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1. **A. CALL TO ORDER** –Mayor Lazar called the meeting to order at 6:04 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 Coach John Cook and the California State University Stanislaus Warriors Men’s Golf Team in recognition of being named the 2014 California Collegiate Athletic Association Tournament Champions.
 - B. Mayor Lazar presented certificates and recognized CEO Sharon Silva of the Turlock Chamber of Commerce, Dana McGarry of the Turlock Downtown Property Owner’s Association, and CEO Chris Borovanski of the Stanislaus County Fairgrounds for their contributions and efforts toward the 2014 Fourth of July Celebration in Turlock.
 - C. Kurtis Clark, Director of Alliance Small Business Development Center, presented information on the upcoming Stanislaus Innovation Challenge, a competition designed to give Stanislaus County residents with viable and innovative new ideas or products a chance to get their idea funded.

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

 - B. STAFF UPDATES:** None

 - C. PUBLIC PARTICIPATION:**

Milt Trieweiler spoke regarding the drought, his efforts to conserve water resources, and his desire to see implementation of a tiered water rate schedule and limitations on industrial growth due to their high water usage.

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

Councilmember DeHart declared a conflict of interest in regard to Consent Calendar Items 5N and 5O, due to a personal relationship with the claimant.

 - B. DISCLOSURE OF EX PARTE COMMUNICATIONS**
 1. Public Hearing Item 7B 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.

Councilmember Bublak indicated she was invited to the property by Ransom Piro and was shown the schematics.

Councilmember White indicated he received three e-mails similar to those provided at tonight's meeting.

Mayor Lazar indicated each Councilmember received a packet from the City Manager containing e-mails regarding this project.

Councilmember DeHart indicated he received the same packet containing the e-mails.

Councilmember Nascimento indicated he received the e-mails and had a conversation with his mother regarding her concerns about the exit onto Roberts Road.

Mayor Lazar indicated he had a phone conversation with developer Russ Newman in regard to the project.

City Attorney Phaedra Norton indicated the e-mails referenced by the Councilmembers were also submitted to the applicant in advance of tonight's meeting.

5. CONSENT CALENDAR:

Mayor Lazar advised that Items 5N and 5O would be removed from the Consent Calendar for separate consideration due to Councilmember DeHart's declared conflict of interest. He also indicated Item 5J would be removed for separate consideration.

Action: Motion by Councilmember DeHart, seconded by Councilmember Nascimento, to adopt the amended 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. 2014-141** Accepting Demands of 7/17/14 in the amount of \$1,177,237.00; Demands of 7/24/14 in the amount of \$823,526.64; Demands of 7/31/14 in the amount of \$1,181,257.38
- B. Motion: Accepting Minutes of Regular Meeting of August 12, 2014
- C. Motion: Accepting notification of Contract Change Order No. 1 in the amount of \$2,750 (Fund 215) for City Project No. 11-48, "Intersection Improvements at Golden State Boulevard and Del's Lane," bringing the contract total to \$371,074
- D.
 - 1. Motion: Approving Contract Change Order No. 2 (Final) in the amount of \$6,572.81 (Fund 305) for City Project No. 13-25B, "Public Safety Training Facility Utilities and Site Improvements," bringing the contract total to \$119,624.58
 - 2. Motion: Accepting improvements for City Project No. 13-25B, "Public Safety Training Facility Utilities and Site Improvements," and authorizing the City Engineer to file a Notice of Completion
- E.
 - 1. Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$1,493.69 (Fund 217) for City Project No. 13-48, "Roadway Widening at 1338 and 1344 East Avenue," bringing the contract total to \$53,159.69

2. Motion: Accepting improvements for City Project No. 13-48, "Roadway Widening at 1338 and 1344 East Avenue," and authorizing the City Engineer to file a Notice of Completion
- F. Motion: Approving Amendment No. 4 with Omni Means, Inc., for the preparation of a Project Study Report (PSR) and Plans, Specifications and Estimate (PS&E) for the modifications of State Route 99 Interchanges at Fulkerth Road, City Project No. 0828, "Update State Route 99/Fulkerth"
- G. **Resolution No. 2014-142** Approving the Federal Transit Administration (FTA) Title VI Program Update and authorizing the City Manager to sign all necessary documents
- H. Motion: Approving Amendment No. 3 with Quad Knopf, Inc., for the preparation of an Environmental Impact Report (EIR) and Master Plan document for the Morgan Ranch Residential Master Plan
- I. Motion: Approving Amendment No. 1 for the Service Agreement with First Transit, Inc., to provide transit operational services for the Turlock Bus Line Services from December 1, 2011 to November 30, 2017, reflecting the fixed amount and hourly rates identified in the current First Transit, Inc. agreement
- J. *Removed for separate consideration.*
- K. **Resolution No. 2014-143** Authorizing the City Manager or his designee to enter into an agreement with the San Joaquin Valley Stormwater Quality Partnership for the purposes of coordinating cooperative public outreach and education objectives outlined in the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit
- L. Motion: Approving the renewal of an Independent Contract between the City of Turlock and Dragon Sports to offer youth self defense classes
- M. **Resolution No. 2014-144** Re-appropriating unspent funds from Fiscal Year 2013-14 for the repair of the elevator located Turlock City Hall, 156 S. Broadway, Turlock, California
- N. *Removed for separate consideration.*
- O. *Removed for separate consideration.*
- P. Motion: Rejecting Claim for Damages filed by Natalie Uballe
- Q. Motion: Rejecting Claim for Damages filed by Fontana Wholesale Lumber

Item 5J

Municipal Services Director Michael Cooke presented the staff report on the request to authorize a blanket Out-of-Boundary Service Agreement for water services for property located within an unincorporated island of Stanislaus County, outside of City limits.

Council and staff discussion included clarification on providing water services to contiguous properties and county islands, funding for providing the services, and amending the initial motion to include language that the City Manager is authorized to execute the agreement.

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

Action: Motion by Councilmember White, seconded by Councilmember Bublak, Authorizing a blanket Out-of-Boundary Service Agreement for water services for property located within an unincorporated island of Stanislaus County, outside of City limits, and authorizing the City Manager to execute the agreement. Motion carried 5/0 by the following vote:

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

Items 5N & 5O

- N. Motion: Rejecting Claim for Damages filed by Donnell Eugene Bak
- O. Motion: Rejecting Claim for Damages filed by Donnell Eugene Bak

Action: Motion by Councilmember White, seconded by Councilmember Bublak, to adopt Items 5N and 5O which were removed from the Consent Calendar for separate consideration. Motion carried 4/1 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Not Participating	Yes	Yes	Yes	Yes

6. FINAL READINGS: None

7. PUBLIC HEARINGS

- A. Capital Improvement Coordinator Wayne York presented the staff report on the request to establish a Residential Permit Parking Zone along Garden Lane and Garden Court, to include portions of Pedras Road adjacent to 901 Pedras Road and 2001 Garden Lane on the north side of the street, every day between the hours of 9:00 p.m. and 7:00 a.m.

Council and staff discussion included police oversight, permit guidelines, and hours of restriction.

Mayor Lazar opened the public hearing.

Lisa Ludwig spoke on behalf of Michael Orwitz of ISM Management Company and the residents of 920 Pedras as being against the establishment of the Residential Permit Parking Zone for reasons including it being discriminatory and not inclusionary, and the limited amount of parking available at the apartment complex.

Jade Mosely, resident of 920 Pedras, spoke against the establishment of the zone for reasons including it being discriminatory and the lack of parking at the apartment complex.

Melissa Sommerville noted she did not sign the petition, but spoke in favor of adjusting the hours of between 9:00 p.m. and 7:00 a.m. to between 11:00 p.m. and 7:00 a.m. to allow for guests with multiple vehicles.

Carrie Dompe spoke in favor of the establishment of the Residential Permit Parking Zone for reasons including problems residents are experiencing by non-residents such as the moving of garbage cans on garbage pickup days, vehicles being parked very closely to other vehicles, vandalism, car alarms, noise, loitering, and all-night partying.

Mayor Lazar closed the public hearing.

Council and staff discussion included the hours of restriction, the allowable suspension of enforcement for specifically identified periods of time, impacts on police due to enforcement activities, the possibility of reconfiguring the current apartment parking structure, parking standards for future complexes, impacts to other residential areas if approved, and the implementation process.

Mayor Lazar requested both parties consider finding middle ground through mediation.

Council discussion included involving both parties, City staff, and possibly a representative from outlying neighborhoods, and continuing the hearing for a period of up to 60 days to engage in mediation. City Attorney Phaedra Norton offered to coordinate the mediation process.

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart continuing the hearing for a period of up to 60 days, for establishing a Residential Permit Parking Zone along Garden Lane and Garden Court, to include portions of Pedras Road adjacent to 901 Pedras Road and 2001 Garden Lane on the north side of the street, every day between the hours of 9:00 p.m. and 7:00 a.m., with the mediation process to be coordinated by the City Attorney. 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 recessed the City Council meeting.

Mayor Lazar reconvened the City Council meeting.

- B. Associate Planner Katie Quintero presented the staff report on the request to deny the appeal and affirm the Planning Commission Decision approving Minor Discretionary Permit 2014-01; Adopt the Mitigated Negative Declaration of Environmental Effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project having made the findings contained in the attached Draft City Council Resolution; and Approve Minor Discretionary Permit 2014-01 (Taco Bell).

Council discussion included history of the area zoning, subsequent improvements to Roberts Road should the project move forward, and reciprocal access requirements and agreements.

Mayor Lazar opened the public hearing.

Ray Franco spoke against approval of the project for reasons including impacts to area residents, rights of homeowners, ingress/egress issues, and the Turlock Municipal Code Section 9-3-301 requirement to minimize impact of commercial development on adjacent residential districts.

Pam Franco spoke against approval of the project for reasons including property owner rights, the potential for disorderly conduct, safety concerns related to jaywalkers, and traffic study concerns. Ms. Franco requested working out an arrangement that both sides could live with including potential changes to operating hours, requiring an on-site private security source, no driveway on Mountain View Road, and sending the matter back to the Planning Commission to work with Taco Bell and the property owners.

Colby Espinola spoke against approval of the project for reasons including traffic concerns that will affect the family oriented area and asked for speed bumps to be installed if the project is approved.

Rene Padilla spoke against approval for reasons including the 24-hour operation, slow police response, traffic concerns, and security issues related to high school students congregating in the area.

Lisa Padilla spoke against approval for reasons including 24-hour operation and traffic safety concerns.

Isabel Pierce spoke against approval on behalf of her husband, Steve Pierce, for reasons including traffic increases, speeding, and the location selected for the restaurant.

Dave Romano spoke in favor of approval on behalf of Taco Bell, Russ Newman, and owner Dave Olson, for reasons including expanding business, addition of three new conditions, and it being an appropriately zoned location.

Phillip Moss of BMI Architecture spoke in favor of the project and provided information relative to the traffic study performed, future traffic impacts, the noise study and their efforts mitigate noise to the existing residential area.

Council discussion included supply delivery to the restaurant, potential for a reciprocal access agreement, and impacts to the restaurant if the driveway on Mountain View Road was removed.

Scott Humphries spoke in support of the project for the reason that residents knew of the designated zoning before purchasing their residences.

Ray Franco spoke regarding the traffic survey and requested consideration be given to eliminate the driveway on Mountain View Road if they conceded their request for the block wall.

Mayor Lazar closed the public hearing.

Mayor Lazar recessed the meeting to allow both parties to meet outside of the Council chambers to attempt concession/resolution of differences.

Mayor Lazar reconvened the meeting.

Phil Moss advised that agreement by both parties had been reached through modification of the Conditions of Approval that:

- 1) At 10:00 p.m., bollards shall be placed in such a manner that patrons using the drive-thru cannot turn back into the restaurant parking lot which will necessitate an exit from the drive-thru onto Roberts Road; and
- 2) The dining room shall close at 10 p.m. seven days a week; and
- 3) The drive-thru shall remain open Sunday through Thursday from opening until 1 a.m., and Friday and Saturday from opening until 2 a.m.

Action: Motion by Councilmember White, seconded by Councilmember Bublak, Denying the appeal and affirming the Planning Commission Decision approving Minor Discretionary Permit 2014-01. 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 White, seconded by Councilmember Bublak, Adopting a Mitigated Negative Declaration of Environmental Effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project having made the findings contained in the attached Draft City Council Resolution. Motion carried 5/0 by the following vote:

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

Resolution No. 2014-145 Approving Minor Discretionary Permit 2014-01 (Taco Bell) consistent with the Planning Commission’s decision, subject to the modifications to the Conditions of Approval (outlined above) and the addition that the applicant will grant reciprocal access between the applicant’s property and the adjacent property immediately to the north, was introduced by Councilmember White, seconded by Councilmember Bublak, and carried 5/0 by the following vote:

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

8. SCHEDULED MATTERS:

- A. Assistant to the City Manager for Economic Development and Housing Services Maryn Pitt presented the staff report on the request to approve a Memorandum of Understanding with Stanislaus County for the contract and development of a Regional Consolidated Plan for 2015-2020, a 2015 Annual Action Plan and an updated Assessment of Impediments to Fair Housing, and authorize the City Manager to execute all related documents to this cooperative project.

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

Action: Motion by Councilmember White, seconded by Councilmember Bublak, Approving a Memorandum of Understanding with Stanislaus County for the contract and development of a Regional Consolidated Plan for 2015-2020, a 2015 Annual Action Plan and an updated Assessment of Impediments to Fair Housing, and authorizing the City Manager to execute all related documents to this cooperative project. Motion carried 5/0 by the following vote:

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

- B. Fire Chief Tim Lohman presented the staff report on the request to authorize the City Manager to sign a tentative agreement between the City of Turlock Fire Department, City of Modesto Fire Department, City of Ceres Fire Department and Stanislaus Consolidated Fire Protection District to provide automatic aid in the case of a major fire, disaster or other emergency.

Council and staff discussion included future participation by other agencies and the benefits of regional collaboration on grants and equipment purchase and use.

Chief Sean Slamon of Modesto spoke regarding the benefits of the agreement including it will provide better service through efficiency, consistency, and increased safety.

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

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, Authorizing the City Manager to sign a tentative agreement between the City of Turlock Fire Department, City of Modesto Fire Department, City of Ceres Fire Department and Stanislaus Consolidated Fire Protection District to provide automatic aid in the case of a major fire, disaster or other emergency. Motion carried 5/0 by the following vote:

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

9. **COUNCIL ITEMS FOR FUTURE CONSIDERATION:** None

10. **COUNCIL COMMENTS:** None

11. **CLOSED SESSION:**

City Attorney Phaedra Norton introduced the Closed Session Items.

- A. Conference with Legal Counsel – Existing Litigation, Cal. Gov't Code §54956.9(d)(1)
“For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Litigation, to which the local agency is a party, has been initiated formally.”
Name of Case: Turlock Associated Police Officers vs. City of Turlock

Action: No reportable action.

- B. Conference with Labor Negotiators, Cal. Gov't Code §54957.6
“Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.”
Agency Negotiator: Mayor John Lazar
Unrepresented Employees: City Manager, City Attorney

Action: No reportable action.

- C. Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)
“Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.”
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 Analyst, Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Parks, Recreation & Public Facilities Director, Parks, Recreation & Public Facilities Superintendent, 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.

12. **ADJOURNMENT:**

Motion by Councilmember DeHart, seconded by Councilmember Nascimento, to adjourn at 8:48 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk