

1. **A. CALL TO ORDER** –Mayor Lazar called the meeting to order at 6:03 p.m.
PRESENT: Councilmembers Amy Bublak, Bill DeHart, Steven Nascimento, Forrest White, and Mayor John S. Lazar.
ABSENT: None
- B. SALUTE TO THE FLAG:** Mayor Lazar asked Taylor Ward of Boy Scout Troop 111 to lead the salute to the flag.
2. **PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:**
 - A. Pitman High School Hispanic Youth Leadership Council members Vicente Rosales, Felipe Laiton, and Enrique Diaz presented information about the Tuolumne River Regional Park Project, including park amenities, future development, and community outreach.
3. **A. SPECIAL BRIEFINGS:**
 1. Turlock City Arts Commissioner Sergio Alvarado briefed the Council on Arts Commission activities including a preview of the Columbia Park Art Show currently on display in City Hall, the November 12, 2013 public hearing scheduled to discuss the placement of the Queen Shamiram statue, and that efforts are currently underway to seek sponsors for the Spring Juried Art Show.
- B. STAFF UPDATES**
 1. Turlock Police Chief Robert Jackson provided information about the 7th Annual Public Safety Facility Open House to be held Saturday, October 26, 2013, from 10:00 a.m. to 3:00 p.m.
 2. Parks, Recreation & Community Facilities Manager Allison Van Guilder provided an update on sports facilities, activities, and promotion activities, including revealing a new promotional DVD created in partnership with the Turlock Chamber of Commerce, Convention and Visitors Bureau, and Creation Labs, that highlights Pedretti Park and the Turlock Regional Sports Complex.
 3. Assistant to the City Manager for Economic Development/Housing Maryn Pitt provided information on the status of the Economic Development Department, including the closure of the EDD Office and current efforts to ensure local services are maintained.
- C. PUBLIC PARTICIPATION:**

Charles Teval, Turlock Library Branch Manager and Kelly Ferrini, Turlock Children's Librarian provided information about upcoming programs, activities, and meetings.

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

5. **CONSENT CALENDAR:**

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

- A. **Resolution No. 2013-178** Accepting Demands of 9/26/13 in the amount of \$685,767.98; Demands of 10/3/13 in the amount of \$1,162,808.58
- B. Motion: Accepting Minutes of Regular Meeting of October 8, 2013
- C. **Resolution No. 2013-179** Readopting a Fee Deferral Program for the CFF, NWTSP and WISP Impact Fees for an additional twenty-four (24) months
- D. Motion: Approving a Lien Agreement for Deferred Payment of City of Turlock Development Impact Fees between the City of Turlock and Lydia Mitchell and Leong Tegner, LLC (Owner of 2901 N. Tegner Road, Turlock CA 95382)
- E. 1. Motion: Making the determination that City Project No. 12-59, "CNG Slow Fill Station Upgrade - Design Build Project," is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 (Minor Alterations of Land) of the CEQA Guidelines
2. Motion: Awarding bid and approving an agreement in the amount of \$330,000 (Fund 426-40-415.51270) with EFS West, Valencia, California, for City Project No. 12-59, "CNG Slow Fill Station Upgrade - Design Build Project"
- F. 1. Motion: Making the determination that City Project No. 13-54, "Chamber of Commerce HVAC Improvements," is exempt from the provisions of CEQA in accordance with Section 15301, "Existing Facilities"
2. Motion: Awarding bid, bid alternate, and approving an agreement in the amount of \$5,482 (Fund 301) with Champion Industrial Contractors, Inc., of Modesto, California, for City Project No. 13-54, "Chamber of Commerce HVAC Improvements"
3. **Resolution No. 2013-180** Appropriating \$5,115 to account number 301-50-520.51301 "City Facilities Repair" to be funded via a transfer of General Fund monies from Fund 110 "General Fund" for City Project No. 13-54, "Chamber of Commerce HVAC Improvements," to complete the necessary funding required for the project
- G. Motion: Accepting notification of Contract Change Order No. 2 in the amount of \$30,204.84 (Fund 415) for City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline," bringing the contract total to \$13,339,929.84
- H. Motion: Approving the purchase of two (2) 2014 Ford 1/2 ton super cab 2-WD pickup trucks from Patchetts Motors, Inc., of Turlock, California, for Development Services Department Building & Safety Division, in an amount not to exceed \$50,903
- I. **Resolution No. 2013-181** Approving and supporting the request of the County of Stanislaus to expand the Stanislaus Enterprise Zone (Expansion #8)
- J. **Resolution No. 2013-182** Approving an amendment to the 2010-14 Consolidated Plan, authorizing the submission of a substantial amendment to HUD, which amends the former adopted strategy by incorporating the HUD required recapture and resale provision language
- K. 1. Motion: Authorizing the purchase of four (4) partially funded 2014 Ford Fusion plug-in hybrid vehicles with grant funding reimbursement of \$20,000 per vehicle, of the approximate \$41,321 total per vehicle cost

2. **Resolution No. 2013-183** Appropriating \$193,011.92 to account number 506-000-000-213.51020 "Vehicle Replacement–Police" for the purchase of scooters and vehicles, with grant funding of \$98,861.92 from the San Joaquin Valley Air Pollution Control District and a transfer of \$94,150 from Fund 112 "General Fund Reserve for Capital Purchases"
- L. Motion: Approving an agreement between Tuolumne County and the City of Turlock pertaining to assistance under the Law Enforcement Mutual Aid Plan, and authorizing the City Manager to execute any and all necessary documents relative to the agreement, to receive reimbursement for the City of Turlock related to emergencies including, but not limited to the Rim Fire
- M. **Resolution No. 2013-184** Authorizing the hiring of one (1) Fire/Neighborhood Code Compliance Technician for the Turlock Fire Department to fill a current vacancy in the Neighborhood Services Unit through an in-house recruitment of full-time, part-time and volunteer/intern staff (with no priority given), and outside recruitment if needed
- N. **Resolution No. 2013-185** Authorizing approval to enter into contracts to maintain Basic Life and Accidental Death & Dismemberment Insurance (Life/AD&D) and Long Term Disability (LTD) coverage for Fiscal Year 2013-14
- O. 1. **Resolution No. 2013-186** Rescinding Resolution No. 2013-016 and adopting a Memorandum of Understanding between the City of Turlock and Turlock Associated Police Officers (TAPO) covering the period December 1, 2013 through November 30, 2014
2. **Resolution No. 2013-187** Rescinding Resolution No. 2013-017 and adopting a Memorandum of Understanding between the City of Turlock and Turlock City Employees Association (TCEA) covering the period November 1, 2013 through October 31, 2014
3. **Resolution No. 2013-188** Rescinding Resolution No. 2013-018 and adopting a Memorandum of Understanding between the City of Turlock and Turlock Management Association – Public Safety (TMAPS) covering the period November 1, 2013 through October 31, 2014
4. **Resolution No. 2013-189** Rescinding Resolution No. 2013-019 and adopting a Schedule of Benefits for Confidential Employees of the City of Turlock covering the period November 1, 2013 through October 31, 2014
5. **Resolution No. 2013-190** Rescinding Resolution No. 2013-020 and adopting a Schedule of Benefits for Management Employees of the City of Turlock covering the period November 1, 2013 through October 31, 2014
6. Motion: Adopting a Side Letter Agreement amending the Schedule of Benefits for Management Employees of the City of Turlock dated November 1, 2013 through October 31, 2014
7. **Resolution No. 2013-191** Rescinding Resolution No. 2013-021 and adopting a Memorandum of Understanding between the City of Turlock and Turlock Firefighters Local #2434 covering the period November 1, 2013 through October 31, 2014
8. Motion: Adopting a Side Letter Agreement amending the Memorandum of Understanding between the City of Turlock and Turlock Firefighters Local #2434 dated November 1, 2013 through October 31, 2014
- P. Motion: Rejecting Claim for Damages filed by Turlock City Tow Service Inc.

6. **FINAL READINGS:** None

7. PUBLIC HEARINGS:

- A. Deputy Director of Development Services/Planning Debbie Whitmore presented the staff report on the request to repeal Turlock Municipal Code Title 8, Chapter 11, regarding Capital Facilities Fees, and adopting a new Title 8, Chapter 11.

Council discussion included possible tracking mechanisms for future fee evaluation and authorizing the Development Services Director to make change of use and associated fee determinations until the new impact fee structure is in place.

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

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, introducing an Ordinance Repealing Turlock Municipal Code Title 8, Chapter 11, regarding Capital Facilities Fees, and adopting a new Title 8, Chapter 11, with direction to staff to add an exemption for a change in use in existing commercial or industrial buildings where there has been a use, equivalent to the use for which the impact fees were paid, that has operated for a period of not less than three (3) years, and setting the final reading for November 12, 2013. Motion carried unanimously.

- B. Municipal Services Director Michael Cooke presented the staff report on the request to amend Turlock Municipal Code Title 6, Chapter 4, Article 14, Section 01 regarding Director Responsible for Enforcement and adopt the Industrial Pretreatment Program Enforcement Response Plan.

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

Action: Motion by Councilmember White, seconded by Councilmember Nascimento, introducing an Ordinance Amending Turlock Municipal Code Title 6, Chapter 4, Article 14, Section 01, regarding Director Responsible for Enforcement and setting the final reading for November 12, 2013. Motion carried unanimously.

Mayor Lazar noted that the Resolution Adopting the Industrial Pretreatment Program Enforcement Response Plan would be considered after the final reading and adoption of the above Ordinance on November 12, 2013.

- C. *Removed from the Agenda.* Mayor Lazar requested the staff report on the request to add Turlock Municipal Code Title 5, Chapter 25, prohibiting Automated Secondhand Dealer Kiosk (ASDK) machines, or any similar devices or machines, which buy back personal electronic devices be removed from the agenda.

8. SCHEDULED MATTERS:

- A. Deputy Director of Development Services/Planning Debbie Whitmore presented the request to accept the staff report on StanCOG's Proposed Regional Housing Needs Allocation (RHNA) Methodology.

Council discussion included the discrepancy between StanCOG and Department of Housing and Community Development target numbers for new units, jobs/housing balance and associated philosophical views, infill development, and the need for legislative action allowing decision making to occur at the COG level using regional forecasts.

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

Action: Motion by Councilmember White, seconded by Councilmember DeHart, Accepting the staff report on StanCOG's Proposed Regional Housing Needs Allocation (RHNA) Methodology. Motion carried unanimously.

- B. Municipal Services Director Michael Cooke presented the staff report on the request to direct the City Manager to write a letter to the Stanislaus County Board of Supervisors requesting that a stakeholder group is convened to consider groundwater pumping regulations in Stanislaus County and for the Stanislaus County Board of Supervisors to consider a moratorium on new agricultural production wells while such regulations are being developed.

Council discussion included lengthy time frames for regulation development and the need to advance a focus group.

Mayor Lazar asked for public comment.

Turlock Chamber of Commerce CEO Sharon Silva spoke in favor of a moratorium.

Mayor Lazar closed public comment.

Action: Motion by Councilmember White, seconded by Councilmember DeHart, Directing the City Manager to write a letter to the Stanislaus County Board of Supervisors requesting that a stakeholder group is convened to consider groundwater pumping regulations in Stanislaus County and for the Stanislaus County Board of Supervisors to consider a moratorium on new agricultural production wells while such regulations are being developed. Motion carried unanimously.

- C. Turlock Fire Chief Tim Lohman presented the staff report on the request to authorize the recruitment and hiring of one (1) Fire Fighter for the Turlock Fire Department to fill a current vacancy and maintain line level staffing at forty-two (42) positions supported by the General Fund, with additional recruitments and hiring as necessary through the end of Fiscal Year 2013-14.

Council discussion included revisiting the requirement to receive Council approval when filling vacancies, delegating direct authority to the City Manager to fill vacancies within the approved budget, and the timeline for hiring new personnel.

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

Action: **Resolution No. 2013-192** Authorizing the recruitment and hiring of one (1) Fire Fighter for the Turlock Fire Department to fill a current vacancy and maintain line level staffing at forty-two (42) positions supported by the General Fund, with additional recruitments and hiring as necessary through the end of Fiscal Year 2013-14, was introduced by Councilmember White, seconded by Councilmember DeHart, and carried unanimously.

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Mayor Lazar asked that an item delegating direct authority to the City Manager to fill vacancies within the adopted budget be placed on the next agenda.

10. COUNCIL COMMENTS:

Councilmember White urged Council to seriously look at a half-cent sales tax for roads due to the City's future revenue with StanCOG being limited and asked to see it as a discussion item on a future agenda.

Mayor Lazar commented on his disappointment with the political process during a vote at a recent StanCOG meeting and asked that the City Attorney look into the possible reconfiguration of StanCOG to ensure Turlock receives their fair share of funding.

11. CLOSED SESSION: None

12. ADJOURNMENT:

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

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk