

1. **A. CALL TO ORDER** – Mayor Soiseth called the meeting to order at 6:11 p.m.
 PRESENT: Councilmembers Gil Esquer, Bill DeHart, Amy Bublak, Matthew Jacob, and Mayor Gary Soiseth.
 ABSENT: None

B. SALUTE TO THE FLAG

2. PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:

- A. Recognition: Employee of the Year – 2017, Senior Accountant Julie Burke

Mayor Soiseth presented a Certificate of Recognition to Senior Accountant Julie Burke as the City of Turlock Employee of the Year – 2017.

- B. Appointment: Vice Mayor

Mayor Soiseth recommended that Councilmember Jacob be appointed as Vice Mayor.

Action: Motion by Councilmember Bublak, seconded by Councilmember Esquer, appointing Councilmember Jacob as the Vice Mayor for the 2018 year. Motion carried 5/0 by the following vote:

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

- C. Appointment: Planning Commission – Two Commissioners

Mayor Soiseth nominated Matthew Davis to fill the first vacancy on the Planning Commission.

Action: Motion by Councilmember Jacob, seconded by Councilmember DeHart, appointing Matthew Davis to fill one vacancy on the Planning Commission for a term set to expire on December 31, 2021. Motion carried 5/0 by the following vote:

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

Mayor Soiseth nominated Anokeen Varani to fill the second vacancy on the Planning Commission. Councilmember Esquer nominated Robert Puffer to fill the vacancy on the Planning Commission. City Attorney Phaedra A. Norton provided information regarding Government Code Section 40605, indicating that the Mayor with the approval of the City Council shall make all appointments. Mayor Soiseth noted the second vacancy for the Planning Commission would be removed from this meeting and revisited at a future meeting.

D. Appointment: Parks, Arts and Recreation Commission – Four Commissioners

Mayor Soiseth recommended that Brent Bohlender, Robert Holly, Marlene Dhallin, and Jeremy Frank be appointed to fill vacancies on the Parks, Arts and Recreation Commission.

Action: Motion by Councilmember DeHart, seconded by Councilmember Bublak, re-appointing Brent Bohlender and Robert Holly to fill vacancies on the Parks, Arts and Recreation Commission for terms set to expire on December 31, 2020, appointing Marlene Dhallin to fill a vacancy on the Parks, Arts and Recreation Commission for a term set to expire on December 31, 2020, and appointing Jeremy Frank to fill an unexpected vacancy on the Parks, Arts and Recreation Commission for a term set to expire on December 31, 2019. Motion carried 5/0 by the following vote:

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

E. Appointment: CDBG Grant Selection Committee (Community Members)

Mayor Soiseth recommended that Beverly Spielman, Devon Martinez, and Abe Rojas be appointed as Community Member Representatives to the CDBG Grant Selection Committee.

Action: Motion by Councilmember Esquer, seconded by Councilmember Bublak, appointing Beverly Spielman, Devon Martinez, and Abe Rojas as Community Member Representatives to the CDBG Grant Selection Committee. Motion carried 5/0 by the following vote:

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

F. Appointment: CDBG Grant Selection Committee (Council Representative)

Mayor Soiseth nominated Councilmember Bublak to serve as the Council Representative to the CDBG Grant Selection Committee. Councilmember Bublak declined the nomination. Councilmember Jacob requested Mayor Soiseth to appoint Councilmember Gil Esquer. Mayor Soiseth inquired if Councilmember Esquer was interested and nominated him to serve.

Action: Motion by Councilmember Jacob, seconded by Councilmember Bublak, appointing Councilmember Esquer as the Council Representative to the CDBG Grant Selection Committee. Motion carried 5/0 by the following vote:

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

3. **A. SPECIAL BRIEFINGS:** None

STAFF UPDATE 7B:

Mayor Soiseth took Staff Update Item 7B out of order.

Police Chief Ninus C. Amirfar provided information regarding the Police Department's efforts concerning hate crimes and discrimination and commitments of reducing crime and protecting citizens.

Council and staff discussed this item.

