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1. **A. CALL TO ORDER** – Mayor Soiseth called the meeting to order at 6:04 p.m.
PRESENT: Councilmembers Amy Bublak (*via teleconference*), Bill DeHart, Matthew Jacob, Steven Nascimento, and Mayor Gary Soiseth.
ABSENT: None
 - B. SALUTE TO THE FLAG**
 2. **PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:**
 - A. Mayor Soiseth announced Item 2A would be handled later in the meeting.
 - B. Turlock Fire Engineer Kevin Tidwell provided a video presentation of the OES deployments that occurred this summer. Mayor Soiseth recognized the Strike Teams which included Turlock Fire Battalion Chief Bill Becker, Turlock Fire Captains Larry Mouw, Shaun Walker, Kevin Forsythe, David Bickle, and Kain Packwood, Turlock Fire Engineers Tony Nascimento, Kevin Tidwell, Nathan Benner, and Eric Boyd, and Turlock Firefighters Dale Melden, Dan Timko, Kyle Frenzel, Dan Nenni, Steven Kramer, and Justin Rossiter for their efforts in fighting fires and providing mutual aid throughout the States of California and Nevada.
 3. **A. SPECIAL BRIEFINGS:**
 1. **CALIFORNIA STATE UNIVERSITY STANISLAUS**
Noriel Mostajo, CSUS Student Government Relations Coordinator thanked Mayor Soiseth and Hauck’s Grill for assistance with the Election to Watch gathering and provided information about the recent start of the new Dean of Students Matthew Phillip Lopez and beginning efforts to market new Turlock transit.
 - B. STAFF UPDATES**
 1. Deputy City Clerk Jennifer Land provided an update on Board, Commission, and Committee vacancies.
 - C. PUBLIC PARTICIPATION**

Scott Snyder provided information about the Christmas Can Tree 2016 fundraiser to be held on December 7, 2016.

Turlock Christian Young Republicans Representatives Hannah Ryan and Jyllian Knight provided information about a memorial fundraiser (drive thru dinner) for Stanislaus County Deputy Sheriff Dennis Wallace to be held on November 19, 2016 at 3:00 p.m. in the Village Fresh parking lot and noted 100% of the donations received will be provided to the Wallace family.
 4. **A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:** None
 - B. DISCLOSURE OF TOP TEN/MAXIMUM CONTRIBUTORS**

5. CONSENT CALENDAR:

Action: Motion by Councilmember DeHart, seconded by Councilmember Nascimento, to adopt the consent calendar. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

- A. **Resolution No. 2016-274** Accepting Demands of 10/13/16 in the amount of \$1,235,762.21; Demands of 10/20/16 in the amount of \$555,781.94
- B. Motion: Accepting Minutes of Regular Meeting of November 8, 2016
- C.
 - 1. Motion: Approving Contract Change Order No. 1 for City Project No. 14-24 "Storm Drain Repairs on Countryside Drive," in the amount of \$62,518.04, bringing the contract total to \$301,318.04
 - 2. **Resolution No. 2016-275** Re-Appropriating \$282,300 to account number 413-51-536.51162 "Countryside Storm Drain Line" to be funded from Fund 413 "Water Quality Control Capital Expansion" reserves for City Project No. 14-24 "Storm Drain Repairs on Countryside Drive" to complete the necessary funding required for this project
- D.
 - 1. **Resolution No. 2016-276** Determining City Project No. 14-28 "Intersection Improvements at Golden State Boulevard and Fulkerth Road" is exempt from the provisions of the California Environmental Quality Act (CEQA) in accordance with Sections 15183 (Projects Consistent with a Community Plan or Zoning) and 15302 (Replacement or Reconstruction) of the CEQA Guidelines
 - 2. Motion: Approving the advertisement for construction bids for City Project No. 14-28 "Intersection Improvements at Golden State Boulevard and Fulkerth Road"
- E. Motion: Approving Contract Change Order No. 2, in the amount of \$6,141.83, for City Project No. 14-29 "Water Line Replacement on Palm Street and Mitchell Avenue," bringing the contract total to \$701,271.70
- F.
 - 1. Motion: Approving Contract Change Order No. 2 (Final), in the amount of \$8,623.05 (Fund 228), for City Project No. 15-28 "Brandon Koch Memorial Skatepark," bringing the contract total to \$269,393.05
 - 2. **Resolution No. 2016-277** Re-Appropriating \$34,475 to account number 228-60-608.51178 "Neighborhood Parks – Skate Park Relocation" to be funded from Fund 228 "Park Development Tax-Community Parks" reserves for City Project No. 15-28 "Brandon Koch Memorial Skatepark" to complete the necessary funding required for this project
- G.
 - 1. Motion: Approving the annual City of Turlock Turkey Trot Run event utilizing the public right-of-way (sidewalks) at Donnelly Park, hosted by the City of Turlock, on Saturday, November 19, 2016 from 9:00 a.m. to 11:00 a.m.
 - 2. **Resolution No. 2016-278** Authorizing the City Manager to approve any future Special Event Permit for the annual City of Turlock Turkey Trot Fun Run hosted by the City of Turlock, held on the Saturday before Thanksgiving at specified times
- H.
 - 1. **Resolution No. 2016-279** Approving standardization of all positive displacement residential and turbine meters for the City of Turlock fixed network Automated Meter Reading system, for the purchase of residential, commercial, and industrial water meters from Badger Meter and National Meter & Automation, Inc., without compliance to the formal bid procedure pursuant to Turlock Municipal Code Section 2-7-08(b)(6)

2. *Motion:* Approving an Agreement with Badger Meter and National Meter & Automation, Inc. for the purchase of all positive displacement residential and turbine meters, for the City of Turlock fixed network Automated Meter Reading system, in an annual amount not to exceed \$150,000
- I. *Motion:* Approving Amendment No. 1 to an Agreement between the City of Turlock and Clark Pest Control for additional vegetation management services, increasing the compensation to an annual amount of \$50,112 during the term of the existing contract
- J. *Motion:* Approving a Right of Entry and Access Agreement between the City of Turlock and Eastside Water District for the Mustang Creek Managed Aquifer Recharge Demonstration Project at the Turlock Municipal Airport
- K. *Motion:* Approving one (1) Maintenance Agreement with Mo-Cal Office Solutions (as an authorized Kyocera company) for copier maintenance based on a per copy cost and an annual base rate for a period of five (5) years, for the Parks, Recreation and Public Facilities Department

6. PUBLIC HEARINGS: None

7. SCHEDULED MATTERS:

- A. Parks, Recreation and Public Facilities Director Allison Van Guilder presented the staff report on the request to approve the revised City of Turlock Public Art Policy and Guidelines.

Council and staff discussion included explanation regarding the artist bio relative to credit/recognition of artwork and the process for addressing potential destruction or vandalism of art.

Mayor Soiseth opened public participation.

Mary Jackson inquired about what initiated this process, noted her previous role on the Arts Commission and the Carnegie Building Committee, and shared her concerns regarding public art standards, distinction between public and private art, withdrawing or relocating public art, and why the artist is responsible for graffiti clean-up. Ms. Jackson also noted her concerns stem from her displeasure of the street closure process associated with the farmers market.

Mayor Soiseth closed public participation.

Additional Council and staff discussion included Council's goal of proactively establishing objective procedures and guidelines, the community's involvement in reviewing this proposal, encouraging more public art, and information regarding legal exposure including specific language that has been added to the policy to insulate the City from potential legal challenges.

Action: Motion by Councilmember Jacob, seconded by Councilmember DeHart, Approving the revised City of Turlock Public Art Policy and Guidelines. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

- B. Administrative Services Director Kellie Jacobs-Hunter presented the staff report on the request to appropriate \$1,150,000 to account number 511-10-151.35017_001 "Self Insurance Transfer Medical/Dental" to be funded from the City's various operating budgets to augment the 2015-16 budget for Fund 511 "Health Care" due to net claims expenses in excess of budgeted revenue.

Director Jacobs-Hunter also spoke about stop-loss deductible and the approved budget augmentation for Fiscal Year 2016-17.

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

Council discussion included a reminder for the budget process, to allow flexibility for unexpected expenses.

Action: **Resolution No. 2016-280** Appropriating \$1,150,000 to account number 511-10-151.35017_001 "Self Insurance Transfer Medical/Dental" to be funded from the City's various operating budgets to augment the 2015-16 budget for Fund 511 "Health Care" due to net claims expenses in excess of budgeted revenue as introduced by Councilmember Jacob, seconded by Councilmember Nascimento, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

Mayor Soiseth handled Item 2A out of order.

- 2A. Fire Chief Robert Talloni introduced Bobby Darrell Hollingsworth who performed lifesaving actions on a fellow citizen in need of medical attention on July 3, 2016. Mr. Hollingsworth thanked the City of Turlock and spoke about his previous service as an Army Medic and how that experience assisted with performing CPR that day. Mayor Soiseth issued a Certificate of Recognition to Mr. Hollingsworth for his courageous actions and lifesaving efforts.
- C. Principal Civil Engineer Nathan Bray and Fire Operations Chief Gary Carlson presented the staff report on the request to determine City Project No. 16-38 "Fire Station Exhaust Removal System" 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; award bid and approve an Agreement, in the amount of \$192,167.26 (Fund 240), with Air Exchange, Inc. of Fairfield, California, for City Project No. 16-38 "Fire Station Exhaust Removal System."

City Manager Gary Hampton spoke about the health and safety requirements pertaining to this project, past funding challenges that have caused project delays, his recommendation to utilize existing funding in the program budget to achieve this project, and adequate means in the upcoming budget to make the program whole.

Council and staff discussion included clarification regarding the funding strategy relative to the General Fund and Equipment Replacement Fund, health and safety in the workplace being a priority, and appreciation to staff for bringing this item back to Council despite unsuccessful grant efforts.

Mayor Soiseth opened public participation.

Mr. Bob Puffer inquired about the cost and installation process associated with the project.

Additional Council and staff discussion included explanation of the installation process, importance of health and safety and protection of firefighters from hazardous materials, project cost in comparison to employee health services, and the responsibility of Council to support this project.

Mayor Soiseth closed public participation.

Action: **Resolution No. 2016-281** Determining City Project No. 16-38 "Fire Station Exhaust Removal System" 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 DeHart, seconded by Councilmember Nascimento, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

Motion by Councilmember DeHart, seconded by Councilmember Nascimento, Awarding bid and approving an Agreement, in the amount of \$192,167.26 (Fund 240), with Air Exchange, Inc. of Fairfield, California, for City Project No. 16-38 "Fire Station Exhaust Removal System." Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember Jacob	Mayor Soiseth
Yes	Yes	Yes	Yes	Yes

Mayor Soiseth requested Fire Chief Robert Talloni provide Mr. Puffer with a business card to further discuss this project and related equipment.

8. NON-AGENDA ITEMS: None

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

10. COUNCIL COMMENTS:

Councilmember DeHart spoke about his recent attendance at the League of California Cities Annual Conference and noted League lobbying efforts for the upcoming year include:

1) Increase funding for critical transportation and water infrastructure, 2) Develop realistic responses to the homeless crisis, 3) Improve the affordability of workforce housing and secure additional funds for affordable housing, and 4) Address public safety impacts of reduced sentencing laws, protect local priorities in the implementation of Adult Use of Marijuana (AUMA), and preserve the City rights to deliver emergency medical services.

City Manager Gary Hampton provided information about the upcoming Proposition 64 Workshop to be held on January 10, 2017 at 5:00 p.m., noted City Attorney Phaedra Norton will provide Council an overview of the Adult Use of Marijuana Act, outline implementation decisions required of Council, and seek feedback from Council to assist with any potential changes to the City's local Ordinance that will formally implement Prop 64, and reminded the public that the City's current Ordinance regulating cultivation and distribution will remain in effect until Council takes further action.

11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the Closed Session Item.

- A. Conference with Legal Counsel – Existing Litigation, Cal. Gov't Code §54956.9(d)(1)
"For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Litigation, to which the local agency is a party, has been initiated formally."
Name of Case: County of Stanislaus v. City of Modesto, City of Turlock; Modesto Garbage Co., Inc.; and Does 1 through 100, inclusive

Action: No reportable action.

12. ADJOURNMENT:

Motion by Councilmember Nascimento, seconded by Councilmember DeHart, to adjourn the open session of the special meeting at 7:06 p.m. Motion carried unanimously.

Motion by Councilmember DeHart, seconded by Councilmember Nascimento, to adjourn the closed session of the special meeting at 7:22 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Jennifer Land, Deputy City Clerk