

1. **A. CALL TO ORDER** –Mayor Lazar called the meeting to order at 6:05 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 Pitman High School student Brett Nichols in recognition of his Internet success as a result of winning his high school talent show with his rendition of the Michael Jackson “Billy Jean” dance video.
3. **A. SPECIAL BRIEFINGS:** None
- B. STAFF UPDATES**
 1. Development Services Director Mike Pitcock provided an update on capital projects and building activity, including building permits and inspections for the months of April and May, Monte Vista Avenue Rehabilitation project completion, Columbia Park Restroom project completion, Fulkerth Road and West Main Street project, Dianne Drive Alignment project, Public Safety Facility project close-out phase, Monte Vista Avenue & Colorado Avenue Demolition project, and the Dog Park project at Swanson-Centennial Park.
 2. Fire Chief Tim Lohman presented the Fire Department’s 2013 Annual Report highlighting the department’s ISO rating, staffing levels, response times and trends.
 3. *Police Chief Robert Jackson’s 1st Quarter Crime Statistics was removed from the agenda to be brought back at a future meeting.*
 4. City Attorney Phaedra Norton provided information on current candidates for the upcoming November election and that candidate campaign statements are now available on the City Clerk’s website.
- C. PUBLIC PARTICIPATION:**

Ken DeMartini spoke regarding the continuing noise nuisance on Mitchell Avenue.

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

Action: Motion by Councilmember Nascimento, seconded by Councilmember Bublak, to waive reading of all ordinances on the agenda, except by title. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS: None

5. CONSENT CALENDAR:

Mayor Lazar requested that Consent Calendar Item 5D be removed for separate consideration.

Action: Motion by Councilmember DeHart, seconded by Councilmember Nascimento, to adopt the amended consent calendar. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

- A. **Resolution No. 2014-087** Accepting Demands of 5/15/14 in the amount of \$1,101,139.42; Demands of 5/22/14 in the amount of \$1,770,055.37
- B. Motion: Accepting Minutes of Regular Meeting of May 27, 2014
- C. Motion: Accepting improvements for City Project No. 13-60, "Pedestrian Gate at Turlock Regional Transit Center," and authorizing the City Engineer to file a Notice of Completion
- D. *Removed for separate consideration.*
- E.
 - 1. Motion: Accepting notification of Contract Change Order No. 5 (Final) in the decreased amount of (\$5,645) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 7 – Framing, Drywall, and Plaster, bringing the contract total to \$881,480
 - 2. Motion: Accepting improvements for City Project No. 0804B, "Turlock Public Safety Facility," Category 7 – Framing, Drywall, and Plaster, and authorizing the City Engineer to file a Notice of Completion
- F.
 - 1. Motion: Accepting notification of Contract Change Order No. 6 (Final) in the decreased amount of (\$15,375) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, bringing the contract total to \$881,480
 - 2. Motion: Accepting improvements for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, and authorizing the City Engineer to file a Notice of Completion
- G. **Resolution No. 2014-088** Considering intention to levy and collect assessments for Fiscal Year 2014/15 Assessment Districts in the City of Turlock
- H. **Resolution No. 2014-089** Accepting a donation from Mrs. Norton in the amount of \$3,551.63 to be deposited into account 269-60-614-380.37200_000 "Parks Donations-General" and appropriating said funds to account number 269-60-614-380.47124 "Parks Donation Expenses" for signage at the Quaille Rand Norton Park

- I. **Resolution No. 2014-090** Authorizing the City Manager to provide a letter in opposition to AB 2188 (Muratsuchi), which would create a separate permitting and inspection process specifically for residential solar installation of less than 10 kilowatts
- J. **Resolution No. 2014-091** Extending the City of Turlock’s Military Leave Policy per Resolution No. 2008-139 for employees involuntarily called to active duty as a result of the nation’s war on terrorism
- K.
 1. **Resolution No. 2014-092** Calling for the holding of a General Municipal Election to be held on Tuesday, November 4, 2014, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities
 2. **Resolution No. 2014-093** Requesting the Board of Supervisors of the County of Stanislaus to consolidate a General Municipal Election to be held on Tuesday, November 4, 2014, with the Statewide General Election to be held on the date pursuant to §10403 of the Elections Code
 3. **Resolution No. 2014-094** Adopting regulations for candidates for elective office pertaining to candidate’s statements submitted to the voters at a General Municipal Election to be held on Tuesday, November 4, 2014
 4. **Resolution No. 2014-095** Setting the deposit fee which will be required of candidates who elect to have a Candidate’s Statement of Qualifications printed in the ballot pamphlet for the City of Turlock General Municipal Election to be held on November 4, 2014
- L. Motion: Rejecting Claim for Damages filed by Aprim Khodi dba Khodi Trucking

Item 5D

Municipal Services Director Michael Cooke presented the staff report on City Project No. 0751, “Turlock Regional Water Quality Control Facility Headworks and Secondary Treatment Capacity Expansion – Phase 1,” itemizing decreased expenses and requesting approval on the Change Order No. 2.

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

Council discussion included funding and credits of the project, original funding source, and the project timeline.

Action: Motion by Councilmember DeHart, seconded by Councilmember White, Approving Contract Change Order No. 2 in the decreased amount of (\$249,011.72) (Fund 415) for City Project No. 0751, "Turlock Regional Water Quality Control Facility Headworks and Secondary Treatment Capacity Expansion - Phase 1," bringing the contract total to \$23,165,463.28. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

6. FINAL READINGS:

- A. **Ordinance No. 1196-CS**, Amending Turlock Municipal Code Title 8, Chapter 1, Section 1, Article 1 and Chapters 2, 5 and 6, regarding Building Regulations as introduced on May 27, 2014 was passed and adopted 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

Resolution No. 2014-096 Adopting legislative findings supporting amendments and changes to the California State Building Standards Code as contained in the Turlock Municipal Code, Title 8, Chapters 1, 2, 5 and 6 was introduced by Councilmember White, seconded by Councilmember DeHart, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

- B. **Ordinance No. 1197-CS**, Amending Turlock Municipal Code Title 2, Chapter 1, to establish electoral districts for election of members of the Turlock City Council by districts and election of the Mayor of Turlock at-large, subject to approval by a vote of the people as introduced on May 27, 2014 was passed and adopted 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

Resolution No. 2014-097 Calling for and giving notice of the holding of a general municipal election to be held in the City of Turlock on Tuesday, November 4, 2014, for the purposes of submitting to the qualified voters a ballot measure establishing electoral districts for election of members of the Turlock City Council by districts and election of the Mayor of Turlock at-large as required by the provisions of the laws of the State of California relating to general law cities, requesting consolidation thereof with the statewide election to be held on the same date, and requesting the Stanislaus County Board of Supervisors to permit the Stanislaus County Clerk to render specific services to the City of Turlock relating to the conduct of the general municipal election was introduced by Councilmember DeHart, seconded by Councilmember Nascimento, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

- C. **Ordinance No. 1198-CS**, Amending the Turlock Municipal Code to Add Title 3, Chapter 11, Entitled “Local Road Transactions and Use Tax for Pothole Repair and Existing City Street Improvement and Maintenance” to be administered by the State Board of Equalization and authorizing the incurrence by the City of Turlock of indebtedness payable solely from such tax, subject to approval by a vote of the people as introduced on May 27, 2014 was passed and adopted 4/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	No	Yes	Yes

Resolution No. 2014-098 Calling for and giving notice of the holding of a general municipal election to be held in the City of Turlock on Tuesday, November 4, 2014, for the purposes of submitting to the qualified voters a ballot measure establishing a one-half of one percent “Local Road Transactions and Use Tax for Pothole Repair and Existing City Street Improvement and Maintenance,” requesting consolidation thereof with the statewide election to be held on the same date, and requesting the Stanislaus County Board of Supervisors to permit the Stanislaus County Clerk to render specific services to the City of Turlock relating to the conduct of the general municipal election was introduced by Councilmember White, seconded by Councilmember DeHart, and carried 4/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	No	Yes	Yes

7. PUBLIC HEARINGS

- A. City Manager Roy Wasden presented the staff report on the request to supersede and replace Council Resolution No. 2013-109 and adopt updated cost recovery percentages and the schedule of fees and charges for City services. Development Services Director Mike Pitcock provided information regarding the Temporary Use of Land Permit (TULP) fees charged by the Planning Division.

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

Action: **Resolution No. 2014-099** Superseding and replacing Council Resolution No. 2013-109 and adopting updated cost recovery percentages and the schedule of fees and charges for City services, to include 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 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

- B. Sr. Accountant Marie Lorenzi and Chief Building Official Eric Picciano presented the staff report on the request to confirm the City Council's intent to maintain a separate fund to account for the revenues and expenditures for the City's Building and Safety Department; Discontinuing the 25% reduction in Building User Fees; and Appropriating General Fund monies to subsidize the 25% fee reduction for Fiscal Year 2013-14 and request to supersede and replace Council Resolution No. 2013-099 and adopt an updated Building Department Fee Structure for permits, inspections or other fees required per Title 8, Building Regulations, of the Turlock Municipal Code as set forth in the "Cost Recovery Fee Table."

Mayor Lazar opened the public hearing.

Building Industry Association Executive Officer John Beckman spoke against the request to eliminate the 25% building fee reduction for reasons including hindering economic stimulus and housing growth.

Mayor Lazar closed the public hearing.

Council discussion included the increase of home prices in relation to building fees, tiered building rates or deposit based fees for custom homes vs. production homes, and the impact to the General Fund for a subsidy if the elimination of the fee reduction is postponed.

Action: **Resolution No. 2014-100** Confirming the City Council's intent to maintain a separate fund to account for the revenues and expenditures for the City's Building and Safety Department; Discontinuing the 25% reduction in Building User Fees; and Appropriating General Fund monies to subsidize the 25% fee reduction for Fiscal Year 2013-14 was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

Resolution No. 2014-101 Superseding and Replacing Council Resolution No. 2013-099 and Adopting an Updated Building Department Fee Structure for permits, inspections or other fees required per Title 8, Building Regulations, of the Turlock Municipal Code as set forth in the attached "Cost Recovery Fee Table" was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

8. SCHEDULED MATTERS:

- A. Development Services Director Mike Pitcock presented the staff report on the request to award bid and approve an agreement in the amount of \$218,540 (Fund 426-40-415.51260) with Pires, Lipomi + Navarro Architects, Modesto, California, for City Project No. 12-60B, "Turlock Regional Transit Center Phase 2 Design and Master Plan."

Council discussion included funding requirements of the FTA, LTF and Proposition 1B. Councilmember DeHart spoke on behalf of a disabled citizen regarding the location of the Transit Hub being better situated near Crane Park.

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

Action: Motion by Councilmember Nascimento, seconded by Councilmember White, Awarding bid and approving an agreement in the amount of \$218,540 (Fund 426-40-415.51260) with Pires, Lipomi + Navarro Architects, Modesto, California, for City Project No. 12-60B, "Turlock Regional Transit Center Phase 2 Design and Master Plan." Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

- B. Development Services Director Mike Pitcock presented the staff report on the request to approve a retainer agreement in an amount not to exceed \$100,000 (Fund 405) with Bureau Veritas North America, Inc., approve a retainer agreement in an amount not to exceed \$50,000 (Fund 405) with Interwest Consulting Group, and approve a retainer agreement in an amount not to exceed \$50,000 (Fund 405) with 4Leaf, Inc., for plan check services related to various building permit applications throughout the City of Turlock for Fiscal Years 2014-16.

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

Action: Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Approving a retainer agreement for Fiscal Years 2014-2016 in an amount not to exceed \$100,000 (Fund 405) with Bureau Veritas North America, Inc., for plan check services related to various building permit applications throughout the City of Turlock. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Approving a retainer agreement for Fiscal Years 2014-2016 in an amount not to exceed \$50,000 (Fund 405) with Interwest Consulting Group for plan check services related to various building permit applications throughout the City of Turlock. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Approving a retainer agreement for Fiscal Years 2014-2016 in an amount not to exceed \$50,000 (Fund 405) with 4Leaf, Inc., for plan check services related to various building permit applications throughout the City of Turlock. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

- C. Municipal Services Director Michael Cooke presented the staff report on the request to approve a Cost Sharing Agreement with the City of Modesto and Del Puerto Water District for expenses associated with the Phase III Feasibility Study for the North Valley Regional Recycled Water Project in an amount not to exceed \$666,810, from Fund 410-51-530.43340 "North Valley Regional Recycled Water Project."

Mayor Lazar asked for public comment.

Brad Hawn spoke in favor of approving the cost sharing agreement with the City of Modesto and Del Puerto Water District for the Phase III Feasibility Study for reasons including continued advancement of the project, economic benefits to the farming industry, effective cost sharing, the State's allocation of funds for this project, and positive attention received from the White House, Congress and the State of California.

Anthea Hansen, Water Conservation Coordinator of Del Puerto Water District, spoke in favor of the cost sharing agreement for reasons including the benefits of continuing the efforts of the project, the positive partnerships and dialogue that have been established, the importance of wastewater management and availability of recycled water for agriculture and the west side farming communities.

Dan Madden spoke in favor of the cost sharing agreement for reasons including advancement of the project and the long-term benefits for local and surrounding communities. Mr. Madden commended the Council for having the foresight to encourage these types of projects that benefit Turlock and surrounding cities.

Mayor Lazar closed public comment.

Council discussion included the potential for alternatives to Phase III and pipeline construction. Council noted the positive feedback received as a result of previous meetings in Washington, D.C.

Action: **Resolution No. 2014-102** Approving a Cost Sharing Agreement with the City of Modesto and Del Puerto Water District for expenses associated with the Phase III Feasibility Study for the North Valley Regional Recycled Water Project in an amount not to exceed \$666,810, from Fund 410-51-530.43340 “North Valley Regional Recycled Water Project” was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

- D. City Manager Roy Wasden presented the staff report on the request to adopt the City of Turlock General and Non-General Fund Budgets covering Fiscal Year 2014-15 and projected budgets for Fiscal Year 2015-16; appropriating funding in the amount of \$192,176 for Economic Development activity (Fund 121); and adopting placement and alignment of personnel.

Council discussion included concerns over adding new positions in light the upcoming November sales tax measure, the realignment of IT to Police services, and deficit spending.

Additional Council discussion included capital equipment replacement requirements and needs, discontinuing the Business Incentive Program, the request to act conservatively when considering the addition of new positions, and revisiting the proposed Fiscal Year 2015/16 budget during the mid-year budget amendment.

Mr. Wasden reviewed the need for succession planning in the areas of payroll/finance and the City Clerk’s office, as well as consideration in other positions nearing retirement. He noted the Auditor’s caution on segregation of duties, resulting in the recommendation of the additional FTEs to the budget.

Mayor Lazar asked for public comment.

Tracy Sunde spoke in favor of Council and staff budget preparation and progress over the last five years.

Mayor Lazar closed public comment.

Action: **Resolution No. 2014-103** Adopting the City of Turlock General Fund Budget covering Fiscal Year 2014-15 and a projected budget for Fiscal Year 2015-16 was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried 4/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	No	Yes	Yes

Resolution No. 2014-104 Adopting the City of Turlock Non-General Fund Budget covering Fiscal Year 2014-15 and a projected budget for Fiscal Year 2015-16 was introduced by Councilmember DeHart, seconded by Councilmember White, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

Resolution No. 2014-105 Appropriating \$192,176 to 121-10-122.48001_216 “Transfers Out-Fund 121 Economic Development” from Fund 121 “Tourism-City Share” reserve balance and adding \$192,176 to 121-10-123.38001_216 “Transfers In For Economic Development” in Fiscal Year 2013-14 to cover Economic Development activity in Fund 121 was introduced by Councilmember DeHart, seconded by Councilmember Nascimento, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

Motion by Councilmember Bublak, seconded by Councilmember Nascimento, Adopting the placement and alignment of personnel as proposed by staff. Motion carried 4/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	No	Yes

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Councilmember Nascimento requested the creation of a legislative procedure policy to enable a timely response on letters of support or opposition requests by the League of California Cities.

Councilmember Bublak requested recognition of the CSUS Men’s Golf team on their successful season.

10. COUNCIL COMMENTS:

Mayor Lazar noted his recent lunch with Texas Governor Rick Perry as he was passing through Turlock.

Adjourn to the Successor Agency to the Turlock Redevelopment Agency.

Reconvene Turlock City Council Meeting.

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)(4)**

“For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.”

Potential Cases: (1 case)

Action: No action taken.

12. ADJOURNMENT:

Motion by Councilmember Nascimento, seconded by Councilmember White, to adjourn at 8:25 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Stacey Tonarelli
Deputy City Clerk