City Council Agenda

JANUARY 10, 2012
7:00 p.m.
City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

choose civility
www.stancoe.org/civility

Mayor
John S. Lazar

Council Members
William DeHart, Jr. **Mary Jackson**
Forrest White **Amy Bublak**
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 agendized topic 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*: Thorsen's Plumbing, Solar, Heat & Air 100th Year Anniversary, Craig Pitau
B. *Recognition*: Retirement of City Employee Marc St. Pierre, Fire Battalion Chief
C. *Recognition*: Retirement of City Employee Floyd Martin, Fire Engineer
D. *Presentation*: StanCOG Informational Presentation on the Development of the Stanislaus Sustainable Communities Strategy under SB375, Jaylen French

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.

F. *Presentation*: 2011 Northern San Joaquin Section Plant of the Year Award, Mr. Jody Allen, President, California Water Environment Association (CWEA)

3. A. SPECIAL BRIEFINGS

1. CALIFORNIA STATE UNIVERSITY STANISLAUS:

- Andrew LaFlamme, Director of Legislative Affairs

B. STAFF UPDATES

1. Auto Mall Drive Opening *(Pitcock)*
2. Board, Commission, and Committee Vacancies *(Weaver)*

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 12/2/11 in the amount of $1,442,245.24; Demands of 12/8/11 in the amount of $784,910.34; Demands of 12/15/11 in the amount of $1,399,405.54

B. *Motion*: Accepting Minutes of Regular Meeting of December 13, 2011

C. *Resolution:* Approving the filling of a vacant Account Clerk II position through an existing Account Clerk I eligibility list

D. 1. *Motion*: Authorizing Contract Change Order No. 1 (Final) in the amount of $2,041 (Fund 420) for City Project No. 10-37, "Downtown PCE Remediation," bringing the contract total to $94,952

2. *Motion*: Accepting improvements for City Project No. 10-37, "Downtown PCE Remediation," and authorizing the City Engineer to file a Notice of Completion

E. 1. *Motion*: Approving Amendment No. 2 for an additional one (1) year extension of the attached Special Services Contract No. 10-824 for Economic and Planning Systems, Inc., to provide professional economic and planning services for the Morgan Ranch Master Plan, in an amount not to exceed $30,000 (Fund 305)

2. *Motion*: Approving Amendment No. 2 for an additional one (1) year extension of the attached Special Services Contract No. 10-825 for Omni Means, Inc., to provide professional transportation and traffic design services for the Morgan Ranch Master Plan, in an amount not to exceed $37,850 (Fund 305)

F. *Motion*: Accepting improvements for City Project No. 11-39, "Palm and Minaret Road Improvements," and authorizing the City Engineer to file a Notice of Completion

G. *Motion*: Accepting notification of Contract Change Order No. 1 in the decreased amount of ($14,660) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 06 – Structural Steel, bringing the contract total to $3,415,340

H. *Motion*: Accepting notification of Contract Change Order No. 1 in the decreased amount of $15,602) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 08 – Roofing and Waterproofing, bringing the contract total to $593,398

I. *Motion*: Accepting notification of Contract Change Order No. 1 in the decreased amount of ($22,400) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 11 – Painting and Wall Coverings, bringing the contract total to $296,100

J. *Motion*: Accepting notification of Contract Change Order No. 1 in the decreased amount of ($132,032) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to $2,247,968

K. *Motion*: Accepting notification of Contract Change Order No. 1 in the decreased amount of ($122,759) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 13 - Building and Site Electrical, bringing the contract total to $4,132,855

L. *Motion*: Accepting notification of Contract Change Order No. 1 in the decreased amount of ($3,000) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, bringing the contract total to $881,000

M. *Motion:* Approving Contract Change Order No. 3 in the amount of $278,168.76 (Fund 426) for City Project No. 0952, "Turlock Regional Transit Center," bringing the contract total to $1,657,969.38

N. *Resolution*: Requesting the California Department of Transportation (Caltrans) to post signs referring to "Downtown Turlock" near West Main Street exits on Highway 99

O. *Motion*: Approving a special services agreement with Jensen Appraisal Services for NSP residential appraisal services for Housing Program Services programs, for a period of twenty-four (24) months, in an amount not to exceed $10,000

P. *Motion*: Approving a facilities management agreement between the City of Turlock and the Turlock Regional Aviation Association for facilities management of the Turlock Municipal Airport and authorizing the City Manager to execute the agreement and all related documents

Q. *Motion*: Approving the exchange agreement with Anthony Mello, City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline"

R. *Resolution*: Accepting monetary donations valued at $1,951 from various donors and donations of assorted animal related products valued at $1,560 utilized in support of the City of Turlock's Animal Control Services operations

S. *Resolution*: Approving the realignment of the existing 2011-12 budgeted positions of Police Corporals in the Field Operations Division

T. *Resolution*: Ordering the judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and ordering that the tax collector be credited with those installments

U. *Motion*: Approving the side letter agreements between the City of Turlock and Turlock City Employees Association (TCEA), Turlock Associated Police Officer's (TAPO), Turlock Associated Firefighters, Local #2434, Turlock Management Association – Public Safety (TMAPS), Turlock Confidential Employees, and Turlock Management Employees, attached as Exhibit A, for the Equalization Adjustment of 4.5% for the period of November 16, 2011 through June 15, 2012

V. *Motion*: Rejecting Claim for Damages filed by James Woo

W. *Motion*: Rejecting Claim for Damages filed by Eddie Dixon

X. *Motion*: Rejecting Claim for Damages filed by Justin Levi Cady

Y. *Motion*: Rejecting Claim for Damages filed by Enrique Morales

Z. *Motion*: Rejecting Claim for Damages filed by Michele Samora

AA. *Motion*: Rejecting Claim for Damages filed by Maria Viveros

AB. *Motion*: Rejecting Claim for Damages filed by Leilani Jean Blackburn

AC. *Resolution:* Establishing a fee for the processing of an initiative petition for any municipal measure

6. FINAL READINGS: None

7. PUBLIC HEARINGS:

A. Request to approve the recommended Program of Projects for Fiscal Year 2011-12 Federal Transit Administration Urbanized Area. *(Pitcock)*

Recommended Action
Motion: Approving the recommended Program of Projects for Fiscal Year 2011-12 Federal Transit Administration Urbanized Area Program Funding

B. Request to approve the General Plan Amendment 2009-03 (Hearing Draft 2007-14 Housing Element). *(Whitmore)*

Recommended Action
Resolution: Adopting General Plan Amendment 2009-03 (Hearing Draft 2007-14 Housing Element)

C. Request to repeal Turlock Municipal Code Title 8, Chapters 1, 2, 5, 6, 7 and 8, regarding Building regulations and adopting new Title 8, Chapters 1, 2, 5, 6, and 8. *(Picciano)*

Recommended Action
Ordinance: Repealing Turlock Municipal Code Title 8, Chapters 1, 2, 5, 6, 7 and 8, regarding building regulations and adopting new Title 8, Chapters 1, 2, 5, 6 and 8

8. SCHEDULED MATTERS:

A. Request to accept a report evaluating the customer service provided by the Development Services Division based on the results of a telephone survey of the Department's external customers. *(Cooke)*

Recommended Action:
Motion: Accepting a report evaluating customer service provided by the Development Services based on the results of a telephone survey of the Department's external customers

B. Request to adopt a resolution declaring its intent to serve as the Successor Agency of the Turlock Redevelopment Agency as provided for in Part 1.85 of AB X1 26 and elect to retain the housing assets and functions previously performed by the Turlock Redevelopment Agency. *(McNally-Dial)*

Recommended Action:
Resolution: Adopting a resolution declaring its intent to serve as the Successor Agency of the Turlock Redevelopment Agency as provided for in Part 1.85 of AB X1 26 and elect to retain the housing assets and functions previously performed by the Turlock Redevelopment Agency

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

Public Employee Annual Performance Evaluation, Cal. Gov't Code §54957
Title: City Manager

12. ADJOURNMENT

2A

IN HONOR OF

THORSEN'S

100th YEAR ANNIVERSARY

WHEREAS, on November 17, 2011, Andy Thorsen established Thorsen's Plumbing and officially opened for business at his residence at 567 High Street; and

WHEREAS, in 1916, Andy Thorsen built his own shop at 214 Lander Avenue, and in 1933 moved to 134 Lander Avenue; and

WHEREAS, in 1961 at their "50 Years in Business" Celebration, Thorsen's was confirmed as the oldest continuously owned and operated business in Turlock; and

WHEREAS, in 1977, Rodney Thorsen completed the purchase of 20 acres of land and built a 19,500 square foot building on North Walnut Road, employing nearly 100 people; and

WHEREAS, during difficult times in the 1990's, Thorsen's survived because of dedicated long-term employees both in the office and in the field; and

WHEREAS, from early pioneering days to the present, Thorsen's has been an integral part of the continued growth and prosperity of our community and has provided steady and gainful employment to many of our residents; and

WHEREAS, it is fitting that we express our pride and appreciation for the many civic and economic benefits our community has enjoyed over the years because of the growth and prosperity of locally owned and managed businesses such as Thorsen's Plumbing, Solar, Heat & Air.

NOW, THEREFORE, I, JOHN LAZAR, by virtue of the authority vested in me as Mayor of the City of Turlock, and on behalf of all our citizens, do hereby extend this Proclamation of Recognition to **"THORSEN'S PLUMBING, SOLAR, HEAT & AIR"** on the occasion of its **100th YEAR ANNIVERSARY.**

IN WITNESS WHEREOF, I, JOHN LAZAR, Mayor of Turlock, have hereunto set my hand and caused the Seal of the City of Turlock to be affixed this 10th day of January, 2012.

_____

JOHN LAZAR, MAYOR
City of Turlock, County of Stanislaus,
State of California

2B

IN HONOR OF

THE RETIREMENT OF

BATTALION CHIEF MARC ST. PIERRE

December 25, 2011

WHEREAS, Battalion Chief Marc St. Pierre started working toward a career in the fire service as a Volunteer Firefighter with Santa Clara Fire Department in 1977; and

WHEREAS, Battalion Chief Marc St. Pierre started as a full-time firefighter for the City of Turlock in October 1979; and

WHEREAS, Battalion Chief Marc St. Pierre was instrumental in developing and enhancing departmental training; and

WHEREAS, Battalion Chief Marc St. Pierre was active in suppression, training, and arson investigation; and

WHEREAS, Battalion Chief Marc St. Pierre has faithfully and conscientiously served the City of Turlock and its citizens for 32 years; and

WHEREAS, Battalion Chief Marc St. Pierre retired from his position as Fire Battalion Chief effective December 25, 2011; and

WHEREAS, Battalion Chief Marc St. Pierre has consistently performed to the best of his ability during his tenure with the City of Turlock; and

WHEREAS, the City Council, by this recognition, wishes to express its great appreciation to Battalion Chief Marc St. Pierre for meritorious service, loyalty, and dedication to the City of Turlock.

NOW, THEREFORE, I, JOHN LAZAR, by virtue of the authority vested in me as Mayor of the City of Turlock and on behalf of the entire City Council, do hereby commend **Battalion Chief Marc St. Pierre** for his many years of valuable service and express our sincere thanks on behalf of the City of Turlock.

IN WITNESS WHEREOF, I, JOHN S. LAZAR, Mayor of Turlock, have hereunto set my hand and caused the Seal of the City of Turlock to be affixed this 10th day of January, 2012.

_____

JOHN LAZAR, MAYOR
City of Turlock, County of Stanislaus,
State of California

2C

IN HONOR OF

THE RETIREMENT OF

FIRE ENGINEER FLOYD MARTIN

November 3, 2011

WHEREAS, Engineer Floyd Martin started his career in the fire service as a Volunteer Firefighter with the City of Turlock in January 1984; and

WHEREAS, Engineer Floyd Martin started as a full-time firefighter for the City of Turlock in January 1988; and

WHEREAS, Engineer Floyd Martin was instrumental in determining fire cause and origin; and

WHEREAS, Engineer Floyd Martin was active in suppression, the rescue team, and arson investigation; and

WHEREAS, Engineer Floyd Martin has faithfully and conscientiously served the City of Turlock and its citizens for 28 years; and

WHEREAS, Engineer Floyd Martin retired from his position as Fire Engineer effective November 3, 2011; and

WHEREAS, Engineer Floyd Martin has consistently performed to the best of his ability during his tenure with the City of Turlock; and

WHEREAS, the City Council, by this recognition, wishes to express its great appreciation to Engineer Floyd Martin for meritorious service, loyalty, and dedication to the City of Turlock.

NOW, THEREFORE, I, JOHN LAZAR, by virtue of the authority vested in me as Mayor of the City of Turlock and on behalf of the entire City Council, do hereby commend **Fire Engineer Floyd Martin** for his many years of valuable service and express our sincere thanks on behalf of the City of Turlock.

IN WITNESS WHEREOF, I, JOHN S. LAZAR, Mayor of Turlock, have hereunto set my hand and caused the Seal of the City of Turlock to be affixed this 10th day of January, 2012.

_____

JOHN LAZAR, MAYOR
City of Turlock, County of Stanislaus,
State of California

3B2

KELLIE E. WEAVER
CITY CLERK
kweaver@turlock.ca.us

OFFICE OF THE CITY CLERK
ADMINISTRATION

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 EXT 1110 | FAX 209-668-5668

MEMORANDUM

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KELLIE WEAVER

DATE: December 19, 2011

RE: **Board, Commission, and Committee Vacancies**

The following information is provided based upon Council request to receive notification of vacancies on various boards, commissions, and committees in order that we might tap into the reservoir of talent that exists within our community.

Listed below are current and/or upcoming board, commission, and committee vacancies that require appointment by the Turlock City Council.

BOARD/COMMISSION/COMMITTEE	DATE OF VACANCY	NUMBER OF VACANCIES
Parks, Recreation and Community Programs Commission	12/30/11	1
Arts Commission	Various	17
Turlock Mosquito Abatement District	11/02/11	1

Interested citizens may use the attached "Citizens Desiring to Serve Their City" application form or may request one from City Hall – Administration at 668-5540.

It should also be noted that pursuant to California Government Code Section 54970-54974 (commonly referred to as the Maddy Act), the Local Appointments List for the City of Turlock was prepared and posted at the Turlock Branch of the Stanislaus County Library prior to December 31, 2011 as required by the Act.

Any questions regarding serving on any of our regular and ongoing boards, commissions, and committees should be directed to my attention at (209) 668-5540, Ext. 1110 or kweaver@turlock.ca.us.

Attachment (1)

KELLIE E. WEAVER
CITY CLERK
kweaver@turlock.ca.us

OFFICE OF THE CITY CLERK
ADMINISTRATION

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CITIZENS DESIRING TO SERVE THEIR CITY

Please indicate your preference:

_____ **Arts Commission**
(please include a one page statement of interest and a letter of recommendation)

_____ **Parks, Recreation & Community Commission**

_____ **Planning Commission**

_____ **Development Collaborative Advisory Committee**

_____ **Stanislaus County Airport Advisory Committee**

_____ **Stanislaus County Local Task Force on Solid Waste**

_____ **Turlock Mosquito Abatement District Board of Trustees**

_____ **Other**_____

Please provide the following information (use reverse side or additional paper, if needed)

Name: _____

Address: _____ Zip Code: _____

Telephone: Home: _____ Work: _____

Do you live within the City limits? _____ Are you registered to vote?_____

How long have you lived in Turlock? _____

Are you, or are you related to, a current City employee? _____ If yes, please indicate the person's name and relationship, if not yourself. _____

_____

Occupation: _____

Business Address: _____ Zip Code:_____

Education (highest school year complete, degrees, etc.): _____

_____

Employment Highlights: _____

_____

_____

Prior Public Service, if any: _____

_____

_____

Present and past community activities and organizations: _____

_____

_____

What are your most important qualifications for the commission(s) or committees(s) that you indicated above? _____

_____

_____

_____

You may submit additional or supplemental information along with this form.

Please return to:

Kellie Weaver, City Clerk
City of Turlock
156 S. Broadway, Suite 230
Turlock, CA 95380
(209) 668-5540, Ext. 1110

_____ _____

Signature Date

5A

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ACCEPTING DEMANDS OF 12/2/11 IN THE AMOUNT OF $1,442,245.24; DEMANDS OF 12/8/11 IN THE AMOUNT OF $784,910.24; DEMANDS OF 12/15/11 IN THE AMOUNT OF $1,399,405.54	}	**RESOLUTION NO. 2012-**

WHEREAS, the City has received demands for ratification and approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby accept Demands as follows:

Demands of:	**In the Amount of:**
12/2/11	$1,442,245.24
12/8/11	$784,910.24
12/15/11	$1,399,405.54

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 10th day of January, 2012, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie Weaver, City Clerk
City of Turlock, County
of Stanislaus, State of California

LIVE - City of Turlock - LIVE

Payment Register

From Payment Date: 11/28/2011 - To Payment Date: 12/2/2011

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - Accounts Payable									
Check									
86450	11/29/2011	Open			Accounts Payable	STATE WATER RESOURCE CTNL	$470.00		
	Paying Fund			Cash Amount			Amount		
	410 - WATER QUALITY CONTROL (WQC)			410.11000 (Cash)			$470.00		
86451	12/01/2011	Open			Utility Management Refund	ALVES, ALBERTINA	$54.40		
	Paying Fund			Cash Amount			Amount		
	420 - WATER			420.11000 (Cash)			$54.40		
86452	12/01/2011	Open			Utility Management Refund	ARLIE, GREG	$186.42		
	Paying Fund			Cash Amount			Amount		
	420 - WATER			420.11000 (Cash)			$186.42		
86453	12/01/2011	Open			Utility Management Refund	ATLANTIC & PACIFIC REAL ESTATE	$95.48		
	Paying Fund			Cash Amount			Amount		
	420 - WATER			420.11000 (Cash)			$95.48		
86454	12/01/2011	Open			Utility Management Refund	BABB, CODY, BRADLEY	$73.00		
	Paying Fund			Cash Amount			Amount		
	420 - WATER			420.11000 (Cash)			$73.00		
86455	12/01/2011	Open			Utility Management Refund	BASKINS, ROXANNE	$59.55		
	Paying Fund			Cash Amount			Amount		
	420 - WATER			420.11000 (Cash)			$59.55		
86456	12/01/2011	Open			Utility Management Refund	BAZIUK, MIKE	$80.85		
	Paying Fund			Cash Amount			Amount		
	420 - WATER			420.11000 (Cash)			$80.85		
86457	12/01/2011	Open			Utility Management Refund	BENCHMARK PROPERTY MANAGEMENT	$78.75		
	Paying Fund			Cash Amount			Amount		
	420 - WATER			420.11000 (Cash)			$78.75		
86458	12/01/2011	Open			Utility Management Refund	BLUE MOUNTAIN AIR	$257.41		
	Paying Fund			Cash Amount			Amount		
	420 - WATER			420.11000 (Cash)			$257.41		
86459	12/01/2011	Open			Utility Management Refund	BRASIL, JOHN	$72.75		

Payment Register

From Payment Date: 11/28/2011 - To Payment Date: 12/2/2011

	Paying Fund		Cash Amount			Amount
	420 - WATER		420.11000 (Cash)			$72.75
86460	12/01/2011	Open	Utility Management Refund	CURVES		$150.00
	Paying Fund		Cash Amount			Amount
	110 - General Fund		110.11000 (Cash)			$7.42
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$27.85
	420 - WATER		420.11000 (Cash)			$114.73
86461	12/01/2011	Open	Utility Management Refund	DEL PUERTO PROPERTIES LLC		$57.59
	Paying Fund		Cash Amount			Amount
	420 - WATER		420.11000 (Cash)			$57.59
86462	12/01/2011	Open	Utility Management Refund	DICKEY, GREG		$29.55
	Paying Fund		Cash Amount			Amount
	420 - WATER		420.11000 (Cash)			$29.55
86463	12/01/2011	Open	Utility Management Refund	EUGENIO, PEDRO		$54.10
	Paying Fund		Cash Amount			Amount
	420 - WATER		420.11000 (Cash)			$54.10
86464	12/01/2011	Open	Utility Management Refund	HEWITT, ROBYN		$73.00
	Paying Fund		Cash Amount			Amount
	420 - WATER		420.11000 (Cash)			$73.00
86465	12/01/2011	Open	Utility Management Refund	HORTON, GARY R		$25.10
	Paying Fund		Cash Amount			Amount
	420 - WATER		420.11000 (Cash)			$25.10
86466	12/01/2011	Open	Utility Management Refund	JOHNSON, SANDRA		$76.69
	Paying Fund		Cash Amount			Amount
	420 - WATER		420.11000 (Cash)			$76.69
86467	12/01/2011	Open	Utility Management Refund	MESSNER, JAMES , WESLEY		$95.45
	Paying Fund		Cash Amount			Amount
	420 - WATER		420.11000 (Cash)			$95.45
86468	12/01/2011	Open	Utility Management Refund	MILLER JR, WILLIAM		$150.00
	Paying Fund		Cash Amount			Amount
	110 - General Fund		110.11000 (Cash)			$0.84
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$0.93

Payment Register

From Payment Date: 11/28/2011 - To Payment Date: 12/2/2011

	420 - WATER		420.11000 (Cash)			$148.23	
86469	12/01/2011	Open		Utility Management Refund	OLIVEIRA, CLARENCE		$97.35
	Paying Fund		Cash Amount			Amount	
	420 - WATER		420.11000 (Cash)			$97.35	
86470	12/01/2011	Open		Utility Management Refund	ORHATEGARAY, MARIE		$104.40
	Paying Fund		Cash Amount			Amount	
	420 - WATER		420.11000 (Cash)			$104.40	
86471	12/01/2011	Open		Utility Management Refund	POWERHOUSE REALTY		$110.30
	Paying Fund		Cash Amount			Amount	
	420 - WATER		420.11000 (Cash)			$110.30	
86472	12/01/2011	Open		Utility Management Refund	SAGAYNO JR, HENRY		$101.80
	Paying Fund		Cash Amount			Amount	
	420 - WATER		420.11000 (Cash)			$101.80	
86473	12/01/2011	Open		Utility Management Refund	SEQUOIA PROPERTY MGMT		$53.39
	Paying Fund		Cash Amount			Amount	
	420 - WATER		420.11000 (Cash)			$53.39	
86474	12/01/2011	Open		Utility Management Refund	WALLS, DAVID K		$197.36
	Paying Fund		Cash Amount			Amount	
	420 - WATER		420.11000 (Cash)			$197.36	
86475	12/01/2011	Open		Utility Management Refund	ZAHLER, GEOFF		$103.85
	Paying Fund		Cash Amount			Amount	
	420 - WATER		420.11000 (Cash)			$103.85	
86476	12/01/2011	Open		Accounts Payable	A & A PORTABLES INC		$659.60
	Paying Fund		Cash Amount			Amount	
	301 - Capital Improvements		301.11000 (Cash)			$659.60	
86477	12/01/2011	Open		Accounts Payable	ACCOUNTEMPS INC		$1,224.30
	Paying Fund		Cash Amount			Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			$612.15	
	420 - WATER		420.11000 (Cash)			$612.15	
86478	12/01/2011	Open		Accounts Payable	AMERINATN'L COMM SERVICE		$117,290.87
	Paying Fund		Cash Amount			Amount	
	258 - Housing Stimulus Funds		258.11000 (Cash)			$117,290.87	
86479	12/01/2011	Open		Accounts Payable	ARMOR FIRE EXTINGUISHER		$1,195.26

Payment Register

From Payment Date: 11/28/2011 - To Payment Date: 12/2/2011

	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$1,195.26
86480	12/01/2011 Open	Accounts Payable	AT&T MOBILITY	$1,067.64
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$844.92
	501 - Information Technology	501.11000 (Cash)		$222.72
86481	12/01/2011 Open	Accounts Payable	AVAYA INC	$63.75
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$63.75
86482	12/01/2011 Open	Accounts Payable	BOM APETITE CATERING	$162.56
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$162.56
86483	12/01/2011 Open	Accounts Payable	CALIF DEPT OF TRANS	$3,990.85
	Paying Fund	Cash Amount		Amount
	216 - Streets-Local Transportation	216.11000 (Cash)		$3,990.85
86484	12/01/2011 Open	Accounts Payable	CAROLLO ENGINEERS	$106,996.46
	Paying Fund	Cash Amount		Amount
	415 - Sewer Bond Projects	415.11000 (Cash)		$106,996.46
86485	12/01/2011 Open	Accounts Payable	CENTRAL VALLEY BUSINESS	$1,851.78
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$555.52
	217 - Streets - Gas Tax	217.11000 (Cash)		$370.36
	246 - Landscape Assessment	246.11000 (Cash)		$555.54
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$370.36
86486	12/01/2011 Open	Accounts Payable	CHAMPION INDUSTRIAL	$752.70
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$752.70
86487	12/01/2011 Open	Accounts Payable	CHARTER COMMUNICATIONS	$1,309.94
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$49.99
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$159.97
	501 - Information Technology	501.11000 (Cash)		$1,099.98
86488	12/01/2011 Open	Accounts Payable	COMBINED BENEFITS ADMIN C	$206,581.92
	Paying Fund	Cash Amount		Amount
	511 - Health Insurance	511.11000 (Cash)		$206,581.92
86489	12/01/2011 Open	Accounts Payable	COMBINED BENEFITS ADMIN-	$5,042.55
	Paying Fund	Cash Amount		Amount

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	511 - Health Insurance	511.11000 (Cash)		$5,042.55	
86490	12/01/2011 Open	Accounts Payable	COMBINED BENEFITS ADMIN/		$2,183.98
	Paying Fund	Cash Amount		Amount	
	511 - Health Insurance	511.11000 (Cash)		$2,183.98	
86491	12/01/2011 Open	Accounts Payable	COUNTY BANK VISA		$3,759.74
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$2,487.81	
	204 - AB 939 Integrated Waste Mgmt	204.11000 (Cash)		$473.67	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$400.00	
	420 - WATER	420.11000 (Cash)		$398.26	
86492	12/01/2011 Open	Accounts Payable	EDWARDS, TROY J		$2,333.10
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$2,333.10	
86493	12/01/2011 Open	Accounts Payable	ENTERSECT CORPORATION		$84.95
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$84.95	
86494	12/01/2011 Open	Accounts Payable	FARIA, JAMIE		$426.00
	Paying Fund	Cash Amount		Amount	
	104 - Payroll Clearing Fund	104.11000 (Cash)		$427.50	
	110 - General Fund	110.11000 (Cash)		($1.50)	
86495	12/01/2011 Open	Accounts Payable	FEDERAL EXPRESS		$320.42
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$162.76	
	305 - Capital Facility Fees	305.11000 (Cash)		$6.88	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$85.77	
	420 - WATER	420.11000 (Cash)		$65.01	
86496	12/01/2011 Open	Accounts Payable	FINANCIAL CREDIT NETWORK		$14.13
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$14.13	
86497	12/01/2011 Open	Accounts Payable	GEOANALYTICAL LAB INC		$7,557.79
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$7,089.59	
	420 - WATER	420.11000 (Cash)		$468.20	
86498	12/01/2011 Open	Accounts Payable	GOMES & SONS INC, JOE M		$23,791.04
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$14,412.78	
	205 - Sports Complexes	205.11000 (Cash)		$457.98	

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	217 - Streets - Gas Tax	217.11000 (Cash)			$1,886.22
	246 - Landscape Assessment	246.11000 (Cash)			$1,034.17
	405 - Building	405.11000 (Cash)			$451.72
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$2,655.93
	420 - WATER	420.11000 (Cash)			$1,003.17
	425 - Transit - Dial A Ride	425.11000 (Cash)			$1,147.57
	426 - Transit - BLAST	426.11000 (Cash)			$680.03
	502 - Engineering	502.11000 (Cash)			$61.47
86499	12/01/2011 Open	Accounts Payable	GOMES PROPANE		$79.73
	Paying Fund	Cash Amount		Amount	
	217 - Streets - Gas Tax	217.11000 (Cash)		$79.73	
86500	12/01/2011 Open	Accounts Payable	GSJSA		$2,592.00
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$2,592.00	
86501	12/01/2011 Open	Accounts Payable	HILMAR READY MIX		$45.63
	Paying Fund	Cash Amount		Amount	
	420 - WATER	420.11000 (Cash)		$45.63	
86502	12/01/2011 Open	Accounts Payable	IKON OFFICE SOLUTIONS		$216.07
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$216.07	
86503	12/01/2011 Open	Accounts Payable	ITRON INC		$877.38
	Paying Fund	Cash Amount		Amount	
	420 - WATER	420.11000 (Cash)		$877.38	
86504	12/01/2011 Open	Accounts Payable	JCS PROPERTIES INC		$1,544.37
	Paying Fund	Cash Amount		Amount	
	605 - RDA 20% Housing Set Aside	605.11000 (Cash)		$1,544.37	
86505	12/01/2011 Open	Accounts Payable	JOHN DEERE LANDSCAPE		$1,072.40
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$314.22	
	246 - Landscape Assessment	246.11000 (Cash)		$758.18	
86506	12/01/2011 Open	Accounts Payable	KEMIRA WATER SOLUTION INC		$5,906.48
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$5,906.48	
86507	12/01/2011 Open	Accounts Payable	LEGENDS SPORTS PHOTOGRAPH		$446.68
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$446.68	
86508	12/01/2011 Open	Accounts Payable	MADRUGA BROS ENT INC		$546.00

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	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			$465.00
	255 - CDBG Housing Program Services	255.11000 (Cash)			$3.00
	405 - Building	405.11000 (Cash)			$3.00
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$42.00
	420 - WATER	420.11000 (Cash)			$15.00
	502 - Engineering	502.11000 (Cash)			$18.00
86509	12/01/2011 Open	Accounts Payable	MAGIC SANDS MOBILE HOME		$402.26
	Paying Fund	Cash Amount			Amount
	605 - RDA 20% Housing Set Aside	605.11000 (Cash)			$402.26
86510	12/01/2011 Open	Accounts Payable	MULBERRY MOBILE PARK		$195.73
	Paying Fund	Cash Amount			Amount
	605 - RDA 20% Housing Set Aside	605.11000 (Cash)			$195.73
86511	12/01/2011 Open	Accounts Payable	NEO GOV		$1,500.00
	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			$1,500.00
86512	12/01/2011 Open	Accounts Payable	P E R S ACTNG DIV		$19,205.35
	Paying Fund	Cash Amount			Amount
	104 - Payroll Clearing Fund	104.11000 (Cash)			$18,707.81
	110 - General Fund	110.11000 (Cash)			$497.54
86513	12/01/2011 Open	Accounts Payable	P E R S ACTNG DIV		$280,219.57
	Paying Fund	Cash Amount			Amount
	104 - Payroll Clearing Fund	104.11000 (Cash)			$272,440.54
	110 - General Fund	110.11000 (Cash)			$7,457.72
	205 - Sports Complexes	205.11000 (Cash)			$5.64
	217 - Streets - Gas Tax	217.11000 (Cash)			$13.25
	246 - Landscape Assessment	246.11000 (Cash)			$15.04
	265 - Fire Department Grants	265.11000 (Cash)			$55.65
	266 - Police Services Grants	266.11000 (Cash)			$89.68
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$97.80
	420 - WATER	420.11000 (Cash)			$34.53
	505 - Fleet	505.11000 (Cash)			$9.72
86514	12/01/2011 Open	Accounts Payable	P G & E		$404.40
	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			$93.58
	217 - Streets - Gas Tax	217.11000 (Cash)			$7.84
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$267.63

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	505 - Fleet	505.11000 (Cash)		$35.35	
86515	12/01/2011 Open		Accounts Payable	PRECISION CUSTOM WIRING	$2,140.93
	Paying Fund	Cash Amount		Amount	
	112 - Capital Purchases	112.11000 (Cash)		$2,140.93	
86516	12/01/2011 Open		Accounts Payable	RAY MORGAN COMPANY	$135.42
	Paying Fund	Cash Amount		Amount	
	505 - Fleet	505.11000 (Cash)		$135.42	
86517	12/01/2011 Open		Accounts Payable	SHELL FLEET PLUS	$317.00
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$223.33	
	265 - Fire Department Grants	265.11000 (Cash)		$93.67	
86518	12/01/2011 Open		Accounts Payable	SOUTHWEST SCHOOL &	$665.31
	Paying Fund	Cash Amount		Amount	
	270 - Recreation Grants	270.11000 (Cash)		$665.31	
86519	12/01/2011 Open		Accounts Payable	SPRINT	$3,031.58
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$1,825.82	
	205 - Sports Complexes	205.11000 (Cash)		$87.21	
	217 - Streets - Gas Tax	217.11000 (Cash)		$119.38	
	246 - Landscape Assessment	246.11000 (Cash)		$20.25	
	270 - Recreation Grants	270.11000 (Cash)		$17.08	
	405 - Building	405.11000 (Cash)		$38.26	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$220.07	
	420 - WATER	420.11000 (Cash)		$156.56	
	426 - Transit - BLAST	426.11000 (Cash)		$72.06	
	502 - Engineering	502.11000 (Cash)		$435.79	
	505 - Fleet	505.11000 (Cash)		$39.10	
86520	12/01/2011 Open		Accounts Payable	STANISLAUS COUNTY - TAX	$846.18
	Paying Fund	Cash Amount		Amount	
	258 - Housing Stimulus Funds	258.11000 (Cash)		$846.18	
86521	12/01/2011 Open		Accounts Payable	SUPPORT PAYMENT CLEARING	$439.13
	Paying Fund	Cash Amount		Amount	
	104 - Payroll Clearing Fund	104.11000 (Cash)		$440.13	
	110 - General Fund	110.11000 (Cash)		($1.00)	
86522	12/01/2011 Open		Accounts Payable	T I D	$61,249.27
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$4,163.09	

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	205 - Sports Complexes	205.11000 (Cash)			$783.24
	216 - Streets-Local Transportation	216.11000 (Cash)			$13,675.36
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$2,508.73
	420 - WATER	420.11000 (Cash)			$39,783.62
	426 - Transit - BLAST	426.11000 (Cash)			$335.23
86523	12/01/2011 Open	Accounts Payable	T I D		$112.70
	Paying Fund	Cash Amount			Amount
	605 - RDA 20% Housing Set Aside	605.11000 (Cash)			$112.70
86524	12/01/2011 Open	Accounts Payable	TURLOCK SCAVENGER/SWEEPIN		$19,931.50
	Paying Fund	Cash Amount			Amount
	217 - Streets - Gas Tax	217.11000 (Cash)			$6,976.02
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$12,955.48
86525	12/01/2011 Open	Accounts Payable	TURLOCK TRANSFER INC		$116.92
	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			$116.92
86526	12/01/2011 Open	Accounts Payable	TURLOCK UNIFIED		$150.00
	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			$150.00
86527	12/01/2011 Open	Accounts Payable	UNIVAR USA INC		$14,343.04
	Paying Fund	Cash Amount			Amount
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$14,343.04
86528	12/01/2011 Open	Accounts Payable	WEST STEEL & PLASTIC		$122.45
	Paying Fund	Cash Amount			Amount
	217 - Streets - Gas Tax	217.11000 (Cash)			$61.22
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$61.23
86529	12/01/2011 Open	Accounts Payable	WESTERN VIEW MOBILE RANCH		$2,980.67
	Paying Fund	Cash Amount			Amount
	605 - RDA 20% Housing Set Aside	605.11000 (Cash)			$2,980.67
86530	12/01/2011 Open	Accounts Payable	WESTFORK ESTATES		$693.47
	Paying Fund	Cash Amount			Amount
	605 - RDA 20% Housing Set Aside	605.11000 (Cash)			$693.47
86531	12/01/2011 Open	Accounts Payable	WONDRIES		$505,672.84
	Paying Fund	Cash Amount			Amount
	112 - Capital Purchases	112.11000 (Cash)			$505,672.84
86532	12/01/2011 Open	Accounts Payable	ZALREICH CHEMICAL CO INC		$16,533.11
	Paying Fund	Cash Amount			Amount
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$16,533.11

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86533	12/01/2011	Open		Accounts Payable	ZAP MFG INC	$2,924.86
	Paying Fund		Cash Amount			Amount
	226 - Traffic Tax		226.11000 (Cash)			$2,924.86
86534	12/01/2011	Open		Accounts Payable	AMERICAN RIVER COLLEGE	$110.00
	Paying Fund		Cash Amount			Amount
	110 - General Fund		110.11000 (Cash)			$110.00
86535	12/01/2011	Open		Accounts Payable	BACKEROFF, MICHELLE	$290.00
	Paying Fund		Cash Amount			Amount
	110 - General Fund		110.11000 (Cash)			$290.00
86536	12/01/2011	Open		Accounts Payable	Evergreen Packaging EMBA	$260.00
	Paying Fund		Cash Amount			Amount
	110 - General Fund		110.11000 (Cash)			$260.00
86537	12/01/2011	Open		Accounts Payable	Finnegan, Nicole	$1,000.00
	Paying Fund		Cash Amount			Amount
	110 - General Fund		110.11000 (Cash)			$1,000.00
86538	12/01/2011	Open		Accounts Payable	HILTON GARDEN INN SACRAMENTO	$476.94
	Paying Fund		Cash Amount			Amount
	110 - General Fund		110.11000 (Cash)			$476.94
86539	12/01/2011	Open		Accounts Payable	MURPHY, MIKE	$200.00
	Paying Fund		Cash Amount			Amount
	246 - Landscape Assessment		246.11000 (Cash)			$200.00
86540	12/01/2011	Open		Accounts Payable	Perez, Rigoberto	$550.00
	Paying Fund		Cash Amount			Amount
	110 - General Fund		110.11000 (Cash)			$550.00
86541	12/01/2011	Open		Accounts Payable	RAMOS, MARIA	$128.00
	Paying Fund		Cash Amount			Amount
	255 - CDBG Housing Program Services		255.11000 (Cash)			$128.00
Type Check Totals:				92 Transactions		$1,442,245.24
AP - Accounts Payable Totals						

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	92	$1,442,245.24	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	92	$1,442,245.24	$0.00

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Grand Totals:

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	92	$1,442,245.24	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	92	$1,442,245.24	$0.00

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	92	$1,442,245.24	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	92	$1,442,245.24	$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	92	$1,442,245.24	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	92	$1,442,245.24	$0.00

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name		Transaction Amount	Reconciled Amount	Difference
AP - Accounts Payable										
Check										
86542	12/05/2011	Open			Accounts Payable	AMERICAN MESSAGING		$341.34		
	Paying Fund			Cash Amount			Amount			
	110 - General Fund			110.11000 (Cash)			$341.34			
86543	12/05/2011	Open			Accounts Payable	AMERICAN MESSAGING		$281.21		
	Paying Fund			Cash Amount			Amount			
	110 - General Fund			110.11000 (Cash)			$281.21			
86544	12/05/2011	Open			Accounts Payable	AMERICAN MESSAGING		$375.83		
	Paying Fund			Cash Amount			Amount			
	110 - General Fund			110.11000 (Cash)			$375.83			
86545	12/05/2011	Open			Accounts Payable	AMERICAN MESSAGING		$372.46		
	Paying Fund			Cash Amount			Amount			
	110 - General Fund			110.11000 (Cash)			$372.46			
86546	12/05/2011	Open			Accounts Payable	P G & E		$337.45		
	Paying Fund			Cash Amount			Amount			
	110 - General Fund			110.11000 (Cash)			$324.86			
	605 - RDA 20% Housing Set Aside			605.11000 (Cash)			$12.59			
86547	12/06/2011	Open			Utility Management Refund	APODACA, LOURDES		$150.00		
	Paying Fund			Cash Amount			Amount			
	110 - General Fund			110.11000 (Cash)			$0.84			
	410 - WATER QUALITY CONTROL (WQC)			410.11000 (Cash)			$1.82			
	420 - WATER			420.11000 (Cash)			$147.34			
86548	12/06/2011	Open			Utility Management Refund	DIAZ, ZARAY		$74.47		
	Paying Fund			Cash Amount			Amount			
	110 - General Fund			110.11000 (Cash)			$3.35			
	410 - WATER QUALITY CONTROL (WQC)			410.11000 (Cash)			$5.51			
	420 - WATER			420.11000 (Cash)			$65.61			
86549	12/06/2011	Open			Utility Management Refund	KOLODZIEJ, MIKE		$97.35		
	Paying Fund			Cash Amount			Amount			
	420 - WATER			420.11000 (Cash)			$97.35			
86550	12/06/2011	Open			Utility Management Refund	LANDLORD'S PROPERTY MANAGEMENT		$71.40		
	Paying Fund			Cash Amount			Amount			

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	420 - WATER	420.11000 (Cash)		$71.40	
86551	12/07/2011 Open	Accounts Payable	COUNTY BANK VISA		$728.25
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$561.75	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$91.50	
	601 - Redevelopment (80%)	601.11000 (Cash)		$75.00	
86552	12/08/2011 Open	Accounts Payable	OLD REPUBLIC TITLE CO		$25,000.00
	Paying Fund	Cash Amount		Amount	
	255 - CDBG Housing Program Services	255.11000 (Cash)		$12,500.00	
	256 - Federal HOME Consortia	256.11000 (Cash)		$12,500.00	
86553	12/08/2011 Open	Accounts Payable	A & A PORTABLES INC		$253.58
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$253.58	
86554	12/08/2011 Open	Accounts Payable	A & G SALES PROMOTION LTD		$2,742.11
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$1,681.56	
	270 - Recreation Grants	270.11000 (Cash)		$1,060.55	
86555	12/08/2011 Open	Accounts Payable	AIRGAS NCN		$681.45
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$82.02	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$599.43	
86556	12/08/2011 Open	Accounts Payable	ALPHAGRAPHIC INC		$185.04
	Paying Fund	Cash Amount		Amount	
	420 - WATER	420.11000 (Cash)		$185.04	
86557	12/08/2011 Open	Accounts Payable	ANDREWS ELECTRIC MOTORS		$3,996.68
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$3,996.68	
86558	12/08/2011 Open	Accounts Payable	ARROW CONSTRUCTION INC		$19,939.05
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$19,939.05	
86559	12/08/2011 Open	Accounts Payable	AT&T / CALNET 2		$4,395.37
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$3,811.20	
	205 - Sports Complexes	205.11000 (Cash)		$41.79	
	405 - Building	405.11000 (Cash)		$11.74	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$261.23	
	420 - WATER	420.11000 (Cash)		$64.31	

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	501 - Information Technology	501.11000 (Cash)		$84.82	
	502 - Engineering	502.11000 (Cash)		$12.54	
	505 - Fleet	505.11000 (Cash)		$95.56	
	605 - RDA 20% Housing Set Aside	605.11000 (Cash)		$12.18	
86560	12/08/2011 Open	Accounts Payable	AT&T INFO SYSTEM		$357.18
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$357.18	
86561	12/08/2011 Open	Accounts Payable	AT&T MOBILITY		$2,853.80
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$2,440.49	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$413.31	
86562	12/08/2011 Open	Accounts Payable	BALSWICK'S TIRE SHOP INC		$3,199.54
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$3,199.54	
86563	12/08/2011 Open	Accounts Payable	BANK OF AGRICULTURE & COMMERCE		$11,460.00
	Paying Fund	Cash Amount		Amount	
	305 - Capital Facility Fees	305.11000 (Cash)		$11,460.00	
86564	12/08/2011 Open	Accounts Payable	BARON BAG COMPANY		$1,314.82
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$1,314.82	
86565	12/08/2011 Open	Accounts Payable	BURTON'S FIRE APPARATUS		$2,776.93
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$2,776.93	
86566	12/08/2011 Open	Accounts Payable	CALIFORNIA STATE UNIVERSITY STANISLAUS		$224.10
	Paying Fund	Cash Amount		Amount	
	266 - Police Services Grants	266.11000 (Cash)		$224.10	
86567	12/08/2011 Open	Accounts Payable	Carnegie Arts Center Foundation, Turlock		$100.00
	Paying Fund	Cash Amount		Amount	
	204 - AB 939 Integrated Waste Mgmt	204.11000 (Cash)		$100.00	
86568	12/08/2011 Open	Accounts Payable	CENTRAL VALLEY BUSINESS		$1,471.75
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$723.08	
	420 - WATER	420.11000 (Cash)		$748.67	
86569	12/08/2011 Open	Accounts Payable	CENTRAL VALLEY COMMUNITY BANK		$2,690.83
	Paying Fund	Cash Amount		Amount	

