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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

2. PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:

- A. Mayor Lazar recognized “2010 City of Turlock Years of Service” recipients Hans Visser, Daniel Frisch, Sam Beevers, Jeri Gilley, Dell Olson, Mary Sousa, Kathleen Riedel, Frank Saldivar, Julie Burke, Jose Cantu, Dawn Corbett, Marina Doyle, Jeanette White, Casey Cockrell, Shawn Davidson, Richard Ellis, Margarita Gonzalez, Brock Holmes, Jennifer Land, Tony Lopes, Carla McLaughlin, Sara Medrano, Michael Murphy, Karen Packwood, Patricia Panos, Doyle Perry, Jr., Albert Pinedo, Jr., Maria Ramos, Rosanne Stillo, Jason Watson, Paul Arai, Nathan Bray, Amy Beebe, James Brewer, Kevin Callahan, Michael Cervantez, Stacey Cooley, Steven Deus, Kevin Forsythe, Jeff Haney, Chad Hackett, David Huff, Michael Johnston, Manpreet Kaur, Michael Lacava, Mayra Lewis, David Mallory, Allison Martin, Mathew Mason, Heidi McNally-Dial, Katie Melson, Maryn Pitt, Andrew Quimby, Neil Raumann, Gregory Rucker, Gracie Singh, Joseph Sutherland, Kenneth Taylor, Kevin Tidwell, Shawn Walker, Debbie Whitmore, and Wayne York.
- B. Mayor Lazar introduced Dr. Dave Dubyak who announced the Stanislaus County Fair, Apple Pie Contest Kickoff event, to be held July 13, 2012 at the Stanislaus County Fairgrounds. Dr. Dubyak asked for volunteers to bake pies and for judges at the contest. He noted the pies are then donated to feed the homeless.
- C. Mayor Lazar introduced Debbie Whitmore who recognized the Smart Valley Places Community Leadership Institute and its recent graduates Ken Oyer, Jesse Orosco, Juan Orosco, Lionel Villanueva, Flor Hernandez, and Petra Madrigal.

Mayor Lazar presented Proclamations to the Ceres Partnership for Healthy Children accepted by Maria Lourdes Perez and to the Central California Regional Obesity Prevention Program. He noted both programs have been instrumental in improving the wellness of children, and education in healthy lifestyle choices. Mayor Lazar thanked each of the organizations for their continued efforts towards the betterment of children.

3. A. SPECIAL BRIEFINGS:

California State University, Stanislaus, ASI Governmental Affairs Administrator Tomara Hall briefed the Council on activities at the University including the Middle Class Scholarship Program, AB 1500 and AB 1501 that will affect the UC, CSU, and Junior College systems for the school year 2012/13, and a forthcoming Government Night event where candidates on the November 2012 ballot will be invited to speak.

B. STAFF UPDATES

1. Police Chief Rob Jackson briefed the Council on the Turlock Police Department 2011 Annual Report. He reviewed the highlighted topics, major milestones, and the merging of Fire and Police administration. He acknowledged staff that has taken on extra responsibilities due to the merge. Chief noted that he plans to brief Council with the Annual Report in March with a six (6) month review in September.

C. PUBLIC PARTICIPATION

Don Jeffries spoke regarding Smart Valley Growth.

4. A. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA

Action: Motion by Councilmember DeHart, seconded by Councilmember Jackson, to waive reading of all ordinances on the agenda, except by title. Motion carried unanimously.

B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS: None

Mayor Lazar disclosed that he was not at the June 12, 2012 meeting however he consulted with City Attorney Norton and announced that by reviewing the video of the Council meeting he could still vote on Items 5B and 6A.

5. CONSENT CALENDAR:

Mayor Lazar asked that Consent Calendar Items 5E, 5F, and 5G be removed at the request of Councilmember Bublak and that Consent Calendar Item 5B₁ be removed at the request of City Attorney Phaedra Norton for clarification and separate consideration.

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

- A. **Resolution No. 2012-101** Accepting Demands of 5/24/12 in the amount of \$1,429,487.31; Demands of 5/31/12 in the amount of \$1,546,248.80
- B₁. *Removed from for separate consideration*
- B_{2, 3}. **Motion:** Special Minutes of February 24, 2011; Minutes of Regular Meeting of June 12, 2012
- C. **Motion:** Accepting notification of Contract Change Order No. 1 in the amount of \$19,750 (Fund 215) for City Project 10-65, "Rehabilitation of Golden State Boulevard and West Main Street," bringing the contract total to \$1,005,234
- D. **Motion:** Approving Amendment No. 1 to the agreement for special services with Koehn Engineering & Design, Inc., of Turlock, California, for City Project No. 11-30, "Parcel Map 11-03 Turlock Public Safety Facility"
- E. *Removed for separate consideration*
- F. *Removed for separate consideration*
- G. *Removed for separate consideration*
- H. **Resolution No. 2012-102** Considering intention to levy and collect assessments for Fiscal Year 2012/13 for Assessment Districts in the City of Turlock

- I. **Resolution No. 2012-103** Initiating proceedings for the Blue Diamond Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Subdivision Project No. 12-21
- J. **Resolution No. 2012-104** Initiating proceedings for Avena Bella, Parcel Map 11-04, Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Development Project No. 11-32
- K. **Resolution No. 2012-105** Initiating proceedings for Moline, Parcel Map 12-01, Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Subdivision Project No. 12-33
- L.
 1. Motion: Approving Amendment No. 1 to the Retainer Agreement (Contract No. 11-915) with 4Leaf, Inc., of Pleasanton, California, for plan check services, in an amount not to exceed \$22,500
 2. Motion: Approving Amendment No. 1 to the Retainer Agreement (Contract No. 11-918) with Bureau Veritas North America, Inc., of Sacramento, California, for plan check services, in an amount not to exceed \$42,500
- M. Motion: Authorizing the execution of Amendment No. 1 to the agreement with the Alliance/Small Business Development Center to offer business enhancements and training services as outlined in Exhibit A for Fiscal Year 2011/12
- N.
 1. Motion: Approving an agreement with Jim Brisco Enterprises, Inc. for grounds clean-up services at Turlock Regional Water Quality Control Facility, in an amount not to exceed \$187,000, for a period of twelve (12) months
 2. **Resolution No. 2012-106** Appropriating \$200,000 to account number 415-51-537.43344 "Landfill Removal" funded by a transfer from Fund 415 "Sewer Bond Projects" for crushing, screening and hauling materials from Turlock Regional Water Quality Control Facility
- O. Motion: Authorizing the City Manager to submit a letter of authorization to the Stanislaus County Department of Environmental Resources to submit a regional application to the Department of Resources Recycling and Recovery for funding from the Used Oil Payment Program (OPP) on an annual basis
- P. **Resolution No. 2012-107** Accepting donations received from April through June Fiscal Year 2011/12, to be deposited as per the attached worksheet, for a variety of Parks, Recreation & Public Facilities Division programs, scholarships, and activities
- Q. Motion: Approving an Agreement between the City of Turlock Police Department and Jocelyn E. Roland, PH.D., to provide counseling/psychotherapy services to all sworn officers, dispatchers, and community service officers of the Turlock Police Department at no cost to the covered employee, for the period of July 1, 2012 through June 30, 2013
- R. **Resolution No. 2012-108** Approving the purchase of thirteen (13) additional electronic ticket writers and associated hardware/software for the Turlock Police Department from Advanced Public Safety of Deerfield Beach, Florida, from account number 266-20-255-341.51107 "JAG Expenses" for an amount not to exceed \$39,255 and approving the appropriation of \$27,000 to account number 266-20-255-341.51107 "JAG Expenses" for fiscal year 2012-13 to be funded from grant revenue
- S. **Resolution No. 2012-109** Accepting monetary donations in the amount of \$453.06 from various donors and donations of assorted animal related products valued at \$3,148.52 in support of the City's Animal Control Services for the third quarter of Fiscal Year 2011/12
- T. Motion: Approving an Agreement between the City of Turlock Fire Department and Jocelyn E. Roland, PH.D., to provide counseling/psychotherapy services to all sworn firefighters of the Turlock Fire Department at no cost to the covered employee, for the period of July 1, 2012 through June 30, 2013

- U. **Resolution No. 2012-110** Appropriating \$1,125 to account number 265-30-304.47110 "Turlock Services Donation Expenses" from Fund 265 "Fire Services Grants" reserve balance, funded by revenue received in 265-30-304.37200_000 "Fire Services Donations" for donations accepted from various sources in memory of retired Turlock Fire Engineer Keith Crabtree, to be used for the Fire Explorers Program
- V. Motion: Approving an agreement between the City of Turlock and Economic & Planning Systems (EPS) to provide consulting services in connection with Turlock CFD No. 1 – Monte Vista Corridor (District)
- W. Motion: Authorizing the City Manager to enter into an agreement with Phil Lancaster, an outside labor negotiator, to assist in the Fiscal Year 2012/13 labor negotiations with all units if needed, in an amount not to exceed \$20,000
- X. Motion: Extending contracts between the City of Turlock and Turlock City Employees Association (TCEA), Turlock Associated Police Officers (TAPO), Turlock Firefighters, Local (TFL) #2434, and Turlock Management Association – Public Safety (TMAPS), and Schedule of Benefits between the City of Turlock and Turlock Confidential Employees (TCE), and Turlock Management Employees (TME), for the period July 16, 2012 through October, 31, 2012, and authorizing the City Manager any and all necessary documents
- Y. Motion: Rejecting Claim for Damages filed by Hector Irasava
- Z. Motion: Rejecting Claim for Damages filed by Angela/Manuel Cardenas

Item 5B₁

City Attorney Phaedra Norton provided clarification to Council that due to the fact Councilmembers Dehart and White were not members of the Council when the Special Meeting of October 6, 2009 occurred, they would not be eligible to participate in the approval of those minutes at tonight's meeting. She advised that if they wanted to participate, the minutes could be held over until such a time as a video recording of the meeting was viewed by both Councilmembers DeHart and White. Councilmembers DeHart and White indicated they would not participate in the vote.

Action: Motion by Councilmember Bublak, seconded by Councilmember Jackson, Accepting Minutes of Special Meeting of October 6, 2009. Motion carried with Councilmembers DeHart and White not participating.

Item 5E

Development Services Director Mike Pitcock provided clarification on the change order reflected in Consent Calendar Item 5E at Councilmember Bublak's request.

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

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, Accepting notification of Contract Change Order No. 2 in the amount of \$10,748 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 06 – Structural Steel, bringing the contract total to \$3,426,088. Motion carried unanimously.

Item 5F Development Services Director Mike Pitcock provided clarification on the change order reflected in Consent Calendar Item 5F at Councilmember Bublak's request.

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

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, Accepting notification of Contract Change Order No. 2 in the amount of \$28,318 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to \$2,506,286. Motion carried unanimously.

Item 5G Development Services Director Mike Pitcock provided clarification on the change order reflected in Consent Calendar Item 5G at Councilmember Bublak's request.

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

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, Accepting notification of Contract Change Order No. 2 in the increased amount of \$2,332 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, bringing the contract total to \$883,332. Motion carried unanimously.

6. FINAL READINGS:

- A. **Ordinance No. 1166-CS**, Amending Turlock Municipal Code Title 4, Chapter 6, Article 3, Section 2, entitled "Tow-Away Zones: Designation," as introduced on June 12, 2012, was passed and adopted with Councilmember Bublak dissenting.

7. PUBLIC HEARINGS

- A. Neighborhood Preservation Officer Robert Boyd presented the staff report on the request for approval establishing a lien for payment for the abatement of certain weeds, obnoxious growth and other debris on property and abandoned vehicles that are a nuisance to the public.

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

Action: **Resolution No. 2012-111** Assessing properties for abatement costs and establishing a lien for payment was introduced by Councilmember Jackson , seconded by Councilmember White, and carried unanimously.

- B. Police Captain Carl Nielsen presented the staff report on the request to amend the Turlock Municipal Code Title 4, Chapter 15 regarding Tow Car Regulations.

Mayor Lazar opened the public hearing.

Duane Thompson from Anderson's Tow spoke against the amendment for reasons including an inconvenience to citizens that rely on Anderson's Tow, being allowed on the City of Turlock's rotation list for 7 ½ years, being a member of Turlock Chamber of Commerce for 3 years, and the hardship it would cause his business and employees if the amendment passed.

Josephine Thompson, Richard Rice, Larry Leslie, and Amy Lewis spoke in support of Anderson's Tow and against the amendment.

Bobbie Kelso, Eldo Harris, Mike Dizney, Jason Madruga, and Jeff Madruga spoke in favor of the amendment for reasons including they each own tow services with lots in Turlock and other surrounding cities and are required to comply with the Ordinance, yet Anderson's Tow has not been required to comply.

Councilmember Bublak left the dais.

Mayor Lazar closed the public hearing.

City Attorney Phaedra Norton noted that during the course of the public hearing portion regarding this item, Councilmember Bublak realized she may have a conflict of interest due to her position as a police officer in the City of Modesto and recused herself from further participation.

Council discussion included the amendment language being fair and equitable to all of the tow services currently serving Turlock, and clarification and options to extend the language contained in the amendment from January 1, 2013 to July 1, 2013 to allow the tow services to prepare for the changes in the amendment.

Action: Motion by Councilmember DeHart, seconded by Councilmember Jackson, introducing an Ordinance Amending Turlock Municipal Code Title 4, Chapter 15 regarding Tow Car Regulations with a modification to Section 17 (o) to extend the date of compliance to July 1, 2013 and setting the final reading for July 10, 2012. Motion carried with Councilmember White dissenting and Councilmember Bublak not participating.

Councilmember Bublak returned to the dais.

Mayor Lazar handled Public Hearing Items 7C, 7D, and 7E concurrently.

- C. Police Lt. Ron Reid presented the staff report on the request to amend the Turlock Municipal Code Title 3, Chapter 1, Article 6, regarding Dance Hall Permits.

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

Council discussion included clarification of the amendment language with regard to conducting background investigations, final decision by the Chief of Police, and the appeal process being removed from Council and assumed by the City Manager with a next step of appeal going through the Superior Court system.

Action: Motion by Councilmember White, seconded by Councilmember Jackson, introducing an Ordinance Amending Turlock Municipal Code Title 3, Chapter 1, Article 6, regarding Dance Hall Permits and setting the final reading for July 10, 2012. Motion carried unanimously.

- D. Police Lt. Ron Reid presented the staff report on the request to amend the Turlock Municipal Code Title 5, Chapter 3, regarding Fortune Telling Permits.

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

Council discussion included clarification of the amendment language with regard to conducting background investigations, final decision by the Chief of Police, and the appeal process being removed from Council and assumed by the City Manager with a next step of appeal going through the Superior Court system.

Action: Motion by Councilmember White, seconded by Councilmember Jackson, introducing an Ordinance Amending Turlock Municipal Code Title 5, Chapter 3, regarding Fortune Telling Permits and setting the final reading for July 10, 2012. Motion carried unanimously.

- E. Police Lt. Ron Reid presented the staff report on the request to amend the Turlock Municipal Code Title 5, Chapter 18, regarding Introduction, Dating and Escort Services Permits.

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

Council discussion included clarification of the amendment language with regard to conducting background investigations, final decision by the Chief of Police, and the appeal process being removed from Council and assumed by the City Manager with a next step of appeal going through the Superior Court system.

Action: Motion by Councilmember White, seconded by Councilmember Jackson, introducing an Ordinance Amending Turlock Municipal Code Title 5, Chapter 18, regarding Introduction, Dating and Escort Services Permits and setting the final reading for July 10, 2012. Motion carried unanimously.

- F. Parks, Recreation & Community Facilities Manager Allison Van Guilder presented the staff report on the request to supersede certain fees for City services as set forth in Council Resolutions 2011-229 and adopt Updated Cost Recovery Percentages and Schedule of Fees and Charges for City Recreational Services pursuant to Turlock Municipal Code Section 3-3-301 et. Seq.

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

Action: **Resolution No. 2012-112** Superseding certain fees for City services as set forth in Council Resolutions 2011-229 and Adopting Updated Cost Recovery Percentages and Schedules of Fees and Charges for City Recreational Services pursuant to Turlock Municipal Code Section 3-3-301 et. seq. was introduced by Councilmember White, seconded by Councilmember Dehart, and carried unanimously.

- G. Parks, Recreation & Community Facilities Manager Allison Van Guilder presented the staff report on the request to amend the Turlock Municipal Code Title 7 (Public Works), Chapter 2, Article 6, Section 1 related to the maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches and the liability of injuries to the Public.

Council discussion included the suggestion of utility bill inserts to educate citizens of their responsibilities for the maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches and direct them to the proper City department to assist with the process

Mayor Lazar opened the public hearing.

Ken Whitehill spoke against the amendment for reasons including the difficulty and limitations a property owner experiences in trying to remove or trim a tree that has been required by the City.

Mayor Lazar closed the public hearing.

Action: Motion by Councilmember White, seconded by Mayor Lazar, introducing an Ordinance Amending Turlock Municipal Code Title 7 (Public Works), Chapter 2, Article 6, Section 1 related to the maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches and the liability of injuries to the Public and setting the final reading for July 10, 2012. Motion carried with Councilmember DeHart dissenting.

- H. City Attorney Phaedra Norton presented the staff report on the request to amend Turlock Municipal Code Title 2, Chapter 7, Section 04, entitled, "Purchasing Officer: Powers and duties."

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 Amending the Turlock Municipal Code Title 2, Chapter 7, Section 04, entitled, "Purchasing Officer: Powers and duties" and setting the final reading for July 10, 2012. Motion carried unanimously.

8. SCHEDULED MATTERS:

Mayor Lazar handled Scheduled Matters Items 8A, 8B, 8C, 8D, and 8E concurrently.

- A. Human Resources Manager Sarah Eddy presented the staff report on the request for approval to enter into contracts to maintain insurance coverages for Employee Bonds for Fiscal Year 2012-13.

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

Action: Resolution No. 2012-113 Authorizing approval to enter into contracts to maintain insurance coverages for Employee Bonds for Fiscal Year 2012-13 was introduced by Councilmember DeHart, seconded by Councilmember Bublak, and carried unanimously.

- B. Human Resources Manager Sarah Eddy presented the staff report on the request for approval to enter into contracts to maintain insurance coverages for Excess Property Programs for Fiscal Year 2012-13.

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

Action: Resolution No. 2012-114 Authorizing approval to enter into contracts to maintain insurance coverages for Excess Property Programs for Fiscal Year 2012-13 was introduced by Councilmember Dehart, seconded by Councilmember Bublak, and carried unanimously.

- C. Human Resources Manager Sarah Eddy presented the staff report on the request for approval to enter into contracts to maintain insurance coverages for Workers' Compensation Insurance for Fiscal Year 2011-12.

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

Action: Resolution No. 2012-115 Authorizing approval to enter into contracts to maintain insurance coverages for Workers' Compensation Insurance for Fiscal Year 2012-13 was introduced by Councilmember DeHart, seconded by Councilmember Bublak, and carried unanimously.

- D. Human Resources Manager Sarah Eddy presented the staff report on the request for approval to enter into contracts to maintain Health Insurance, Life Insurance, and Long Term Disability coverage for Fiscal Year 2012-13.

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

Action: **Resolution No. 2012-116** Authorizing approval to enter into contracts to maintain Health Insurance, Life Insurance, and Long Term Disability coverage for Fiscal Year 2012-13 was introduced by Councilmember DeHart, seconded by Councilmember Bublak, and carried unanimously.

- E. Human Resources Manager Sarah Eddy presented the staff report on the request for approval to enter into contracts to maintain insurance coverage for Employment Practices Liability Insurance for Fiscal Year 2012-13

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

Action: **Resolution No. 2012-117** Authorizing approval to enter into contracts to maintain insurance coverage for Employment Practices Liability Insurance for fiscal Year 2012-13 was introduced by Councilmember DeHart, seconded by Councilmember Bublak, and carried unanimously.

Mike Ireland of Winton-Ireland, Strom and Green Insurance Agency, provided Council with information on public and private industry trends

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION: None

10. COUNCIL COMMENTS:

Councilmember Bublak and Councilmember Jackson attended the Sikh Temple's parade. Councilmember Bublak encouraged other Councilmembers, staff, and citizens to attend in the future and noted it was a well-attended event and a wonderful experience of culture.

Councilmember Jackson reminded Council, staff, and citizens of the Farmers Market held on Fridays between 8:00 a.m. and 1:00 p.m.

11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the Closed Session Items and noted that Closed Session Item 11A would be held over until July 10, 2012.

- A. Public Employee Performance Evaluation, Cal. Gov't Code §54957
Title: City Attorney

Action: None taken. Item held over to July 10, 2012.

- B. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
Property: 1055 Vermont Avenue, Turlock, APN 050-004-056-000
Agency Negotiator: Roy W. Wasden
Negotiating Parties: Children's Crisis Center, a non-profit community organization
Under Negotiation: Price and Terms of Payment
- Property: 1001 Montana Avenue, Turlock, APN 050-009-002-000
Agency Negotiator: Roy W. Wasden
Negotiating Parties: Turlock Unified School District
Under Negotiation: Price and Terms of Payment

Action: Council provided direction to staff.

12. ADJOURNMENT:

Motion by Councilmember Bublak, seconded by Councilmember DeHart, to adjourn at 9:38 p.m.
Motion carried unanimously.

RESPECTFULLY SUBMITTED

Stacey Tonarelli
Deputy City Clerk