

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. Representatives of Pitman High School and Dutcher Middle School Chapters of Future Business Leaders of America, Alex Aliaga, Ashley Long and Jenner Berryhill provided information about the FBLA including their membership, purpose, and activities such as projects, competitions, business development, and conferences in which they participate.
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 month of January, Monte Vista Avenue and Colorado Avenue Traffic Signal project, Monte Vista Avenue Rehabilitation project, Columbia Park Restroom project, Golden State Boulevard and F Street Traffic Signal, Public Safety Facility project close out process, and the Public Safety Center's Training Center bid process for utility and site improvement at the corporation yard site.
  2. Police Captain Carl Nielsen provided an update on the proposed business to be located at 755 Wayside Drive including that an application has been requested of Alcohol Beverage Control (ABC), the ABC permitting process, concerns expressed by neighbors, and steps taken to date to address community concerns.
  3. Municipal Services Director Michael Cooke provided an update regarding water issues, including the drought in our region, state snow pack levels, surrounding lake levels, Turlock's increased water use for the month of January, increased enforcement levels as a result of an increase in complaints over excess use of water, and water conservation education information.  
**C. PUBLIC PARTICIPATION:** None
4. **A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:**  
  
Councilmember Nascimento requested Consent Calendar Items 5P and 5Q be removed from the consent calendar and considered separately due to a conflict of interest of his wife working for E & J Gallo.  
  
Mayor Lazar noted a green sheet to Public Hearings Item 7A.

**5. CONSENT CALENDAR:**

Councilmember Nascimento requested Consent Calendar Items 5P and 5Q be pulled for separate consideration.

**Action:** Motion by Councilmember White, seconded by Councilmember DeHart, 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. 2014-026** Accepting Demands of 1/9/14 in the amount of \$1,764,326.61; Demands of 1/16/14 in the amount of \$2,337,272.10
- B. Motion: Accepting Minutes of Regular Meeting of January 28, 2014
- C. Motion: Accepting notification of Contract Change Order No. 1 in the amount of \$3,943 (Fund 215) with George Reed Inc., of Modesto, California, for City Project No. 11-20, "Golden State Boulevard and F Street Intersection Improvements"
- D.
  - 1. Motion: Accepting notification of Contract Change Order No. 1 (Final) in the decreased amount of (\$15,435.20) (Fund 441) for City Project No. 11-29, "Cooper Ave. Storm Drain Line," bringing the contract total to \$510,616.80
  - 2. Motion: Accepting improvements for City Project No. 11-29, "Cooper Ave. Storm Drain Line," and authorizing the City Engineer to file a Notice of Completion
- E.
  - 1. Motion: Accepting notification of Contract Change Order No. 1 (Final) in the amount of \$7,602.94 (Fund 246) for City Project No. 13-21, "Slurry Seals 2013," bringing the contract total to \$642,468.30
  - 2. Motion: Accepting improvements for City Project No. 13-21, "Slurry Seals 2013," and authorizing the City Engineer to file a Notice of Completion
- F.
  - 1. Motion: Accepting notification of Contract Change Order No. 1 (Final) in the amount of \$2,245.74 (Fund 305) for City Project No. 13-25A, "Public Safety Training Facility Structure Relocation," bringing the contract total to \$47,045.74
  - 2. Motion: Accepting improvements for City Project No. 13-25A, "Public Safety Training Facility Structure Relocation," and authorizing the City Engineer to file a Notice of Completion
- G. **Resolution No. 2014-027** Considering intention to levy and collect Assessments for the Sutter Gould Medical Foundation (PM 13-01) Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Development Project No. 13-45
- H. Motion: Accepting improvements for City Project No. 13-54, "Chamber of Commerce HVAC Improvements," and authorizing the City Engineer to file a Notice of Completion
- I. Motion: Accepting notification of Contract Change Order No. 7 in the amount of \$2,189 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to \$2,576,896
- J. Motion: Accepting notification of Contract Change Order No. 6 in the amount of \$756 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 13 – Building and Site Electrical, bringing the contract total to \$4,256,344
- K. Motion: Accepting notification of Contract Change Order No. 5 in the amount of \$2,032 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, bringing the contract total to \$896,855

- L. Motion: Accepting notification of Contract Change Order No. 4 in the amount of \$65,544.61 (Fund 415) for City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline," bringing the contract total to \$13,514,146.69
- M. Motion: Approving multiple service agreements with Madruga Brothers Enterprises, Inc. (dba Fast Track Car Wash) and Prime Shine, Inc. for express car wash services for City owned vehicles for a period of twelve (12) months each, with an aggregate value of \$8,000, in accordance with the terms and conditions set within each agreement
- N. Motion: Approving a service agreement with Turlock City Tow Service, Inc., of Turlock, for vehicle tow services of city owned vehicles, for a period of twelve (12) months, in an amount not to exceed \$7,000
- O. Motion: Approving the Contract renewal between the City of Turlock and the Turlock Umpire Group to officiate adult city league softball games
- P. *Removed for separate consideration*
- Q. *Removed for separate consideration*
- R. Motion: Approving an Agreement between City of Turlock and Microsoft through the reseller Compucom, for the Software Volume Licensing Enterprise Enrollment, for a period of three (3) years, in the amount of \$47,717.35 per year and Software Volume Licensing Select Plus Enrollment, for a period of three (3) years, in the amount of \$1,398.90, for a total of \$147,348.45 at the end of three (3) years, beginning February 1, 2014 through January 31, 2017
- S. **Resolution No. 2014-028** Utilizing the services of Joel Carter on a temporary part-time basis for the purpose of assisting Building Department staff in the continued inspection of major commercial and industrial building construction projects including, but not limited to, the Blue Diamond Growers Almond processing facility, Hilmar Cheese Milk processing facility and the Turlock Sikh Temple expansion

*Note: Consent Calendar Items 5P and 5Q were handled concurrently.*

**Item 5P**      **Resolution No. 2014-029** Accepting a donation from E & J Gallo Winery in the amount of \$200 and appropriating said funds to account number 266-20-255-356.35720 (Police Explorer Donations)

**Item 5Q**      **Resolution No. 2014-030** Accepting a donation from Modesto Symphony in the amount of \$100 and appropriating said funds to account number 266-20-255-356.35720 (Police Explorer Donations)

**Action:**      Motion by Councilmember White, seconded by Councilmember DeHart, to adopt Consent Calendar Items 5P and 5Q. Motion carried 4/0/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Not Participating	Yes	Yes	Yes

**6. FINAL READINGS:** None

## **7. PUBLIC HEARINGS**

- A. City Attorney Phaedra Norton presented the staff report on the request to amend Turlock Municipal Code Title 2, adding Chapter 12 regarding Campaign Contributions.

Mayor Lazar opened the public hearing.

Mike Harcksen, President of Firefighters Local 2434, spoke on behalf of Local 2434, against the proposed ordinance for reasons including the language definition being unclear with regard to person or entity contributions and that limitations would hinder the ability to deal with City officials.

Rich Borba of JKB Energy spoke against the proposed ordinance for reasons including unknown ramifications and consequences, that it would favor incumbents and discourage new candidates to run for office, and implies morals and ethics being questioned.

Mike Warda spoke against the proposed ordinance for reasons including effects on large and small businesses and citizens, unintended consequences, and asked that Council take more time to consider the ramifications of this item.

John Beckman, Executive Director of Builders Industry Association, Greater Valley Area, spoke against the proposed ordinance for reasons including that campaign limitations can intrude on free speech based upon previous U.S. Supreme Court rulings.

Ryan Chambers spoke regarding the ordinance for reasons including that it would benefit the unknown candidate and would limit the power of unions.

Mayor Lazar closed the public hearing.

Council opposition included the short notice for the public to engage in dialogue, the intent and potential ramifications of the \$2,000 contribution limit, and the implication of unethical practices.

Additional Council discussion included clarification that the purpose of the proposed ordinance is to ensure government business is conducted in an open and transparent manner and does not imply a specific problem exists.

Mayor Lazar asked the City Attorney to meet with Councilmembers Nascimento and Bublak to discuss the proposed ordinance and to report back to Council with an update. Councilmember Bublak requested one or two stakeholders be included.

**Action:** Motion by Councilmember Bublak, seconded by Councilmember DeHart to continue the discussion and convene a subcommittee of City Attorney Phaedra Norton, Councilmember Nascimento, and Councilmember Bublak with a report to be brought back at the February 25, 2014 City Council meeting, and recommendations to be brought back at a public hearing on March 11, 2014. Motion carried 3/2 by the following vote:

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

**8. SCHEDULED MATTERS:**

- A. Sr. Accountant Marie Lorenzi presented the staff report on the request to authorize early repayment of Capital Lease titled "Municipal Project Lease and Option Agreement No. 1520" through Municipal Services Group Inc. (serviced through West America Bank) which provided financing for the construction of the addition to Broadway City hall (occupied by Engineering and Municipal Services) to be funded by the Water Quality Control (Fund 410) and Water (Fund 420) Enterprise Funds and Engineering's portion of the Asset Replacement Fund reserve (Fund 241).

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

**Action:**        **Resolution No. 2014-031** Authorizing early repayment of Capital Lease titled "Municipal Project Lease and Option Agreement No. 1520" through Municipal Services Group Inc. (serviced through West America Bank) which provided financing for the construction of the addition to Broadway City hall (occupied by Engineering and Municipal Services) to be funded by the Water Quality Control (Fund 410) and Water (Fund 420) Enterprise Funds and Engineering's portion of the Asset Replacement Fund reserve (Fund 241) 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

- B. Regulatory Affairs Manager Garner Reynolds presented the staff report on the request to adopt the East Stanislaus Integrated Regional Water Management Plan, including highlighting the purpose of the plan, contributors, goals, boundaries, prioritized project list, and next steps of finalizing the plan and beginning implementation.

Mayor Lazar opened the Public Hearing.

Thomas Marshall Penick asked if the plan was available to the public. Mr. Reynolds advised it could be obtained at City Hall.

Nick Pinhey spoke in favor of this item for reasons including that regional collaboration is key to administering a very valuable resource to the community.

Mayor Lazar closed the Public Hearing.

Council discussion included the collaboration and input process of the Plan with Turlock Irrigation District and other irrigation districts.

**Action:**        **Resolution No. 2014-032** Adopting the East Stanislaus Integrated Regional Water Management Plan 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

- C.     City Attorney Phaedra Norton presented the staff report on the request to rescind Resolution No. 2007-037 and adopt an updated City of Turlock Code of Conduct for Elected Officials.

Council and staff discussion included the necessity of proposed change, ramifications of such disclosures, protection of due process, and transparency.

Mayor Lazar asked for public comment.

John Beckman, Executive Director of Builders Industry Association, Greater Valley Area spoke in favor of the proposed resolution for reasons including that it promotes full disclosure.

Mike Warda spoke in opposition to the proposed resolution for reasons including that open communication may become restricted and that disclosure of ex parte communications does not promote free speech or free thinking.

Mayor Lazar closed the public comment.

**Action:**        **Resolution No. 2014-033** Rescinding Resolution No. 2007-037 and adopting an updated City of Turlock Code of Conduct for Elected Officials was introduced by Councilmember Nascimento, seconded by Councilmember White, and carried 3/2 by the following vote:

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

## **9.     COUNCIL ITEMS FOR FUTURE CONSIDERATION**

Councilmember Bublak requested consideration for an update on the status of the Vida Vital mobile food vendor business, traffic enforcement of bicyclists operating carelessly, and reducing staff workload by limiting items not requiring a vote to a presentation only.

Councilmember Nascimento requested consideration for holding an offsite Special City Council meeting in a “town hall” style forum to allow community members to voice concerns.

**10. COUNCIL COMMENTS:**

Councilmember White recommended Councilmembers read articles regarding local streets and roads, water supply, and housing rehabilitation in the February issue of Western City Magazine.

Councilmember Bublak welcomed back Police Chief Robert Jackson from the FBI Law Enforcement Executive Development Seminar.

**11. CLOSED SESSION:** None

**12. ADJOURNMENT:**

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

RESPECTFULLY SUBMITTED

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Stacey Tonarelli  
Deputy City Clerk