

MAY 14, 2013
6:00 p.m.
City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

MINUTES
Regular Meeting
Turlock City Council

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1. **A. CALL TO ORDER** –Vice Mayor DeHart called the meeting to order at 6:02 p.m.
PRESENT: Councilmembers Amy Bublak, Bill DeHart, Steven Nascimento, Forrest White, and Mayor John S. Lazar (arrived at 6:12 p.m.)
ABSENT: None

B. SALUTE TO THE FLAG
 2. **PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:**
 - A. Vice Mayor DeHart presented a Proclamation to Mary Lou Martinez of Memorial Medical Center in recognition of Asthma Awareness Month, May 2013.
 - B. Vice Mayor DeHart presented a Proclamation to Municipal Services Director Dan Madden in recognition of Public Works Week, May 19-25, 2013.
 - C. Mayor Lazar recommended that Natalie Adamzadeh be appointed to the Turlock City Arts Commission as an alternate member.

Action: Motion by Councilmember DeHart, seconded by Councilmember Bublak, appointing Natalie Adamzadeh as an alternate member to the Turlock City Arts Commission to a vacant, unexpired term ending 06/30/13. Motion carried unanimously.
 - D. Mayor Lazar recognized City of Turlock Environmental Compliance Inspector Dan Frisch upon being named recipient of a California Water Environment Association (CWEA) Quarter Century Recognition Program award.
 3. **A. SPECIAL BRIEFINGS:** None

B. STAFF UPDATES
 1. Deputy City Clerk Stacey Tonarelli provided information regarding upcoming Board, Commission, and Committee vacancies.
 2. Development Services Director Mike Pitcock provided an update on capital projects and building activity, including permit tracking, Harding Drain Bypass Project, Golden State Median Project, Sewer Lift Station at West Main Street/Clinton, and Fulkerth Road Overlay Project.
C. PUBLIC PARTICIPATION:

Nick Horning of Project Sentinel thanked the City and Councilmembers for their continued support to project sentinel's fair housing and landlord tenant dispute resolution services.

Josephine Yako spoke in regard to an Administrative Citation she received requesting 3 of her 6 dogs be removed from her residence. She requested the City Ordinance be revised to allow a person to have up to 6 dogs. Interim Assistant to the City Manager/Lieutenant Ron Reid clarified Ms. Yako's request and informed Council that an Administrative Hearing was the course of action to address her specific Citation. Mayor Lazar thanked Ms. Yako for her comments and requested she follow the proper course of action through the hearing process.

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

Action: Motion by Councilmember Bublak, seconded by Councilmember White, 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 Councilmember Bublak's request that Item 5S be removed from the Consent Calendar for separate consideration.

Action: Motion by Councilmember DeHart, seconded by Councilmember Nacsimento, and unanimously carried to adopt the amended Consent Calendar as follows:

- A. **Resolution No. 2013-071** Accepting Demands of 4/11/13 in the amount of \$830,161; Demands of 4/18/13 in the amount of \$3,867,007.26
- B. Motion: Accepting Minutes of Regular Meeting of April 23, 2013
- C. Motion: Awarding bid and approving an agreement in the amount of \$3,530,000 (Fund 420) with Clark Bros. Inc., of Dos Palos, California, for City Project No. 11-42, "Fulkerth Tank and Pump Station"
- D. Motion: Accepting improvements for City Project No. 12-58, "Chamber of Commerce Building Repair," and authorizing the City Engineer to file a Notice of Completion
- E. 1. Motion: Awarding bid and approving an agreement in the amount of \$6,856 (Fund 112) with Downey & Son Painting, of Livingston, California, for City Project No. 13-29, "Fire Station No. 4 Repaint"
2. **Resolution No. 2013-072** Appropriating \$8,500 to account number 112-10-510.51147 "Fire Station No. 4 Repaint" through a transfer from Fund 110 "General Fund (Unreserved)" to fund City Project 13-29, "Fire Station No. 4 Repaint" as listed in the Capital Improvement Plan for Fiscal Year 2012-13
- F. Motion: Approving Contract Change Order No. 1 in the amount of \$36,043.29 (Fund 215) for City Project 0740, "Landscape Golden State Boulevard from Christoffersen Parkway to Roberts Road," bringing the contract total to \$418,714.29
- G. Motion: Approving Amendment No. 3 with WLC Architects, Inc. for an additional \$255,000 (Fund 305) in compensation for architectural design and construction management services for the Public Safety Facility, City Project No. 0804
- H. Motion: Approving Contract Change Order No. 1 in the amount of \$7,580.80 (Fund 215) for City Project 0870, "Landscape Golden State Boulevard from Roberts Road to Monte Vista Avenue," bringing the contract total to \$366,764.30
- I. Motion: Approving Contract Change Order No. 1 in the amount of \$22,778.77 (Fund 215) for City Project No. 0872, "Landscape Golden State Boulevard from Monte Vista Avenue to the South," bringing the contract total to \$717,508.77

- J. Motion: Approving Amendment No. 3 to the agreement with Carollo Engineers, increasing the total compensation by \$14,385, to provide claim review services for City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline"
- K. 1. Motion: Approving Amendment No. 3 to the Retainer Agreement (Contract No. 11-915) with 4Leaf, Inc., of Pleasanton, California, for plan check services in an amount not to exceed \$60,000, and extending the agreement to expire June 30, 2014
2. Motion: Approving Amendment No. 3 to the Retainer Agreement (Contract No. 11-918) with Bureau Veritas North America, Inc., of Sacramento, California, to incorporate the current Building Department fee structure and to extend the agreement to expire June 30, 2014
- L. Motion: Approving Amendment No. 2 of the Professional Services Agreement between the City of Turlock and AECOM Technical Services, Inc., to extend the term from March 31, 2013 to June 30, 2013, 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
- M. 1. Motion: Approving the advertisement of City Project No. 12-53, "Crowell Rd. Pedestrian Improvements" for construction proposals
2. **Resolution No. 2013-073** Appropriating \$39,568 to account number 217-50-511.51270 "Construction Projects" through a transfer from Fund 217 "Gas Tax – Section 2103 Reserve" to fund City Project No. 12-53, "Crowell Rd. Pedestrian Improvements"
- N. Motion: Approving a Rehabilitation Loan Agreement between the City of Turlock and Stanislaus County Affordable Housing Corporation (STANCO) in the total amount of \$34,000 for the rehabilitation costs related to the four-plex located at 1061 Alpha Road, Turlock, California, as prescribed by the Adopted Rehabilitation Loan Policies and Procedures
- O. **Resolution No. 2013-074** Appropriating \$4,500 to account number 110-61-622-003.43727 "Turlock Youth Self Defense" funded by revenue received in 110-61-622-003.35720 "Revenue Turlock Self Defense" to cover the cost of paying the contracted instructor for program classes, bringing the expense account out of a negative balance; Appropriating \$13,000 to Fund 110-61-630-121.41002_000 "P.L.A.Y. Program Part Time Help" funded by revenue received in Fund 110-61-630-121.35720 "P.L.A.Y. Program Revenue" to cover the cost of paying part-time staff for the program, bringing the expense account out of a negative balance
- P. **Resolution No. 2013-075** Rescinding Resolution No. 2012-086 and adopting the amended powers, duties, and procedures for conducting Turlock City Arts Commission business by changing the start time of regular meetings from 7:00 p.m. to 6:00 p.m.
- Q. **Resolution No. 2013-076** Authorizing the termination of the Joint Exercise of Powers Agreement established on November 19, 1992, between the Cities of Ceres, Hughson, Modesto, Turlock, Delhi County Water District, Denair Community Services District, Hilmar County Water District, and Keyes Community Services District as related to the proposed Drinking Water Supply Project
- R. Motion: Approving a Professional Service Agreement with Condor Earth Technologies, Inc., to provide an update and revalidation of the California Accidental Release Prevention (CalARP) Program for the chlorine facility at the City of Turlock Regional Water Quality Control Facility in the amount of \$8,603 from Fund 410-51-530.43336 "CalARP Compliance Audit"
- S. *Removed for separate consideration.*
- T. **Resolution No. 2013-077** Approving a contract with TargetSolutions for a one (1) year subscription of online training services for continuing education in Emergency Medical Service (EMS) and other various mandated training to Turlock Fire Department personnel, in an amount not to exceed \$3,995, from Fund 265-30-310.302_47140 "Cal Firefighters Joint Apprenticeship Committee (JAC)"

- U. **Resolution No. 2013-078** Declaring the City Council's intent to consider the renewal of the Turlock Downtown Property and Business Improvement District (PBID) and setting a public hearing for July 9, 2013
- V. **Resolution No. 2013-079** Authorizing the City Manager to sign a petition in favor of initiating special assessment proceedings for and cast an assessment ballot in favor of the proposed Turlock Downtown Property and Business Improvement District (PBID)
- W. **Motion:** Rejecting Claim for Damages filed by Don Hansen

Item 5S Municipal Services Director Dan Madden presented the staff report on the request to Approve a Professional Services Agreement between the City of Turlock and Municipal Financial Services for the preparation of a Water Rate and Water Connection Fee Study in an amount not to exceed \$31,680 from Non-General Fund 420-52-550_43320 "Special Services/Projects"

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

Councilmember Bublak clarified her request for separate consideration for reasons including that she voted no in January to go out to bid for this service and that this service could be handled in-house.

Action: Motion by Councilmember White, seconded by Councilmember Nascimento, to approve a Professional Services Agreement between the City of Turlock and Municipal Financial Services for the preparation of a Water Rate and Water Connection Fee Study in an amount not to exceed \$31,680 from Non-General Fund 420-52-550_43320 "Special Services/Projects". Motion carried with Councilmembers DeHart and Bublak dissenting.

6. FINAL READINGS:

- A. **Ordinance No. 1185-CS**, Amending the Turlock Municipal Code by adding Chapter 24 "Protection of Agricultural Operations" to Title 5 and amending Sections 11-5-202, 11-5-506, and 11-6-102 regarding subdivision requirements as introduced at the April 23, 2013 meeting was unanimously passed and adopted.

7. PUBLIC HEARINGS

- A. Assistant to the City Manager on Economic Development/Housing Services Maryn Pitt presented the staff report on the request to approve the Fiscal Year 2013-14 Annual Action Plan for the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME); approve Annual Funding Agreements between the City of Turlock and six (6) HOME Consortium sub-recipients for the purpose of undertaking HOME eligible housing assistance activities pursuant to Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 for Fiscal Year 2013-14; and approve agreements between the City of Turlock and each of the eight (8) funded non-profit Public Service Agencies.

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

Action: **Resolution No. 2013-080** Approving the Fiscal Year 2013-14 Annual Action Plan for the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), authorizing submission of the Annual Action Plan to HUD, and authorizing the City Manager or designee to execute all related and necessary documents was introduced by Councilmember Bublak, seconded by Councilmember DeHart, and carried unanimously.

Motion by Councilmember Bublak, seconded by Councilmember DeHart, Approving the Annual Funding Agreements between the City of Turlock and six (6) HOME Consortium sub-recipients for the purpose of undertaking HOME eligible housing assistance activities pursuant to Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 for Fiscal Year 2013-14 in the amount of \$581,671. Motion carried unanimously.

Motion by Councilmember Bublak, seconded by Councilmember DeHart, Approving the agreements between the City of Turlock and each of the eight (8) funded non-profit public service agencies in the amount of \$80,000. Motion carried unanimously.

- B. Planning Services Manager Debbie Whitmore presented the staff report on the request to determine whether a change in the 200 bed cap on emergency shelter beds in the SB 2 Emergency Shelter Overlay District is required and, if necessary, increasing the cap.

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

There was no change requested in the bed cap on emergency shelter beds in the SB 2 Emergency Overlay District.

Action: None

8. SCHEDULED MATTERS:

- A. City Manager Roy Wasden and City staff presented information on their respective General Fund budgets for the Fiscal Year 2013-14. Non General Fund will be presented June 11, 2013. Reports were received from:

Roy Wasden	Administration
Phaedra Norton	City Attorney
Diana Lewis	Human Resources
Roy Wasden	General Government
Steve Williams	Police Department
Tim Lohman	Fire Services
Mike Pitcock	Development Services
Allison Van Guilder	Parks Recreation & Public Facilities

Council recommended receiving staff's presentation on the General Fund budget only and the Non-General Fund presentation be scheduled for the May 28, 2013 City Council meeting at which time final questions on the General Fund budget will be addressed with the final adoption of the entire Budget scheduled for June 11, 2013

Council discussion on the General Fund budget included public safety staffing levels with regard to retention compliance of the COPS and Fire grant positions, capital expenditure expenses, prior fee reductions, transit operations, neighborhood services, and the status quo budget, zero balance budget and the \$1 million reserve deficit budget scenarios.

Action: None – Information Only.

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION: None

10. COUNCIL COMMENTS:

Councilmember Bublak requested an update from the Teen Advisory Council and commented on the low attendance at the community forums, strategies for increasing awareness, and content of information being presented. City Manager Wasden explained efforts that have been made to advertise the forums and to improve information being presented.

11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the Closed Session items.

- A. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
Property: 1801 S. Walnut Road, Turlock, CA 95380, APN 044-015-008
Agency Negotiators: Roy Wasden
Negotiating Parties: Singh Gurmeet Et Al
Under Negotiation: Price and Terms of Payment

Action: No reportable action.

- B. Conference with Legal Counsel, Cal. Gov't Code §54956.9(c)
Initiation of Litigation (1 case)

Action: No reportable action.

12. ADJOURNMENT:

Mayor Lazar adjourned the meeting at 8:07 p.m.

RESPECTFULLY SUBMITTED

Stacey Tonarelli
Deputy City Clerk