

1. **A. CALL TO ORDER** –Mayor Lazar called the meeting to order at 6:04 p.m.
PRESENT: Councilmembers Amy Bublak, Bill DeHart, Steven Nascimento, Forrest White, and Mayor John S. Lazar.
ABSENT: None
- B. SALUTE TO THE FLAG**
2. **PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:**
 - A. Mayor Lazar presented a Proclamation to Human Resources Technician Jessie Dhami and City of Turlock volunteers in recognition of their dedicated service to the City of Turlock.
 - B. Mayor Lazar presented a Proclamation to Parks, Recreation and Community Facilities Manager Allison Van Guilder in recognition of National Arbor Day, April 26, 2013. Ms. Van Guilder noted that the City of Turlock will celebrate Arbor Day at Donnelly Park on Friday, April 22, 2013, at 10:00 a.m.
 - C. Mayor Lazar presented a Proclamation to Associate Civil Engineer Stephen Fremming in recognition of Bike-to-Work Week, May 13 - 17, 2013.
3. **A. SPECIAL BRIEFINGS:**
 1. Turlock City Arts Alternate Commissioner Sergio Alvarado briefed the Council on Turlock City Arts Commission activities, including updates on a mural project at Columbia Park, the Spring Juried Art Show, and the Queen Shamiram statue.
- B. STAFF UPDATES**
 1. Interim Assistant to the City Manager/Police Lieutenant Ron Reid provided information to Council on upcoming community forums being held to seek input from the public on critical issues within the City of Turlock.
- C. PUBLIC PARTICIPATION:** None
4. **A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:**

Councilmember Steven Nascimento identified a conflict of interest in regard to Scheduled Matters Item 8B due to his employer being a cosponsor of the proposed legislation.

5. CONSENT CALENDAR:

Mayor Lazar asked that Consent Calendar Items 5E and 5H be pulled for separate consideration as requested by Councilmember Bublak.

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

- A. **Resolution No. 2013-060** Accepting Demands of 3/28/13 in the amount of \$909,216.96; Demands of 4/4/13 in the amount of \$614,903.02
- B. Motion: Accepting Minutes of Regular Meeting of April 9, 2013
- C. Motion: Accepting notification of Contract Change Order No. 3 in the amount of \$48,386.72 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 13 – Building and Site Electrical, bringing the contract total to \$4,203,945.08
- D. **Resolution No. 2013-061** Rescinding Resolution No. 2009-061 and adopting the amended powers, duties, and procedures for conducting Turlock Planning Commission business by changing the start time of regular meetings from 7:00 p.m. to 6:00 p.m.
- E. *Removed for separate consideration*
- F. Motion: Approving the Rehabilitation Deferred Loan #4921-EF, in the amount of \$69,900, where the City of Turlock will be in third position, as prescribed by the adopted Rehabilitation Loan Policies and Procedures
- G. 1. **Resolution No. 2013-062** Authorizing the hiring and replacement of one anticipated vacancy for Water Quality Control Division Manager and one currently vacant Regulatory Affairs Division Manager within Municipal Services through an outside recruitment following the City's Personnel System Rules & Regulations
2. Motion: Authorizing the filling of two mid-management positions within Municipal Services; Water Quality Control Division Manager and Regulatory Affairs Division Manager classifications through an outside recruitment following City's Personnel System Rules & Regulations
- H. *Removed for separate consideration*
- I. **Resolution No. 2013-063** Approving budget adjustments to the appropriate account numbers for the ASES Program in Fund 270 "Recreation Grants and Donations" as delineated on Attachment A to the Resolution
- J. **Resolution No. 2013-064** Affirming the City Manager's action of having mailed a letter in support of the homebasing of the U.S. Navy's contingent of F-35C Joint Strike Fighters at Naval Air Station (NAS) Lemoore, California
- K. Motion: Approving the service agreement with Warden's Office for the moving, dismantling and installation of new and existing Haworth products through the U.S. Communities Purchasing Program for the Turlock Public Safety Facility, in an amount not to exceed \$34,610, without compliance to the formal bid procedure
- L. **Resolution No. 2013-065** Authorizing the City Manager to begin a civic engagement process comparing the current at-large election system in the City of Turlock to other systems of electing the Mayor and City Council Members

Item 5E Planning Manager Debbie Whitmore presented the staff report on the request to appropriate \$6,227 and approve Amendment No. 2 to the agreement between the City of Turlock and Jarvis, Fay, Doporto, and Gibson, LLP, dated November 7, 2011.

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

Council and staff discussion included concerns about additional costs and the unforeseen litigation associated with the project.

Action: **Resolution No. 2013-066** Appropriating \$6,227 to account number 110-40-400.43131 "Smart Valley Places Grant Expenses" to be funded by revenue received in account number 110-40-400.34172 "Smart Valley Places Grant" and approving Amendment No. 2 to the agreement between the City of Turlock and Jarvis, Fay, Doporto, and Gibson, LLP, dated November 7, 2011, was introduced by Councilmember Nascimento, seconded by Councilmember White, and carried with Councilmembers DeHart and Bublak dissenting.

Item 5H

Parks, Recreation & Community Facilities Manager Allison Van Guilder presented the staff report on the request to authorize the City Manager to execute an agreement for tree trimming and maintenance services on a piggy-back contract from the Modesto Irrigation District, Resolution No. 2010-96, with Trees, Inc., of Houston, Texas, without compliance to the formal bid process, and approve the service agreement with Trees, Inc., for tree trimming and maintenance services for a period of thirty-eight (38) months ending June 30, 2016, in an amount not to exceed \$40,000

Council discussion included the proposed vendor's parent company being located out of state but having a location in Stanislaus County, the length of the proposed contract, MID's process in securing the contract with Trees, Inc., the City of Turlock's ability to "piggy-back" onto the contract, and staffing level and time constraint considerations involved in beginning a new bid process.

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

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, Authorizing the City Manager to execute an agreement for tree trimming and maintenance services for Parks, Recreation and Public Facilities Division, on a piggy-back contract from the Modesto Irrigation District, Resolution No. 2010-96, with Trees, Inc., of Houston, Texas, without compliance to the formal bid process. Motion carried with Councilmember White dissenting.

Motion by Councilmember Bublak, seconded by Councilmember DeHart, Approving the service agreement with Trees, Inc., for tree trimming and maintenance services, for a period of twelve (12) months ending April 30, 2014, in an amount not to exceed \$10,000. Motion carried with Councilmember White dissenting.

6. FINAL READINGS: None

7. PUBLIC HEARINGS

- A. Planning Manager Debbie Whitmore presented the staff report on the request to amend the Turlock Municipal Code by adding Chapter 24 "Protection of Agricultural Operations" (**Right-to-Farm**) to Title 5 and amending Sections 11-5-202, 11-5-506, and 11-6-102 regarding subdivision requirements; and establish a new policy requiring mandatory energy conditions of approval for any building exceeding 50,000 square feet in occupied space with a building permit application.

Council and staff discussion included costs associated with the proposed mandatory energy conditions of approval, concerns over the proposed Resolution being a result of a frivolous lawsuit, and the potential for future litigation.

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

Action: Motion by Councilmember Nascimento, seconded by Councilmember White, introducing an Ordinance Amending the Turlock Municipal Code by adding Chapter 24 "Protection of Agricultural Operations" to Title 5 and amending Sections 11-5-202, 11-5-506, and 11-6-102 regarding subdivision requirements, and setting the final reading for May 14, 2013. Motion carried with Councilmember Bublak dissenting.

Resolution No. 2013-067 Rejecting a Resolution establishing mandatory energy conditions of approval for any building exceeding 50,000 square feet in occupied space with a building permit application was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried with Councilmember White and Mayor Lazar dissenting.

8. SCHEDULED MATTERS:

- A. Planning Manager Debbie Whitmore presented the staff report on the request to adopt a standardized street element and width for the 4-lane sections of the Taylor Road Expressway. Ms. Whitmore noted the letter of opposition received from a resident.

Council discussion included safety issues, public domain questions, project funding sources, and the current use of Taylor Road as a major thoroughfare.

Mayor Lazar asked for public comment.

Mike Yonan and Mike Reid spoke against the project for reasons including the taking of family owned land by the City and safety concerns.

Sergio Alvarado spoke regarding access from side roads and safety concerns.

Councilmember White made a point of clarification that the plan as presented reduces the total right-of-way for the 4-lane expressway sections from 108 feet to 94 feet.

Planning Commission Chairman Mike Brem commented that the request before the Council is consistent with the General Plan and in terms of the planning mechanics has already been addressed by the Planning Commission.

Craig Brooks, owner of Taylor Vet, spoke in favor of the reduction for reasons including traffic congestion issues and that it would require the destruction of a portion of his business when the project is undertaken.

Ken Moore spoke regarding concerns about the intersection of the southbound freeway off-ramp at Taylor Road being very dangerous.

Mayor Lazar closed public comment.

Additional Council and staff discussion included project timing and funding, businesses and residences that may be affected by the future expressway, and the need to plan for future growth.

Action: **Resolution No. 2013-068** Adopting a standardized street element and width for the 4-lane sections of the Taylor Road Expressway was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried with Councilmember DeHart dissenting.

Councilmember Nascimento stepped down from the dais due to his previously identified conflict of interest.

- B. Interim Assistant to the City Manager/Police Lieutenant Ron Reid presented the staff report on the request to support the issuance of a letter to the Senate Appropriations Committee (SAC) in opposition of SB7 (Steinberg), which would prohibit a current or future charter city from receiving or using state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with state prevailing wage requirements on local construction projects funded by non-state/city funds.

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

Action: **Resolution No. 2013-069** Supporting the issuance of a letter to the Senate Appropriations Committee (SAC) in opposition of SB7 (Steinberg), which would prohibit a current or future charter city from receiving or using state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with state prevailing wage requirements on local construction projects funded by non-state/city funds was introduced by Councilmember White, seconded by Councilmember Bublak, and carried with Councilmember Nascimento not participating.

Councilmember Nascimento returned to the dais.

- C. Development Services Director Mike Pitcock presented the staff report on the request to designate Market Street, between West Main Street and South Broadway, with a new one-way street designation for eastbound traffic only and authorize the City Engineer to make the necessary changes to signs and striping.

Mayor Lazar requested that items such as this be considered by the Planning Commission prior to coming before Council.

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

Action: **Resolution No. 2013-070** Designating Market Street, between West Main Street and South Broadway, with a new one-way street designation for eastbound traffic only and authorizing the City Engineer to make the necessary changes to signs and striping was introduced by Councilmember Bublak, seconded by Councilmember Nascimento, and carried unanimously.

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION

10. COUNCIL COMMENTS:

Councilmember Bublak provided a reminder that the “Love Turlock” event will be held Saturday, April 27, 2013, and encouraged participation to show support for Turlock.

Councilmember DeHart commented about his positive experiences at recent events, including the Brandon Koch Memorial Skate Park Dedication and the Friends of the Stanislaus County Library Foundation Awards Ceremony.

11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the Closed Session item.

- A. Conference with Labor Negotiators, Cal. Gov’t Code §54957.6
Agency Negotiators: Roy W. Wasden/Dave Young
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/Community Housing, 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: No reportable action.

12. ADJOURNMENT:

Mayor Lazar requested tonight's Council meeting be adjourned in honor of the memory of Professor Bill Torrens.

Motion by Councilmember Bublak, seconded by Councilmember DeHart, to adjourn at 7:38 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk