

1. **A. CALL TO ORDER** – Mayor Soiseth called the meeting to order at 6:04 p.m.
PRESENT: Councilmembers Gil Esquer, Bill DeHart, Amy Bublak, Matthew Jacob, and Mayor Gary Soiseth.
ABSENT: None

B. SALUTE TO THE FLAG

C. RECOGNITION OF OUTGOING MAYOR GARY SOISETH, COUNCILMEMBER WILLIAM DEHART, JR., AND COUNCILMEMBER MATTHEW JACOB

Mayor Soiseth presented an Award of Recognition to Councilmember DeHart honoring his dedicated and steadfast leadership, wisdom, and commitment to the citizens of Turlock.

Councilmember DeHart expressed thanks to his colleagues and Turlock residents and spoke regarding his time as a Council Member being one of the most fantastic experiences of his many years of public service.

Mayor Soiseth presented an Award of Recognition to Councilmember Jacob honoring his hard work, fresh perspective, leadership, and service to the City of Turlock.

Councilmember Jacob expressed thanks to his colleagues, family, and Turlock residents and spoke regarding staff being the strong foundation of the City, excitement for the Council Member-elects, and his future endeavors.

Vice Mayor Jacob presented a Proclamation to Mayor Soiseth in recognition of his dedication and passion for the community, betterment of the City's economic and development stability and quality of life for Turlock residents, inclusivity, and distinguished service to the community.

Mayor Soiseth expressed thanks to the City of Turlock and staff, spoke about it being humbling to be Mayor, his plans to stay active in the community to help further the progress they made as a Council, and encouraged support for the new Council and Mayor.

Mayor Soiseth opened public participation.

The following members of the public spoke:

Patrick Shields
Lori Smith
Frank Johnson
Jason Freitas

Mayor Soiseth closed public participation.

Agenda Item 3A was taken out of order.

- A. Proclamation: Retirement of City Employee, Lorraine Knoepfle, Legal Assistant to the City Attorney

Mayor Soiseth presented a Proclamation to Legal Assistant Lorraine Knoepfle in recognition of her upcoming retirement and 29.5 years of dedicated service to the City of Turlock.

Legal Assistant Lorraine Knoepfle expressed thanks to her family, colleagues, and the Council and spoke regarding her time working at the City of Turlock being one of her greatest blessings.

2. ELECTION RESULTS

A. City Clerk Jennifer Land recited the facts of the General Municipal Election.

Action: **Resolution No. 2018-324:** Reciting the facts of the General Municipal Election held in said City of Turlock on the 6th day of November, 2018, declaring the results thereof and such other matters as are provided by law as introduced by Councilmember Jacob, 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. Oath of Office for Mayor

City Clerk Jennifer Land administered the Oath of Office to Mayor Amy Bublak.

C. Oath of Office for Council Members

City Clerk Jennifer Land administered the Oath of Office to Councilmembers Nicole Larson and Andrew Nosrati.

D. Special Oath administered by the Honorable Ruben A. Villalobos

Honorable Ruben A. Villalobos administered a Special Oath to Mayor Amy Bublak and Councilmembers Gil Esquer, Nicole Larson, and Andrew Nosrati.

Mayor Soiseth recessed the City Council meeting at approximately 6:45 p.m.

Mayor Bublak reconvened the City Council meeting at 7:06 p.m.

E. New Council Seated

Mayor Bublak requested changes to the agenda regarding Scheduled Matters Items 9B and 9C, to remove Item 9B and bring it back at a future date and move Item 9C to the December 12 Special City Council meeting, due to tonight's meeting being more ceremonial as the new Council was just seated.

Council discussed this item.

Councilmember Nosrati motioned to move Item 9C to the December 12, 2018 meeting and to keep Item 9B on the agenda, allowing the director to present the item and Council to decide at that time. Councilmember Larson seconded the motion.

Mayor Bublak opened public participation.

The following members of the public spoke:

Milt Triewailer
Member of the public

City Manager Robert C. Lawton provided an overview of the December 12 Special City Council meeting.

