meetings to members of the public who can't be here but still attend.

Councilmember Bixel stated that the Council has heard from multiple people that it would be nice to have other avenues to interact at meetings. He feels it makes sense to explore options that can be streamlined and somewhat monitored.

Vice Mayor Franco spoke about the hate speech issues many cities have been dealing with recently and technical and other issues she and other Councilmembers experienced on several occasions with remote participation during meetings. She feels it's very difficult to conduct meetings remotely and stated that there are several entities/agencies that do not conduct their meetings via Zoom such as the County Board of Supervisors, Turlock School Board, Turlock Irrigation District, City of Turlock Planning Commission, the State of California and the federal government. She does not believe it should be considered until the City has a better IT system and better clarification on how they can shut down hate speech.

Councilmember Bixel suggested setting up an email system where people can submit their comments via email.

Councilmember Monez agreed with Vice Mayor Franco's comments and was not interested in entertaining this.

Councilmember Monez opened the item for public comment and the following members of the public spoke:

John Gebelein
Ryan Taylor
Ron Puffer
Debra Koftinow
Mary Jackson
Robert Dylina
Julia Fox

With no further comments, Councilmember Monez closed public comment.

3. PUBLIC PARTICIPATION

Councilmember Monez opened public comment and the following members of the public spoke:

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John Gebelein
Michael Gonzales
Robert Dylina
Milt Trieweiler
Ron Puffer
Jacob Josef
Abby (last name not provided)
Mary Jackson

With no further comment, Councilmember Monez closed public comment.

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 as motioned by Councilmember Abram, seconded by Vice Mayor Franco and carried 4/0 by the following vote:

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

5. CONSENT CALENDAR

Councilmember Monez announced that Consent Calendar Item 5F would be pulled for separate consideration.

- A. *Motion:* Accepting Weekly Demands of 09/21/2023 in the amount of \$1,452,510.24, 09/28/2023 in the amount of \$3,202,289.74, EFT Payments of 06/01/2023 through 06/30/2023 in the amount of \$2,384,030.46, and Payroll EFT Payments of 05/01/2023 through 05/31/2023 in the amount of \$2,249,415.74
- B. *Motion:* Accepting Minutes of the 9/12/2023 Regular Meeting of the City of Turlock City Council
- C. *Resolution 2023-225:* Reaffirming the Proclamation of a Local Emergency in Response to a continuing Unsheltered Homeless Crisis (UHC) within the City of Turlock and Confirming Rules and Regulations No. 1 Made and Issued on July 13, 2021 (*Eddy*)
- D. *Resolution 2023-226:* Approving Contract Change Order No. 3 (Final) for City Project No. 20-026 "RWQCF Flotator No. 3 Recoating" in the amount of \$6,090 (Non-General Fund - Fund 410 Water Quality Control), bringing the contract total to \$272,947.80 (*Schulze*)
- E. *Resolution 2023-227:* Approving revisions to the job description for Communications Assistant effective October 10, 2023 (*Dhami*)
- F. *Item pulled for separate consideration*

Action: *Motion* by Councilmember Abram, seconded by Vice Mayor Franco to adopt the Consent Calendar as amended, and carried 4/0 by the following vote:

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

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- 5F. Approving an Agreement with First Shield Security and Patrol, Inc., of Tracy, California, for unarmed, private security services at Turlock City Hall and the Roger K. Fall Transit Center for a three (3) year term in an amount not to exceed between \$343,155 and \$364,053 annually and not to exceed \$1,061,000 over the term of the Agreement beginning November 1, 2023 and ending October 31, 2026 (*York*)

Councilmember Monez opened the item for public comment and the following members of the public spoke:

Ron Puffer

With no further comments, Councilmember Monez closed public comment.

Staff responded to questions from the public.

Action: Resolution 2023-228: Approving an Agreement with First Shield Security and Patrol, Inc., of Tracy, California, for unarmed, private security services at Turlock City Hall and the Roger K. Fall Transit Center for a three (3) year term in an amount not to exceed between \$343,155 and \$364,053 annually and not to exceed \$1,061,000 over the term of the Agreement beginning November 1, 2023 and ending October 31, 2026 as motioned by Councilmember Abram, seconded by Councilmember Bixel, and carried 4/0 by the following vote:

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

6. FINAL READINGS

None

7. PUBLIC HEARINGS

- A. Introduction and first reading of an ordinance amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2023-01 Planned Development 282 (Nivel Restaurant)] located at 309 N. Center Street, Stanislaus County APN 061-024-065 and 311 Mitchell Avenue, Stanislaus County APN 061-024-064 (*Quintero*)

Councilmember Monez announced there was a green sheet for this item, herein attached to the minutes as "Exhibit A".

Senior Planner Werner provided the staff report for this item and responded to questions from the City Council.

Councilmember Monez opened the item for public comment and the following members of the public spoke:

Ron Puffer
Hamik Malikian

With no further comments, Councilmember Monez closed public comment.

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Planner Werner responded to questions from the public.

There was additional discussion regarding adding a condition stating staff would review the lease annually. Planner Werner agreed saying they will add that condition.

Action: Ordinance 13XX-cs: Introduction and first reading of an ordinance amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2023-01 Planned Development 282 (Nivel Restaurant)] located at 309 N. Center Street, Stanislaus County APN 061-024-065 and 311 Mitchell Avenue, Stanislaus County APN 061-024-064 as amended to include the added annual review of the lease, as motioned by Councilmember Abram, seconded by Councilmember Bixel, and carried 4/0 by the following vote:

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

8. ACTION ITEMS

- A. Authorizing the City Manager to enter into another agreement with Legacy Health Endowment for the City to continue to support the Person-Centered Care Program from October 1, 2023 to September 30, 2024 and appropriate \$400,000 from Fund 119 (American Rescue Plan Act (ARPA)) Unassigned Reserve to Expense Account Number 119-10-188.43060_000 “Contract Services General” (*Loehr*)

Risk Management Director Loehr provided a brief overview on the request to enter into another agreement with Legacy Health Endowment to continue supporting the Person-Centered Care Program and introduced Dr. Jeffrey Lewis who provided a presentation on the program.

Dr. Lewis responded to questions from the City Council.
Councilmember Monez opened the item for public comment and with no speakers, closed public comment.

Action: Resolution 2023-229: Authorizing the City Manager to enter into another agreement with Legacy Health Endowment for the City to continue to support the Person-Centered Care Program from October 1, 2023 to September 30, 2024 and appropriate \$400,000 from Fund 119 (American Rescue Plan Act (ARPA)) Unassigned Reserve to Expense Account Number 119-10-188.43060_000 “Contract Services General” as motioned by Councilmember Bixel, seconded by Councilmember Abram, and carried 4/0 by the following vote:

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

- B. Appropriating \$1,806,000 to Fund 246 “Landscape Assessment” account number 246-60-600.43700 “Slurry Seals” from Fund 246 unallocated reserves; and awarding bid and approving an Agreement with VSS International of West Sacramento, California in the amount of

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\$3,312,000, and authorizing a contingency amount of \$200,000 (6.0%) for construction of City Project No. 21-033 "Slurry Seals 2023" (*Schulze*)

City Attorney Petrulakis announced there were two actions requested for this agenda item; the first to appropriate funds and the second, to enter into a contract for the slurry seal project. He explained that the appropriation of funds came from a variety of assessment districts that service different properties, of which two of the Councilmembers participating had conflicts of interest. He stated that to cure the conflicts, the project would be segmented by splitting up how the funds would be appropriated from the different assessment districts and that this would be done by having three votes. The first vote would not include the conflicts of Vice Mayor Franco, the second vote would not include the conflicts of Councilmember Abram, and the third vote would include the appropriations from the balance of the assessment districts. In regards to the contract, City Attorney Petrulakis explained that since two Councilmembers were conflicted and two participating, under Government Code 36436, approval of a resolution of the Council requires a majority vote of the total membership of the Council, not a majority vote of those participating meaning there needed to be three of five votes participating.

Both Vice Mayor Franco and Councilmember Abram stated their conflicts for the record. Vice Mayor Franco muted her phone and Councilmember Abram recused herself from the dais during the presentation of the item.

City Engineer Morris provided the presentation for this item.

Councilmember Monez opened the item for public comment and the following members of the public spoke:

Ryan Taylor

With no further comment, Councilmember Monez closed public comment.

Both Vice Mayor Franco and Councilmember Abrams rejoined the meeting directly following public comment.

During Motion #1, Vice Mayor Franco was placed on "hold" during the vote and during Motion #2, Councilmember Abram recused herself from the dais during the vote.

Action: Resolution 2023-230: Appropriating \$1,806,000 to Fund 246 "Landscape Assessment" account number 246-60-600.43700 "Slurry Seals" from Fund 246 unallocated reserves by the following motions:

Motion #1 - Appropriation of funds from Heirlooms 1, Heirlooms 3, Dewer Estates, and Traditions 1 Assessment Districts as motioned by Councilmember Bixel, seconded by Councilmember Monez, and passed 3/0 by the following vote:

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

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Motion #2 - Appropriation of funds from Summerfield Assessment District as motioned by Councilmember Bixel, seconded by Councilmember Monez, and passed 3/0 by the following vote:

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

Motion #3 - Appropriation of funds from the balance of the assessment districts as motioned by Councilmember Bixel, seconded by Vice Mayor Franco, and carried 4/0 by the following vote:

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

For the second action requested, to enter into a contract for the slurry seal project, City Attorney Petrulakis explained that the “Rule of Necessity” would be invoked. City Clerk Christel explained the “Rule of Necessity” and conducted a random means of selection between Vice Mayor Franco and Councilmember Abram. Councilmember Abram was selected to stay and vote on the item. Vice Mayor Franco recused herself and was placed on “hold” during the vote.

Action: Resolution 2023-231: Awarding bid and approving an Agreement with VSS International of West Sacramento, California in the amount of \$3,312,000, and authorizing a contingency amount of \$200,000 (6.0%) for construction of City Project No. 21-033 "Slurry Seals 2023" as motioned by Councilmember Abram, seconded by Councilmember Bixel, and carried 3/0 by the following vote:

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

Following the vote, Vice Mayor Franco rejoined the meeting.

9. CITY MANAGER REPORTS/UPDATES

A. City Manager Monthly Reports

City Manager Wilson advised the Monthly Reports were included in the agenda packet.

B. Fire Station Roof Repair – Status Update

Chief Hunter provided an update on the Fire Station 32 roof repair.

10. COUNCIL ITEMS FOR FUTURE CONSIDERATION

Councilmember Abram would like for the Council to have a discussion regarding making a plan for remaining ARPA funds.

11. COUNCILMEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

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Councilmember Monez congratulated the Turlock Police Association Widow and Orphans Fund who raised just under \$30,000 at last Saturday's event and thanked the event committee for all their hard work. She also sent her thoughts and prayers out to the Mayor.

12. CLOSED SESSION

None

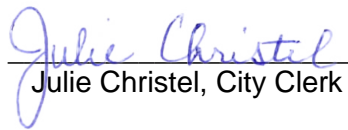
13. REPORTS FROM CLOSED SESSION

None

14. ADJOURNMENT

Councilmember Monez adjourned the meeting at 8:33 p.m.

Respectfully submitted



Julie Christel, City Clerk



ADRIENNE WERNER
PLANNING MANAGER
kquintero@turlock.ca.us

DEVELOPMENT SERVICES

156 S. BROADWAY, SUITE 120 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5542 EXT. 2203 | TDD 1-800-735-2929

MEMORANDUM

TO: Honorable Mayor and Councilmembers
FROM: Adrienne Werner
DATE: October 10, 2023
RE: **AMENDMENTS TO PUBLIC HEARING ITEM 7A**

Staff respectfully submits the attached green sheet amendment to Public Hearing Item 7A. The proposed amendments better clarify the rezoning of the properties and is summarized below:

- Removing reference to the underlying designation of Community Commercial.
- Clarifying that the properties are subject to the provisions and regulations of Title 9 and Planned Development 282

