

1. **A. CALL TO ORDER** –Mayor Lazar called the meeting to order at 7:32 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 Major Debi Shrum of the Salvation Army – Turlock in honor of her dedicated service.
 - B. Scott Webb, President & CEO of United Cerebral Palsy of Stanislaus and Tuolumne Counties, presented information on their new facility at 959 E. Monte Vista Avenue, in Turlock, and spoke regarding the services they provide.
3. **A. SPECIAL BRIEFINGS:** None
B. STAFF UPDATES
 1. Police Lieutenant/Interim Assistant to the City Manager Ron Reid presented information on the Property Assessed Clean Energy Program (PACE). Mayor Lazar spoke regarding his interest in the program as a way for homeowners with antiquated heating and air systems to obtain low interest loans to enable them to live more comfortably and reduce their energy bills.

Mayor Lazar asked for Council consideration in hearing Scheduled Matters Item 8A at this time.

SCHEDULED MATTERS ITEM 8A

City Attorney Phaedra Norton advised that there was no conflict of interest in having Mayor Lazar participate in this item as his wife is an unpaid volunteer for the Carnegie Arts Center, that Council is not taking action on the contribution of any funding at this time, and the fact there is no need for Council to take any action on the item before them.

- A. Police Lieutenant/Interim Assistant to the City Manager Ron Reid presented the staff report on the request to accept the Carnegie Arts Center's annual report as presented to Council.

Carnegie Arts Center Executive Director and Curator Rebecca Phillips Abbot presented the Center's 2011-2012 Annual Report which included information about their organizational structure, board members and volunteers, exhibitions and programs, art classes and children's programs, publicity efforts, attendance and participation information, accomplishments, awards, and future goals.

Mayor Lazar noted that before he opened the public comment portion of Item 8A, he would open Section 3C, the Public Participation portion of the meeting. No one spoke. Mayor Lazar closed Public Participation.

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

Mayor Lazar commented that at the recent Mayor's Conference in Washington D.C., he attended a session that highlighted the importance of arts as a key to a vibrant community.

Action: Motion by Councilmember White, seconded by Councilmember DeHart, Accepting the Carnegie Arts Center's annual report as presented to Council. Motion carried unanimously.

C. PUBLIC PARTICIPATION: None

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

5. CONSENT CALENDAR:

Mayor Lazar asked that Items 5J, 5L, 5O, and 5P be removed from the Consent Calendar for separate consideration.

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

- A. **Resolution No. 2013-010** Accepting Demands of 12/13/12 in the amount of \$1,924,382.31; Demands of 12/20/12 in the amount of \$3,992,510.91; Demands of 1/4/13 in the amount of \$126,453.65
- B. Motion: Accepting Minutes of Regular Meeting of January 8, 2013
- C. 1. Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$2,662.50 (Fund 413) for City Project No. 12-22, "Pedretti Park Sewer Line," bringing the contract total to \$35,600.50
2. Motion: Accepting improvements for City Project No. 12-22, "Pedretti Park Sewer Line," and authorizing the City Engineer to file a Notice of Completion
- D. Motion: Accepting notification of Contract Change Order No. 4 in the amount of \$49,489 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 06 – Structural Steel, bringing the contract total to \$3,489,458
- E. Motion: Accepting notification of Contract Change Order No. 2 in the amount of \$19,884 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 07 – Framing, Drywall, and Plaster, bringing the contract total to \$2,476,517
- F. Motion: Accepting notification of Contract Change Order No. 2 in the decreased amount of (\$14,500) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 9 – Doors and Windows, bringing the contract total to \$1,217,703

- G. 1. Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$4,177.66 (Fund 215) for City Project No. 0945, "Washington and West Main Intersection Improvements," bringing the contract total to \$181,800.66
2. Motion: Accepting improvements for City Project No. 0945, "Washington and West Main Intersection Improvements," and authorizing the City Engineer to file a Notice of Completion
- H. **Resolution No. 2013-011** Authorizing the creation of a Capital Improvements Coordinator job classification
- I. **Resolution No. 2013-012** Authorizing the submittal of an application to the California State Department of Housing and Community Development (HCD) for funding under the Emergency Solutions Grant (ESG) program; authorizing the City Manager to execute a standard HCD agreement, if selected, to receive such funding and any amendments thereto and all related documents necessary to participate in the ESG program
- J. *Removed from Consent Calendar for separate consideration.*
- K. Motion: Approving Amendment No. 2 to the agreement for special services with Dyett and Bhatia (Urban and Regional Planners) to extend the current termination date from December 31, 2012 to June 30, 2013 for the Turlock General Plan Update
- L. *Removed from Consent Calendar for separate consideration.*
- M. Motion: Approving an agreement with URS Corporation for groundwater monitoring as part of the continued investigation and remediation of PCE contamination in the Downtown area, in an amount not to exceed \$15,790
- N. Motion: Approving an agreement between Siemens Fire Safety and the Turlock Police Department for testing and inspection services related to the fire alarm system at Turlock Police and Fire Department, 900 N. Palm Street
- O. *Removed from Consent Calendar for separate consideration.*
- P. *Removed from Consent Calendar for separate consideration.*
- Q. Motion: Rejecting Claim for Damages filed by Ruben Prusso
- R. Motion: Rejecting Claim for Damages filed by Hugo Ticas
- S. **Resolution No. 2013-013** Rescinding Resolution No. 2012-039 and adopting the amended Personnel System Rules and Regulations regarding Reclassification

Item 5J

Development Services Director Mike Pitcock presented the staff report on the request to approve a retainer agreement for Fiscal Years 2012/13 and 2013/14 in an amount not to exceed \$50,000 with Economic & Planning Systems of Sacramento, California, for economic planning and development fee services.

Council and staff discussion included clarification that no monies would be expended if their services are not used.

City Attorney Phaedra Norton noted that in Paragraph 4 of the Retainer Agreement, the written amount indicates One Hundred Thousand and no/100ths Dollars, however, the numerical amount indicates \$50,000. She suggested, based upon the will of the Council, that the dollar amount be amended to read Fifty Thousand and no/100ths Dollars.

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

Action: Motion by Councilmember DeHart, seconded by Councilmember Bublak, Approving a retainer agreement for Fiscal Years 2012/13 and 2013/14 in an amount not to exceed \$50,000 with Economic & Planning Systems of Sacramento, California, for economic planning and development fee services and amending Paragraph 4 of the Retainer Agreement to indicate the correct amount of Fifty Thousand and no/100ths. Motion carried unanimously.

Item 5L

Municipal Services Director Dan Madden presented the staff report on the request to authorize the City of Turlock's membership in the Bay Area Recycled Water Coalition for the purpose of obtaining federal and state financial assistance for the construction of the North Valley Recycled Water Program and authorize the expenditure of funds in an amount not to exceed \$20,000 for the purpose of membership in that Coalition.

Council discussion included merits of the program and the benefits of garnering leverage for funding.

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

Action: **Resolution No. 2013-014** Authorizing the City of Turlock's membership in the Bay Area Recycled Water Coalition for the purpose of obtaining federal and state financial assistance for the construction of the North Valley Recycled Water Program, a project to provide recycled water to farmland and wildlife refuges on the west side of the San Joaquin Valley was introduced by Councilmember DeHart, seconded by Councilmember Nascimento, and carried unanimously.

Motion by Councilmember DeHart, seconded by Councilmember Nascimento, Authorizing the expenditure of funds in an amount not to exceed \$20,000 for the purpose of the City of Turlock's annual membership in the Bay Area Recycled Water Coalition from account number 410-51-530.43340 "North Valley Regional Recycled Water Project." Motion carried unanimously.

Item 5O

Police Chief Rob Jackson presented the staff report on the request to approve the purchase of two (2) replacement unmarked police vehicles for Turlock Police Department.

Council and staff discussion included an explanation for the change in vehicle make/model and the importance of reaching out to local vendors.

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

Action: **Resolution No. 2013-015** Approving the purchase of two (2) replacement unmarked police vehicles for Turlock Police Department from Patchett's Ford of Turlock, California, from account number 112-10-116.51115 "Unmarked Police Vehicles" in an amount not to exceed \$47,803 was introduced by Councilmember Bublak, seconded by Councilmember DeHart, and carried unanimously.

Item 5P

Human Resources Manager Sarah Eddy presented the staff report on the request to Rescind existing Resolution Nos. 2011-151, 2011-153, 2011-152, 2011-155, 2011-154 and 2007-259 adopting Memorandums of Understanding between the City of Turlock and Turlock Associated Police Officers (TAPO), Turlock City Employees Association (TCEA), Turlock Management Association – Public Safety TMAPS, Confidential Employees of the City of Turlock, Unrepresented Management Employees of the City of Turlock, and Turlock Firefighters, Local #2434, respectively, and Adopting a Side Letter Agreement amending the Memorandum of Understanding between the City of Turlock and Turlock Firefighters, Local #2434, covering the period November 1, 2012 through October 31, 2013. Green sheets to this item were noted.

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

Councilmember Bublak spoke regarding her request to remove this item from the Consent Calendar which included her appreciation for City employees working with the City to accomplish necessary economic measures and the lack of progress by the elected officials regarding benefits of future employees.

Action: **Resolution No. 2013-016** Rescinding Resolution No. 2011-151 and adopting a Memorandum of Understanding between the City of Turlock and Turlock Associated Police Officers (TAPO) covering the period December 1, 2012 through November 30, 2013 was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried with Councilmember Bublak dissenting.

Resolution No. 2013-017 Rescinding Resolution No. 2011-153 and adopting a Memorandum of Understanding between the City of Turlock and Turlock City Employees Association (TCEA) covering the period November 1, 2012 through October 31, 2013 was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried with Councilmember Bublak dissenting.

Resolution No. 2013-018 Rescinding Resolution No. 2011-152 and adopting a Memorandum of Understanding between the City of Turlock and Turlock Management Association – Public Safety (TMAPS) covering the period November 1, 2012 through October 31, 2013 was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried with Councilmember Bublak dissenting.

Resolution No. 2013-019 Rescinding Resolution No. 2011-155 and adopting a Schedule of Benefits for Confidential Employees of the City of Turlock covering the period November 1, 2012 through October 31, 2013 was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried with Councilmember Bublak dissenting.

Resolution No. 2013-020 Rescinding Resolution No. 2011-154 and adopting a Schedule of Benefits for Unrepresented Management Employees of the City of Turlock covering the period November 1, 2012 through October 31, 2013 was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried with Councilmember Bublak dissenting.

Resolution No. 2013-021 Rescinding Resolution No. 2007-259 and adopting a Memorandum of Understanding between the City of Turlock and Turlock Firefighters, Local #2434 covering the period November 1, 2012 through October 31, 2013 was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried with Councilmember Bublak dissenting.

Motion by Councilmember White, seconded by Councilmember Nascimento, Adopting a Side Letter Agreement amending the Memorandum of Understanding between the City of Turlock and Turlock Firefighters, Local #2434 dated November 1, 2012 through October 31, 2013. Motion carried with Councilmember Bublak dissenting.

6. FINAL READINGS: None

7. PUBLIC HEARINGS

- A. Police Lieutenant/Interim Assistant to the City Manager Ron Reid presented the staff report on the request to add Turlock Municipal Code Title 6, Chapter 1, Article 1, Section 17, regarding the permitting of Rescue Groups.

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

Action: Motion by Councilmember Bublak, seconded by Councilmember Nascimento, introducing an Ordinance Adding Turlock Municipal Code Title 6, Chapter 1, Article 1, Section 17, regarding the permitting of Rescue Groups, and setting the final reading for February 12, 2013. Motion carried unanimously.

8. SCHEDULED MATTERS:

- A. *Item was taken out of order prior to Item 4, Declaration of Conflicts of Interests and Disqualifications.*

- B. Planning Manager Debbie Whitmore presented the staff report on the request to authorize staff to issue a request for proposal for an update to the Northwest Triangle Specific Plan, Environmental Impact Report, and Infrastructure Financing Plan; and return to council at a future date to consider a budget amendment and contract proposal.

Council and staff discussion included opportunities for cost recovery.

Mayor Lazar asked for public comment.

Diana Porter-Suckow spoke in favor of the request for proposal for reasons including increased tax revenue for the City and opportunities for area property owners. Ms. Porter-Suckow thanked City staff for their efforts in bringing this matter forward.

Mayor Lazar closed public comment.

Action: Motion by Councilmember Bublak, seconded by Councilmember White, Authorizing staff to issue a request for proposal for an update to the Northwest Triangle Specific Plan, Environmental Impact Report, and Infrastructure Financing Plan; and bring back a budget amendment and contract proposal for consideration by the City Council at a future date. Motion carried unanimously.

- C. Municipal Services Director Dan Madden presented the staff report on the request to authorize the creation of the position of Deputy Director of Municipal Services funded by Enterprise Funds 410 and 420 and authorize the hiring and filling of such position through an in-house recruitment of full-time, part-time and volunteer/intern staff, and outside recruitment if needed.

Mayor Lazar asked for public comment.

Ken Whitehill inquired as to the automatic advancement from Deputy Director to Director upon Mr. Madden's retirement.

Mayor Lazar closed public comment.

Action: **Resolution No. 2013-022** Authorizing the creation of the position of Deputy Director of Municipal Services Funded by Enterprise Funds 410 and 420 was introduced by Councilmember Bublak, seconded by Councilmember White, and carried unanimously.

Resolution No. 2013-023 Authorizing the hiring of one (1) currently vacant Deputy Director position within Municipal Services through an in-house recruitment of full-time, part-time and volunteer/intern staff, and outside recruitment if needed was introduced by Councilmember Bublak, seconded by Councilmember White, and carried unanimously.

- D. Development Services Director Mike Pitcock presented the staff report on the request to accept the project status update on construction activities for City Project Nos. 0804A, "Turlock Public Safety Facility – Off-Site Improvements," and 0804B, "Turlock Public Safety Facility" and authorize the transfer of \$170,000 from Fund 216 (Prop 1B) Reserve to Fund 305 CFF (Police) for City Project 0804A, "Turlock Public Safety Facility-Off-Site Improvements."

Council and staff discussion included appreciation for staff's diligence in keeping project costs down.

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

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, Accepting the project status update on construction activities for City Project Nos. 0804A, "Turlock Public Safety Facility – Off-Site Improvements," and 0804B, "Turlock Public Safety Facility." Motion carried unanimously.

Resolution No. 2013-024 Authorizing the transfer of \$170,000 from Fund 216 (Prop 1B) Reserve to Fund 305 CFF (Police) for City Project No. 0804A, "Turlock Public Safety Facility-Off-Site Improvements" was introduced by Councilmember Bublak, seconded by Councilmember DeHart, and carried unanimously.

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION

Councilmember DeHart asked that the deadline set at a previous Council meeting for Anderson's Tow Company to establish a location in Turlock not be overlooked.

10. COUNCIL COMMENTS:

Mayor Lazar commented that he would provide a briefing and written report to Council regarding his recent visit to Washington, D.C. and Capitol Hill.

Mayor Lazar noted that the Closed Session item agendaized for tonight's meeting would be held over to the February 12, 2013 City Council meeting.

11. CLOSED SESSION:

Removed from agenda to be brought before City Council on February 12, 2013, at 7:00 p.m.

12. ADJOURNMENT:

Motion by Councilmember Bublak, seconded by Councilmember DeHart, to adjourn at 9:04 p.m.
Motion carried unanimously.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk