

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 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:** 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 Trieweler
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 Triewweiler

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 Triewweiler
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.

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