

City Council Agenda

DECEMBER 10, 2013

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



**and via teleconference:

Capitol Hill Hotel
200 C Street, SE
Washington, D.C.
Telephone No. (202) 543-6000

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: Retirement of City Employee - Larry Chalupnik, Fire Captain
 - B. Proclamation: Retirement of City Employee - Patricia Panos, Police Evidence & Property Specialist II

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.

- C. Proclamation: Retirement of City Employee - Jeff Lopes, Police Captain
- D. Proclamation: Retirement of City Employee - Joel Carter, Building Inspector II
- E. Proclamation: 100th Anniversary of the Founding of the Ghadar Party, Nirvail Singh
- F. Appointment: Parks, Recreation, and Community Commission

3. A. SPECIAL BRIEFINGS

- 1. California State University Stanislaus,
 - Associated Student's Inc., Governmental Affairs
 - Amber Deming & Caleb Whittstruck

B. STAFF UPDATES

- 1. 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 10/24/13 in the amount of \$3,273,852.97; Demands of 10/31/13 in the amount of \$456,304.35; Demands of 11/7/13 in the amount of \$1,502,319.58
- B. Motion: Accepting Minutes of Regular Meeting of November 12, 2013
- C.
 - 1. Motion: Accepting notification of Contract Change Order No. 1 (Final) in the credit amount of (\$416.52) (Fund 215) for City Project No. 11-19, "Purchase of CNG Sewer Maintenance Vehicle," bringing the contract total to \$358,621.57
 - 2. Motion: Accepting improvements for City Project No. 11-19, "Purchase of CNG Sewer Maintenance Vehicle," and authorizing the City Engineer to file a Notice of Completion
- D. Motion: Approving Amendment No. 2 to City Contract No. 12-031 with Sally Swanson Architects, Inc., of San Francisco, California, for City Project No. 11-27, "ADA Self-Evaluation and Transition Plan Update," to extend the term of the agreement by six (6) months

- E. Motion: Approving Amendment No. 1 to the Retainer Agreement with Kleinfelder West, Inc., City Contract No. 13-049, dated July 9, 2013 for City Project No. 13-31, "Retainer Agreement – Kleinfelder," to increase the maximum allowable compensation under the agreement from \$100,000 to \$150,000, to provide additional reporting requirements, and implement utilization of Virtual Project Manager
- F. Motion: Approving an Exchange Agreement between the City of Turlock and Brett A. Honore', Trustee of Brett Honore' Revocable Trust, as to an undivided 25% Interest and Brett T. Tate and Karen C. Tate 2012 Trust as to an undivided 75% Interest, for City Project No. 13-49, "Dianne Drive Realignment" and authorizing the City Manager to sign all documents to transfer property
- G. Motion: Accepting notification of Contract Change Order No. 5 in the amount of \$6,800 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 9 – Doors and Windows, bringing the contract total to \$1,149,444
- H. Motion: Accepting notification of Contract Change Order No. 6 in the amount of \$6,249 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 13 – Building and Site Electrical, bringing the contract total to \$4,255,588
- I.
 - 1. Motion: Making the determination that City Project No. 13-47, "Columbia Park Restrooms," is exempt from the provisions of CEQA in accordance with Section 15303, "New Construction or Conversion of Small Structures"
 - 2. Motion: Awarding bid and approving an agreement in the amount of \$203,820.33 (Fund 255) with BC Construction of Ceres, California, for City Project No. 13-47, "Columbia Park Restrooms"
 - 3. Resolution: Appropriating \$29,707.35 from Fund 228 "Community Park Improvement Reserve" and transferring \$201,868 from account number 255-41-485.47210_006 to account number 228-60-608.51270 "Construction Project" for City Project No. 13-47, "Columbia Park Restrooms"
- J.
 - 1. Motion: Accepting notification of Contract Change Order No. 2 (Final) in the decreased amount of (\$5,690.77) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 15 - Elevators, bringing the contract total to \$238,587.23
 - 2. Motion: Accepting improvements for City Project No. 0804B, "Turlock Public Safety Facility," Category 15 - Elevators, and authorizing the City Engineer to file a Notice of Completion
- K. Motion: Accepting improvements for City Project No. 0872, "Landscape Golden State Boulevard from Monte Vista Avenue to the South," and authorizing the City Engineer to file a Notice of Completion
- L. Motion: Accepting the Capital Facility Fee Program report for Fiscal Year 2012-13
- M. Resolution: Appropriating \$152,532 to account number 228-60-606.47060 "Prior Year Reimbursements" to be funded by an interfund loan from account number 228-60-606.48001_192 "Transfer Out NP 23 Colorado Park Improvement Loan" from the NP 23 Colorado Park Land Reserve to account number 228-60-606.38001_192 "Transfer In NP 23 Colorado Park Improvement Loan" to NP 23 Colorado Park Improvements of \$112,216 and the balance of \$40,315 from Fund 228 NP 23 Colorado Park Improvements Reserve Balance for reimbursement of the Harold Markley Park Play area equipment and improvements that were funded by JKB Homes, Corp., per the agreement dated December 14, 2004 between JKB Homes, Corp. and the City of Turlock
- N. Resolution: Declaring the intention to vacate that certain section of alley south of 855 N. Olive, more particularly described as Stanislaus County Assessor's Parcel No. 042-024-051

- O. 1. Resolution: Appropriating additional Proposition 84 Grant revenues and expenses to revenue account number 110-40-400.34400 "Proposition 84 Fiscal Tool Grant" and expenditure account number 110-40-400.43055_004 "Consultant Proposition 84 Fiscal Tool Grant" in the amount of \$4,726 in Fiscal Year 2013-14
2. Motion: Approving Amendment No. 4 to extend the term of the Professional Services Agreement between the City of Turlock and AECOM Technical Services, Inc., from October 30, 2013 to June 30, 2014, adding additional scope of work, and approving an additional \$4,726 to the contract 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
- P. Motion: Approving the service agreement with Tom Clark, DBA TC Concessions, of Turlock, California, for concession services for a period of twelve (12) months
- Q. Motion: Approving Amendment No. 2 to the agreement with Zalreich Chemical Company, Inc., for the procurement of additional Aluminum Chlorohydrate with an increased amount of \$380,000 from Fund 410, bringing the contract total to \$700,080 for Fiscal Year 2013-14
- R. Motion: Approving the renewal for Memorandum of Understanding between the City of Turlock and the Turlock Unified School District to offer youth basketball programs within the community
- S. Resolution: Accepting fourth quarter donations for Fiscal Year 2013-14 for a variety of Parks, Recreation and Public Facilities Division programs, scholarships, and activities
- T. Resolution: Authorizing the City Manager to enter into an agreement between the City of Turlock and Dave Young, an outside labor negotiator, to finalize policies and MOU language for Fiscal Year 2013-14, and to assist in Fiscal Year 2014-15 labor negotiations with all units if needed, in an amount not to exceed \$26,000, and appropriating \$16,000 to account number 110-10-112.43056 "Contract Negotiator" from Fund 110 "General Fund" reserve for three (3) of the four (4) installment payments for negotiation services
- U. Resolution: Authorizing the release of unclaimed checks pursuant to California Government Code Sections 50050 and 50053 to the City of Turlock
- V. Motion: Rejecting Claim for Damages filed by Serena Townsend
- W. Resolution: Accepting donation of thirty-two (32) child safety seats from the Medic Alert Foundation

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 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 extend an interim Ordinance prohibiting the issuance of Mobile Food Facilities Permits in the Downtown Core Zoning District of the City of Turlock for a period of ten (10) months and fifteen (15) days, pursuant to California Government Code §65858. (*Whitmore*)

Recommended Action:

Motion: Accepting the written report describing the measures that have been taken to alleviate the conditions which led to the adoption of the interim ordinance prohibiting the issuance of mobile food facilities permits in the Downtown Core Zoning District

Ordinance: Extending an Interim Ordinance prohibiting the issuance of Mobile Food Facilities Permits in the Downtown Core Zoning District of the City of Turlock for a period of ten (10) months and fifteen (15) days, pursuant to California Government Code §65858

8. SCHEDULED MATTERS:

- A. Request to approve the renaming of Centennial Park to “Centennial-Swanson Park” and accepting a donation in the amount of \$35,000 from Pet Extreme and the Swanson family to construct a dog park at that facility. (*Van Guilder*)

Recommended Action:

Resolution: Approving the renaming of Centennial Park to “Centennial-Swanson Park” and accepting a donation in the amount of \$35,000 from Pet Extreme and the Swanson family to construct a dog park at that facility

- B. Request to authorize staff to proceed with the property owner notification requirements of Proposition 218 for the consideration of increasing water rates and establishing a hearing date of February 11, 2014. (*Cooke*)

Recommended Action:

Motion: Authorizing staff to proceed with the property owner notification requirements of Proposition 218 for the consideration of increasing water rates and establishing a hearing date of February 11, 2014

- C. Request to accept the Convention and Visitors Bureau (CVB) 2014 Budget and authorize the execution of any and all documents relative to the Convention and Visitors Bureau. (*Wasden*)

Recommended Action:

Motion: Accepting the Convention and Visitors Bureau (CVB) 2014 Budget

Resolution: Authorizing the execution of any and all documents relative to the Convention and Visitors Bureau (CVB) including but not limited to any amendments to the current agreement

- D. Request to appropriate \$114,978 to the medical benefit expense account in various City operating department budgets to be funded by reserves in the related funds; and Appropriate \$660,835 to account number 510-10-150.43191 "Worker's Compensation – Claims Expense" to be funded from reserves in Fund 510. (*Lorenzi*)

Recommended Action:

Resolution: Appropriating \$114,978 to the medical benefit expense account in various City operating department budgets to be funded by reserves in the related funds; and Appropriating \$660,835 to account number 510-10-150.43191 "Worker's Compensation – Claims Expense" to be funded from reserves in Fund 510

- E. Request to formalize the City/County Liaison Committee comprised of two (2) members of the Turlock City Council, two (2) members of the Stanislaus County Board of Supervisors, the Turlock City Manager, and the County Chief Executive Officer and make necessary appointments. (*Wasden*)

Recommended Action:

Resolution: Formalizing the City/County Liaison Committee comprised of two (2) members of the Turlock City Council, two (2) members of the Stanislaus County Board of Supervisors, the Turlock City Manager, and the County Chief Executive Officer

Motion: Appointing Mayor John Lazar and Councilmember Forrest White as members of the City/County Liaison Committee

- F. Request to appropriate \$225,000 to account number 410-51-530.43340 "North Valley Regional Recycled Water Project" from Water Quality Control Fund 410 "Operations" Reserve for the purpose of obtaining a "water right" for the City's recycled water from the State Water Resources Control Board. (*Cooke*)

Recommended Action:

Resolution: Appropriating \$225,000 to account number 410-51-530.43340 "North Valley Regional Recycled Water Project" from Water Quality Control Fund 410 "Operations" Reserve for the purpose of obtaining a "water right" for the City's recycled water from the State Water Resources Control Board

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 Legal Counsel – Anticipated Litigation, Cal. Gov't Code §54956.9(d)(2)

"For the purposes of this section, litigation shall be considered pending when any of the following circumstances exist... A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency."

Potential Cases: (1 case)

12. ADJOURNMENT