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1. **A. CALL TO ORDER** –Mayor Lazar called the meeting to order at 7:10 p.m.  
PRESENT: Councilmembers Amy Bublak, Bill DeHart, Steven Nascimento, Forrest White, and Mayor John S. Lazar.  
ABSENT: None
  - B. SALUTE TO THE FLAG** – Salute led by John Bjork, Boy Scouts of America, Troop 451.
  2. **PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:**
    - A. Mayor Lazar presented a Proclamation to Angie Mendoza and Alma Ventura in recognition of Dating Violence Awareness & Prevention Month.
    - B. Richard Dye of Pacific Gas & Electric, Government Relations Division, provided information regarding the Pipeline Safety Enhancement Program (PSEP), including results of the recent hydrostatic pressure testing that was performed in Turlock and an upcoming area pipeline replacement project.
  3. **A. SPECIAL BRIEFINGS:** None
  - B. STAFF UPDATES**
    1. City Clerk Kellie Weaver provided information regarding upcoming Board, Commission, and Committee vacancies.
    2. Development Services Director Mike Pitcock provided an update on capital projects and development activity, including permit tracking, Harding Drain Bypass Project, Golden State Median Project, Sewer Lift Station at West Main Street/Clinton, and Fulkerth Road Overlay Project.
    3. Police Chief Robert Jackson provided an update on the Mayor’s Gang Task Force, including their history, purpose, accomplishments, and ongoing activities.
  - C. PUBLIC PARTICIPATION:** None
  4. **A. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA**  
**Action:** Motion by Councilmember DeHart, seconded by Councilmember Nascimento, to waive reading of all ordinances on the agenda, except by title. Motion carried unanimously.
  - B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:**  
Mayor Lazar advised he would not participate in Closed Session Item 11A due to a potential conflict of interest.

**5. CONSENT CALENDAR:**

Mayor Lazar noted requests that Item 5C be removed from the Consent Calendar to be brought back at a future meeting and Items 5F, 5H, and 5I be removed for separate consideration.

**Action:** Motion by Councilmember Bublak, seconded by Councilmember DeHart, and unanimously carried to adopt the amended Consent Calendar as follows:

- A. **Resolution No. 2013-025** Accepting Demands of 1/10/13 in the amount of \$939,515.09; Demands of 1/18/13 in the amount of \$860,232.88
- B. Motion: Accepting Minutes of Special Meeting of January 22, 2013; Minutes of Regular Meeting of January 22, 2013
- C. *Removed from Consent Calendar to be brought forward at a later date.*
- D. Motion: Accepting improvements for City Project No. 12-51, "Re-roof of Marty Yerby Center," and authorizing the City Engineer to file a Notice of Completion
- E. 1. Motion: Awarding bid and approving an agreement in the amount of \$5,344.80 with JKB Development, of Turlock, California, for City Project No. 12-58, "Chamber of Commerce Building Repair"  
2. **Resolution No. 2013-026** Appropriating \$5,969 to account number 241-00-000-228.51301 "City Facility Repairs" to be funded using insurance proceeds received for damages and accounted for in account number 241-00-000-228.37220 "Insurance Recoveries"
- F. *Removed for separate consideration.*
- G. **Resolution No. 2013-027** Approving Turlock Municipal Airport Development Standards and Turlock Municipal Airport Minimum Standards
- H. *Removed for separate consideration.*
- I. *Removed for separate consideration.*
- J. Motion: Approving the contract renewal between the City of Turlock and the Turlock Umpire Group to officiate the adult league softball programs
- K. Motion: Approving the Memorandum of Understanding between the City of Turlock and the Turlock Youth Soccer Association for the use of Turlock Regional Sports Complex for designated youth soccer programs and tournaments within the community
- L. **Resolution No. 2013-028** Authorizing the relocation of the trunking radio system used by the City of Turlock from the Turlock Police Department to the Turlock Public Safety Facility, including the purchase of new equipment by Delta Wireless, Inc., of Turlock, California, in an amount not to exceed \$260,000
- M. **Resolution No. 2013-029** Authorizing the purchase of Haworth panel systems, freestanding furniture, chairs and accessories from Warden's of Modesto, California, through the U.S. Communities Purchasing Program for the Turlock Public Safety Facility, in an amount not to exceed \$260,000, without compliance to the formal bid procedure
- N. **Resolution No. 2013-030** Amending the salary range for the job classification of Fire Chief from 38.1 to 39.1 to be consistent and equitable with other department directors, effective February 16, 2013
- O. Motion: Rejecting Claim for Damages filed by Kevin E. Chase
- P. Motion: Rejecting Claim for Damages filed by Gonzalo Campos
- Q. Motion: Rejecting Claim for Damages filed by Daljit Singh Atwal
- R. Motion: Rejecting Claim for Damages filed by Bobby Atwal

**Item 5F**

Housing Program Services Manager Maryn Pitt presented the staff report on the request to approve a purchase and sale agreement with Tiare LLC for the purchase of two (2) remaining parcels, more particularly described as Stanislaus County APN Nos. 042-010-021 and 042-010-022, for the construction of the second phase of the new Turlock Regional Transit Center, City Project No. 12-60.

Council and staff discussion included an explanation of the purchase price being greater than appraised value, funding sources, and benefits of obtaining the parcels at the present time.

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

**Action:** Motion by Councilmember Bublak, seconded by Councilmember Nascimento, Approving a purchase and sale agreement with Tiare LLC for the purchase of two (2) remaining parcels, more particularly described as Stanislaus County APN Nos. 042-010-021 and 042-010-022, for the construction of the second phase of the new Turlock Regional Transit Center, City Project No. 12-60, in the amount of \$1,537,929 plus escrow closing costs, with the total cost not to exceed \$1,544,000, to include the green sheeted letter from the U.S. Department of Transportation Federal Transit Administration regarding City of Turlock Property Appraisals. Motion carried unanimously.

**Item 5H**

Municipal Services Director Dan Madden presented the staff report on the request to approve the First Amendment to the Cost Sharing Agreement between the Cities of Ceres, Hughson, Modesto, and Turlock for additional consulting services needed to complete the East Stanislaus Integrated Regional Water Management Plan (IRWMP) and authorize the execution of related documents.

Council discussion included the potential for future funding consideration.

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

**Action:** Motion by Councilmember White, seconded by Councilmember DeHart, Approving the First Amendment to the Cost Sharing Agreement between the Cities of Ceres, Hughson, Modesto, and Turlock for additional consulting services needed to complete the East Stanislaus Integrated Regional Water Management Plan (IRWMP). Motion carried unanimously.

Motion by Councilmember White, seconded by Councilmember DeHart, Authorizing the City Manager to execute all documents related to the First Amendment to the Cost Sharing Agreement for the preparation of the East Stanislaus Integrated Regional Water Management Plan (IRWMP) as well as all future documents pertaining to the project. Motion carried unanimously.

**Item 5I** Municipal Services Director Dan Madden presented the staff report on the request to approve a restructuring in the scope of work for the North Valley Regional Recycled Water Program (NVRWP) to focus on the Delta Mendota Canal (DMC) conveyance option as the preferred alternative and to authorize the City Manager to execute any and all documents pertaining thereto

Council discussion included potential benefits of the project.

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

**Action:** Motion by Councilmember DeHart, seconded by Councilmember Bublak, Approving a restructuring in the scope of work for the North Valley Regional Recycled Water Program (NVRWP) to focus on the Delta Mendota Canal (DMC) conveyance option as the preferred alternative and to authorize the City Manager to execute any and all documents pertaining thereto. Motion carried unanimously.

**6. FINAL READINGS:**

- A. **Ordinance No. 1178-CS**, Amending Turlock Municipal Code Title 8, Chapter 1, Article 1, Section 6, regarding the adoption of building fees by Resolution as introduced on January 22, 2013 was unanimously passed and adopted.
- B. **Ordinance No. 1179-CS**, Adding Turlock Municipal Code Title 6, Chapter 1, Article 1, Section 17, regarding the permitting of Rescue Groups as introduced on January 22, 2013 was unanimously passed and adopted.

**7. PUBLIC HEARINGS**

- A. City Manager Roy Wasden presented the staff report on the request to amend Turlock Municipal Code Title 2, Chapter 1, Article 02, to change the hour regular City Council meetings are held.

Council discussion included past concerns/benefits of the proposed change.

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

**Action:** Motion by Councilmember Bublak, seconded by Councilmember DeHart, introducing an Ordinance Amending Turlock Municipal Code Title 2, Chapter 1, Article 02, to change the hour regular City Council meetings are held and setting the final reading for February 26, 2013. Motion carried unanimously.

- B. Fire Chief Tim Lohman presented the staff report on the request to approve amendments to Turlock Municipal Code Title 4, Chapter 3, Article 4, entitled "Fireworks."

Council discussion included required documentation for non-profit organizations.

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

Mayor Lazar invited Former Councilmember, Attorney Ron Hillberg and Turlock Chamber of Commerce CEO Sharon Silva to address the Council regarding non-profit organizations and documentation.

**Action:** Motion by Councilmember Bublak, seconded by Councilmember DeHart, introducing an Ordinance Approving amendments to Turlock Municipal Code Title 4, Chapter 3, Article 4, entitled "Fireworks" and setting the final reading for February 26, 2013. Motion carried with Councilmember White dissenting.

## **8. SCHEDULED MATTERS:**

- A. City Manager Roy Wasden presented the staff report on the request to authorize staff to support the positive benefits of the Enterprise Zone program in local communities and on a statewide economic level and communicate support for Enterprise Zones and opposition to any proposal that would threaten their existence.

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

**Action:** **Resolution No. 2013-031** Authorizing staff to support the positive benefits of the Enterprise Zone program in local communities and on a statewide economic level and communicate support for Enterprise Zones and opposition to any proposal that would threaten their existence was introduced by Councilmember White, seconded by Councilmember Bublak, and carried unanimously.

- B. Municipal Services Director Dan Madden presented the staff report on the request to recommend payment in the amount of \$3,000 from Fund 410-51-530.43319 "Regulatory Fees" to the State Water Pollution Cleanup and Abatement Account as settlement of an Administrative Civil Liability Complaint R5-2013-0505.

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

**Action:** Motion by Councilmember White, seconded by Councilmember Bublak, Recommending payment in the amount of \$3,000 from Fund 410-51-530.43319 "Regulatory Fees" to the State Water Pollution Cleanup and Abatement Account as settlement of an Administrative Civil Liability Complaint R5-2013-0505. Motion carried unanimously.

- C. Parks, Recreation & Community Facilities Superintendent Erik Schulze presented the staff report on the request to authorize the filling and replacement of three (3) current vacant positions within the Parks, Recreation and Public Facilities Division through an in-house recruitment of full time, part time and volunteer/intern staff, and outside recruitment if needed.

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

**Action:**           **Resolution No. 2013-032** Authorizing the filling and replacement of three (3) current vacant positions within the Parks, Recreation and Public Facilities Division through an in-house recruitment of full time, part time and volunteer/intern staff, and outside recruitment if needed was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried unanimously.

**9. COUNCIL ITEMS FOR FUTURE CONSIDERATION:**

Councilmember Bublak ask that consideration be given to holding regular City Council meetings at an off-site location on a quarterly basis and asked that a report be brought forward at the next Council meeting.

**10. COUNCIL COMMENTS:**

Councilmember Bublak expressed interest in collaborating with California State University, Stanislaus on a "Family Day" to highlight the University and showcase Turlock to university students and their families.

**11. CLOSED SESSION:**

City Attorney Phaedra Norton introduced the Closed Session items.

As noted previously under Declarations of Conflicts of Interest, Mayor Lazar recused himself from participation in Closed Session Item 11A.

- A.     Conference with Legal Counsel – Existing Litigation, Cal. Gov't Code §54956.9(a)  
Name of case: California Clean Energy Committee vs. City of Turlock

**Action:**           No reportable action.

- B.     Public Employee Performance Evaluation, Cal. Gov't Code §54957  
Title: City Manager

**Action:**           Council approved the satisfactory performance evaluation of the City Manager.

**12. ADJOURNMENT:**

Motion by Councilmember DeHart, seconded by Councilmember Bublak, to adjourn at 8:28 p.m.  
Motion carried unanimously.

RESPECTFULLY SUBMITTED

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Kellie E. Weaver  
City Clerk