

City Council Agenda



AUGUST 28, 2012

7:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California

Mayor
John S. Lazar

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

Council Members

William DeHart, Jr.

Amy Bublak

Forrest White

Mary Jackson

Vice Mayor

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: 11th Anniversary of the Events of September 11, 2001
3. **A. SPECIAL BRIEFINGS: None**
 - B. STAFF UPDATES**
 1. Radio System Update (*Jackson*)

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. 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 7/26/12 in the amount of \$2,673,852.24; Demands of 8/2/12 in the amount of \$1,379,003.54
- B. Motion: Accepting Minutes of Regular Meeting of August 14, 2012
- C. 1. Motion: Approving Contract Change Order No. 6 in the credit amount of (\$16,564.49) (Fund 426) for City Project No. 0952, "Turlock Regional Transit Center," bringing the contract total to \$1,659,782.33
2. Motion: Accepting improvements for City Project No. 0952, "Turlock Regional Transit Center," and authorizing the City Engineer to file a Notice of Completion
- D. Motion: Accepting notification of Contract Change Order No. 1 in the amount of \$18,200 (Fund 420) for City Project No. 10-24, "Well #40 Site Work," bringing the contract total to \$210,866.35
- E. Motion: Approving Contract Change Order No. 1 in the amount of \$77,170.78 (Fund 215) for City Project No. 10-65, "Rehabilitation of Golden State Boulevard and West Main Street," bringing the contract total to \$1,077,626.75
- F. 1. Motion: Approving Contract Change Order No. 1(Final) in the credit amount of (\$4,478) for City Project No. 11-45, "Well #41 Pilot Hole," bringing the contract total to \$20,100
2. Motion: Accepting improvements for City Project No. 11-45, "Well #41 Pilot Hole," and authorizing the City Engineer to file a Notice of Completion
- G. Resolution: Appropriating \$336,000 of unspent funds from Fiscal Year 2011-12 to Fiscal Year 2012-13 for various City projects
- H. Resolution: Approving an Amendment to the Fiscal Year 2012-13 budget to appropriate \$5,000 to account number 110-40-400.43131 "Smart Valley Places Grant Expenses" funded by revenue received in account number 110-40-400.34172 "Smart Valley Places Grant" and approving Amendment No. 1 to the agreement between the City of Turlock and Jarvis, Fay, Doporto, and Gibson, LLP, dated November 7, 2011
- I. Resolution: Appropriating \$8,814.13 of unspent funds from fiscal year 2011-12 to Fiscal Year 2012-13 account number 305-40-442.43270 "General Plan Update" from Fund 305 "Capital Facilities Fees – Administration" Reserve Balance
- J. Resolution: Approving a land and facilities lease rate schedule for the Turlock Municipal Airport for the period of July 1, 2012 through June 30, 2014 and authorizing the City Manager to execute any related documents

- K. Resolution: Authorizing the sole source procurement of four (4) Flygt brand motors from Shape, Inc. of Stockton, California, in an amount not to exceed \$100,000, from Fund 410-51-534-44030_039 "Minor Equipment Biotower Pump (Spare)," without compliance to the formal bid process
- L.
 1. Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$23,476 (Fund 302) for City Project No. 10-30, "Streetlight Induction Lamp Replacement/Retrofit," bringing the contract total to \$589,766
 2. Motion: Accepting improvements for City Project No. 10-30, "Streetlight Induction Lamp Replacement/Retrofit," and authorizing the City Engineer to file a Notice of Completion
- M. Motion: Approving the agreement renewal between the City of Turlock and Independent Contractor (Dragon Sports) to offer youth self-defense classes
- N. Resolution: Appropriating in fiscal year 2011-12 \$53,979 to account number 266-20-255-345.43135_001 "OTS Avoid Grant Allied Agencies" to be funded by a transfer from the General Fund - Police Services-Patrol budget as a result of salary savings in the Police Department's Field Operations Division
- O. Resolution: Authorizing approval to enter into a contract with the Central San Joaquin Valley Risk Management Authority for Crime Shield Coverage for Fiscal Year 2012-13
- P. Motion: Rejecting Claim for Damages filed by Verna Gaylord
- Q. Motion: Rejecting Claim for Damages filed by Kenneth Williams

6. FINAL READINGS: None

7. PUBLIC HEARINGS:

- A. Request to adopt a Mitigated Negative Declaration of Environmental Effects pursuant to the California Environmental Quality Act (CEQA), amend the General Plan Land Use Diagram and Zoning Map of the City of Turlock attached to Title 9 of the Turlock Municipal Code and approve Minor Discretionary Permit 2012-09 (O'Reilly Auto Parts). (*Whitmore*)

Recommended Action:

Motion: Adopting a Mitigated Negative Declaration of Environmental Effect pursuant to the California Environmental Quality Act (CEQA)

Resolution: Amending the General Plan Land Use Diagram [General Plan Amendment 2012-01 (O'Reilly Auto Parts)]

Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2012-01 (O'Reilly Auto Parts)]

Resolution: Establishing Conditions of Approval for Minor Discretionary Permit 2012-09 (O'Reilly Auto Parts)

8. SCHEDULED MATTERS:

- A. Request to award bid and approve an agreement in the amount of \$382,671 (Fund 215) with George Reed, Inc., of Modesto, California for City Project Number 0740, "Landscape Golden State Boulevard from Christoffersen Parkway to Roberts Road" and award bid and approve an agreement in the amount of \$359,183.50 (Fund 215) with George Reed, Inc. for City Project Number 0870, "Landscape Golden State Boulevard from Roberts Road to Monte Vista Avenue. (*Pitcock*)

Recommended Action:

Motion: Awarding bid and approving an agreement in the amount of \$382,671 (Fund 215) with George Reed, Inc., of Modesto, California for City Project Number 0740, "Landscape Golden State Boulevard from Christoffersen Parkway to Roberts Road"

Motion: Awarding bid and approving an agreement in the amount of \$359,183.50 (Fund 215) with George Reed, Inc., of Modesto, California for City Project Number 0870, "Landscape Golden State Boulevard from Roberts Road to Monte Vista Avenue"

- B. Request to approve a Memorandum of Understanding between the Stanislaus County Office of Education, the City of Turlock, and the Turlock Unified School District; Authorizing the acceptance of an allocation of funds and execution of a grant agreement to implement the Project Safe II – ASES Program (Supporting After School for Everyone); and Approving budget adjustments to the revenue and expenditure account numbers for the ASES Program in Fund 270 "Recreation Grants and Donations". (*Van Guilder*)

Recommended Action:

Resolution: Approving a Memorandum of Understanding between the Stanislaus County Office of Education, the City of Turlock, and the Turlock Unified School District; Authorizing the acceptance of an allocation of funds and execution of a grant agreement to implement the Project Safe II – ASES Program (Supporting After School for Everyone); and Approving budget adjustments to the revenue and expenditure account numbers for the ASES Program in Fund 270 "Recreation Grants and Donations" as delineated on Attachment A

- C. Request to authorize the sole source procurement and installation of forty-five (45) Motorola Mobile Workstation Computers from Delta Wireless in the amount of \$251,318.25 from Fund 112-10-116.51117 "Police MDC's" without compliance to the formal bid process. (*Williams*)

Recommended Action:

Resolution: Authorizing the sole source procurement and installation of forty-five (45) Motorola F5208 MW810 R2.0 Mobile Workstation Computers from Delta Wireless in the amount of \$251,318.25 from Fund 112-10-116.51117 "Police MDC's" without compliance to the formal bid process

- D. Request to oppose AB2451(Perez) related to the presumptive death benefits for workers compensation claims by peace officers and firefighters, sponsored by California Association of Highway Patrolmen and the California Professional Firefighters

Recommended Action:

Resolution: Opposing AB2451(Perez) related to the presumptive death benefits for workers compensation claims by peace officers and firefighters, sponsored by California Association of Highway Patrolmen and the California Professional Firefighters

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 Labor Negotiators, Cal. Gov't Code §54957.6

Agency Negotiators: Roy W. Wasden/Phil Lancaster

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/Redevelopment, Community Housing Services Manager, 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, Payroll Coordinator, Principal Civil Engineer, Public Facilities Maintenance Manager, Regulatory Affairs Manager, Secretary/Deputy City Clerk, Executive Administrative Assistant/Public Safety, Technical Services Manager, Traffic/Transportation Engineering Supervisor, Utilities Manager, Water Quality Control Division Manager

12. ADJOURNMENT