

City Council Agenda



AUGUST 13, 2013

6:00 p.m.

City of Turlock Yosemite Room

156 S. Broadway, Turlock, California



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. Announcements:** Introduction of new Municipal Services Managers –
Regulatory Affairs Division Manager Garner Reynolds and
Water Quality Control Division Manager Wayne Clay
- B. Recognition:** Certificate of Recognition for Life Saving Effort to Ben Kroutil – Chief
Lohman
- C. Recognition:** Certificate of Recognition for Life Saving Effort to Alfredo Perez – Chief
Jackson

3. A. SPECIAL BRIEFINGS: None

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. 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 7/5/13 in the amount of \$952,028.79; Demands of 7/11/13 in the amount of \$1,768,463.94
- B. Motion: Accepting Minutes of Regular Meeting of July 23, 2013
- C. Motion: Making the determination that City Project No. 11-29, "Cooper Ave. Storm Drain Line" is exempt from the provisions of CEQA in accordance with Section 15303 (d), "New Construction or Conversion of Small Structures" and Awarding bid and approving an agreement in the amount of \$526,052 (Fund 411) with Rolfe Construction Company, Atwater, California for City Project No. 11-29, "Cooper Ave. Storm Drain Line"
- D. Motion: Accepting notification of Contract Change Order No. 2 in the amount of \$262 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 11 – Painting and Wall Coverings, bringing the contract total to \$296,100
- E.
 - 1. Motion: Making the determination that City Project No. 13-21, "Slurry Seals 2013" is exempt from the provisions of CEQA in accordance with Section 15301 (d) of the California Environmental Quality Act (CEQA) and Awarding bid and approving an agreement in the amount of \$634,865.36 (Fund 246) with Central Valley Engineering & Asphalt, Inc. of Roseville, California for City Project No. 13-21, "Slurry Seals 2013"
 - 2. Resolution: Appropriating \$30,000 to account number 246-60-600.43700 "Slurry Seals" from Fund 246 "Landscape Assessment District Maintenance Fund" reserve balance for City Project No. 13-21, "Slurry Seals 2013"
- F. Resolution: Approving the abandonment of city owned property at APN 089-019-019 from the Turlock Irrigation District Improvement District No. 1419, known as the Shimmon Ditch, and Authorizing the City Manager to execute the Agreement to Abandon Use of Improvement District Facility
- G. Resolution: Authorizing the filling of one (1) anticipated vacant Building Inspector position within the Turlock Building Division through an in-house recruitment of full-time, part-time and volunteer staff, and outside recruitment
- H. Resolution: Directing the City Manager or Director of Development Services / City Engineer to sign all documents, assurances, and statements in regard to any and all Federal Highway Administration (FHWA), Federal Transit Administration (FTA), or state-funded projects for Federal Fiscal Year 2013-14
- I. Resolution: Allocating \$5,000 from Fund 217 "Gas Tax" Reserve to backfill permit fees for property owners and reduce the financial burden associated with sidewalk only repairs

- J. **Resolution:** Authorizing the filling and replacement of one (1) current vacant position within the Parks, Recreation and Public Facilities Division using an established Worker I hiring list
- K. **Resolution:** Authorizing the filling of one (1) vacant Account Clerk I position within the Administrative Services Department (Finance Division) through an in-house recruitment of full-time, part-time, and volunteer/intern staff (with no priority given), and outside recruitment if needed
- L. **Resolution:** Accepting and endorsing the City Manager's appointment of Michael Cooke to the position of Municipal Services Director effective September 1, 2013, as Dan Madden's retirement will be effective on September 3, 2013
- M. **Motion:** Authorizing the City Manager to sign and mail an amended letter of support to be included with Stanislaus County's application for the State of California's CalRecycle Used Oil Payment Program (OPP) Cycle 4 grant application
- N. **Motion:** Rejecting Claim for Damages filed by Cristina Avalos
- O. **Motion:** Approving the sole source procurement of Brocade Switches from Terabit Systems, LLC, in the amount of \$48,996.08 from Fund 305-40-441.51270 without compliance to the formal bid procedure

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS:** None

8. **SCHEDULED MATTERS:**

- A. Request to authorize relocation of the Brandon Koch Memorial Skate Park to Donnelly Park. (*Van Guilder*)

Recommended Action:

Resolution: Authorizing the relocation of the Brandon Koch Memorial Skate Park to Donnelly Park contingent upon all State of California and Planning approvals

- B. Request to authorize staff to prepare a budget amendment to contract for a Fiscal Impact Analysis reexamining the existing public service mitigation fee (Community Facilities District #2). (*Whitmore*)

Recommended Action:

Motion: Authorizing staff to prepare a budget amendment to contract for a Fiscal Impact Analysis reexamining the existing public service mitigation fee (Community Facilities District #2)

- C. Request to utilize the services of Dan Madden on a part-time basis for the purpose of assisting staff in the continued negotiation and development of major water and sewer related projects. (*Madden*)

Recommended Action:

Resolution: Utilizing the services of Dan Madden on a part-time basis for the purpose of assisting staff in the continued negotiation and development of major water and sewer related projects, including but not limited to North Valley Regional Recycled Water Project, City of Turlock/Del Puerto Water District Wheeling Agreement, Regional Surface Water Supply Project, Harding Drain Bypass Project, RWQCF expansion, and ongoing NPDES permit negotiations

- D. Request to authorize the Mayor and City Manager to provide letters to the CVB and Chamber of Commerce in support of an application to host a stage event for the 2014 Amgen Tour of California. (*Reid*)

Recommended Action:

Motion: Authorizing the Mayor and City Manager to provide letters to the CVB and Chamber of Commerce in support of an application to host a stage event for the 2014 Amgen Tour of California

- E. Request to authorize the City of Turlock to join the FigTREE PACE Program and authorize the California Enterprise Development Authority to conduct contractual assessment proceedings and levy contractual assessments; Approve the associate membership by the City of Turlock in the California Enterprise Development Authority and authorize the execution of an associate membership agreement; Consent to the inclusion of properties within the City's jurisdiction in the California HERO program and approve the amendments to a joint powers agreement; Authorize the City of Turlock to join the CaliforniaFIRST Program; and Authorize the City Manager to execute any and all necessary documents including, but not limited to, any JPA agreements or amendments to implement the FigTREE, California HERO, and CaliforniaFIRST Property Assessed Clean Energy (PACE) programs in the City of Turlock. (*Reid*)

Recommended Action:

Resolution: Authorizing the City of Turlock to join the FigTREE PACE Program; authorizing the California Enterprise Development Authority to conduct contractual assessment proceedings and levy contractual assessments within the territory of the City of Turlock; and authorizing related actions

Resolution: Approving associate membership by the City of Turlock in the California Enterprise Development Authority and authorizing and directing the execution of an associate membership agreement relating to associate membership of the City in the Authority

Resolution: Consenting to the inclusion of properties within the City's jurisdiction in the California HERO program to finance distributed generation renewable energy sources, energy and water efficiency improvements and electric vehicle charging infrastructure and approving the amendment to a certain joint powers agreement related thereto

Resolution: Authorizing the City of Turlock to join the CaliforniaFIRST Program; authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the territory of the City; and authorizing related actions

Motion: Authorizing the City Manager to execute any and all necessary documents including, but not limited to, any JPA agreements or amendments to any JPA agreements to implement the FigTREE, California HERO, and CaliforniaFIRST Property Assessed Clean Energy (PACE) programs in the City of Turlock

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
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 Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Municipal Services Deputy Director, 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 Legal Counsel – Existing Litigation**, Cal. Gov't Code §54956.9(a)
Name of case: Turlock Associated Police Officers vs. City of Turlock

12. ADJOURNMENT