

City Council Agenda



NOVEMBER 12, 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. Proclamation: The Life and Legacy of President John F. Kennedy

3. A. SPECIAL BRIEFINGS: None

B. STAFF UPDATES

1. Board, Commission, and Committee Vacancies (*Weaver*)
2. Capital Projects and Building Activity (*Pitcock*)
3. Breast Cancer Awareness Month Update (*Saldivar*)
4. Emergency Medical Services (EMS) Service Model (*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. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA, EXCEPT BY TITLE

B. 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 10/10/13 in the amount of \$1,678,714.52; Demands of 10/17/13 in the amount of \$1,096,206.01
- B. Motion: Accepting Minutes of Regular Meeting of October 22, 2013
- C. Motion: Approving Contract Change Order No. 2 in the amount of \$27,678.16 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 2 – Demolition, Grading and Site Paving, bringing the contract total to \$1,032,480.31
- D. Motion: Accepting notification of Contract Change Order No. 4 in the amount of \$3,491 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 4 - Landscaping, bringing the contract total to \$233,184
- E. Motion: Accepting notification of Contract Change Order No. 3 in the amount of \$806.69 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 5 - Masonry, bringing the contract total to \$1,322,881.39
- F. Motion: Accepting notification of Contract Change Order No. 5 in the amount of \$20,121 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 6 – Structural Steel, bringing the contract total to \$3,509,579
- G. Motion: Accepting notification of Contract Change Order No. 4 in the amount of \$10,470 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 9 – Doors and Windows, bringing the contract total to \$1,142,644
- H. Motion: Accepting notification of Contract Change Order No. 3 in the amount of \$1,288 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 11 – Painting and Wall Coverings, bringing the contract total to \$297,650
- I. Motion: Accepting notification of Contract Change Order No. 6 in the amount of \$4,953 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to \$2,574,707
- J. Motion: Accepting notification of Contract Change Order No. 6 in the amount of \$15,013 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 13 – Building and Site Electrical, bringing the contract total to \$4,249,339
- K. Motion: Accepting notification of Contract Change Order No. 4 in the amount of \$6,132 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, bringing the contract total to \$894,823

- L. Motion: Accepting notification of Contract Change Order No. 3 in the amount of \$5,132 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 16 – Fire Protection, bringing the contract total to \$248,854
- M. Motion: Approving twenty-two (22) Lien Agreements between the City of Turlock and the owners listed below in conjunction with City Project No. 10-53, "Water and Sewerline Replacement in the Alleys"
- N.
 - 1. Motion: Making the determination that City Project No. 13-25A, "Public Safety Training Facility Structure Relocation," is exempt from the provisions of CEQA in accordance with Section 15301, "Existing Facilities"
 - 2. Motion: Awarding bid and approving an agreement in the amount of \$44,800 (Fund 305) with Clay A. Titus, Inc., of Stockton, California, for City Project No. 13-25A, "Public Safety Training Facility Structure Relocation"
 - 3. Resolution: Authorizing the transfer of \$54,600 from Fund 305 "CFF-Police" Reserve to account number 305-40-441.51270 for City Project No. 13-25, "Public Safety Training Facility"
- O. Motion: Accepting notification of Contract Change Order No. 3 in the amount of \$108,672.24 (Fund 415) for City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline," bringing the contract total to \$13,448,602.08
- P. Resolution: Authorizing the City Manager to sign all documents related to Lot Line Adjustment 13-06 of Stanislaus County Assessor's Parcel Nos. 042-037-005 & 008, "Old Turlock Police Facility Property and Starr Avenue Courthouse Property"
- Q. Resolution: Authorizing the refund and appropriation of \$188,669 to account number 258-41-496.47312 "Reimbursement to HCD" to the State of California Department of Housing and Community Development for the unused program income funds as agreed to in the Neighborhood Stabilization Program and Program Income Reuse Plan
- R. 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 6, 2013
- S. Resolution: Establishing the new job classification of Crime Prevention Specialist within the Turlock Police Department and reclassifying an existing Community Service Officer to the new classification and conducting an external recruitment if necessary
- T. 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 2013-14 and adjusting the budget in Fund 267 to appropriate unexpended 2012-13 monies and 2013-14 anticipated revenues
- U.
 - 1. Motion: Authorizing Staff to purchase a walk-in freezer for Animal Services from Atlantic HVAC Engineers in Elk Grove, CA, in the amount of \$11,150.06 in account number 266-20-255-348.51100 "Animal Services Capital"
 - 2. Resolution: Appropriating \$11,200 to account number 266-20-255-348.51100 "Animal Services Capital" from reserves in the Animal Services Donations program for the purchase of a walk-in freezer for use at the Animal Services Shelter
- V. Motion: Approving an agreement between New World Systems Corporation and the City of Turlock and authorizing the City Manager to execute any and all necessary documents relative to a five (5) year Standard Software Maintenance Agreement
- W. Resolution: Rescinding the March 24, 2009 motion establishing a hiring freeze and reaffirming the powers and duties of the City Manager with respect to the appointment, removal, promotion, and demotion of officers and employees as set forth in Turlock Municipal Code Section 2-4-207(c)
- X. Motion: Approving an agreement between the City of Turlock and the City of Newman to provide contract city attorney legal services
- Y. Motion: Rejecting Claim for Damages filed by Margarito Dominguez, Jr.

6. FINAL READINGS

A. **Recommended Action:**

Ordinance: Repealing Turlock Municipal Code Title 8, Chapter 11, regarding Capital Facilities Fees, and adopting a new Title 8, Chapter 11 as introduced at the October 22, 2013 meeting

B. **Recommended Action:**

Ordinance: Amending Turlock Municipal Code Title 6, Chapter 4, Article 14, Section 01, regarding Director Responsible for Enforcement as introduced at the October 22, 2013 meeting

7. PUBLIC HEARINGS

- A. Request to order the vacation abandonment (AB 13-03) of that certain section of Dianne Drive right-of-way from Fulkerth Road approximately 250 feet south, adjacent to the property at 2618 Fulkerth Road and a portion of the property at 1525 Dianne Drive.
(Pitcock)

Recommended Action:

Resolution: Ordering the Vacation Abandonment (AB 13-03) of that certain section of Dianne Drive right-of-way from Fulkerth Road approximately 250 feet south, adjacent to the property at 2618 Fulkerth Road and a portion of the property at 1525 Dianne Drive

- B. ***This item will be removed from the agenda and will be renoticed for a future meeting.*** Request to adopt a revision to the City of Turlock's ADA Transition Plan as completed by Sally Swanson Architects, Inc., under City Project No. 11-27, "ADA Self-Evaluation and Transition Plan Update." (York/Pitcock)

- C. Request to adopt updated development mitigation fee programs for Citywide capital facilities, and infrastructure improvements in the Northwest Triangle and Westside Industrial Specific Plan areas, specifically the Capital Facilities Fee (CFF) Fee Nexus Study, Northwest Triangle Specific Plan Fee Nexus Study Update and Westside Industrial Specific Plan Fee Nexus Study Update and establish related fees, make the determination that the studies and fees are exempt from the requirements of CEQA, and direct the City Engineer to collect the lower of either the current fees or the newly adopted fees for any development project during the 60-day waiting period required by Government Code Section 66017(a). (Whitmore/Pitcock)

Recommended Action:

Motion: Determining that adoption of the Capital Facilities Fee Nexus Study and Fee, the Northwest Triangle Specific Plan Fee Nexus Study Update and Fee, and the Westside Industrial Specific Plan Fee Nexus Study and Fee are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15162 (Subsequent EIRs and Negative Declarations) and/or Section 15273 (Rates, Tolls, Fares, and Charges) of the CEQA Guidelines

Resolution: Adopting the Capital Facilities Fee (CFF) Fee Nexus Study and establishing a Capital Facilities Fee, as required by Turlock Municipal Code Chapter 8-11

Resolution: Adopting the Northwest Triangle Specific Plan Fee Nexus Study Update and establishing a Northwest Triangle Master Plan Fee, as required by Turlock Municipal Code Chapter 8-11

Resolution: Adopting the Westside Industrial Specific Plan Fee Nexus Study Update and establishing a Westside Industrial Specific Plan Fee, as required by Turlock Municipal Code Chapter 8-11

Motion: Directing the City Engineer to collect the lower of either the current fees or the newly adopted fees for any development project during the 60-day waiting period required under Government Code Section 66017(a)

- D. Request to approve a Resolution of Intention to initiate any and all proceedings to study and amend, if appropriate, Turlock Municipal Code Section 9-2-125 regarding Mobile Food Facilities and adopt, as an urgency measure, an Interim Ordinance prohibiting the establishment of Mobile Food Facilities in the Downtown Core Zoning District of the City of Turlock for a period of forty-five (45) days, pursuant to California Government Code §65858.

Recommended Action:

Resolution: Approving a Resolution of Intention to initiate any and all proceedings to study and amend, if appropriate, Turlock Municipal Code Section 9-2-125 regarding Mobile Food Facilities

Ordinance: Adopting, as an urgency measure, an Interim Ordinance prohibiting the establishment of Mobile Food Facilities in the Downtown Core Zoning District of the City of Turlock for a period of forty-five (45) days, pursuant to California Government Code §65858

8. SCHEDULED MATTERS

- A. Request to accept the final report and Pavement Management Program Update as completed by Nichols Consulting Engineers as part of City Project No. 13-30, "Pavement Management Program Update." (*York/Pitcock*)

Recommended Action:

Resolution: Accepting the final report and Pavement Management Program Update as completed by Nichols Consulting Engineers as part of City Project No. 13-30, "Pavement Management Program Update"

- B. Request to authorize the naming of the northeast storm basin walkway to "Singh Walkway" on behalf of the Turlock Indian American population in recognition of their contributions to the Turlock community. (*Van Guilder*)

Recommended Action:

Resolution: Authorizing the naming of the northeast storm basin walkway to "Singh Walkway" on behalf of the Turlock Indian American population in recognition of their contributions to the Turlock community

- C. Request to appropriate \$350,000 to account number 410-51-530.43340 "North Valley Regional Recycled Water Project" from Water Quality Control Fund 410 Operations Reserve. (Cooke)

Recommended Action:

Resolution: Appropriating \$350,000 to account number 410-51-530.43340 "North Valley Regional Recycled Water Project" from Water Quality Control Fund 410 Operations Reserve

- D. Request to appropriate \$231,500 to account number 415-51-538.43327 "Construction Management" from Fund 415 "Sewer Bonds" Reserve for City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline." (Cooke)

Recommended Action:

Resolution: Appropriating \$231,500 to account number 415-51-538.43327 "Construction Management" from Fund 415 "Sewer Bonds" Reserve for City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline"

- E. Request to appropriate \$37,400 to account number 415-51-537.43327 "Construction Management" from Fund 415 "Sewer Bonds" Reserve for City Project No. 0751, "Turlock Regional Water Quality Control Facility Headworks and Secondary Treatment Capacity Expansion." (Cooke)

Recommended Action:

Resolution: Appropriating \$37,400 to account number 415-51-537.43327 "Construction Management" from Fund 415 "Sewer Bonds" Reserve for City Project No. 0751, "Turlock Regional Water Quality Control Facility Headworks and Secondary Treatment Capacity Expansion"

- F. Request to authorize approval to enter into a contract with "Consult-A-Doc" for the remainder of Fiscal Year 2013-14 for "24/7/365 on demand" physician consultations. (Eddy)

Recommended Action:

Motion: Authorizing approval to enter into a contract with "Consult-A-Doc" for the remainder of Fiscal Year 2013-14 for "24/7/365 on demand" physician consultations

- G. Request to authorize the sole source purchase of Motorola mobile and portable radios as necessary to ensure Turlock Police is in compliance with the Project-25 (P25) standard of interoperability, without compliance to the formal bid process, for the purchase, programming, and installation of necessary equipment and accessories, in an amount not to exceed \$590,000. (Williams)

Recommended Action:

Resolution: Authorizing the sole source purchase of Motorola mobile and portable radios as necessary to ensure Turlock Police is in compliance with the Project-25 (P25) standard of interoperability, without compliance to the formal bid process, for the purchase, programming, and installation of necessary equipment and accessories, in an amount not to exceed \$590,000

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 Legal Counsel – Pending Litigation, Cal. Gov't Code §54956.9(d)(4)
“For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.”

Potential Cases: (1 case related to Calculation of Property Tax Administration Fees)

12. ADJOURNMENT