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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**
  
  2. **PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:**
    - A. Mayor Lazar presented a Proclamation to Parks, Recreation & Public Facilities Director Allison Van Guilder in recognition of Arbor Day, April 25, 2014. Ms. Van Guilder announced that Walnut Elementary School recently was awarded \$10,000 by Scotties Tissues as winner of the Scotties “Trees Rock” video contest and provided information about City of Turlock Arbor Day activities. Ms. Van Guilder introduced Dr. Sunita Saini, Walnut PTA member and school parent, who thanked all who supported the project.
  
    - B. Mayor Lazar presented a Proclamation to Associate Civil Engineer Stephen Fremming in recognition of Bike-to-Work Week, May 12–16, 2014. Mr. Fremming spoke regarding City of Turlock activities scheduled for Bike-to-Work week. Elizabeth Claes, Turlock Certified Farmers’ Market Chair, spoke regarding bike themed activities planned for Farmers’ Market during the month of May.
  
  3. **A. SPECIAL BRIEFINGS:**
    1. **STANISLAUS COUNTY DISTRICT ATTORNEY’S OFFICE**  
Stanislaus County District Attorney Birgit Fladager provided an update on Stanislaus County activities related to the D.A.’s Office and the Turlock community, including information about the District Attorney’s role in criminal justice, the criminal prosecution process, partnerships, budgetary information, staffing information, statistics, special services units, gangs located in Stanislaus County, and current projects.
  
    2. **STANISLAUS COUNTY SHERIFF’S DEPARTMENT**  
Stanislaus County Sheriff Adam Christianson provided a Countywide Public Safety Facility update including information about the effects of the economy on funding and staffing, partnerships that have been developed, and efficiencies that have been created through shared resources. He also provided information on the challenges of recruitment and retention of personnel, restoring levels of services, realignment, services they provide to the community with a focus on education/vocation, and the importance of partnering with the community.  
  
Mayor Lazar congratulated Sheriff Christianson on his appointment as President of the California State Sheriff’s Association.
  
  - B. STAFF UPDATES:** None

**C. PUBLIC PARTICIPATION:**

Ted Gaylord spoke regarding water issues, including not selling water to the Del Puerto Water District and keeping our water in the community to recharge Turlock’s aquifers.

Jeannie Ferrari spoke regarding Universal Earth Day, Walnut Elementary School’s Scotties “Trees Rock” award, and the City’s efforts related to the importance of connecting and enhancing biking/walking trails.

Rod Vilas spoke about water issues, including keeping water local to recharge aquifers and the need for Turlock Irrigation District and the City of Turlock to work together.

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

**Action:** Motion by Councilmember DeHart, seconded by Councilmember White, to waive reading of all ordinances on the agenda, except by title. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

**B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:** None

**C. DISCLOSURE OF EX PARTE COMMUNICATIONS**

1. Public Hearing Item 7A is a quasi-judicial proceeding. Council should disclose the following information if applicable:
  - a. State for the public record the nature of the communication; and
  - b. With whom the ex parte communication was made; and
  - c. A brief statement as to the substance of the communication.

There were no disclosures of ex parte communications.

**5. CONSENT CALENDAR:**

**Action:** Motion by Councilmember DeHart, seconded by Councilmember White, to adopt the consent calendar. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

- A. **Resolution No. 2014-061** Accepting Demands of 3/21/14 in the amount of \$1,443,772.08; Demands of 3/27/14 in the amount of \$632,622.12
- B. Motion: Accepting Minutes of Regular Meeting of April 8, 2014

- C. Motion: Accepting notification of Contract Change Order No. 1 (Final) in the amount of \$13,798.76 (Fund 246) for City Project No. 13-21, "Slurry Seals 2013," bringing the contract total to \$648,664.12
- D. **Resolution No. 2014-062** Approving the 2013 General Plan Implementation Report
- E. **Resolution No. 2014-063** Approving the 2014 Update to the City of Turlock CEQA Implementation Guidelines
- F. **Resolution No. 2014-064** Appropriating \$14,623.33 to account number 258-41-495.47070\_000 "Property Taxes General" from the fund reserve balance for the payment of property taxes
- G. Motion: Approving an Agreement between the City of Turlock and the City of Hughson for administrative and engineering services associated with the City of Hughson's Lighting and Landscaping Districts and Benefit Assessment Districts
- H. Motion: Rejecting Claim for damages filed by Omar Jimenez
- I. Motion: Rejecting Claim for damages filed by Michael Harvey
- J. Motion: Rejecting Claim for damages filed by Otis Witherow
- K. Motion: Rejecting Claim for damages filed by Otis Witherow
- L. Motion: Rejecting Claim for damages filed by Otis Witherow

**6. FINAL READINGS:** None

**7. PUBLIC HEARINGS**

- A. **Quasi-judicial proceeding:**  
Associate Planner Katie Quintero presented the staff report on the request to Rezone and subdivide approximately 17.84 acres into 107 single-family residential lots ranging in size from 4,500 to 12,170 square feet. Ms. Quintero advised the property will be rezoned from Low Density Residential 4.5 to Planned Development 270 to allow for an exception to the setback for the sound wall proposed along the western portion of Countryside Drive from 15' to 9' and to allow for an exception to the 35' lot frontage requirement for approximately five lots, to have as little as 30' of frontage onto the public right of way. She identified the properties affected by this project as 2531 West Tuolumne Road & 2750 Countryside Drive, Stanislaus County APNs:088-002-005 & 088-002-065 and noted the Planning Commission has recommended approval of the proposed project.

Mayor Lazar opened the public hearing.

Scott Dorius spoke in favor of the project and requested consideration for approval.

Mayor Lazar closed the public hearing.

**Action:** Motion by Councilmember White, seconded by Councilmember Bublak, Adopting a Mitigated Negative Declaration of Environmental Effect pursuant to the California Environmental Quality Act (CEQA). Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

Motion by Councilmember Bublak, seconded by Councilmember DeHart, introducing an Ordinance Amending the Zoning Map of the City of Turlock, attached to Title 9 of the Turlock Municipal Code [Rezone 2013-03 (Planned Development 270) Monte Verde Subdivision, Florsheim Land Company] and setting the final reading for May 13, 2014. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

Mayor Lazar advised that the Resolution Establishing Conditions of Approval for Planned Development District No. 270 (PD-270) [Rezone 2013-03, Monte Verde Subdivision, Florsheim Land Company] would be considered after adoption of the Ordinance at the May 13, 2014 meeting.

**8. SCHEDULED MATTERS:**

- A. City Manager Wasden presented the staff report on the request to approve an agreement with Bergman Landscape, Inc., of Hilmar, California, for landscape maintenance for nuisance abatement for Turlock Fire Department Neighborhood Services Division, for a period of twenty-four (24) months, in an amount not to exceed \$15,000 annually and \$30,000 for the two (2) year duration.

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

Councilmember Bublak spoke against this item for reasons including her opposition to outsourcing jobs, her belief that jobs should be kept here, and that the named contractor is located outside of Stanislaus County.

**Action:** Motion by Councilmember Nascimento, seconded by Councilmember White, Approving an agreement with Bergman Landscape, Inc., of Hilmar, California, for landscape maintenance for nuisance abatement for Turlock Fire Department Neighborhood Services Division, for a period of twenty-four (24) months, in an amount not to exceed \$15,000 annually and \$30,000 for the two (2) year duration. Motion carried 4/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	No	Yes	Yes

- B. City Manager Roy Wasden presented the staff report on the request to provide direction to staff regarding draft plans and community input on the formation of boundaries, including adoption of criteria for creation of draft boundaries related to district elections under the California Voting Rights Act.

Doug Johnson of National Demographics Corporation provided an overview of the California Voting Rights Act, Federal Voting Rights Act, election system alternatives, and Turlock demographics.

Council discussion included consequences if the community votes against the measure, difficulties with the current law as written, and the process for placing the measure on the ballot.

Mayor Lazar asked for public comment.

Bob Endsley, Latino Community Roundtable Board Member, spoke regarding the multi-racial makeup of their organization. Mr. Endsley read a letter on behalf of LCR President Maggie Mejia regarding the history of their request and thanking the Council for moving forward with the study for District Elections according to the California Voting Rights Act of 2001 and the Federal Voting Rights Act of 1965.

Mayor Lazar closed public comment.

City Manager Roy Wasden noted that should Council direct staff to proceed, the City has been awarded technical assistance funding for civic engagement and education.

Councilmember Bublak introduced, and Councilmember White seconded, motions directing staff to move forward with draft plans and gathering community input on the formation of boundaries as it relates to district elections under the California Voting Rights Act and to adopt criteria for the creation of draft boundary plans related to district elections. Councilmember Nascimento requested a friendly amendment to the motion to exclude Criteria No. 8 in Exhibit B which allows for the avoidance of pairing two or more incumbents in a single district when boundaries are being drawn. Councilmembers Bublak and White accepted the requested amendment.

**Action:** Motion by Councilmember Bublak, seconded by Councilmember White, directing staff to move forward with draft plans and to gather community input on the formation of boundaries as it relates to district elections under the California Voting Rights Act. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

Motion by Councilmember Bublak, seconded by Councilmember White, Adopting criteria for the creation of draft boundary plans related to district elections under the California Voting Rights Act as listed in Exhibit B with the exclusion of Criteria No. 8, which allows for the avoidance of pairing two or more incumbents in a single district when boundaries are being drawn. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

Councilmember Nascimento and City Manager Wasden announced upcoming forums that, in addition to allowing for community input on district boundaries, will allow for discussion about critical issues facing Turlock.

- C. Parks, Recreation & Public Facilities Director Allison Van Guilder presented the staff report on the request to accept the report regarding landscaped area water conservation efforts in the City of Turlock.

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

**Action:** Motion by Councilmember Nascimento, seconded by Councilmember White, Accepting the report regarding landscaped area water conservation efforts in the City of Turlock. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

- D. Sr. Accountant Marie Lorenzi presented the staff report on the request to accept the 2012-13 Audited Financial Statements for the City of Turlock and introduced Amy Meyer of MAZE & Associates.

Council discussion included comments regarding a successful audit.

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

Additional Council discussion included a request to receive future financial reports at least two weeks before Council meetings.

**Action:** Motion by Councilmember Bublak, seconded by Councilmember DeHart, Accepting the 2012-13 Audited Financial Statements for the City of Turlock. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

- E. City Manager Roy Wasden presented the staff report on the request to provide direction to staff regarding possible implementation of a special or general tax increase through the use of sales tax monies as a funding source for critical infrastructure and service related issues, particularly for the repair of existing City roads.

Council and staff discussion included the inclusion of sunset language should there be a future county initiative, the process for placing a measure on the ballot, the parameters for garnering support for the measure, current deteriorating road conditions, and the importance of allowing voters to decide whether or not to support a road tax.

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

Additional Council and staff discussion included additional needs such as public safety and water issues, setting aside some funding in the annual budget for future road repairs, roadway condition constituent complaints being the number one issue for many years, and specific direction as to content of the proposed measure.

**Action:** Motion by Councilmember Nascimento, seconded by Councilmember DeHart, directing staff to put together a ballot measure for Council review and approval with specific direction that the measure is for a specific tax for local roads, will include a sunset clause of 7 years, an automatic repeal if a countywide measure is passed, establishment of an oversight committee, and an independent audit and expenditure plan. Motion carried 4/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	No	Yes	Yes

**9. COUNCIL ITEMS FOR FUTURE CONSIDERATION**

Councilmember Bublak requested consideration to agendize status of discussions with Turlock Irrigation District.

Councilmember Bublak requested consideration that informational items requiring no action be placed under the Staff Updates portion of the meeting.

**10. COUNCIL COMMENTS:**

Councilmember Nascimento announced he will be attending the annual League of California Cities Legislative Action Day on April 23, 2014 and offered to convey items of interest for those unable to attend.

**11. CLOSED SESSION:**

City Attorney Phaedra Norton introduced Closed Session Items A and B.

A. Conference with Legal Counsel – Anticipated Litigation, Cal. Gov't Code §54956.9(d)(2) *“For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.”*

Potential Cases: (1 case)

**Action:** No reportable action.

- B. Conference with Legal Counsel – Anticipated Litigation, Cal. Gov't Code §54956.9(d)(2)  
“For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.”

Potential Cases: (1 case)

Construction claim dispute with Sierra Mountain Construction, Inc. regarding delay claim associated City Project No. 6859, “Harding Drain Pump Station and Pipeline.”

**Action:** Motion by Councilmember DeHart, seconded by Councilmember Nascimento, approving a settlement agreement with Sierra Mountain Construction, Inc. which includes Contract Change Order No. 5 in the amount of \$328,514.66 for City Project No. 6859, “Harding Drain Bypass Pump Station and Pipeline,” accepting improvements for said project, and authorizing the City Engineer to file a Notice of Completion. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

**12. ADJOURNMENT:**

Motion by Councilmember Bublak, seconded by Councilmember White, to adjourn at approximately 8:24 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

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Kellie E. Weaver  
City Clerk