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	305 - Capital Facility Fees	305.11000 (Cash)		$2,690.83	
86570	12/08/2011 Open	Accounts Payable	CERES POLICE DEPARTMENT		$1,326.01
	Paying Fund	Cash Amount		Amount	
	266 - Police Services Grants	266.11000 (Cash)		$1,326.01	
86571	12/08/2011 Open	Accounts Payable	CHARTER COMMUNICATIONS		$139.96
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$28.87	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$3.05	
	420 - WATER	420.11000 (Cash)		$3.06	
	501 - Information Technology	501.11000 (Cash)		$104.98	
86572	12/08/2011 Open	Accounts Payable	COMBINED BENEFITS ADMIN C		$24,139.70
	Paying Fund	Cash Amount		Amount	
	511 - Health Insurance	511.11000 (Cash)		$24,139.70	
86573	12/08/2011 Open	Accounts Payable	COSTCO		$1,796.87
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$1,796.87	
86574	12/08/2011 Open	Accounts Payable	CURTIS & SONS INC, L N		$1,731.97
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$1,731.97	
86575	12/08/2011 Open	Accounts Payable	DAIMLER BUSES NO AMERICA		$514.34
	Paying Fund	Cash Amount		Amount	
	426 - Transit - BLAST	426.11000 (Cash)		$514.34	
86576	12/08/2011 Open	Accounts Payable	DIEDE CONSTRUCTION INC		$103,140.00
	Paying Fund	Cash Amount		Amount	
	305 - Capital Facility Fees	305.11000 (Cash)		$103,140.00	
86577	12/08/2011 Open	Accounts Payable	ENGINEERED FIRE SYST INC		$1,105.00
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$1,105.00	
86578	12/08/2011 Open	Accounts Payable	GATES & ASSOCIATES INC		$3,277.50
	Paying Fund	Cash Amount		Amount	
	601 - Redevelopment (80%)	601.11000 (Cash)		$3,277.50	
86579	12/08/2011 Open	Accounts Payable	GOLDEN STATE STEEL INC		$24,217.47
	Paying Fund	Cash Amount		Amount	
	305 - Capital Facility Fees	305.11000 (Cash)		$24,217.47	
86580	12/08/2011 Open	Accounts Payable	GOMES & SONS INC, JOE M		$16,650.67
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$10,574.34	

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	205 - Sports Complexes	205.11000 (Cash)		$181.84	
	217 - Streets - Gas Tax	217.11000 (Cash)		$1,350.28	
	246 - Landscape Assessment	246.11000 (Cash)		$944.09	
	405 - Building	405.11000 (Cash)		$58.95	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$1,350.47	
	420 - WATER	420.11000 (Cash)		$321.88	
	425 - Transit - Dial A Ride	425.11000 (Cash)		$1,125.27	
	426 - Transit - BLAST	426.11000 (Cash)		$680.69	
	502 - Engineering	502.11000 (Cash)		$62.86	
86581	12/08/2011 Open	Accounts Payable	HARDER'S PRINT SHOP INC		$146.03
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$146.03	
86582	12/08/2011 Open	Accounts Payable	HILMAR READY MIX		$153.01
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$107.38	
	420 - WATER	420.11000 (Cash)		$45.63	
86583	12/08/2011 Open	Accounts Payable	IKON OFFICE SOLUTIONS		$725.59
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$524.53	
	405 - Building	405.11000 (Cash)		$60.66	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$59.70	
	420 - WATER	420.11000 (Cash)		$59.70	
	505 - Fleet	505.11000 (Cash)		$21.00	
86584	12/08/2011 Open	Accounts Payable	KLEINFELDER		$1,488.50
	Paying Fund	Cash Amount		Amount	
	426 - Transit - BLAST	426.11000 (Cash)		$1,488.50	
86585	12/08/2011 Open	Accounts Payable	MANSFIELD OIL COMPANY		$4,667.60
	Paying Fund	Cash Amount		Amount	
	426 - Transit - BLAST	426.11000 (Cash)		$4,667.60	
86586	12/08/2011 Open	Accounts Payable	MO-CAL OFFICE SOLUTIONS		$867.54
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$653.62	
	204 - AB 939 Integrated Waste Mgmt	204.11000 (Cash)		$3.60	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$133.80	
	420 - WATER	420.11000 (Cash)		$19.45	
	502 - Engineering	502.11000 (Cash)		$34.67	
	601 - Redevelopment (80%)	601.11000 (Cash)		$0.61	

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	605 - RDA 20% Housing Set Aside	605.11000 (Cash)		$21.79	
86587	12/08/2011 Open	Accounts Payable	MODERN BUILDING INC		$102,802.32
	Paying Fund	Cash Amount		Amount	
	305 - Capital Facility Fees	305.11000 (Cash)		$102,802.32	
86588	12/08/2011 Open	Accounts Payable	MUNISERVICES LLC		$544.67
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$544.67	
86589	12/08/2011 Open	Accounts Payable	NEIL O ANDERSON AND ASSOC		$3,519.00
	Paying Fund	Cash Amount		Amount	
	305 - Capital Facility Fees	305.11000 (Cash)		$3,519.00	
86590	12/08/2011 Open	Accounts Payable	NORTH AMERICAN YOUTH ACTIVITIES LLC, KIDZ LOVE SOCCER		$6,081.60
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$6,081.60	
86591	12/08/2011 Open	Accounts Payable	OAKDALE POLICE DEPARTMENT		$2,605.98
	Paying Fund	Cash Amount		Amount	
	266 - Police Services Grants	266.11000 (Cash)		$2,605.98	
86592	12/08/2011 Open	Accounts Payable	OMNI-MEANS INC		$665.75
	Paying Fund	Cash Amount		Amount	
	305 - Capital Facility Fees	305.11000 (Cash)		$665.75	
86593	12/08/2011 Open	Accounts Payable	OTIS ELEVATOR CO INC		$173.06
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$173.06	
86594	12/08/2011 Open	Accounts Payable	PETERSEN ELECTRIC		$112.57
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$112.57	
86595	12/08/2011 Open	Accounts Payable	PRESORT CTR STOCKTON INC		$8,940.62
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$2,988.60	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$2,976.01	
	420 - WATER	420.11000 (Cash)		$2,976.01	
86596	12/08/2011 Open	Accounts Payable	QUAD KNOPF INC		$1,373.56
	Paying Fund	Cash Amount		Amount	
	305 - Capital Facility Fees	305.11000 (Cash)		$1,373.56	
86597	12/08/2011 Open	Accounts Payable	QUALITY CONTROL SERVICES		$620.12
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$620.12	

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86598	12/08/2011	Open		Accounts Payable	SAFE-T-LITE CO INC	$809.14
	Paying Fund		Cash Amount		Amount	
	121 - Tourism - City Share		121.11000 (Cash)		$809.14	
86599	12/08/2011	Open		Accounts Payable	SIERRA CHEMICAL CO	$6,237.45
	Paying Fund		Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$6,237.45	
86600	12/08/2011	Open		Accounts Payable	SOUTHWEST SCHOOL &	$59.83
	Paying Fund		Cash Amount		Amount	
	270 - Recreation Grants		270.11000 (Cash)		$59.83	
86601	12/08/2011	Open		Accounts Payable	STANISLAUS COUNTY SHERIFF'S DEPT FINANCE	$3,625.31
	Paying Fund		Cash Amount		Amount	
	266 - Police Services Grants		266.11000 (Cash)		$3,625.31	
86602	12/08/2011	Open		Accounts Payable	STEP ASIDE EXTERMINATOR	$95.00
	Paying Fund		Cash Amount		Amount	
	110 - General Fund		110.11000 (Cash)		$95.00	
86603	12/08/2011	Open		Accounts Payable	THORSENS INC	$89.00
	Paying Fund		Cash Amount		Amount	
	110 - General Fund		110.11000 (Cash)		$89.00	
86604	12/08/2011	Open		Accounts Payable	TURLOCK CITY TOW INC	$721.00
	Paying Fund		Cash Amount		Amount	
	110 - General Fund		110.11000 (Cash)		$641.00	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$25.00	
	420 - WATER		420.11000 (Cash)		$55.00	
86605	12/08/2011	Open		Accounts Payable	TURLOCK DOWNTOWN &	$49,153.59
	Paying Fund		Cash Amount		Amount	
	706 - PBID #2		706.11000 (Cash)		$49,153.59	
86606	12/08/2011	Open		Accounts Payable	TURLOCK SCAVENGER CO INC	$174,290.79
	Paying Fund		Cash Amount		Amount	
	110 - General Fund		110.11000 (Cash)		$174,290.79	
86607	12/08/2011	Open		Accounts Payable	TURLOCK UMPIRE GROUP	$5,563.00
	Paying Fund		Cash Amount		Amount	
	110 - General Fund		110.11000 (Cash)		$5,563.00	
86608	12/08/2011	Open		Accounts Payable	UNIVAR USA INC	$10,218.56
	Paying Fund		Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)		$10,218.56	
86609	12/08/2011	Open		Accounts Payable	US BANK OFFICE EQUIPMENT	$459.51

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	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			$153.89
	502 - Engineering	502.11000 (Cash)			$305.62
86610	12/08/2011 Open		Accounts Payable	VAN DE POL ENTERPRISE INC	$567.63
	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			$567.63
86611	12/08/2011 Open		Accounts Payable	WINTON-IRELAND STROM AND	$5,008.00
	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			$69.00
	217 - Streets - Gas Tax	217.11000 (Cash)			$12.00
	258 - Housing Stimulus Funds	258.11000 (Cash)			$4,927.00
86612	12/08/2011 Open		Accounts Payable	WLC ARCHITECTS INC	$109,824.99
	Paying Fund	Cash Amount			Amount
	305 - Capital Facility Fees	305.11000 (Cash)			$109,824.99
86613	12/08/2011 Open		Accounts Payable	ZALREICH CHEMICAL CO INC	$16,608.33
	Paying Fund	Cash Amount			Amount
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$16,608.33
86614	12/08/2011 Open		Accounts Payable	CAMPOS, MATT	$475.00
	Paying Fund	Cash Amount			Amount
	265 - Fire Department Grants	265.11000 (Cash)			$475.00
86615	12/08/2011 Open		Accounts Payable	HARCKSEN, MIKE	$325.00
	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			$325.00
86616	12/08/2011 Open		Accounts Payable	Turlock Christian Life Center	$500.00
	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			$500.00
86617	12/08/2011 Open		Accounts Payable	United Health Care	$280.21
	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			$280.21
		76 Transactions			$784,910.34

Type Check Totals:
AP - Accounts Payable Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	76	$784,910.34	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00

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From Payment Date: 12/2/2011 - To Payment Date: 12/8/2011

	Total	76	$784,910.34	$0.00

Grand Totals:

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	76	$784,910.34	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	76	$784,910.34	$0.00

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	76	$784,910.34	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	76	$784,910.34	$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	76	$784,910.34	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	76	$784,910.34	$0.00

LIVE - City of Turlock - LIVE

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - Accounts Payable									
Check									
86618	12/09/2011	Open			Accounts Payable	SWRCB ACCOUNTING OFFICE	$37,545.00		
	Paying Fund			Cash Amount		Amount			
	410 - WATER QUALITY CONTROL (WQC)			410.11000 (Cash)		$37,545.00			
86619	12/14/2011	Open			Utility Management Refund	BOSWORTH, DON	$100.45		
	Paying Fund			Cash Amount		Amount			
	420 - WATER			420.11000 (Cash)		$100.45			
86620	12/14/2011	Open			Utility Management Refund	CENTRAL CAL INVEST LLC	$29.05		
	Paying Fund			Cash Amount		Amount			
	420 - WATER			420.11000 (Cash)		$29.05			
86621	12/14/2011	Open			Utility Management Refund	CLARK, SUPRENA, R	$11.16		
	Paying Fund			Cash Amount		Amount			
	420 - WATER			420.11000 (Cash)		$11.16			
86622	12/14/2011	Open			Utility Management Refund	CRUZ, VICTOR	$150.00		
	Paying Fund			Cash Amount		Amount			
	420 - WATER			420.11000 (Cash)		$150.00			
86623	12/14/2011	Open			Utility Management Refund	LUO, PING	$168.35		
	Paying Fund			Cash Amount		Amount			
	420 - WATER			420.11000 (Cash)		$168.35			
86624	12/14/2011	Open			Utility Management Refund	QUADROS, CHRIS	$62.60		
	Paying Fund			Cash Amount		Amount			
	420 - WATER			420.11000 (Cash)		$62.60			
86625	12/14/2011	Open			Utility Management Refund	R3 CAPITAL INC	$90.45		
	Paying Fund			Cash Amount		Amount			
	420 - WATER			420.11000 (Cash)		$90.45			
86626	12/14/2011	Open			Utility Management Refund	REYNA, RICHARD	$15.13		
	Paying Fund			Cash Amount		Amount			
	420 - WATER			420.11000 (Cash)		$15.13			
86627	12/14/2011	Open			Utility Management Refund	SHAW, ELIZABETH	$11.16		

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	Paying Fund	Cash Amount		Amount	
	420 - WATER	420.11000 (Cash)		$11.16	
86628	12/15/2011 Open	Accounts Payable	3T EQUIPMENT CO INC		$3,591.63
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$3,591.63	
86629	12/15/2011 Open	Accounts Payable	4LEAF INC		$3,460.50
	Paying Fund	Cash Amount		Amount	
	405 - Building	405.11000 (Cash)		$3,460.50	
86630	12/15/2011 Open	Accounts Payable	A & A PORTABLES INC		$176.00
	Paying Fund	Cash Amount		Amount	
	301 - Capital Improvements	301.11000 (Cash)		$176.00	
86631	12/15/2011 Open	Accounts Payable	ACCOUNTEMPS INC		$699.60
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$349.80	
	420 - WATER	420.11000 (Cash)		$349.80	
86632	12/15/2011 Open	Accounts Payable	AFLAC		$4,290.10
	Paying Fund	Cash Amount		Amount	
	104 - Payroll Clearing Fund	104.11000 (Cash)		$4,290.10	
86633	12/15/2011 Open	Accounts Payable	AMERICAN REPROGRAPHICS CO LLC		$273.80
	Paying Fund	Cash Amount		Amount	
	502 - Engineering	502.11000 (Cash)		$273.80	
86634	12/15/2011 Open	Accounts Payable	APPLIED INDUST TECH		$747.56
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$747.56	
86635	12/15/2011 Open	Accounts Payable	AT&T / CALNET 2		$783.17
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$324.39	
	405 - Building	405.11000 (Cash)		$66.12	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$135.91	
	420 - WATER	420.11000 (Cash)		$135.91	
	426 - Transit - BLAST	426.11000 (Cash)		$66.22	
	502 - Engineering	502.11000 (Cash)		$17.53	
	605 - RDA 20% Housing Set Aside	605.11000 (Cash)		$37.09	
86636	12/15/2011 Open	Accounts Payable	AT&T/SBC		$96.74
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$96.74	

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86637	12/15/2011	Open	Accounts Payable	BALSWICK'S TIRE SHOP INC	$1,882.76
	Paying Fund		Cash Amount		Amount
	110 - General Fund		110.11000 (Cash)		$1,220.79
	246 - Landscape Assessment		246.11000 (Cash)		$158.74
	420 - WATER		420.11000 (Cash)		$214.06
	425 - Transit - Dial A Ride		425.11000 (Cash)		$289.17
86638	12/15/2011	Open	Accounts Payable	BANK OF NEW YORK TRUST CO	$16,889.38
	Paying Fund		Cash Amount		Amount
	216 - Streets-Local Transportation		216.11000 (Cash)		$16,889.38
86639	12/15/2011	Open	Accounts Payable	BARHAM INC, DBA BC CONSTRUCTION	$10,496.70
	Paying Fund		Cash Amount		Amount
	217 - Streets - Gas Tax		217.11000 (Cash)		$10,496.70
86640	12/15/2011	Open	Accounts Payable	BECK, LARRY DON	$89.00
	Paying Fund		Cash Amount		Amount
	702 - Misc Employees Retiree Health		702.11000 (Cash)		$89.00
86641	12/15/2011	Open	Accounts Payable	BUREAU VERITAS NO AMERICA	$8,083.33
	Paying Fund		Cash Amount		Amount
	405 - Building		405.11000 (Cash)		$8,083.33
86642	12/15/2011	Open	Accounts Payable	CASEY MOVING SYSTEMS	$145.22
	Paying Fund		Cash Amount		Amount
	256 - Federal HOME Consortia		256.11000 (Cash)		$145.22
86643	12/15/2011	Open	Accounts Payable	CENTRAL VALLEY CONCRETE	$500.64
	Paying Fund		Cash Amount		Amount
	217 - Streets - Gas Tax		217.11000 (Cash)		$500.64
86644	12/15/2011	Open	Accounts Payable	CINCINNATI LIFE INS INC	$956.16
	Paying Fund		Cash Amount		Amount
	104 - Payroll Clearing Fund		104.11000 (Cash)		$956.16
86645	12/15/2011	Open	Accounts Payable	CITY OF TURLOCK - CASH	$220.61
	Paying Fund		Cash Amount		Amount
	110 - General Fund		110.11000 (Cash)		$130.03
	270 - Recreation Grants		270.11000 (Cash)		$25.12
	426 - Transit - BLAST		426.11000 (Cash)		$30.67
	502 - Engineering		502.11000 (Cash)		$12.43
	705 - NW Triangle Mello Roos (CFD #1)		705.11000 (Cash)		$22.36
86646	12/15/2011	Open	Accounts Payable	COMBINED BENEFITS ADMIN C	$117,494.96
	Paying Fund		Cash Amount		Amount

Payment Register

From Payment Date: 12/9/2011 - To Payment Date: 12/15/2011

86647	511 - Health Insurance 12/15/2011 Open Paying Fund	511.11000 (Cash) Accounts Payable Cash Amount	$117,494.96 COMBINED BENEFITS ADMIN C Amount	$67,070.35
86648	511 - Health Insurance 12/15/2011 Open Paying Fund	511.11000 (Cash) Accounts Payable Cash Amount	$67,070.35 COMBINED BENEFITS ADMIN- Amount	$5,042.55
86649	511 - Health Insurance 12/15/2011 Open Paying Fund	511.11000 (Cash) Accounts Payable Cash Amount	$5,042.55 COMBINED BENEFITS ADMIN/ Amount	$2,183.98
86650	511 - Health Insurance 12/15/2011 Open Paying Fund	511.11000 (Cash) Accounts Payable Cash Amount	$2,183.98 COMBINED BENEFITS ADMIN= Amount	$130,144.60
86651	511 - Health Insurance 12/15/2011 Open Paying Fund	511.11000 (Cash) Accounts Payable Cash Amount	$130,144.60 COUNTRY FORD TRUCKS INC Amount	$827.96
86652	110 - General Fund 217 - Streets - Gas Tax 410 - WATER QUALITY CONTROL (WQC) 12/15/2011 Open Paying Fund	110.11000 (Cash) 217.11000 (Cash) 410.11000 (Cash) Accounts Payable Cash Amount	$762.58 $22.23 $43.15 DELAMARE-FULTZ ENG INC Amount	$11,830.00
86653	255 - CDBG Housing Program Services 410 - WATER QUALITY CONTROL (WQC) 12/15/2011 Open Paying Fund	255.11000 (Cash) 410.11000 (Cash) Accounts Payable Cash Amount	$5,480.00 $6,350.00 ENVIRONMENTAL SYSTEMS RES Amount	$414.75
86654	110 - General Fund 12/15/2011 Open Paying Fund	110.11000 (Cash) Accounts Payable Cash Amount	$414.75 FERGUSON ENTERPRISES INC Amount	$13,958.75
86655	420 - WATER 12/15/2011 Open Paying Fund	420.11000 (Cash) Accounts Payable Cash Amount	$13,958.75 FISHER SCIENTIFIC PRO INC Amount	$3,095.65
86656	410 - WATER QUALITY CONTROL (WQC) 12/15/2011 Open Paying Fund	410.11000 (Cash) Accounts Payable Cash Amount	$3,095.65 FREMMING, PARSON & PECCHENINO Amount	$1,512.00
86657	306 - North Turlock Master Plan Fees 12/15/2011 Open Paying Fund	306.11000 (Cash) Accounts Payable Cash Amount	$1,512.00 HUB INT'L OF CA INS SVC Amount	$252.04

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	110 - General Fund	110.11000 (Cash)		$252.04	
86658	12/15/2011 Open	Accounts Payable	ING LIFE INSURANCE AND		$147.34
	Paying Fund	Cash Amount		Amount	
	104 - Payroll Clearing Fund	104.11000 (Cash)		$147.34	
86659	12/15/2011 Open	Accounts Payable	JUSTUS LAWNMOWER SHOP INC		$483.73
	Paying Fund	Cash Amount		Amount	
	217 - Streets - Gas Tax	217.11000 (Cash)		$41.81	
	246 - Landscape Assessment	246.11000 (Cash)		$441.92	
86660	12/15/2011 Open	Accounts Payable	KLEINFELDER		$1,609.00
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$1,609.00	
86661	12/15/2011 Open	Accounts Payable	LANGUAGE LINE SERVICES		$30.49
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$30.49	
86662	12/15/2011 Open	Accounts Payable	LEAGUE OF CA CITIES		$20.00
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$20.00	
86663	12/15/2011 Open	Accounts Payable	LINCOLN EQUIPMENT INC		$333.44
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$333.44	
86664	12/15/2011 Open	Accounts Payable	LIONAKIS INC		$800.00
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$400.00	
	420 - WATER	420.11000 (Cash)		$400.00	
86665	12/15/2011 Open	Accounts Payable	MCI ENGINEERING		$3,870.00
	Paying Fund	Cash Amount		Amount	
	305 - Capital Facility Fees	305.11000 (Cash)		$3,870.00	
86666	12/15/2011 Open	Accounts Payable	NORTH STAR ENGINEERING GROUP INC		$570.00
	Paying Fund	Cash Amount		Amount	
	411 - Storm Drainage Construction	411.11000 (Cash)		$570.00	
86667	12/15/2011 Open	Accounts Payable	OMNI-MEANS INC		$5,026.00
	Paying Fund	Cash Amount		Amount	
	305 - Capital Facility Fees	305.11000 (Cash)		$5,026.00	
86668	12/15/2011 Open	Accounts Payable	P E R S ACTNG DIV		$289,098.95
	Paying Fund	Cash Amount		Amount	
	104 - Payroll Clearing Fund	104.11000 (Cash)		$281,281.74	

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	110 - General Fund	110.11000 (Cash)			$7,495.90	
	205 - Sports Complexes	205.11000 (Cash)			$5.64	
	217 - Streets - Gas Tax	217.11000 (Cash)			$13.25	
	246 - Landscape Assessment	246.11000 (Cash)			$15.04	
	265 - Fire Department Grants	265.11000 (Cash)			$55.65	
	266 - Police Services Grants	266.11000 (Cash)			$89.68	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$97.80	
	420 - WATER	420.11000 (Cash)			$34.53	
	505 - Fleet	505.11000 (Cash)			$9.72	
86669	12/15/2011 Open	Accounts Payable	P G & E			$616.01
	Paying Fund	Cash Amount			Amount	
	110 - General Fund	110.11000 (Cash)			$616.01	
86670	12/15/2011 Open	Accounts Payable	REED INC, GEORGE			$84,606.75
	Paying Fund	Cash Amount			Amount	
	426 - Transit - BLAST	426.11000 (Cash)			$84,606.75	
86671	12/15/2011 Open	Accounts Payable	REXEL INC			$380.39
	Paying Fund	Cash Amount			Amount	
	420 - WATER	420.11000 (Cash)			$380.39	
86672	12/15/2011 Open	Accounts Payable	RICHARDS WATSON & GERSHON			$4,701.91
	Paying Fund	Cash Amount			Amount	
	601 - Redevelopment (80%)	601.11000 (Cash)			$4,467.91	
	605 - RDA 20% Housing Set Aside	605.11000 (Cash)			$234.00	
86673	12/15/2011 Open	Accounts Payable	SECURE DELIVERY			$123.00
	Paying Fund	Cash Amount			Amount	
	420 - WATER	420.11000 (Cash)			$123.00	
86674	12/15/2011 Open	Accounts Payable	SIERRA FOOTHILL LAB			$800.00
	Paying Fund	Cash Amount			Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$800.00	
86675	12/15/2011 Open	Accounts Payable	SOUTHWEST SCHOOL &			$806.07
	Paying Fund	Cash Amount			Amount	
	270 - Recreation Grants	270.11000 (Cash)			$806.07	
86676	12/15/2011 Open	Accounts Payable	SPENCE SPRAYING			$5,025.57
	Paying Fund	Cash Amount			Amount	
	217 - Streets - Gas Tax	217.11000 (Cash)			$703.15	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			$4,322.42	
86677	12/15/2011 Open	Accounts Payable	T I D			$144,488.59
	Paying Fund	Cash Amount			Amount	

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From Payment Date: 12/9/2011 - To Payment Date: 12/15/2011

	110 - General Fund	110.11000 (Cash)		$1,946.09	
	205 - Sports Complexes	205.11000 (Cash)		$2,599.96	
	216 - Streets-Local Transportation	216.11000 (Cash)		$1,435.82	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$119,877.05	
	420 - WATER	420.11000 (Cash)		$15,381.35	
	426 - Transit - BLAST	426.11000 (Cash)		$247.33	
	505 - Fleet	505.11000 (Cash)		$3,000.99	
86678	12/15/2011 Open	Accounts Payable	TURLOCK SCAVENGER CO INC		$388,889.00
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$400,000.00	
	420 - WATER	420.11000 (Cash)		($11,111.00)	
86679	12/15/2011 Open	Accounts Payable	TWO GUYS CATERING LLC		$273.11
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$273.11	
86680	12/15/2011 Open	Accounts Payable	URBAN FUTURES INC		$975.00
	Paying Fund	Cash Amount		Amount	
	601 - Redevelopment (80%)	601.11000 (Cash)		$975.00	
86681	12/15/2011 Open	Accounts Payable	VISION SERVICE PLAN CA		$1,681.19
	Paying Fund	Cash Amount		Amount	
	511 - Health Insurance	511.11000 (Cash)		$1,681.19	
86682	12/15/2011 Open	Accounts Payable	WEST COAST SAND & GRAVEL		$486.20
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$486.20	
86683	12/15/2011 Open	Accounts Payable	WEST STEEL & PLASTIC		$276.61
	Paying Fund	Cash Amount		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		$276.61	
86684	12/15/2011 Open	Accounts Payable	YORK INSURANCE SV GRP INC		$7,783.17
	Paying Fund	Cash Amount		Amount	
	510 - Workers' Compensation Ins	510.11000 (Cash)		$7,783.17	
86685	12/15/2011 Open	Accounts Payable	CHRISTENSEN CONST, M R		$633.40
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$633.40	
86686	12/15/2011 Open	Accounts Payable	City Clerks Association of California		$160.00
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)		$160.00	
86687	12/15/2011 Open	Accounts Payable	CONTRA COSTA COUNTY LETC		$205.00
	Paying Fund	Cash Amount		Amount	

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From Payment Date: 12/9/2011 - To Payment Date: 12/15/2011

	110 - General Fund	110.11000 (Cash)			$205.00
86688	12/15/2011 Open	Accounts Payable	DA WOOD CONSTRUCTION INC		$990.00
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)			$990.00
86689	12/15/2011 Open	Accounts Payable	DOUBLETREE BY HILTON SAN DIEGO		$473.25
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)			$473.25
86690	12/15/2011 Open	Accounts Payable	EDDY, SARAH		$600.00
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)			$600.00
86691	12/15/2011 Open	Accounts Payable	HAMPTON INN & SUITES PITTSBURG		$362.88
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)			$362.88
86692	12/15/2011 Open	Accounts Payable	HOLIDAY INN FRESNO NORTHWEST		$194.36
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)			$194.36
86693	12/15/2011 Open	Accounts Payable	HYATT REGENCY SAN FRANCISCO		$473.81
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)			$473.81
86694	12/15/2011 Open	Accounts Payable	HYATT REGENCY SAN FRANCISCO		$473.81
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)			$473.81
86695	12/15/2011 Open	Accounts Payable	JACKSON, ROBERT		$600.00
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)			$600.00
86696	12/15/2011 Open	Accounts Payable	LIEBERT CASSIDY WHITMORE		$890.00
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)			$890.00
86697	12/15/2011 Open	Accounts Payable	REID, RON		$264.40
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)			$264.40
86698	12/15/2011 Open	Accounts Payable	RIEDEL, KATHLEEN		$750.00
	Paying Fund	Cash Amount		Amount	
	110 - General Fund	110.11000 (Cash)			$750.00
86699	12/15/2011 Open	Accounts Payable	RUIZ, MARIA		$170.00

Payment Register

From Payment Date: 12/9/2011 - To Payment Date: 12/15/2011

	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$170.00
86700	12/15/2011 Open	Accounts Payable	Selby, Mark	$60.00
	Paying Fund	Cash Amount		Amount
	205 - Sports Complexes	205.11000 (Cash)		$60.00
86701	12/15/2011 Open	Accounts Payable	SELOVER, MARTI	$98.00
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$98.00
86702	12/15/2011 Open	Accounts Payable	SILVEIRA, JAMES	$270.29
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$270.29
86703	12/15/2011 Open	Accounts Payable	SMITH, LANI	$88.00
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$88.00
86704	12/15/2011 Open	Accounts Payable	SOUSA, MARY	$88.00
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$88.00
86705	12/15/2011 Open	Accounts Payable	TIDWELL, KEVIN	$493.98
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$493.98
86706	12/15/2011 Open	Accounts Payable	TRAINING FOR SAFETY	$296.00
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$296.00
86707	12/15/2011 Open	Accounts Payable	Turlock Hometown Investments, Inc	$500.00
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$500.00
86708	12/15/2011 Open	Accounts Payable	WHITMORE, DEBBIE	$600.00
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$600.00
86709	12/15/2011 Open	Accounts Payable	WILLIAMS, STEVE	$290.00
	Paying Fund	Cash Amount		Amount
	110 - General Fund	110.11000 (Cash)		$290.00
86710	12/15/2011 Open	Accounts Payable	WYATT, RICK	$85.00
	Paying Fund	Cash Amount		Amount
	405 - Building	405.11000 (Cash)		$85.00
Type Check Totals:		93 Transactions		
AP - Accounts Payable Totals				$1,399,405.54

LIVE - City of Turlock - LIVE

Payment Register

From Payment Date: 12/9/2011 - To Payment Date: 12/15/2011

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	93	$1,399,405.54	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	93	$1,399,405.54	$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	93	$1,399,405.54	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	93	$1,399,405.54	$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	93	$1,399,405.54	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	93	$1,399,405.54	$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	93	$1,399,405.54	$0.00
	Reconciled	0	$0.00	$0.00
	Voided	0	$0.00	$0.00
	Stopped	0	$0.00	$0.00
	Total	93	$1,399,405.54	$0.00

5B

DECEMBER 13, 2011
7:00 p.m.
City of Turlock Yosemite Room
156 S. Broadway, Turlock, California

DRAFT

MINUTES
Regular Meeting
Turlock City Council

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1. A. CALL TO ORDER –Mayor Lazar called the meeting to order at 7:04 p.m.
PRESENT: Councilmembers Amy Bublak, Bill DeHart, Mary Jackson, Forrest White, and Mayor John S. Lazar.
ABSENT: None

B. SALUTE TO THE FLAG

2. PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:

A. Retiring City Clerk Rhonda Greenlee administered the Oath of Office to the newly appointed City Clerk Kellie Weaver.

B. Mayor Lazar recognized retired City Clerk Rhonda Greenlee and read a Proclamation honoring her service to the City of Turlock. Lemoore City Clerk Nancy Lima and Corcoran City Clerk Lorraine Lopez thanked Ms. Greenlee for her service and presented a plaque on behalf of the City Clerks Association of California.

C. Vice-Mayor Bublak recognized the California State University Stanislaus, Women's Soccer Team and coaching staff for being named the 2011 California Collegiate Athletic Association Women's Soccer Tournament Champions and presented them with a Proclamation honoring their success.

Mayor Lazar handled Staff Update Item 3B(1) out of order.

Item 3B(1) City Manager Roy Wasden acknowledged Vice-Mayor Bublak's efforts in establishing the Turlock Business Incentive Program. Mr. Wasden introduced Dr. Prashant S. Parmar, DDS, Accurate Family Dental, as the fifth recipient of the incentive offered through the program. Dr. Parmar thanked Vice-Mayor Bublak, City Council, and City staff, specifically Katie Melson, Jennifer Land, and Heidi McNally-Dial, and Al Seaton from the Small Business Development Center for the excellent service they provided throughout the process.

Economic Development/Redevelopment Manager Heidi McNally-Dial provided an update on the Business Incentive Program, including that a sixth business is currently participating in the program, that most businesses use the funding for inventory or advertising and startup, and that the program has created 24 jobs.

D. Mayor Lazar recommended that Planning Commissioner Jeff Hillberg be reappointed to the Planning Commission for a term to expire December 31, 2015.

Action: Motion by Councilmember Jackson, seconded by Councilmember DeHart, reappointing Jeff Hillberg to the Planning Commission for a term to expire December 31, 2015. Motion carried unanimously.

E. Mayor Lazar recommended that Parks, Recreation & Community Commissioners Bella Daniel and Steven Nascimento be reappointed to the Parks, Recreation & Community Commission for a term to expire December 31, 2014.

Action: Motion by Councilmember White, seconded by Councilmember Bublak, reappointing Bella Daniel and Steven Nascimento to the Parks, Recreation, and Community Commission for a term to expire December 31, 2014. Motion carried unanimously.

3. A. SPECIAL BRIEFINGS:

1. Housing Program Services Manager Maryn Pitt (Interim Airport Manager for Turlock Municipal Airport) introduced Jose Morales and Bronika Nidey, California State University, Stanislaus, Masters of Public Administration students, who presented their report on Economic Development Business Models for the Turlock Municipal Airport.

B. STAFF UPDATES

2. Sr. Recreation Supervisor Karen Packwood provided historical information on Turlock Christmas parades and updated the Council on the 2011 Christmas Parade. Ms. Packwood thanked co-sponsors Turlock Firefighters Local #2434 and the Turlock Convention and Visitors Bureau, in addition to other service clubs and staff that participated in the event.

C. PUBLIC PARTICIPATION:

Turlock Library Branch Manager Carol Blomquist provided information about upcoming programs and activities at the Turlock Library, including a new library mobile app that is coming soon and that downloading books onto an e-book reading device may be available in the future.

4. A. MOTION WAIVING READING OF ALL ORDINANCES ON THE AGENDA

Action: Motion by Councilmember Jackson, seconded by Councilmember DeHart, to waive reading of all ordinances on the agenda, except by title. Motion carried unanimously.

B. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:

Councilmember Bublak identified a Conflict of Interest in regard to Consent Calendar Item 5P noting that she works for one of the agencies mentioned in the Memorandum of Understanding that will utilize the grant funding.

Mayor Lazar indicated that the Closed Session Item would not be heard at tonight's meeting and would be brought forward at the January 10, 2012 City Council Meeting.

5. CONSENT CALENDAR:

Mayor Lazar noted the requests to remove Items 5E, 5P, and 5Y from the Consent Calendar to be heard separately.

Action: Motion by Councilmember Jackson, seconded by Councilmember DeHart, and unanimously carried to adopt the amended consent calendar as follows:

A. **Resolution No. 2011-237** Accepting Demands of October 27, 2011 in the amount of $1,410,160.53; Demands of November 3, 2011 in the amount of $1,078,149.36; Demands of November 10, 2011 in the amount of $1,414,014.11; Demands of November 17, 2011 in the amount of $2,355,701.13

B. *Motion*: Accepting Minutes of 5:00 p.m. Special Joint Turlock City Council/Planning Commission Meeting of November 8, 2011; Minutes of Regular Meeting of November 8, 2011

C. *Motion*: Approving Contract Change Order No. 1 in the amount of $95,576.15 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility, Category 2 – Demolition, Grading and Site Paving," bringing the contract total to $1,004,802.15

D. *Motion*: Accepting the Capital Facility Fee Program report for Fiscal Year 2010/11

E. *Removed for separate consideration.*

F. 1. **Resolution No. 2011-238** Approving the repayment of funds from a non-federal source as required by the United States Department of Housing and Urban Development (HUD) and the State of California Housing and Community Development Department (HCD) in the amount of $12,238 from account number 605-10-167.47200_001 and authorizing funds to be remitted to HUD as specified in Exhibit A

2. **Resolution No. 2011-239** Appropriating $35,421 to account number 110-10-112.47217 "HUD Grant Repayment" from Fund 110 "General Fund" reserve balance for the repayment of funds from a non-federal source as required by the United States Department of Housing and Urban Development (HUD) and authorizing the wire transfer per HUD's instructions

G. **Resolution No. 2011-240** Authorizing the Purchasing Officer to dispose of surplus property by any means determined to be in the best interest of the City

H. *Motion*: Approving the purchase of one (1) Caterpillar 907H Compact Wheel Loader through the State of California (CMAS Contract No. 4-09-23-0027A), from Holt of California, located in Sacramento, California for the Parks, Recreation & Public Facilities Division, in an amount not to exceed $87,793, without compliance to the formal bid procedure

I. *Motion*: Approving the service agreement with Todd Gayman, DBA Root Tamers of Redding, California, for chemical root control treatment of sewer lines for the Municipal Services Utilities Division for a period of twelve (12) months, in an amount not to exceed $10,000

J. *Motion*: Approving Amendment No. 1 to the service agreement between the City of Turlock and Applied Pest Management, Inc., to include pest control services to all Fire Stations in an additional amount of $405 annually, increasing the annual amount of the agreement from $2,640 to $3,045

K. **Resolution No. 2011-241** Accepting donations received from October through December of FY 2011/12 to be deposited as per the attached worksheet, for a variety of Parks, Recreation & Public Facilities Division programs, scholarships, and activities

L. **Resolution No. 2011-242** Appropriating $13,000 to account number 217-50-510.41002_000 "Part-time help" and $2,000 to associated benefits from Fund 217 "Streets" reserve balance to cover the cost of hiring two (2) part-time employees in the Streets Maintenance area

M. *Motion*: Accepting the report regarding the changes to the City of Turlock Facility Affiliate Program

N. *Motion*: Approving the renewal of the Memorandum of Understanding between the City of Turlock and the Turlock Unified School District to offer youth basketball programs within the community

O. **Resolution No. 2011-243** Authorizing the acceptance of an allocation of funds, execution of a grant agreement and the commitments necessary to administer the Selective Traffic Enforcement Program (STEP) grant through the California Office of Traffic Safety (OTS) from October 1, 2011 to September 30, 2012 in an amount not to exceed $90,000 and appropriating said funds for expenditures in Fund 266 "Police Grants" for FY 2011-12

P. *Removed for separate consideration.*

Q. **Resolution No. 2011-244** Authorizing the approval and execution of the City of Turlock to enter into an Amendment to the Stanislaus Drug Enforcement Agency Joint Powers Agreement previously adopted on June 9, 2008

R. **Resolution No. 2011-245** Accepting donations valued at $380 from various donors in support of the Turlock Fire Department's Annual Open House and Safety Fair held on October 15, 2011

S. *Motion*: Approving an agreement between the City of Turlock and Jarvis, Fay, Doporto & Gibson for legal services related to compliance with CEQA and related land use laws for the City's updated General Plan, including review of the Draft and Final EIR and related CEQA documentation for the General Plan

T. **Resolution No. 2011-246** Approving the withdrawal of the City of Turlock from the Pacific Housing and Finance Agency, a joint powers financing agency established in 1997 pursuant to the Marks Roos Local Bond Pooling Act

U. **Resolution No. 2011-247** 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 2011-12 fiscal year

V. **Resolution No. 2011-248** Appropriating amounts as detailed in Attachment "A" from each Fund's respective reserve balance for a 4.5% base pay equity adjustment from November 16, 2011 to June 15, 2012

W. **Resolution No. 2011-249** Appropriating $1,580 to account number 110-10-112.47070_006 "Property Taxes-144 S. Broadway (Downtown Business District)" from Fund 110 "General Fund" reserve balance for the direct assessments for this property

X. **Resolution No. 2011-250** Authorizing the creation of one (1) new job classification of Secretary/Deputy City Clerk and the reclassification of two (2) positions in Administrative Services; and Appropriating $1,158 to account number 110-10-102.41001 "Salary" and $291 to respective benefits accounts from Fund 110 "General Fund" reserve balance; Appropriating $2,376 to account number 110-10-103.41001 "Salary" and $597 to respective benefits accounts from Fund110 "General Fund" reserve balance; Appropriating $2,375 to account number 110-10-110.41001 "Salary" and $462 to respective benefits accounts from Fund 110 "General Fund" reserve balance; and Appropriating $80 to account number 110-10-110.41050 "Bilingual" and $15 to respective benefits accounts from Fund 110 "General Fund" reserve balance

Y. *Removed for separate consideration.*

Item 5E Development Services Director Mike Pitcock presented the staff report on the request to award bid and approve an agreement in the amount of $421,907 (Fund 215) with Elite Landscaping, Inc. of Clovis, California, for City Project No. 0871/RPSTPLE-5165(053), "Christoffersen Parkway Median Landscaping" and to approve transfer of $150,000 from account number 305-40-440.51270 "Christoffersen-Geer to Olive Median" into account number 215-40-420.51210 "Christoffersen Parkway/Geer Road to Olive."

Council discussion included bid procedure and keeping business local.

Mayor Lazar asked for public comment. No one spoke. Mayor Lazar closed public comment.

Action: Motion by Councilmember Jackson, seconded by Councilmember Bublak, Awarding bid and approving an agreement in the amount of $421,907 (Fund 215) with Elite Landscaping, Inc. of Clovis, California, for City Project No. 0871/RPSTPLE-5165(053), "Christoffersen Parkway Median Landscaping." Motion carried unanimously.

Resolution No. 2011-251 Approving the transfer of $150,000 from account number 305-40-440.51270 "Christoffersen-Geer to Olive Median" into account number 215-40-420.51210 "Christoffersen Parkway/Geer Road to Olive" was introduced by Councilmember Jackson, seconded by Councilmember Bublak, and carried unanimously.

Item 5P Interim Police Chief Dave Young presented the staff report on the request to authorize the acceptance of an allocation of funds, execution of a grant agreement and the commitments necessary to host and administer the "Avoid the 12 – Stanislaus County" grant program through the California Office of Traffic Safety from October 1, 2011 to September 30, 2012, to appropriate said funds for expenditures in Fund 266 "Police Grants" for FY 2011-12, and approve a Memorandum of Understanding between participating cities/counties.

Mayor Lazar asked for public comment. No one spoke. Mayor Lazar closed public comment.

Action: **Resolution No. 2011-252** Authorizing the acceptance of an allocation of funds, execution of a grant agreement and the commitments necessary to host and administer the "Avoid the 12 – Stanislaus County" grant program through the California Office of Traffic Safety from October 1, 2011 to September 30, 2012, in an amount not to exceed $188,000 and appropriating said funds for expenditures in Fund 266 "Police Grants" for FY 2011-12 was introduced by Councilmember Jackson, seconded by Councilmember DeHart, and carried with Councilmember Bublak not participating.

Motion by Councilmember Jackson, seconded by Councilmember DeHart, Approving a Memorandum of Understanding between the City of Turlock Police Department and Modesto Police Department, Stanislaus County Sheriff's Department, Ceres Police Department, Oakdale Police Department, Newman Police Department, CSU Stanislaus University Police Department, and Stanislaus County Probation Department beginning October 1, 2011 and ending September 30, 2012 for participation in the "Avoid the 12-Stanislaus County" grant program through the California Office of Traffic Safety. Motion carried with Councilmember Bublak not participating.

Item 5Y City Manager Roy Wasden presented the staff report on the request to authorize the request to the CalPERS Board of Administrators to approve an extension in accordance with Government Code Section 21221(h) for the temporary employment of David Young.

Mayor Lazar asked for public comment. No one spoke. Mayor Lazar closed public comment.

Action: **Resolution No. 2011-253** Authorizing the request to the CalPERS Board of Administrators to approve an extension in accordance with Government Code Section 21221(h) for the temporary employment of David Young was introduced by Councilmember Jackson, seconded by Councilmember DeHart, and carried unanimously.

6. FINAL READINGS:

A. **Ordinance No. 1161–CS**, Amending Turlock Municipal Code Title 10, Chapter 2, Section 5 regarding height requirements for trees, overhanging public streets, alleys, and sidewalks as introduced at the November 11, 2011 meeting was unanimously passed and adopted.

7. PUBLIC HEARINGS: None

8. SCHEDULED MATTERS:

A. Parks, Recreation and Public Facilities Manager Allison Van Guilder presented the staff report on the request to accept the Convention and Visitors Bureau Annual Report for 2011, approving the 2012 budget, and authorizing the execution of any and all related documents. Desa Cammack from the Turlock Convention and Visitors Bureau provided specific information related to the annual report, including statistical information on hotel occupancy, grant funding activities, and partnerships they have developed to increase activity within Turlock.

Council discussion included looking into ways to raise additional monies through self-imposed hotelier fees, bringing new events during light months to include American Graffiti and Carnegie events, and the possibility of synchronizing approval of the CVB budget with adoption of the City budget.

Mayor Lazar asked for public comment. No one spoke. Mayor Lazar closed public comment.

Action: Motion by Councilmember White, seconded by Councilmember Bublak, Accepting the Convention and Visitors Bureau (CVB) Annual Report for 2011 and approving the 2012 Budget. Motion carried unanimously.

Resolution No. 2011-254 Authorizing the execution of any and all documents relative to the Convention and Visitors Bureau (CVB) including but not limited to any amendments to the current agreement was introduced by Councilmember White, seconded by Councilmember Bublak, and carried unanimously.

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION: None

10. COUNCIL COMMENTS:

Councilmember Jackson reminded everyone about the need for toys/food at this time of the year and about the blue collection barrels located around Turlock.

11. CLOSED SESSION:

(Mayor Lazar announced earlier in the meeting that the Closed Session Item would be held over to the January 10, 2012 meeting.)

Public Employee Annual Performance Evaluation, Cal. Gov't Code §54957
Title: City Manager

12. ADJOURNMENT:

Mayor Lazar adjourned the meeting at 8:20 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk

5C

Council Synopsis

January 10, 2012

From: Roy W. Wasden, City Manager

Prepared by: Jeri Gilley, Financial Customer Service Supervisor

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Approving the filling of a vacant Account Clerk II position through an existing Account Clerk I eligibility list

2. DISCUSSION OF ISSUE:

Administrative Services Division has an operational need to fill the position to be vacated December 31, 2011 due to the retirement of Gloria DeCosta, Account Clerk II.

Gloria DeCosta is one of the Finance Office's three Spanish speaking Account Clerks providing bilingual services to our customers.

It is imperative for this position to be filled for the Finance Accounts Receivable staff to continue to adequately serve customers, collect and record revenue, process utility, business license, and miscellaneous billings, and perform other duties and assignments in a timely manner.

By filling this position, which will be vacant as of January 1, 2012, the Finance staff will be able to continue to perform their duties effectively and efficiently, and provide the quality customer service that our citizens expect and deserve.

To expedite this process we are requesting to use the current eligibility list established from our last recruitment in March 2011.

3. BASIS FOR RECOMMENDATION:

To adequately staff the Finance Office by filling the vacant position in the Account Clerk job classification series.

Strategic Plan Initiative: A. POLICY INITIATIVE – EFFECTIVE LEADERSHIP:

Goal(s): c. Hire, develop and retain the best and most qualified employees

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact Some salary as the currently budgeted vacant position would be filled at a lower salary Account Clerk I classification.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Not approve hiring to fill the vacancy.

5D

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, P.E.
Director of Development Services / City Engineer

Prepared by: Stephen Fremming, Assistant Engineer

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Authorizing Contract Change Order No. 1 (Final) in the amount of $2,041 (Fund 420) for City Project No. 10-37, "Downtown PCE Remediation," bringing the contract total to $94,952

Motion: Accepting improvements for City Project No. 10-37 "Downtown PCE Remediation," and authorizing the City Engineer to file a Notice of Completion

2. DISCUSSION OF ISSUE:

On December 14, 2010, the City awarded a contract in the amount of $92,911 to Arrow Construction of Sacramento, California, for the construction of a pump and treatment system to remove Tetrachloroethylene (PCE) from shallow groundwater in the Downtown area.

Change Order History:

	Amount	City Council Meeting
Original Contract	$92,911	12/14/2010
Change Order No. 1 (Final)	$2,041	1/10/2012
Adjusted Contract Total	$94,952	

Change Order No. 1 (Final) Items:

1. **$1,500.** Costs incurred by the contractor for re-mobilization after permitting approvals process. Includes freight and storage of the air stripper to and from the project site and Arrow Construction's yard. Contractor made a reasonable assumption that the air stripper would be shipped directly to the site, though the site was not ready to receive the equipment due to the delay in obtaining necessary permits.
2. **$541.** Addition of an owner-requested influent sampling port for ease of obtaining samples for reporting purposes.

All contract work has been completed in accordance with the project plans and specifications. Staff brings forth a notice of completion for your approval.

3. BASIS FOR RECOMMENDATION:

A) City Policy is that the City Engineer is authorized to approve change orders up to 2%, the City Manager is authorized to approve change orders up to 5% and all other change orders must be approved by the City Council.

B) The extra work included with Change Order No. 1 (Final) is for reasonable re-mobilization costs incurred by the Contractor and for the addition of an owner-requested influent sampling port for ease of taking samples for reporting purposes.

C) City Municipal Code requires that the City Council authorize the City Engineer to sign the Notice of Completion.

Strategic Plan Initiative D. MUNICIPAL INFRASTRUCTURE

Goal(s): c. Develop and Execute a Municipal Services Strategic Plan
i) Water

This project will allow the City to begin removal of PCE from shallow groundwater in the Downtown Area.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Sufficient funds have been budgeted for contingencies for necessary extra work items such as the ones included in Contract Change Order No. 1 (Final).

Note: No General Fund money will be used for this project.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

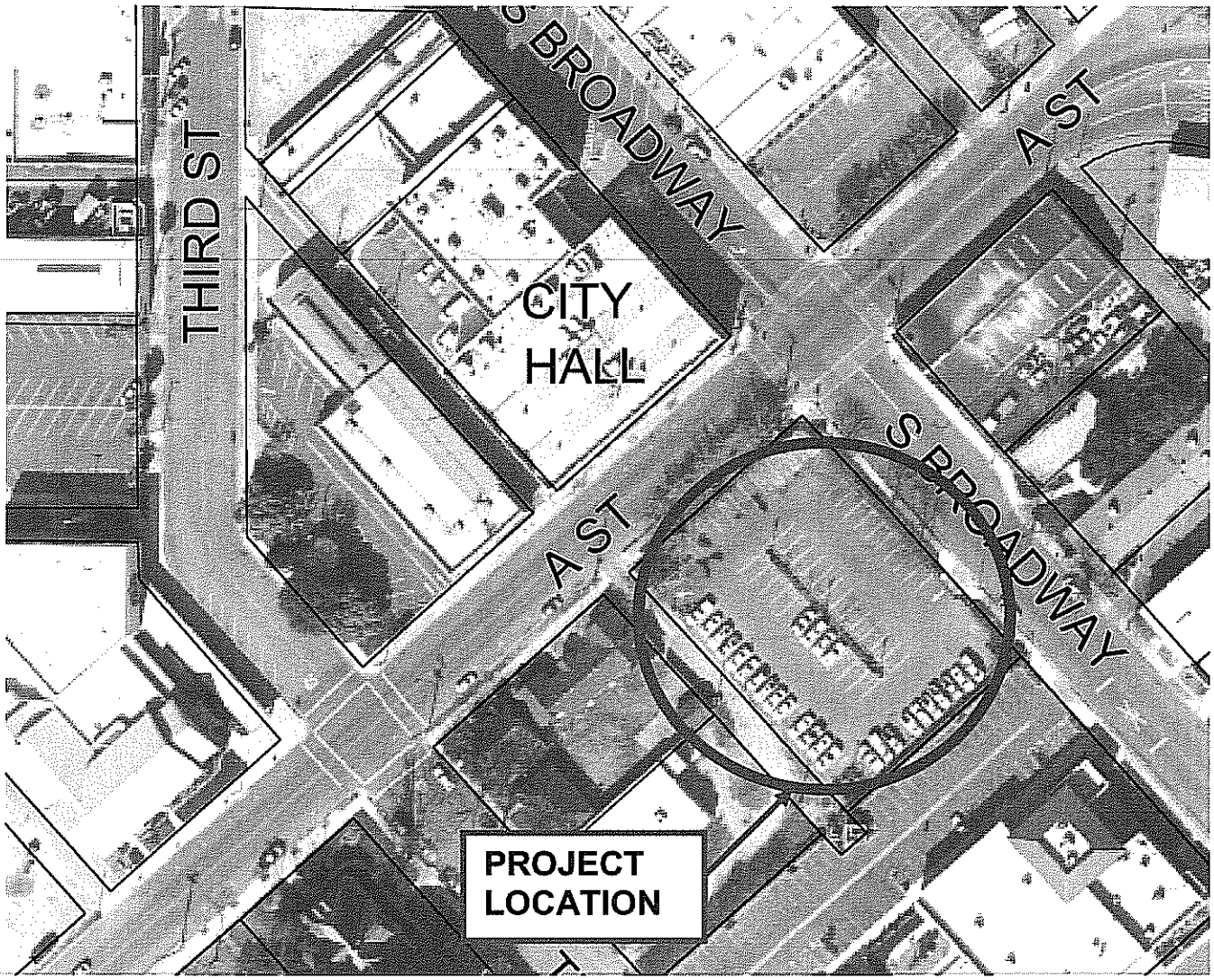
6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

1. Not approve Change Order No. 1 (Final). This option is not recommended by City Staff because the extra work items are necessary for project completion.
2. Deny acceptance of work completed. Staff does not recommend this as the contractor completed the work according to the project specifications.

DOWNTOWN PCE REMEDIATION
CITY PROJECT #10-37



CONTRACT CHANGE ORDER AUTHORIZATION FORM

PROJECT INFORMATION

Arrow Construction
1850 Diesel Dr.
Sacramento, CA 95838
(916) 640-0600

Change Order No. 1 (Final)

Project Name:	Downtown PCE Remediation
Project No.:	10-37
Awarded on:	December 14, 2010
Original Contract Amount:	$92,911.00
Increase to contract:	$2,041.00
Increase percentage:	2.2%
New Contract Total:	$94,952.00

Description of change order:

1. **$1,500**. Costs incurred by the contractor for re-mobilization after permitting approvals process. Includes freight and storage of the air stripper to and from the project site and Arrow Construction's yard. Contractor made a reasonable assumption that the air stripper would be shipped directly to the site, though the site was not ready to receive the equipment due to the delay in obtaining necessary permits.
2. **$541**. Addition of an owner-requested influent sampling port for ease of obtaining samples for reporting purposes.

[ ] ***Change orders <2% of contract: Approval of City Engineer, notify City Manager & City Council***

Approved: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

[X] ***Change order >2% and <5% of contract: Recommended by City Engineer; approved by City Manager; City Council is notified.***

Recommended: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

Approved: _____
Roy W. Wasden, City Manager — Date

[ ] ***Change order >5% of contract: Recommended by City Engineer and City Manager; Approved by City council.***

Recommended: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

Recommended: _____
Roy W. Wasden, City Manager — Date

Approval by City Council: _____

CONTRACT CHANGE ORDER

Date issued: 1/10/2011 **Change Order No.:** 1 (Final)
Project Name: Downtown PCE Remediation

Arrow Construction
1850 Diesel Dr.
Sacramento, CA 95838

Project No.: 10-37
Contract For: $92,911.00
Contract Award Date: December 14, 2010

You are directed to make the following changes in this contract as requested by The City of Turlock:

	ITEM	Unit:	Quantity:	Unit Price:	Total:
1	Remobilization, storage and freight charges of packaged air stripper unit	LS	1	$1,500.00	$1,500.00
2	Influent Sampling Port	LS	1	$541.00	$541.00
			Total this CCO=		$2,041.00
The original contract sum =					$92,911.00
Net change by previous change orders =					$0.00
The contract sum will be (increased) by this Change Order =					$2,041.00
The new contract sum including this change order will be =					$94,952.00
The contract time will remain unchanged.					

Accepted: _____ **Date:** _____
Contractor

Recommended: _____ **Date:** _____
Michael G. Pitcock, Development Services Director/City Engineer

Approved: _____ **Date:** _____
City Manager

RECORDED AT THE REQUEST OF:
CITY OF TURLOCK

WHEN RECORDED MAIL TO:
CITY OF TURLOCK
Office of the City Clerk
156 S. Broadway, Suite 230
TURLOCK CA 95380-5454

NOTICE OF COMPLETION
CITY PROJECT NO. 10-37
DOWNTOWN PCE REMEDIATION

Notice is hereby given that work on the above-referenced project, at 200 South Broadway, located on the City of Turlock's property, was completed by the undersigned agency on January 10, 2012. The contractor of work was Arrow Construction, 1850 Diesel Drive, Sacramento, California 95838, and the owner is the City of Turlock, 156 South Broadway, Suite 150, Turlock, California, 95380. Kindly refer to said Project Number on all communications relating to this work.

VERIFICATION

I, the undersigned, City Engineer of the owner of the aforesaid interest, have read this notice; I know and understand the contents thereof; and the facts stated therein are true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

CITY OF TURLOCK

_____
MICHAEL G. PITCOCK, PE
CITY ENGINEER
OWNER'S AGENT

Executed on January 11, 2012 at Turlock, California, Stanislaus County

5E

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, P.E.
Director of Development Services/ City Engineer

Prepared by: Anthony R. Orosco, P.E., Senior Civil Engineer

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving Amendment No. 2 for an additional one (1) year extension of the attached Special Services Contract No. 10-824 for Economic and Planning Systems, Inc., to provide professional economic and planning services for the Morgan Ranch Master Plan, in an amount not to exceed $30,000 (Fund 305)

Motion: Approving Amendment No. 2 for an additional one (1) year extension of the attached Special Services Contract No. 10-825 for Omni Means, Inc., to provide professional transportation and traffic design services for the Morgan Ranch Master Plan, in an amount not to exceed $37,850 (Fund 305)

2. DISCUSSION OF ISSUE:

The "Morgan Ranch" area of the City of Turlock is bounded by Lander Ave. on the west, Highway 99 on the south, E. Glenwood Ave. on the north and Golf Road on the east. The properties contained within this area were annexed to the City of Turlock in 1994 with the condition that a specific plan be developed to establish an infrastructure master plan fee to ensure implementation of necessary improvements. This specific plan was never prepared.

At the July 13, 2010 meeting the City Council approved an amendment to the FY 2009/10 budget to appropriate $260,000 from Fund 305 "Capital Facility Contingency" reserve to cover consultant and staff expenses associated with the preparation of the Morgan Ranch Master Plan. City Council also directed the staff to proceed with the development of the necessary master plan.

Staff has been moving forward with the preparation of the Morgan Ranch Master Plan and needs continued consultant support for the following two items. Economic Planning Systems, Inc. will continue to assist with the Morgan Ranch Master Plan fee nexus studies at an estimated cost of $30,000 and Omni Means

Inc. will continue to provide traffic modeling and engineering support for the environmental impact report at an estimated cost of $37,850.

The City Council approved the two consultant agreements August 24, 2010 in the amount of $30,000 for Economic Planning Systems, Inc. and $37,850 for Omni Means Inc.

On January 11, 2011, Council approved a one (1) year extension to both contracts due to the complexity of the project. Although there has been tremendous progress, a considerable amount of work remains. Therefore, Staff recommends extending the contract for an additional one (1) year at the current contract amounts.

3. BASIS FOR RECOMMENDATION:

A) All contracts and contract extensions must be approved by the City Council. Approval of these contracts is required to continue the master planning process.

Strategic Plan Initiative F. INTELLIGENT, PLANNED, MANAGED GROWTH

Goal(s): c. Ensure that all new growth pays for itself (Assessment Districts, CFF/PAF,CFD)

f. Ensure all growth and development reflects balanced land use through the General Plan implementation which will address future growth and development

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact

Funds are available in line item 305-40-444.47086 "Morgan Ranch Master Plan." Required expenditures for both agreements will amount to $67,850.

