

City Council Meeting Agenda



October 22, 2024

6:00 PM

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California

Mayor
Amy Bublak

Council Members

Kevin Bixel

Cassandra Abram

Rebecka Monez

Pam Franco (Vice Mayor)

Acting City Manager

Sarah Eddy

City Clerk

Julie Christel

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 agenda item 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 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.

1. **CALL TO ORDER**
2. **SALUTE TO THE FLAG**
3. **ROLL CALL AND DECLARATION OF CONFLICTS**
4. **APPROVAL OF AGENDA AS POSTED OR AMENDED**

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Next City Council Resolution: 2024-156

Next Ordinance: 1318-CS

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.

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

- A. Briefing: Status of facility owned/operated by AHS Turlock Operating LLC, Alamo Health Management MHRE Turlock RE LLC, and/or related entities at 1617 Colorado Avenue (Petrukakis)

6. 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 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.

7. 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. Motion: Accepting the Weekly demands of September 20, 2024 through September 26, 2024 in the amount of \$2,924,115.35, September 27, 2024 through October 3, 2024 in the amount of \$1,580,535.88, October 4, 2024 through October 10, 2024 in the amount of \$2,845,641.03, AP EFT for August 2024 in the amount of \$709,995.25, and Payroll EFT for July 2024 in the amount of \$12,660,549.42.
- B. Motion: Accepting the Minutes of the October 8, 2024 Regular City Council meeting, and the Minutes of the October 15, 2024 Special City Council meeting
- C. Motion: Waiving Reading of All Ordinances on the Agenda, Except by Title
- D. Motion: Reaffirming the determination made by the City Manager in response to the emergency created by the inoperative computer room air conditioning units at the Public Safety Facility and finding that the emergency will not permit a delay resulting from a competitive solicitation for bids pursuant to Public Contract Code 22050(c)(2) (Fisher)
- E. Resolution 2024-XXX: Rescinding Resolution No. 2024-011 and approving an update to the City of Turlock's Title VI Program for Federal Fiscal Years (FFY) 2024-2026 as required by

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the Federal Transit Administration (FTA) for recipients of federal transit funding (York)

- F. Motion: Accepting improvements for City Project No. 23-038 "Well Sites 15, 20, and 22 Roofs Repair" and authorizing the City Engineer to file a Notice of Completion (Morris)
- G. Resolution 2024-XXX: Approving Amendment No. 1 to the Memorandum of Understanding between the City of Turlock and the StanCOG to accept an increase in the suballocation of Regional Early Action Plan (REAP) funds in the amount not to exceed \$73,401.14 and appropriating \$73,401.14 to account number 271-40-400-452.34168 Regional Early Action Plan (REAP) funding (Werner)

Resolution 2024-XXX: Authorize the City Manager to enter into a professional services agreement with Dyett and Bhatia Urban and Regional Planners for work and associated services done in support of the 6th Cycle Housing Element in amount not to exceed \$127,455.00 to be funded by Fund 271 "Development Services Grants" and Fund 241 "Asset Replacement"

8. FINAL READINGS

- A. Second and final reading of an Ordinance extending by Amendment, in a form approved by the City Attorney, the Development Agreement between Perfect Union and the City of Turlock for the operation of a cannabis retail dispensary at 2500 N. Golden State Boulevard, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 088-007-025 through June 30, 2025. (Werner)

Recommended Action: Ordinance-13XX: Second and final reading of an Ordinance extending by Amendment, in a form approved by the City Attorney, the Development Agreement between Perfect Union and the City of Turlock for the operation of a cannabis retail dispensary at 2500 N. Golden State Boulevard, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 088-007-025 through June 30, 2025.

- B. Second and final reading of an Ordinance extending by Amendment, in a form approved by the City Attorney, the Development Agreement between Fire House and the City of Turlock for the operation of a cannabis retail dispensary at 1601 W. Main Street, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 089-015-006 through June 30, 2025. (Werner)

Recommended Action: Ordinance-13XX: Second and final reading of an Ordinance extending by Amendment, in a form approved by the City Attorney, the Development Agreement between Fire House and the City of Turlock for the operation of a cannabis retail dispensary at 1601 W. Main Street, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 089-015-006 through June 30, 2025..

- C. Second and final reading of an Ordinance extending by Amendment, in a form approved by the City Attorney, the Development Agreement between JDI Farms, Inc. and the City of Turlock for the operation of an indoor cannabis cultivation, manufacturing, and distribution business at 600 D Street, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 043-018-016 through June 30, 2025 (Werner)

Recommended Action: Ordinance-13XX: Second and final reading of an Ordinance

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extending by Amendment, in a form approved by the City Attorney, the Development Agreement between JDI Farms, Inc. and the City of Turlock for the operation of an indoor cannabis cultivation, manufacturing, and distribution business at 600 D Street, Turlock, CA, County of Stanislaus, Assessor's Parcel Number 043-018-016 through June 30, 2025

- D. Second and final reading of an ordinance amending Turlock Municipal Code Title 6 (Sanitation and Health), Chapter 6-4 (Sewage Disposal), Article 1 (General Provisions); Article 4 (Fees and Charges); Article 5 (Wastewater Treatment Facility Capacity Charges); Article 7 (Sewer Service User Rates); Article 9 (Testing Methods and Procedures Used to Determine Influent Flow Characteristics); and Article 11 (Sewer Lines and Reimbursement) (Fisher)

Recommended Action:

Ordinance 13XX: Second and final reading of an ordinance amending Turlock Municipal Code Title 6 (Sanitation and Health), Chapter 6-4 (Sewage Disposal), Article 1 (General Provisions); Article 4 (Fees and Charges); Article 5 (Wastewater Treatment Facility Capacity Charges); Article 7 (Sewer Service User Rates); Article 9 (Testing Methods and Procedures Used to Determine Influent Flow Characteristics); and Article 11 (Sewer Lines and Reimbursement)

9. PUBLIC HEARINGS

- A. Introduction and first reading of an ordinance amending Turlock Municipal Code Title 4 (Public Safety), Chapter 7 (Traffic), Article 14 (Special Speed Zones) (Morris)

Recommended Action: Ordinance 13XX: Introduction and first reading of an ordinance amending Turlock Municipal Code Title 4 (Public Safety), Chapter 7 (Traffic), Article 14 (Special Speed Zones)

- B. In the matter of adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Rezone 2024-01, Planned Development 283 (PD 283), Introduction and first reading amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2024-01 Planned Development 283 - RBK Development] at 337 West Avenue South, Stanislaus County APN 050-003-042 (Werner)

Recommended Action:

Resolution 2024-XXX: Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Rezone 2024-01 at 337 West Avenue South, Stanislaus County APN 050-003-042

Ordinance 13XX-CS: Introduction and first reading amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2024-01 Planned Development 283] at 337 West Avenue South, Stanislaus County APN 050-003-042

10. ACTION ITEMS

- A. Adopting a temporary Industrial Ratepayer Assistance Program to assist Significant Industrial Users with payment of their sewer service rates and authorizing the City Manager or Municipal Services Director to execute agreements, in a form approved by the City Attorney, pursuant to this resolution and appropriating \$2,180,606.92 from Fund 413 (WQC-Capital Expansion Reserve) unallocated reserves to expense account Fund 413 (WQC-Capital

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Expansion Reserve) 413-51-537.47083 "Industrial Rate Payer Assistance Program" to provide funding for the temporary Industrial Ratepayer Assistance Program (Fisher)

Recommended Action: Resolution 2024-XXX: Adopting a temporary Industrial Ratepayer Assistance Program to assist Significant Industrial Users with payment of their sewer service rates and authorizing the City Manager or Municipal Services Director to execute agreements, in a form approved by the City Attorney, pursuant to this resolution and appropriating \$2,180,606.92 from Fund 413 (WQC-Capital Expansion Reserve) unallocated reserves to expense account Fund 413 (WQC-Capital Expansion Reserve) 413-51-537.47083 "Industrial Rate Payer Assistance Program" to provide funding for the temporary Industrial Ratepayer Assistance Program

- B. Approving an agreement with Genesis Behavior Center, Inc., in a form approved by the City Attorney, in an amount not to exceed \$642,500 for Personalized repetitive Transcranial Magnetic Stimulation (PrTMS®) for public safety personnel to be funded by American Rescue Plan Act (ARPA) and appropriate funds to Fund 119 "American Rescue Plan Act" account 119-10-188.43060_000 "Contract Services General" (Dhami)

Recommended Action: Resolution 2024-XXX: Approving an agreement with Genesis Behavior Center, Inc., in a form approved by the City Attorney, in an amount not to exceed \$642,500 for Personalized repetitive Transcranial Magnetic Stimulation (PrTMS®) for public safety personnel to be funded by American Rescue Plan Act (ARPA) and appropriate funds to Fund 119 "American Rescue Plan Act" account 119-10-188.43060_000 "Contract Services General"

- C. Amending the FY 2024-25 municipal budget within Fund 426 "Transit" to complete project funding for City Project No. 22011 "Transit Midsize Bus Purchase" and approving the purchase and delivery of seven (7) 2025 Arboc Spirit of Mobility midsize buses from Model 1 Commercial Vehicles of Chino, California, to be used as transit revenue service vehicles, purchased under the CalACT/MBTA Purchasing Cooperative RFP No. 20-01, in an amount not to exceed \$1,800,911 (Fund 426), without compliance to formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5) (York)

Recommended Action:

Resolution 2024-XXX: Amending the FY 2024-25 municipal budget within Fund 426 "Transit" to complete project funding for City Project No. 22011 "Transit Midsize Bus Purchase"

Resolution 2024-XXX: Approving the purchase and delivery of seven (7) 2025 Arboc Spirit of Mobility midsize buses from Model 1 Commercial Vehicles of Chino, California, to be used as transit revenue service vehicles, purchased under the CalACT/MBTA Purchasing Cooperative RFP No. 20-01, in an amount not to exceed \$1,800,911 (Fund 426), without compliance to formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5)

11. 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.

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12. COUNCILMEMBER COMMENTS AND ANNOUNCEMENTS

13. COUNCIL ITEMS FOR FUTURE CONSIDERATION

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: Deputy City Manager Sarah Eddy
Employee Organization: Turlock City Employees Association
Employee Organization: Turlock Firefighters Association-Local 2434
Employee Organization: Turlock Management Association-Public Safety
- 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(s): Four (4)

15. REPORTS FROM CLOSED SESSION

16. ADJOURNMENT