Action: Motion by Councilmember Nosrati, seconded by Councilmember Larson, moving Scheduled Matters Item 9C to the December 12, 2018 Special City Council meeting. Motion carried 4/0 by the following vote:

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

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

- A. *Agenda Item 3A was heard earlier in the meeting.*
- B. Recognition: Employee of the Month, November 2018 – Executive Administrative Assistant, Municipal Services Allison Martin

Mayor Bublak issued a Certificate of Recognition to Executive Administrative Assistant, Municipal Services Allison Martin as the Employee of the Month award winner for November 2018.

4. A. SPECIAL BRIEFINGS: None

B. PUBLIC PARTICIPATION

The following members of the public spoke:

Milt Triewailer
Frank Johnson
Stanislaus County Turlock Public Library Supervising Librarian Diane Bartlett
Manuel Drumonde and Linda Murphy-Lopes

5. A. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA

Action: Motion by Councilmember Larson, seconded by Councilmember Esquer, waiving reading of all ordinances on the agenda, except by title. Motion carried 4/0 by the following vote:

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

B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS: None

C. DISCLOSURE OF TOP TEN/MAXIMUM CONTRIBUTORS

Mayor Bublak spoke regarding the process for the Council Members to submit and/or update this information for the next meeting agenda.

6. CONSENT CALENDAR:

Mayor Bublak announced that at the request of Councilmember Esquer Consent Calendar Item 6C would be removed for separate consideration.

Action: Motion by Councilmember Esquer, seconded by Councilmember Nosrati, adopting the amended consent calendar. Motion carried 4/0 by the following vote:

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

- A. **Resolution No. 2018-325:** Accepting Weekly Demands of 11/15/18 in the amount of \$3,323,033.56; Weekly Demands of 11/22/18 in the amount of \$1,870,212.14
- B. **Motion:** Accepting Minutes of the Regular Meeting of October 9, 2018; Minutes of the Special Meeting of October 18, 2018; Minutes of the Regular Meeting of October 23, 2018
- C. *Removed for separate consideration.*
- D. **Motion:** Approving Amendment No. 1 to an Agreement with H. T. Harvey & Associates of Los Gatos, California in the amount of \$55,067 for biological monitoring during construction of City Project No. 17-22 "North Valley Regional Recycled Water Program – Turlock Component," bringing the contract total to \$321,598
- E. **Motion:** Approving an Agreement between the City of Turlock and Turlock Community Theatre, Inc. for the purpose of utilizing the Turlock Community Theatre for recreation dance classes on Wednesday and Thursday evenings and the end of session recital, from January 9, 2019 to March 29, 2019, and one recital for a total of \$3,387
- F. **Motion:** Awarding RFB No. 18-050 and approving an Agreement with Univar USA Inc. for Sodium Bisulfite for the Turlock Regional Water Quality Control Facility for a period of twenty-four (24) months, with an option to extend the Agreement for three (3) additional one-year terms, in an annual amount not to exceed \$226,859, for a total not-to-exceed amount of \$1,134,295, over the 5-year term of the Agreement, if all renewal periods are exercised
- G. **Resolution No. 2018-326:** Approving modifications to the job description for the position of Utilities Manager, effective December 11, 2018

- H. **Resolution No. 2018-327:** Appropriating \$3,380 to account number 240-00-000-203.44010_011 “Computer- Broadcast Pix Software Maintenance” and \$4,000 to account number 240-00-000-203.51005_001 “Communications Equipment Funded by PEG Fees” from Fund 240-00-000-203 “Cable Franchise PEG Fees” unallocated reserves in the fiscal year 2018/2019 amended budget for annual software maintenance for the Broadcast Pix Software live video production system and to purchase equipment that will provide a backup system of public meetings
- I. **Resolution No. 2018-328:** Authorizing the City Manager to utilize a joint purchasing plan for vehicle purchases through the State of California Contract No. 1-18-23-10, A through H; No. 1-18-23-20, A through I; and No. 1-18-23-23, A through H, for the contract term May 1, 2018 – April 30, 2020 without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(5)
- J.
 1. **Resolution No. 2018-329:** Rescinding Resolution No. 2016-294 and adopting a new Resolution approving the use of facsimile signatures on specific accounts with Westamerica Bank
 2. **Resolution No. 2018-330:** Rescinding Resolution No. 2018-206 and adopting a new Resolution designating the authorized signatures for the City of Turlock bank accounts with Westamerica Bank
- K.
 1. **Motion:** Approving Amendment No. 4 to an Agreement with North Star Destination Strategies of Nashville Tennessee to develop marketing and branding strategies (including tourism) for the City of Turlock extending the term
 2. **Resolution No. 2018-331:** Re-appropriating unspent funds from Fiscal Year 2017-18 in the amount of \$22,880.50 to account number 120-10-120.43289 “Marketing and Branding Strategy” and appropriate funds in the amount of \$22,118.00 to account number 120-10-120.43290 “Tourism Strategy” to be funded from Fund 120 “Tourism” unallocated reserves to fund Marketing, Branding and Tourism Strategies
- L. **Resolution No. 2018-332:** Adopting the 2019 City Council meeting schedule in accordance with Turlock Municipal Code Section 2-1-02
- 6C. **Motion:** Rejecting all bids submitted for City Project No. 16-59 “Intersection Improvements at West Main Street and West Avenue”

Council and staff discussed this item.

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

Action: Motion by Councilmember Esquer, seconded by Councilmember Larson, Rejecting all bids submitted for City Project No. 16-59 “Intersection Improvements at West Main Street and West Avenue”. Motion carried 3/1 by the following vote:

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

7. FINAL READINGS:

- A. **Ordinance No. 1248-CS**, Adopting an Ordinance reauthorizing Section 3-8-1701 of the Turlock Municipal Code, reauthorizing the collection of Public, Educational, and Governmental Access Fees (“PEG Fees”) on State Cable Franchises operating within the City as introduced at the November 27, 2018 City Council meeting was passed and adopted 4/0 by the following vote:

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

8. PUBLIC HEARINGS

- A. Administrative Services Director Kellie Jacobs-Hunter presented the staff report on the request to adopt an Urgency Ordinance reauthorizing Section 3-8-1701 of the Turlock Municipal Code, reauthorizing the collection of Public, Educational, and Governmental Access Fees (“PEG Fees”) on State Cable Franchises operating within the City (Requires 4/5 Vote of the City Council).

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

Action: **Ordinance No. 1249-CS** Motion By Councilmember Esquer, seconded by Councilmember Nosrati, Adopting an Urgency Ordinance reauthorizing Section 3-8-1701 of the Turlock Municipal Code, reauthorizing the collection of Public, Educational, and Governmental Access Fees (“PEG Fees”) on State Cable Franchises operating within the City (Requires 4/5 Vote of the City Council). Motion carried 4/0 by the following vote:

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

- B. Mayor Bublak presented the staff report on the request to amend Turlock Municipal Code Title 2, Chapter 4, Article 2, Section 07(c) regarding powers and duties of the City Manager.

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 Larson, seconded by Councilmember Nosrati, Introducing an Ordinance Amending Turlock Municipal Code Title 2, Chapter 4, Article 2, Section 07(c) regarding powers and duties of the City Manager and setting the final reading date for January 8, 2019. Motion carried 4/0 by the following vote:

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

9. SCHEDULED MATTERS:

A. Interim Development Services Director Nathan Bray presented the staff report on the request to determine City Project No. 16-57 “Intersection Improvements at Hawkeye Avenue and N. Denair Avenue” is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines AND appropriate \$259,400 to account number 215-40-420.51210 “Federal Street Projects” with appropriations of \$259,400 to account number 215-40-420.38001_227 “Transfer In Hawkeye & Denair Intersection Improvements” and \$259,400 to account number 218-40-426.48001_227 “Transfers Out Hawkeye & Denair Intersection Improvements” from Fund 218 “Measure L” unallocated reserves to provide local matching funding for City Project No. 16-57 “Intersection Improvements at Hawkeye Avenue and N. Denair Avenue” AND award bid and approve an Agreement in the amount of \$474,000 (Fund 215) with Pacific Excavation Inc. of Elk Grove, California, for City Project No. 16-57 “Intersection Improvements at Hawkeye Avenue and N. Denair Avenue”.

Council and staff discussed this item.

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

Action: **Resolution No. 2018-333:** Determining City Project No. 16-57 “Intersection Improvements at Hawkeye Avenue and N. Denair Avenue” is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines as introduced by Councilmember Esquer, seconded by Councilmember Nosrati, and carried 4/0 by the following vote:

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

Resolution No. 2018-334: Appropriating \$259,400 to account number 215-40-420.51210 “Federal Street Projects” with appropriations of \$259,400 to account number 215-40-420.38001_227 “Transfer In Hawkeye & Denair Intersection Improvements” and \$259,400 to account number 218-40-426.48001_227 “Transfers Out Hawkeye & Denair Intersection Improvements” from Fund 218 “Measure L” unallocated reserves to provide

local matching funding for City Project No. 16-57 “Intersection Improvements at Hawkeye Avenue and N. Denair Avenue” as introduced by Councilmember Esquer, seconded by Councilmember Larson, and carried 4/0 by the following vote:

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

Motion by Councilmember Esquer, seconded by Councilmember Larson, Awarding bid and approving an Agreement in the amount of \$474,000 (Fund 215) with Pacific Excavation Inc. of Elk Grove, California, for City Project No. 16-57 “Intersection Improvements at Hawkeye Avenue and N. Denair Avenue”. Motion carried 4/0 by the following vote:

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

- B. Municipal Services Director Michael Cooke and Deputy Municipal Services Director Garner Reynolds presented the staff report on the request to award RFP No. 18-039 and approve a Professional Services Agreement between the City of Turlock and Carollo Engineers, Inc. (Carollo) for Program Management Services for the Design, Engineering Services During Construction, and Construction Management Services for the City of Turlock Surface Water Distribution System Improvements in an amount not to exceed \$479,086, in a form approved by the Interim City Attorney.

Council and staff discussed this item.

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

Action: Motion by Councilmember Nosrati, seconded by Councilmember Esquer, Awarding RFP No. 18-039 and approving a Professional Services Agreement between the City of Turlock and Carollo Engineers, Inc. (Carollo) for Program Management Services for the Design, Engineering Services During Construction, and Construction Management Services for the City of Turlock Surface Water Distribution System Improvements in an amount not to exceed \$479,086, in a form approved by the Interim City Attorney. Motion carried 3/1 by the following vote:

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

- C. *Agenda Item 8C was removed from the agenda.*
- D. Assistant to the City Manager for Economic Development and Housing Maryn Pitt presented the staff report on the request to authorize the issuance of a Request for Proposals (RFP) to provide affordable housing opportunities for the sale and master lease of two (2) city owned properties.

Council and staff discussed this item.

Mayor Bublak opened public participation.

The following members of the public spoke:

Member of the public

Mayor Bublak closed public participation.

Action: Motion by Councilmember Nosrati, seconded by Councilmember Esquer, Authorizing the issuance of a Request for Proposals (RFP) to provide affordable housing opportunities for the sale and master lease of two (2) city owned properties. Motion carried 4/0 by the following vote:

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

- E. Mayor Bublak and City Manager Robert C. Lawton presented the staff report on the request to repeal the action of having granted authority to the Mayor or City Manager of the City of Turlock to execute agreements for specialized legal services that have been approved as to form by the City Attorney.

Council and staff discussed this item.

