

City Council Meeting Agenda



JANUARY 11, 2022

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California

**NOTICE: CITY HALL HAS BEEN CLOSED TO THE PUBLIC DUE TO AN
OUTBREAK OF THE COVID VIRUS.**

**TO AVOID SPREAD OF THE COVID VIRUS, THIS CITY COUNCIL MEETING WILL BE HELD IN
ACCORDANCE WITH GOVERNMENT CODE SECTION 54953(e) AND OTHER PROVISIONS OF
THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AS
WELL AS OTHER RELEVANT LAWS SUCH AS THE FEDERAL AMERICANS WITH
DISABILITIES ACT.**

THIS MEETING WILL NOT BE PHYSICALLY OPEN TO THE PUBLIC.

**TO PARTICIPATE IN OR WATCH THIS MEETING, YOU MUST DO SO USING ONE OF THE
FOLLOWING METHODS:**

TO JOIN ON YOUR COMPUTER OR SMART PHONE/TABLET:

CLICK ON THIS MEETING LINK: <https://us02web.zoom.us/j/84924629186>

OR

**GO TO THE ZOOM WEBSITE: <https://zoom.us/join> AND ENTER
WEBINAR ID NUMBER: 849 2462 9186**

**TO JOIN BY TELEPHONE*: DIAL 669-900-6833 AND ENTER
WEBINAR ID NUMBER: 849 2462 9186**

****participant's phone number will be public****

**PLEASE NOTE THAT DUE TO TECHNICAL UPGRADES THAT ARE NOT COMPLETE, THIS
MEETING WILL NOT BE STREAMED ON THE CITY OF TURLOCK WEBSITE AND WILL NOT BE
BROADCAST ON SPECTRUM CHANNEL 2.**

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 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.

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

- A. Presentation: Self-Help Enterprises (*Ramos*)
- B. Appointment: Planning Commission
- C. Appointment: Parks, Arts, and Recreation Commission
- D. Appointment: CDBG Grant Selection Committee (Community Members)

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 Monthly Demands of 9/30/21 in the amount of \$16,648,081.89; Weekly Demands of 12/2/21 in the amount of \$1,015,711.73; Weekly Demands of 12/9/21 in the amount of \$455,489.66; Weekly Demands of 12/16/21 in the amount of \$1,296,648.79; Weekly Demands of 12/23/21 in the amount of \$1,522,703.39
- B. Motion: Accepting Minutes of the Regular Meeting of December 14, 2021
- C. Motion: Approving of Contract Change Order No. 1 (Final) in the decreased amount of \$6,679 (Non-General Fund – Fund 215) for City Project No. 18-53 "Intersection Improvements at Tully Rd and Tuolumne Rd" bringing the contract total to \$467,801
Motion: Accepting improvements for City Project No. 18-54 "Intersection Improvements at Tully Rd and Tuolumne Rd" and authorizing the Acting City Engineer to file a Notice of Completion
- D. Motion: Approving Amendment No. 1 to the Agreement between the City of Turlock and Provost & Pritchard Engineering Group for Design Services of the Drinking Water Chlorination Project to include an additional scope of work for continuation of construction administration and construction management, and increasing the compensation by \$195,000, for a total not-to-exceed amount of \$836,300
- E. Resolution: Approving the Tentative Agreement updating the Memorandum of Understanding ("MOU") between the City of Turlock and Turlock Management Association – Public Safety covering the period of July 1, 2021 through June 30, 2022
- F. Resolution: Approving a salary range adjustment for the job classification of Executive Administrative Assistant/Municipal Services from Confidential salary range 27.4 to range 29.2, effective January 11, 2022
Motion: Approving update of the job description for Executive Administrative Assistant/Municipal Services
- G. Resolution: Reinstating the Executive Assistant to the City Manager/City Clerk position at salary range 35.1 and approving modifications to the job description, effective January 11, 2022
Resolution: Approving an amendment to the salary schedule of the existing management schedule of benefits and policies adopted by Resolution No. 2021-131 dated July 13, 2021 to include all approved management salaries
- H. Resolution: Reaffirming the Director of Emergency Services Proclamation of Existence of a Local Emergency in response to COVID-19

7. **FINAL READINGS:**

- A. Request to amend 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)]. (*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)

- B. 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

8. **PUBLIC HEARINGS:**

- A. ***This item was continued from the December 14, 2021, City Council meeting.***
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

9. **ACTION ITEMS:**

- A. Request to authorize City Manager to execute service agreement with Performance on Purpose, LLC for City Mental Wellbeing Program by performing training and coaching AND approving a Service Agreement between the City of Turlock and Performance on Purpose, LLC for Mental Wellbeing Program and appropriating \$417,994 from Fund 119 (American Rescue Plan Act (ARPA)) Unassigned Reserve to Expense Account Number 119-10-118.43060_046 "Contract Services Mental Wellbeing". (*Moreno*)

Recommended Action:

Motion: Authorize Interim City Manager to execute service agreement with Performance on Purpose, LLC for City Mental Wellbeing Program by performing training and coaching

Resolution: Approving a Service Agreement between the City of Turlock and Performance on Purpose, LLC for Mental Wellbeing Program and appropriating \$417,994 from Fund 119 [American Rescue Plan Act (ARPA)] Unassigned Reserve to Expense Account Number 119-10-188.43060_046 “Contract Services Mental Wellbeing”

- B. Request to accept and consent to the Interim City Manager’s appointment of Jason Hedden to the position of Chief of Police for the City of Turlock Police Department, effective February 16, 2022, and approving an Employment Agreement. (*Eddy*)

Recommended Action:

Resolution: Accepting and consenting to the Interim City Manager’s appointment of Jason Hedden to the position of Chief of Police for the City of Turlock Police Department, effective February 16, 2022, and approving an Employment Agreement

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. City Manager (*Eddy*)
1. Administration Update

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.

14. 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 Case(s): (2 cases)

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: Miguel Garcia

Agency Claimed Against: City of Turlock

C. 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: Jammu Petro Food Inc, RJ Singh

Agency Claimed Against: City of Turlock

D. 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: Jammu Petro Food Inc, RJ Singh

Agency Claimed Against: City of Turlock

15. REPORTS FROM CLOSED SESSION

16. ADJOURNMENT