Additionally, staff received a comment letter from a resident after the agenda had been prepared. The letter has been provided to the Council for review.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF AMENDING THE ZONING }
 MAP OF THE CITY OF TURLOCK, CALIFORNIA, }
 ATTACHED TO TITLE 9 OF THE TURLOCK }
 MUNICIPAL CODE [REZONE 2023-01 PLANNED }
 DEVELOPMENT 282 (NIVEL RESTAURANT)] }
 LOCATED AT 309 N. CENTER STREET, }
 STANISLAUS COUNTY APN 061-024-065 AND }
 311 MITCHELL AVENUE, STANISLAUS COUNTY }
 APN 061-024-064. }

ORDINANCE NO. -CS

BE IT ORDAINED by the City Council of the City of Turlock as follows:

SECTION 1. ENVIRONMENTAL DETERMINATION. The City Council finds that the report or declaration reflects the independent judgement of the lead agency and that the project will not have a significant effect on the environmental and hereby determines the project to be Exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15331 [Infill-Project].

SECTION 2. ZONING CHANGE. The Zoning Map of the City of Turlock is hereby amended to rezone the following described property from the Transitional Commercial (TC) zoning district to Planned Development No. 282, ~~with an underlying designation of Community Commercial~~ under the provisions of Title 9 of the Turlock Municipal Code, and said real property shall hereafter be subject to the provisions and regulations of this Chapter and Planned Development 282 relating to property located within such Districts. Said property is described as follows:

Stanislaus County records lying within the southwest quarter of Section 14, Township 5 South Range 10 East, Mount Diablo Meridian, Portions of City of Turlock Blocks 220, 221, 224, 225 & 226 (09M25) Alta Vista (09M60), City of Turlock, Stanislaus County, California, a.k.a. 309 N. Center Street and 311 Mitchell Avenue, Stanislaus County Assessor's Parcel Numbers 061-024-065 and 061-024-064.

SECTION 3. ZONING MAP. The Zoning Map of the City of Turlock, California, attached

to Title 9 of the Turlock Municipal Code is amended to appear as set forth on the map attached hereto (Exhibit A), which is hereby made a part of this ordinance by reference.

SECTION 4. VALIDITY. If any section, subsection, sentence, clause, word, or phrase, of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Turlock City Council hereby declares that they would have passed this ordinance, and each section, subsection, sentence, clause, word, or phrase thereof, irrespective of the fact that one or more section, subsection, sentence, clause, word, or phrase be declared invalid or unconstitutional.

SECTION 5. ENACTMENT. This ordinance shall become effective and be in full force on and after thirty (30) days of its passage and adoption. Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Stanislaus, State of California, together with names of the members of the City Council voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 10th day of October, 2023, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

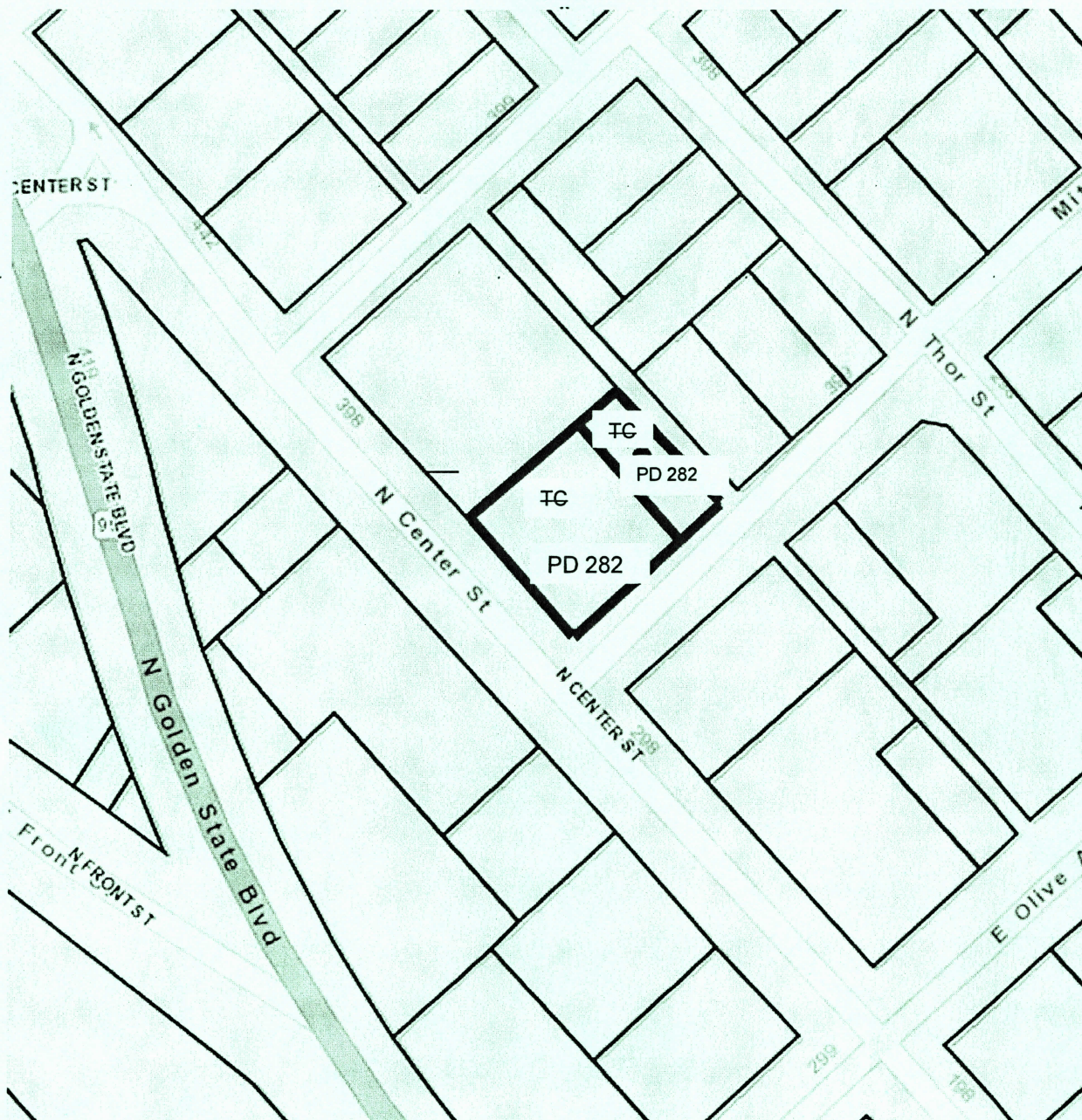
Signed and approved this 10th day of October, 2023.

Amy Bublak, Mayor

ATTEST:

Julie Christel, City Clerk,
City of Turlock, County of Stanislaus,
State of California

EXHIBIT A



Adrienne Werner

From: Hillberg, Robert <rhillberg@hillbergcpa.com>
Sent: Wednesday, October 4, 2023 1:14 PM
To: Adrienne Werner
Subject: Comment on Planned Development 282
Attachments: 309 N Center St.pdf

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

This is from Carl Hillberg the owner of property at 401 and 415 Mitchell Av.

Robert Hillberg, CPA PFS
Hillberg & Co., CPA's
415 Mitchell St.
Turlock, CA 95380
209-667-2406
fax 209-667-4615
www.hillbergcpa.com

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Carl E Hillberg
415 Mitchell Av
Turlock, CA

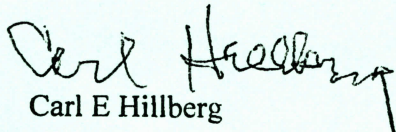
September 30, 2023

City of Turlock Planning Division
156 S Broadway Suite 120
Turlock, CA 95380

Re: Planned Development 282 and Rezone 2023-01 Nivel Restaurant

This application has a glaring weakness that requires additional work. The parking for this project is inadequate. The restaurant parking shortage of nearly half the necessary 113 parking spaces will adversely impact the adjacent neighborhood. The 37 parking spaces across N Center Street will create a significant danger for those crossing a busy street and adversely affect traffic on N Center Street.

This project should not be approved without at least an additional 40 parking spaces.


Carl E Hillberg