

1. **A. CALL TO ORDER** –Mayor Lazar called the meeting to order at 7:04 p.m.
PRESENT: Councilmembers Amy Bublak, Bill DeHart, Steven Nascimento, Forrest White (by teleconference), 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 Fire Captain Larry Chalupnik in recognition of his retirement from the City of Turlock.
 - B. Mayor Lazar mentioned a Proclamation in recognition of Police Evidence & Property Specialist II Trish Panos' retirement from the City of Turlock. Ms. Panos was not in attendance.
 - C. Mayor Lazar presented a Proclamation to Police Captain Jeff Lopes in recognition of his retirement from the City of Turlock.
 - D. Mayor Lazar mentioned a Proclamation in recognition of Building Inspector Joel Carter's retirement from the City of Turlock. Mr. Carter was not in attendance.
 - E. Mayor Lazar presented a Proclamation to Nirvail Singh in recognition of the 100th Anniversary of the Founding of the Ghadar Party.
 - F. Mayor Lazar recommended that Bianca Davoodian be appointed to fill a vacancy on the Parks, Recreation and Community Programs Commission for a term to expire on December 31, 2013.

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, appointing Bianca Davoodian as a member of the Parks, Recreation and Community Programs Commission for a term to expire on December 31, 2013. Motion carried unanimously.

3. **A. SPECIAL BRIEFINGS:**
 1. California State University, Stanislaus Governmental Affairs Administrator Amber Deming and Vice-Chair Caleb Whittstruck provided information to Council regarding student activities, including hosting a California State Student Association meeting on the CSUS campus, attending a recent leadership conference, and efforts to increase collaboration with legislators and the community.

B. STAFF UPDATES

Development Services Director Mike Pitcock provided an update on capital projects and development activity, including the Golden State/F Street Signal project, Sewer/Water project at Crane Park, Monte Vista Avenue Overlay project, Lateral No. 3 Bike Path project, Public Safety Facility Training Building Relocation project, and completion of the 2013 Slurry Seal and Cooper Drain projects.

C. PUBLIC PARTICIPATION:

Stan Grant spoke regarding a letter he received from Turlock Scavenger which indicated they would no longer pick up garbage from his alley. He opposed this action for reasons including the hardship of bringing his garbage bins to the street in front of his and other neighborhood residences and his concerns that Turlock Scavenger can conduct their business in whichever manner they choose with no oversight from the City.

Turlock Library Children's Librarian Kelly Ferrini provided information about upcoming activities at the library, including an Extreme Science Magic program, "guessing jars," and an upcoming winter themed craft project. Ms. Ferrini also noted the library would be closed on Christmas.

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

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

B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS: None

5. CONSENT CALENDAR:

Mayor Lazar noted a request that Item 5T be removed from the Consent Calendar for separate consideration.

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

- A. **Resolution No. 2013-212** Accepting Demands of 10/24/13 in the amount of \$3,273,852.97; Demands of 10/31/13 in the amount of \$456,304.35; Demands of 11/7/13 in the amount of \$1,502,319.58
- B. Motion: Accepting Minutes of Regular Meeting of November 12, 2013
- C. 1. Motion: Accepting notification of Contract Change Order No. 1 (Final) in the credit amount of (\$416.52) (Fund 215) for City Project No. 11-19, "Purchase of CNG Sewer Maintenance Vehicle," bringing the contract total to \$358,621.57
2. Motion: Accepting improvements for City Project No. 11-19, "Purchase of CNG Sewer Maintenance Vehicle," and authorizing the City Engineer to file a Notice of Completion
- D. Motion: Approving Amendment No. 2 to City Contract No. 12-031 with Sally Swanson Architects, Inc., of San Francisco, California, for City Project No. 11-27, "ADA Self-Evaluation and Transition Plan Update," to extend the term of the agreement by six (6) months

- E. Motion: Approving Amendment No. 1 to the Retainer Agreement with Kleinfelder West, Inc., City Contract No. 13-049, dated July 9, 2013 for City Project No. 13-31, "Retainer Agreement – Kleinfelder," to increase the maximum allowable compensation under the agreement from \$100,000 to \$150,000, to provide additional reporting requirements, and implement utilization of Virtual Project Manager
- F. Motion: Approving an Exchange Agreement between the City of Turlock and Brett A. Honore', Trustee of Brett Honore' Revocable Trust, as to an undivided 25% Interest and Brett T. Tate and Karen C. Tate 2012 Trust as to an undivided 75% Interest, for City Project No. 13-49, "Dianne Drive Realignment" and authorizing the City Manager to sign all documents to transfer property
- G. Motion: Accepting notification of Contract Change Order No. 5 in the amount of \$6,800 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 9 – Doors and Windows, bringing the contract total to \$1,149,444
- H. Motion: Accepting notification of Contract Change Order No. 6 in the amount of \$6,249 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 13 – Building and Site Electrical, bringing the contract total to \$4,255,588
- I.
 - 1. Motion: Making the determination that City Project No. 13-47, "Columbia Park Restrooms," is exempt from the provisions of CEQA in accordance with Section 15303, "New Construction or Conversion of Small Structures"
 - 2. Motion: Awarding bid and approving an agreement in the amount of \$203,820.33 (Fund 255) with BC Construction of Ceres, California, for City Project No. 13-47, "Columbia Park Restrooms"
 - 3. **Resolution No. 2013-213** Appropriating \$29,707.35 from Fund 228 "Community Park Improvement Reserve" and transferring \$201,868 from account number 255-41-485.47210_006 to account number 228-60-608.51270 "Construction Project" for City Project No. 13-47, "Columbia Park Restrooms"
- J.
 - 1. Motion: Accepting notification of Contract Change Order No. 2 (Final) in the decreased amount of (\$5,690.77) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 15 - Elevators, bringing the contract total to \$238,587.23
 - 2. Motion: Accepting improvements for City Project No. 0804B, "Turlock Public Safety Facility," Category 15 - Elevators, and authorizing the City Engineer to file a Notice of Completion
- K. Motion: Accepting improvements for City Project No. 0872, "Landscape Golden State Boulevard from Monte Vista Avenue to the South," and authorizing the City Engineer to file a Notice of Completion
- L. Motion: Accepting the Capital Facility Fee Program report for Fiscal Year 2012-13
- M. **Resolution No. 2013-214** Appropriating \$152,532 to account number 228-60-606.47060 "Prior Year Reimbursements" to be funded by an interfund loan from account number 228-60-606.48001_192 "Transfer Out NP 23 Colorado Park Improvement Loan" from the NP 23 Colorado Park Land Reserve to account number 228-60-606.38001_192 "Transfer In NP 23 Colorado Park Improvement Loan" to NP 23 Colorado Park Improvements of \$112,216 and the balance of \$40,315 from Fund 228 NP 23 Colorado Park Improvements Reserve Balance for reimbursement of the Harold Markley Park Play area equipment and improvements that were funded by JKB Homes, Corp., per the agreement dated December 14, 2004 between JKB Homes, Corp. and the City of Turlock
- N. **Resolution No. 2013-215** Declaring the intention to vacate that certain section of alley south of 855 N. Olive, more particularly described as Stanislaus County Assessor's Parcel No. 042-024-051

- O. 1. **Resolution No. 2013-216** Appropriating additional Proposition 84 Grant revenues and expenses to revenue account number 110-40-400.34400 "Proposition 84 Fiscal Tool Grant" and expenditure account number 110-40-400.43055_004 "Consultant Proposition 84 Fiscal Tool Grant" in the amount of \$4,726 in Fiscal Year 2013-14
2. Motion: Approving Amendment No. 4 to extend the term of the Professional Services Agreement between the City of Turlock and AECOM Technical Services, Inc., from October 30, 2013 to June 30, 2014, adding additional scope of work, and approving an additional \$4,726 to the contract to develop a Countywide Financial Model for the ten (10) jurisdictions in Stanislaus County and the financial evaluation of the Turlock General Plan Update scenarios
- P. Motion: Approving the service agreement with Tom Clark, DBA TC Concessions, of Turlock, California, for concession services for a period of twelve (12) months
- Q. Motion: Approving Amendment No. 2 to the agreement with Zalreich Chemical Company, Inc., for the procurement of additional Aluminum Chlorohydrate with an increased amount of \$380,000 from Fund 410, bringing the contract total to \$700,080 for Fiscal Year 2013-14
- R. Motion: Approving the renewal for Memorandum of Understanding between the City of Turlock and the Turlock Unified School District to offer youth basketball programs within the community
- S. **Resolution No. 2013-217** Accepting fourth quarter donations for Fiscal Year 2013-14 for a variety of Parks, Recreation and Public Facilities Division programs, scholarships, and activities
- T. *Removed for separate consideration*
- U. **Resolution No. 2013-218** Authorizing the release of unclaimed checks pursuant to California Government Code Sections 50050 and 50053 to the City of Turlock
- V. Motion: Rejecting Claim for Damages filed by Serena Townsend
- W. **Resolution No. 2013-219** Accepting donation of thirty-two (32) child safety seats from the Medic Alert Foundation

Item 5T

City Manager Roy Wasden presented the staff report on the request to enter into an agreement between the City of Turlock and Dave Young, an outside labor negotiator, to finalize policies and MOU language for Fiscal Year 2013-14, and to assist in Fiscal Year 2014-15 labor negotiations with all units if needed, in an amount not to exceed \$26,000, and appropriating \$16,000 to account number 110-10-112.43056 "Contract Negotiator" from Fund 110 "General Fund" reserve for three (3) of the four (4) installment payments for negotiation services.

