

**0. A. CALL TO ORDER** – Mayor Bublak called the meeting to order at 6:03 p.m.

**B. SALUTE TO THE FLAG**

**C. ROLL CALL:**

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

**PRESENT:** Councilmembers Becky Arellano, Nicole Larson, Andrew Nosrati, Gil Esquer, and Mayor Amy Bublak.

**ABSENT:** None

**D. DECLARATION OF CONFLICTS:** None

**1. CLOSED SESSION:**

*The Closed Session items for this meeting have been agendized and will be heard toward the latter part of the meeting.*

**2. APPROVAL OF AGENDA AS POSTED OR AMENDED**

This is the time for the City Council to remove items from the agenda or to change the order of the agenda. Matters may be taken up out of order of the established agenda by a four-fifths vote of the City Council.

**Action:** Motion by Councilmember Nosrati, seconded by Councilmember Larson, Approving the agenda as posted. Motion carried 5/0 by the following vote:

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

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

A. Recognition: Employee of the Month, July 2019, Parks, Recreation and Public Facilities Maintenance Worker I Clifford Butz

Mayor Bublak issued a Certificate of Recognition to Parks, Recreation and Public Facilities Maintenance Worker I Clifford Butz as the Employee of the Month award winner for July 2019.

*Agenda Item 3C was heard out of order.*

C. Proclamation: Assyrian Genocide Remembrance Day, August 7, 2019, accepted by the Assyrian American Civic Club of Turlock President Sam David and Public Relations Director Carmen Morad

Mayor Bublak issued a Proclamation to the Assyrian American Civic Club of Turlock President Sam David and Public Relations Director Carmen Morad in honor of Assyrian Genocide Remembrance Day, August 7, 2019.

- B. Presentation: Donation to the Turlock Police Department Animal Shelter, presented by the Locke Family

The Locke family presented a donation to the City of Turlock Police Department Animal Shelter.

- D. Briefing: Cannabis Business Pilot Program – Update regarding Request for Qualifications (RFQ) Process, presented by City Attorney Douglas L. White

City Attorney Douglas L. White provided an informational update regarding the Cannabis Business Pilot Program Request for Qualifications (RFQ) process.

Council and staff discussed this information.

Mayor Bublak opened public participation.

The following members of the public spoke:

Devin Stetler  
Larry Turner  
Ari Roughton  
Daniel Wilson  
Ron Roberts  
Liz Padilla  
Tim Robertson  
Mike Warda  
Mary Jackson

Mayor Bublak closed public participation.

Staff provided brief comment in response to public comment.

At the request of Councilmember Esquer, RFQ evaluation/interview panel members City Manager Robert C. Lawton, Municipal Services Director Michel Cooke, and Assistant to the City Manager for Economic Development/Housing Maryn Pitt spoke regarding the RFQ evaluation and interview process.

Council and staff further discussed this information.

#### **4. PUBLIC PARTICIPATION:**

The following members of the public spoke:

Stanislaus County Turlock Public Library Supervising Librarian Diane Bartlett  
Brooks Judd

Milt Trieweiler  
 Frank Amdur  
 Joshua Jackson  
 Robert Puffer

**5. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE**

**Action:** Motion by Councilmember Esquer, seconded by Councilmember Larson, Waiving reading of all Ordinances on the agenda, except by title. Motion carried 5/0 by the following vote:

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

**6. CONSENT CALENDAR:**

*Mayor Bublak announced the request to remove Consent Calendar Item 6N for separate consideration and also noted the Green Sheet for Consent Calendar Items 6K and 6L. Councilmember Nosrati requested Consent Calendar Item 6M be removed for separate consideration. Councilmember Arellano requested Consent Calendar Item 6J be removed for separate consideration.*

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

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

- A. **Resolution No. 2019-151:** Accepting Weekly Demands of 7/4/19 in the amount of \$386,340.69; Weekly Demands of 7/11/19 in the amount of \$2,558,060.73; Weekly Demands of 7/18/19 in the amount of \$678,545.85
- B. **Motion:** Accepting Minutes of the Special Meeting of June 11, 2019; Minutes of the Regular Meeting of June 11, 2019; Minutes of the Special Meeting of June 28, 2019
- C. **Motion:** Awarding bid and approving an Agreement in the amount of \$107,698.95 (Fund 412) with Rolfe Construction Company, Atwater, California, for City Project No. 18-63 "West Avenue South Sewer Extension"
- D.
  1. **Motion:** Approving a Cost Sharing Agreement with the City of Modesto for road section improvements on Jennings Road from West Main Street to Monte Vista Avenue as part of City Project No. 17-22A, "North Valley Regional Recycled Water Program Turlock Component"
  2. **Motion:** Approving Contract Change Order No. 1 in the amount of \$345,450, bringing the contract total to \$27,892,658 for City Project No. 17-22A, "North Valley Regional Recycled Water Program Turlock Component"
- E. **Motion:** Approving Amendment No. 4 for materials testing and inspection services with Kleinfelder, Inc. of Modesto, California for City Project No. 15-39E "Turlock Regional Water Quality Control Facility Secondary Clarifier No. 5 and Denitrification," (upgrade and

- expansion of the wastewater treatment plant) to extend the contract term through January 31, 2020
- F. **Motion:** Approving Amendment No. 2 to the agreement with Wallace-Kuhl and Associates, Inc., of West Sacramento, CA, for City Project No. 15-20, "RFQ for Construction Materials Testing and Inspection Retainer Agreement" to increase the total compensation by \$100,000 for a total of \$250,000
  - G. **Motion:** Awarding RFB No. 19-027 and approving an Agreement with Jim Brisco Enterprises, Inc. for the Reuse and Disposal of Biosolids for the Municipal Water Quality Control Division, for a period of three (3) years, with an option to extend the Agreement for three (3) additional one-year terms, in an annual amount not to exceed \$250,000 and a total amount not to exceed \$1,500,000 over the 6-year term of the Agreement, if all renewal periods are exercised
  - H. **Motion:** Awarding RFB No. 19-029 and approving an Agreement between the City of Turlock and Quest Mark Information Management, Inc. for Laser Printing and Mailing Services of Utility Billing, Business License Renewals, and Delinquent Notices for the Municipal Services Department, Finance Division, 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 \$125,000, for a total not-to-exceed amount of \$625,000 over the 5-year term of the Agreement, if all renewal periods are exercised
  - I. **Motion:** Approving an Agreement with Warden's Office of Modesto, California, for the purchase and installation of Haworth panel systems and accessories for the Municipal Services Department Utility Billing Division, in a total not-to-exceed amount of \$41,582 including a 10% contingency, without compliance to the formal bid procedure, pursuant to City of Turlock Resolution No. 97-134, and having found that the criteria listed in Turlock Municipal Code, Title 2, Chapter 7, Section 08(b)(5) has been satisfied
  - J. *Removed for separate consideration.*
  - K. **Resolution No. 2019-152:** Approving modifications to the job description for the position of Fire Captain, effective August 13, 2019
  - L. **Resolution No. 2019-153:** Approving modifications to the job description for the position of Neighborhood Preservation Officer, effective August 13, 2019
  - M. *Removed for separate consideration.*
  - N. *Removed for separate consideration.*
  - O.
    - 1. **Motion:** Authorizing renewal of the Alliant Crime Insurance Program, brokered by Alliant Insurance Services, Inc., insurer National Union Fire Insurance Company of Pittsburgh, to maintain insurance coverage for Government Crime for Fiscal Year 2019-20, with an annual premium of \$2,496
    - 2. **Resolution No. 2019-154:** Approving Government Crime Policies for the purpose of bonding City officials and employees and establishing policy limits
- 6J. **Resolution:** Authorizing a blanket Out-of-Boundary Service Agreement for water and / or sewer services for property located within unincorporated islands of Stanislaus County that are substantially surrounded by the City of Turlock

Council and staff discussed this item.

Mayor Bublak opened public participation.

The following members of the public spoke:

Robert Puffer

Ken Whitehill

Mayor Bublak closed public participation.

**Action:**        **Resolution No. 2019-155:** Authorizing a blanket Out-of-Boundary Service Agreement for water and / or sewer services for property located within unincorporated islands of Stanislaus County that are substantially surrounded by the City of Turlock as introduced by Councilmember Arellano, seconded by Councilmember Nosrati, and carried 5/0 by the following vote:

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

*Councilmember Esquer stepped down from the dais at 7:38 p.m.*  
*Councilmember Esquer returned to the dais at 7:41 p.m.*

- 6M.        **Resolution:** Establishing a tiered Towed Vehicle Release Administrative Fee system for vehicles towed pursuant to a violation of DUI or driving while suspended or unlicensed, establishing a Traffic Safety fund for said administrative fees which can be used by the Police Department Traffic Safety Unit for traffic safety related equipment, training and personnel costs, and transfer all funds in 266-20-255-350 “OTS Vehicle Impound” to newly created Traffic Safety fund, and terminate the Traffic Impound program implemented under OTS Grant PT-0741 and adopted by City Council Resolution No. 2006-042

Council and staff discussed this item.

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

**Action:**        **Resolution No. 2019-156:** Establishing a tiered Towed Vehicle Release Administrative Fee system for vehicles towed pursuant to a violation of DUI or driving while suspended or unlicensed, establishing a Traffic Safety fund for said administrative fees which can be used by the Police Department Traffic Safety Unit for traffic safety related equipment, training and personnel costs, and transfer all funds in 266-20-255-350 “OTS Vehicle Impound” to newly created Traffic Safety fund, and terminate the Traffic Impound program implemented under OTS Grant PT-0741 and adopted by City Council Resolution No. 2006-042 as introduced by Councilmember Arellano, seconded by Councilmember Nosrati, and carried 5/0 by the following vote:

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

- 6P.        **Motion:** Approving Amendment No. 6 to an Agreement between the City of Turlock and Tyler Technologies, Inc. for payroll software support, increasing the compensation by \$11,200 for a total not to exceed contract amount of \$1,100,131 and revising the bi-weekly payroll system for full time employees

Council and staff discussed this item.

Mayor Bublak opened public participation.

The following members of public spoke:

Robert Puffer

Mayor Bublak closed public participation.

**Action:** Motion by Councilmember Esquer, seconded by Councilmember Nosrati, Approving Amendment No. 6 to an Agreement between the City of Turlock and Tyler Technologies, Inc. for payroll software support, increasing the compensation by \$11,200 for a total not to exceed contract amount of \$1,100,131 and revising the bi-weekly payroll system for full time employees. Motion carried 5/0 by the following vote:

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

*Mayor Bublak recessed the City Council meeting at 8:02 p.m.*  
*Mayor Bublak reconvened the City Council meeting at 8:06 p.m.*

**7. FINAL READINGS:**

**A. Recommended Action:**

**Ordinance:** Amending the Turlock Municipal Code Title 5, Chapter 5-21, Section 5-21-103, to clarify the distance requirements for cannabis businesses from sensitive uses as introduced at the July 23, 2019 City Council meeting

City Attorney Douglas L. White provided an overview of this item.

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

**Action:** **Ordinance No. 1258-CS**, Motion by Councilmember Esquer, seconded by Councilmember Nosrati, Amending the Turlock Municipal Code Title 5, Chapter 5-21, Section 5-21-103, to clarify the distance requirements for cannabis businesses from sensitive uses as introduced at the July 23, 2019 City Council meeting was passed and adopted 4/1 by the following vote:

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

**B. Recommended Action:**

**Ordinance:** Amending the Turlock Municipal Code, Title 9, amending Chapters 9-1, 9-2, 9-3, and 9-4, to establish zoning regulations for commercial cannabis businesses as introduced at the August 7, 2019 City Council meeting

City Attorney Douglas L. White provided an overview of this item.

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

**Action:** **Ordinance No. 1259-CS**, Motion by Councilmember Esquer, seconded by Councilmember Nosrati, Amending the Turlock Municipal Code, Title 9, amending Chapters 9-1, 9-2, 9-3, and 9-4, to establish zoning regulations for commercial cannabis businesses as introduced at the August 7, 2019 City Council meeting was passed and adopted 4/1 by the following vote:

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

**8. PUBLIC HEARINGS**

- A. Municipal Services Staff Services Analyst Fallon Martin presented the staff report on the request to accept the 2019 Public Health Goal Report for drinking water as required by Health and Safety Code Section 116470(b)

Mayor Bublak opened the public hearing.

The following members of the public spoke:

Milt Trieweiler

Mayor Bublak closed the public hearing.

Staff provided brief comment in response to public comment.

Council and staff discussed this item.

**Action:** Motion by Councilmember Arellano, seconded by Councilmember Larson, Accepting the 2019 Public Health Goal Report for drinking water as required by Health and Safety Code Section 116470(b). Motion carried 5/0 by the following vote:

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

**9. ACTION ITEMS:**

- A. Parks, Recreation and Public Facilities Coordinator Amber Traini presented the staff report on the request to rescind Resolution No. 2018-241 and adopt a new resolution expanding the Active Military Banner Program identified corridor to include the portion of Countryside Drive between West Monte Vista Avenue and Sun Valley Court

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

Council and staff discussed this item.

**Action:**        **Resolution No. 2019-157:** Rescinding Resolution No. 2018-241 and adopting a new resolution expanding the Active Military Banner Program identified corridor to include the portion of Countryside Drive between West Monte Vista Avenue and Sun Valley Court as introduced by Councilmember Nosrati, seconded by Councilmember Arellano, and carried 5/0 by the following vote:

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

**10. CITY MANAGER REPORTS/UPDATES:**

1. Development Services Department Update

Interim Development Services Director Nathan Bray provided a departmental update regarding Turlock Transit and installation of the traffic signal at Hawkeye and Denair.

Council and staff discussed this item.

2. Municipal Services Department Update

Municipal Services Director Michael Cooke provided a departmental update regarding total coliform found in the drinking water system and measures taken to resolve this matter.

**11. COUNCIL ITEMS FOR FUTURE CONSIDERATION:**

Councilmember Arellano requested a budget status update.

Councilmember Nosrati spoke regarding inquiries he received regarding the City Hall art display and the issuance of a conditional use permit in a residential neighborhood.

Councilmember Esquer requested a review of the Measure L list.

**12. COUNCILMEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS:**

Councilmember Larson acknowledged the Development Services Department for their success with transit (free shuttle rides) during the fair, expressed thanks to Police Department Captain Pacheco for accompanying her during the National Night Out event, and noted she's excited about the public art ad hoc committee that will be facilitated through the Parks, Arts and Recreation Commission.

**13. CLOSED SESSION:**

*City Attorney Douglas L. White introduced the Closed Session Items.*

- A. 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: Derek Chambers  
Agency Claimed Against: City of Turlock
- B. Public Employee Performance Evaluation, Cal. Gov't Code §54957(b)(1)  
*"Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session."*  
Title: City Manager

**14. REPORTS FROM CLOSED SESSION:**

City Attorney Douglas L. White reported for Closed Session Item 13A Claim Filed Against the City by Derek Chamber the City Council by a 5/0 vote rejected this claim for damages.

City Attorney Douglas L. White reported for Closed Session Item 13B that Council provided direction to staff, but no reportable action was taken.

**15. ADJOURNMENT**

Mayor Bublak adjourned the regular meeting at 10:43 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

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Jennifer Land  
City Clerk