

# City Council Agenda



**AUGUST 13, 2019**

**6:00 p.m.**

**City of Turlock Yosemite Room**

**156 S. Broadway, Turlock, California**

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Mayor  
**Amy Bublak**

Council Members

**Nicole Larson**

**Andrew Nosrati**

**Gil Esquer**

**Becky Arellano**

Vice Mayor

City Manager  
**Robert C. Lawton**  
City Clerk  
**Jennifer Land**  
City Attorney  
**Douglas L. White**

**SPEAKER CARDS:** To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

**NOTICE REGARDING NON-ENGLISH SPEAKERS:** The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

**EQUAL ACCESS POLICY:** If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

**NOTICE:** Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item. Members of the public will be allowed three (3) minutes for comments.

**AGENDA PACKETS:** Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at [www.cityofturlock.org](http://www.cityofturlock.org) and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

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  - A. **CALL TO ORDER**
  - B. **SALUTE TO THE FLAG**
  - C. **ROLL CALL**
  - D. **DECLARATION OF CONFLICTS**

1. **CLOSED SESSION:**

*The Closed Session items for this meeting have been agenda'd 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.

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**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
- B. Presentation: Donation to the Turlock Police Department Animal Shelter, presented by the Locke Family
- 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
- D. Briefing: Cannabis Business Pilot Program – Update regarding Request for Qualifications (RFQ) Process, presented by City Attorney Douglas L. White

**4. PUBLIC PARTICIPATION**

Pursuant to California Government Code Section 54954.3(a), this is the time set aside for members of the public to directly address the City Council on any item of interest to the public that is within the subject matter jurisdiction of the City Council and to address the Council on any item on tonight's agenda, including Consent Calendar items. You will be allowed three (3) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

Pursuant to California Government Code Section 54954.2(a)(3), no action or discussion may be undertaken on any item not appearing on the posted agenda, except that the City Council, or its staff, may briefly respond to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda.

**5. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE****6. CONSENT CALENDAR:**

Information concerning the consent items listed hereinbelow has been forwarded to each Councilmember prior to this meeting for study. Unless the Mayor, a Councilmember or member of the audience has questions concerning the Consent Calendar, the items are approved at one time by the Council. The action taken by the Council in approving the consent items is set forth in the explanation of the individual items.

- A. Resolution: 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

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- 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. 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
- K. Resolution: Approving modifications to the job description for the position of Fire Captain, effective August 13, 2019
- L. Resolution: Approving modifications to the job description for the position of Neighborhood Preservation Officer, effective August 13, 2019
- M. 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
- N. 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
- 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: Approving Government Crime Policies for the purpose of bonding City officials and employees and establishing policy limits

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**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 (*White*)

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 (*White*)

**8. PUBLIC HEARINGS:**

- A. Request to accept the 2019 Public Health Goal Report for drinking water as required by Health and Safety Code Section 116470(b) (*Cooke / Martin*)

**Recommended Action:**

Motion: Accepting the 2019 Public Health Goal Report for drinking water as required by Health and Safety Code Section 116470(b)

**9. ACTION ITEMS:**

- A. 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 (*Van Guilder / Traini*)

**Recommended Action:**

Resolution: 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

**10. CITY MANAGER REPORTS/UPDATES**

City Manager reports/updates are provided for informational purposes only and no action or discussion may be undertaken. The City Manager may direct department heads to provide reports/updates at the City Manager's request.

1. Development Services Department Update (*Bray*)
2. Municipal Services Department Update (*Cooke*)

**11. COUNCIL ITEMS FOR FUTURE CONSIDERATION**

Requests for Council items for future consideration will be scheduled in accordance with the City of Turlock Elected and Appointed Officials' Handbook (Resolution No. 2019-094), unless otherwise specified by the Mayor or a majority of the Council.

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

Councilmembers may ask questions, provide comments, and make brief announcements on notable topics of interest. The Brown Act does not allow discussion or action by the legislative body.

**13. CLOSED SESSION:**

- 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**

**15. ADJOURNMENT**