

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 read a Proclamation in Honor of the Life and Legacy of President John F. Kennedy to memorialize the 50th anniversary of his assassination.

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 the Water/Sewer Line project near Crane Park, Taylor Road Bike Path project, Monte Vista Avenue Rehab project, Golden State and F Street Signalization project, Cooper Storm Drain project, Slurry Seal project, and the Walnut Road closure.
 3. Captain Frank Saldivar, on behalf of the Turlock Fire Department, presented a check in the amount of \$14,000 to Emanuel Cancer Center which will be used for research, education, and outreach. John Sigsbury of Emanuel Medical Center thanked the Turlock Fire Department and all who participated in the campaign. Captain Saldivar also thanked participants, including Regina Amador of Emanuel Medical Center Gift Shop, Rustic Roots, and Oscar Avila of Cost Less Market.
 4. Fire Chief Tim Lohman presented information on the Emergency Medical Services (EMS) Delivery System, including historical background, recent direction received from the Board of Supervisors, and information about Turlock’s future EMS System.

- C. PUBLIC PARTICIPATION:**

Mary Jackson provided a recap of the recent Turlock Shines event which included 125 volunteers collecting over 6 tons of garbage in the City of Turlock. Ms. Jackson thanked all who participated, including City of Turlock Neighborhood Services Supervisor Robert Boyd and Alan Marchant of Turlock Scavenger, and announced the date for the 2014 Turlock Shines event as September 26, 2014.

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

Action: Motion by Councilmember DeHart, seconded by Councilmember Bublak, to waive reading of all ordinances on the agenda, except by title. Motion carried unanimously.

B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS: None

Mayor Lazar noted green sheets to Public Hearings Item 7C and Scheduled Matters Item 8E.

5. CONSENT CALENDAR:

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

- A. **Resolution No. 2013-193** Accepting Demands of 10/10/13 in the amount of \$1,678,714.52; Demands of 10/17/13 in the amount of \$1,096,206.01
- B. **Motion:** Accepting Minutes of Regular Meeting of October 22, 2013
- C. **Motion:** Approving Contract Change Order No. 2 in the amount of \$27,678.16 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 2 – Demolition, Grading and Site Paving, bringing the contract total to \$1,032,480.31
- D. **Motion:** Accepting notification of Contract Change Order No. 4 in the amount of \$3,491 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 4 - Landscaping, bringing the contract total to \$233,184
- E. **Motion:** Accepting notification of Contract Change Order No. 3 in the amount of \$806.69 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 5 - Masonry, bringing the contract total to \$1,322,881.39
- F. **Motion:** Accepting notification of Contract Change Order No. 5 in the amount of \$20,121 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 6 – Structural Steel, bringing the contract total to \$3,509,579
- G. **Motion:** Accepting notification of Contract Change Order No. 4 in the amount of \$10,470 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 9 – Doors and Windows, bringing the contract total to \$1,142,644
- H. **Motion:** Accepting notification of Contract Change Order No. 3 in the amount of \$1,288 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 11 – Painting and Wall Coverings, bringing the contract total to \$297,650
- I. **Motion:** Accepting notification of Contract Change Order No. 6 in the amount of \$4,953 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to \$2,574,707
- J. **Motion:** Accepting notification of Contract Change Order No. 6 in the amount of \$15,013 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 13 – Building and Site Electrical, bringing the contract total to \$4,249,339
- K. **Motion:** Accepting notification of Contract Change Order No. 4 in the amount of \$6,132 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, bringing the contract total to \$894,823
- L. **Motion:** Accepting notification of Contract Change Order No. 3 in the amount of \$5,132 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 16 – Fire Protection, bringing the contract total to \$248,854
- M. **Motion:** Approving twenty-two (22) Lien Agreements between the City of Turlock and the owners listed below in conjunction with City Project No. 10-53, "Water and Sewerline Replacement in the Alleys"

- N. 1. Motion: Making the determination that City Project No. 13-25A, "Public Safety Training Facility Structure Relocation," is exempt from the provisions of CEQA in accordance with Section 15301, "Existing Facilities"
2. Motion: Awarding bid and approving an agreement in the amount of \$44,800 (Fund 305) with Clay A. Titus, Inc., of Stockton, California, for City Project No. 13-25A, "Public Safety Training Facility Structure Relocation"
3. **Resolution No. 2013-194** Authorizing the transfer of \$54,600 from Fund 305 "CFF-Police" Reserve to account number 305-40-441.51270 for City Project No. 13-25, "Public Safety Training Facility"
- O. Motion: Accepting notification of Contract Change Order No. 3 in the amount of \$108,672.24 (Fund 415) for City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline," bringing the contract total to \$13,448,602.08
- P. **Resolution No. 2013-195** Authorizing the City Manager to sign all documents related to Lot Line Adjustment 13-06 of Stanislaus County Assessor's Parcel Nos. 042-037-005 & 008, "Old Turlock Police Facility Property and Starr Avenue Courthouse Property"
- Q. **Resolution No. 2013-196** Authorizing the refund and appropriation of \$188,669 to account number 258-41-496.47312 "Reimbursement to HCD" to the State of California Department of Housing and Community Development for the unused program income funds as agreed to in the Neighborhood Stabilization Program and Program Income Reuse Plan
- R. Motion: Approving the agreement between the City of Turlock and the 38th District Agricultural Association for the purpose of parking and turn around for the participants in the Annual Christmas Parade on Friday, December 6, 2013
- S. **Resolution No. 2013-197** Establishing the new job classification of Crime Prevention Specialist within the Turlock Police Department and reclassifying an existing Community Service Officer to the new classification and conducting an external recruitment if necessary
- T. **Resolution No. 2013-198** Accepting Supplemental Law Enforcement Services Fund (SLESF) grant monies from the State of California Citizen's Option for Public Safety (COPS) program projected to be a minimum of \$100,000 in Fiscal Year 2013-14 and adjusting the budget in Fund 267 to appropriate unexpended 2012-13 monies and 2013-14 anticipated revenues
- U. 1. Motion: Authorizing Staff to purchase a walk-in freezer for Animal Services from Atlantic HVAC Engineers in Elk Grove, CA, in the amount of \$11,150.06 in account number 266-20-255-348.51100 "Animal Services Capital"
2. **Resolution No. 2013-199** Appropriating \$11,200 to account number 266-20-255-348.51100 "Animal Services Capital" from reserves in the Animal Services Donations program for the purchase of a walk-in freezer for use at the Animal Services Shelter
- V. Motion: Approving an agreement between New World Systems Corporation and the City of Turlock and authorizing the City Manager to execute any and all necessary documents relative to a five (5) year Standard Software Maintenance Agreement
- W. **Resolution No. 2013-200** Rescinding the March 24, 2009 motion establishing a hiring freeze and reaffirming the powers and duties of the City Manager with respect to the appointment, removal, promotion, and demotion of officers and employees as set forth in Turlock Municipal Code Section 2-4-207(c)
- X. Motion: Approving an agreement between the City of Turlock and the City of Newman to provide contract city attorney legal services
- Y. Motion: Rejecting Claim for Damages filed by Margarito Dominguez, Jr.

6. FINAL READINGS:

- A. **Ordinance No. 1187-CS**, Repealing Turlock Municipal Code Title 8, Chapter 11, regarding Capital Facilities Fees, and adopting a new Title 8, Chapter 11 as introduced at the October 22, 2013 meeting was unanimously passed and adopted.
- B. **Ordinance No. 1188-CS**, Amending Turlock Municipal Code Title 6, Chapter 4, Article 14, Section 01, regarding Director Responsible for Enforcement as introduced at the October 22, 2013 meeting was unanimously passed and adopted.

7. PUBLIC HEARINGS

- A. Development Services Director Mike Pitcock presented the staff report on the request to order the vacation abandonment (AB 13-03) of that certain section of Dianne Drive right-of-way from Fulkerth Road approximately 250 feet south, adjacent to the property at 2618 Fulkerth Road and a portion of the property at 1525 Dianne Drive.

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

Action: **Resolution No. 2013-201** Ordering the Vacation Abandonment (AB 13-03) of that certain section of Dianne Drive right-of-way from Fulkerth Road approximately 250 feet south, adjacent to the property at 2618 Fulkerth Road and a portion of the property at 1525 Dianne Drive was introduced by Councilmember White, seconded by Councilmember DeHart, and carried unanimously.

- B. Mayor Lazar announced that the item requesting to adopt a revision to the City of Turlock's ADA Transition Plan as completed by Sally Swanson Architects, Inc., under City Project No. 11-27, "ADA Self-Evaluation and Transition Plan Update would not be heard at this meeting and would be renoticed for a future meeting.
- C. Development Services Director Mike Pitcock and Deputy Director of Development Services/Planning Manager Debbie Whitmore presented the staff report on the request to adopt updated development mitigation fee programs for Citywide capital facilities, and infrastructure improvements in the Northwest Triangle and Westside Industrial Specific Plan areas, specifically the Capital Facilities Fee (CFF) Fee Nexus Study, Northwest Triangle Specific Plan Fee Nexus Study Update and Westside Industrial Specific Plan Fee Nexus Study Update and establish related fees, make the determination that the studies and fees are exempt from the requirements of CEQA, and direct the City Engineer to collect the lower of either the current fees or the newly adopted fees for any development project during the 60-day waiting period required by Government Code Section 66017(a).

Ms. Whitmore also mentioned the green sheet to this item in the form of a letter received from the Building Industry Association of the Greater Valley asking Council to remove the General Plan Update from the General Government Category and pay for it in a different way.

Ms. Whitmore introduced consultants Todd Tregenza of Omni-Means, and Jamie Gomes and Ashleigh Kanat of Economic & Planning Systems, Inc., who also provided information on the various fee programs and their methodologies.

Council, staff, and consultant discussion included methodologies for calculating the various fees, building today for future growth, and the relevance of including General Plan Update costs in the updated CFF.

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

Action: Motion by Councilmember White, seconded by Councilmember Nascimento, determining that adoption of the Capital Facilities Fee Nexus Study and Fee, the Northwest Triangle Specific Plan Fee Nexus Study and Fee, and the Westside Industrial Specific Plan Fee Nexus Study and Fee are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) and/or Section 15273 (Rates, Tolls, Fares, and Charges) of the CEQA Guidelines. Motion carried unanimously.

Resolution No. 2013-202 Adopting the Capital Facilities Fee (CFF) Fee Nexus Study and establishing a Capital Facilities Fee, as required by Turlock Municipal Code Chapter 8-11 was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried unanimously.

Resolution No. 2013-203 Adopting the Northwest Triangle Specific Plan Fee Nexus Study Update and establishing a Northwest Triangle Master Plan Fee, as required by Turlock Municipal Code Chapter 8-11 was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried unanimously.

Resolution No. 2013-204 Adopting the Westside Industrial Specific Plan Fee Nexus Study Update and establishing a Westside Industrial Specific Plan Fee, as required by Turlock Municipal Code Chapter 8-11 was introduced by Councilmember White, seconded by Councilmember Nascimento, and carried unanimously.

Motion by Councilmember White, seconded by Councilmember Nascimento, Directing the City Engineer to collect the lower of either the current fees or the newly adopted fees for any development project during the 60-day waiting period required under Government Code Section 66017(a). Motion carried unanimously.

- D. Deputy Director of Development Services/Planning Manager Debbie Whitmore presented the staff report on the request to approve a Resolution of Intention to initiate any and all proceedings to study and amend, if appropriate, Turlock Municipal Code Section 9-2-125 regarding Mobile Food Facilities and adopt, as an urgency measure, an Interim Ordinance prohibiting the establishment of Mobile Food Facilities in the Downtown Core Zoning District of the City of Turlock for a period of forty-five (45) days, pursuant to California Government Code §65858.

Mayor Lazar opened the public hearing.

Dana McGarry of the Turlock Downtown Property Owners Association (TDPOA) spoke in favor of a cooling off period to examine the merits of these types of businesses, for reasons including that mobile vendors do not contribute to the Public Business Improvement District (PBID), but do derive the benefits.

Christopher Shawn of VidaVital, a mobile food business, spoke against initiating proceedings to study and amend TMC 9-2-125 and possible moratorium on mobile food facilities in the Downtown Core Zoning District for reasons including that his application is currently in process and that he has already invested thousands of dollars in his business.

Eric Gonsalves, TDPOA President, spoke in favor of the study and moratorium for reasons including he has received requests from property owners to address mobile food vendors, TDPOA members pay extra fees as part of the PBID, aesthetic and restroom concerns in the downtown area, the need to maintain the character of the downtown area, and his responsibility to represent the downtown property owners.

Brett Honore, co-owner of Dust Bowl Brewery and Board Member of TDPOA, spoke in favor of the study and moratorium for reasons including restroom and aesthetic concerns.

Council discussion included restroom requirements, other mobile food vendors currently operating in the area, City processes for issuing permits, and steps taken by Christopher Shawn of VidaVital to establish his business.

Ignacio Rico spoke in favor of mobile food trucks and asked for Council support.

Karrie Hernandez of Saucy Girls provided information about her mobile food truck that operates in the downtown area.

Mayor Lazar closed the public hearing.

Additional Council discussion included allowing Christopher Shawn's application to be grandfathered in while moving ahead with the study and moratorium, the need for better communication between the City, Turlock Downtown Property Owners Association, and the Chamber of Commerce, and future proceedings and parties to be included in the study of TMC §9-2-125.

Action: **Resolution No. 2013-205** Approving a Resolution of Intention to initiate any and all proceedings to study and amend, if appropriate, Turlock Municipal Code Section 9-2-125 regarding Mobile Food Facilities was introduced by Councilmember Bublak, seconded by Councilmember Nascimento, and carried unanimously.

Ordinance No. 1189 Adopting, as an urgency measure, an Interim Ordinance prohibiting the establishment of Mobile Food Facilities in the Downtown Core Zoning District of the City of Turlock for a period of forty-five (45) days, pursuant to California Government Code §65858, with the

exception of the permit submitted by Christopher Shawn on October 30, 2013, for the location at 201 W. Main Street in Turlock, was introduced by Councilmember Bublak, seconded by Councilmember Nascimento, and carried unanimously.

Mayor Lazar asked that Councilmember Bublak be appointed as a Council representative in study process.

8. SCHEDULED MATTERS:

Mayor Lazar handled Scheduled Matters Item 8B out of order.

- B. Parks, Recreation & Community Facility Manager Allison Van Guilder presented the staff report on the request to authorize the naming of the northeast storm basin walkway to "Singh Walkway" on behalf of the Turlock Indian American population in recognition of their contributions to the Turlock community.

Dr. Ram Saini spoke in favor of the walkway.

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

Action: **Resolution No. 2013-206** Authorizing the naming of the northeast storm basin walkway to "Singh Walkway" on behalf of the Turlock Indian American population in recognition of their contributions to the Turlock community was introduced by Councilmember White, seconded by Councilmember Bill DeHart, and carried unanimously.

- A. Development Services Director Mike Pitcock presented the staff report on the request to accept the final report and Pavement Management Program Update as completed by Nichols Consulting Engineers as part of City Project No. 13-30, "Pavement Management Program Update."

Carlos Yamzon of StanCOG provided a brief background and introduction of the Pavement Management Program Update.

Margot Yapp of Nichols Consulting Engineers, Chtd. presented the report on "State of the Pavements" in the City of Turlock.

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

Action: **Resolution No. 2013-207** Accepting the final report and Pavement Management Program Update as completed by Nichols Consulting Engineers as part of City Project No. 13-30, "Pavement Management Program Update," was introduced by Councilmember Bublak, seconded by Councilmember Nascimento, and carried unanimously.

- C. Municipal Services Director Michael Cooke presented the staff report on the request to appropriate \$350,000 to account number 410-51-530.43340 "North Valley Regional Recycled Water Project" from Water Quality Control Fund 410 Operations Reserve.

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

Action: **Resolution No. 2013-208** Appropriating \$350,000 to account number 410-51-530.43340 "North Valley Regional Recycled Water Project" from Water Quality Control Fund 410 Operations Reserve was introduced by Councilmember DeHart, seconded by Councilmember White, and carried unanimously.

Scheduled Matters Items 8D and 8E were handled concurrently.

- D. Municipal Services Director Michael Cooke presented the staff report on the request to appropriate \$231,500 to account number 415-51-538.43327 "Construction Management" from Fund 415 "Sewer Bonds" Reserve for City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline."

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

Action: **Resolution No. 2013-209** Appropriating \$231,500 to account number 415-51-538.43327 "Construction Management" from Fund 415 "Sewer Bonds" Reserve for City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline," was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried unanimously.

- E. Municipal Services Director Michael Cooke presented the staff report on the request to appropriate \$37,400 to account number 415-51-537.43327 "Construction Management" from Fund 415 "Sewer Bonds" Reserve for City Project No. 0751, "Turlock Regional Water Quality Control Facility Headworks and Secondary Treatment Capacity Expansion."

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

Action: **Resolution No. 2013-210** Appropriating \$37,400 to account number 415-51-537.43327 "Construction Management" from Fund 415 "Sewer Bonds" Reserve for City Project No. 0751, "Turlock Regional Water Quality Control Facility Headworks and Secondary Treatment Capacity Expansion," was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried unanimously.

- F. City Manager Roy Wasden introduced Lynn Bull of Winton-Ireland Insurance Agency who presented a report on the request to authorize approval to enter into a contract with "Consult-A-Doc" for the remainder of Fiscal Year 2013-14 for "24/7/365 on demand" physician consultations.

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

Action: Motion by Councilmember DeHart, seconded by Councilmember Bublak, Authorizing approval to enter into a contract with "Consult-A-Doc" (herein referred to as CADr) for the remainder of Fiscal Year 2013-14 for "24/7/365 on demand" physician consultations. Motion carried unanimously.

- G. Police Captain Steve Williams presented the staff report on the request to authorize the sole source purchase of Motorola mobile and portable radios as necessary to ensure Turlock Police is in compliance with the Project-25 (P25) standard of interoperability, without compliance to the formal bid process, for the purchase, programming, and installation of necessary equipment and accessories, in an amount not to exceed \$590,000.

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

Action: **Resolution No. 2013-211** Authorizing the sole source purchase of Motorola mobile and portable radios as necessary to ensure Turlock Police is in compliance with the Project-25 (P25) standard of interoperability, without compliance to the formal bid process, for the purchase, programming, and installation of necessary equipment and accessories, in an amount not to exceed \$590,000 was introduced by Councilmember Nascimento, seconded by Councilmember DeHart, and carried unanimously.

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

Councilmember Bublak asked that staff reach out to the Alliance to consider locating in Turlock.

Councilmember Bublak asked that staff look into the possibility of identifying a downtown location to sell California State University, Stanislaus merchandise

Councilmember Nascimento asked that staff look into the possibility of vacant downtown storefronts being made available for displays of local art work in order to bring local art to the downtown area.

10. COUNCIL COMMENTS:

Councilmember White issued a challenge to 1,000 Turlock citizens, businesses, service clubs and churches to match his \$500 donation to the Turlock Gospel Mission to help fund a multi-use facility.

Councilmember Bublak announced that the recent victory by the CSUS Women's Soccer team advanced them into the regional competition that will be hosted by CSUS on Saturday, November 16, 2013 at 1:00 p.m.

11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the Closed Session Item.

- A. Conference with Legal Counsel – Pending Litigation, Cal. Gov't Code §54956.9(d)(4)
“For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.”

Potential Cases: (1 case related to Calculation of Property Tax Administration Fees)

Action: No reportable action.

12. ADJOURNMENT:

Mayor Lazar adjourned the meeting at 8:38 p.m.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk