

1. **A. CALL TO ORDER** –Mayor Lazar called the meeting to order at 7:05 p.m.
PRESENT: Councilmembers Amy Bublak, Bill DeHart, Mary Jackson, Forrest White, and Mayor John S. Lazar.
ABSENT: None

- B. SALUTE TO THE FLAG**

Mayor Lazar requested a moment of silence in memory of retired City of Turlock employee, Keith Crabtree.

2. **PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:**
 - A. Mayor Lazar presented a Proclamation to Craig Pitau, Andy Thorsen and Juliane Thorsen in recognition of the 100th Anniversary of Thorsen’s Plumbing, Solar, Heat & Air.
 - B. Mayor Lazar noted that retired City employee, Marc St. Pierre, Fire Battalion Chief, could not be in attendance and asked that Chief Lohman present him with a Proclamation honoring his service to the City of Turlock.
 - C. Mayor Lazar recognized retired City employee, Floyd Martin, Fire Engineer, and read a Proclamation honoring his service to the City of Turlock.
 - D. Vince Harris, Executive Director of the Stanislaus County of Governments (StanCOG), introduced Project Manager Jaylen French, who presented information on the Development of the Stanislaus Sustainable Communities Strategy under SB375.
 - E. Water Quality Control Facility Manager John Steve Wilson introduced Mr. Jody Allen, President of the California Water Environment Association (CWEA), who presented a plaque to Mayor Lazar in recognition of the City of Turlock being named the 2011 Northern San Joaquin Section Plant of the Year.

3. **A. SPECIAL BRIEFINGS:** None

- B. STAFF UPDATES**
 1. Development Services Director Mike Pitcock provided information regarding the opening of Auto Mall Drive, including past history of the street closure, future plans for a Tuolumne Road “flyover” which would include relocating access to New Life Church via Auto Mall Drive, and the need to enter into discussions with property owners to open Auto Mall Drive on a permanent basis.
 2. City Clerk Kellie Weaver provided information regarding Board, Commission, and Committee vacancies.

C. PUBLIC PARTICIPATION:

Gary Doeskle spoke regarding concerns he has with a private security officer working at the 99 Cent Store on Golden State Boulevard. Mayor Lazar asked that Interim Police Chief Dave Young look into the matter.

4. A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:

Councilmember Bill DeHart identified a Conflict of Interest in regard to Consent Calendar Item 5AB, noting the claimant is a personal friend.

5. CONSENT CALENDAR:

Staff requested that items 5F and 5P be removed for separate consideration. Item 5AB was removed due to the Conflict of Interest identified by Councilmember DeHart.

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, and unanimously carried to adopt the amended consent calendar as follows:

- A. **Resolution No. 2012-001** Accepting Demands of 12/2/11 in the amount of \$1,442,245.24; Demands of 12/8/11 in the amount of \$784,910.34; Demands of 12/15/11 in the amount of \$1,399,405.54
- B. Motion: Accepting Minutes of Regular Meeting of December 13, 2011
- C. **Resolution No. 2012-002** Approving the filling of a vacant Account Clerk II position through an existing Account Clerk I eligibility list
- D. 1. Motion: Authorizing Contract Change Order No. 1 (Final) in the amount of \$2,041 (Fund 420) for City Project No. 10-37, "Downtown PCE Remediation," bringing the contract total to \$94,952
2. Motion: Accepting improvements for City Project No. 10-37, "Downtown PCE Remediation," and authorizing the City Engineer to file a Notice of Completion
- E. 1. Motion: Approving Amendment No. 2 for an additional one (1) year extension of the attached Special Services Contract No. 10-824 for Economic and Planning Systems, Inc., to provide professional economic and planning services for the Morgan Ranch Master Plan, in an amount not to exceed \$30,000 (Fund 305)
2. Motion: Approving Amendment No. 2 for an additional one (1) year extension of the attached Special Services Contract No. 10-825 for Omni Means, Inc., to provide professional transportation and traffic design services for the Morgan Ranch Master Plan, in an amount not to exceed \$37,850 (Fund 305)
- F. *Removed for separate consideration.*
- G. Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of (\$14,660) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 06 – Structural Steel, bringing the contract total to \$3,415,340
- H. Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of (\$15,602) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 08 – Roofing and Waterproofing, bringing the contract total to \$593,398
- I. Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of (\$22,400) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 11 – Painting and Wall Coverings, bringing the contract total to \$296,100

- J. Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of (\$132,032) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to \$2,247,968
- K. Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of (\$122,759) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 13 - Building and Site Electrical, bringing the contract total to \$4,132,855
- L. Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of (\$3,000) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, bringing the contract total to \$881,000
- M. Motion: Approving Contract Change Order No. 3 in the amount of \$278,168.76 (Fund 426) for City Project No. 0952, "Turlock Regional Transit Center," bringing the contract total to \$1,657,969.38
- N. **Resolution No. 2012-003** Requesting the California Department of Transportation (Caltrans) to post signs referring to "Downtown Turlock" near West Main Street exits on Highway 99
- O. Motion: Approving a special services agreement with Jensen Appraisal Services for NSP residential appraisal services for Housing Program Services programs, for a period of twenty-four (24) months, in an amount not to exceed \$10,000
- P. *Removed for separate consideration.*
- Q. Motion: Approving the exchange agreement with Anthony Mello, City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline"
- R. **Resolution No. 2012-004** Accepting monetary donations valued at \$1,951 from various donors and donations of assorted animal related products valued at \$1,560 utilized in support of the City of Turlock's Animal Control Services operations
- S. **Resolution No. 2012-005** Approving the realignment of the existing 2011-12 budgeted positions of Police Corporals in the Field Operations Division
- T. **Resolution No. 2012-006** Ordering the judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and ordering that the tax collector be credited with those installments
- U. Motion: Approving the side letter agreements between the City of Turlock and Turlock City Employees Association (TCEA), Turlock Associated Police Officer's (TAPO), Turlock Associated Firefighters, Local #2434, Turlock Management Association – Public Safety (TMAPS), Turlock Confidential Employees, and Turlock Management Employees, attached as Exhibit A, for the Equalization Adjustment of 4.5% for the period of November 16, 2011 through June 15, 2012
- V. Motion: Rejecting Claim for Damages filed by James Woo
- W. Motion: Rejecting Claim for Damages filed by Eddie Dixon
- X. Motion: Rejecting Claim for Damages filed by Justin Levi Cady
- Y. Motion: Rejecting Claim for Damages filed by Enrique Morales
- Z. Motion: Rejecting Claim for Damages filed by Michele Samora
- AA. Motion: Rejecting Claim for Damages filed by Maria Viveros
- AB. *Removed for separate consideration.*
- AC. **Resolution No. 2012-007** Establishing a fee for the processing of an initiative petition for any municipal measure

Item 5F Development Services Director Mike Pitcock presented the staff report on the request to accept improvements for City Project No. 11-39, "Palm and Minaret Road Improvements," and authorize the City Engineer to file a Notice of Completion

Mayor Lazar asked for public comment. No one spoke. Mayor Lazar closed public comment.

Action: Motion by Councilmember Bublak, seconded by Councilmember White, Accepting improvements for City Project No. 11-39, "Palm and Minaret Road Improvements," and authorizing the City Engineer to file a Notice of Completion. Motion carried unanimously.

Item 5P Housing Program Services Manager/Interim Airport Manager Maryn Pitt presented the staff report on the request to approve a facilities management agreement between the City of Turlock and the Turlock Regional Aviation Association for facilities management of the Turlock Municipal Airport and authorize the City Manager to execute the agreement and all related documents.

Mayor Lazar asked for public comment. No one spoke. Mayor Lazar closed public comment.

Council discussion with staff included potential sources for generating revenue and grant possibilities. Councilmember Bublak introduced the idea of establishing a subcommittee to include herself and Mayor Lazar to explore bringing airport land into the City.

Action: Motion by Councilmember Jackson, seconded by Councilmember DeHart, Approving a facilities management agreement between the City of Turlock and the Turlock Regional Aviation Association for facilities management of the Turlock Municipal Airport and authorizing the City Manager to execute the agreement and all related documents. Motion carried unanimously.

Item 5AB Motion: Rejecting Claim for Damages filed by Leilani Jean Blackburn

Mayor Lazar asked for public comment. No one spoke. Mayor Lazar closed public comment.

Action: Motion by Councilmember Bublak, seconded by Councilmember White, Rejecting Claim for Damages filed by Leilani Jean Blackburn. Motion carried with Councilmember DeHart not participating.

6. FINAL READINGS: None

7. PUBLIC HEARINGS

- A. Development Services Director Mike Pitcock presented the staff report on the request to approve the recommended Program of Projects for Fiscal Year 2011-12 Federal Transit Administration Urbanized Area.

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

Action: Motion by Councilmember DeHart, seconded by Councilmember Jackson, Approving the recommended Program of Projects for Fiscal Year 2011-12 Federal Transit Administration Urbanized Area Program Funding. Motion carried unanimously.

- B. Planning Director Debbie Whitmore presented the staff report on the request to approve the General Plan Amendment 2009-03 (Hearing Draft 2007-14 Housing Element).

Council discussion included the reduction of the target number of units being identified as affordable to Extremely Low Income households from 20% to 10% and funding matters related to affordable housing projects.

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

Action: **Resolution No. 2012-008** Adopting General Plan Amendment 2009-03 (Hearing Draft 2007-14 Housing Element) was introduced by Councilmember White, seconded by Councilmember Jackson, and carried unanimously.

- C. Chief Building Official Eric Picciano presented the staff report on the request to repeal Turlock Municipal Code Title 8, Chapters 1, 2, 5, 6, 7 and 8, regarding Building regulations and adopting new Title 8, Chapters 1, 2, 5, 6, and 8.

Council discussion included green construction waste, reason for adoption of the code, and fees.

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

Action: Motion by Councilmember Bublak, seconded by Councilmember White, introducing an Ordinance repealing Turlock Municipal Code Title 8, Chapters 1, 2, 5, 6, 7 and 8, regarding building regulations and adopting new Title 8, Chapters 1, 2, 5, 6 and 8, and setting the final reading for January 24, 2012. Motion carried unanimously.

8. SCHEDULED MATTERS:

- A. Interim Assistant to the City Manager/Regulatory Affairs Officer Michael Cooke presented the staff report on the request to accept a report evaluating the customer service provided by the Development Services Division based on the results of a telephone survey of the Department's external customers.

Mayor Lazar asked for public comment. No one spoke. Mayor Lazar closed public comment.

Council acknowledged staff's customer service efforts.

Action: Motion by Councilmember Jackson, seconded by Councilmember DeHart, Accepting a report evaluating customer service provided by the Development Services based on the results of a telephone survey of the Department's external customers. Motion carried unanimously.

- B. City Manager Roy Wasden presented the staff report on the request to adopt a resolution declaring its intent to serve as the Successor Agency of the Turlock Redevelopment Agency as provided for in Part 1.85 of AB X1 26 and electing to retain the housing assets and functions previously performed by the Turlock Redevelopment Agency. Economic Development/Redevelopment Manager Heidi McNally-Dial provided additional information including the lack of clarity and uncertainty regarding current legislation, funding, and timelines.

Mayor Lazar asked for public comment. No one spoke. Mayor Lazar closed public comment.

Action: **Resolution No. 2012-009** Adopting a resolution declaring its intent to serve as the Successor Agency of the Turlock Redevelopment Agency as provided for in Part 1.85 of AB X1 26 and electing to retain the housing assets and functions previously performed by the Turlock Redevelopment Agency was introduced by Councilmember White, seconded by Councilmember Jackson, and carried unanimously.

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION: None

Adjourn to Turlock Public Financing Authority

Reconvene Turlock City Council Meeting

10. COUNCIL COMMENTS: None

11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the Closed Session Item.

Public Employee Annual Performance Evaluation, Cal. Gov't Code §54957
Title: City Manager

Action: City Council approved the satisfactory performance evaluation of the City Manager.

City Clerk Kellie Weaver provided an oral report of this information at the public meeting.

12. ADJOURNMENT:

Mayor Lazar adjourned the meeting at 8:47 p.m. in memory of Turlock native and former Modesto City Councilmember Harry Kullijian, and offered condolences to his wife, Carol, and family.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk