

1. **A. CALL TO ORDER** –Mayor Lazar called the meeting to order at 7:02 p.m.
PRESENT: Councilmembers Amy Bublak, Bill DeHart, 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 to Fire Chief Tim Lohman and Police Chief Robert Jackson in remembrance of the 11th Anniversary of the events of September 11, 2001. Fire Chief Lohman announced that a small ceremony is being planned to commemorate the anniversary.
3. **A. SPECIAL BRIEFINGS:** None
- B. STAFF UPDATES**
 1. Police Chief Robert Jackson provided an update on the public safety radio system, including a brief history of concerns and potential options for the future communications needs.
- C. PUBLIC PARTICIPATION:**

Jimmy Ebergenyi, owner of Milo’s Taco – Grill & Catering, introduced his new restaurant and spoke favorably about the downtown area of Turlock.
4. **A. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA:** None
- B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:**

Councilmember Bublak identified conflicts of interest with Consent Calendar Item 5N and Scheduled Matters Item 8D due to her employment as a Police Officer with the Modesto Police Department.
5. **CONSENT CALENDAR:**

Mayor Lazar noted that Consent Calendar Item 5N would be removed from the consent calendar and handled separately due to Councilmember Bublak’s conflict of interest.

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

- A. **Resolution No. 2012-144** Accepting Demands of 7/26/12 in the amount of \$2,673,852.24; Demands of 8/2/12 in the amount of \$1,379,003.54
- B. Motion: Accepting Minutes of Regular Meeting of August 14, 2012
- C. 1. Motion: Approving Contract Change Order No. 6 in the credit amount of (\$16,564.49) (Fund 426) for City Project No. 0952, "Turlock Regional Transit Center," bringing the contract total to \$1,659,782.33
2. Motion: Accepting improvements for City Project No. 0952, "Turlock Regional Transit Center," and authorizing the City Engineer to file a Notice of Completion
- D. Motion: Accepting notification of Contract Change Order No. 1 in the amount of \$18,200 (Fund 420) for City Project No. 10-24, "Well #40 Site Work," bringing the contract total to \$210,866.35
- E. Motion: Approving Contract Change Order No. 1 in the amount of \$77,170.78 (Fund 215) for City Project No. 10-65, "Rehabilitation of Golden State Boulevard and West Main Street," bringing the contract total to \$1,077,626.75
- F. 1. Motion: Approving Contract Change Order No. 1(Final) in the credit amount of (\$4,478) for City Project No. 11-45, "Well #41 Pilot Hole," bringing the contract total to \$20,100
2. Motion: Accepting improvements for City Project No. 11-45, "Well #41 Pilot Hole," and authorizing the City Engineer to file a Notice of Completion
- G. **Resolution No. 2012-145** Appropriating \$336,000 of unspent funds from Fiscal Year 2011-12 to Fiscal Year 2012-13 for various City projects
- H. **Resolution No. 2012-146** Approving an Amendment to the Fiscal Year 2012-13 budget to appropriate \$5,000 to account number 110-40-400.43131 "Smart Valley Places Grant Expenses" funded by revenue received in account number 110-40-400.34172 "Smart Valley Places Grant" and approving Amendment No. 1 to the agreement between the City of Turlock and Jarvis, Fay, Doporto, and Gibson, LLP, dated November 7, 2011
- I. **Resolution No. 2012-147** Appropriating \$8,814.13 of unspent funds from fiscal year 2011-12 to Fiscal Year 2012-13 account number 305-40-442.43270 "General Plan Update" from Fund 305 "Capital Facilities Fees – Administration" Reserve Balance
- J. **Resolution No. 2012-148** Approving a land and facilities lease rate schedule for the Turlock Municipal Airport for the period of July 1, 2012 through June 30, 2014 and authorizing the City Manager to execute any related documents
- K. **Resolution No. 2012-149** Authorizing the sole source procurement of four (4) Flygt brand motors from Shape, Inc. of Stockton, California, in an amount not to exceed \$100,000, from Fund 410-51-534-44030_039 "Minor Equipment Biotower Pump (Spare)," without compliance to the formal bid process
- L. 1. Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$23,476 (Fund 302) for City Project No. 10-30, "Streetlight Induction Lamp Replacement/Retrofit," bringing the contract total to \$589,766
2. Motion: Accepting improvements for City Project No. 10-30, "Streetlight Induction Lamp Replacement/Retrofit," and authorizing the City Engineer to file a Notice of Completion
- M. Motion: Approving the agreement renewal between the City of Turlock and Independent Contractor (Dragon Sports) to offer youth self-defense classes
- N. *Removed for separate consideration.*
- O. **Resolution No. 2012-150** Authorizing approval to enter into a contract with the Central San Joaquin Valley Risk Management Authority for Crime Shield Coverage for Fiscal Year 2012-13
- P. Motion: Rejecting Claim for Damages filed by Verna Gaylord
- Q. Motion: Rejecting Claim for Damages filed by Kenneth Williams

Councilmember Bublak stepped down from the dais due to her previously identified conflict of interest.

Item 5N Mayor Lazar introduced the request to appropriate in fiscal year 2011-12, \$53,979 to account number 266-20-255-345.43135_001 "OTS Avoid Grant Allied Agencies," to be funded by a transfer from the General Fund - Police Services-Patrol budget as a result of salary savings in the Police Department's Field Operations Division.

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

Action: **Resolution No. 2012-151** Appropriating in fiscal year 2011-12, \$53,979 to account number 266-20-255-345.43135_001 "OTS Avoid Grant Allied Agencies," to be funded by a transfer from the General Fund - Police Services-Patrol budget as a result of salary savings in the Police Department's Field Operations Division was introduced by Councilmember DeHart, seconded by Councilmember White, and carried with Councilmember Bublak not participating.

Councilmember Bublak returned to the dais.

6. FINAL READINGS: None

7. PUBLIC HEARINGS

A. Planning Manager Debbie Whitmore presented the staff report on the request to adopt a Mitigated Negative Declaration of Environmental Effects pursuant to the California Environmental Quality Act (CEQA), amend the General Plan Land Use Diagram and Zoning Map of the City of Turlock attached to Title 9 of the Turlock Municipal Code and approve Minor Discretionary Permit 2012-09 (O'Reilly Auto Parts).

Council discussion included zoning designations and parking issues associated with the request.

Mayor Lazar opened the public hearing.

Ken Moore spoke regarding turning lanes into and out of the property.

Sergio Alvarado confirmed that this store would replace the existing O'Reilly Auto Parts store.

Mayor Lazar closed the public hearing.

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, Adopting a Mitigated Negative Declaration of Environmental Effect pursuant to the California Environmental Quality Act (CEQA). Motion carried unanimously.

Resolution No. 2012-152 Amending the General Plan Land Use Diagram [General Plan Amendment 2012-01 (O'Reilly Auto Parts)] was introduced by Councilmember Bublak, seconded by Councilmember DeHart, and carried unanimously.

Motion by Councilmember Bublak, seconded by Councilmember DeHart, introducing an Ordinance Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2012-01 (O'Reilly Auto Parts)] and setting the final reading for September 11, 2012. Motion carried unanimously.

Mayor Lazar advised the Resolution Establishing Conditions of Approval for Minor Discretionary Permit 2012-09 (O'Reilly Auto Parts) would be considered at the September 11, 2012 meeting, following approval of the Ordinance.

8. SCHEDULED MATTERS:

- A. Development Services Director Mike Pitcock presented the staff report on the request to award bid and approve an agreement in the amount of \$382,671 (Fund 215) with George Reed, Inc., of Modesto, California for City Project Number 0740, "Landscape Golden State Boulevard from Christoffersen Parkway to Roberts Road" and award bid and approve an agreement in the amount of \$359,183.50 (Fund 215) with George Reed, Inc. for City Project Number 0870, "Landscape Golden State Boulevard from Roberts Road to Monte Vista Avenue. Mr. Pitcock noted that funding for these projects is provided by traffic enhancement grants specific to enhancing beautification and cannot be used for repairing roads.

Mayor Lazar asked for public comment.

Ken Whitehill spoke regarding crossovers or ways to get back across the median. Mr. Pitcock advised there were none.

Mayor Lazar closed public comment.

Action: Motion by Councilmember White, seconded by Councilmember Jackson, Awarding bid and approving an agreement in the amount of \$382,671 (Fund 215) with George Reed, Inc., of Modesto, California for City Project Number 0740, "Landscape Golden State Boulevard from Christoffersen Parkway to Roberts Road." Motion carried unanimously.

Motion by Councilmember White, seconded by Councilmember Jackson, Awarding bid and approving an agreement in the amount of \$359,183.50 (Fund 215) with George Reed, Inc., of Modesto, California for City Project Number 0870, "Landscape Golden State Boulevard from Roberts Road to Monte Vista Avenue." Motion carried unanimously.

- B. Parks, Recreation & Community Facilities Superintendent Erik Schulze presented the staff report on the request to approve a Memorandum of Understanding between the Stanislaus County Office of Education, the City of Turlock, and the Turlock Unified School District; Authorizing the acceptance of an allocation of funds and execution of a grant agreement to implement the Project Safe II – ASES Program (Supporting After School for Everyone); and Approving budget adjustments to the revenue and expenditure account numbers for the ASES Program in Fund 270 “Recreation Grants and Donations”.

Council discussion included continued funding for the program and the benefits it provides.

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

Action: **Resolution No. 2012-153** Approving a Memorandum of Understanding between the Stanislaus County Office of Education, the City of Turlock, and the Turlock Unified School District; Authorizing the acceptance of an allocation of funds and execution of a grant agreement to implement the Project Safe II – ASES Program (Supporting After School for Everyone); and Approving budget adjustments to the revenue and expenditure account numbers for the ASES Program in Fund 270 “Recreation Grants and Donations” as delineated on Attachment A was introduced by Councilmember Jackson, seconded by Councilmember DeHart, and carried unanimously.

- C. Police Lieutenant Steve Williams presented the staff report on the request to authorize the sole source procurement and installation of forty-five (45) Motorola Mobile Workstation Computers from Delta Wireless in the amount of \$251,318.25 from Fund 112-10-116.51117 “Police MDC’s” without compliance to the formal bid process.

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

Action: **Resolution No. 2012-154** Authorizing the sole source procurement and installation of forty-five (45) Motorola F5208 MW810 R2.0 Mobile Workstation Computers from Delta Wireless in the amount of \$251,318.25 from Fund 112-10-116.51117 “Police MDC’s” without compliance to the formal bid process was introduced by Councilmember Jackson, seconded by Councilmember DeHart, and carried unanimously.

Councilmember Bublak stepped down from the dais due to her previously identified conflict of interest.

- D. Housing Program Services Manager/Interim Assistant City Manager Maryn Pitt presented the staff report on the request to oppose AB 2451 (Perez) related to the presumptive death benefits for workers compensation claims by peace officers and firefighters, sponsored by California Association of Highway Patrolmen and the California Professional Firefighters.

Council discussion included consequences for cities if AB 2451 is enacted, concerns about presumptive benefits, costs to cities, and fairness issues.

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

Councilmember DeHart spoke regarding his concern over the government's inability or unwillingness to provide solutions and passing their responsibility down to cities. He also spoke against opposing AB 2451 due to his support for first responders.

Additional Council discussion included support for opposing AB 2451 for reasons including the bill being fiscally irresponsible, concerns that elected officials are not representing their districts, and the need for the issue to be addressed in a way that does not pass costs on to cities.

Action: **Resolution No. 2012-155** Opposing AB 2451 (Perez) related to the presumptive death benefits for workers compensation claims by peace officers and firefighters, sponsored by California Association of Highway Patrolmen and the California Professional Firefighters and supporting a veto by Governor Brown was introduced by Councilmember White, seconded by Councilmember Jackson, and carried with Councilmember DeHart dissenting and Councilmember Bublak not participating.

Councilmember Bublak returned to the dais.

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Councilmember White requested the City look seriously at going to district elections in future. Mayor Lazar asked City Manager Wasden to research the matter.

Councilmember Jackson requested that Pitman High School Band be asked to provide a report on their recent 4th of July performance in Washington D.C.

10. COUNCIL COMMENTS:

Councilmember Jackson announced the annual Garden Party will be held on September 8, 2012, at 6:00 p.m. at The Greenery. The event is held to support the Carnegie Arts Center.

Councilmember Jackson announced the 5th annual Turlock Shines event will be held on October 6, 2012.

Councilmember Jackson announced that the Turlock Farmer's Market will hold their 3rd "night market" on September 7, 2012.

11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the Closed Session item.

Conference with Labor Negotiators, Cal. Gov't Code §54957.6

Agency Negotiators: Roy W. Wasden/Phil Lancaster
Employee Organization: Turlock Associated Police Officers
Employee Organization: Turlock City Employee Association
Employee Organization: Turlock Firefighters Association. Local 2434
Employee Organization: Turlock Management Association-Public Safety
Unrepresented Employees: Accountant, Sr., Assistant to the City Manager for Economic Development/Redevelopment, Community Housing Services Manager, Deputy Development Services Director/Planning, Development Services Director/City Engineer, Development Services Supervisor/City Surveyor, Executive Assistant to the City Manager/City Clerk, Finance Customer Service Supervisor, Fire Chief, Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Payroll Coordinator, Principal Civil Engineer, Public Facilities Maintenance Manager, Regulatory Affairs Manager, Secretary/Deputy City Clerk, Executive Administrative Assistant/Public Safety, Technical Services Manager, Traffic/Transportation Engineering Supervisor, Utilities Manager, Water Quality Control Division Manager

Action: Council provided direction to staff.

12. ADJOURNMENT:

Motion by Councilmember Jackson, seconded by Councilmember DeHart, to adjourn at 8:04 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk