

# City Council Agenda



**NOVEMBER 13, 2012**

**7:00 p.m.**

**City of Turlock Yosemite Room  
156 S. Broadway, Turlock, California**

Mayor  
**John S. Lazar**

Council Members  
**William DeHart, Jr.**  
**Forrest White**  
**Amy Bublak**  
**Mary Jackson**  
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. Presentation: 2012 San Joaquin Valley Blueprint Award accepted by Carnegie Arts Foundation

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.

**3. A. SPECIAL BRIEFINGS**

1. Turlock Downtown Property Owners Association:
  - Upcoming Holiday Events
  - Decreasing Vacancies

**B. STAFF UPDATES**

1. Board, Commission, and Committee Vacancies (*Weaver*)
2. Capital Projects and Building Activity (*Pitcock*)
3. Turlock Fire Department Breast Cancer Awareness Month (October 2012) Campaign Update (*Lohman*)

**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 10/4/12 in the amount of \$583,097.30; Demands of 10/11/12 in the amount of \$1,493,770.97; Demands of 10/18/12 in the amount of \$1,543,763.75
- B. Motion: Accepting Minutes of Regular Meeting of October 23, 2012
- C. Motion: Adopting an agreement between the City of Turlock and New Urban Communities Partners Turlock, LLC for an Addendum to the Mitigated Negative Declaration for Minor Discretionary Permit 2011-02
- D.
  1. Motion: Approving Contract Change Order No. 3 (final) for a credit of \$14,056.47 (Fund 215) for City Project 10-65, "Rehabilitation of Golden State Boulevard and West Main Street," bringing the contract total to \$1,068,348.31
  2. Motion: Accepting improvements for City Project No. 10-65, "Rehabilitation of Golden State Boulevard and West Main Street," and authorizing the City Engineer to file a Notice of Completion"

- E. 1. Motion: Awarding bid and approving an agreement in the amount of \$277,917.64 (Fund 215) with Municipal Maintenance Equipment of Sacramento, California, for City Project No. 11-18, "Purchase of CNG Street Sweeper CML-5165(063)"  
2. Resolution: Appropriating \$22,668 to account number 215-40-420.51210 "Streets – Grant Funded Projects" to be funded via a transfer from Fund 506 "Vehicle & Equipment Replacement" to fund the remaining local match required to fully fund the purchase associated with City Project No. 11-18, "Purchase of CNG Street Sweeper CML-5165(063)"
- F. Motion: Awarding bid and approving an agreement in the amount of \$359,038.09 (Fund 215) with Nixon-Egli Equipment Company, Tracy, California, for City Project No. 11-19, "Purchase of CNG Sewer Maintenance Vehicle CML-5165(064)"
- G. 1. Motion: Approving the sole source procurement of four Flygt brand sewer pumps from Shape, Inc. of Stockton, California, in the amount of \$131,405.52 (Fund 410) without compliance to the formal bid procedure  
2. Resolution: Appropriating \$550,000 to account number 410-51-534.51123 "Tegner & Main Sewer Lift Station & Valve Box Design," from Fund 308 (Sewer) Reserve Balance for City Project 11-41 "Sewer Lift Stations on West Main/Clinton and West Main/Tegner"  
3. Motion: Awarding bid and approving an agreement in the amount of \$635,032 (Fund 410) with Sierra Mountain Construction, of San Francisco, California for City Project No. 11-41, "Sewer Lift Stations on West Main/Clinton and West Main/Tegner"
- H. 1. Motion: Approving Contract Change Order No. 1 (final) in the amount of \$14,412.73 for City Project No. 11-46, "Soderquist Sidewalk Improvements," bringing the contract total to \$163,886.93  
2. Motion: Accepting improvements for City Project No. 11-46, "Soderquist Sidewalk Improvements," and authorizing the City Engineer to file a Notice of Completion
- I. Motion: Reaffirming the emergency declaration of the City Manager that there is a need to replace the roof at the Marty Yerby Center without compliance to the formal competitive bid process
- J. 1. Motion: Awarding bid and approving an agreement in the amount of \$18,768 (Fund 112) with Pacific Valley Roofing, Inc., of Ceres, California, for City Project No. 12-52, "Fire Station No. 4 Roof Replacement," at 2820 N. Walnut Road, Turlock, California  
2. Resolution: Appropriating \$22,074 to account number 112-10-116.51146 "General Fund Reserve for Capital Purchases" through a transfer from Fund 110 "General Fund (Unreserved)" to fund City Project No. 12-52, "Fire Station No. 4 Roof Replacement," as listed in the Five-Year Capital Improvement Plan for Fiscal Year 2012-13
- K. Motion: Accepting notification of Contract Change Order No. 2 in the credit amount of (\$43,800) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 01 – General Construction and Specialties, bringing the contract total to \$2,294,155
- L. Motion: Accepting notification of Contract Change Order No. 3 in the increased amount of \$2,364.76 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 04 - Landscaping, bringing the contract total to \$229,692.91
- M. Motion: Accepting notification of Contract Change Order No. 3 in the amount of \$13,881 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 06 – Structural Steel, bringing the contract total to \$3,439,969
- N. Motion: Accepting notification of Contract Change Order No. 4 in the amount of \$12,484 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to \$2,537,676

- O. Motion: Accepting notification of Contract Change Order No. 2 in the amount of \$6,332 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 16 – Fire Protection, bringing the contract total to \$243,722
- P. 1. Motion: Awarding bid and approving an agreement in the amount of \$694,730.00 (Fund 215) with Ross F. Carroll, Inc., of Oakdale, California for City Project Number 0872, "Landscape Golden State Boulevard from Monte Vista Avenue to the south"  
2. Resolution: Appropriating \$150,000 to account number 215-40-420.51210, "Federal Street Project" from Fund 305 (Roadways) Reserve Balance for the construction of City Project No. 0872, "Landscape Golden State Boulevard from Monte Vista Avenue to the south"
- Q. Resolution: Authorizing the filling of one (1) vacant Plans Examiner position within the Building Division through an in-house recruitment of full-time, part-time and volunteer/intern staff, and outside recruitment if needed
- R. Resolution: Authorizing the filling of one (1) vacant Staff Services Assistant position within the Building Division through the use of an existing eligibility list and, if unsuccessful, through an in-house recruitment of full-time, part-time and volunteer/intern staff, and outside recruitment if needed
- S. Motion: Authorizing the City Manager to execute all necessary documents to clear title on 2820 and 2836 North Walnut Road owned by the City of Turlock and the Heirs of Joseph and Virginia Gomes
- T. Motion: Authorizing the sale of the home located at 2680 Murray Street, more particularly described as Stanislaus County Assessor's Parcel No. 071-020-036, owned by the City of Turlock as the Housing Successor Agency and authorizing the City Manager to execute the sale agreement and all other necessary loan documents and covenants to successfully execute the sale of the subject property as provided for in the attached Exhibits A, B, and C
- U. 1. Motion: Approving the special services agreement with Larry Walker and Associates in the amount of \$42,900 to provide professional consulting services for the development of a carbon tetrachloride, chlorodibromomethane, and dichlorobromomethane compliance strategy  
2. Resolution: Appropriating \$50,000 to Fund 410-51-530.43316 "NPDES Permit Studies" from Fund 410 "Water Quality Control" reserve balance for expenses associated with professional consulting services provided by Larry Walker and Associates, as well as additional anticipated expenses throughout the remainder of Fiscal Year 2012-13
- V. Motion: Approving an agreement with Badger Meter, Inc., of Milwaukee, Wisconsin, to provide commercial and industrial water meters for Municipal Services Utilities Division, for a period of twelve (12) months ending November 13, 2013, in an amount not to exceed \$26,566
- W. Motion: Approving an agreement with E. R. Vine & Sons, Inc. of Ceres, California, for providing lubricating oil and miscellaneous products for Municipal Services Fleet Maintenance Department, for a period of twelve (12) months ending November 30, 2013, in an amount not to exceed \$20,000
- X. Resolution: Authorizing the release of thirty-six (36) bicycles and one (1) broken wheelchair from Police Property and Evidence for auction through PropertyRoom.com, and the release of miscellaneous power tools and equipment for redistribution within the City of Turlock's Maintenance Department

- Y. **Resolution:** Accepting Supplemental Law Enforcement Services Fund (SLESF) grant monies from the State of California Citizen's Option for Public Safety (COPS) program projected to be a minimum of \$100,000 in Fiscal Year 2012-13; Rescinding Resolution 2011-197; Combining Fiscal Year's 2011-12 and 2012-13 SLESF monies into one spending plan; and Appropriating combined total for expenditure in Fiscal Year 2012-13 in Fund 267 (COPS AB3229)
- Z. **Motion:** Amending the Turlock Property and Business Improvement District No.2 Amended Operating Agreement by and between the Turlock Downtown Property Owners Association (TDPOA) and the City of Turlock
- AA. 1. **Motion:** Approving an agreement with the State of California's Franchise Tax Board for participation in the Interagency Intercept Collections (IIC) program  
2. **Motion:** Approving an agreement with LexisNexis for skip tracing services required to participate in the Interagency Intercept Collections (IIC) program, in an annual amount not to exceed \$1,000  
3. **Resolution:** Appropriating \$1,000 from Fund 110 "General Fund" to 110-10-112.43013 "Interagency Intercept Program Software Services," for participation in the Interagency Intercept Collections (IIC) program and associated skip tracing services
- AB. **Motion:** Approving a professional services agreement for preparation of a Cost Allocation Plan with Nimbus Consulting Group, Inc., in an amount not to exceed \$17,000
- AC. **Resolution:** Authorizing the release of unclaimed checks pursuant to California Government Code Section 50050 and 50053 to the City of Turlock
- AD. **Motion:** Rejecting Claim for Damages filed by Care West Insurance Company
- AE. **Motion:** Accepting notification of Contract Change Order No. 1 in the amount of \$115,000 (Fund 415) for City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline," bringing the contract total to \$13,309,725

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS:**

- 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 amend Turlock Municipal Code Title 6, Chapter 4, Section 303(a)(14) regarding Prohibited Wastewater Discharges and Section 402 regarding Payment of Collection Charges. (*Cooke*)

***Recommended Action***

**Ordinance:** Amending Turlock Municipal Code Title 6, Chapter 4, Section 303(a)(14) regarding Prohibited Wastewater Discharges and Section 402 regarding Payment of Collection Charges

- C. Request to adopt a Mitigated Negative Declaration of Environmental Effect pursuant to CEQA; amend the General Plan Land Use Diagram; amend the Zoning map attached to Title 9 of the Turlock Municipal Code (Yosemite Farm Credit) and approve Minor Discretionary Permit 2012-16 (Yosemite Farm Credit). (*Pitcock*)

***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 2012-02 (Yosemite Farm Credit)]

*Ordinance:* Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2012-02 (Yosemite Farm Credit)]

*Resolution:* Establishing conditions of approval for Minor Discretionary Permit 2012-16 (Yosemite Farm Credit)

**8. SCHEDULED MATTERS:**

- A. Request to accept the Municipal Services Department Annual Report for 2011-12 and direct staff to obtain proposals for professional consulting services to assist in the preparation of a water rate study. (*Madden*)

***Recommended Action:***

*Motion:* Accepting the Municipal Services Department Annual Report for 2011-12

*Motion:* Directing staff to obtain proposals for professional consulting services to assist in the preparation of a Water Rate Study, with any contract subject to future Council review and approval

**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 Real Property Negotiators*, Cal. Gov't Code §54956.8  
Property: 900 N. Palm St., Turlock, CA, APN #042-037-008  
Agency Negotiator: Roy Wasden  
Negotiating Parties: Turlock Irrigation District  
Under Negotiation: Price and terms of payment for the purchase/sale of the property of located at 900 N. Palm St.

- B. Conference with Labor Negotiators, Cal. Gov't Code §54957.6  
Agency Negotiators: Roy W. Wasden/Phil Lancaster  
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/Redevelopment, Community Housing Services Manager, 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, Payroll Coordinator, Principal Civil Engineer, Public Facilities Maintenance Manager, Regulatory Affairs Manager, Secretary/Deputy City Clerk, Executive Administrative Assistant/Public Safety, Technical Services Manager, Traffic/Transportation Engineering Supervisor, Utilities Manager, Water Quality Control Division Manager

**12. ADJOURNMENT**