

City Council Agenda



AUGUST 26, 2014

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



Mayor
John S. Lazar

Council Members
Amy Bublak **Steven Nascimento**
William DeHart, Jr. **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: California State University Stanislaus Warriors Golf, 2014 California Collegiate Athletic Association Tournament Champions

B. Recognition: Fourth of July Celebration

C. Presentation: Stanislaus Innovation Challenge, Kurtis Clark, Director of Alliance Small Business Development Center

3. A. SPECIAL BRIEFINGS: None

B. STAFF UPDATES: None

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

B. DISCLOSURE OF EX PARTE COMMUNICATIONS

1. Scheduled Matter Item 7B is a quasi-judicial proceeding. Council should disclose the following information if applicable
 - a. State for the public record the nature of the communication; and
 - b. With whom the ex parte communication was made; and
 - c. A brief statement as to the substance of the communication.

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 7/17/14 in the amount of \$1,177,237.00; Demands of 7/24/14 in the amount of \$823,526.64; Demands of 7/31/14 in the amount of \$1,181,257.38
- B. Motion: Accepting Minutes of Regular Meeting of August 12, 2014
- C. Motion: Accepting notification of Contract Change Order No. 1 in the amount of \$2,750 (Fund 215) for City Project No. 11-48, "Intersection Improvements at Golden State Boulevard and Del's Lane," bringing the contract total to \$371,074
- D.
 1. Motion: Approving Contract Change Order No. 2 (Final) in the amount of \$6,572.81 (Fund 305) for City Project No. 13-25B, "Public Safety Training Facility Utilities and Site Improvements," bringing the contract total to \$119,624.58
 2. Motion: Accepting improvements for City Project No. 13-25B, "Public Safety Training Facility Utilities and Site Improvements," and authorizing the City Engineer to file a Notice of Completion
- E.
 1. Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$1,493.69 (Fund 217) for City Project No. 13-48, "Roadway Widening at 1338 and 1344 East Avenue," bringing the contract total to \$53,159.69
 2. Motion: Accepting improvements for City Project No. 13-48, "Roadway Widening at 1338 and 1344 East Avenue," and authorizing the City Engineer to file a Notice of Completion
- F. Motion: Approving Amendment No. 4 with Omni Means, Inc., for the preparation of a Project Study Report (PSR) and Plans, Specifications and Estimate (PS&E) for the modifications of State Route 99 Interchanges at Fulkerth Road, City Project No. 0828, "Update State Route 99/Fulkerth"

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- G. Resolution: Approving the Federal Transit Administration (FTA) Title VI Program Update and authorizing the City Manager to sign all necessary documents
 - H. Motion: Approving Amendment No. 3 with Quad Knopf, Inc., for the preparation of an Environmental Impact Report (EIR) and Master Plan document for the Morgan Ranch Residential Master Plan
 - I. Motion: Approving Amendment No. 1 for the Service Agreement with First Transit, Inc., to provide transit operational services for the Turlock Bus Line Services from December 1, 2011 to November 30, 2017, reflecting the fixed amount and hourly rates identified in the current First Transit, Inc. agreement
 - J. Motion: Authorizing a blanket Out-of-Boundary Service Agreement for water services for property located within an unincorporated island of Stanislaus County, outside of City limits
 - K. Resolution: Authorizing the City Manager or his designee to enter into an agreement with the San Joaquin Valley Stormwater Quality Partnership for the purposes of coordinating cooperative public outreach and education objectives outlined in the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit
 - L. Motion: Approving the renewal of an Independent Contract between the City of Turlock and Dragon Sports to offer youth self defense classes
 - M. Resolution: Re-appropriating unspent funds from Fiscal Year 2013-14 for the repair of the elevator located at Turlock City Hall, 156 S. Broadway, Turlock, California
 - N. Motion: Rejecting Claim for Damages filed by Donnell Eugene Bak
 - O. Motion: Rejecting Claim for Damages filed by Donnell Eugene Bak
 - P. Motion: Rejecting Claim for Damages filed by Natalie Uballe
 - Q. Motion: Rejecting Claim for Damages filed by Fontana Wholesale Lumber

6. **FINAL READINGS:** None

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 establish a Residential Permit Parking Zone along Garden Lane and Garden Court, to include portions of Pedras Road adjacent to 901 Pedras Road and 2001 Garden Lane on the north side of the street, every day between the hours of 9:00 p.m. and 7:00 a.m. (*Pitcock*)

Recommended Action:

Resolution: Establishing a Residential Permit Parking Zone along Garden Lane and Garden Court, to include portions of Pedras Road adjacent to 901 Pedras Road and 2001 Garden Lane on the north side of the street, every day between the hours of 9:00 p.m. and 7:00 a.m.

- B. Request to deny the appeal and affirm the Planning Commission Decision approving Minor Discretionary Permit 2014-01; Adopt the Mitigated Negative Declaration of Environmental Effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project having made the findings contained in the attached Draft City Council Resolution; and Approve Minor Discretionary Permit 2014-01 (Taco Bell). (*Pitcock*)

Recommended Action:

Motion: Denying the appeal and affirming the Planning Commission Decision approving Minor Discretionary Permit 2014-01

Motion: Adopting a Mitigated Negative Declaration of Environmental Effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project having made the findings contained in the attached Draft City Council Resolution

Resolution: Approving Minor Discretionary Permit 2014-01 (Taco Bell)

8. SCHEDULED MATTERS:

- A. Request to approve a Memorandum of Understanding with Stanislaus County for the contract and development of a Regional Consolidated Plan for 2015-2020, a 2015 Annual Action Plan and an updated Assessment of Impediments to Fair Housing, and authorize the City Manager to execute all related documents to this cooperative project. (*Pitt*)

Recommended Action:

Motion: Approving a Memorandum of Understanding with Stanislaus County for the contract and development of a Regional Consolidated Plan for 2015-2020, a 2015 Annual Action Plan and an updated Assessment of Impediments to Fair Housing, and authorizing the City Manager to execute all related documents to this cooperative project

- B. Request to authorize the City Manager to sign a tentative agreement between the City of Turlock Fire Department, City of Modesto Fire Department, City of Ceres Fire Department and Stanislaus Consolidated Fire Protection District to provide automatic aid in the case of a major fire, disaster or other emergency. (*Lohman*)

Recommended Action:

Motion: Authorizing the City Manager to sign a tentative agreement between the City of Turlock Fire Department, City of Modesto Fire Department, City of Ceres Fire Department and Stanislaus Consolidated Fire Protection District to provide automatic aid in the case of a major fire, disaster or other emergency

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(d)(1)
“For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Litigation, to which the local agency is a party, has been initiated formally.”

Name of Case: Turlock Associated Police Officers vs. City of Turlock

- B. Conference with Labor Negotiators, Cal. Gov't Code §54957.6
“Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.”

Agency Negotiator: Mayor John Lazar

Unrepresented Employees: City Manager, City Attorney

- C. Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)
“Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.”

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, Community Housing Program Supervisor, 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 Analyst, Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Parks, Recreation & Public Facilities Director, Parks, Recreation & Public Facilities Superintendent, Payroll Coordinator, Principal Civil Engineer, Regulatory Affairs Manager, Secretary/Deputy City Clerk, Executive Administrative Assistant/Public Safety, Technical Services Manager, Utilities Manager, Water Quality Control Division Manager

12. ADJOURNMENT