Members of the Community Cathy Doo, Louise Ashman, Danielle Ray-Reyes, Essma Nasher, Sue Zwahlen, Jeannie Robinson, Gladys Williams, Dr. Ann Strahm, Donna Endsley, Frank Johnson, Leticia Vasquez, Citizen from Santa Cruz, Lara Machado, Milt Trieweiller, and Kathy Brochod spoke regarding the rise in hate crimes, discrimination and racism, safety concerns, gang tags, removal of stickers, the need for more Police presence in the community, and requested the Resolution adopted by Council (Resolution No. 2017-243 "Not in our Community") be included in a City of Turlock utility bill.

B. PUBLIC PARTICIPATION

DJ Fransen spoke regarding the Chamber of Commerce and the Centennial Celebration.

Paul Porter spoke regarding the funds issued to the Centennial Committee for the Centennial Celebration and the Chamber of Commerce being a non-profit organization.

Mayor Soiseth recessed the City Council meeting at 7:54 p.m.

Mayor Soiseth reconvened the City Council meeting at 8:07 p.m.

Jason Tosta spoke regarding quality of life issues in the City of Turlock, a public records request submitted to the City Clerk, and exercising his right as a citizen.

Brad Bates spoke about the length of the Council meeting agenda, inquired about the contract signing authority of the Mayor, and requested Consent Calendar Item 5M be removed for separate consideration.

Milt Trieweiler spoke about water rates, the surface water supply plant, tiered water rate schedules, and rain fall.

Frank Johnson spoke about the public participation process of a Council meeting.

4. A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:

Councilmember Esquer stated he would be recusing himself from Public Hearing Item 7D.

B. DISCLOSURE OF TOP TEN/MAXIMUM CONTRIBUTORS

5. CONSENT CALENDAR:

Councilmember Bublak requested Consent Calendar Item 5M be removed for separate consideration at the request of Brad Bates and also requested Consent Calendar Item 5L be removed for separate consideration. Councilmember Esquer requested Consent Calendar Item 5G be removed for separate consideration.

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

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

- A. **Resolution No. 2018-011:** Accepting Weekly Demands of 12/14/17 in the amount of \$1,017,014.32
- B. **Motion:** Accepting Minutes of the Special Meeting of December 12, 2017
- C. **Motion:** Approving Amendment No. 2 to an Agreement with Carollo Engineers for City Project No. 17-22 “North Valley Regional Recycled Water Pipeline,” to extend the term through May 31, 2018
- D.
 - 1. **Resolution No. 2018-012:** Approving the purchase of one (1) John Deere TX – California (Model Year 18) from Deere & Company for the Parks, Recreation and Public Facilities Department through the National Joint Powers Alliance Contract Grounds Maintenance Equipment, Attachments, Accessories 062117-DAC (PG NB), in the amount not to exceed \$9,600 without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5)
 - 2. **Resolution No. 2018-013:** Appropriating \$9,600 to account number 506-00-000-372.51020 “Equipment Replacement” from Fund 506 unallocated reserves, for the purchase of one (1) John Deere TX – California (Model Year 18)
- E. **Motion:** Approving an Amendment to the Maintenance Agreement between the City of Turlock and HSQ Technology for maintenance service of the Telemetry software/hardware, increasing the compensation to an annual amount of \$46,992.00 to include parts
- F. **Motion:** Correcting the not to exceed compensation amount for the recently approved purchase of ten (10) PocketCitation handheld ticket writer devices by the City of Turlock Police Department to accurately reflect the sales tax
- G. Removed for separate consideration.
- H.
 - 1. **Motion:** Approving an Agreement between the City of Turlock and Central Sanitary Supply, to purchase Janitorial Paper and Cleaning Supplies, in a total amount not to exceed \$20,000, for a period of twelve (12) months
 - 2. **Motion:** Approving an Agreement between the City of Turlock and Randik Paper Company, to purchase Janitorial Paper and Cleaning Supplies, in a total amount not to exceed \$15,000, for a period of twelve (12) months
- I. **Motion:** Approving an Agreement with Alta Language Services to conduct language testing for City employees, in an annual amount not to exceed \$1,000
- J.
 - 1. **Resolution No. 2018-014:** Approving modifications to the job description for the position of Emergency Services Dispatcher I/II, effective January 23, 2018
 - 2. **Resolution No. 2018-015:** Approving modifications to the job description for the position of Emergency Services Dispatcher Trainee, effective January 23, 2018

- K. **Resolution No. 2018-016**: Approving modifications to the job description for the position of Planning Manager, effective January 23, 2018
- L. Removed for separate consideration.
- M. Removed for separate consideration.

5G. **Motion**: Approving a Lease Agreement for nine (9) new Kyocera multifunctional copiers for various City offices through the Association of Education of Purchasing Agencies (AEPAs) Contract No. IFB 017-B from US Bank Equipment Finance as the lessor, for a period of sixty-three (63) months, in the total amount of \$60,000 with a monthly cost of \$928.61, without compliance to the formal bid procedure in accordance with the Turlock Municipal Code 2-7-08(b)(5)

Council and staff discussed this item.

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

Action: Motion by Councilmember Esquer, seconded by Councilmember DeHart, approving a Lease Agreement for nine (9) new Kyocera multifunctional copiers for various City offices through the Association of Education of Purchasing Agencies (AEPAs) Contract No. IFB 017-B from US Bank Equipment Finance as the lessor, for a period of sixty-three (63) months, in the total amount of \$60,000 with a monthly cost of \$928.61, without compliance to the formal bid procedure in accordance with the Turlock Municipal Code 2-7-08(b)(5). Motion carried 5/0 by the following vote:

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

5L. **Resolution**: Authorizing the Mayor or City Manager to approve individual agreements, subscriptions, print renewals, invoices, orders, or other documentation for the preservation and maintenance of the City Attorney’s law library

Council and staff discussed this item.

Action: **Resolution No. 2018-017**: Authorizing the Mayor or City Manager to approve individual agreements, subscriptions, print renewals, invoices, orders, or other documentation for the preservation and maintenance of the City Attorney’s law library as introduced by Councilmember DeHart, seconded by Councilmember Jacob, and carried 4/1 by the following vote:

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	No	Yes	Yes

- 5M. Motion: Authorizing the Mayor to redirect \$4,500 from the Turlock Mayor’s Award for Public Policy Research (Mayor’s Award) balance, to fund the facilitator fee of Dr. Lynn Murphy, for the Roundtable Discussion on Inclusion and Diversity, co-hosted by Mayor Gary Soiseth, City of Turlock and President Ellen Junn, California State University Stanislaus scheduled for February 9, 2018

Mayor Soiseth opened public participation.

Brad Bates inquired as to why the Council’s authority was needed for this item and spoke regarding the cost of Dr. Lynn Murphy.

Mayor Soiseth closed public participation.

Council and staff discussed this item.

Action: Motion by Councilmember Jacob, seconded by Councilmember DeHart, authorizing the Mayor to redirect \$4,500 from the Turlock Mayor’s Award for Public Policy Research (Mayor’s Award) balance, to fund the facilitator fee of Dr. Lynn Murphy, for the Roundtable Discussion on Inclusion and Diversity, co-hosted by Mayor Gary Soiseth, City of Turlock and President Ellen Junn, California State University Stanislaus scheduled for February 9, 2018. Motion carried 5/0 by the following vote:

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

6. FINAL READINGS: None

7. PUBLIC HEARINGS:

Mayor Soiseth noted Public Hearing Items 7B and 7C have been removed from the agenda.

- A. Interim Development Services Director Eric Picciano presented the staff report on the request to order the improvements and formation of the Monte Verde subdivision (Development Project No. 14-21) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, and confirming the diagram and benefit assessments as set forth in the annual report of the Engineer of Work and the levying and collection of assessments set forth therein for fiscal year 2017-2018 for the Monte Verde subdivision (Development Project No. 14-21) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution No. 97-128.

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

City Attorney Phaedra A. Norton reported that one ballot was received in favor of and that no ballots were received in opposition to, therefore a majority protest does not exist.

Action: **Resolution No. 2018-018:** Ordering the improvements and formation of the Monte Verde subdivision (Development Project No. 14-21) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, and confirming the diagram and benefit assessments as set forth in the annual report of the Engineer of Work and the levying and collection of assessments set forth therein for fiscal year 2017-2018 for the Monte Verde subdivision (Development Project No. 14-21) Landscaping and Lighting Benefit Assessment District and the Street Maintenance Benefit Assessment Area, Pursuant to Resolution No. 97-128 as introduced by Councilmember Bublak, seconded by councilmember DeHart, and carried 5/0 by the following vote:

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

- B. Removed from the agenda.
- C. Removed from the agenda.

Councilmember Esquer stepped down from the dais at 8:46 p.m. as he recused himself from participating in Public Hearing Item 7D.

- D. Senior Planner Katie Quintero presented the staff report on the request to establish a policy that the City of Turlock shall not provide written approval for any commercial cannabis applications referred to the City of Turlock by Stanislaus County.

Council and staff discussed this item.

Mayor Soiseth opened the public participation.

Byron Boggard spoke regarding the current applicants wanting to cultivate and not operate as dispensaries, the need to better understand individual applicant requests, health benefits of cannabis, and requested Council to hold on making a decision regarding this item.

Frank Johnson spoke regarding legal and illegal growers, federal court ruling, potential City liability, and law enforcement impacts.

Darren Silva spoke regarding cannabis grows and dispensaries, his development agreements with the Cities of Patterson and Oakdale, and tax benefits.

Joy Biddle spoke regarding impacts to residential facilities and requested protection for licensed facilities.

Mayor Soiseth closed the public hearing.

Action: **Resolution No. 2018-019:** Establishing a policy that the City of Turlock shall not provide written approval for any commercial cannabis applications referred to the City of Turlock by Stanislaus County as introduced by Councilmember DeHart, seconded by councilmember Bublak, and carried 4/1 by the following vote:

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Not Participating	Yes	Yes	Yes	Yes

Mayor Soiseth recessed the City Council meeting at 9:19 p.m.
Mayor Soiseth reconvened the City Council meeting at 9:27 p.m.

Councilmember Esquer returned to the dais and stated he had a conflict of interest on Public Hearing Item 7D due to two of the applicants being clients of his wife.

8. SCHEDULED MATTERS:

Mayor announced Scheduled Matters item 8C would be removed from agenda.

- A. Meyers Nave Special Counsel Lauren Quint presented the staff report on the request to accept the Report prepared by Meyers Nave related to the lease and activities at the Chamber Building and the Chamber’s past and current obligations to the City of Turlock including the repayment agreement and the City’s Centennial Celebration.

Council, staff, and Special Legal Counsel discussed this item.

Mayor Soiseth opened public participation.

DJ Fransen spoke regarding the report, agreement with the Chamber, previous Councilmember’s requests for audits related to this matter, and inquired about payments received for the reimbursement agreement.

Paul Porter spoke regarding CVB activities, the role of the Centennial Committee, and record keeping of funds during the celebration.

Mayor Soiseth closed public participation.

Due to additional inquiries from the Council and the public, Mayor Soiseth recommended establishing an Ad Hoc committee to discuss a resolution regarding these matters, noting this action would be brought back at a future meeting.

Action: Motion by Councilmember DeHart, seconded by Councilmember Esquer, accepting the Report prepared by Meyers Nave related to the lease and activities at the Chamber Building and the Chamber’s past and current obligations to the City of Turlock including the repayment agreement and the City’s Centennial Celebration. Motion carried 5/0 by the following vote:

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

Mayor Soiseth recessed the City Council meeting at 10:22 p.m.
 Mayor Soiseth reconvened the City Council meeting at 10:27 p.m.

Mayor Soiseth noted a green sheet for Scheduled Matters Item 8B.

- B. Human Resources Manager Sarah Eddy presented the staff report on the request to appropriate \$214,000 to account number 110-10-108.43010 "Contract Attorney" funded by a transfer from City Manager salary savings as detailed in Exhibit A to the Resolution, appropriate \$71,000 to account number 110-10-108.43010 "Contract Attorney" from Fund 110 "General Fund" unallocated reserves, and appropriate \$15,000 to account number 110-10-109.43060_020 "Contract Services City Manager Recruitment" from Fund 110 "General Fund" unallocated reserves for specialized legal services.

Council and staff discussed this item.

Mayor Soiseth opened public participation.

Brad Bates inquired about the process of the City engaging with a Contract Attorney.

Frank Johnson inquired about money spent on an investigation and the City Attorney reviewing contracts brought before the Council.

Robert Puffer spoke about these bills needing to be paid and recommended the City review this matter and put steps in place for the future.

DJ Fransen spoke regarding agenda timelines for this item, his request for information related to this matter, stonewalling Councilmembers and the public, issues surrounding the City Attorney, and authorization of expenditures.

Mayor Soiseth closed public participation.

Action: **Resolution No. 2018-020:** Appropriating \$214,000 to account number 110-10-108.43010 "Contract Attorney" funded by a transfer from City Manager salary savings as detailed in Exhibit A to the Resolution, appropriating \$71,000 to account number 110-10-108.43010 "Contract Attorney" from Fund 110 "General Fund" unallocated reserves, and appropriating \$15,000 to account number 110-10-109.43060_020 "Contract Services City Manager Recruitment" from Fund 110 "General Fund" unallocated reserves for specialized legal services as introduced by Councilmember Esquer, seconded by Councilmember Dehart, and carried 4/1 by the following vote:

Councilmember Esquer	Councilmember DeHart	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	No	Yes	Yes

- C. Removed from the agenda.

Mayor Soiseth adjourned to the Successor Agency meeting at 11:09 p.m.
 Mayor Soiseth reconvened the City Council meeting at 11:20 p.m.

9. STAFF UPDATES

1. Policy Goals and Implementation Plan (*Executive Staff*) – No updates provided.
2. Administrative Services – No updates provided.
3. Development Services Department
 - a. Turlock Transit Community Shuttle Pilot Program

Interim Development Services Director Eric Picciano provided an update on the Turlock Transit Community Shuttle Pilot Program including routes, public meeting process, and the goal to launch the pilot program in the spring of this year.

Council and staff discussed this item.

4. Fire Department
 - a. Public Safety Briefing
A written staff update was included in the agenda packet.
5. Municipal Services Department
 - a. Groundwater Supply Update

Municipal Services Director Michael Cooke presented information about well status and rehabilitation projects in 2017, current well status, and proposed work plans.

Council and staff discussed this item.

6. Parks, Recreation and Public Facilities – No updates provided.
7. Police Department
 - a. Public Safety Briefing
A written staff update was included in the agenda packet.
 - b. Not in Our Community
This staff update was heard earlier in the meeting.

10. NON-AGENDA ITEMS: None

11. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Councilmember Bublak spoke regarding the need for improved communication to better serve citizens.

Councilmember DeHart also spoke regarding communication, the various issues facing the City, and methods for keeping themselves informed.

Councilmember Esquer also spoke regarding communication and thanked Fire Marshal Gomez for his efforts.

Mayor Soiseth encouraged Councilmembers to inform staff of important topics they would like to be informed about and to communicate priorities with the Interim City Manager.

12. COUNCIL COMMENTS:

Councilmember Bublak wished the Chief of Police a happy one-year anniversary.

Councilmember Jacob spoke regarding his recent attendance at a League of California Cities Environmental Quality Policy Committee meeting regarding a water rate increase proposed by the State Assembly.

13. CLOSED SESSION:

City Attorney Phaedra A. Norton introduced the Closed Session Items and noted only one case would be heard under Closed Session Item 13C.

Closed Session Item 13D was taken out of order.

- D. Public Employee Appointment, 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

Action: No reportable action.

Closed Session Items 13A and 13B were handled concurrently.

- A. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."
Property: Third and D Street, Turlock, California (NW portion of APN No. 043-049-055-000)
Agency Negotiator: Interim City Manager Robert A. Talloni
Negotiating Parties: JenJill Packaging, Inc.
Under Negotiation: Price and terms of payment for the purchase

Action: No reportable action.

- B. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."
Property: Third and D Street, Turlock, California (NW portion of APN No. 043-049-055-000)
Agency Negotiator: Interim City Manager Robert A. Talloni
Negotiating Parties: Jim and Julie Vieira
Under Negotiation: Price and terms of payment for the purchase

Action: No reportable action.

- C. 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 Cases: (1 case)

Action: No reportable action.

14. ADJOURNMENT:

Motion by Councilmember DeHart, seconded by Councilmember Jacob, to adjourn the open session of the regular meeting at 8:14 p.m. Motion carried unanimously.

Motion by Councilmember DeHart, seconded by Councilmember Esquer, to adjourn the closed session of the regular meeting at 1:15 a.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Jennifer Land
City Clerk