

City Council Agenda

MAY 8, 2012

7:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



**and via teleconference:
6255 Canyon Crest Loop
Colorado Springs, CO 80923
Telephone No. (408)768-2316

Mayor
John S. Lazar

Council Members
William DeHart, Jr.
Forrest White
Amy Bublak
Mary Jackson
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: Asthma Awareness Month, May 2012
 - B. Proclamation: Older Americans Month, May 2012

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.

- C. Proclamation: Ms. Dell Perales, Senior Award, Stanislaus County, Commission on Aging
- D. Presentation: "Certificate of Merit 2011" to Dairy Farmers of America, awarded by the California Water Environment Association, Pretreatment Pollution Prevention & Storm Water Committee (*Frisch*)

3. A. SPECIAL BRIEFINGS

B. STAFF UPDATES

- 1. Capital Projects (*Pitcock*)
- 2. Improvement to the City's Pretreatment Program (*Frisch*)

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. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE

B. 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 4/12/12 in the amount of \$1,422,905; Demands of 4/19/12 in the amount of \$1,743,782.54
- B. Motion: Accepting Minutes of Special Meeting of April 24, 2012; Minutes of Regular Meeting of April 24, 2012
- C. Motion: Reaffirming the emergency declaration of the City Manager that there is a need to pursue the replacement of hot water circulation piping at the Turlock Regional Water Quality Control Facility without compliance to the formal bid process
- D. Motion: Approving Amendment No. 1 to the agreement with Koehn Engineering & Design, Inc., of Turlock, California, for City Project No. 0804B, "Turlock Public Safety Facility," for special services, in an amount not to exceed \$1,950
- E. Resolution: Authorizing the filling of one (1) anticipated vacant Staff Services Assistant position within the Development Services Department (Building Division) through an in-house recruitment of full-time, part-time and volunteer staff, and outside recruitment if needed

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- F. Resolution: Authorizing the submittal of an application for the allocation of funds and execution of a grant agreement with the California Department of Transportation, Division of Mass Transportation, in the amount of \$1,950,000, from the "Public Transportation Modernization, Improvement, and Service Enhancement Account" (PTMISEA) - Regional Apportionment
 - G.
 - 1. Resolution: Approving an Amendment to the North Valley Regional Recycled Water Project Collaborative Partnership Memorandum of Understanding to accept the City of Ceres termination in the Partnership
 - 2. Resolution: Approving a Cost-Sharing Agreement with the City of Modesto and Del Puerto Water District for expenses associated with Phase II of the North Valley Regional Recycled Water Project
 - H. Resolution: Authorizing the submittal of an application with the Arrowhead Club competitive grant contest for a radio controlled soccer scoreboard to be used at the Turlock Regional Sports Complex
 - I. Resolution: Accepting an allocation of funds, execution of a grant agreement, and appropriation of funds for the Federal FY 2011-12 Edward Byrne Memorial Justice Assistance Grant (JAG) funds from the United States Department of Justice, Office of Criminal Justice Programs, in the amount of \$34,082
 - J. Motion: Approving a professional services retainer agreement for preparation and filing of 2012-13 claims for State Mandated Cost Reimbursement with Nimbus Consulting Group, LLC in an amount not to exceed \$9,200
 - K. Motion: Rejecting Claim for Damages filed by Karmjit Singh
 - L. Motion: Rejecting Claim for Damages filed by Dana Rine

6. FINAL READINGS:

- A. **Recommended Action:**
Ordinance: Repealing Turlock Municipal Code Title 4, Chapter 7, Article 9, Section 03 entitled, "Solicitation of Motorists Prohibited" as introduced at the April 24, 2012 meeting

7. PUBLIC HEARINGS:

- A. Request to determine whether a change in the 200 bed cap on emergency shelter beds in the SB 2 Emergency Shelter Overlay District is required and, if necessary, increasing the cap. (*Whitmore*)

Recommended Action

Motion: Determining whether a change in the 200 bed cap on emergency shelter beds in the SB 2 Emergency Shelter Overlay District is required and, if necessary, increasing the cap

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- B. Request to approve the Fiscal Year 2012-2012 Annual Action Plan for the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), authorizing submission of the Annual Action Plan to HUD, and authorizing the City Manager or designee to execute all related and necessary documents; Approving the annual funding agreements between the City of Turlock and each of the seven (7) HOME Consortium sub-recipients for the purpose of undertaking HOME eligible housing assistance activities pursuant to Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 for FY 2012 in the amount of \$568,043.79 as outlined in the Consortia Annual funding agreements as Exhibit A; Approving the agreements between the City of Turlock and each of the six (6) funded non-profit Public Service Agencies in the amount of \$70,000 as described in Exhibit B. (*Pitt*)

Recommended Action:

Resolution: Approving the Fiscal Year 2012-2013 Annual Action Plan for the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), authorizing submission of the Annual Action Plan to HUD, and authorizing the City Manager or designee to execute all related and necessary documents

Motion: Approving the annual funding agreements between the City of Turlock and each of the seven (7) HOME Consortium sub-recipients for the purpose of undertaking HOME eligible housing assistance activities pursuant to Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 for FY 2012 in the amount of \$568,043.79 as outlined in the Consortia Annual funding agreements as Exhibit A

Motion: Approving the agreements between the City of Turlock and each of the six (6) funded non-profit Public Service Agencies in the amount of \$60,000 as described in Exhibit B

8. SCHEDULED MATTERS:

- A. Request to amend the City of Turlock Fiscal Year 2011/12 General and Non-General Fund Budgets. (*Wasden*)

Recommended Action:

Resolution: Amending the City of Turlock Fiscal Year 2011/12 General and Non-General Fund Budgets

- B. Request to amend the agreement between the City of Turlock and the Carnegie Arts Foundation to return \$90,000 and all accrued interest on the \$100,000 Performance Security to the Carnegie Foundation and to retain \$10,000 of the \$100,000 as a security deposit for the Carnegie Center and pay the accrued annual interest to the Foundation by July 31 of each calendar year. (*Wasden*)

Recommended Action:

Motion: Amending the agreement between the City of Turlock and the Carnegie Arts Foundation to return \$90,000 and all accrued interest on the \$100,000 Performance Security to the Carnegie Foundation and to retain \$10,000 of the \$100,000 as a security deposit for the Carnegie Center and pay the accrued annual interest to the Foundation by July 31 of each calendar year

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

Conference with Real Property Negotiators, Cal. Gov't Code §54956.8

Property: 434 South Laurel Street, Turlock, APN 050-027-031

Agency Negotiator: Roy W. Wasden

Negotiating Parties: Habitat for Humanity, Stanislaus County, a non-profit community housing development organization

Under Negotiation: Price and Terms of Payment

Property: 615 Julian Street, Turlock, APN 0061-008-016

Agency Negotiator: Roy W. Wasden

Negotiating Parties: We Care, a non-profit organization

Under Negotiation: Price and Terms of Payment

12. ADJOURNMENT