

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 Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

PRESENT: Councilmembers Nicole Larson, Andrew Nosrati, Pam Franco, Rebecka Monez, 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.

Mayor Bublak announced Consent Calendar Item 6K will be removed from the agenda and noted the item will be brought back to Council in March 2021.

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

Councilmember Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

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

A. Briefing: COVID-19 Update, presented by Interim Fire Chief Gary Carlson

Interim Fire Chief Gary Carlson provided an update regarding COVID-19 including positivity rate trends, movement of Stanislaus County into a less restrictive tier, reopening of City schools, vaccine distribution, delays, availability, and guidelines for efficacy, and mortality rates.

Council and staff discussed this item.

*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.*

Comments 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 their comment period 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:

Supervisor Vito Chiesa
Isabella Cisneros
Milt Triewailer
Michael Ford
Kenneth Foster
Gil Esquer

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

6. CONSENT CALENDAR:

Mayor Bublak announced Consent Calendar Items 6C and 6G will be removed for separate consideration.

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

Councilmember Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Blalak
Yes	Yes	Yes	Yes	Yes

- A. **Resolution No. 2021-022:** Accepting Weekly Demands of 1/28/21 in the amount of \$1,124,189.91; Monthly Demands of 9/30/20 in the amount of \$4,934,340.14; Monthly Demands of 10/31/20 in the amount of \$2,251,271.34; Monthly Demands of 12/31/20 in the amount of \$4,397,967.79
- B. **Motion:** Accepting Minutes of the Regular Meeting of December 8, 2020; Minutes of the Special Meeting of January 5, 2021; Minutes of the Special Meeting of January 7, 2021
- C. *Item removed for separate consideration.*
- D.
 - 1. **Motion:** Approving Contract Change Order No. 4 (Final) in the amount of \$27,460.92 (Non-General Fund – Fund 410) for City Project No. 19-33 “Dried Solids Storage Area” bringing the contract total to \$2,896,775.92
 - 2. **Motion:** Accepting Improvements and authorizing the City Engineer to file a Notice of Completion for City Project No. 19-33 “Dried Solids Storage Area”
- E.
 - 1. **Motion:** Approving Amendment No.1 to an Agreement with Bureau Veritas North America, Inc. for plan check services, increasing the total compensation amount by \$500,000 (Non-General Fund – Fund 405), bringing the contract total to \$1,300,000 for the remaining term of the Agreement and renewal periods if exercised
 - 2. **Resolution No. 2021-023:** Appropriating \$800,000 to account number 405-40-405.43260 “Plan Check Services” from Fund 405 “Building” unassigned reserves to provide adequate funding to utilize professional plan check services
- F.
 - 1. **Resolution No. 2021-024:** Authorizing the execution of a service agreement between Delta Wireless, Inc., of Stockton, CA, and the City of Turlock in an amount not to exceed \$185,000 for the maintenance and service of the radio system including all portable and mobile radios for the period of July 1, 2020 through June 30, 2021, in a form approved by the City Attorney, and authorizing the City Manager to sign the agreement between Delta Wireless and the City of Turlock
 - 2. **Resolution No. 2021-025:** Approving the sole source procurement of radio system support services and equipment from Delta Wireless, Inc., of Stockton, CA, contingent on the availability of budgeted funds, without compliance to formal bid procedures in accordance with Turlock Municipal Code Section 2-7-08(b)(6)
- G. *Item removed for separate consideration.*
- H. **Resolution No. 2021-026:** Establishing a separate fund (Fund 117) within the General Fund to account for Cannabis related revenue and expenditure activity for FY 2020-2021 and all subsequent fiscal years and transferring all revenue and expenditure activity in FY 2020-2021 to date from Fund 110 to Fund 117 and recording budget for Cannabis activity in Fund 117
- I. **Resolution No. 2021-027:** Establishing a separate fund (Fund 118) within the General Fund to account for Measure A (local three-quarter (3/4) cent transaction (sales) and use tax) related revenue and expenditure activity approved by voters on November 3, 2020 to take effect April 1, 2021 and appropriating \$2.7 million of revenue to Fund 118 in FY 2020-2021 and accounting for all related revenue and expenditure activity in all subsequent fiscal years in Fund 118

- J. Motion: Approving a Professional Services Agreement with Cooperative Personnel Services dba CPS HR Consulting of Sacramento, CA, for temporary professional human resources services for the Human Resources Division, in an amount not to exceed \$65,000, effective February 15, 2021
- K. *Item removed from the agenda.*
- 6C. Motion: Approving the Final Map and Subdivision Improvement Agreement with KB Home North Bay, LLC, conditioned upon construction of improvements for the Les Chateaux subdivision (Development Project No. 14-76)

Council discussed this item.

Mayor Bublak opened public participation.

The following members of the public spoke:

Milt Trieweller

Mayor Bublak closed public participation.

Staff provided brief comment in response to public comment.

Council and staff further discussed this item.

Action: Motion by Councilmember Franco, seconded by Councilmember Monez, Approving the Final Map and Subdivision Improvement Agreement with KB Home North Bay, LLC, conditioned upon construction of improvements for the Les Chateaux subdivision (Development Project No. 14-76). Motion carried 5/0 by the following vote:

Councilmember Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

- 6G. 1. Resolution: Rescinding Resolution No. 2020-199 and adopting a new Resolution appropriating a total of \$774,938 in matching funds as required by the COPS Grant for ongoing salary and benefit expenses for three (3) consecutive years beginning in Fiscal Year 2020-2021 from the General Fund unassigned reserves through a transfer from account number 110-20-210.48001_220 "Transfers Out to Fd 266 COPS Grant Match" to account number 266-20-255-361.38001_220 "Transfers In COPS Grant Match" for Fiscal Year 2020-2021
- 2. Resolution: Appropriating \$189,484 for one-time equipment and related expenses relative to the COPS Grant from the Cannabis Fund unassigned reserves through a transfer from account number 117-10-190.48001_220 "Transfers Out To Fd 266 COPS Grant Match" to account number 266-20-255-361.38001_220 "Transfers In COPS Grant Match" for Fiscal Year 2020-2021

Mayor Bublak opened public participation.

The following members of the public spoke:

Gil Esquer

Mayor Bublak closed public participation.

Staff provided brief comment in response to public comment.

Action: **Resolution No. 2021-028:** Rescinding Resolution No. 2020-199 and adopting a new Resolution appropriating a total of \$774,938 in matching funds as required by the COPS Grant for ongoing salary and benefit expenses for three (3) consecutive years beginning in Fiscal Year 2020-2021 from the General Fund unassigned reserves through a transfer from account number 110-20-210.48001_220 “Transfers Out to Fd 266 COPS Grant Match” to account number 266-20-255-361.38001_220 “Transfers In COPS Grant Match” for Fiscal Year 2020-2021 as introduced by Councilmember Monez, seconded by Councilmember Franco, and carried 5/0 by the following vote:

Councilmember Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Action: **Resolution No. 2021-029:** Appropriating \$189,484 for one-time equipment and related expenses relative to the COPS Grant from the Cannabis Fund unassigned reserves through a transfer from account number 117-10-190.48001_220 “Transfers Out To Fd 266 COPS Grant Match” to account number 266-20-255-361.38001_220 “Transfers In COPS Grant Match” for Fiscal Year 2020-2021 as introduced by Councilmember Monez, seconded by Councilmember Franco, and carried 5/0 by the following vote:

Councilmember Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

7. **FINAL READINGS:** None

8. **PUBLIC HEARINGS:** None

9. **ACTION ITEMS:**

- A. Interim Development Services Director Nathan Bray presented the staff report on the request to award bid and approve an Agreement in the amount of \$142,369.85 (Non-General Fund 410) with Arrow Construction, Inc., of Sacramento, for City Project No. 20-011 “City Utility Trench Repair 2020” AND appropriate \$92,000 to account number 410-51-531.43145 “Pave Trenches” from Fund 410 “Water Quality Control (WQC)” unassigned reserves and \$92,000 to account number 420-52-550.43145 “Pave Trenches” from Fund 420 “Water” unassigned reserves to provide necessary funding for City Project No. 20-011 “City Utility Trench Repair 2020”

Council and staff discussed this item.

Mayor Bublak opened public participation.

The following members of the public spoke:

Milt Trieweiler
 Cheryl Reiland

Mayor Bublak closed public participation.

Staff provided brief comment in response to public comment.

Action: Motion by Councilmember Franco, seconded by Councilmember Larson, Awarding bid and approving an Agreement in the amount of \$142,369.85 (Non-General Fund - Fund 410) with Arrow Construction, Inc., of Sacramento, California, for City Project No. 20-011 "City Utility Trench Repair 2020". Motion carried 5/0 by the following vote:

Councilmember Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

Resolution No. 2021-030: Appropriating \$92,000 to account number 410-51-531.43145 "Pave Trenches" from Fund 410 "Water Quality Control (WQC)" unassigned reserves and \$92,000 to account number 420-52-550.43145 "Pave Trenches" from Fund 420 "Water" unassigned reserves to provide necessary funding for City Project No. 20-011 "City Utility Trench Repair 2020" as introduced by Councilmember Franco, seconded by Councilmember Larson, and carried 5/0 by the following vote:

Councilmember Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Bublak
Yes	Yes	Yes	Yes	Yes

- B. Parks, Recreation and Public Facilities Director Allison Van Guilder staff report on the request to authorize a no-interest loan in the amount of \$1.8 million from the General Fund unassigned reserves to be repaid with revenue generated from cannabis activity to fund the Columbia Park Pool and Splash Pad repairs project as outlined in Option "A" of the Columbia Park Master Plan Project with a twenty-four (24) month re-payment term and priority of cannabis revenue given to complete the repairs to the Columbia Park Pool and Splash Pad prior to utilizing cannabis revenue for any other project AND appropriate \$175,000 to account number 301-61-620.51300 "Construction Repairs/Improvements" to have the Columbia Park Pool and Splash Pad repairs project, as outlined in Option "A" of the Columbia Park Master Plan Project, fully designed and engineered including all ADA improvements AND authorize a community fundraising campaign to offset the cost to repair Columbia Park Pool and Splash Pad as outlined in Option "A" of the Columbia Park Master Plan Project AND authorize an Agreement with O'Dell Engineering Inc. of Modesto, California in the amount of \$160,000 for design and engineering services for Columbia Park Pool and Splash Pad, in a form approved by the City Attorney

Council and staff discussed this item including various funding opportunities and estimated timelines for design and construction of the project.

Mayor Bublak opened public participation.

The following members of the public spoke:

Gil Esquer

Mayor Bublak closed public participation.

Staff provided brief comment in response to public comment.

Council and staff further discussed this item including budgeting for the project when costs are unknown at this time, soliciting bids for the engineering work, options for community fundraising efforts, and City match/allocation of funds and resources.

Councilmember Franco introduced a modified motion to authorize issuance of a RFP for design and engineering services. Councilmember Monez seconded the modified motion.

Action: Motion by Councilmember Franco, seconded by Councilmember Monez, Authorizing the issuance of a Request for Proposals for design and engineering services for Columbia Park Pool and Splash Pad. Motion carried 3/2 by the following vote:

Councilmember Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Bublak
No	No	Yes	Yes	Yes

Councilmember Nosrati introduced a modified motion to authorize a \$900,000 no-interest loan from the General Fund unassigned reserves (dollar-for-dollar match) for community fundraising efforts. Councilmember Larson seconded the modified motion.

City Attorney Douglas L. White clarified the modified motion would be direction only and that an item would need to be brought back to Council for subsequent action.

Action: Motion by Councilmember Nosrati, seconded by Councilmember Larson, Authorizing a \$900,000 no-interest loan from the General Fund unassigned reserves to match dollar-for-dollar fundraising efforts for the Columbia Park Pool and Splash Pad Option A. Motion failed 1/4 by the following vote:

Councilmember Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Bublak
No	Yes	No	No	No

- C. Interim Police Chief Steven Williams and Interim Fire Chief Gary Carlson presented the staff report on the request to authorize the use of CARES Act funds to support public safety through the temporary reassignment of two (2) School Resource Officers to Patrol whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency by appropriating \$285,000 from account number 110-10-189.48001_325 "Transfer Out to Respond to COVID-19 Pandemic" to account number 110-20-

210.38001_325 “Transfer In from CARES Act Funds” AND authorize the use of CARES Act funds to support public safety by ensuring minimum staffing levels in the Fire Department, thereby, providing adequate response to the public health emergency and affirm the appropriation of \$1,200,000 to account numbers in 110-10-189 for overtime salary and benefits

Council and staff discussed this item.

Mayor Bublak opened public participation.

The following members of the public spoke:

Milt Trieweiler
 DJ Franzen

Mayor Bublak closed public participation.

Staff provided brief comment in response to public comment.

Council and staff further discussed this item.

Action: **Resolution No. 2021-031:** Authorizing the use of CARES Act funds to support public safety through the temporary reassignment of two (2) School Resource Officers to Patrol whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency by appropriating \$285,000 from account number 110-10-189.48001_325 “Transfer Out to Respond to COVID-19 Pandemic” to account number 110-20-210.38001_325 “Transfer In from CARES Act Funds” as introduced by Councilmember Larson, seconded by Councilmember Nosrati, and carried 4/1 by the following vote:

Councilmember Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Bublak
Yes	Yes	Yes	No	Yes

Resolution No. 2021-032: Authorizing the use of CARES Act funds to support public safety by ensuring minimum staffing levels in the Fire Department, thereby, providing adequate response to the public health emergency and affirming the appropriation of \$1,200,000 to account numbers in 110-10-189 for overtime salary and benefits as introduced by Councilmember Larson, seconded by Councilmember Nosrati, and carried 4/1 by the following vote:

Councilmember Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Bublak
Yes	Yes	Yes	No	Yes

- D. Acting City Manager Gary R. Hampton presented the staff report on the request to approve an Agreement between the City of Turlock and Petrulakis Law & Advocacy, APC, regarding the providing of Interim City Attorney Services

Council and staff discussed this item.

Mayor Bublak opened public participation.
The following members of the public spoke:

Mike Lynch
Milt Trieweiler
Brad Bates
Jeni Ferrari

Mayor Bublak closed public participation.

George Petrulakis, from Petrulakis Law & Advocacy, APC, provided brief comment in response to public comment.

Council further discussed this item.

Action: Motion by Councilmember Monez, seconded by Councilmember Franco, Approving an Agreement between the City of Turlock and Petrulakis Law & Advocacy, APC, regarding the providing of Interim City Attorney Services. Motion carried 3/2 by the following vote:

Councilmember Larson	Councilmember Nosrati	Councilmember Franco	Councilmember Monez	Mayor Bublak
No	No	Yes	Yes	Yes

10. CITY MANAGER REPORTS/UPDATES:

- A. Fire Department
 - 1. Public Safety Briefing

A written staff update was included in the agenda packet.

- B. Municipal Services
 - 1. Monthly Departmental Update

A written staff update was included in the agenda packet.

- C. Police Department
 - 1. Public Safety Briefing

A written staff update was included in the agenda packet.

11. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Councilmember Nosrati requested consideration to leverage match funding for ongoing utility trench repair efforts, a Golden State Boulevard (collector street) construction expansion project, information regarding cannabis revenue reserved for youth prevention programs, and a recruitment and retention report for public safety.

Councilmember Franco requested to revisit the City Manager procurement limit and a public workshop for the City's Housing Services Program.

Councilmember Monez requested a homeless action plan.

Acting City Manager Gary R. Hampton requested prioritization of Council requests for future consideration.

Mayor Bublak inquired about the status of a roads workshop/update.

12. COUNCILMEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS:

Mayor Bublak wished City employee George Younan a happy birthday.

Councilmember Franco welcomed Interim City Attorney George A. Petrulakis to Turlock.

Councilmember Larson welcomed Interim City Attorney George A. Petrulakis, wished City employee George Younan a happy birthday, congratulated the Turlock High School Mock Trial Team for their win at the County level, and commented on concerns with increased homelessness population.

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: Interim Fire Chief Gary Carlson 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: Brandee Sloan
Agency Claimed Against: City of Turlock

- C. Liability Claims, Cal. Gov't Code §54956.95
"For the purposes of [Section 54956.9], 'existing facts and circumstances' shall consist only of one of the following: The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5."
Claimant: Baljinder Randhawa
Agency Claimed Against: City of Turlock
- D. Liability Claims, Cal. Gov't Code §54956.95
"For the purposes of [Section 54956.9], 'existing facts and circumstances' shall consist only of one of the following: The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5."
Claimant: Zulema Batista
Agency Claimed Against: City of Turlock
- E. 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: Dmitriy Kozlov
Agency Claimed Against: City of Turlock
- F. Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)
"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation."
Agency Designated Representative: Human Resources Manager Sarah Eddy
Employee Organization: Turlock Associated Police Officers
Employee Organization: Turlock City Employees Association
Employee Organization: Turlock Firefighters Association-Local 2434
Employee Organization: Turlock Management Association-Public Safety
Unrepresented Employees: Accountant, Sr., Administrative Analyst, Administrative Services Director, Assistant to the City Manager for Economic Development/Community Housing, Chief Building Official, City Clerk, Community Housing Program Supervisor, Deputy Director Development Services/Planning, Development Services Director, Development Services Supervisor/City Surveyor, Executive Administrative Assistant/Deputy City Clerk, Executive Administrative Assistant/Municipal Services, Executive Administrative Assistant/Public Safety, Fire Chief, Human Resources Analyst, Sr., Human Resources Manager, Human Resources Technician, Information Technology Manager, Legal Assistant, Municipal Services Deputy Director, Municipal Services Director, Office Assistant I, Parks, Recreation and Public Facilities Director, Parks, Recreation and Public Facilities Manager, Payroll Coordinator, Police Business Unit Supervisor, Police Chief, Principal Civil Engineer, Regulatory Affairs Manager, Transit Manager, Utilities Manager, and Water Quality Control Division Manager.
- G. Public Employee Discipline/Dismissal/Release, Cal. Gov't Code §54957(b)(1)

14. REPORTS FROM CLOSED SESSION:

City Clerk Jennifer Land reported for Closed Session Items:

13B Claim Filed Against the City by Brandee Sloan
13C Claim Filed Against the City by Baljinder Randhawa
13D Claim Filed Against the City by Zulema Batista
13E Claim Filed Against the City by Dmitry Kozlov

The City Council by a 5/0 vote rejected these claims for damages.

For all other Closed Session Items, no reportable action was taken.

15. ADJOURNMENT

Mayor Bublak adjourned the regular meeting at 9:28 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Allison Martin, Deputy City Clerk
Jennifer Land, City Clerk