

City Council Agenda



MAY 28, 2013

6:00 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: Fava Bean Day, May 9, 2013, accepted by Joe Fagundes

3. **A. SPECIAL BRIEFINGS**
 1. Teen Advisory Council

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.

B. STAFF UPDATES

1. 2012 Fire Department Annual Report (*Lohman*)

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 4/25/13 in the amount of \$1,337,631.98; Demands of 5/2/13 in the amount of \$886,259.28
- B. Motion: Accepting Minutes of Special Meeting of April 30, 2013; Minutes of Special Meeting of May 9, 2013; Minutes of Regular Meeting of May 14, 2013
- C.
 1. Motion: Awarding bid and approving an agreement in the amount of \$107,552 (Fund 216-40-422.51220) with Serna Construction, Inc., Fresno, California, for City Project No.13-20, "Monte Vista Avenue Widening"
 2. Resolution: Appropriating \$87,100 to account number 216-40-422.51220 "Various Overlays Prop. 1B" to be funded via a transfer of Section 2103 Gas Tax Monies from Fund 217 "Gas Tax Fund" for City Project No. 13-20, "Monte Vista Avenue Widening," to complete the necessary funding required for the project
- D. Resolution: Authorizing the transfer of \$10,000 from Fund 305 CFF (Police) reserve to account number 305-40-441.51270 "Construction Projects" for Project No. 13-25, "Public Safety Training Facility"
- E. Resolution: Authorizing the transfer of \$2,000,000 from Fund 305 CFF (General Government) Reserve to Fund 305 CFF (Police), City Project No. 0804B, "Turlock Public Safety Facility"
- F.
 1. Motion: Approving a Purchase and Sale Agreement with Gurmeet Singh, an unmarried man, and Gurmail Singh Dhillon and Jasbir Kaur, husband and wife, for the purchase of one 11.34 acre parcel described as 1801 S. Walnut Rd. (APN 044-015-008), for the construction of a new master plan storm water basin, in the amount of \$850,000 plus escrow closing costs, with a total cost not to exceed \$857,000
 2. Resolution: Appropriating \$850,000 to account number 411-51-536.51270 "Construction" from Fund 411 Reserve for the acquisition of 11.43 acres of land for a master storm drain basin

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- G. Resolution: Directing the filing of the Annual Reports for Fiscal Year 2013-14 for Assessment Districts in the City of Turlock
 - H. Resolution: Approving the Transportation Development Act (TDA) Claim for funding of transit activities for Fiscal Year 2013-14
 - I. Resolution: Approving the boundaries of the Targeted Employment Area and authorizing the submittal of a Targeted Employment Area Application for the Stanislaus Enterprise Zone, as required by the California State Department of Housing and Community Development
 - J. Motion: Approving the contract between the City of Turlock and Premier Tennis to offer youth tennis programs
 - K. Motion: Approving the renewal of the Memorandum of Understanding between the City of Turlock and the Turlock Unified School District to offer youth volleyball programs within the community
 - L. Motion: Rejecting Claim for Damages filed by Antonio DeLaOroz
 - M. Motion: Rejecting Claim for Damages filed by Amalia Perez

6. **FINAL READINGS:** None

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 authorize the issuance by the California Statewide Communities Development Authority of its Revenue Bonds, Series 2013 (Covenant Retirement Communities, Inc.) in one or more series in an aggregate principal amount not to exceed \$40,000,000, of which not more than \$10,000,000 shall be for the benefit of Covenant Retirement Communities West; and related matters. (*Lorenzi*)

Recommended Action:

Resolution: Authorizing the issuance by the California Statewide Communities Development Authority of its Revenue Bonds, Series 2013 (Covenant Retirement Communities, Inc.) in one or more series in an aggregate principal amount not to exceed \$40,000,000, of which not more than \$10,000,000 shall be for the benefit of Covenant Retirement Communities West (d/b/a Covenant Village of Turlock, Sequoia Place and Covenant Village Of Turlock Care Center); and related matters

8. SCHEDULED MATTERS

- A. Request to authorize the City Manager to sign an amended agreement between the City of Turlock and the Carnegie Arts Foundation to return \$70,000 and all accrued interest of the current \$80,000 Performance Security to the Carnegie Foundation with accrued annual interest to be paid on the remaining \$10,000 Performance Security deposit by July 31 of each calendar year. (*Reid*)

Recommended Action:

Motion: Authorizing the City Manager to sign an amended agreement between the City of Turlock and the Carnegie Arts Foundation to return \$70,000 and all accrued interest of the current \$80,000 Performance Security to the Carnegie Foundation with the City continuing to retain \$10,000 as the Performance Security deposit for the Carnegie Arts Center with accrued annual interest continued to be paid to the Foundation by July 31 of each calendar year

- B. Request to receive information on the Fiscal Year 2013-14 Non General budget and answer questions and receive information on the 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

Conference with Real Property Negotiators, Cal. Gov't Code §54956.8

Property: 821 North Broadway, Turlock, APN 061-007-018

Agency Negotiators: Roy Wasden

Negotiating Parties: Turlock Irrigation District

Under Negotiation: Price and Terms of Payment

Conference with Real Property Negotiators, Cal. Gov't Code §54956.8

Property: 1129 N. Olive Avenue, Turlock, APN Nos. 042-021-041/042-021-042

Agency Negotiators: Roy Wasden

Negotiating Parties: Katharine K. Stevens Trust

Under Negotiation: Price and Terms of Payment

Conference with Legal Counsel – Anticipated Litigation, Cal. Gov't Code §54956.9(b)

Potential Cases: (3 cases)

12. ADJOURNMENT