

City Council Agenda



NOVEMBER 18, 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: Support of Assyrian and Iraqi Christians Suffering Persecution in Iraq
- B. Appointment: Development Collaborative Advisory Committee
- C. Appointment: Stanislaus County Local Task Force on Solid Waste (LTF)-Member/Alt. Member

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

B. STAFF UPDATES

1. Board, Commission, and Committee Vacancies (*Weaver*)
2. Capital Projects and Building Activity (*Pitcock*)
3. Utility Billing Procedures (*Cooke*)

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 10/2/14 in the amount of \$543,563.51; Demands of 10/9/14 in the amount of \$1,244,076.19; Demands of 10/16/14 in the amount of \$739,108.77
- B. Motion: Accepting Minutes of Regular Meeting of October 28, 2014
- C.
 1. Motion: Approving Amendment No. 1 to the Retainer Agreement (Contract No. 11-035) with Bureau Veritas North America, Inc. of Sacramento, California, for plan check services, in an amount not to exceed \$125,000
 2. Motion: Approving Amendment No. 1 to the Retainer Agreement (Contract No. 11-36) with 4Leaf, Inc. of Pleasanton, California, for plan check services, in an amount not to exceed \$70,000
 3. Motion: Approving Amendment No. 1 to the Retainer Agreement (Contract No. 11-037) with Interwest Consulting Group of Sacramento, California, for plan check services, in an amount not to exceed \$75,000
- D.
 1. Motion: Approving a professional services agreement in an amount not to exceed \$27,522 with Omni-Means Ltd., of Roseville, California, for traffic count data collection services, associated with City Project No. 14-63, "Traffic Count Data Collection"
 2. Resolution: Appropriating \$31,650 to account number 217-50-511.43060_010 "Contract Services – Traffic Count Data Collection" from Fund 217 "Gas Tax – Section 2103 Reserves," associated with City Project No. 14-63, "Traffic Count Data Collection"
- E. Resolution: Authorizing the City Manager to sign and execute all documents related to an application for grant funds from the San Joaquin Valley Air Pollution Control District, under the Public Benefit Grants Program, for the purchase of five (5) CNG-powered pickup trucks

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- F. *Motion*: Accepting the Capital Facility Fee Program report for Fiscal Year 2013/14
- G. 1. *Motion*: Approving a purchase and sale agreement with Turlock Real Estate Investors 1, LLC, for the purchase of portions of the Property in Fee (78,812 square feet) and portions of the Property as right-of-way for street purposes (3,980 square feet) of land described as 2618 Fulkerth Road (APN Nos. 089-019-027, 089-019-028 & 089-019-029), for the Fulkerth Road/Hwy 99 Interchange Project, in the amount of \$827,920 plus half of escrow closing costs, with a total cost not to exceed \$830,000 and authorizing the City Manager to sign all necessary documents to complete the transaction
2. *Resolution*: Appropriating \$830,000 to account number 305-40-440.51270 "Construction Projects" to be funded from Fund 305 (Transportation) unappropriated reserves for the purchase of portions of the Property in Fee (78,812 square feet) and portions of the Property as right-of-way for street purposes (3,980 square feet) of land described as 2618 Fulkerth Road (APN Nos. 089-019-027, 089-019-028 & 089-019-029), for the Fulkerth Road/Hwy 99 Interchange Project
- H. *Motion*: Approving the agreement with Polydyne, Inc., of Riceboro, Georgia, for cationic emulsion polymer, for the Turlock Regional Water Quality Control Facility for a period of twelve (12) months, in an amount not to exceed \$142,000
- I. *Motion*: Approving Amendment No. 2 to the agreement between the City of Turlock and Applied Pest Management, Inc., to include Municipal Services' Harding Drain Pump Station and the Northwest Water Storage Tank, and the Turlock Public Safety Facility, for pest control services, increasing the annual contract amount to \$4,965
- J. *Motion*: Approving the agreement between the City of Turlock and the 38th District Agricultural Association for the purpose of parking and turn around for the participants in the Annual Christmas Parade on Friday, December 5, 2014
- K. *Resolution*: Authorizing the City Manager to execute of the State of California Standard Agreement for Housing Related Parks Grant Program
- L. *Resolution*: Appropriating \$1,200 to account number 227-40-135.51011 "Computer Software" from Fund 227 "Public Safety Tax" reserve balance for New World Systems to refine converted data
- M. 1. *Motion*: Approving the agreement with New World Systems for licensed standard software and implementation services of a third party applicant interface
2. *Resolution*: Appropriating \$5,100 to account number 240-00-000-200.51005_002 "Communications Financial Software" from Fund 240 "Small Equipment Replacement-General Administration" reserve balance for a third party interface for electronic applicant tracking
- N. *Resolution*: Making certain findings and determinations in compliance with Section XIII.B of the California Constitution and Section 7910 of the California Government Code and setting the Appropriation Limit for the City of Turlock for the Fiscal Year 2014/15
- O. *Motion*: Rejecting Claim for Damages filed by Russell Stanley Avilla

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. **Council will take action to continue this item to the January 13, 2015 City Council meeting.** Request to repeal and replace Turlock Municipal Code Title 9, Zoning Ordinance, in its entirety. (*Stillo*)

Recommended Action:

Ordinance: Repealing and Replacing Turlock Municipal Code Title 9, Zoning Ordinance, in its entirety

- B. **Council will take action to continue this item to the January 27, 2015 City Council meeting.** Request to establish a Trench Restoration Fund and Trench Restoration Fees in accordance with Turlock Municipal Code Title 7, Chapter 4, Article 2 and amend said Turlock Municipal Code. (*Pitcock*)

Recommended Action:

Resolution: Establishing a Trench Restoration Fund and Trench Restoration Fees in accordance with Turlock Municipal Code Title 7, Chapter 4, Article 2

Ordinance: Amending Turlock Municipal Code Title 7, Chapter 4, by adding Article 2 regarding Excavations

- C. Request to adopt a Mitigated Negative Declaration of Environmental Effect pursuant to the California Environmental Quality Act (CEQA), amend the Land Use Diagram of the Turlock General Plan [GPA 2014-01 (East Tuolumne Master Plan Amendment)] and Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2014-01 (East Tuolumne Master Plan Amendment)], and Establish Conditions of Approval for Rezone 2014-01 (East Tuolumne Master Plan Amendment). (*Quintero*)

Recommended Action:

Motion: Adopting a Mitigated Negative Declaration of Environmental Effect pursuant to the California Environmental Quality Act (CEQA)

Resolution: Amending the Land Use Diagram of the Turlock General Plan [GPA 2014-01 (East Tuolumne Master Plan Amendment)]

Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2014-01 (East Tuolumne Master Plan Amendment)]

Resolution: Establishing Conditions of Approval for Rezone 2014-01 (East Tuolumne Master Plan Amendment)

8. SCHEDULED MATTERS

- A. Request to accept the Convention and Visitors Bureau (CVB) 2014 Budget. (*Pitt*)

Recommended Action:

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

- B. Request to approve Contract Change Order No. 2 in the amount of \$210,255.15 (Fund 217) for City Project No. 12-45, "Monte Vista Avenue Rehabilitation" and appropriate the necessary funding required for the project. (*Pitcock*)

Recommended Action:

Motion: Approving Contract Change Order No. 2 in the amount of \$210,255.15 (Fund 217) for City Project No. 12-45, "Monte Vista Avenue Rehabilitation"

Resolution: Appropriating \$150,000 to account number 215-40-420.51210 "Federal Street Projects" to be funded via a transfer of Section 2103 Gas Tax Monies from fund 217 "Gas Tax Fund" for City Project No. 12-45 "Monte Vista Avenue Rehabilitation," to complete the necessary funding required for the project

- C. Request to approve the Memorandum of Understanding with the Stanislaus Economic Development and Workforce Alliance and the City of Turlock for the purpose of working together to implement a Countywide Economic Development Plan and Marketing Strategy. (*Pitt*)

Recommended Action:

Motion: Approving the Memorandum of Understanding with the Stanislaus Economic Development and Workforce Alliance and the City of Turlock for the purpose of working together to implement a Countywide Economic Development Plan and Marketing Strategy

- D. Request to amend the City of Turlock Fiscal Year 2014/15 General and Non-General Fund Budgets. (*Wasden*)

Recommended Action:

Resolution: Amending the City of Turlock Fiscal Year 2014/15 General and Non-General Fund Budgets

- E. Request to approve a Lien Agreement for deferred payment of Capital Facility Fees between the City of Turlock and S & B Holdings (Owner of 1851 Lander Avenue, Turlock CA 95380). (*Pitcock*)

Recommended Action:

Motion: Approving a Lien Agreement for deferred payment of Capital Facility Fees between the City of Turlock and S & B Holdings (Owner of 1851 Lander Avenue, Turlock CA 95380)

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

- B. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."

Property: 147 & 153 South Broadway, Turlock, CA (APN No. 061-016-046-000)

Agency Negotiator: Roy W. Wasden

Negotiating Parties: Bonander Properties, Marilyn R. Bessey, Special Master

Under Negotiation: Price and terms of payment

- C. 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**