

City Council Agenda



FEBRUARY 12, 2013

7:00 p.m.

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



**Mayor
John S. Lazar**

Council Members

**Amy Bublak Steven Nascimento
Forrest White William DeHart, Jr.
 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: Dating Violence Awareness & Prevention Month, accepted by Angie Mendoza and Alma Ventura
 - B. Presentation: Pipeline Safety Enhancement Update, Richard Dye, Pacific Gas & Electric - Government Relations

3. **A. SPECIAL BRIEFINGS: None**
 - B. STAFF UPDATES**
 1. Board, Commission, and Committee Vacancies (*Weaver*)
 2. Capital Projects and Building Activity (*Pitcock*)
 3. Mayors Gang Prevention Task Force Update (*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 1/10/13 in the amount of \$939,515.09; Demands of 1/18/13 in the amount of \$860,232.88
- B. Motion: Accepting Minutes of Special Meeting of January 22, 2013; Minutes of Regular Meeting of January 22, 2013
- C.
 - 1. Motion: Approving Contract Change Order No. 1 (Final) in the credit amount of \$19,230 (Fund 420) for City Project No. 12-19, "Angelus Street Waterline Replacement," bringing the contract total to \$160,532
 - 2. Motion: Accepting improvements for City Project No. 12-19, "Angelus Street Waterline Replacement," and authorizing the City Engineer to file a Notice of Completion
- D. Motion: Accepting improvements for City Project No. 12-51, "Re-roof of Marty Yerby Center," and authorizing the City Engineer to file a Notice of Completion
- E.
 - 1. Motion: Awarding bid and approving an agreement in the amount of \$5,344.80 with JKB Development, of Turlock, California, for City Project No. 12-58, "Chamber of Commerce Building Repair"
 - 2. Resolution: Appropriating \$5,969 to account number 241-00-000-228.51301 "City Facility Repairs" to be funded using insurance proceeds received for damages and accounted for in account number 241-00-000-228.37220 "Insurance Recoveries"
- F. Motion: Approving a purchase and sale agreement with Tiare LLC for the purchase of two (2) remaining parcels, more particularly described as Stanislaus County APN Nos. 042-010-021 and 042-010-022, for the construction of the second phase of the new Turlock Regional Transit Center, City Project No. 12-60, in the amount of \$1,537,929 plus escrow closing costs, with the total cost not to exceed \$1,544,000
- G. Resolution: Approving Turlock Municipal Airport Development Standards and Turlock Municipal Airport Minimum Standards

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- H. 1. Motion: Approving the First Amendment to the Cost Sharing Agreement between the Cities of Ceres, Hughson, Modesto, and Turlock for additional consulting services needed to complete the East Stanislaus Integrated Regional Water Management Plan (IRWMP)
2. Motion: Authorizing the City Manager to execute all documents related to the First Amendment to the Cost Sharing Agreement for the preparation of the East Stanislaus Integrated Regional Water Management Plan (IRWMP) as well as all future documents pertaining to the project
- I. Motion: Approving a restructuring in the scope of work for the North Valley Regional Recycled Water Program (NVRWP) to focus on the Delta Mendota Canal (DMC) conveyance option as the preferred alternative and to authorize the City Manager to execute any and all documents pertaining thereto
- J. Motion: Approving the contract renewal between the City of Turlock and the Turlock Umpire Group to officiate the adult league softball programs
- K. Motion: Approving the Memorandum of Understanding between the City of Turlock and the Turlock Youth Soccer Association for the use of Turlock Regional Sports Complex for designated youth soccer programs and tournaments within the community
- L. Resolution: Authorizing the relocation of the trunking radio system used by the City of Turlock from the Turlock Police Department to the Turlock Public Safety Facility, including the purchase of new equipment by Delta Wireless, Inc., of Turlock, California, in an amount not to exceed \$260,000
- M. Resolution: Authorizing the purchase of Haworth panel systems, freestanding furniture, chairs and accessories from Warden's of Modesto, California, through the U.S. Communities Purchasing Program for the Turlock Public Safety Facility, in an amount not to exceed \$260,000, without compliance to the formal bid procedure
- N. Resolution: Amending the salary range for the job classification of Fire Chief from 38.1 to 39.1 to be consistent and equitable with other department directors, effective February 16, 2013
- O. Motion: Rejecting Claim for Damages filed by Kevin E. Chase
- P. Motion: Rejecting Claim for Damages filed by Gonzalo Campos
- Q. Motion: Rejecting Claim for Damages filed by Daljit Singh Atwal
- R. Motion: Rejecting Claim for Damages filed by Bobby Atwal

6. FINAL READINGS

- A. **Recommended Action:**
Ordinance: Amending Turlock Municipal Code Title 8, Chapter 1, Article 1, Section 6, regarding the adoption of building fees by Resolution
- B. **Recommended Action:**
Ordinance: Adding Turlock Municipal Code Title 6, Chapter 1, Article 1, Section 17, regarding the permitting of Rescue Groups

7. PUBLIC HEARINGS

- A. Request to amend Turlock Municipal Code Title 2, Chapter 1, Article 02, to change the hour regular City Council meetings are held. (*Wasden*)

Recommended Action:

Ordinance: Amending Turlock Municipal Code Title 2, Chapter 1, Article 02, to change the hour regular City Council meetings are held

- B. Request to approve amendments to Turlock Municipal Code Title 4, Chapter 3, Article 4, entitles "Fireworks". (*Lohman*)

Recommended Action:

Ordinance: Approving amendments to Turlock Municipal Code Title 4, Chapter 3, Article 4, entitled "Fireworks"

8. SCHEDULED MATTERS

- A. Request to authorize staff to support support the positive benefits of the Enterprise Zone program in local communities and on a statewide economic level and communicate support for Enterprise Zones and opposition to any proposal that would threaten their existence. (*Wasden*)

Recommended Action:

Resolution: Authorizing staff to support the positive benefits of the Enterprise Zone program in local communities and on a statewide economic level and communicate support for Enterprise Zones and opposition to any proposal that would threaten their existence

- B. Request to recommend payment in the amount of \$3,000 from Fund 410-51-530.43319 "Regulatory Fees" to the State Water Pollution Cleanup and Abatement Account as settlement of an Administrative Civil Liability Complaint R5-2013-0505. (*Madden*)

Recommended Action:

Motion: Recommending payment in the amount of \$3,000 from Fund 410-51-530.43319 "Regulatory Fees" to the State Water Pollution Cleanup and Abatement Account as settlement of an Administrative Civil Liability Complaint R5-2013-0505

- C. Request to authorize the filling and replacement of three (3) current vacant positions within the Parks, Recreation and Public Facilities Division through an in-house recruitment of full time, part time and volunteer/intern staff, and outside recruitment if needed. (*Schulze*)

Recommended Action:

Resolution: Authorizing the filling and replacement of three (3) current vacant positions within the Parks, Recreation and Public Facilities Division through an in-house recruitment of full time, part time and volunteer/intern staff, and outside recruitment if needed

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. Conference with Legal Counsel – Existing Litigation, Cal. Gov't Code §54956.9(a)
Name of case: California Clean Energy Committee vs. City of Turlock

- B. Public Employee Performance Evaluation, Cal. Gov't Code §54957
Title: City Manager

12. ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting. Dated this 8th day of February, 2013.

Kellie E. Weaver
City Clerk