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

Action: Motion by Councilmember Larson, seconded by Councilmember Esquer. Repealing the action of having granted authority to the Mayor or City Manager of the City of Turlock to execute agreements for specialized legal services that have been approved as to form by the City Attorney. Motion carried 4/0 by the following vote:

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

- F. City Manager Robert C. Lawton presented the staff report on the request to provide direction to staff to prepare and bring back a Resolution to fill the Council vacancy for District 4 through nomination and appointment by the City Council OR provide direction to staff regarding an application process to fill the Council vacancy for District 4 through appointment by the City Council OR provide direction to staff to prepare and bring back a Resolution calling a Special Election to fill the Council vacancy for District 4.

Council and staff discussed this item including options of having an application and interview process, ability for applicants to provide a list of signatures of verified voters within the district, providing a thorough and transparent process, types of application questions, timelines for receiving applications and the next steps of the appointment process, potential scoring procedures, and fiscal impacts.

Mayor Bublak opened public participation.

The following members of the public spoke:

DJ Fransen
 Barbara Jensen
 Myrna Wachs
 Becky Hackler-Arryano

Mayor Bublak closed public participation.

Action: Motion by Councilmember Nosrati, seconded by Councilmember Esquer, Providing direction to staff regarding an application with interview process, amending the application to include signatures of public support from registered voters within District 4 and considering adding questions regarding arrests, bankruptcy, and filing of the FPPC Form 700 Conflict of Interest Statement, and establishing the application due date of January 7, 2019 to fill the Council vacancy for District 4 through appointment by the City Council. Motion carried 4/0 by the following vote:

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

10. STAFF UPDATES

1. Administrative Services

a. Business License Tax

A written staff update was included in the agenda packet.

Assistant to the City Manager for Economic Development and Housing Maryn Pitt provided information regarding business license tax and adjustments for inflation allowable by the Turlock Municipal Code.

Council and staff discussed this item.

2. Development Services Department

a. Capital Projects, Building Activity, Transit, and Measure L

A written staff update was included in the agenda packet.

3. Fire Department – No update provided.

4. Municipal Services Department

Municipal Services Director Michael Cooke provided information regarding an upcoming meeting of the West Turlock Subbasin Groundwater Sustainability Agency to be held on Thursday, December 13, 2018 at 6:00 p.m. at Turlock Irrigation District (TID).

5. Parks, Recreation and Public Facilities – No update provided.
6. Police Department – No update provided.

11. CITY MANAGER COMMENTS:

City Manager Robert C. Lawton spoke regarding matters that will be becoming before the Council over the coming months including a Council retreat, defining vision, mission, and values for the City, departmental program catalog, strategic plan and organizational chart, legislative platform, and the mid-year budget.

12. NON-AGENDA ITEMS: None

13. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Councilmember Esquer spoke regarding the previous report provided by the Commercial Cannabis Ad Hoc Committee to and his desire to agendize this matter to determine how the Council would like to proceed.

Councilmember Nosrati spoke regarding his desire to revisit election reform and opportunities to make it better for the community.

14. COUNCIL COMMENTS:

Councilmember Esquer expressed thanks to staff for publishing the agenda at an earlier timeframe.

Councilmember Larson expressed thanks to the department heads for previously meeting with her, noted that she looks forward to working with them and her colleagues in the future, and also expressed thanks to her family for their support.

Mayor Bublak provided information regarding the Special City Council meeting to be held on Wednesday, December 12, 2018.

15. CLOSED SESSION:

Interim City Attorney Jose M. Sanchez introduced the Closed Session Items and noted he would not be participating in Items 15B and 15C.

- A. 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)

- B. 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 Attorney
- C. 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 Negotiator: Mayor Amy Bublak
Unrepresented Employee: City Attorney

16. REPORTS FROM CLOSED SESSION:

No reportable action.

17. ADJOURNMENT

Motion by Councilmember Esquer, seconded by Councilmember Larson, to adjourn the open session of the regular meeting at 9:12 p.m. Motion carried unanimously.

Motion by Councilmember Esquer, seconded by Councilmember Larson, to adjourn the closed session of the regular meeting at 9:35 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Jennifer Land
City Clerk