

# AMENDMENT #1

## City Council Agenda



SEPTEMBER 24, 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](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. *Proclamation:* October 2013, Breast Cancer Awareness Month supported by Turlock Fire Department
3. **A. SPECIAL BRIEFINGS**
  1. **COMMISSION BRIEFINGS**
    - Arts Commission
  - B. STAFF UPDATES:**
    - 1). Park Activity (*Nielsen*)

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**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 8/29/13 in the amount of \$466,060.90; Demands of 9/5/13 in the amount of \$813,657.87
- B. Motion: Accepting Minutes of Regular Meeting of September 10, 2013
- C. 1 Motion: Approving Contract Change Order No. 2 (Final) for a credit of \$43,651.48 (Fund 215) for City Project No.11-34, "Fulkerth Road Rehabilitation," bringing the contract total to \$940,836.52  
2. Motion: Accepting improvements for City Project No. 11-34, "Fulkerth Road Rehabilitation," and authorizing the City Engineer to file a Notice of Completion
- D. 1. Motion: Making the determination that City Project No. 12-45, "Monte Vista Avenue Rehabilitation," is exempt from the provisions of CEQA in accordance with Section 15301, "Existing Facilities" and awarding bid alternate and approving an agreement in the amount of \$887,037.25 with Teichert Construction of Stockton, California, for City Project No.12-45, "Monte Vista Avenue Rehabilitation"  
2. Resolution: Appropriating \$126,676 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
- E. 1. Motion: Accepting notification of Contract Change Order No. 1 (Final) for a credit of \$18,003.25 (Fund 216) for City Project No. 13-20, "Monte Vista Avenue Widening," bringing the contract total to \$89,518.75  
2. Motion: Accepting improvements for City Project No. 13-20, "Monte Vista Avenue Widening," and authorizing the City Engineer to file a Notice of Completion
- F. Motion: Approving a month to month service agreement in an amount not to exceed \$500 per month with Virtual Project Manager, Inc., of Bend, Oregon, to be used on future capital projects
- G. Resolution: Appropriating \$25,000 to account number 110-10-112.43060\_008 "Contract Services Public Service Mitigation Fee CFD #2" from Fund 110 "General Fund" reserve balance to re-examine the existing Public Service Mitigation Fee (Community Facilities District #2)
- H. Resolution: Appropriating \$500,000 to account number 420-52-551.51132 "700-Ft 16-Inch Line Kilroy (Storage Tank)" from Water Enterprise Fund 420 Capital Reserve for the Kilroy Water Line

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- I. 1. Motion: Approving a Professional Services Agreement between the City of Turlock and Todd Engineers for a detailed hydrogeologic assessment of the eastern Turlock sub-basin, in an amount not to exceed \$155,330, from account number 420-52-550.43516 "State Dept of Water Resources (DWR) Grant Funded Special Projects" (Water Enterprise)  
2. Resolution: Appropriating \$155,330 to account number 420-52-550.43516 "State Dept of Water Resources (DWR) Grant Funded Special Projects" to be funded by revenue received in account number 420-52-550.34142 "State Dept of Water Resources (DWR) Grant" from an award of funds from the Local Groundwater Assistance Grant Program by the California Department of Water Resources
- J. Motion: Approving a Professional Services Agreement between the City of Turlock and Carollo Engineers, Inc., for the preparation of a Master Plan Update for the Turlock Regional Water Quality Control Facility, in an amount not to exceed \$300,000, from account number 410-51-530.43346 "RWQCF Master Plan Update & Capacity Study"
- K. Motion: Approving a Special Services Agreement City of Turlock and Kidz Love Soccer, Inc., to offer youth soccer classes
- L. Resolution: Accepting a donation of sixteen (16) boxes of 9V batteries (192 batteries) valued at \$194.72 from Carol Fairbairn for the smoke detector program
- M. Resolution: Rescinding Resolution 2013-135 and allocating \$5,000 from Fund 217 "Gas Tax" Reserve to backfill permit fees up to \$157.50 per project involving curbs, gutters, sidewalks, driveways and ramps in order to reduce the financial burden to property owners associated with these repairs
- N. Motion: Approving the Fiscal Year 2012-13 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), authorizing submission of the CAPER to the United States Department of Housing and Urban Development (HUD) and authorizing the City Manager or designee to execute related necessary documents
- O. 1. Motion: Accepting the audit committee's recommendation to contract with Maze & Associates for professional audit services for Fiscal Year ending June 30, 2013 in an amount not to exceed \$68,860 for the first year, with the option to extend the contract for four (4) additional one (1) year terms;  
2) Resolution: Appropriating \$6,360 to account number 110-10-106.43055\_002 "Consultant Audit" to be funded by transfers from City Funds benefitting from the audit services
- P. Resolution: Amending the hour regular meetings of the Successor Agency to the Turlock Redevelopment Agency are held
- Q. Motion: Rejecting Claim for Damages filed by Dennis Buchanan
- R. Motion: Rejecting Claim for Damages filed by Julie Buchanan Hess
- S. Motion: Rejecting Claim for Damages filed by Bertha and Noah Miranda
- T. Motion: Rejecting Claim for Damages filed by Victor Pineda
- U. 1. Motion: Approving a purchase and sale agreement with Turlock Real Estate Investors 1, LLC, for the purchase of one (1) 24,766 square feet of land described as 1525 Dianne Drive (APN 089-019-005), for the realignment of Dianne Drive at Fulkerth Road, in the amount of \$247,660 plus half of escrow closing costs, with a total cost not to exceed \$250,000  
2. Resolution: Appropriating \$250,000 to account number 305-40-440.51270 "Construction" from Fund 305 (Transportation) Reserve for the acquisition of 24,766 square feet of land described as 1525 Dianne Drive (APN 089-019-005), for the realignment of Dianne Drive at Fulkerth Road

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

8. **SCHEDULED MATTERS:** None

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, 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

12. **ADJOURNMENT**