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

Council discussion included positions both for and against the agreement for reasons including consistency with past voting record on the issue, the City Manager's involvement in the process, expending funds while employees are taking pay cuts, time constraints on the City Manager's schedule making it difficult to be involved in the extensive details of finalizing policies, MOU language and labor negotiations, and the need to use a trusted agent.

Action: **Resolution No. 2013-220** Authorizing the City Manager to enter into an agreement between the City of Turlock and Dave Young, an outside labor negotiator, to finalize policies and MOU language for Fiscal Year 2013-14, and to assist in Fiscal Year 2014-15 labor negotiations with all units if needed, in an amount not to exceed \$26,000, and appropriating \$16,000 to account number 110-10-112.43056 "Contract Negotiator" from Fund 110 "General Fund" reserve for three (3) of the four (4) installment payments for negotiation services was introduced by Councilmember DeHart, seconded by Steven Nascimento, and carried with Councilmember Bublak dissenting.

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS**

Mayor Lazar noted a green sheet to Public Hearings Item 7A.

- A. Neighborhood Services Supervisor Robert Boyd presented the staff report on the request for approval for 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. 2013-221** Assessing properties for abatement costs and establishing a lien for payment was introduced by Councilmember DeHart, seconded by Councilmember White, and carried unanimously.

- B. Deputy Director of Development Services/Planning Manager Debbie Whitmore presented the staff report on the request to extend an interim Ordinance prohibiting the issuance of Mobile Food Facilities Permits in the Downtown Core Zoning District of the City of Turlock for a period of ten (10) months and fifteen (15) days, pursuant to California Government Code §65858.

Mayor Lazar opened the public hearing.

Cindy Peterson spoke regarding her experience with food trucks, including the range of people they serve, the need for a visual tie in with downtown, and the need for creative solutions in the downtown area.

Christopher Shawn spoke in favor of mobile food trucks, keeping the process fair, parking issues, and his desire to have a place to start his small business.

Mayor Lazar closed the public hearing.

Council discussion included clarification that the requested action would extend the current moratorium to allow for the process to occur in order to develop a comprehensive ordinance with established rules.

Action: Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Accepting the written report describing the measures that have been taken to alleviate the conditions which led to the adoption of the interim ordinance prohibiting the issuance of mobile food facilities permits in the Downtown Core Zoning District. Motion carried unanimously.

Ordinance No. 1190 Extending an Interim Ordinance prohibiting the issuance of Mobile Food Facilities Permits in the Downtown Core Zoning District of the City of Turlock for a period of ten (10) months and fifteen (15) days, pursuant to California Government Code §65858 was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried unanimously.

8. SCHEDULED MATTERS:

- A. Parks, Recreation & Community Facilities Director Allison Van Guilder presented the staff report on the request to approve the renaming of Centennial Park to “Centennial-Swanson Park” and accepting a donation in the amount of \$35,000 from Pet Extreme and the Swanson family to construct a dog park at that facility.

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

Council discussion included changing the proposed name from Centennial-Swanson Park to Swanson-Centennial Park.

Action: **Resolution No. 2013-222** Approving the renaming of Centennial Park to “Swanson-Centennial Park” and accepting a donation in the amount of \$35,000 from Pet Extreme and the Swanson family to construct a dog park at that facility was introduced by Councilmember Bublak, seconded by Councilmember DeHart, and carried with Councilmember White dissenting.

- B. Municipal Services Director Michael Cooke presented the staff report on the request to authorize staff to proceed with the property owner notification requirements of Proposition 218 for the consideration of increasing water rates and establishing a hearing date of March 25, 2014. (*Mr. Cooke noted the staff report indicates the hearing date of February 11, 2014. Due to upcoming City Hall closures, he recommended the hearing date of March 25, 2014 be adopted instead.*)

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

Council discussion included concerns over the cost of water and the need to plan for future water needs.

Action: Motion by Councilmember White, seconded by Councilmember DeHart, Authorizing staff to proceed with the property owner notification requirements of Proposition 218 for the consideration of increasing water rates and establishing a hearing date of March 25, 2014. Motion carried unanimously.

- C. City Manager Roy Wasden presented the staff report on the request to accept the Convention and Visitors Bureau (CVB) 2014 Budget and authorize the execution of any and all documents relative to the Convention and Visitors Bureau.

Turlock Convention & Visitors Bureau Chair John Jaureguy introduced Turlock Chamber of Commerce Chair Paul Porter and Turlock CVB representative Desa Cammack. Mr. Jaureguy spoke regarding positive changes being made such as working more with the film commission, upcoming tours designed for businesses wishing to locate in Turlock, and the addition of a staff member.

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

Action: Motion by Councilmember DeHart, seconded by Councilmember Nascimento, Accepting the Convention and Visitors Bureau (CVB) 2014 Budget. Motion carried unanimously.

Resolution No. 2013-223 Authorizing the execution of any and all documents relative to the Convention and Visitors Bureau (CVB) including but not limited to any amendments to the current agreement was introduced by Councilmember DeHart, seconded by Councilmember Nascimento, and carried unanimously.

- D. Sr. Accountant Marie Lorenzi presented the staff report on the request to appropriate \$114,978 to the medical benefit expense account in various City operating department budgets to be funded by reserves in the related funds; and Appropriate \$660,835 to account number 510-10-150.43191 "Worker's Compensation – Claims Expense" to be funded from reserves in Fund 510.

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

Action: **Resolution No. 2013-224** Appropriating \$114,978 to the medical benefit expense account in various City operating department budgets to be funded by reserves in the related funds; and Appropriating \$660,835 to account number 510-10-150.43191 "Worker's Compensation – Claims Expense" to be funded from reserves in Fund 510 was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried unanimously.

- E. City Manager Roy Wasden presented the staff report on the request to formalize the City/County Liaison Committee comprised of two (2) members of the Turlock City Council, two (2) members of the Stanislaus County Board of Supervisors, the Turlock City Manager, and the County Chief Executive Officer and make necessary appointments.

Council discussion included expanding the suggested committee makeup, the importance of having regular meetings, and the value of developing positive relationships with Stanislaus County representatives.

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

Action: **Resolution No. 2013-225** Formalizing the City/County Liaison Committee comprised of two (2) members of the Turlock City Council, two (2) members of the Stanislaus County Board of Supervisors, the Turlock City Manager, and the County Chief Executive Officer was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried with Councilmember Bublak dissenting.

Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Appointing Mayor John Lazar and Councilmember Forrest White as members of the City/County Liaison Committee. Motion carried with Councilmember Bublak dissenting.

- F. Municipal Services Director Michael Cooke presented the staff report on the request to appropriate \$225,000 to account number 410-51-530.43340 "North Valley Regional Recycled Water Project" from Water Quality Control Fund 410 "Operations" Reserve for the purpose of obtaining a "water right" for the City's recycled water from the State Water Resources Control Board.

Council discussion included duration of the water right.

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

Action: **Resolution No. 2013-226** Appropriating \$225,000 to account number 410-51-530.43340 "North Valley Regional Recycled Water Project" from Water Quality Control Fund 410 "Operations" Reserve for the purpose of obtaining a "water right" for the City's recycled water from the State Water Resources Control Board was introduced by Councilmember Bublak, seconded by Councilmember DeHart, and carried unanimously.

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION

Councilmember Bublak asked that consideration be given to marketing City of Turlock merchandise in addition to her recent request that CSU Stanislaus merchandise be sold at a downtown location.

10. COUNCIL COMMENTS:

Councilmember Bublak commended Parks, Recreation and Community Facilities Manager Allison Van Guilder and her staff for their excellent work on the Christmas Parade.

Councilmember Bublak commented she recently attended a LAFCO meeting where the City of Turlock was repeatedly pointed out as being a benchmark city.

Councilmember Bublak commented she recently enjoyed a ride-along with Turlock City Fire and encouraged other Councilmembers to do the same.

Councilmember Bublak commented she recently attended the Jackie Evancho event at Turlock Theater which was attended by many people from the Modesto community.

Mayor Lazar also commented on the Christmas parade and the outstanding organization of the event.

11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the closed session item.

- A. Conference with Legal Counsel – Anticipated Litigation, Cal. Gov't Code §54956.9(d)(2)
“For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.”
Potential Cases: (1 case)

Action: No reportable action.

12. ADJOURNMENT:

Motion by Councilmember DeHart, seconded by Councilmember Nascimento, to adjourn at 7:57 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk