

-
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 the students of Julien Elementary School for their efforts in recognition of Red Ribbon Week, October 23 – 31, 2014. Sunita Saini provided information about Red Ribbon Week activities and students provided pledge cards to Council and staff asking for their commitment to be drug free.

3. A. SPECIAL BRIEFINGS: None

B. STAFF UPDATES

1. Development Services Director Mike Pitcock provided an update on Capital Projects and Building Activity including the Monte Vista Avenue/Colorado Avenue project, Walnut Median project, and Dianne Drive Realignment project.

C. PUBLIC PARTICIPATION: None

Mayor Lazar noted multiple green sheets to Items 8A, 8D, and 8E.

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

City Attorney Phaedra Norton and City Manager Roy Wasden declared a conflict of interest with respect to Scheduled Matters Item 8F due to consideration of their employment agreements. Mayor Lazar noted that Jose Sanchez from the Meyers Nave law firm would be representing the City on this item.

5. CONSENT CALENDAR:

Action: Motion by Councilmember Nascimento, seconded by Councilmember DeHart, 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. 2014-153** Accepting Demands of 9/4/14 in the amount of \$824,563.58; Demands of 9/11/14 in the amount of \$907,364.01; Demands of 9/18/14 in the amount of \$733,619.14
- B. Motion: Accepting Minutes of Regular Meeting of September 23, 2014
- C. 1. Motion: Making the determination that City Project No. 13-34, "Intersection Improvements at Christoffersen Pkwy. and Fosberg Rd. CML-5165 (073)" is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303 (New Construction or Conversion of Small Structures) or 15304 (Minor Alterations of Land) or 15332 (Infill Development Projects) of the CEQA Guidelines
2. Motion: Awarding bid and approving an agreement in the amount of \$340,644 (Fund 215) with St. Francis Electric, Inc., of San Leandro, California, for City Project No. 13-34, "Intersection Improvements at Christoffersen Pkwy. and Fosberg Rd. CML-5165 (073)"
3. **Resolution No. 2014-154** Designating E. Zeering Rd., between Fosberg Rd. and N. Olive Ave., with the new one-way street designation for eastbound traffic only and authorizing the City Engineer to make the necessary changes to signs and striping to reflect the change
- D. 1. Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$439.44 (Fund 426) for City Project No. 13-51, "Fulkerth Bus Stop Improvements," bringing the contract total to \$15,039.44
2. Motion: Accepting improvements for City Project No. 13-51, "Fulkerth Bus Stop 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 \$781.22 (Fund 269) for City Project No. 14-20, "Swanson-Centennial Dog Park," bringing the contract total to \$51,970.22
2. Motion: Accepting improvements for City Project No. 14-20, "Swanson-Centennial Dog Park," and authorizing the City Engineer to file a Notice of Completion
- F. 1. Motion: Making the determination that City Project No. 14-51, "901 Hedstrom Road Curb Return Repair," is exempt from the provisions of Section 14 CCR §15301(c) of the California Environmental Quality Act (CEQA), "Repair or Maintenance of Existing Highways and Streets"
2. Motion: Awarding bid and approving an agreement in the amount of \$16,362.90 (Fund 217) with Haney Concrete of Turlock, California, for City Project No. 14-51, "901 Hedstrom Road Curb Return Repair"
3. **Resolution No. 2014-155** Appropriating \$26,595 to account number 217-50-511.51270 "Construction Projects" to be funded via a transfer of funds from account number 410-51-534.51300 "Construction Repair/Improvements" and unappropriated reserves in Fund 217 "Streets Gas Tax – Section 2103" for City Project No. 14-51, "901 Hedstrom Road Curb Return Repair," to complete the necessary funding for this project
- G. Motion: Approving Amendment No. 1 to the Professional Services Agreement between the City of Turlock and RMC Water and Environment, in the amount of \$4,983, for the preparation of an Environmental Assessment and Initial Study associated with the City's water rights application to convey recycled water to the Delta Mendota Canal via the Patterson Irrigation District
- H. Motion: Authorizing the City Manager, or his designee, to approve the Intent to Participate renewal with the State of California's Franchise Tax Board Interagency Intercept Collections (IIC) program
- I. Motion: Approving an agreement with VMware for the purchase of software licenses and support of City of Turlock servers in the amount of \$29,982.64 and authorizing the City Manager to sign this agreement and any future renewal agreement(s)

- J. **Resolution No. 2014-156** Accepting monetary donations from Fiscal Year 2013-14 in the amount of \$1,390 and property donations of blankets valued at \$50 from various donors, utilized in support of the City’s Crime Prevention Unit and Volunteers in Police Services (VIPS)
- K. **Resolution No. 2014-157** Authorizing the acceptance of an allocation of funds, execution of a grant agreement, and appropriation of funds for the Federal FY 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) funds from the United States Department of Justice, Office of Criminal Justice Programs, in the amount of \$34,946
- L. **Resolution No. 2014-158** Appropriating \$3,500 to account number 240-00-000-306.43125_026 “Fire Station Maintenance” through an appropriation from available reserves in Fund 240, Program 306 “Fire Equipment Replacement,” and authorizing the City Manager to sign all documents necessary for Ray’s Radio to reestablish network connection between Fire Station 3 and the Public Safety Facility
- M. Motion: Approving a renewal agreement under a state contract between the State of California and AT&T for CALNET 3 telecommunication services through June 30, 2018, without compliance to the formal bid procedure
- N. **Resolution No. 2014-159** Authorizing the release of unclaimed checks pursuant to California Government Code Section 50050 and 50053 to the City of Turlock
- O. Motion: Rejecting Claim for Damages filed by Norma Partida
- P. Motion: Rejecting Claim for Damages filed by John Martinez

6. FINAL READINGS: None

7. PUBLIC HEARINGS

- A. Development Services Director Mike Pitcock presented the staff report on the request to amend the Turlock Municipal Code Title 4, Chapter 7, Article 14, Section 02, regarding speed limits.

Council and staff discussion included an explanation of the process used to determine speed limits.

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

Action: Motion by Councilmember Bublak, seconded by Councilmember White, introducing an Ordinance amending Turlock Municipal Code Title 4, Chapter 7, Article 14, Section 02, regarding speed limits, and setting the final reading for October 28, 2014. Motion carried 5/0 by the following vote:

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

- B. Police Lieutenant Ninus Amirfar introduced the staff report on the request to add Turlock Municipal Code Title 5, Chapter 27, Prescription Medication Disposal Program. Coordinator Jennifer Marsh and Prevention Consultant Jeff Godfrey of Stanislaus County Behavioral Health and Recovery Services provided information about the program including impacts of prescription drug abuse in Stanislaus County.

Council discussion included construction and size of receptacle, responsibilities related to emptying the receptacle, and involvement in the program by other cities in Stanislaus County.

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

Action: Motion by Councilmember Nascimento, seconded by Councilmember Bublak, introducing an Ordinance adding Turlock Municipal Code Title 5, Chapter 27, Prescription Medication Disposal Program, and setting the final reading for October 28, 2014. Motion 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. Police Lieutenant Ron Reid presented the staff report on the request to approve the purchase of six (6) replacement marked black and white police vehicles for Turlock Police Department from Patchetts Ford & Mercury of Turlock, California, with all emergency equipment and aftermarket installation provided by LEHR Auto Electric & Emergency Equipment of Sacramento, California, from account number 506-00-000-213.51020 "Equipment Replacement," in an amount not to exceed \$276,000, or \$46,000 per vehicle.

Mayor Lazar noted a green sheet to this item.

Council discussion included warranty, and vehicle mileage and service hours of operation information.

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

Action: **Resolution No. 2014-160** Approving the purchase of six (6) replacement marked black and white police vehicles for Turlock Police Department from Patchetts Ford & Mercury of Turlock, California, with all emergency equipment and aftermarket installation provided by LEHR Auto Electric & Emergency Equipment of Sacramento, California, from account number 506-00-000-213.51020 "Equipment Replacement," in an amount not to exceed \$276,000, or \$46,000 per vehicle was introduced by Councilmember Bublak, seconded by Councilmember DeHart, and carried 5/0 by the following vote:

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

- B. Police Lieutenant Miguel Pacheco presented the staff report on the request to authorize the Turlock Police Department to trade-in firearms that the department is taking out of service, to an authorized firearms dealer, in order to obtain a trade-in value, resulting in a reduced cost of replacement firearms.

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

Action: **Resolution No. 2014-161** Authorizing the Turlock Police Department to trade-in firearms that the department is taking out of service, to an authorized firearms dealer, in order to obtain a trade-in value which will result in a reduced cost of replacement firearms 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

- C. Human Resources Manager Sarah Eddy introduced the staff report on the request to approve an agreement with SEITY, LLC (herein referred to as SEITY) effective January 1, 2015 for the remainder of Fiscal Year 2014/15 to provide a Wellness Program for regular City of Turlock employees at a cost not to exceed \$35,000. Dr. Sam Romeo of the Romeo Medical Clinic provided information on the benefits of the program.

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

Action: Motion by Councilmember Bublak, seconded by Councilmember DeHart, Approving an agreement with SEITY, LLC (herein referred to as SEITY) effective January 1, 2015 for the remainder of Fiscal Year 2014/15 to provide a Wellness Program for regular City of Turlock employees at a cost not to exceed \$35,000. 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. 2014-162 Appropriating \$10,000 to account number 511-10-151.47073 "Wellness Program" from Fund 511 "Health Care" reserve balance for a Wellness Program for regular City of Turlock employee was introduced by Councilmember Bublak, seconded by Councilmember DeHart, and carried 5/0 by the following vote:

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

- D. Police Lieutenant Ron Reid presented the staff report on the request to affirm staff's submission of a U.S. Department of Justice (DOJ) Community Oriented Policing Services (COPS) grant application with a projected cost of \$1,193,327.44 for the hiring of four (4) police officers, for three (3) years each, with COPS grant funding of \$125,000 per officer for a grant total of \$500,000 over the three (3) year grant term and projected City match funds of \$693,327.44 over the three (3) year grant term; Accept the \$500,000 grant award from the COPS Office that was announced/offered on September 29, 2014; and Appropriate the grant funds to the appropriate revenue and expenditure accounts in Fund 266 "Police Grants."

Council and staff discussion included ability to amend the grant should staffing levels decrease and current staffing levels.

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

Mayor Lazar noted a green sheet to this item.

Action: **Resolution No. 2014-163** Affirming staff's submission of a U.S. Department of Justice (DOJ) Community Oriented Policing Services (COPS) grant application with a projected cost of \$1,193,327.44 for the hiring of four (4) police officers, for three (3) years each, with COPS grant funding of \$125,000 per officer for a grant total of \$500,000 over the three (3) year grant term and projected City match funds of \$693,327.44 over the three (3) year grant term; Accepting the \$500,000 grant award from the COPS Office that was announced/offered on September 29, 2014; and Appropriating the grant funds to the appropriate revenue and expenditure accounts in Fund 266 "Police Grants," 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

- E. City Manager Roy Wasden presented the staff report on the request to rescind existing resolutions and adopt the Memorandums of Understanding between the City of Turlock and Turlock City Employees Association (TCEA), Turlock Management Association – Public Safety (TMAPS), Confidential Employees, Management Employees, and Turlock Firefighters Local #2434, and to rescind Resolution Nos. 2007-289 and 2007-298 establishing paying the value of Employer Paid Member Contributions (EPMC) to CALPERS between the City of Turlock and the Turlock Firefighter Local #2434 and Fire Management Safety Members of the City of Turlock, thereby eliminating the benefit.

Councilmember DeHart initially made, but subsequently withdrew, a request for a closed session.

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

Turlock Associated Police Officer President Russell Holeman spoke against “me too” clauses in the proposed contracts, a loss of trust in the Council, and concern over officers leaving to go to better paying agencies.

Council and staff discussion included the “me too” language, payment of “concessions” (incentive increases) in advance of contract ratification, employee departures, prospects for future hires, and current pay levels.

Mayor Lazar noted green sheets to this item.

Action: **Resolution No. 2014-164** Rescinding Resolution No. 2013-187 and adopting a Memorandum of Understanding between the City of Turlock and Turlock City Employees Association (TCEA) covering the period July 1, 2014 through October 31, 2017, 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

Resolution No. 2014-165 Rescinding Resolution No. 2013-188 and adopting a Memorandum of Understanding between the City of Turlock and Turlock Management Association – Public Safety (TMAPS) covering the period July 1, 2014 through June 30, 2017, 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

Resolution No. 2014-166 Rescinding Resolution No. 2013-189 and adopting a Schedule of Benefits for Confidential Employees of the City of Turlock covering the period July 1, 2014 through June 30, 2017, 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

Resolution No. 2014-167 Rescinding Resolution No. 2013-190 and adopting a Schedule of Benefits for Management Employees of the City of Turlock covering the period July 1, 2014 through June 30, 2017, 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

Resolution No. 2014-168 Rescinding Resolution No. 2013-191 and adopting a Memorandum of Understanding between the City of Turlock and Turlock Firefighters Local #2434 covering the period July 1, 2014 through June 30, 2019, 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

Resolution No. 2014-169 Rescinding Resolution Nos. 2007-289 and 2007-298 paying the value of Employer Paid Member Contributions (EPMC) to CALPERS between the City of Turlock and the Turlock Firefighter Local #2434 and Fire Management Safety Members of the City of Turlock thereby eliminating this benefit, 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

Prior to Scheduled Matters Item 8F, City Attorney Phaedra Norton and City Manager Roy Wasden excused themselves from the meeting due to their previously stated Conflict of Interest.

- F. Mayor Lazar presented the staff report on the request to approve an employment agreement between the City of Turlock and Phaedra Norton and an employment agreement between the City of Turlock and Roy W. Wasden. Outside counsel, Jose Sanchez of Meyers Nave, was present and answered questions regarding the proposed contracts.

Council discussion regarding the term duration of the City Attorney’s contract, 5% extra pay for contract legal services for the City Attorney, cost for medical specialist, vehicle allowance discrepancy between City Attorney and City Manager, and severance.

Mayor Lazar asked for public comment.

Turlock Associated Police Officer President Russell Holeman spoke against “me too” clauses in the proposed contracts and concern over officers leaving to go to better paying agencies.

Sergio Alvarado spoke against taking action on this item at tonight’s meeting and requested postponement of action until a new Council is seated.

Mayor Lazar closed public comment.

Additional Council discussion included Council carrying out their current duties until the end of their term, “me too” clauses included in the proposed contracts, salary surveys, potential conflicts of interest, history of City Attorney and City Manager contracts being tied to TCEA contracts, public trust related to utility bill inserts and early payment of “concessions” (incentive increases), process involved in execution of contracts, and direction provided to the City Manager during closed session related to labor agreements.

Councilmember Bublak moved to suspend action on this item until after an investigation into alleged illegal activities is completed. Motion failed due to lack of a second.

Action: Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Approving an employment agreement between the City of Turlock and City Attorney Phaedra Norton covering the period July 1, 2014 through June 30, 2019. Motion carried 4/1 by the following vote:

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

Motion by Councilmember Nascimento, seconded by Councilmember DeHart, Approving an employment agreement between the City of Turlock and City Manager Roy W. Wasden covering the period July 1, 2014 through June 30, 2017. 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 Nascimento requested consideration for a future agenda item appointing two member of the Council to participate in an ad hoc committee along with representatives of California State University, Stanislaus and the CSUS Associated Student Body, to be tasked with identifying ways to partner together for future events and activities, in order to assist in building on the current relationship established through the Town-Gown affiliation.

10. COUNCIL COMMENTS: None

11. CLOSED SESSION: None

12. ADJOURNMENT:

Motion by Councilmember Bublak, seconded by Councilmember White, to adjourn at 7:38 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk