

City Council Agenda



MAY 22, 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
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.

5:30 – 7:00 p.m. Public Works Week Reception

1. **A. CALL TO ORDER**

B. SALUTE TO THE FLAG

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

A. Proclamation: Public Works Week, May 20-26, 2012

B. Proclamation: Turlock Pentecost Association 100th Anniversary Festa Do Espirito Santo

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.

3. A. SPECIAL BRIEFINGS:

1. CALIFORNIA STATE UNIVERSITY STANISLAUS:

- Andrew LaFlamme, Director of Legislative Affairs

B. STAFF UPDATES:

1. Improvements to the City's Pretreatment Program (*Frisch*)
2. Turlock Fire Services 2011 Annual Report (*Lohman*)

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: None

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 4/26/12 in the amount of \$20,751,005.02
- B. Motion: Accepting Minutes of Special Meeting of May 8, 2012; Minutes of Regular Meeting of May 8, 2012
- C.
 1. Resolution: Appropriating \$146,044 to account number 420-52-551.51270 "Water Reservoir & Pump Station - Fulkerth (Water Bond Project)," from Fund 420 "Water" reserve balance for specialized engineering services to design and provide construction management for City Project No. 11-42, "Water Reservoir & Pump Station on Fulkerth Road"
 2. Motion: Approving Amendment No. 1 to the Agreement with Carollo Engineers increasing the total compensation under City Contract No. 11-955 by \$146,044 for the design of a municipal well in conjunction with City Project No. 11-42, "Water Reservoir and Pump Station on Fulkerth Road"
- D.
 1. Motion: Awarding bid and approving an agreement in the amount of \$149,474.20 (Fund 255) with Taylor Backhoe Services, Inc., of Merced, California, for City Project No. 11-46, "Soderquist Sidewalk Improvements"
 2. Resolution: Appropriating \$94,100 to account number 255-41-485.47210_006 "Public Improvements," to be funded via a transfer from account number 255-41-485.47210_001, for City Project No. 11-46, "Soderquist Sidewalk Improvements," to complete the necessary funding required for the project
- E. Motion: Reaffirming the emergency declaration of the City Manager that there is a need to pursue the replacement of hot water circulation piping at Turlock Regional Water Quality Control Facility without compliance with the formal competitive bidding procedure
- F. Motion: Awarding bid and approving an agreement in the amount of \$177,623 (Fund 215) with Tim Paxin's Excavation of Elk Grove, California, for City Project No. 0945, "Washington and West Main Intersection Improvements"

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- G. Resolution: Directing the filing of the Annual Reports for Fiscal Year 2012-2013 for Assessment Districts in the City of Turlock
- H. Motion: Approving the rehabilitation forgivable loan #4533-RM, in the amount of \$10,000, where the City of Turlock will be in third position, as prescribed by the adopted Rehabilitation Loan Policies and Procedures
- I. Motion: Approving an Agreement between the City of Turlock and Horizon Water and Environment for specialized environmental compliance consulting services during the construction of the Harding Drain Bypass Project, in an amount not to exceed \$55,639, to be funded by Fund 415 (Sewer Bonds)
- J. Resolution: Authorizing the filling and replacement of two (2) current vacant positions and one (1) future vacancy within the Water Quality Control and Utilities Divisions of Municipal Services through an in-house recruitment of full-time, part-time and volunteer /intern staff, and outside recruitment if needed
- K. Resolution: Appropriating \$1,666 to account number 216-40-421.43060_003 "Contract Services-Signalization" from Fund 426 "Transit (Fixed Route)" for the "Transit Hub Construction" and Fund 305 "Capital Facilities Fees" for the "Traffic Signal at West Main and South Kilroy" for modifications to the traffic signals during construction
- L. Motion: Approving an Agreement with Kyocera Mita America, Inc., through the Association of Education of Purchasing Agencies (AEPa), Contract No. AEPa009D, with maintenance provided by Mo-Cal of Modesto, California, to lease nine (9) multifunctional copiers for placement in Police (3), Finance (1), Planning (1), Building (1), Recreation (1), Human Resources (1) and Fleet Maintenance (1) at a monthly cost of \$784, totaling \$49,392 over the 63-month lease period, in accordance with TMC §2-7-08(b)(5)
- M. Resolution: Authorizing the Purchasing Officer to dispose of surplus property by any means determined to be in the best interest of the City
- N. Motion: Approving an agreement with Financial Credit Network, Inc. for collection agency services for bad debts, in an amount not to exceed \$20,000 for a period of twelve (12) months
- O. Resolution: Approving the amended Parks, Recreation & Public Facilities Division part-time employee wage scale which reflects changes to position titles effective June 1, 2012
- P. Resolution: Rescinding Resolution No. 97-112 and adopting an amended enabling resolution for the Turlock City Arts Commission
- Q. Motion: Approving the renewal of the Memorandum of Understanding between the City of Turlock and the Turlock Unified School District to offer youth volleyball programs within the community
- R. 1. Motion: Authorizing the City Manager to execute an Agreement for tree trimming and maintenance services on a piggy-back contract from the Turlock Irrigation District, Contract No. G090074, with Davey Tree Surgery Company of Modesto, California, for Parks, Recreation & Public Facilities Division, without compliance to the formal bid process
2. Motion: Approving the service agreement with Davey Tree Surgery Company of Modesto, California, for tree trimming and maintenance services for a period of fifteen (15) months, ending June 30, 2013, in an amount not to exceed \$15,000
- S. Motion: Approving a contract with the Housing Authority of the County of Stanislaus for non-school hour activities
- T. Motion: Approving an agreement between the City of Turlock and the Turlock Unified School District for Police Officer Services at Turlock High School
- U. Motion: Approving an agreement between the City of Turlock and the Turlock Unified School District for Police Officer Services at Pitman High School

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- V. Motion: Approving an agreement between the City of Turlock and the Stanislaus County Fairgrounds for the purpose of using the northern parking lot and surrounding areas of the Fairgrounds for continued Turlock Police Department motorcycle and bicycle team training from January 1, 2012 through December 31, 2012
 - W. Resolution: Authorizing the release of unclaimed checks pursuant to California Government Code Section 50055 to the City of Turlock
 - X. Motion: Rejecting Claim for Damages filed by Bethany Cardenas
 - Y. Motion: Rejecting Claim for Damages filed by Simaran Kaur

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS:**

- A. Request to amend Turlock Municipal Code Title 6, Chapter 3, Article 1, Section 1 regarding Rates for the Collection of Recyclable Waste Material. (Cooke)

Recommended Action

Ordinance: Amending Turlock Municipal Code Title 6, Chapter 3, Article 1, Section 1 Regarding Rates for the Collection of Recyclable Waste Material

8. **SCHEDULED MATTERS:**

- A. Request to approve an amendment to the non-exclusive building lease agreement between the City of Turlock and Turlock Gospel Mission, a non-profit corporation, for the City owned area and building located at 1030 East Avenue, Turlock, California (Youth Center). (Pitt)

Recommended Action

Motion: Approving an amendment to the non-exclusive building lease agreement between the City of Turlock and Turlock Gospel Mission, a non-profit corporation, for the City owned area and building located at 1030 East Avenue, Turlock, California (Youth Center)

- B. Request to adopt the City of Turlock General and Non-General Fund budgets covering Fiscal Year 2012-13. (Wasden)

Recommended Action:

Resolution: Adopting the City of Turlock General Fund Budget covering Fiscal Year 2012-13

Resolution: Adopting the City of Turlock Non-General Fund Budget covering Fiscal Year 2012-13

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 Legal Counsel – Existing Litigation, Cal. Gov't Code §54956.9(a)

Name of case: Nirmal Singh v. City of Turlock

12. ADJOURNMENT