

# City Council Agenda



APRIL 23, 2013

6:00 p.m.

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



Mayor  
John S. Lazar

Council Members  
Amy Bublak  
Forrest White  
Steven Nascimento  
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](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. Proclamation: City of Turlock Volunteer Recognition, accepted by Jessie Dhami
  - B. Proclamation: National Arbor Day, April 26, 2013, accepted by Allison Van Guilder
  - C. Proclamation: Bike to Work-Week, accepted by Stephen Fremming
  
3. **A. SPECIAL BRIEFINGS**
  1. **COMMISSION BRIEFINGS**
    - Arts Commission
  
  - B. STAFF UPDATES**
    1. Community Forums on Critical Issues (*Reid*)

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## 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 3/28/13 in the amount of \$909,216.96; Demands of 4/4/13 in the amount of \$614,903.02
- B. Motion: Accepting Minutes of Regular Meeting of April 9, 2013
- C. Motion: Accepting notification of Contract Change Order No. 3 in the amount of \$48,386.72 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 13 – Building and Site Electrical, bringing the contract total to \$4,203,945.08
- D. Resolution: Rescinding Resolution No. 2009-061 and adopting the amended powers, duties, and procedures for conducting Turlock Planning Commission business by changing the start time of regular meetings from 7:00 p.m. to 6:00 p.m.
- E. Resolution: Appropriating \$6,227 to account number 110-40-400.43131 "Smart Valley Places Grant Expenses" to be funded by revenue received in account number 110-40-400.34172 "Smart Valley Places Grant" and approving Amendment No. 2 to the agreement between the City of Turlock and Jarvis, Fay, Doporto, and Gibson, LLP, dated November 7, 2011
- F. Motion: Approving the Rehabilitation Forgivable Loan #4921-EF, in the amount of \$69,900, where the City of Turlock will be in third position, as prescribed by the adopted Rehabilitation Loan Policies and Procedures
- G.
  - 1. Resolution: Authorizing the hiring and replacement of one anticipated vacancy for Water Quality Control Division Manager and one currently vacant Regulatory Affairs Division Manager within Municipal Services through an outside recruitment following the City's Personnel System Rules & Regulations
  - 2. Motion: Authorizing the filling of two mid-management positions within Municipal Services; Water Quality Control Division Manager and Regulatory Affairs Division Manager classifications through an outside recruitment following City's Personnel System Rules & Regulations
- H.
  - 1. Motion: Authorizing the City Manager to execute an agreement for tree trimming and maintenance services for Parks, Recreation and Public Facilities Division, on a piggy-back contract from the Modesto Irrigation District, Resolution No. 2010-96, with Trees, Inc., of Houston, Texas, without compliance to the formal bid process
  - 2. Motion: Approving the service agreement with Trees, Inc., for tree trimming and maintenance services for a period of thirty-eight (38) months ending June 30, 2016, in an amount not to exceed \$40,000
- I. Resolution: Approving budget adjustments to the appropriate account numbers for the ASES Program in Fund 270 "Recreation Grants and Donations" as delineated on Attachment A to the Resolution

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- J. Resolution: Affirming the City Manager's action of having mailed a letter in support of the homebasing of the U.S. Navy's contingent of F-35C Joint Strike Fighters at Naval Air Station (NAS) Lemoore, California
  - K. Motion: Approving the service agreement with Warden's Office for the moving, dismantling and installation of new and existing Haworth products through the U.S. Communities Purchasing Program for the Turlock Public Safety Facility, in an amount not to exceed \$34,610, without compliance to the formal bid procedure
  - L. Resolution: Authorizing the City Manager to begin a civic engagement process comparing the current at-large election system in the City of Turlock to other systems of electing the Mayor and City Council Members

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS**

- A. Request to amend the Turlock Municipal Code by adding Chapter 24 "Protection of Agricultural Operations" (***Right-to-Farm***) to Title 5 and amending Sections 11-5-202, 11-5-506, and 11-6-102 regarding subdivision requirements; and establish a new policy requiring mandatory energy conditions of approval for any building exceeding 50,000 square feet in occupied space with a building permit application. (*Whitmore*)

***Recommended Action:***

Ordinance: Amending the Turlock Municipal Code by adding Chapter 24 "Protection of Agricultural Operations" to Title 5 and amending Sections 11-5-202, 11-5-506, and 11-6-102 regarding subdivision requirements

Resolution: Establishing mandatory energy conditions of approval for any building exceeding 50,000 square feet in occupied space with a building permit application

8. **SCHEDULED MATTERS**

- A. Request to adopt a standardized street element and width for the 4-lane sections of the Taylor Road Expressway. (*Whitmore*)

***Recommended Action:***

Resolution: Adopting a standardized street element and width for the 4-lane sections of the Taylor Road Expressway

- B. Request to support the issuance of a letter to the Senate Appropriations Committee (SAC) in opposition of SB7 (Steinberg), which would prohibit a current or future charter city from receiving or using state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with state prevailing wage requirements on local construction projects funded by non-state/city funds. (*Reid*)

***Recommended Action:***

***Resolution:*** Supporting the issuance of a letter to the Senate Appropriations Committee (SAC) in opposition of SB7 (Steinberg), which would prohibit a current or future charter city from receiving or using state funding or financial assistance for a construction project if the city has a charter provision or ordinance that authorizes a contractor to not comply with state prevailing wage requirements on local construction projects funded by non-state/city funds

- C. Request to designate Market Street, between West Main Street and South Broadway, with a new one-way street designation for eastbound traffic only and authorize the City Engineer to make the necessary changes to signs and striping. (*Pitcock*)

***Recommended Action:***

***Resolution:*** Designating Market Street, between West Main Street and South Broadway, with a new one-way street designation for eastbound traffic only and authorizing the City Engineer to make the necessary changes to signs and striping

**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 Labor Negotiators, Cal. Gov't Code §54957.6  
 Agency Negotiators: Roy W. Wasden/Dave Young  
 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/Community Housing, 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**