

# City Council Agenda



**JULY 22, 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](http://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. Recognition: Turlock American Little League District Championships

**3. A. SPECIAL BRIEFINGS: None**

**B. STAFF UPDATES**

1. National Night Out (Jackson)
2. Emanuel Medical Center, Inc. – Prepayment and Defeasance of Certificates of Participation (Lorenzi)

**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 6/19/14 in the amount of \$1,111,298.17; Demands of 6/26/14 in the amount of \$388,218.37
- B. Motion: Accepting Minutes of Regular Meeting of July 8, 2014; Special Meeting of July 8, 2014
- C.
  - 1. Motion: Approving Contract Change Order No. 2 (Final) in the amount of \$27,056.20 (Fund 215) with George Reed Inc., of Modesto, California, for City Project No. 11-20, "Golden State Boulevard and F Street Intersection Improvements," bringing the contract total to \$387,156.20
  - 2. Motion: Accepting improvements for City Project No. 11-20, "Golden State Boulevard and F Street Intersection Improvements," and authorizing the City Engineer to file a Notice of Completion
- D. Motion: Approving Contract Change Order No. 1 in the amount of \$43,984.16 (Fund 217) for City Project No. 12-45, "Monte Vista Avenue Rehabilitation," bringing the contract total to \$931,021.41
- E.
  - 1. Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$6,886.53 (Fund 410) with Air Solutions Inc., of Sacramento, California, for City Project No. 13-55, "HVAC Unit Replacement and Roofing at TRWQCF Operations Building"
  - 2. Motion: Accepting improvements for City Project No. 13-55, "HVAC Unit Replacement and Roofing at TRWQCF Operations Building," and authorizing the City Engineer to file a Notice of Completion
- F.
  - 1. Motion: Awarding bid and approving an agreement for Fiscal Years 2014-2016 in an amount not to exceed \$150,000 with DF Engineering, Inc., of Modesto, California, for City Project No. 14-35, "RFQ for Engineering and Surveying Services Retainer Agreement"
  - 2. Motion: Awarding bid and approving an agreement for Fiscal Years 2014-2016 in an amount not to exceed \$150,000 with GDR Engineering, Inc., of Ceres, California, for City Project No. 14-35, "RFQ for Engineering and Surveying Services Retainer Agreement"
- G. Motion: Awarding bid and approving an agreement for Fiscal Years 2014-2016 in an amount not to exceed \$100,000 with WMB Architects, Inc., of Stockton, California, for City Project No. 14-36, "RFQ for Architectural Services Retainer Agreement"
- H. Motion: Accepting notification of Contract Change Order No. 5 (Final) in the amount of \$2,124 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 04 - Landscaping, bringing the contract total to \$235,308

- I.     1. Motion: Approving a reimbursement agreement between McDonald's USA, LLC, Gryphon Capital, LLC and the City of Turlock, in an amount not to exceed \$413,156.20, for construction of East Avenue Public Improvements identified in the Capital Facilities Program Fee Nexus Study  
      2. Resolution: Appropriating \$413,156.20 to account number 305-40-440.43272 "Reimburse Developers" from CFF Transportation Reserve for reimbursement of East Avenue Public Improvements constructed by McDonald's USA, LLC, as identified in the Capital Facility Fee Nexus Study
- J.     Resolution: Authorizing the refund of \$18,113.90 to the State of California, Department of Housing and Community Development, for program income funds as agreed to in the Neighborhood Stabilization Program and Program Income Reuse Plan, and appropriating \$18,114 to account number 258-41-496.47312 "Reimbursement to HCD for Fiscal Year 2013-14"
- K.     Resolution: Re-appropriating \$1,088 to account number 270-61-635-399.47132 "Recreation on Wheels Expenses" from Fund 270 "Recreation Grants" reserve balance for a summer recreation program at Denair Park
- L.     Resolution: Re-appropriating unspent funds from Fiscal Year 2013-14 in the amount of \$85,993 to account number 112-10-116.51156 "Police Motorcycles" from Fund 112 "General Fund Reserve for Capital Purchases" reserve balance, for the purchase of three (3) replacement marked police motorcycles for the Turlock Police Department from Long Beach BMW Motorcycles, California
- M.     Resolution: Accepting a grant award in the amount of \$7,500 from the State of California Department of Food and Agriculture Municipal Shelter Spay/Neuter Grant program and appropriating \$7,500 to both revenue account 266-20-255-348.35069 "Animal Services - Spay & Neuter Grant" and expenditure account 266-20-255-348.47153 "Animal Services - Spay & Neuter Grant"
- N.     Resolution: Authorizing approval to enter into contracts to maintain medical and prescription coverage, including dental, vision, and long term disability coverage for Fiscal Year 2014-15
- O.     Resolution: Authorizing approval to enter into a contract to maintain insurance coverage for Crime Shield Coverage for Fiscal Year 2014-15
- P.     Resolution: Authorizing approval to enter into contracts to maintain insurance coverage for Employment Practices Liability Insurance for Fiscal Year 2014-15
- Q.     Resolution: Authorizing approval to enter into contracts to maintain insurance coverages for Workers' Compensation Insurance for Fiscal Year 2014-15
- R.     Resolution: Authorizing approval to enter into contracts to maintain insurance coverage for Property Programs for Fiscal Year 2014-15
- S.     Motion: Designating Mayor John Lazar as the voting delegate and Councilmembers Forrest White and Bill DeHart as alternate voting delegates at the League of California Cities' Annual Business meeting on Friday, September 5, 2014, in Los Angeles, California

**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. ***This item has been canceled and will be renoticed for future consideration.***  
*Consideration of adoption of a negative declaration by the City of Turlock for the exchange of recycled water discharged into the San Joaquin River for transfer of San Joaquin River water to Del Puerto Irrigation District via Patterson Irrigation District.*  
(*Cooke*)

- C. ***Council will take action to continue this item at the request of the involved parties. Item will be continued to the August 26, 2014 City Council meeting.*** Request to deny the appeal and affirming the Planning Commission Decision approving Minor Discretionary Permit 2014-01; Adopting Mitigated Negative Declaration of Environmental Effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project, and having made the findings contained in the attached Draft City Council Resolution; and Approving 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, and 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 Amendment No. 1 to the retainer agreement with Bender Rosenthal, Inc., of Sacramento, California, for City Project No. 13-32, "RFQ for Property Appraisal Services Retainer Agreement," to increase the maximum allowable compensation to \$150,000. (*Pitcock*)

***Motion:*** Approving Amendment No. 1 to the retainer agreement with Bender Rosenthal, Inc., of Sacramento, California, for City Project No. 13-32, "RFQ for Property Appraisal Services Retainer Agreement," to increase the maximum allowable compensation to \$150,000

**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 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

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

**12. ADJOURNMENT**