

1. **A. CALL TO ORDER** –Vice Mayor DeHart 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 (arrived at 6:04 p.m.)
ABSENT: None

B. SALUTE TO THE FLAG

2. PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:

- A. Vice Mayor Bill DeHart called upon Municipal Services Director Dan Madden to introduce new City of Turlock employees Regulatory Affairs Division Manager Garner Reynolds and Water Quality Control Division Manager Wayne Clay.

Mayor Lazar was seated at the dais.

- B. Mayor Lazar and Fire Chief Tim Lohman presented Certificates of Recognition to Ben Kroutil for life saving efforts he administered to a child during a recent Fire Department incident.
- C. Mayor Lazar and Police Chief Jackson acknowledged Certificates of Recognition to be presented to Alfredo Perez for life saving intervention he provided during a recent Police Department incident.

3. A. SPECIAL BRIEFINGS: None

B. STAFF UPDATES

1. Development Services Director Mike Pitcock provided an update on capital projects and building activity, including improvements at S. Golden State Blvd. and F Street, Harding Drain Outfall Line, Fulkerth Road Water Tank, Public Safety Facility, Sewer/Water Replacement project, Monte Vista Overlay project, and the Dels Lane and Golden State Blvd. Traffic Signal project. Mr. Pitcock also reported that permit tracking has shown a significant increase.

C. PUBLIC PARTICIPATION:

Melody Remington spoke in favor of National Night Out. Calista Remington presented gifts to Councilmember Bublak and City Manager Roy Wasden in appreciation for their attendance at their neighborhood's National Night Out gathering.

4. A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS: None

5. CONSENT CALENDAR:

Councilmember Bublak requested that Item 5L be removed from the Consent Calendar for separate consideration.

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

- A. **Resolution No. 2013-130** Accepting Demands of 7/5/13 in the amount of \$952,028.79; Demands of 7/11/13 in the amount of \$1,768,463.94
- B. Motion: Accepting Minutes of Regular Meeting of July 23, 2013
- C. Motion: Making the determination that City Project No. 11-29, "Cooper Ave. Storm Drain Line" is exempt from the provisions of CEQA in accordance with Section 15303 (d), "New Construction or Conversion of Small Structures" and Awarding bid and approving an agreement in the amount of \$526,052 (Fund 411) with Rolfe Construction Company, Atwater, California for City Project No. 11-29, "Cooper Ave. Storm Drain Line"
- D. Motion: Accepting notification of Contract Change Order No. 2 in the amount of \$262 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 11 – Painting and Wall Coverings, bringing the contract total to \$296,100
- E.
 1. Motion: Making the determination that City Project No. 13-21, "Slurry Seals 2013" is exempt from the provisions of CEQA in accordance with Section 15301 (d) of the California Environmental Quality Act (CEQA) and Awarding bid and approving an agreement in the amount of \$634,865.36 (Fund 246) with Central Valley Engineering & Asphalt, Inc. of Roseville, California for City Project No. 13-21, "Slurry Seals 2013"
 2. **Resolution No. 2013-131** Appropriating \$30,000 to account number 246-60-600.43700 "Slurry Seals" from Fund 246 "Landscape Assessment District Maintenance Fund" reserve balance for City Project No. 13-21, "Slurry Seals 2013"
- F. **Resolution No. 2013-132** Approving the abandonment of city owned property at APN 089-019-019 from the Turlock Irrigation District Improvement District No. 1419, known as the Shimmon Ditch, and Authorizing the City Manager to execute the Agreement to Abandon Use of Improvement District Facility
- G. **Resolution No. 2013-133** Authorizing the filling of one (1) anticipated vacant Building Inspector position within the Turlock Building Division through an in-house recruitment of full-time, part-time and volunteer staff, and outside recruitment
- H. **Resolution No. 2013-134** Directing the City Manager or Director of Development Services / City Engineer to sign all documents, assurances, and statements in regard to any and all Federal Highway Administration (FHWA), Federal Transit Administration (FTA), or state-funded projects for Federal Fiscal Year 2013-14
- I. **Resolution No. 2013-135** Allocating \$5,000 from Fund 217 "Gas Tax" Reserve to backfill permit fees for property owners and reduce the financial burden associated with sidewalk only repairs
- J. **Resolution No. 2013-136** Authorizing the filling and replacement of one (1) current vacant position within the Parks, Recreation and Public Facilities Division using an established Worker I hiring list
- K. **Resolution No. 2013-137** Authorizing the filling of one (1) vacant Account Clerk I position within the Administrative Services Department (Finance Division) through an in-house recruitment of full-time, part-time, and volunteer/intern staff (with no priority given), and outside recruitment if needed
- L. *Removed for separate consideration.*

- M. Motion: Authorizing the City Manager to sign and mail an amended letter of support to be included with Stanislaus County's application for the State of California's CalRecycle Used Oil Payment Program (OPP) Cycle 4 grant application
- N. Motion: Rejecting Claim for Damages filed by Cristina Avalos
- O. Motion: Approving the sole source procurement of Brocade Switches from Terabit Systems, LLC, in the amount of \$48,996.08 from Fund 305-40-441.51270 without compliance to the formal bid procedure

Item 5L City Manager Roy Wasden presented the staff report on the request to accept and endorse the appointment of Michael Cooke to the position of Municipal Services Director effective September 1, 2013, as Dan Madden's retirement will be effective on September 3, 2013.

Action: **Resolution No. 2013-138** Accepting and endorsing the City Manager's appointment of Michael Cooke to the position of Municipal Services Director effective September 1, 2013, as Dan Madden's retirement will be effective on September 3, 2013 was introduced by Councilmember Bublak, seconded by Councilmember White, and carried unanimously.

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS:** None

8. **SCHEDULED MATTERS:**

- A. Parks, Recreation & Community Facilities Manager Allison Van Guilder presented the staff report on the request to authorize the relocation of the Brandon Koch Memorial Skate Park to Donnelly Park.

Mayor Lazar asked for public comment.

George Fagundes spoke in favor of the skate park relocation for reasons including it will be bigger and better. He asked for consideration in regard to timelines and space concerns.

Rachel Kenney spoke against the Donnelly Park relocation due to safety, bathroom, amenity, fencing, refuse, traffic hazard, and bird dropping concerns. She asked that Sunnyview Park be considered.

Zack Wagner spoke in favor of the relocation, but against the Donnelly Park location due to child safety issues and concerns over bird droppings.

Kim Theis spoke in favor of skate park including moving the memorial bench to the new skate park. She also spoke about other potential locations and child safety concerns.

Emily Casey spoke against the Donnelly Park location for reasons including recent crime in the park. She requested that if Donnelly Park is selected that a summer bus pass program be considered.

Alex Cantatore spoke regarding development of a new park in the area from which the skate park is being removed.

Mike Theis inquired about skate park costs, amenities that will be provided at the new skate park, and the potential for use of the park until it is moved.

Parks Recreation & Community Facilities Manager Allison Van Guilder addressed citizen questions and concerns.

Mayor Lazar closed public comment.

Council and staff discussion included consideration of Sunnyview Park, park hours and restroom facilities, water related issues, and the summer bus pass concept,

Action: **Resolution No. 2013-139** Authorizing the relocation of the Brandon Koch Memorial Skate Park to Donnelly Park contingent upon all State of California and Planning approvals was introduced by Councilmember Bublak, seconded by Councilmember White, and carried unanimously.

- B. Planning Manager Debbie Whitmore presented the staff report on the request to authorize staff to prepare a budget amendment to contract for a Fiscal Impact Analysis reexamining the existing public service mitigation fee (Community Facilities District #2).

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

Action: Motion by Councilmember White, seconded by Councilmember Bublak, Authorizing staff to prepare a budget amendment to contract for a Fiscal Impact Analysis reexamining the existing public service mitigation fee (Community Facilities District #2). Motion carried unanimously.

- C. City Manager Roy Wasden presented the staff report on the request to utilize the services of Dan Madden on a part-time basis for the purpose of assisting staff in the continued negotiation and development of major water and sewer related projects.

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

Action: **Resolution No. 2013-140** Utilizing the services of Dan Madden on a part-time basis for the purpose of assisting staff in the continued negotiation and development of major water and sewer related projects, including but not limited to North Valley Regional Recycled Water Project, City of Turlock/Del Puerto Water District Wheeling Agreement, Regional Surface Water Supply Project, Harding Drain Bypass Project, RWQCF expansion, and ongoing NPDES permit negotiations was introduced by Councilmember White, seconded by Councilmember Bublak, and carried unanimously.

- D. Police Lieutenant Ron Reid presented the staff report on the request to authorize the Mayor and City Manager to provide letters to the CVB and Chamber of Commerce in support of an application to host a stage event for the 2014 Amgen Tour of California.

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

Council and staff discussion included financial and/or in-kind commitments by the City of Turlock and the selection process.

Action: Motion by Councilmember DeHart, seconded by Councilmember Bublak, Authorizing the Mayor and City Manager to provide letters to the CVB and Chamber of Commerce in support of an application to host a stage event for the 2014 Amgen Tour of California. Motion carried unanimously.

- E. Police Lieutenant Ron Reid presented the staff report on the request to authorize the City of Turlock to join the FigTREE PACE Program and authorize the California Enterprise Development Authority to conduct contractual assessment proceedings and levy contractual assessments; Approve the associate membership by the City of Turlock in the California Enterprise Development Authority and authorize the execution of an associate membership agreement; Consent to the inclusion of properties within the City's jurisdiction in the California HERO program and approve the amendments to a joint powers agreement; Authorize the City of Turlock to join the CaliforniaFIRST Program; and Authorize the City Manager to execute any and all necessary documents including, but not limited to, any JPA agreements or amendments to implement the FigTREE, California HERO, and CaliforniaFIRST Property Assessed Clean Energy (PACE) programs in the City of Turlock.

John Law and Mark Aarvig of the California HERO program provided information about commercial and residential programs.

Council discussion included risks associated with the program, qualification of local companies/contractors, and associated fees.

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

Additional Council discussion included the need to provide benefits such as this to our community and the positive aspect of providing a new source of financing for renewable energy.

Action: **Resolution No. 2013-141** Authorizing the City of Turlock to join the FigTREE PACE Program; authorizing the California Enterprise Development Authority to conduct contractual assessment proceedings and levy contractual assessments within the territory of the City of Turlock; and authorizing related actions was introduced by Councilmember DeHart, seconded by Councilmember Nascimento, and carried unanimously.

Resolution No. 2013-142 Approving associate membership by the City of Turlock in the California Enterprise Development Authority and authorizing and directing the execution of an associate membership agreement relating to associate membership of the City in the Authority was introduced by Councilmember DeHart, seconded by Councilmember Nascimento, and carried unanimously.

Resolution No. 2013-143 Consenting to the inclusion of properties within the City's jurisdiction in the California HERO program to finance distributed generation renewable energy sources, energy and water efficiency improvements and electric vehicle charging infrastructure and approving the amendment to a certain joint powers agreement related thereto was introduced by Councilmember DeHart, seconded by Councilmember Nascimento, and carried unanimously.

Resolution No. 2013-144 Authorizing the City of Turlock to join the CaliforniaFIRST Program; authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the territory of the City; and authorizing related actions was introduced by Councilmember DeHart, seconded by Councilmember Nascimento, and carried unanimously.

Motion by Councilmember DeHart, seconded by Councilmember Nascimento, Authorizing the City Manager to execute any and all necessary documents including, but not limited to, any JPA agreements or amendments to any JPA agreements to implement the FigTREE, California HERO, and CaliforniaFIRST Property Assessed Clean Energy (PACE) programs in the City of Turlock. Motion carried unanimously.

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION:

City Manager Roy Wasden asked for consideration to hold a workshop to discuss a new water rate schedule. Council agreed to hold the workshop as a special meeting on a regular Council meeting night where there is a light agenda.

10. COUNCIL COMMENTS:

Councilmember DeHart commented that he will participate in a "Spirit of 45" event to be held at Paramount Court where, on behalf of Mayor Lazar and the Council, he will present a Proclamation honoring veterans.

Councilmember DeHart also commented that he will participate in a Stanislaus Elder Abuse Prevention Alliance "SEPA" event on August 23, 2013.

Councilmember Bublak thanked all who made National Night Out possible. In addition, she also provided positive comments about the recent first annual Modesto Nuts game where Mayor Lazar threw out the first pitch.

Councilmember White also positively commented about National Night Out and his expectation that the event will continue to grow.

11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the Closed Session Items.

- A. Conference with Labor Negotiators, Cal. Gov't Code §54957.6
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 Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Municipal Services Deputy Director, 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.

- B. Conference with Legal Counsel – Existing Litigation, Cal. Gov't Code §54956.9(a)
Name of case: Turlock Associated Police Officers vs. City of Turlock

Action: No reportable action.

12. ADJOURNMENT:

Motion by Councilmember White, seconded by Councilmember DeHart, to adjourn at 7:41 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk