

# City Council Agenda



**JUNE 26, 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](http://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. Recognition: Employee Recognition for Years of Service
- B. Announcement: Stanislaus County Fair, Apple Pie Contest Kickoff, Dr. Dave Dubyak
- C. Presentation: Smart Valley Places Community Leadership Institute Graduates

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:**

- Tomara Hall, ASI Governmental Affairs Administrator

**B. STAFF UPDATES:**

1. Police Annual Report (*Jackson*)

**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 5/24/12 in the amount of \$1,429,487.31; Demands of 5/31/12 in the amount of \$1,546,248.80
- B. Motion: Accepting Minutes of Special Meeting of October 6, 2009; Special Minutes of February 24, 2011; Minutes of Regular Meeting of June 12, 2012
- C. Motion: Accepting notification of Contract Change Order No. 1 in the amount of \$19,750 (Fund 215) for City Project 10-65, "Rehabilitation of Golden State Boulevard and West Main Street," bringing the contract total to \$1,005,234
- D. Motion: Approving Amendment No. 1 to the agreement for special services with Koehn Engineering & Design, Inc., of Turlock, California, for City Project No. 11-30, "Parcel Map 11-03 Turlock Public Safety Facility"
- E. Motion: Accepting notification of Contract Change Order No. 2 in the amount of \$10,748 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 06 – Structural Steel, bringing the contract total to \$3,426,088
- F. Motion: Accepting notification of Contract Change Order No. 2 in the amount of \$28,318 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to \$2,506,286
- G. Motion: Accepting notification of Contract Change Order No. 2 in the increased amount of \$2,332 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, bringing the contract total to \$883,332
- H. Resolution: Considering intention to levy and collect assessments for Fiscal Year 2012/13 for Assessment Districts in the City of Turlock

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- I. Resolution: Initiating proceedings for the Blue Diamond Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Subdivision Project No. 12-21
  - J. Resolution: Initiating proceedings for Avena Bella, Parcel Map 11-04, Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Development Project No. 11-32
  - K. Resolution: Initiating proceedings for Moline, Parcel Map 12-01, Landscaping, Lighting, and Street Maintenance Benefit Assessment District, Subdivision Project No. 12-33
  - L. 1. Motion: Approving Amendment No. 1 to the Retainer Agreement (Contract No. 11-915) with 4Leaf, Inc., of Pleasanton, California, for plan check services, in an amount not to exceed \$22,500  
2. Motion: Approving Amendment No. 1 to the Retainer Agreement (Contract No. 11-918) with Bureau Veritas North America, Inc., of Sacramento, California, for plan check services, in an amount not to exceed \$42,500
  - M. Motion: Authorizing the execution of Amendment No. 1 to the agreement with the Alliance/Small Business Development Center to offer business enhancements and training services as outlined in Exhibit A for Fiscal Year 2011/12
  - N. 1. Motion: Approving an agreement with Jim Brisco Enterprises, Inc. for grounds clean-up services at Turlock Regional Water Quality Control Facility, in an amount not to exceed \$187,000, for a period of twelve (12) months  
2. Resolution: Appropriating \$200,000 to account number 415-51-537.43344 "Landfill Removal" funded by a transfer from Fund 415 "Sewer Bond Projects" for crushing, screening and hauling materials from Turlock Regional Water Quality Control Facility
  - O. Motion: Authorizing the City Manager to submit a letter of authorization to the Stanislaus County Department of Environmental Resources to submit a regional application to the Department of Resources Recycling and Recovery for funding from the Used Oil Payment Program (OPP) on an annual basis
  - P. Resolution: Accepting donations received from April through June Fiscal Year 2011/12, to be deposited as per the attached worksheet, for a variety of Parks, Recreation & Public Facilities Division programs, scholarships, and activities
  - Q. Motion: Approving an Agreement between the City of Turlock Police Department and Jocelyn E. Roland, PH.D., to provide counseling/psychotherapy services to all sworn officers, dispatchers, and community service officers of the Turlock Police Department at no cost to the covered employee, for the period of July 1, 2012 through June 30, 2013
  - R. Resolution: Approving the purchase of thirteen (13) additional electronic ticket writers and associated hardware/software for the Turlock Police Department from Advanced Public Safety of Deerfield Beach, Florida, from account number 266-20-255-341.51107 "JAG Expenses" in an amount not to exceed \$39,255 and appropriating \$27,000 to account number 266-20-255-341.51107 "JAG Expenses" for fiscal year 2012-13 to be funded from grant revenue
  - S. Resolution: Accepting monetary donations in the amount of \$453.06 from various donors and donations of assorted animal related products valued at \$3,148.52 in support of the City's Animal Control Services for the third quarter of Fiscal Year 2011/12
  - T. Motion: Approving an Agreement between the City of Turlock Fire Department and Jocelyn E. Roland, PH.D., to provide counseling/psychotherapy services to all sworn firefighters of the Turlock Fire Department at no cost to the covered employee, for the period of July 1, 2012 through June 30, 2013

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- U. **Resolution:** Appropriating \$1,125 to account number 265-30-304.47110 “Turlock Services Donation Expenses” from Fund 265 “Fire Services Grants” reserve balance, funded by revenue received in 265-30-304.37200\_000 “Fire Services Donations” for donations accepted from various sources in memory of retired Turlock Fire Engineer Keith Crabtree, to be used for the Fire Explorers Program
  - V. **Motion:** Approving an agreement between the City of Turlock and Economic & Planning Systems (EPS) to provide consulting services in connection with Turlock CFD No. 1 – Monte Vista Corridor (District)
  - W. **Motion:** Authorizing the City Manager to enter into an agreement with Phil Lancaster, an outside labor negotiator, to assist in the Fiscal Year 2012/13 labor negotiations with all units if needed, in an amount not to exceed \$20,000
  - X. **Motion:** Extending contracts between the City of Turlock and Turlock City Employees Association (TCEA), Turlock Associated Police Officers (TAPO), Turlock Firefighters, Local (TFL) #2434, and Turlock Management Association – Public Safety (TMAPS), and Schedule of Benefits between the City of Turlock and Turlock Confidential Employees (TCE), and Turlock Management Employees (TME), for the period July 16, 2012 through October, 31, 2012, and authorizing the City Manager any and all necessary documents
  - Y. **Motion:** Rejecting Claim for Damages filed by Hector Irasava
  - Z. **Motion:** Rejecting Claim for Damages filed by Angela/Manuel Cardenas

**6. FINAL READINGS:**

- A. ***Recommended Action:***  
**Ordinance:** Amending Turlock Municipal Code Title 4, Chapter 6, Article 3, Section 2, entitled “Tow-Away Zones: Designation” as introduced at the June 12, 2012 meeting

**7. PUBLIC HEARINGS:**

- A. Request for approval establishing a lien for payment for the abatement of certain weeds, obnoxious growth and other debris on property and abandoned vehicles that are a nuisance to the public. (*Boyd*)

***Recommended Action***

**Resolution:** Assessing properties for abatement costs and establishing a lien for payment

- B. Request to amend the Turlock Municipal Code Title 4, Chapter 15 regarding Tow Car Regulations. (*Nielsen*)

***Recommended Action***

**Ordinance:** Amending Turlock Municipal Code Title 4, Chapter 15 regarding Tow Car Regulations

- C. Request to amend the Turlock Municipal Code Title 3, Chapter 1, Article 6, regarding Dance Hall Permits. (*Reid*)

***Recommended Action***

*Ordinance:* Amending Turlock Municipal Code Title 3, Chapter 1, Article 6, regarding Dance Hall Permits

- D. Request to amend the Turlock Municipal Code Title 5, Chapter 3, regarding Fortune Telling Permits. (*Reid*)

***Recommended Action***

*Ordinance:* Amending Turlock Municipal Code Title 5, Chapter 3, regarding Fortune Telling Permits

- E. Request to amend the Turlock Municipal Code Title 5, Chapter 18, regarding Introduction, Dating and Escort Services Permits. (*Reid*)

***Recommended Action***

*Ordinance:* Amending Turlock Municipal Code Title 5, Chapter 18, regarding Introduction, Dating and Escort Services Permits

- F. Request to supersede certain fees for City services as set forth in Council Resolutions 2011229 and adopt Updated Cost Recovery Percentages and Schedule of Fees and Charges for City Recreational Services pursuant to Turlock Municipal Code Section 3-3-301 et. Seq. (*Van Guilder*)

***Recommended Action***

*Resolution:* Superseding certain fees for City services as set forth in Council Resolutions 2011-229 and Adopting Updated Cost Recovery Percentages and Schedules of Fees and Charges for City Recreational Services pursuant to Turlock Municipal Code Section 3-3-301 et. seq.

- G. Request to amend the Turlock Municipal Code Title 7 (Public Works), Chapter 2, Article 6, Section 1 related to the maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches and the liability of injuries to the Public. (*Van Guilder*)

***Recommended Action***

*Ordinance:* Amending Turlock Municipal Code Title 7 (Public Works), Chapter 2, Article 6, Section 1 related to the maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches and the liability of injuries to the Public

- H. Request to amend Turlock Municipal Code Title 2, Chapter 7, Section 04, entitled, "Purchasing Officer: Powers and duties". (*Norton*)

***Recommended Action***

*Ordinance:* Amending the Turlock Municipal Code Title 2, Chapter 7, Section 04, entitled, "Purchasing Officer: Powers and duties"

**8. SCHEDULED MATTERS:**

- A. Request for approval to enter into contracts to maintain insurance coverage for Employee Bonds for Fiscal Year 2012-13. (*Wasden/Eddy*)

***Recommended Action:***

***Resolution:*** Authorizing approval to enter into contracts to maintain insurance coverage for Employee Bonds for Fiscal Year 2012-13

- B. Request for approval to enter into contracts to maintain insurance coverage for Excess Property Programs for Fiscal Year 2012-13. (*Wasden/Eddy*)

***Recommended Action:***

***Resolution:*** Authorizing approval to enter into contracts to maintain insurance coverage for Property Programs for Fiscal Year 2012-13

- C. Request for approval to enter into contracts to maintain insurance coverage for Workers' Compensation Insurance for Fiscal Year 2011-12. (*Wasden/Eddy*)

***Recommended Action:***

***Resolution:*** Authorizing approval to enter into contracts to maintain insurance coverage for Workers' Compensation Insurance for Fiscal Year 2012-13

- D. Request for approval to enter into contracts to maintain Health Insurance, Life Insurance, and Long Term Disability coverage for Fiscal Year 2012-13. (*Wasden/Eddy*)

***Recommended Action:***

***Resolution:*** Authorizing approval to enter into contracts to maintain Health Insurance, Life Insurance, and Long Term Disability coverage for Fiscal Year 2012-13

- E. Request for approval to enter into contracts to maintain insurance coverage for Employment Practices Liability Insurance for Fiscal Year 2012-13. (*Wasden/Eddy*)

***Recommended Action:***

***Resolution:*** Authorizing approval to enter into contracts to maintain insurance coverage for Employment Practices Liability Insurance for 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**

- A. Public Employee Performance Evaluation, Cal. Gov't Code §54957  
Title: City Attorney
- B. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8  
Property: 1055 Vermont Avenue, Turlock, APN 050-004-056-000  
Agency Negotiator: Roy W. Wasden  
Negotiating Parties: Children's Crisis Center, a non-profit community organization  
Under Negotiation: Price and Terms of Payment
- Property: 1001 Montana Avenue, Turlock, APN 050-009-002-000  
Agency Negotiator: Roy W. Wasden  
Negotiating Parties: Turlock Unified School District  
Under Negotiation: Price and Terms of Payment

**12. ADJOURNMENT**