

0. A. CALL TO ORDER – Mayor Bublak called the meeting to order at 6:01 p.m.

B. SALUTE TO THE FLAG

C. ROLL CALL:

Councilmember Larson	Councilmember Arellano	Councilmember Nosrati	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

E. DISCLOSURE OF EX PARTE COMMUNICATIONS

1. Public Hearing Item 8A is a quasi-judicial proceeding

Mayor Bublak announced that she participated in a meeting with Interim City Manager Michael Cooke and Mr. Ron Bridegroom (appellant) of which no dialogue occurred regarding her vote.

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.

City Attorney Douglas L. White announced that at the request of staff, Consent Calendar Item 6C is requested to be removed from the agenda.

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

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

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

- A. Recognition: Employee of the Month, February 2020, Parks, Recreation and Public Facilities Supervisor Ray Garcia

Mayor Bublak issued a Certificate of Recognition to Parks, Recreation and Public Facilities Supervisor Ray Garcia as the Employee of the Month award winner for February 2020.

- B. Proclamation: Go Green Week, March 9-13, 2020, accepted by Staff Services Analyst Fallon Martin, Staff Services Technician Danae Lawrence, and Staff Services Assistant Nicole Mann

Mayor Bublak issued a Proclamation to Staff Services Technician Danae Lawrence in recognition of Go Green Week, March 9-13, 2020.

- C. Presentation: Go Green Week, March 9-13, 2020, presented by Staff Services Technician Danae Lawrence

Staff Services Technician Danae Lawrence presented information regarding the programs and activities surrounding Go Green Week, March 9-13, 2020 and also introduced Turlock Scavenger Jesse Marchant who spoke regarding their involvement with the Go Green Week program.

- D. Appointment: Parks, Arts and Recreation Commission

Mayor Bublak recommended that Allison Jeffery be appointed to fill a vacancy on the Parks, Arts and Recreation Commission.

Action: Motion by Councilmember Esquer, seconded by Councilmember Nosrati, Appointing Allison Jeffery to fill a vacancy on the Parks, Arts and Recreation Commission for a term set to expire on December 31, 2022. Motion carried 5/0 by the following vote:

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

4. PUBLIC PARTICIPATION:

The following members of the public spoke:

- Stanislaus County Supervisor Vito Chiesa
- Stanislaus County Turlock Public Library Supervising Librarian Diane Bartlett
- John Gebelein
- Tim Redd
- Milt Triewailer
- Marie Roberson
- JoLynn DiGrazia
- Michael Ceremello

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

6. CONSENT CALENDAR:

Mayor Bublak opened public participation for Consent Calendar Item 6C (item removed from the agenda earlier in the meeting). No one spoke. Mayor Bublak closed public participation.

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

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

- A. **Resolution No. 2020-023:** Accepting Weekly Demands of 2/6/20 in the amount of \$761,213.82; Weekly Demands of 2/13/20 in the amount of \$797,929.83; Weekly Demands of 2/20/20 in the amount of \$536,747.02; Monthly Demands of 8/31/19 in the amount of \$2,057,864.10
- B. **Motion:** Accepting Minutes of the Special Meeting of January 28, 2020; Minutes of the Regular Meeting of January 28, 2020; Minutes of the Special Meeting of February 17, 2020
- C. *Removed from the agenda.*
- D. **Resolution No. 2020-024:** Appropriating \$41,955 to account number 240-00-000-201.43555 "BCH HVAC Repairs" from Fund 240 "Small Equipment Replacement-BCH Repairs and Improvements" unallocated reserves to replace HVAC unit 4 and replace the duct work and to patch the roof around HVAC units 5 and 6 at City Hall
- E.
 - 1. **Motion:** Approving Amendment No. 2 to a Professional Services Agreement between the City of Turlock and Wood Rodgers, Inc. for On-Call Hydrogeological Engineering Services increasing the compensation to a total amount not to exceed \$522,250
 - 2. **Resolution No. 2020-025:** Appropriating \$100,000 to account number 420-52-530.43320 "Special Services/Projects" from Fund 420 Water Enterprise unallocated reserves (non-general fund) to fully fund On-Call Hydrogeological Engineering Services
- F. **Motion:** Approving Amendment No. 1 to an Agreement between the City of Turlock and All Valley Smog, increasing the compensation from a maximum of \$5,000 to \$6,500 (non-general fund), for a total not-to-exceed amount of \$6,500 over the four-year term of the Agreement

7. FINAL READINGS: None

8. PUBLIC HEARINGS

- A. Deputy Development Services Director/Planning Katie Quintero presented the staff report on the request to deny the appeal and affirm the Planning Commission Decision Granting Conditional Use Permit 2019-08 (Fire House Dispensary) AND grant Conditional Use Permit 2019-08 (Fire House Dispensary) at 1601 West Main Street (APN 089-015-006) and Establishing Conditions of Approval

City Attorney Douglas L. White spoke regarding this being a quasi-judicial proceeding.

Appellant Ron Bridegroom presented information regarding his arguments 1) lack of local community support, 2) adversely affecting abutted property or permitted use, and 3) detrimental to the public welfare of the community.

Jeff Hopkins spoke regarding having been hired by Mike Warda to conduct surveillance at 1601 W. Main Street and provided information regarding his observations during the surveillance period.

Fire House owner Devin Stetler presented information regarding the Fire House operations.

Council discussion included inquiries regarding onsite consumption, cash management at the facility, and security camera observation measures.

Mayor Bublak opened the public hearing.

The following members of the public spoke:

Liz Padilla
Cheryl Reiland
Robert Puffer
Member of the public
Travis Regalo
Mary Jackson
Member of the public
Mike Warda
Member of the public

Appellant Ron Bridegroom made his rebuttal arguments.

Councilmember Esquer stepped down from the dais at 7:30 p.m.

Councilmember Esquer returned to the dais at 7:33 p.m.

Mayor Bublak closed the public hearing.

Councilmember Arellano stepped down from the dais at 7:43 p.m.

Councilmember Arellano returned to the dais at 7:46 p.m.

Further Council discussion included a review of the data requested from the Turlock Police Department regarding calls for service at the Days Inn as well as from the Ceres Police Department regarding calls for service near cannabis businesses in comparison to other retail businesses, the Pilot Program, treating businesses fairly, review of Turlock Municipal Code sections related to the proposed business, positive impacts to the surrounding area of the proposed business location, compliments to Mr. Bridegroom for his concerns and efforts, consultation with neighbors and surrounding businesses regarding the proposed business and the Pilot Program, research and visits conducted of proposed cannabis business operators, measures and controls in place, need for further review of the hotels in the surrounding area, request for Fire House owner Devin Stetler to contact the Osborn School Principal and Evergreen Packaging, review of the process moving forward to ensure all

procedural requirements are met, and direction that future items such as these include an option to grant the appeal.

Action: Motion by Councilmember Nosrati, seconded by Councilmember Esquer, Denying the appeal and affirming the Planning Commission Decision Granting Conditional Use Permit 2019-08 (Fire House Dispensary). Motion carried 4/1 by the following vote:

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

Resolution No. 2020-026: Granting Conditional Use Permit 2019-08 (Fire House Dispensary) at 1601 West Main Street (APN 089-015-006) and Establishing Conditions of Approval as introduced by Councilmember Nosrati, seconded by Councilmember Esquer, and carried 4/1 by the following vote:

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

Mayor Bublak recessed the City Council meeting at 8:05 p.m.
Mayor Bublak reconvened the City Council meeting at 8:13 p.m.

9. ACTION ITEMS:

- A. City Attorney Douglas L. White introduced the staff report on the request to appoint Toby Wells as City Manager, approve a City Manager Employment Agreement between the City of Turlock and Toby Wells, and set Terms of Employment, Salary, and Benefits for the City Manager Position

Council discussion included the need for consistency, experienced leadership, and normalcy that Mr. Wells will bring.

Mayor Bublak opened public participation.

The following members of the public spoke:

- Tim Redd
- Cynthia McLeland
- JoLynn DiGrazia
- Marie Roberson
- Jason Tosta
- Mike Warda
- Molly Amant
- Michael Ceremello
- Robert Puffer
- Jim Price

Travis Regalo
 Ron Bridegroom
 Michael Camara

Mayor Bublak closed public participation.

Staff provided brief comment in response to public comment.

Council and staff discussion included an overview of the closed session process related to the interview process, historical hiring process of City Manager and City Attorney positions, government experience, having a team in place to move forward with a ballot measure, viable community, Mr. Wells' experience, transparency, need for leadership, consistency, and stability, appreciation for Interim City Manager Cooke's efforts and performance, this being one of the most important decisions of the Council, and having no objections with the person being selected but cautions and concerns with the process and proposed salary.

Action: **Resolution No. 2020-027:** Appointing Toby Wells as City Manager, Approving a City Manager Employment Agreement between the City of Turlock and Toby Wells, and Setting Terms of Employment, Salary, and Benefits for the City Manager Position as introduced by Councilmember Arellano, seconded by Councilmember Nosrati, and carried 4/1 by the following vote:

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

10. CITY MANAGER REPORTS/UPDATES:

A. Next steps related to ballot measure

Interim City Manager Michael I. Cooke provided information regarding timelines (early June) for adding a measure to the ballot and associated expenses. City Attorney Douglas L. White advised the earlier the better.

11. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Councilmember Esquer spoke about constituent concerns regarding E. Linwood Ave. (stop sign) and Fulkerth Rd. (left turns) and noted he has conferred with staff regarding these concerns.

Mayor Bublak requested review of open (vacant) executive positions and spoke regarding constituent requests for PG & E to perform repairs during the evening to assist with traffic.

12. COUNCILMEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS:

Councilmember Arellano spoke regarding the CalTrans clean-up on S. Walnut Rd., the proposed cost to clean-up Highway 99, and expressed thanks to the Fire Department and service providers for their associated efforts.

Councilmember Nosrati spoke regarding Stanislaus County's outreach and engagement coordination, his recent appointment to the Stanislaus Homeless Alliance, and his intentions to work closely with County representatives and other providers to combat issues.

Councilmember Esquer spoke about the Adopt-A-Park program successes.

Mayor Bublak requested the items discussed at the Council retreat be placed on the wall for focused goals/discussions.

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: Benjamin Lopez, Jr.
Agency Claimed Against: City of Turlock

14. REPORTS FROM CLOSED SESSION:

City Attorney Douglas L. White reported for Closed Session Item 13A (Claim Filed Against the City by Benjamin Lopez, Jr.) the City Council by a 5/0 vote rejected this claim for damages.

15. ADJOURNMENT

Motion by Councilmember Esquer, seconded by Councilmember Nosrati, to adjourn the regular meeting at 9:27 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Jennifer Land
City Clerk