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1. **A. CALL TO ORDER** –Mayor Lazar called the meeting to order at 6:05 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 Fire Chief Tim Lohman in recognition of Turlock Fire Department's support for Breast Cancer Awareness Month – October 2013. Chief Lohman thanked the City Council and City Manager Wasden for their support.

3. A. SPECIAL BRIEFINGS:

1. Turlock City Arts Commissioner Sergio Alvarado briefed the Council on Arts Commission activities including an upcoming arts show related to the mural project at Columbia Park.

Mayor Lazar asked that Public Participation be heard at this time. There were no objections by Council.

C. PUBLIC PARTICIPATION:

Bill Youngdale spoke against the Economic Development Department Office leaving Turlock for reasons including personal loss to his business, displaced employees, and the hardship it will place on Turlock residents having to travel to other towns to receive services. City Manager Wasden advised that the City of Turlock is reaching out to local legislative offices in an effort to prevent this necessary resource from leaving the Turlock community.

B. STAFF UPDATES:

1. Police Captain Carl Nielsen spoke regarding park activity including information about a recent community meeting held to address issues at Denair Park, reasons for homelessness in our community, organizations that provide services to the homeless, panhandling issues, legal parameters guiding enforcement, AB 109 concerns, and an upcoming meeting scheduled for October 2, 2013.

Mayor asked for public comment.

Greg Oliveira spoke regarding safety concerns over the criminal element at the park and surrounding area.

Dr. Robert Brazil, retired educator and former consultant, spoke regarding a safe school plan and concerns over the safety concerns related to the movement of children to and from school.

Ronda Lucas spoke regarding child safety concerns and activities occurring at the park such as fornication, defecation, and urination.

Pat Noda spoke regarding his support of the Turlock Gospel Mission and his desire to see the City take some responsibility to help the homeless through seeking federal and state funding to help with the situation.

Verna Oliveira spoke regarding concerns about child safety and citizens who are carrying money being fearful about being approached.

Chief Robert Jackson spoke regarding the issue being complex and pledged his support to the community and Council to address the situation.

Mayor Lazar closed public comment.

Mayor Lazar called upon Fire Captain Frank Saldivar to provide additional information regarding Turlock City Fire Department's Cancer campaign. Capt. Saldivar provided additional information.

4. A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:

Councilmember Bublak declared a conflict of interest with the last entry on Exhibit A of Public Hearing Item 7A and asked that that abatement be handled separately.

5. CONSENT CALENDAR:

Councilmember DeHart requested that Items 5C, 5E, and 5I be removed from the Consent Calendar for separate consideration. Councilmember Bublak requested Item 5D be removed from the Consent Calendar for separate consideration.

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

- A. **Resolution No. 2013-161** Accepting Demands of 8/29/13 in the amount of \$466,060.90; Demands of 9/5/13 in the amount of \$813,657.87
- B. *Motion:* Accepting Minutes of Regular Meeting of September 10, 2013
- C. *Removed for separate consideration*
- D. *Removed for separate consideration*
- E. *Removed for separate consideration*
- F. *Motion:* Approving a month to month service agreement in an amount not to exceed \$500 per month with Virtual Project Manager, Inc., of Bend, Oregon, to be used on future capital projects
- G. **Resolution No. 2013-162** Appropriating \$25,000 to account number 110-10-112.43060_008 "Contract Services Public Service Mitigation Fee CFD #2" from Fund 110 "General Fund" reserve balance to re-examine the existing Public Service Mitigation Fee (Community Facilities District #2)
- H. **Resolution No. 2013-163** Appropriating \$500,000 to account number 420-52-551.51132 "700-Ft 16-Inch Line Kilroy (Storage Tank)" from Water Enterprise Fund 420 Capital Reserve for the Kilroy Water Line
- I. *Removed for separate consideration*

- J. Motion: Approving a Professional Services Agreement between the City of Turlock and Carollo Engineers, Inc., for the preparation of a Master Plan Update for the Turlock Regional Water Quality Control Facility, in an amount not to exceed \$300,000, from account number 410-51-530.43346 "RWQCF Master Plan Update & Capacity Study"
- K. Motion: Approving a Special Services Agreement City of Turlock and Kidz Love Soccer, Inc., to offer youth soccer classes
- L. **Resolution No. 2013-164** Accepting a donation of sixteen (16) boxes of 9V batteries valued at \$194.72 from Carol Fairbairn for the smoke detector program
- M. **Resolution No. 2013-165** Rescinding Resolution 2013-135 and allocating \$5,000 from Fund 217 "Gas Tax" Reserve to backfill permit fees up to \$157.50 per project involving curbs, gutters, sidewalks, driveways and ramps in order to reduce the financial burden to property owners associated with these repairs
- N. Motion: Approving the Fiscal Year 2012-13 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), authorizing submission of the CAPER to the United States Department of Housing and Urban Development (HUD) and authorizing the City Manager or designee to execute related necessary documents
- O. 1. Motion: Accepting the audit committee's recommendation to contract with Maze & Associates for professional audit services for Fiscal Year ending June 30, 2013 in an amount not to exceed \$68,860 for the first year, with the option to extend the contract for four (4) additional one (1) year terms;
2) **Resolution No. 2013-166** Appropriating \$6,360 to account number 110-10-106.43055_002 "Consultant Audit" to be funded by transfers from City Funds benefitting from the audit services
- P. **Resolution No. 2013-167** Amending the hour regular meetings of the Successor Agency to the Turlock Redevelopment Agency are held
- Q. Motion: Rejecting Claim for Damages filed by Dennis Buchanan
- R. Motion: Rejecting Claim for Damages filed by Julie Buchanan Hess
- S. Motion: Rejecting Claim for Damages filed by Bertha and Noah Miranda
- T. Motion: Rejecting Claim for Damages filed by Victor Pineda
- U. 1. Motion: Approving a purchase and sale agreement with Turlock Real Estate Investors 1, LLC, for the purchase of one (1) 24,766 square feet of land described as 1525 Dianne Drive (APN 089-019-005), for the realignment of Dianne Drive at Fulkerth Road, in the amount of \$247,660 plus half of escrow closing costs, with a total cost not to exceed \$250,000
2. **Resolution No. 2013-168** Appropriating \$250,000 to account number 305-40-440.51270 "Construction" from Fund 305 (Transportation) Reserve for the acquisition of 24,766 square feet of land described as 1525 Dianne Drive (APN 089-019-005), for the realignment of Dianne Drive at Fulkerth Road

Item 5C

Development Services Director Mike Pitcock presented the staff report on the request to Approve Contract Change Order No. 2 (Final) for a credit of \$43,651.48 (Fund 215) for City Project No.11-34, "Fulkerth Road Rehabilitation," accept improvements for City Project No. 11-34, "Fulkerth Road Rehabilitation," and authorize the City Engineer to file a Notice of Completion.

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

Councilmember DeHart indicated he asked that this item be handled separately to bring attention to City staff's prudent handling of City resources.

Action: Motion by Councilmember DeHart, seconded by Councilmember Bublak, Approving Contract Change Order No. 2 (Final) for a credit of \$43,651.48 (Fund 215) for City Project No.11-34, "Fulkerth Road Rehabilitation," bringing the contract total to \$940,836.52. Motion carried unanimously.

Motion by Councilmember DeHart, seconded by Councilmember Bublak, Accepting improvements for City Project No. 11-34, "Fulkerth Road Rehabilitation," and authorizing the City Engineer to file a Notice of Completion. Motion carried unanimously.

Item 5D

Development Services Director Mike Pitcock presented the staff report on the request to make the determination that City Project No. 12-45, "Monte Vista Avenue Rehabilitation," is exempt from the provisions of CEQA, award bid alternate and approve an agreement in the amount of \$887,037.25 with Teichert Construction of Stockton, California, and appropriate the necessary funding.

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

Councilmember Bublak indicated she asked for this item to be handled separately to highlight the City's efforts to repair this area and help CSU Stanislaus to shine.

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, Making the determination that City Project No. 12-45, "Monte Vista Avenue Rehabilitation," is exempt from the provisions of CEQA in accordance with Section 15301, "Existing Facilities" and awarding bid alternate and approving an agreement in the amount of \$887,037.25 with Teichert Construction of Stockton, California, for City Project No.12-45, "Monte Vista Avenue Rehabilitation." Motion carried unanimously.

Resolution No. 2013-169 Appropriating \$126,676 to account number 215-40-420.51210 "Federal Street Projects" to be funded via a transfer of Section 2103 Gas Tax Monies from Fund 217 "Gas Tax Fund" for City Project No. 12-45, "Monte Vista Avenue Rehabilitation," to complete the necessary funding required for the project was introduced by Councilmember Bublak, seconded by Councilmember DeHart, and carried unanimously.

Item 5E:

Development Services Director Mike Pitcock presented the staff report on the request to accept notification of Contract Change Order No. 1 (Final) for a credit of \$18,003.25 for City Project No. 13-20, "Monte Vista Avenue Widening," and to accept improvements and authorize the City Engineer to file a Notice of Completion.

Mayor Lazar asked for public comment.

Elizabeth Claes spoke regarding roadway denotations and signage for cyclists.

Mayor Lazar closed public comment.

Action: Motion by Councilmember White, seconded by Councilmember Nascimento, Accepting notification of Contract Change Order No. 1 (Final) for a credit of \$18,003.25 (Fund 216) for City Project No. 13-20, "Monte Vista Avenue Widening," bringing the contract total to \$89,518.75. Motion carried unanimously.

Motion by Councilmember White, seconded by Councilmember Nascimento, Accepting improvements for City Project No. 13-20, "Monte Vista Avenue Widening," and authorizing the City Engineer to file a Notice of Completion. Motion carried unanimously.

Item 5I

Municipal Services Director Michael Cooke presented the staff report on the request to approve a Professional Services Agreement between the City of Turlock and Todd Engineers for a detailed hydrogeologic assessment of the eastern Turlock sub-basin, in an amount not to exceed \$155,330, from account number 420-52-550.43516 "State Dept of Water Resources (DWR) Grant Funded Special Projects" (Water Enterprise) and to appropriate the necessary funding received from award of funds from the Local Groundwater Assistance Grant Program by the California Department of Water Resources.

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

Action: Motion by Councilmember White, seconded by Councilmember DeHart, Approving a Professional Services Agreement between the City of Turlock and Todd Engineers for a detailed hydrogeologic assessment of the eastern Turlock sub-basin, in an amount not to exceed \$155,330, from account number 420-52-550.43516 "State Dept of Water Resources (DWR) Grant Funded Special Projects" (Water Enterprise). Motion carried unanimously.

Resolution No. 2013-170 Appropriating \$155,330 to account number 420-52-550.43516 "State Dept of Water Resources (DWR) Grant Funded Special Projects" to be funded by revenue received in account number 420-52-550.34142 "State Dept of Water Resources (DWR) Grant" from an award of funds from the Local Groundwater Assistance Grant Program by the California Department of Water Resources was introduced by Councilmember White, seconded by Councilmember DeHart, and carried unanimously.

6. FINAL READINGS: None

7. PUBLIC HEARINGS

- A. Neighborhood Services Supervisor Robert Boyd presented the staff report on the request for approval establishing a lien for payment for the abatement of certain weeds, obnoxious growth and other debris on property and abandoned vehicles that are a nuisance to the public.

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

Action: **Resolution No. 2013-171** Assessing properties for abatement costs and establishing a lien for payment was introduced by Councilmember White, seconded by Councilmember DeHart, and carried unanimously.

Councilmember Bublak stepped down from the dais due to a previously declared conflict of interest with the last entry of Exhibit A for this item.

Action: **Resolution No. 2013-172** Assessing the property for abatement costs and establishing a lien for payment was introduced by Councilmember White, seconded by Councilmember DeHart, and carried with Councilmember Bublak not participating.

Councilmember Bublak returned to the dais.

8. SCHEDULED MATTERS: None

Mayor Lazar adjourned to the Successor Agency to the Turlock Redevelopment Agency.

Mayor Lazar adjourned to the Public Financing Authority.

Mayor Lazar reconvened the Turlock City Council Meeting.

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION

Councilmember Bublak requested that as solutions/responses are considered for the situation at Denair Park that the problems there do not move to another neighborhood and that staff move forward with something substantial for all citizens.

10. COUNCIL COMMENTS:

Councilmember Bublak announced she attended the Law Enforcement Officers Ball presented by the Stanislaus Family Justice Center. She also noted her attendance at the Crime Stoppers event and encouraged all citizens to use this avenue as a way of reporting crime.

Mayor Lazar asked for staff to follow up with Mr. Youngdale in regard to the closure of the Economic Development Department Office in Turlock.

11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the Closed Session Item.

- A. Conference with Labor Negotiators, Cal. Gov't Code §54957.6
Agency Negotiators: Roy W. Wasden/Dave Young
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/Community Housing, Community Housing Program Supervisor, 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, Regulatory Affairs Manager, Secretary/Deputy City Clerk, Executive Administrative Assistant/Public Safety, Technical Services Manager, Utilities Manager, Water Quality Control Division Manager

Action: No reportable action.

City Manager Wasden announced the upcoming dedication of the new Public Safety Facility, to be held Friday, September 27, 2013, at 4:30 p.m.

12. ADJOURNMENT:

Motion by Councilmember DeHart, seconded by Councilmember Bublak, to adjourn at 7:23 p.m.
Motion carried unanimously.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk