

1. **A. CALL TO ORDER** –Mayor Lazar called the meeting to order at 7:10 p.m.
PRESENT: Councilmembers Amy Bublak, Bill DeHart (by teleconference), Mary Jackson, 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 in recognition of Asthma Awareness Month, May 2012, to Virginia McLain, who accepted on behalf of the Asthma Coalition.
 - B. Mayor Lazar presented a Proclamation to Margie Palomino of Stanislaus County’s Commission on Aging in recognition of Older American Month, May 2012.
 - C. Mayor Lazar presented a Proclamation to Ms. Dell Perales, Stanislaus County Commission on Aging 2012 Senior Award Winner.
 - D. Environmental Compliance Inspector Dan Frisch recognized Dairy Farmers of America’s recent “Certificate of Merit 2011” award presented by the California Water Environment Association, Pretreatment Pollution Prevention & Storm Water Committee. Tom Baker and Michelle Moore were recognized for their achievement.

3. **A. SPECIAL BRIEFINGS:** None

- B. STAFF UPDATES**
 1. Development Services Director Mike Pitcock provided an update on City of Turlock capital projects.
 2. The update by Environmental Compliance Inspector Dan Frisch regarding information on improvements to the City of Turlock’s Pretreatment Program was held over to the next meeting.

- C. PUBLIC PARTICIPATION**

Pastor Dave Larson of New Life Center recapped the activities and impacts of the Love Turlock event held on April 28, 2012.

Turlock Library Branch Manager Carol Blomquist provided information about upcoming programs and activities at the Turlock Library.

Byron Fruetel spoke against the City of Turlock’s policy regarding sidewalk repair and City theme trees due to the burden of repair being placed on the home owner.

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

Action: Motion by Councilmember Jackson, 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:

Mayor Lazar identified a Conflict of Interest in regard to Scheduled Matters Item 8B due to his wife serving as an officer in the Carnegie Arts Center Foundation organization.

5. CONSENT CALENDAR:

Staff requested that Consent Calendar Item 5G be removed from the Consent Calendar for separate consideration.

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

- A. **Resolution No. 2012-070** Accepting Demands of 4/12/12 in the amount of \$1,422,905; Demands of 4/19/12 in the amount of \$1,743,782.54
- B. Motion: Accepting Minutes of Special Meeting of April 24, 2012; Minutes of Regular Meeting of April 24, 2012
- C. Motion: Reaffirming the emergency declaration of the City Manager that there is a need to pursue the replacement of hot water circulation piping at the Turlock Regional Water Quality Control Facility without compliance to the formal bid process
- D. Motion: Approving Amendment No. 1 to the agreement with Koehn Engineering & Design, Inc., of Turlock, California, for City Project No. 0804B, "Turlock Public Safety Facility," for special services, in an amount not to exceed \$1,950
- E. **Resolution No. 2012-071** Authorizing the filling of one (1) anticipated vacant Staff Services Assistant position within the Development Services Department (Building Division) through an in-house recruitment of full-time, part-time and volunteer staff, and outside recruitment if needed
- F. **Resolution No. 2012-072** Authorizing the submittal of an application for the allocation of funds and execution of a grant agreement with the California Department of Transportation, Division of Mass Transportation, in the amount of \$1,950,000, from the "Public Transportation Modernization, Improvement, and Service Enhancement Account" (PTMISEA) - Regional Apportionment
- G. *Removed for separate consideration.*
- H. **Resolution No. 2012-073** Authorizing the submittal of an application with the Arrowhead Club competitive grant contest for a radio controlled soccer scoreboard to be used at the Turlock Regional Sports Complex
- I. **Resolution No. 2012-074** Accepting an allocation of funds, execution of a grant agreement, and appropriation of funds for the Federal FY 2011-12 Edward Byrne Memorial Justice Assistance Grant (JAG) funds from the United States Department of Justice, Office of Criminal Justice Programs, in the amount of \$34,082
- J. Motion: Approving a professional services retainer agreement for preparation and filing of 2012-13 claims for State Mandated Cost Reimbursement with Nimbus Consulting Group, LLC in an amount not to exceed \$9,200
- K. Motion: Rejecting Claim for Damages filed by Karmjit Singh
- L. Motion: Rejecting Claim for Damages filed by Dana Rine

Item 5G

Municipal Services Director Dan Madden presented the staff report on the request to approve an amendment to the North Valley Regional Recycled Water Project Collaborative Partnership Memorandum of Understanding to accept the City of Ceres termination in the Partnership and approve a Cost-Sharing Agreement with the City of Modesto and Del Puerto Water District for expenses associated with Phase II of the North Valley Regional Recycled Water Project. He noted that since the submittal of the staff report issues have been raised in regard to the resignation of the City of Ceres and asked that Council consider only the resolution dealing with the Cost Sharing Agreement.

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

Action: **Resolution No. 2012-075** Approving a Cost-Sharing Agreement with the City of Modesto and Del Puerto Water District for expenses associated with Phase II of the North Valley Regional Recycled Water Project was introduced by Councilmember Bublak, seconded by Councilmember White, and carried unanimously.

6. FINAL READINGS:

- A. **Ordinance No. 1164-CS**, Repealing Turlock Municipal Code Title 4, Chapter 7, Article 9, Section 03 entitled, "Solicitation of Motorists Prohibited" as Introduced on April 24, 2012 was unanimously passed and adopted.

7. PUBLIC HEARINGS

- A. Planning Director 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.

Council discussion included annual review requirements and capacity forecasts.

Action: None

- B. Housing Program Services Manager/Interim Assistant to the City Manager Maryn Pitt presented the staff report on the request to approve and submit the Fiscal Year 2012-2013 Annual Action Plan for the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME) and to approve the annual funding agreements between the City of Turlock and each of the seven (7) HOME Consortium sub-recipients and six (6) funded non-profit Public Service Agencies.

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

Action: **Resolution No. 2012-076** Approving the Fiscal Year 2012-2013 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 White, seconded by Councilmember Jackson, and carried unanimously.

Motion by Councilmember White, seconded by Councilmember Jackson, Approving the annual funding agreements between the City of Turlock and each of the seven (7) 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 FY 2012 in the amount of \$568,043.79 as outlined in the Consortia Annual funding agreements as Exhibit A. Motion carried unanimously.

Motion by Councilmember White, seconded by Councilmember Jackson, Approving the agreements between the City of Turlock and each of the six (6) funded non-profit Public Service Agencies in the amount of \$60,000 as described in Exhibit B. Motion carried unanimously.

8. SCHEDULED MATTERS:

- A. City Manager Roy Wasden presented the staff report on the request to amend the Fiscal Year 2011/12 General and Non-General Fund Budgets, including a brief overview of non-health related amendments and more detailed information relating to increases in the cost of health care.

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

Action: **Resolution No. 2012-077** Amending the City of Turlock Fiscal Year 2011/12 General and Non-General Fund Budgets was introduced by Councilmember White, seconded by Councilmember DeHart, and carried unanimously.

Mayor Lazar stepped down from the dais due to his previously identified conflict of interest regarding his wife serving as an officer in the Carnegie Arts Center Foundation organization.

- B. City Manager Roy Wasden presented the staff report on the request to amend the agreement between the City of Turlock and the Carnegie Arts Foundation to return \$90,000 and all accrued interest on the \$100,000 Performance Security to the Carnegie Foundation and to retain \$10,000 of the \$100,000 as a security deposit for the Carnegie Center and pay the accrued annual interest to the Foundation by July 31 of each calendar year.

Council discussion included contract requirements, presentation of an annual report in September, contract origins/provisions, importance of maintaining contract requirements, and scheduled inspections of the facility.

Vice-Mayor Jackson asked for public comment. No one spoke. Vice-Mayor Jackson closed public comment.

Additional Council discussion included consequences of failure to uphold current contract requirements, reasonable security deposit amount, concerns regarding financial status of the Foundation in light of the early request for the return of a portion of their security deposit, request for financial reports, and providing the Foundation with every opportunity they need to be successful.

Vice-Mayor Jackson noted she did not support the original agreement and was embarrassed about the way the building was built.

Carnegie Arts Center Foundation Executive Director Rebecca Phillips Abbott spoke in favor of returning the security deposit.

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, to return \$80,000 to the Carnegie Foundation in September at the time of the annual review, and retain \$20,000 as a security deposit. Motion failed with Councilmember White and Vice-Mayor Jackson dissenting and Mayor Lazar not participating.

Motion by Councilmember White, seconded by Councilmember Bublak, to allocate \$20,000 out of the \$100,000 security deposit, with the remainder to be addressed when the annual report is made in September. Motion carried with Mayor Lazar not participating.

Mayor Lazar returned to the dais.

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Councilmember Jackson requested the basis for the legality of Mayor Lazar's conflict of interest regarding the Carnegie Foundation be provided in writing.

10. COUNCIL COMMENTS:

Councilmember Jackson clarified her request from the April 24, 2012 Council meeting regarding providing coffee to staff, indicating she would like coffee available to staff to provide to clients/visitors during meetings.

Councilmember Jackson thanked all who participated in the Turlock Farmer's Market Kickoff event and reminded everyone about the Market which is held on Fridays, between 8:00 a.m. and 1:00 p.m.

Mayor Lazar noted the annual Turlock Mayor's Prayer Breakfast will be held Thursday, May 10, 2012, at Larsa Banquet Hall.

11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the Closed Session Items.

Conference with Real Property Negotiators, Cal. Gov't Code §54956.8

Property: 434 South Laurel Street, Turlock, APN 050-027-031

Agency Negotiator: Roy W. Wasden

Negotiating Parties: Habitat for Humanity, Stanislaus County, a non-profit community housing development organization

Under Negotiation: Price and Terms of Payment

Property: 615 Julian Street, Turlock, APN 0061-008-016

Agency Negotiator: Roy W. Wasden

Negotiating Parties: We Care, a non-profit organization

Under Negotiation: Price and Terms of Payment

Action: Council provided direction to staff.

12. ADJOURNMENT:

Mayor Lazar adjourned the meeting at 8:32 p.m.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk