

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

B. **SALUTE TO THE FLAG**

Mayor Bublak announced that members of Council and staff are participating in the meeting via the Zoom system and advised that 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 (*via teleconference*), Nicole Larson, Andrew Nosrati, Gil Esquer, and Mayor Amy Bublak.

ABSENT: None

D. **DECLARATION OF CONFLICTS:** None

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

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.

Councilmember Nosrati requested Public Hearing Item 8D be heard following public participation.

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

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

- A. Recognition: Employee of the Month, August 2020, Accountant II Sopheap Dong-Carreon
- Mayor Bublak announced that Accountant II Sopheap Dong-Carreon is the Employee of the Month for August 2020 and read her bio.
- B. Proclamation: 75th Anniversary of the End of World War II, September 8, 2020
- Mayor Bublak read the Proclamation for the 75th Anniversary of the End of World War II, September 8, 2020.
- C. Proclamation: Jaswant Singh Khalra Day, September 6, 2020
- Mayor Bublak read the Proclamation for Jaswant Singh Khalra Day, September 6, 2020.

*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:

Milt Triewailer
Member of the public
Lisette Sims

PUBLIC HEARING ITEM 8D:

- 8D. Development Services Deputy Director Katie Quintero presented the staff report on the request to introduce an Ordinance for first reading 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

Council and staff discussed this item.

Mayor Bublak opened the public hearing.

The following members of the public spoke:

Member of the public
Milt Trieweiler

Staff provided brief comment in response to public comment.

Mayor Bublak closed the public hearing.

Council and staff further discussed this item.

Action: Motion By Councilmember Larson, seconded by Councilmember Arellano, Introducing an Ordinance for first reading 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 and setting the final reading date for September 22, 2020. Motion carried 4/1 by the following vote:

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

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

Action: Motion by Councilmember Nosrati, seconded by Councilmember Larson, 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 Esquer requested Consent Calendar Item 6I be removed for separate consideration.

Action: Motion by Councilmember Larson, seconded by Councilmember Nosrati, 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. 2020-120:** Accepting Weekly Demands of 8/13/20 in the amount of \$233,888.47
- B. **Motion:** Accepting Minutes of the Regular Meeting of June 23, 2020
- C.
 - 1. **Resolution No. 2020-121:** Re-appropriating \$202,000 to account number 413-51-539.51027_001 "Capital Clarifier #5 & MC Upgrade" from Fund 413 unallocated reserves to provide adequate funding for City Project No. 15-39C "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" in Fiscal Year 2020-2021
 - 2. **Motion:** Approving Contract Change Order No. 6 in the amount of \$53,741.53 (Non-General Fund - Fund 413) with CW Roen Construction of Danville, California for City Project No. 15-39C "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification" (upgrade and expansion of the wastewater treatment plant) bringing the contract total to \$19,666,186.21
- D.
 - 1. **Resolution No. 2020-122:** Transferring \$80,000 to account number 426-40-415-238.51270 "Construction Project" from account number 426-40-415-238.51240 "LTF Capital" to complete the necessary funding for City Project No. 17-51 "Roger K. Fall Transit Center Phase 3 TI" in Fiscal Year 2020-2021
 - 2. **Motion:** Accepting improvements and authorizing the City Engineer to file a Notice of Completion for City Project No. 17-51 "Roger K. Fall Transit Center Phase 3 TI"
- E.
 - 1. **Resolution No. 2020-123:** Authorizing the City Manager to approve a 50% reduction in the cost of fixed route period passes (All-Day & 31-Day) and Dial-a-Ride one-way fares, restore Single-Trip fares to pre-July 2020 rates, as well as suspend Dial-a-Ride grouped travel fare options from October 1, 2020 through June 30, 2021, with financial support from the Low Carbon Transit Operations Program (LCTOP)
 - 2. **Motion:** Authorizing the City Manager, or his designee, to coordinate with State officials regarding Low Carbon Transit Operations Program (LCTOP) grants awarded to the City of Turlock, make the necessary changes, if applicable, to be consistent with grant program requirements, and execute all documents necessary to accomplish this intent
- F. **Resolution No. 2020-124:** Approving the purchase of one (1) new Trailer Mount Thermoplastic Premelter for the Parks, Recreation and Public Facilities Department in an amount not to exceed \$72,858.78 from account number 219-40-428.51031 "Thermo Trailer" as approved by the City Council in the Fiscal Year 2019-20 adopted budget and as identified in the approved SB 1 program spending plan
- G. **Resolution No. 2020-125:** Authorizing the acceptance of an allocation of funds, execution of a grant agreement, and the commitments necessary to administer the Selective Traffic Enforcement Program Grant through the California Office of Traffic Safety in an amount not to exceed \$60,500, appropriating said funds into Fund 266 "Police Grants" Program 352 "OTS Step Grant" revenue account number 266-20-255-352.35720 and expenditure accounts 266-20-255-352.41100_013 "Overtime OTS Step Grant" with associated benefit accounts for overtime in the amount of \$39,315, 266-20-255-352.47095_014 "Training Step Grant #PT21165" in the amount of \$3,185, and 266-20-255-352.51109_002 "Equipment – STEP Grant #PT21165" in the amount of \$18,000 for FY 2020-2021, and authorizing the

City Manager to sign all documents required to apply for this grant on behalf of the City of Turlock

- H. **Resolution No. 2020-126:** Authorizing the City Manager to continue engaging in a Joint Purchasing Plan for vehicle purchases through the State of California Contracts No. 1-18-23-10, A through H; No. 1-18-23-20, A through I; and No. 1-18-23-23, A through G, for the contract term of 5/1/18-4/30/21 along with any additional contract extensions granted by the state, without compliance to the formal bid procedure pursuant to Turlock Municipal Code section 2-7-08(b)(5)
- I. *Item removed for separate consideration.*
- 6I. **Resolution:** Rescinding Resolution No. 2018-254 and adopting an amended Conflict of Interest Code for the City of Turlock to update the list of designated employees and reporting categories for filing of the Fair Political Practices Commission (FPPC) Statement of Economic Interests Form 700

Mayor Bublak opened public participation.

The following members of the public spoke:

Milt Trieweiler

Mayor Bublak closed public participation.

Staff provided brief comment in response to public comment.

Council and staff discussed this item.

Action: **Resolution No. 2020-127:** Rescinding Resolution No. 2018-254 and adopting an amended Conflict of Interest Code for the City of Turlock to update the list of designated employees and reporting categories for filing of the Fair Political Practices Commission (FPPC) Statement of Economic Interests Form 700 as introduced by Councilmember Nosrati, 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

7. FINAL READINGS:

- A. **Ordinance:** 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

Based upon recent correspondence received, City Attorney Douglas L. White recommended postponement (continuation) of this item to the September 22, 2020 City Council meeting where the appeal hearing will also be heard regarding this matter.

Councilmember Esquer introduced a motion to continue this item to the September 22, 2020

meeting. Councilmember Larson seconded the motion.

Mayor Bublak opened public participation.

The following members of the public spoke:

Blaine Cox

Mayor Bublak closed public participation.

Action: Motion by Councilmember Esquer, seconded by Councilmember Larson, to continue this item to the September 22, 2020 City Council meeting. Motion carried 5/0 by the following vote:

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

8. PUBLIC HEARINGS

City Clerk Jennifer Land announced that interested persons may access the public hearing and comment by dialing into the toll-free telephone conference line number or participating via zoom.

- A. Senior Accountant Marie Lorenzi presented the staff report on the request to authorize the Issuance by the Colorado Health Facilities Authority of its Revenue Bonds, Series 2020A (Covenant Living Communities and Services) in one or more series in an aggregate principal amount not to exceed \$90,000,000 (the “Series 2020A Bonds”), of which a portion shall be for the benefit of Covenant Retirement Communities West (d/b/a Covenant Village of Turlock) for projects in Turlock, California and Related Matters

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

Action: **Resolution No. 2020-128:** Authorizing the Issuance by the Colorado Health Facilities Authority of its Revenue Bonds, Series 2020A (Covenant Living Communities and Services) in one or more series in an aggregate principal amount not to exceed \$90,000,000 (the “Series 2020A Bonds”), of which a portion shall be for the benefit of Covenant Retirement Communities West (d/b/a Covenant Village of Turlock) for projects in Turlock, California and Related Matters 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

- B. Police Chief Amirfar presented the staff report on the request to amend 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

Council and staff discussed this item.

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

Action: Motion by Councilmember Nosrati, seconded by Councilmember Larson introducing an 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 and setting the final reading date for September 22, 2020. Motion carried 5/0 by the following vote:

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

C. Senior Planner Adrienne Werner presented the staff report on the request for the City Clerk to confirm: a) Proof of Publication of Notice of Public Hearing; b) Signed Waiver and Consent; c) Completed and Signed Ballot and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and Ballot Declaring Election Results (Project Planner to prompt and facilitate these steps) AND Mayor and City Council conduct public hearing confirming that no protests have been received – close hearing and adopt the two resolutions below AND Calling a Special, Mailed-Ballot Election respecting Proposed Annexation Number 28 to existing Community Facilities District Number 2 (Services Mitigation) AND Declaring the results of Mailed-Ballot Election respecting Proposed Annexation Number 28 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation

City Clerk Jennifer Land confirmed a) Proof of Publication of the Notice of Public Hearing; b) Signed Waiver and Consent form; c) Completed and Signed Ballot, noting the ballot received from the property owner authorized the annexation of the property to the existing Community Facilities District No. 2; and d) Signed Certificate of Clerk Regarding Receipt of Property Owner Waiver and Consent Form and the Ballot Declaring Election Results.

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

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

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

Resolution No. 2020-129: Calling a Special, Mailed-Ballot Election respecting Proposed Annexation Number 28 to existing Community Facilities District Number 2 (Services Mitigation) 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. 2020-130: Declaring the results of Mailed-Ballot Election respecting Proposed Annexation Number 28 to Community Facilities District Number 2 (Services Mitigation) and ordering annexation 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

D. Item was heard earlier in the meeting.

9. ACTION ITEMS: None

10. CITY MANAGER REPORTS/UPDATES:

A. Administrative Services

1. Planning Commission Vacancy

A written staff update was included in the agenda packet.

Council discussed this item.

B. Development Services Department Monthly Update

Interim Development Services Director Nathan Bray provided an update regarding trench repairs related to revised standards.

C. Fire Department

1. COVID-19 Update

Interim Fire Chief Gary Carlson provided an update regarding COVID-19 including recent changes to the restrictions/metrics (colored tiers), positivity rates and statistics within the State and Stanislaus County, hospitalization rates, and waivers for reopening K-6 schools.

Council and staff discussed this item.

D. Parks, Recreation and Public Facilities

1. Columbia Park Update

Parks, Recreation and Public Facilities Director Allison Van Guilder provided an update regarding Columbia Park Master Plan including staff continuing to work with the consultant

on public engagement, development of frequently asked questions (FAQ sheet) for the website and social media, and encouraged enrollment on the website.

11. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Councilmember Arellano, on behalf of candidates, requested to revisit health insurance for members of Council.

Councilmember Nosrati spoke regarding an upcoming Special City Council meeting on September 17, 2020 at 5:30 p.m. and requested an action regarding the establishment of a Request for Proposal (RFP) process for downtown and surrounding neighborhoods beautification work program.

Mayor Bublak requested the four (4) priorities previously agreed upon by the City Council to be posted on the wall and requested review of water rate tiering.

Councilmember Esquer requested an update regarding assessment districts.

Councilmember Larson, on behalf of a member of public, requested an update regarding the Citizen's Advisory Committee to the Police Chief.

Mayor Bublak and Councilmember Esquer requested a discussion regarding re-opening public meetings.

12. COUNCILMEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS:

Councilmember Larson expressed thanks and acknowledged Turlock Firefighters who are assisting with California wildfires.

Councilmember Nosrati spoke regarding the Westside Revitalization Plan.

Councilmember Esquer spoke regarding his and Councilmember Larson's attendance at recent Stanislaus Regional Transit Authority Advisory Committee meetings, attendance at an ACE Train planning meeting, and the First Street cleanup scheduled for Thursday (September 10, 2020).

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. 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. 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: Amanoel Yonenpour
Agency Claimed Against: City of Turlock

14. REPORTS FROM CLOSED SESSION:

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

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

15. ADJOURNMENT

Mayor Bublak adjourned the regular meeting at 8:07 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Allison Martin, Deputy City Clerk
Jennifer Land, City Clerk