

City Council Agenda



JANUARY 10, 2012

7:00 p.m.

**City of Turlock Yosemite Room
156 S. Broadway, Turlock, California**



Mayor
John S. Lazar

Council Members
William DeHart, Jr.
Forrest White
Mary Jackson
Amy Bublak
Vice Mayor

City Manager
Roy W. Wasden
City Clerk
Kellie E. Weaver
City Attorney
Phaedra A. Norton

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

AGENDA PACKETS: Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at www.cityofturlock.org and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1. **A. CALL TO ORDER**
- B. SALUTE TO THE FLAG**
2. **PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS**
 - A. Proclamation: Thorsen's Plumbing, Solar, Heat & Air 100th Year Anniversary, Craig Pitau
 - B. Recognition: Retirement of City Employee Marc St. Pierre, Fire Battalion Chief
 - C. Recognition: Retirement of City Employee Floyd Martin, Fire Engineer
 - D. Presentation: StanCOG Informational Presentation on the Development of the Stanislaus Sustainable Communities Strategy under SB375, Jaylen French

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and the Council does not endorse the religious beliefs or views of this, or any other, invocation speaker.

- F. Presentation: 2011 Northern San Joaquin Section Plant of the Year Award, Mr. Jody Allen, President, California Water Environment Association (CWEA)

3. A. SPECIAL BRIEFINGS

1. CALIFORNIA STATE UNIVERSITY STANISLAUS:

- Andrew LaFlamme, Director of Legislative Affairs

B. STAFF UPDATES

1. Auto Mall Drive Opening (*Pitcock*)
2. Board, Commission, and Committee Vacancies (*Weaver*)

C. PUBLIC PARTICIPATION:

This is the time set aside for members of the public to directly address the City Council on any item of interest to the public, before or during the City Council's consideration of the item, that is within the subject matter jurisdiction of the City Council. You will be allowed three (3) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

No action or discussion may be undertaken on any item not appearing on the posted agenda, except that Council may refer the matter to staff or request it be placed on a future agenda.

4. A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

5. CONSENT CALENDAR:

Information concerning the consent items listed hereinbelow has been forwarded to each Councilmember prior to this meeting for study. Unless the Mayor, a Councilmember or member of the audience has questions concerning the Consent Calendar, the items are approved at one time by the Council. The action taken by the Council in approving the consent items is set forth in the explanation of the individual items.

- A. Resolution: Accepting Demands of 12/2/11 in the amount of \$1,442,245.24; Demands of 12/8/11 in the amount of \$784,910.34; Demands of 12/15/11 in the amount of \$1,399,405.54
- B. Motion: Accepting Minutes of Regular Meeting of December 13, 2011
- C. Resolution: Approving the filling of a vacant Account Clerk II position through an existing Account Clerk I eligibility list
- D.
 1. Motion: Authorizing Contract Change Order No. 1 (Final) in the amount of \$2,041 (Fund 420) for City Project No. 10-37, "Downtown PCE Remediation," bringing the contract total to \$94,952
 2. Motion: Accepting improvements for City Project No. 10-37, "Downtown PCE Remediation," and authorizing the City Engineer to file a Notice of Completion
- E.
 1. Motion: Approving Amendment No. 2 for an additional one (1) year extension of the attached Special Services Contract No. 10-824 for Economic and Planning Systems, Inc., to provide professional economic and planning services for the Morgan Ranch Master Plan, in an amount not to exceed \$30,000 (Fund 305)

2. Motion: Approving Amendment No. 2 for an additional one (1) year extension of the attached Special Services Contract No. 10-825 for Omni Means, Inc., to provide professional transportation and traffic design services for the Morgan Ranch Master Plan, in an amount not to exceed \$37,850 (Fund 305)
- F. Motion: Accepting improvements for City Project No. 11-39, "Palm and Minaret Road Improvements," and authorizing the City Engineer to file a Notice of Completion
- G. Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of (\$14,660) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 06 – Structural Steel, bringing the contract total to \$3,415,340
- H. Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of \$15,602) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 08 – Roofing and Waterproofing, bringing the contract total to \$593,398
- I. Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of (\$22,400) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 11 – Painting and Wall Coverings, bringing the contract total to \$296,100
- J. Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of (\$132,032) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to \$2,247,968
- K. Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of (\$122,759) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 13 - Building and Site Electrical, bringing the contract total to \$4,132,855
- L. Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of (\$3,000) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, bringing the contract total to \$881,000
- M. Motion: Approving Contract Change Order No. 3 in the amount of \$278,168.76 (Fund 426) for City Project No. 0952, "Turlock Regional Transit Center," bringing the contract total to \$1,657,969.38
- N. Resolution: Requesting the California Department of Transportation (Caltrans) to post signs referring to "Downtown Turlock" near West Main Street exits on Highway 99
- O. Motion: Approving a special services agreement with Jensen Appraisal Services for NSP residential appraisal services for Housing Program Services programs, for a period of twenty-four (24) months, in an amount not to exceed \$10,000
- P. Motion: Approving a facilities management agreement between the City of Turlock and the Turlock Regional Aviation Association for facilities management of the Turlock Municipal Airport and authorizing the City Manager to execute the agreement and all related documents
- Q. Motion: Approving the exchange agreement with Anthony Mello, City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline"
- R. Resolution: Accepting monetary donations valued at \$1,951 from various donors and donations of assorted animal related products valued at \$1,560 utilized in support of the City of Turlock's Animal Control Services operations
- S. Resolution: Approving the realignment of the existing 2011-12 budgeted positions of Police Corporals in the Field Operations Division
- T. Resolution: Ordering the judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and ordering that the tax collector be credited with those installments

- U. Motion: Approving the side letter agreements between the City of Turlock and Turlock City Employees Association (TCEA), Turlock Associated Police Officer's (TAPO), Turlock Associated Firefighters, Local #2434, Turlock Management Association – Public Safety (TMAPS), Turlock Confidential Employees, and Turlock Management Employees, attached as Exhibit A, for the Equalization Adjustment of 4.5% for the period of November 16, 2011 through June 15, 2012
- V. Motion: Rejecting Claim for Damages filed by James Woo
- W. Motion: Rejecting Claim for Damages filed by Eddie Dixon
- X. Motion: Rejecting Claim for Damages filed by Justin Levi Cady
- Y. Motion: Rejecting Claim for Damages filed by Enrique Morales
- Z. Motion: Rejecting Claim for Damages filed by Michele Samora
- AA. Motion: Rejecting Claim for Damages filed by Maria Viveros
- AB. Motion: Rejecting Claim for Damages filed by Leilani Jean Blackburn
- AC. Resolution: Establishing a fee for the processing of an initiative petition for any municipal measure

6. FINAL READINGS: None

7. PUBLIC HEARINGS:

- A. Request to approve the recommended Program of Projects for Fiscal Year 2011-12 Federal Transit Administration Urbanized Area. (*Pitcock*)

Recommended Action

Motion: Approving the recommended Program of Projects for Fiscal Year 2011-12 Federal Transit Administration Urbanized Area Program Funding

- B. Request to approve the General Plan Amendment 2009-03 (Hearing Draft 2007-14 Housing Element). (*Whitmore*)

Recommended Action

Resolution: Adopting General Plan Amendment 2009-03 (Hearing Draft 2007-14 Housing Element)

- C. Request to repeal Turlock Municipal Code Title 8, Chapters 1, 2, 5, 6, 7 and 8, regarding Building regulations and adopting new Title 8, Chapters 1, 2, 5, 6, and 8. (*Picciano*)

Recommended Action

Ordinance: Repealing Turlock Municipal Code Title 8, Chapters 1, 2, 5, 6, 7 and 8, regarding building regulations and adopting new Title 8, Chapters 1, 2, 5, 6 and 8

8. SCHEDULED MATTERS:

- A. Request to accept a report evaluating the customer service provided by the Development Services Division based on the results of a telephone survey of the Department's external customers. (Cooke)

Recommended Action:

Motion: Accepting a report evaluating customer service provided by the Development Services based on the results of a telephone survey of the Department's external customers

- B. Request to adopt a resolution declaring its intent to serve as the Successor Agency of the Turlock Redevelopment Agency as provided for in Part 1.85 of AB X1 26 and elect to retain the housing assets and functions previously performed by the Turlock Redevelopment Agency. (McNally-Dial)

Recommended Action:

Resolution: Adopting a resolution declaring its intent to serve as the Successor Agency of the Turlock Redevelopment Agency as provided for in Part 1.85 of AB X1 26 and elect to retain the housing assets and functions previously performed by the Turlock Redevelopment Agency

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION

10. COUNCIL COMMENTS

Councilmembers may provide a brief report on notable topics of interest. The Brown Act does not allow discussion or action by the legislative body.

11. CLOSED SESSION

Public Employee Annual Performance Evaluation, Cal. Gov't Code §54957

Title: City Manager

12. ADJOURNMENT