

1. **A. CALL TO ORDER** –Mayor Lazar called the meeting to order at 7:02 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. Councilmember Forrest White presented the 2012 San Joaquin Valley Blueprint Award of Merit to Patti O'Donnell of the Carnegie Arts Foundation for display at the Carnegie Center. Ms. O'Donnell congratulated the City of Turlock on their receipt of the award and provided information about exhibits, classes, and upcoming events at the Center.
  
3. **A. SPECIAL BRIEFINGS:**
  1. Turlock Downtown Property Owners Association representative Dana McGarry provided information on upcoming holiday events including the Festival of Lights, Nationwide Shop Local Campaign, and the Christmas Parade. Ms. McGarry also spoke regarding improvements and decreasing vacancies in the downtown area.
  
- B. STAFF UPDATES**
  1. City Clerk Kellie Weaver provided information regarding Board, Commission, and Committee vacancies.
  2. Development Services Director Mike Pitcock provided an update on capital projects and development activity, including the Public Safety Facility, Harding Drain Bypass Project, Turlock RWQCF Expansion Project, City Hall Balcony Repair Project, and the Golden State Median Project. Mr. Pitcock also provided information regarding permits and the emphasis his staff is placing on expediting requests.
  3. Fire Chief Tim Lohman provided an update on the Turlock Fire Department Breast Cancer Awareness Month (October 2012) campaign and offered thanks for the outpouring of support they received from the City Council, City staff, and the community. Captain Frank Saldivar, on behalf of the Turlock Fire Department, presented a check in the amount of \$18,000 to Emanuel Cancer Center which will be used for research, education, and outreach. Jana Rhine-Patrick and Michael Iltis of Emanuel Medical Center thanked the Turlock Fire Department and those who participated in this campaign.
  
- C. PUBLIC PARTICIPATION:**

Gary Doesekle spoke concerning his recent assistance to City staff and regarding problems at his apartment complex.

4. **A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:** None

5. **CONSENT CALENDAR:**

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

- A. **Resolution No. 2012-183** Accepting Demands of 10/4/12 in the amount of \$583,097.30; Demands of 10/11/12 in the amount of \$1,493,770.97; Demands of 10/18/12 in the amount of \$1,543,763.75
- B. Motion: Accepting Minutes of Regular Meeting of October 23, 2012
- C. Motion: Adopting an agreement between the City of Turlock and New Urban Communities Partners Turlock, LLC for an Addendum to the Mitigated Negative Declaration for Minor Discretionary Permit 2011-02
- D.
  1. Motion: Approving Contract Change Order No. 3 (final) for a credit of \$14,056.47 (Fund 215) for City Project 10-65, "Rehabilitation of Golden State Boulevard and West Main Street," bringing the contract total to \$1,068,348.31
  2. Motion: Accepting improvements for City Project No. 10-65, "Rehabilitation of Golden State Boulevard and West Main Street," and authorizing the City Engineer to file a Notice of Completion"
- E.
  1. Motion: Awarding bid and approving an agreement in the amount of \$277,917.64 (Fund 215) with Municipal Maintenance Equipment of Sacramento, California, for City Project No. 11-18, "Purchase of CNG Street Sweeper CML-5165(063)"
  2. **Resolution No. 2012-184** Appropriating \$22,668 to account number 215-40-420.51210 "Streets – Grant Funded Projects" to be funded via a transfer from Fund 506 "Vehicle & Equipment Replacement" to fund the remaining local match required to fully fund the purchase associated with City Project No. 11-18, "Purchase of CNG Street Sweeper CML-5165(063)"
- F. Motion: Awarding bid and approving an agreement in the amount of \$359,038.09 (Fund 215) with Nixon-Egli Equipment Company, Tracy, California, for City Project No. 11-19, "Purchase of CNG Sewer Maintenance Vehicle CML-5165(064)"
- G.
  1. Motion: Approving the sole source procurement of four Flygt brand sewer pumps from Shape, Inc. of Stockton, California, in the amount of \$131,405.52 (Fund 410) without compliance to the formal bid procedure
  2. **Resolution No. 2012-185** Appropriating \$550,000 to account number 410-51-534.51123 "Tegner & Main Sewer Lift Station & Valve Box Design," from Fund 308 (Sewer) Reserve Balance for City Project 11-41 "Sewer Lift Stations on West Main/Clinton and West Main/Tegner"
  3. Motion: Awarding bid and approving an agreement in the amount of \$635,032 (Fund 410) with Sierra Mountain Construction, of San Francisco, California for City Project No. 11-41, "Sewer Lift Stations on West Main/Clinton and West Main/Tegner"
- H.
  1. Motion: Approving Contract Change Order No. 1 (final) in the amount of \$14,412.73 for City Project No. 11-46, "Soderquist Sidewalk Improvements," bringing the contract total to \$163,886.93
  2. Motion: Accepting improvements for City Project No. 11-46, "Soderquist Sidewalk Improvements," and authorizing the City Engineer to file a Notice of Completion
- I. Motion: Reaffirming the emergency declaration of the City Manager that there is a need to replace the roof at the Marty Yerby Center without compliance to the formal competitive bid process

- J. 1. Motion: Awarding bid and approving an agreement in the amount of \$18,768 (Fund 112) with Pacific Valley Roofing, Inc., of Ceres, California, for City Project No. 12-52, "Fire Station No. 4 Roof Replacement," at 2820 N. Walnut Road, Turlock, California  
2. **Resolution No. 2012-186** Appropriating \$22,074 to account number 112-10-116.51146 "General Fund Reserve for Capital Purchases" through a transfer from Fund 110 "General Fund (Unreserved)" to fund City Project No. 12-52, "Fire Station No. 4 Roof Replacement," as listed in the Five-Year Capital Improvement Plan for Fiscal Year 2012-13
- K. Motion: Accepting notification of Contract Change Order No. 2 in the credit amount of (\$43,800) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 01 – General Construction and Specialties, bringing the contract total to \$2,294,155
- L. Motion: Accepting notification of Contract Change Order No. 3 in the increased amount of \$2,364.76 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 04 - Landscaping, bringing the contract total to \$229,692.91
- M. Motion: Accepting notification of Contract Change Order No. 3 in the amount of \$13,881 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 06 – Structural Steel, bringing the contract total to \$3,439,969
- N. Motion: Accepting notification of Contract Change Order No. 4 in the amount of \$12,484 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to \$2,537,676
- O. Motion: Accepting notification of Contract Change Order No. 2 in the amount of \$6,332 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 16 – Fire Protection, bringing the contract total to \$243,722
- P. 1. Motion: Awarding bid and approving an agreement in the amount of \$694,730.00 (Fund 215) with Ross F. Carroll, Inc., of Oakdale, California for City Project Number 0872, "Landscape Golden State Boulevard from Monte Vista Avenue to the south"  
2. **Resolution No. 2012-187** Appropriating \$150,000 to account number 215-40-420.51210 "Federal Street Project" from Fund 305 (Roadways) Reserve Balance for the construction of City Project No. 0872, "Landscape Golden State Boulevard from Monte Vista Avenue to the south"
- Q. **Resolution No. 2012-188** Authorizing the filling of one (1) vacant Plans Examiner position within the Building Division through an in-house recruitment of full-time, part-time and volunteer/intern staff, and outside recruitment if needed
- R. **Resolution No. 2012-189** Authorizing the filling of one (1) vacant Staff Services Assistant position within the Building Division through the use of an existing eligibility list and, if unsuccessful, through an in-house recruitment of full-time, part-time and volunteer/intern staff, and outside recruitment if needed
- S. Motion: Authorizing the City Manager to execute all necessary documents to clear title on 2820 and 2836 North Walnut Road owned by the City of Turlock and the Heirs of Joseph and Virginia Gomes
- T. Motion: Authorizing the sale of the home located at 2680 Murray Street, more particularly described as Stanislaus County Assessor's Parcel No. 071-020-036, owned by the City of Turlock as the Housing Successor Agency and authorizing the City Manager to execute the sale agreement and all other necessary loan documents and covenants to successfully execute the sale of the subject property as provided for in the attached Exhibits A, B, and C

- U. 1. **Motion:** Approving the special services agreement with Larry Walker and Associates in the amount of \$42,900 to provide professional consulting services for the development of a carbon tetrachloride, chlorodibromomethane, and dichlorobromomethane compliance strategy
2. **Resolution No. 2012-190** Appropriating \$50,000 to Fund 410-51-530.43316 "NPDES Permit Studies" from Fund 410 "Water Quality Control" reserve balance for expenses associated with professional consulting services provided by Larry Walker and Associates, as well as additional anticipated expenses throughout the remainder of Fiscal Year 2012-13
- V. **Motion:** Approving an agreement with Badger Meter, Inc., of Milwaukee, Wisconsin, to provide commercial and industrial water meters for Municipal Services Utilities Division, for a period of twelve (12) months ending November 13, 2013, in an amount not to exceed \$26,566
- W. **Motion:** Approving an agreement with E. R. Vine & Sons, Inc. of Ceres, California, for providing lubricating oil and miscellaneous products for Municipal Services Fleet Maintenance Department, for a period of twelve (12) months ending November 30, 2013, in an amount not to exceed \$20,000
- X. **Resolution No. 2012-191** Authorizing the release of thirty-six (36) bicycles and one (1) broken wheelchair from Police Property and Evidence for auction through PropertyRoom.com, and the release of miscellaneous power tools and equipment for redistribution within the City of Turlock's Maintenance Department
- Y. **Resolution No. 2012-192** Accepting Supplemental Law Enforcement Services Fund (SLESF) grant monies from the State of California Citizen's Option for Public Safety (COPS) program projected to be a minimum of \$100,000 in Fiscal Year 2012-13; Rescinding Resolution 2011-197; Combining Fiscal Year's 2011-12 and 2012-13 SLESF monies into one spending plan; and Appropriating combined total for expenditure in Fiscal Year 2012-13 in Fund 267 (COPS AB3229)
- Z. **Motion:** Amending the Turlock Property and Business Improvement District No.2 Amended Operating Agreement by and between the Turlock Downtown Property Owners Association (TDPOA) and the City of Turlock
- AA. 1. **Motion:** Approving an agreement with the State of California's Franchise Tax Board for participation in the Interagency Intercept Collections (IIC) program
2. **Motion:** Approving an agreement with LexisNexis for skip tracing services required to participate in the Interagency Intercept Collections (IIC) program, in an annual amount not to exceed \$1,000
3. **Resolution No. 2012-193** Appropriating \$1,000 from Fund 110 "General Fund" to 110-10-112.43013 "Interagency Intercept Program Software Services," for participation in the Interagency Intercept Collections (IIC) program and associated skip tracing services
- AB. **Motion:** Approving a professional services agreement for preparation of a Cost Allocation Plan with Nimbus Consulting Group, Inc., in an amount not to exceed \$17,000
- AC. **Resolution No. 2012-194** Authorizing the release of unclaimed checks pursuant to California Government Code Section 50050 and 50053 to the City of Turlock
- AD. **Motion:** Rejecting Claim for Damages filed by Care West Insurance Company
- AE. **Motion:** Accepting notification of Contract Change Order No. 1 in the amount of \$115,000 (Fund 415) for City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline," bringing the contract total to \$13,309,725

6. **FINAL READINGS:** None

**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. 2012-195** Assessing properties for abatement costs and establishing a lien for payment was introduced by Councilmember DeHart, seconded by Councilmember Jackson, and carried unanimously.

- B. Regulatory Affairs Manager Michael Cooke presented the staff report on the request to amend Turlock Municipal Code Title 6, Chapter 4, Section 303(a)(14) regarding Prohibited Wastewater Discharges and Section 402 regarding Payment of Collection Charges.

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

**Action:**           Motion by Councilmember White, seconded by Councilmember DeHart, introducing an Ordinance Amending Turlock Municipal Code Title 6, Chapter 4, Section 303(a)(14) regarding Prohibited Wastewater Discharges and Section 402 regarding Payment of Collection Charges and setting the final reading for November 27, 2012. Motion carried unanimously.

- C. Sr. Planner Rose Stillo presented the staff report on the request to adopt a Mitigated Negative Declaration of Environmental Effect pursuant to CEQA; amend the General Plan Land Use Diagram; amend the Zoning map attached to Title 9 of the Turlock Municipal Code (Yosemite Farm Credit) and approve Minor Discretionary Permit 2012-16 (Yosemite Farm Credit).

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

**Action:**           Motion by Councilmember Jackson, seconded by Councilmember DeHart, Adopting a Mitigated Negative Declaration of Environmental Effect pursuant to the California Environmental Quality Act (CEQA). Motion carried unanimously.

**Resolution No. 2012-196** Amending the Land Use Diagram of the Turlock General Plan [GPA 2012-02 (Yosemite Farm Credit)] was introduced by Councilmember DeHart, seconded by Councilmember Jackson, and carried unanimously.

Motion by Councilmember Jackson, seconded by Councilmember DeHart, introducing an Ordinance Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2012-02 (Yosemite Farm Credit)] and setting the final reading for November 27, 2012. Motion carried unanimously.

Mayor Lazar advised the Resolution establishing conditions of approval for Minor Discretionary Permit 2012-16 (Yosemite Farm Credit) would be considered at the November 27, 2012 meeting, following approval of the Ordinance.

**8. SCHEDULED MATTERS:**

- A. Municipal Services Director Dan Madden presented the staff report on the request to accept the Municipal Services Department Annual Report for 2011-12 and direct staff to obtain proposals for professional consulting services to assist in the preparation of a water rate study.

Council and staff discussion included potential costs for generating the request for proposals (RFP) and for performing the water rate analysis.

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

**Action:** Motion by Councilmember Jackson, seconded by Councilmember Bublak, Accepting the Municipal Services Department Annual Report for 2011-12 Motion carried unanimously.

Motion directing staff to obtain proposals for professional consulting services to assist in the preparation of a Water Rate Study, with any contract subject to future Council review and approval failed due to lack of introduction. Motion will be brought forward at a future time after the new City Council is seated.

**9. COUNCIL ITEMS FOR FUTURE CONSIDERATION**

Councilmember Jackson asked that in light of recent comments she has received regarding illegal activity being conducted in City parks, future consideration be given to looking into hours of operation and use/activity in parks.

**10. COUNCIL COMMENTS:** None

**11. CLOSED SESSION:**

City Attorney Phaedra Norton announced the Closed Session items.

- A. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8  
Property: 900 N. Palm, Turlock, CA, APN#042-037-008  
Agency Negotiator: Roy Wasden  
Negotiating Parties: Turlock Irrigation District  
Under Negotiation: Price and terms of payment for the purchase/sale of the property located at 900 N. Palm St.

**Action:** Council provided direction to staff.

- B. Conference with Labor Negotiators, Cal. Gov't Code §54957.6  
Agency Negotiators: Roy W. Wasden/Phil Lancaster  
Employee Organization: Turlock Associated Police Officers  
Employee Organization: Turlock City Employee Association  
Employee Organization: Turlock Firefighters Association. Local 2434  
Employee Organization: Turlock Management Association-Public Safety  
Unrepresented Employees: Accountant, Sr., Assistant to the City Manager for Economic Development/Redevelopment, Community Housing Services Manager, Deputy Development Services Director/Planning, Development Services Director/City Engineer, Development Services Supervisor/City Surveyor, Executive Assistant to the City Manager/City Clerk, Finance Customer Service Supervisor, Fire Chief, Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Payroll Coordinator, Principal Civil Engineer, Public Facilities Maintenance Manager, Regulatory Affairs Manager, Secretary/Deputy City Clerk, Executive Administrative Assistant/Public Safety, Technical Services Manager, Traffic/Transportation Engineering Supervisor, Utilities Manager, Water Quality Control Division Manager

**Action:** Council provided direction to staff.

Mayor Lazar thanked the Salvation Army and Turlock community for their support of today's Kettle Clash that raised \$90,000 to provide for the needy during this holiday season.

**12. ADJOURNMENT:**

Motion by Councilmember DeHart, seconded by Councilmember Jackson, to adjourn at 7:58 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

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Kellie E. Weaver  
City Clerk