

City Council Agenda



JUNE 10, 2014

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor
John S. Lazar

Council Members
Amy Bublak
William DeHart, Jr.
Steven Nascimento
Forrest White
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: Brett Nichols, Pitman High School Student

3. A. SPECIAL BRIEFINGS: None

B. STAFF UPDATES

1. Capital Projects and Building Activity (*Pitcock*)
2. Turlock Fire Department Annual Report (*Lohman*)
3. Turlock Police Department 1st Quarter Crime Statistics (*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 5/15/14 in the amount of \$1,101,139.42; Demands of 5/22/14 in the amount of \$1,770,055.37
- B. Motion: Accepting Minutes of Regular Meeting of May 27, 2014
- C. Motion: Accepting improvements for City Project No. 13-60, "Pedestrian Gate at Turlock Regional Transit Center," and authorizing the City Engineer to file a Notice of Completion
- D. Motion: Approving Contract Change Order No. 2 in the decreased amount of (\$249,011.72) (Fund 415) for City Project No. 0751, "Turlock Regional Water Quality Control Facility Headworks and Secondary Treatment Capacity Expansion - Phase 1," bringing the contract total to \$23,165,463.28
- E.
 - 1. Motion: Accepting notification of Contract Change Order No. 5 (Final) in the decreased amount of (\$5,645) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 7 – Framing, Drywall, and Plaster, bringing the contract total to \$881,480
 - 2. Motion: Accepting improvements for City Project No. 0804B, "Turlock Public Safety Facility," Category 7 – Framing, Drywall, and Plaster, and authorizing the City Engineer to file a Notice of Completion
- F.
 - 1. Motion: Accepting notification of Contract Change Order No. 6 (Final) in the decreased amount of (\$15,375) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, bringing the contract total to \$881,480
 - 2. Motion: Accepting improvements for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, and authorizing the City Engineer to file a Notice of Completion
- G. Resolution: Considering intention to levy and collect assessments for Fiscal Year 2014/15 Assessment Districts in the City of Turlock
- H. Resolution: Accepting a donation from Mrs. Norton in the amount of \$3,551.63 to be deposited into account 269-60-614-380.37200_000 "Parks Donations-General" and appropriating said funds to account number 269-60-614-380.47124 "Parks Donation Expenses" for signage at the Quail Rand Norton Park

- I. Resolution: Authorizing the City Manager to provide a letter in opposition to AB 2188 (Muratsuchi), which would create a separate permitting and inspection process specifically for residential solar installation of less than 10 kilowatts
- J. Resolution: Extending the City of Turlock's Military Leave Policy per Resolution No. 2008-139 for employees involuntarily called to active duty as a result of the nation's war on terrorism
- K.
 - 1. Resolution: Calling for the holding of a General Municipal Election to be held on Tuesday, November 4, 2014, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities
 - 2. Resolution: Requesting the Board of Supervisors of the County of Stanislaus to consolidate a General Municipal Election to be held on Tuesday, November 4, 2014, with the Statewide General Election to be held on the date pursuant to §10403 of the Elections Code
 - 3. Resolution: Adopting regulations for candidates for elective office pertaining to candidate's statements submitted to the voters at a General Municipal Election to be held on Tuesday, November 4, 2014
 - 4. Resolution: Setting the deposit fee which will be required of candidates who elect to have a Candidate's Statement of Qualifications printed in the ballot pamphlet for the City of Turlock General Municipal Election to be held on November 4, 2014
- L. Motion: Rejecting Claim for Damages filed by Aprim Khodi dba Khodi Trucking

6. FINAL READINGS

- A. ***Recommended Action:***
Ordinance: Amending Turlock Municipal Code Title 8, Chapter 1, Section 1, Article 1 and Chapters 2, 5 and 6, regarding Building Regulations as introduced at the May 27, 2014 meeting

Resolution: Adopting legislative findings supporting amendments and changes to the California State Building Standards Code as contained in the Turlock Municipal Code, Title 8, Chapters 1, 2, 5 and 6
- B. ***Recommended Action:***
Ordinance: Amending Turlock Municipal Code Title 2, Chapter 1, to establish electoral districts for election of members of the Turlock City Council by districts and election of the Mayor of Turlock at-large, subject to approval by a vote of the people as introduced at the May 27, 2014 meeting

Resolution: Calling for and giving notice of the holding of a general municipal election to be held in the City of Turlock on Tuesday, November 4, 2014, for the purposes of submitting to the qualified voters a ballot measure establishing electoral districts for election of members of the Turlock City Council by districts and election of the Mayor of Turlock at-large as required by the provisions of the laws of the State of California relating to general law cities, requesting consolidation thereof with the statewide election to be held on the same date, and requesting the Stanislaus County Board of Supervisors to permit the Stanislaus County Clerk to render specific services to the City of Turlock relating to the conduct of the general municipal election

C. ***Recommended Action:***

Ordinance: Amending the Turlock Municipal Code to Add Title 3, Chapter 11, Entitled "Local Road Transactions and Use Tax for Pothole Repair and Existing City Street Improvement and Maintenance" to be administered by the State Board of Equalization and authorizing the incurrence by the City of Turlock of indebtedness payable solely from such tax, subject to approval by a vote of the people as introduced at the May 27, 2014 meeting

Resolution: Calling for and giving notice of the holding of a general municipal election to be held in the City of Turlock on Tuesday, November 4, 2014, for the purposes of submitting to the qualified voters a ballot measure establishing a one-half of one percent "Local Road Transactions and Use Tax for Pothole Repair and Existing City Street Improvement and Maintenance," requesting consolidation thereof with the statewide election to be held on the same date, and requesting the Stanislaus County Board of Supervisors to permit the Stanislaus County Clerk to render specific services to the City of Turlock relating to the conduct of the general municipal election

7. PUBLIC HEARINGS

Challenges in court to any of the items listed below, may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Turlock City Council at, or prior to, the public hearing.

- A. Request to supersede and replace Council Resolution No. 2013-109 and adopt updated cost recovery percentages and the schedule of fees and charges for City services.
(Wasden)

Recommended Action:

Resolution: Superseding and replacing Council Resolution No. 2013-109 and adopting updated cost recovery percentages and the schedule of fees and charges for City services, to include City recreational services, pursuant to Turlock Municipal Code Section 3-3-301 et seq.

- B. Request to confirm the City Council's intent to maintain a separate fund to account for the revenues and expenditures for the City's Building and Safety Department; Discontinuing the 25% reduction in Building User Fees; and Appropriating General Fund monies to subsidize the 25% fee reduction for Fiscal Year 2013-14 and request to supersede and replace Council Resolution No. 2013-099 and adopt an updated Building Department Fee Structure for permits, inspections or other fees required per Title 8, Building Regulations, of the Turlock Municipal Code as set forth in the attached "Cost Recovery Fee Table." (Lorenzi/Picciano)

Recommended Action:

Resolution: Confirming the City Council's intent to maintain a separate fund to account for the revenues and expenditures for the City's Building and Safety Department; Discontinuing the 25% reduction in Building User Fees; and Appropriating General Fund monies to subsidize the 25% fee reduction for Fiscal Year 2013-14

Resolution: Superseding and Replacing Council Resolution No. 2013-099 and Adopting an Updated Building Department Fee Structure for permits, inspections or other fees required per Title 8, Building Regulations, of the Turlock Municipal Code as set forth in the "Cost Recovery Fee Table"

8. SCHEDULED MATTERS

- A. Request to award bid and approve an agreement in the amount of \$218,540 (Fund 426-40-415.51260) with Pires, Lipomi + Navarro Architects, Modesto, California, for City Project No. 12-60B, "Turlock Regional Transit Center Phase 2 Design and Master Plan." (Pitcock)

Recommended Action:

Motion: Awarding bid and approving an agreement in the amount of \$218,540 (Fund 426-40-415.51260) with Pires, Lipomi + Navarro Architects, Modesto, California, for City Project No. 12-60B, "Turlock Regional Transit Center Phase 2 Design and Master Plan"

- B. Request to Approve a retainer agreement in an amount not to exceed \$100,000 (Fund 405) with Bureau Veritas North America, Inc., Approve a retainer agreement in an amount not to exceed \$50,000 (Fund 405) with Interwest Consulting Group, and Approve a retainer agreement in an amount not to exceed \$50,000 (Fund 405) with 4Leaf, Inc., for plan check services related to various building permit applications throughout the City of Turlock for Fiscal Years 2014-16. (Pitcock)

Recommended Action:

Motion: Approving a retainer agreement for Fiscal Years 2014-2016 in an amount not to exceed \$100,000 (Fund 405) with Bureau Veritas North America, Inc., for plan check services related to various building permit applications throughout the City of Turlock

Motion: Approving a retainer agreement for Fiscal Years 2014-2016 in an amount not to exceed \$50,000 (Fund 405) with Interwest Consulting Group for plan check services related to various building permit applications throughout the City of Turlock

Motion: Approving a retainer agreement for Fiscal Years 2014-2016 in an amount not to exceed \$50,000 (Fund 405) with 4Leaf, Inc., for plan check services related to various building permit applications throughout the City of Turlock

- C. Request to approve a Cost Sharing Agreement with the City of Modesto and Del Puerto Water District for expenses associated with the Phase III Feasibility Study for the North Valley Regional Recycled Water Project in an amount not to exceed \$666,810, from Fund 410-51-530.43340 "North Valley Regional Recycled Water Project." (Cooke)

Recommended Action:

Resolution: Approving a Cost Sharing Agreement with the City of Modesto and Del Puerto Water District for expenses associated with the Phase III Feasibility Study for the North Valley Regional Recycled Water Project in an amount not to exceed \$666,810, from Fund 410-51-530.43340 "North Valley Regional Recycled Water Project"

- D. Request to adopt the City of Turlock General and Non-General Fund Budgets covering Fiscal Year 2014-15 and projected budgets for Fiscal year 2015-16; appropriating funding in the amount of \$192,176 for Economic Development activity (Fund 121); and adopting placement and alignment of personnel. (Wasden)

Recommended Action:

Resolution: Adopting the City of Turlock General Fund Budget covering Fiscal Year 2014-15 and a projected budget for Fiscal Year 2015-16

Resolution: Adopting the City of Turlock Non-General Fund Budget covering Fiscal Year 2014-15 and a projected budget for Fiscal Year 2015-16

Resolution: Appropriating \$192,176 to 121-10-122.48001_216 "Transfers Out-Fund 121 Economic Development" from Fund 121 "Tourism-City Share" reserve balance and adding \$192,176 to 121-10-123.38001_216 "Transfers In For Economic Development" in Fiscal Year 2013-14 to cover Economic Development activity in Fund 121

Motion: Adopting the placement and alignment of personnel as proposed by staff

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 – Anticipated Litigation, Cal. Gov't Code §54956.9(d)(4)**

"For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation."

Potential Cases: (1 case)

12. ADJOURNMENT