

City Council Agenda



MAY 14, 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 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: Asthma Awareness Month, May 2013, accepted by Virginia McLain and Mary Lou Martinez, Memorial Medical Center
- B. Proclamation: Public Works Week, May 19-25, 2013, accepted by Dan Madden
- C. Appointment: Arts Commission
- D. Presentation: California Water Environment Association (CWEA) Quarter Century Recognition Program Recipient Dan Frisch

3. A. SPECIAL BRIEFINGS

B. STAFF UPDATES

- 1. Board, Commission, and Committee Vacancies (*Weaver*)
- 2. Capital Projects and Building Activity (*Pitcock*)

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 4/11/13 in the amount of \$830,161; Demands of 4/18/13 in the amount of \$3,867,007.26
- B. Motion: Accepting Minutes of Regular Meeting of April 23, 2013
- C. Motion: Awarding bid and approving an agreement in the amount of \$3,530,000 (Fund 420) with Clark Bros. Inc., of Dos Palos, California, for City Project No. 11-42, "Fulkerth Tank and Pump Station"
- D. Motion: Accepting improvements for City Project No. 12-58, "Chamber of Commerce Building Repair," and authorizing the City Engineer to file a Notice of Completion
- E.
 1. Motion: Awarding bid and approving an agreement in the amount of \$6,856 (Fund 112) with Downey & Son Painting, of Livingston, California, for City Project No. 13-29, "Fire Station No. 4 Repaint"
 2. Resolution: Appropriating \$8,500 to account number 112-10-510.51147 "Fire Station No. 4 Repaint" through a transfer from Fund 110 "General Fund (Unreserved)" to fund City Project 13-29, "Fire Station No. 4 Repaint" as listed in the Capital Improvement Plan for Fiscal Year 2012-13
- F. Motion: Approving Contract Change Order No. 1 in the amount of \$36,043.29 (Fund 215) for City Project 0740, "Landscape Golden State Boulevard from Christoffersen Parkway to Roberts Road," bringing the contract total to \$418,714.29
- G. Motion: Approving Amendment No. 3 with WLC Architects, Inc. for an additional \$255,000 (Fund 305) in compensation for architectural design and construction management services for the Public Safety Facility, City Project No. 0804
- H. Motion: Approving Contract Change Order No. 1 in the amount of \$7,580.80 (Fund 215) for City Project 0870, "Landscape Golden State Boulevard from Roberts Road to Monte Vista Avenue," bringing the contract total to \$366,764.30
- I. Motion: Approving Contract Change Order No. 1 in the amount of \$22,778.77 (Fund 215) for City Project No. 0872, "Landscape Golden State Boulevard from Monte Vista Avenue to the South," bringing the contract total to \$717,508.77
- J. Motion: Approving Amendment No. 3 to the agreement with Carollo Engineers, increasing the total compensation by \$14,385, to provide claim review services for City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline"

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- K. 1. Motion: Approving Amendment No. 3 to the Retainer Agreement (Contract No. 11-915) with 4Leaf, Inc., of Pleasanton, California, for plan check services in an amount not to exceed \$60,000, and extending the agreement to expire June 30, 2014
2. Motion: Approving Amendment No. 3 to the Retainer Agreement (Contract No. 11-918) with Bureau Veritas North America, Inc., of Sacramento, California, to incorporate the current Building Department fee structure and to extend the agreement to expire June 30, 2014
- L. Motion: Approving Amendment No. 2 of the Professional Services Agreement between the City of Turlock and AECOM Technical Services, Inc., to extend the term from March 31, 2013 to June 30, 2013, to develop a countywide financial model for the ten (10) jurisdictions in Stanislaus County and the financial evaluation of the Turlock General Plan Update scenarios
- M. 1. Motion: Approving the advertisement of City Project No. 12-53, "Crowell Rd. Pedestrian Improvements" for construction proposals
2. Resolution: Appropriating \$39,568 to account number 217-50-511.51270 "Construction Projects" through a transfer from Fund 217 "Gas Tax – Section 2103 Reserve" to fund City Project No. 12-53, "Crowell Rd. Pedestrian Improvements"
- N. Motion: Approving a Rehabilitation Loan Agreement between the City of Turlock and Stanislaus County Affordable Housing Corporation (STANCO) in the total amount of \$34,000 for the rehabilitation costs related to the four-plex located at 1061 Alpha Road, Turlock, California, as prescribed by the Adopted Rehabilitation Loan Policies and Procedures
- O. Resolution: Appropriating \$4,500 to account number 110-61-622-003.43727 "Turlock Youth Self Defense" funded by revenue received in 110-61-622-003.35720 "Revenue Turlock Self Defense" to cover the cost of paying the contracted instructor for program classes, bringing the expense account out of a negative balance; Appropriating \$13,000 to Fund 110-61-630-121.41002_000 "PLAY Part Time Help" funded by revenue received in Fund 110-61-630-121.35720 "PLAY Revenue" to cover the cost of paying part time staff for the program, bringing the expense account out of a negative balance
- P. Resolution: Rescinding Resolution No. 2012-086 and adopting the amended powers, duties, and procedures for conducting Turlock City Arts Commission business by changing the start time of regular meetings from 7:00 p.m. to 6:00 p.m.
- Q. Resolution: Authorizing the termination of the Joint Exercise of Powers Agreement established on November 19, 1992, between the Cities of Ceres, Hughson, Modesto, Turlock, Delhi County Water District, Denair Community Services Districts, Hilmar County Water District, and Keyes Community Services District as related to the proposed Drinking Water Supply Project
- R. Motion: Approving a Professional Service Agreement with Condor Earth Technologies, Inc., to provide an update and revalidation of the California Accidental Release Prevention (CalARP) Program for the chlorine facility at the City of Turlock Regional Water Quality Control Facility in the amount of \$8,603 from Fund 410-51-530.43336 "CalARP Compliance Audit"
- S. Motion: Approving a Professional Services Agreement between the City of Turlock and Municipal Financial Services for the preparation of a Water Rate and Water Connection Fee Study in an amount not to exceed \$31,680 from Non-General Fund 420-52-550_43320 "Special Services/Projects"
- T. Resolution: Approving a contract with TargetSolutions for a one (1) year subscription of online training services for continuing education in Emergency Medical Service (EMS) and other various mandated training to Turlock Fire Department personnel, in an amount not to exceed \$3,995, from Fund 265-30-310.302_47140 "Cal Firefighters Joint Apprenticeship Committee (JAC)"

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- U. Resolution: Declaring the City Council's intent to consider the renewal of the Turlock Downtown Property and Business Improvement District (PBID) and setting a public hearing for July 9, 2013
 - V. Resolution: Authorizing the City Manager to sign a petition in favor of initiating special assessment proceedings for and cast an assessment ballot in favor of the proposed Turlock Downtown Property and Business Improvement District (PBID)
 - W. Motion: Rejecting Claim for Damages filed by Don Hansen

6. FINAL READINGS

- A. **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 as introduced at the April 23, 2013 meeting.

7. PUBLIC HEARINGS

- A. Request to approve the Fiscal Year 2013-14 Annual Action Plan for the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME); Approve Annual Funding Agreements between the City of Turlock and six (6) HOME Consortium sub-recipients for the purpose of undertaking HOME eligible housing assistance activities pursuant to Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 for Fiscal Year 2013-14; and Approve the agreements between the City of Turlock and each of the eight (8) funded non-profit Public Service Agencies.
(Pitt)

Recommended Action:

Resolution: Approving the Fiscal Year 2013-14 Annual Action Plan for the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), authorizing submission of the Annual Action Plan to HUD, and authorizing the City Manager or designee to execute all related and necessary documents

Motion: Approving the Annual Funding Agreements between the City of Turlock and six (6) HOME Consortium sub-recipients for the purpose of undertaking HOME eligible housing assistance activities pursuant to Title II of the Cranston-Gonzales National Affordable Housing Act of 1990 for Fiscal Year 2013-14 in the amount of \$581,671

Motion: Approving the agreements between the City of Turlock and each of the eight (8) funded non-profit public service agencies in the amount of \$80,000

- B. Request to determine whether a change in the 200 bed cap on emergency shelter beds in the SB 2 Emergency Shelter Overlay District is required and, if necessary, increasing the cap. (Whitmore)

Recommended Action:

Motion: Determining whether a change in the 200 bed cap on emergency shelter beds in the SB 2 Emergency Shelter Overlay District is required and, if necessary, increasing the cap

8. SCHEDULED MATTERS

- A. Request to receive information on the Fiscal Year 2013-14 budget and if time allows receive information on the Non-General Fund Budget. (*Wasden*)

Recommended Action: None – Information Only

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 Real Property Negotiators, Cal. Gov't Code §54956.8
Property: 1801 S. Walnut Road, Turlock, CA 95380, APN 044-015-008
Agency Negotiators: Roy Wasden
Negotiating Parties: Singh Gurmeet Et Al
Under Negotiation: Price and Terms of Payment
- B. Conference with Legal Counsel, Cal. Gov't Code §54956.9(c)
Initiation of Litigation (1 case)

12. ADJOURNMENT