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SEPTEMBER 22, 2020
6:00 p.m.
City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

DRAFT

MINUTES
Regular Meeting
Turlock City Council

0. A. **CALL TO ORDER** – Mayor Bublak called the meeting to order at 6:01 p.m.

B. **SALUTE TO THE FLAG**

Mayor Bublak announced that members of staff are participating in the meeting via the Zoom system and advised the Council meeting is being streamed on the City's website, YouTube, and Spectrum Channel 2.

Mayor Bublak also announced that members of the public will be given the opportunity to address the Council during public participation as well during the presentation of public hearing / discussion items and noted the City Clerk will provide additional details once we near the public participation section of the meeting.

C. **ROLL CALL:**

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

PRESENT: Councilmembers Becky Arellano, Nicole Larson, Andrew Nosrati, Gil Esquer, and Mayor Amy Bublak.

ABSENT: None

D. **DECLARATION OF CONFLICTS:**

Councilmember Esquer declared a conflict with Consent Calendar Item 6C6.

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.

City Attorney Douglas L. White announced that at staff's request Closed Session Item 13C be continued to the next meeting. City Clerk Jennifer Land also announced that as staff's request Staff Update Item 10A be removed from the agenda.

Action: Motion by Councilmember Nosrati, seconded by Councilmember Esquer, Approving the agenda as amended. Motion carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

DRAFT

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

A. Proclamation: In Honor of the Retirement of Chief of Police Ninus C. Amirfar

Mayor Bublak read the Proclamation in Honor of the Retirement of Chief of Police Ninus C. Amirfar.

*City Clerk Jennifer Land announced that members of the public will be given the opportunity to address Council on items that are within the subject matter jurisdiction of the City Council and on any item on tonight's agenda. For items listed on the agenda, we ask that you please defer your comments until that item is heard by the Council. For those who are interested in addressing the Council, please press the "raise hand" feature on your screen or press *9 from your telephone keypad once the Mayor opens public comment and before she closes public comment.*

Members of the public will be allotted three (3) minutes for comments and will be taken in the order of which requests are received. When it is a member's turn to speak, they will hear an automated prompt indicating their line has been unmuted – and that is when the three (3) minutes will begin.

Lastly, we request members who choose to address the Council to please state their first and last name in the event any follow up is needed; however, this is not mandatory.

4. PUBLIC PARTICIPATION:

The following members of the public spoke:

Terri Shaver
Milt Trieweiler

5. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE

Action: Motion by Councilmember Nosrati, seconded by Councilmember Arellano, Waiving reading of all Ordinances on the agenda, except by title. Motion carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

6. CONSENT CALENDAR:

Councilmember Nosrati requested Consent Calendar Item 6C be removed for separate consideration.

Action: Motion by Councilmember Arellano, seconded by Councilmember Larson, adopting the amended consent calendar. Motion carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

- A. **Resolution No. 2020-131:** Accepting Weekly Demands of 8/2/20 in the amount of \$2,777,490.10; Accepting Weekly Demands of 8/27/20 in the amount of \$580,403.06
- B. **Motion:** Accepting Minutes of the Special Meeting of July 14, 2020; Minutes of the Regular Meeting of July 14, 2020
- C. *Removed for separate consideration.*
- D.
 - 1. **Motion:** Approving Contract Change Order No. 4 (Final) in the amount of \$189,156.75 (Non-General Fund - Fund 416) with Ranger Pipelines of San Francisco, California for City Project No. 17-22A "North Valley Regional Recycled Water Program – Turlock Component," bringing the contract total to \$28,325,528.16
 - 2. **Resolution No. 2020-132:** Approving the carryover of unexpended appropriations from Fiscal Year 2019-20 to amend the Fiscal Year 2020-21 budget for the North Valley Regional Recycled Water Project - Fund 416 "Recycled Water Sales" totaling \$343,000 to provide for the proper accounting of expenses associated with City Project No. 17-22A "North Valley Regional Recycled Water Program – Turlock Component"
 - 3. **Motion:** Accepting Improvements and authorizing the City Engineer to file a Notice of Completion for City Project No. 17-22A "North Valley Regional Recycled Water Program – Turlock Component"
- E.
 - 1. **Motion:** Approving Amendment No. 3 with Carollo Engineers of Walnut Creek, California in the amount of \$159,940 (Non-General Fund - Fund 420), bringing the contract total to \$2,871,176, for professional engineering design services for City Project No. 18-69 "Surface Water Distribution System Improvements"
 - 2. **Resolution No. 2020-133:** Appropriating \$159,000 to account number 420-52-551.51356 "Northeast Water Storage Tank-2 Mil Gal" to be funded via a transfer from Fund 420 "Water" unallocated reserves for professional design services for City Project No. 18-69 "Surface Water Distribution System Improvements"
- F. **Motion:** Approving Contract Change Order No. 3 in the amount of \$33,914 for City Project No. 19-33 "Dried Solids Storage Area" bringing the contract total to \$2,869,315
- G. **Motion:** Awarding bid and approving an Agreement in the amount of \$582,120 (Non-General Fund - Fund 218) with VSS International of West Sacramento, California, for City Project No. 20-003 "Northeast Quadrant Road Rehabilitation"
- H.
 - 1. **Motion:** Awarding a Retainer Agreement with Blair, Church & Flynn Consulting Engineers, Inc., of Clovis, CA, for City Project No. 20-022, "RFQ for Engineering and Surveying Services" in an amount not to exceed \$150,000 annually
 - 2. **Motion:** Awarding a Retainer Agreement with DF Engineering, Inc., of Modesto, CA, for City Project No. 20-022, "RFQ for Engineering and Surveying Services" in an amount not to exceed \$150,000 annually

3. Motion: Awarding a Retainer Agreement with GDR Engineering, Inc., of Ceres, CA, for City Project No. 20-022, "RFQ for Engineering and Surveying Services" in an amount not to exceed \$150,000 annually
 4. Motion: Awarding a Retainer Agreement with North Star Engineering Group, Inc., of Modesto, CA, for City Project No. 20-022, "RFQ for Engineering and Surveying Services" in an amount not to exceed \$150,000 annually
 5. Motion: Awarding a Retainer Agreement with O'Dell Engineering, Inc., of Modesto, CA, for City Project No. 20-022, "RFQ for Engineering and Surveying Services" in an amount not to exceed \$150,000 annually
 6. Motion: Awarding a Retainer Agreement with Provost & Pritchard Consulting Group, of Modesto, CA, for City Project No. 20-022, "RFQ for Engineering and Surveying Services" in an amount not to exceed \$150,000 annually
- I. Resolution No. 2020-134: Approving the submission of a grant application for the CARES Act Airport Grant, accepting the CARES Act Airport Grant in the amount of \$30,000, appropriating the grant funds to account number 401-10-125.34306 "FAA CARES Act Airport Grant Revenue", and authorizing the City Manager to sign and execute all documents related to the Grant
 - J. Motion: Approving Amendment No. 2 to an Agreement between the City of Turlock and Falany Fence, increasing the annual compensation amount from \$30,000 to \$110,000 for additional fencing repair and installation services
 - K. Resolution No. 2020-135: Reaffirming the Director of Emergency Services Proclamation of Existence of a Local Emergency in response to COVID-19
- 6C.
1. Resolution: Approving a Purchase and Sale Agreement with Baljinder Dhesi for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$16,500 (Non-General Fund – Fund 215) for right of way acquisition of 301 West Linwood Avenue per the terms of the agreement
 2. Resolution: Approving a Purchase and Sale Agreement with Baljinder Dhesi for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$7,400 (Non-General Fund – Fund 215) for right of way acquisition of 309 West Linwood Avenue per the terms of the agreement
 3. Resolution: Approving a Purchase and Sale Agreement with Rick and Christi Falke for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$8,900 (Non-General Fund – Fund 215) for right of way acquisition of 133 West Linwood Avenue per the terms of the agreement
 4. Resolution: Approving a Purchase and Sale Agreement with Alexander and Mary McLeod for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$16,500 (Non-General Fund – Fund 215) for right of way acquisition of 333 West Linwood Avenue per the terms of the agreement
 5. Resolution: Approving a Purchase and Sale Agreement with Cynthia Perry for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$8,200 (Non-General Fund – Fund 215) for right of way acquisition of 233 West Linwood Avenue per the terms of the agreement
 6. Resolution: Approving a Purchase and Sale Agreement with Danny and Maria Raya for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$20,700 (Non-General Fund – Fund 215) for right of way acquisition of 401 West Linwood Avenue per the terms of the agreement
 7. Resolution: Approving a Purchase and Sale Agreement with Gary Bellani for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$21,000 (Non-General

Fund – Fund 215) for right of way acquisition of 317 West Linwood Avenue per the terms of the agreement

8. Resolution: Approving a Purchase and Sale Agreement with Jose Orozco for City Project No. 16-60 “Linwood Avenue ATP Improvements” in the amount of \$24,000 (Non-General Fund – Fund 215) for right of way acquisition of 241 West Linwood Avenue per the terms of the agreement

9. Resolution: Approving a Purchase and Sale Agreement with Esther Islas for City Project No. 16-60 “Linwood Avenue ATP Improvements” in the amount of \$7,700 (Non-General Fund – Fund 215) for right of way acquisition of 225 West Linwood Avenue per the terms of the agreement

Council and staff discussed this item.

Mayor Bublak opened public participation.

The following members of the public spoke:

Anthea Hansen (regarding Consent Calendar Item 6D)

Mayor Bublak closed public participation.

Action: **Resolution No. 2020-136:** Approving a Purchase and Sale Agreement with Baljinder Dhesi for City Project No. 16-60 “Linwood Avenue ATP Improvements” in the amount of \$16,500 (Non-General Fund – Fund 215) for right of way acquisition of 301 West Linwood Avenue per the terms of the agreement as introduced by Councilmember Esquer, seconded by Councilmember Larson, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Resolution No. 2020-137: Approving a Purchase and Sale Agreement with Baljinder Dhesi for City Project No. 16-60 “Linwood Avenue ATP Improvements” in the amount of \$7,400 (Non-General Fund – Fund 215) for right of way acquisition of 309 West Linwood Avenue per the terms of the agreement as introduced by Councilmember Esquer, seconded by Councilmember Larson, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Resolution No. 2020-138: Approving a Purchase and Sale Agreement with Rick and Christi Falke for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$8,900 (Non-General Fund – Fund 215) for right of way acquisition of 133 West Linwood Avenue per the terms of the agreement as introduced by Councilmember Esquer, seconded by Councilmember Larson, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Resolution No. 2020-139: Approving a Purchase and Sale Agreement with Alexander and Mary McLeod for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$16,500 (Non-General Fund – Fund 215) for right of way acquisition of 333 West Linwood Avenue per the terms of the agreement as introduced by Councilmember Esquer, seconded by Councilmember Larson, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Resolution No. 2020-140: Approving a Purchase and Sale Agreement with Cynthia Perry for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$8,200 (Non-General Fund – Fund 215) for right of way acquisition of 233 West Linwood Avenue per the terms of the agreement as introduced by Councilmember Esquer, seconded by Councilmember Larson, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Councilmember Esquer recused himself from participating in Consent Calendar Item 6C6 due to a family member having financial interest in this property and stepped down from the dais.

Resolution No. 2020-141: Approving a Purchase and Sale Agreement with Danny and Maria Raya for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$20,700 (Non-General Fund – Fund 215) for right of way acquisition of 401 West Linwood Avenue per the terms of the agreement as introduced by Councilmember Nosrati, seconded by Councilmember Larson, and carried 4/1 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Not Participating	Yes

Resolution No. 2020-142: Approving a Purchase and Sale Agreement with Gary Bellani for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$21,000 (Non-General Fund – Fund 215) for right of way acquisition of 317 West Linwood Avenue per the terms of the agreement as

introduced by Councilmember Esquer, seconded by Councilmember Larson, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Resolution No. 2020-143: Approving a Purchase and Sale Agreement with Jose Orozco for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$24,000 (Non-General Fund – Fund 215) for right of way acquisition of 241 West Linwood Avenue per the terms of the agreement as introduced by Councilmember Esquer, seconded by Councilmember Larson, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Resolution No. 2020-144: Approving a Purchase and Sale Agreement with Esther Islas for City Project No. 16-60 "Linwood Avenue ATP Improvements" in the amount of \$7,700 (Non-General Fund – Fund 215) for right of way acquisition of 225 West Linwood Avenue per the terms of the agreement as introduced by Councilmember Esquer, seconded by Councilmember Larson, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

7. FINAL READINGS:

- A. **Ordinance:** Amending Turlock Municipal Code sections 5-7-04 and 5-7-05 regarding updating outdated language related to the discharge of firearms and the operation of shooting ranges and galleries in the City of Turlock as introduced at the September 8, 2020 City Council meeting

Mayor Bublak opened public participation. No one spoke. Mayor Bublak closed public participation.

Action: **Ordinance No. 1282-CS,** Motion by Councilmember Nosrati, seconded by Councilmember Esquer, Amending Turlock Municipal Code sections 5-7-04 and 5-7-05 regarding updating outdated language related to the discharge of firearms and the operation of shooting ranges and galleries in the City of Turlock as introduced at the September 8, 2020 City Council meeting was passed and adopted 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

- B. Ordinance: Adding Chapter 5-25, Industrial Hemp Regulations to Title 5, Public Welfare, Morals, and Conduct; amending section 9-1-202 regarding Definitions; adding Article 8 regarding Industrial Hemp Uses to Chapter 9-2, Regulations Applying to all Districts; amending section 9-3-302 regarding Commercial Use Classifications; amending Section 9-3-402 regarding Industrial Use Classifications; and amending Section 9-4-103 regarding Downtown Overlay Use Classifications, of the Turlock Municipal Code, to regulate industrial hemp uses as introduced at the September 8, 2020 City Council meeting

Mayor Bublak opened public participation. No one spoke. Mayor Bublak closed public participation.

Action: **Ordinance No. 1283-CS**, Motion by Councilmember Arellano, seconded by Councilmember Larson, Adding Chapter 5-25, Industrial Hemp Regulations to Title 5, Public Welfare, Morals, and Conduct; amending section 9-1-202 regarding Definitions; adding Article 8 regarding Industrial Hemp Uses to Chapter 9-2, Regulations Applying to all Districts; amending section 9-3-302 regarding Commercial Use Classifications; amending Section 9-3-402 regarding Industrial Use Classifications; and amending Section 9-4-103 regarding Downtown Overlay Use Classifications, of the Turlock Municipal Code, to regulate industrial hemp uses as introduced at the September 8, 2020 City Council meeting was passed and adopted 4/1 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	No	Yes	Yes

8. PUBLIC HEARINGS

Mayor Bublak announced that Public Hearing Item 8A is a quasi-judicial proceeding and asked Council to disclose any ex parte communications.

- A. Request to deny the appeal and affirm the Planning Commission Decision Granting Conditional Use Permit 2020-01 (Natural Healing Center Turlock LLC Dispensary) AND Grant Conditional Use Permit 2020-01 (Natural Healing Center Turlock LLC Dispensary) at 3401 West Monte Vista Avenue and Establishing Conditions of Approval

Councilmember Esquer, Councilmember Larson, Councilmember Nosrati, and Mayor Bublak disclosed communications with Appellant Matthew Jacob.

Attorney Blaine Cox presented information regarding the appeal including objections to the CEQA determination, commercial cannabis zoning, adjacent land uses, reconsideration of the project by staff and the Planning Commission, and performance of a CEQA initial study.

Appellant Matthew Jacob disclosed ex parte communication with Councilmember Arellano and presented information regarding the appeal including a historical perspective on cannabis as a former Councilmember, impacts of election results, the duty of Councilmembers, and honoring the voice of the voters in the City.

RRM Design Group Architect Randy Russom, representing Natural Healing Center (NHC), spoke regarding land use and surrounding businesses.

NHC Representative Joe Armendariz spoke regarding the appeal and their business operations including brands, retail locations, dispensary layout, community involvement, sales trends, economic results, and corporate values.

Mayor Bublak opened the public hearing.

The following members of the public spoke:

- Aaron Young
- Bill DeHart
- Cheryl Reiland
- Member of the public
- Mary Jackson

Mayor Bublak closed the public hearing.

City Attorney Douglas L. White spoke regarding the cannabis dispensary approval process, review of appellant’s memo, and the evaluation and confirmation of legal review.

Further Council discussion included equal treatment of businesses, consistencies in processing, security protocols, calls for service, cost and process for CEQA review, and the Environmental Impact Review (EIR).

Appellant Matthew Jacob made his rebuttal arguments.

Attorney Blaine Cox commented on the issues addressed by the appellant and requested text messages exchanged by Council members at the dais be admitted for the record.

NHC Representative Joe Armendariz provided final comments and expressed his gratitude for the opportunity to submit a proposal.

RRM Design Group Architect Randy Russom, representing NHC, provided final comments and clarification to appellant comments.

Action: Motion by Councilmember Arellano, seconded by Councilmember Nosrati, Denying the appeal and affirming the Planning Commission Decision Granting Conditional Use Permit 2020-01 (Natural Healing Center Turlock LLC Dispensary). Motion carried 4/1 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	No

Resolution No. 2020-145: Granting Conditional Use Permit 2020-01 (Natural Healing Center Turlock LLC Dispensary) at 3401 West Monte Vista Avenue and Establishing Conditions of Approval as introduced by Councilmember Arellano, seconded by Councilmember Nosrati, and carried 4/1 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	No

- B. Deputy Director of Development presented the staff report on the request to hear the Final Reading and adopt an Ordinance approving a Development Agreement for Natural Healing Center Turlock LLC

Mayor Bublak opened the public hearing.

The following members of the public spoke:

Bill DeHart
Blaine Cox

Mayor Bublak closed the public hearing.

Staff provided brief comment in response to the public comment.

Action: **Ordinance No. 1284-CS**, Motion by Councilmember Nosrati, seconded by Councilmember Arellano, Adopting an Ordinance approving a Development Agreement by and between the City of Turlock and Natural Healing Center Turlock LLC (NHC Turlock LLC), located at 3401 West Monte Vista Avenue, Turlock, CA, County of Stanislaus, Assessor’s Parcel Number 087-003-039 as introduced at the August 25, 2020 City Council meeting. Motion carried 4/1 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	No

9. ACTION ITEMS:

- A. Assistant to the City Manager for Economic Development/Housing Maryn Pitt presented the staff report on the request to approve the sale agreement, loan agreement, and joint escrow instructions in a form approved by the City Attorney, for the sale of the property located at 1540 Springville Way, Turlock, CA, (APN # 042-016-028-000), to be sold to Greater Modesto Interfaith Hospitality Network dba- Modesto Family Promise-Turlock, a California nonprofit public benefit corporation, in the amount of \$288,000, subject to the terms and conditions as outlined in Attachment A, and authorize the City Manager to sign all necessary documents to effectuate the transaction

Assistant to the City Manager for Economic Development/Housing Maryn Pitt introduced Tamra Losinski from Family Promise who spoke regarding the families that have benefitted

from this program, the family anticipated to move into this property, benefits of City partnership, and future opportunities to address homelessness.

Council and staff discussed this item.

Mayor Bublak opened the public hearing. No one spoke. Mayor Bublak closed the public hearing.

Council expressed gratitude to City staff for the partnership with Family Promise.

Action: **Resolution No. 2020-146:** Approving the sale agreement, loan agreement, and joint escrow instructions in a form approved by the City Attorney, for the sale of the property located at 1540 Springville Way, Turlock, CA, (APN # 042-016-028-000), to be sold to Greater Modesto Interfaith Hospitality Network dba- Modesto Family Promise-Turlock, a California nonprofit public benefit corporation, in the amount of \$288,000, subject to the terms and conditions as outlined in Attachment A, and authorizing the City Manager to sign all necessary documents to effectuate the transaction as introduced by Councilmember Larson, seconded by Councilmember Esquer, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

10. CITY MANAGER REPORTS/UPDATES:

A. Item was removed from the agenda.

B. Fire Department

1. Public Safety Briefing

A written staff update was included in the agenda packet.

2. COVID-19 Update

Interim Fire Chief Gary Carlson provided an update regarding COVID-19 including criteria for re-opening, State metrics and new color-coded tiers, case rates and positive tests, movement to a less restrictive tier, new guidance for nail salons, school waiver program, concerns with upcoming flu season, and number of COVID-19 fatalities.

Councilmember Esquer stepped down from the dais at 8:23 p.m.

Councilmember Esquer returned to the dais at 8:25 p.m.

C. Parks, Recreation and Public Facilities

1. Columbia Park Update

Parks, Recreation and Public Facilities Director Allison Van Guilder provided an update regarding Columbia Park including the ad-hoc committee meeting to finalize

frequently asked questions, conducting a SWAT analysis of each of the three options, and finalization of the scope of work for public engagement.

Council and staff discussed this item.

- D. Police Department
 - 1. Public Safety Briefing

A written staff update was included in the agenda packet.

Police Chief Ninus C. Amirfar responded to a request from Council to further detail and address the data provided in the Public Safety Briefing including concerns that crimes are increasing in the community, summarization of trends, impacts of COVID-19, staffing shortage impacts, overall crime rate trends from 2019 to 2020, and a potential increase in crime rates after COVID-19.

- 2. Community Advisory Board to the Chief of Police

Police Chief Ninus C. Amirfar provided an update regarding the Community Advisory Board to the Chief of Police including the application process, Board commitments and requirements for diversity, collaboration, differing views, and projected first meeting in January 2021.

City Manager Toby Wells expressed his appreciation to Police Chief Ninus C. Amirfar, spoke regarding the Board application process, and wished him well in retirement.

11. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Mayor Bublak requested a discussion about opening Council meetings to the public.

12. COUNCILMEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS:

Councilmember Esquer stated he would like to see more information and education regarding Measure A.

Councilmember Arellano expressed her appreciation to Police Chief Ninus C. Amirfar for his dedication to the City.

Councilmember Nosrati commented that Measure A is in the public's hands to determine the future of Turlock.

13. CLOSED SESSION (*continuation of Closed Session if necessary*):

City Clerk Jennifer Land introduced the Closed Session Items.

DRAFT

- 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. 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: (1 case)
- C. Item removed from the agenda.
- 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:

City Clerk Jennifer Land reported for the Closed Session Items that Council provided direction to staff, but no reportable action was taken.

15. ADJOURNMENT

Motion by Councilmember Esquer, seconded by Councilmember Larson, to adjourn the regular meeting at 9:11 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Allison Martin, Deputy City Clerk
Jennifer Land, City Clerk

6K2

OCTOBER 13, 2020
6:00 p.m.
City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

DRAFT

MINUTES
Regular Meeting
Turlock City Council

- 0. A. **CALL TO ORDER** – Mayor Bublak called the meeting to order at 6:02 p.m.
- B. **SALUTE TO THE FLAG**

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Mayor Bublak also announced that members of the public will be given the opportunity to address the Council during public participation as well during the presentation of public hearing / discussion items and noted the City Clerk will provide additional details once we near the public participation section of the meeting.

C. ROLL CALL:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

PRESENT: Councilmembers Becky Arellano, Nicole Larson, Andrew Nosrati, Gil Esquer, and Mayor Amy Bublak.
 ABSENT: None

D. DECLARATION OF CONFLICTS: None

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.

Action: Motion by Councilmember Nosrati, seconded by Councilmember Larson, Approving the agenda as posted. Motion carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

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

- A. Recognition: Employee of the Month, September 2020, Building Inspector I Terry Nidey

Mayor Bublak announced that Building Inspector I Terry Nidey is the Employee of the Month for September 2020 and read his bio.

B. Proclamation: Breast Cancer Awareness Month; October 2020

Mayor Bublak read the Proclamation for Breast Cancer Awareness Month, October 2020.

Chief Gary Carlson announced that Breast Cancer Awareness shirts are not available this year due to COVID-19 and lack of proper distribution.

*City Clerk Jennifer Land announced that members of the public will be given the opportunity to address Council on items that are within the subject matter jurisdiction of the City Council and on any item on tonight's agenda. For items listed on the agenda, we ask that you please defer your comments until that item is heard by the Council. For those who are interested in addressing the Council, please press the "raise hand" feature on your screen or press *9 from your telephone keypad once the Mayor opens public comment and before she closes public comment.*

Members of the public will be allotted three (3) minutes for comments and will be taken in the order of which requests are received. When it is a member's turn to speak, they will hear an automated prompt indicating their line has been unmuted – and that is when the three (3) minutes will begin.

Lastly, we request members who choose to address the Council to please state their first and last name in the event any follow up is needed; however, this is not mandatory.

4. PUBLIC PARTICIPATION:

City Attorney Douglas L. White spoke regarding the Council Code of Conduct and re-emphasized adherence to the civility principles contained within.

The following members of the public spoke:

Ron Bridegroom
Milt Triewailer
Myrna Wachs
Michael Camara
WCAMStudios
Lisette Sims
Robert Puffer
Mary Jackson
Member of the public

Council provided brief comment in response to public comment.

5. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE:
None

6. CONSENT CALENDAR:

Action: Motion by Councilmember Nosrati, seconded by Councilmember Larson, adopting the consent calendar. Motion carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

- A. **Resolution No. 2020-147:** 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 No. 2020-148:** 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 No. 2020-149:** 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 No. 2020-150:** 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. Interim Development Services Director Nathan Bray presented the staff report on the 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

Mayor Bublak opened the public hearing. No one spoke. Mayor Bublak closed the public hearing.

Action: **Resolution No. 2020-151:** 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 as introduced by Councilmember Arellano, seconded by Councilmember Nosrati, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

9. ACTION ITEMS:

- A. Human Resources Manager Sarah Eddy presented the staff report on the 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

Human Resources Manager Sarah Eddy introduced Labor Attorney Kevin Dale who presented information regarding the status of labor negotiations, health care plan changes, employee contributions to medical premiums, formation of a joint labor management committee, and continuation of labor negotiations with remaining bargaining groups.

Mayor Bublak opened public participation. No one spoke. Mayor Bublak closed public participation.

Action: **Resolution No. 2020-152:** 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 as introduced by Councilmember Esquer, seconded by Councilmember Nosrati, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

- B. Interim Development Services Director presented the staff report on the 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

Mayor Bublak opened public participation.

The following members of the public spoke:

Brian Jones
Milt Trieweller

Mayor Bublak closed public participation.

Staff provided brief comment in response to public comments.

Council and staff further discussed this item.

Action: **Resolution No. 2020-153:** 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 as introduced by Councilmember Arellano, seconded by Councilmember Nosrati, and carried 4/1 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	No	Yes

Action Items 9C and Public Financing Authority Action Items 4A were discussed concurrently; however, separate votes were taken for each item.

- C. Part Time Senior Accountant Marie Lorenzi presented the staff report on the 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

Council and staff discussed this item.

Mayor Bublak opened public participation.

The following members of the public spoke:

Milt Trieweller
Robert Puffer

Mayor Bublak closed public participation.

Council and staff further discussed this item.

Action: **Resolution No. 2020-154:** 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 as introduced by Councilmember Esquer, seconded by Councilmember Arellano, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Action Items 9D and Successor Agency to the Turlock Redevelopment Agency Action Items 4A were discussed concurrently; however, separate votes were taken for each item.

- D. City Manager Toby Wells presented the staff report on the 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)

Council and staff discussed this item in relation to the Successor Agency to the Turlock Redevelopment Agency Action Items 4A including the Memorandum of Understanding

(MOU) with the County of Stanislaus being in draft form, any substantive changes to the MOU would be brought back to Council for approval, and Agency Members/Council having the ability to act on all other related actions for these items.

Mayor Bublak opened public participation. No one spoke. Mayor Bublak closed public participation.

Council and staff further discussed this item including modifications to the motion indicating the easement will only be released upon the parties mutually agreeing to and executing the MOU.

Councilmember Esquer introduced a modified motion with the contingency language. Councilmember Arellano seconded the modified motion.

Action: Motion by Councilmember Esquer, seconded by Councilmember Arellano, Contingent upon the approval of the MOU with the County of Stanislaus, 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. Motion carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Resolution No. 2020-155: 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 as introduced by Councilmember Nosrati, seconded by Councilmember Larson, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Resolution No. 2020-156: 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 as introduced by Councilmember Nosrati, seconded by Councilmember Larson, and carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Motion by Councilmember Nosrati, seconded by Councilmember Larson, 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 carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Motion by Councilmember Nosrati, seconded by Councilmember Larson, 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 carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Motion by Councilmember Nosrati, seconded by Councilmember Larson, 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 & 5200 North Golden State Boulevard, (Stanislaus County APN 045-053-038 and 045-053-039). Motion carried 5/0 by the following vote:

Councilmember Arellano	Councilmember Larson	Councilmember Nosrati	Councilmember Esquer	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

10. CITY MANAGER REPORTS/UPDATES:

City Manager Toby Wells provided an update on additional CARES funding allocated to the City of Turlock and recommended establishment of a business incentive program with the additional funds to be discussed at the October 27, 2020 Council meeting.

- A. Development Services Department
 - 1. Departmental Update

A written staff update was included in the agenda packet.

- B. Fire Department
 - 1. COVID-19 Update

Interim Fire Chief Gary Carlson provided an update regarding COVID-19 including movement of Stanislaus County into the red tier, case rate and positive test percentages, COVID case trends, opening of indoor dining, worship services, fitness centers, and retail shopping, schools reopening in approximately two weeks, importance of social distancing and proper hand washing, status of COVID-19 testing, upcoming flu season, and mortality rate of COVID-19 in Stanislaus County.

City Manager Toby Wells provided an update on CDC guidelines for Halloween and Dia de Los Muertos.

- C. Parks, Recreation and Public Facilities
 - 1. Columbia Park Update

Parks, Recreation and Public Facilities Director Allison Van Guilder provided an update regarding Columbia Park including ad-hoc committee activities and public outreach.

11. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Councilmember Nosrati requested a discussion regarding the development of affordable housing policies, zoning opportunities, artist studio developments, and informational material regarding Laura's Law for mental health issues.

Mayor Bublak requested a discussion about opening Council meetings to the public for public comment.

12. COUNCILMEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS:

Councilmember Larson spoke regarding the support of citizens and Councilmembers against hate crimes in our community and requested certificates of appreciation for those who volunteered to help a community member targeted during a recent hate crime. Councilmember Larson also spoke regarding a meeting her and Councilmember Nosrati had with District Attorney Birgit Fladagar and Judge Dawna Reeves regarding vagrancy, mental health and reoccurring offenders, and requested a meeting with City staff to explore partnership opportunities.

Councilmember Esquer announced a community cleanup on November 7, 2020 and commented on civility and respect between community members and Councilmembers.

Councilmember Nosrati spoke regarding the Councilmember prayer vigil in front of City Hall and the vandalism that occurred afterwards.

Mayor Bublak spoke regarding Councilmember social media civility, calls received regarding the cancelled Christmas Parade, and announced the upcoming Take Pride in Turlock free dump day event on October 17, 2020.

Councilmember Arellano commented on the Christmas Parade cancellation and the responsibility of Councilmembers to set policy rather than direct City operations.

13. CLOSED SESSION:

City Clerk Jennifer Land introduced the Closed Session Items.

- 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:

City Clerk Jennifer Land reported for Closed Session Items 13A and 13C that Council provided direction to staff, but no reportable action was taken.

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City Clerk Jennifer Land reported for Closed Session Item 13B (Claim Filed Against the City by Charles Lewis) the City Council by a 5/0 vote rejected this claim for damages.

City Clerk Jennifer Land reported for Closed Session Item 13D (Public Employee Performance Evaluation) the City Council completed the City Manager's evaluation and the City Manager received an above-satisfactory review.

15. ADJOURNMENT

Mayor Bublak adjourned the regular meeting at 10:15 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Allison Martin, Deputy City Clerk
Jennifer Land, City Clerk