Note: No General Fund money will be used for this project

Budget Amendment

None Required

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

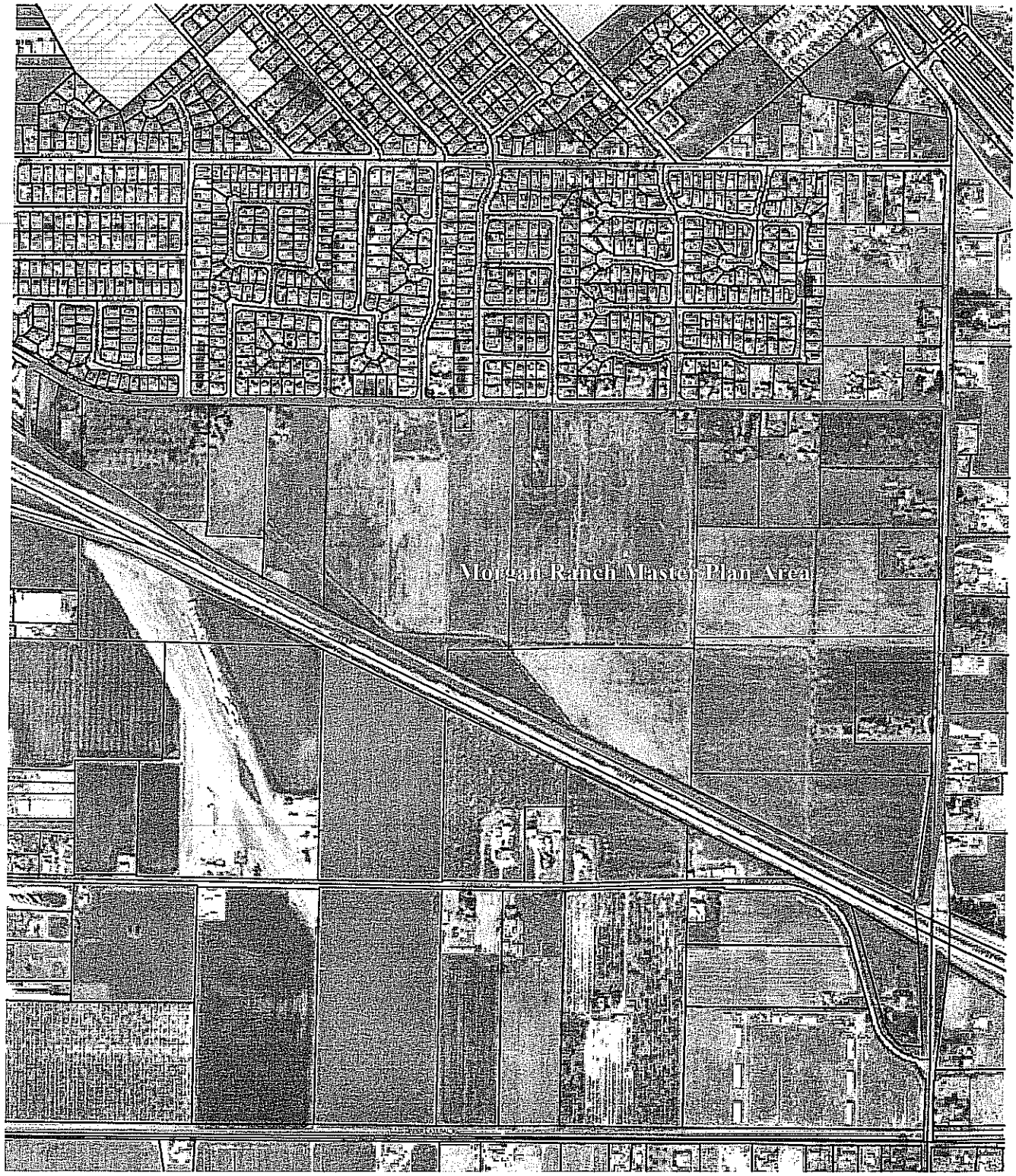
Not applicable

7. ALTERNATIVES:

A. Not approve the extensions to the agreements with ESP or Omni Means consulting. This alternative is not recommended because staff believes it is in the City's interest to position itself for future development in the Morgan Ranch Master Plan Area.

B. The City Council may decide to amend certain conditions of the contracts.

Morgan Ranch Master Plan Area
(Not to scale)



AMENDMENT NO. 2
to
Agreement
Between
CITY OF TURLOCK
and
Economic and Planning Systems, Inc.
For
Preparation of Proposed Morgan Ranch Master Plan Financing Strategy
And Fee Nexus Study; Project Number 10-54

THIS AMENDMENT, dated January 10, 2012, is entered into by and between the **CITY OF TURLOCK**, a municipal corporation (hereinafter "CITY") and Economic And Planning Systems, Inc., (hereinafter "CONTRACTOR").

WHEREAS, the parties hereto previously entered into an Agreement dated August 24, 2010, whereby CONTRACTOR will perform Preparation of Proposed Morgan Ranch Master Plan Financing Strategy and Fee Nexus study; project Number 10-54 (hereinafter the "Agreement"); and

WHEREAS, the parties hereto previously entered into Amendment No. 1, dated January 11, 2011, to the aforementioned agreement, whereby CONTRACTOR will continue to perform Preparation of Proposed Morgan Ranch Master Plan Financing Strategy and Fee Nexus study; project Number 10-54 (hereinafter the "Agreement").

NOW, THEREFORE, the parties hereto mutually agree to amend said Agreement as follows:

1. Paragraph 5 of the Agreement is amended to read as follows:

   5. **TERM OF AGREEMENT:** This agreement shall become effective upon execution and shall continue in full force and effect for a period of thirty six months (36) beginning August 24, 2010 and ending January 24, 2013, subject to City's availability of funds.

2. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective officers thereunto duly authorized on the date first written hereinabove.

OK for Agenda

CITY OF TURLOCK

By: _____
Roy W. Wasden, City Manager

APPROVED AS TO SUFFICIENCY:

BY: _____
Michael G. Pitcock, P.E.
Director of Development Services/
City Engineer

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, City Attorney

ATTEST:

By: _____
Kellie E. Weaver, City Clerk

Economic and Planning Systems, Inc.

By: _____

Print Name: _____

Title: _____

Date: _____

AMENDMENT NO. 2
to
Agreement
Between
CITY OF TURLOCK
and
Omni Means, Ltd.
For
Alternatives Analysis and Transportation Impact Analysis Report (TIAR) for Proposed Morgan Ranch Master Plan; Project Number 10-54

THIS AMENDMENT, dated January 10, 2012, is entered into by and between the **CITY OF TURLOCK**, a municipal corporation (hereinafter "CITY") and Omni means, Ltd., a Professional Engineering and Planning Firm, (hereinafter "CONTRACTOR").

WHEREAS, the parties hereto previously entered into an Agreement dated August 24, 2010, whereby CONTRACTOR will perform Alternatives Analysis and Transportation Impact Analysis Report (TIAR) for Proposed Morgan Ranch Master Plan; Project Number 10-54 (hereinafter the "Agreement"); and

WHEREAS, the parties hereto previously entered into Amendment No. 1, dated January 11, 2011, to the aforementioned agreement, whereby CONTRACTOR will continue to perform Alternatives Analysis and Transportation Impact Analysis Report (TIAR) for Proposed Morgan Ranch Master Plan; Project Number 10-54 (hereinafter the "Agreement").

NOW, THEREFORE, the parties hereto mutually agree to amend said Agreement as follows:

1. Paragraph 5 of the Agreement is amended to read as follows:

   5. **TERM OF AGREEMENT:** This agreement shall become effective upon execution and shall continue in full force and effect for a period of thirty six months (36) beginning August 24, 2010 and ending January 24, 2013, subject to City's availability of funds.

2. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective officers thereunto duly authorized on the date first written hereinabove.

OK for Agenda

CITY OF TURLOCK

By: _____
Roy W. Wasden, City Manager

APPROVED AS TO SUFFICIENCY:

BY: _____
Michael G. Pitcock, P.E.
Director of Development Services/
City Engineer

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, City Attorney

ATTEST:

By: _____
Kellie E. Weaver, City Clerk

Omni means, Ltd.

By: _____

Print Name: _____

Title: _____

Date: _____

5F

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, PE
Director of Development Services / City Engineer

Prepared by: Alfonso Zepeda, Senior Engineering Technician

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Accepting improvements for City Project No. 11-39, "Palm and Minaret Road Improvements," and authorizing the City Engineer to file a Notice of Completion

2. DISCUSSION OF ISSUE:

On September 27, 2011, staff awarded a contract in the amount of $11,663 to BC Construction of Ceres, California for "Palm and Minaret Road Improvements".

	Amount	City Council Meeting
Original Contract	$11,663.00	September 27, 2011

The contractor has completed all work in accordance with the approved plans, city standards and to the satisfaction of the City Engineer. Staff brings forth a notice of completion for council approval.

3. BASIS FOR RECOMMENDATION:

A) City municipal code requires that the city council authorize the City Engineer to sign the notice of completion.

B) All work was completed in accordance with the approved plans and city standards.

Strategic Plan Initiative H. COMMUNITY PROGRAMS FACILITIES

Goal(s): a Community infrastructure
i. Provide safe and well-maintained path of travel.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact:
Funds have been encumbered in line item number 217-50-511.51270, "Palm and Minaret Road Improvements" and are available to cover all cost associated with this project in its entirety. The original contract amount of $11,663.00 remains unchanged.

Note: No General Fund money will be used for this project.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

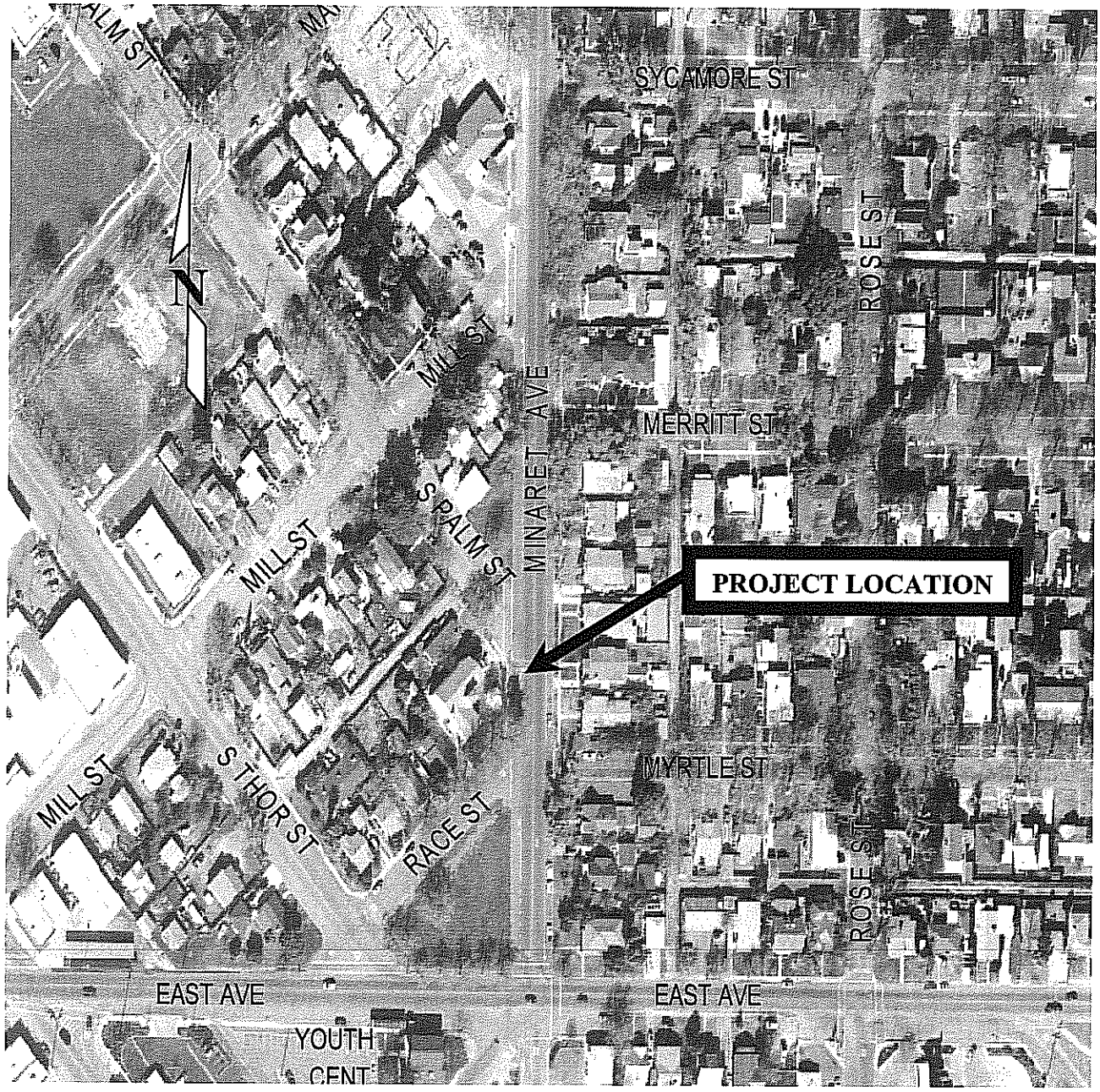
6. ENVIRONMENTAL DETERMINATION:

Categorical exemption per CEQA Section 15301(c) - Existing Facilities

7. ALTERNATIVES:

Not accepting improvements and authorizing the city engineer to file notice of completion. Staff does not recommend this alternative as the contractor completed all work in accordance with the approved plans and city standards. In order to legally close out a project, a notice of completion must be filed.

City Project No. 11-39
"Palm and Minaret Road Improvements "



RECORDED AT THE REQUEST OF:
CITY OF TURLOCK

WHEN RECORDED MAIL TO:
CITY OF TURLOCK
Office of the City Clerk
156 S. Broadway, Suite 230
TURLOCK CA 95380-5454

NOTICE OF COMPLETION
CITY PROJECT NO. 11-39
PALM AND MINARET ROAD IMPROVEMENTS

Notice is hereby given that work on the above-referenced project, at the intersection of Palm Street and Minaret Road, located within the City of Turlock's right-of-way, was completed by the undersigned agency on January 10, 2012. The contractor of work was BC Construction, 2204 Fairview Drive, Ceres, California 95307, and the owner is the City of Turlock, 156 South Broadway, Suite 150, Turlock, California, 95380. Kindly refer to said Project Number on all communications relating to this work.

VERIFICATION

I, the undersigned, City Engineer of the owner of the aforesaid interest, have read this notice; I know and understand the contents thereof; and the facts stated therein are true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

CITY OF TURLOCK

_____
MICHAEL G. PITCOCK, PE
CITY ENGINEER
OWNER'S AGENT

Executed on January 11, 2012 at Turlock, California, Stanislaus County

5G

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, P.E.
Director of Development Services / City Engineer

Prepared by: Anthony R. Orosco, Senior Civil Engineer

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of ($14,660) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 06 – Structural Steel, bringing the contract total to $3,415,340

2. DISCUSSION OF ISSUE:

On February 1, 2011, Council awarded a contract in the amount of $3,430,000 to Golden State Steel, Inc., of Fowler, California for "Turlock Public Safety Facility," Category 06 – Structural Steel. In an effort to identify value engineering changes to the contract, City Staff and Golden State Steel, Inc., recommend the following changes:

Change Order History	Amount	City Council Meeting
Original Contract	$3,430,000	2/1/11
Change Order No. 1	($14,660)	1/10/12
Adjusted Contract Total	$3,415,340	

Description of change order:

Change order No. 1 includes 4 items:

1) Eliminate structural steel supporting stepped parapet at upper roof between east/west grid lines C.5 and H and north/south grid lines 9.5 and 12. (savings of $23,445)

2) Eliminate steel Angles and bent closure plates for Solatube framing support. (savings of $4,100)

3) Provide additional steel to support corner of stepped roof parapet per RFI 008.1 at an increase of $2,450.

4) Provide additional steel tubes for elevator guide rails and hoist beams required by elevator value engineering change in ASI 002 and Change Order No. 1 for Category 15 - Elevators at an increase of $10,435.

3. BASIS FOR RECOMMENDATION:

A) City Policy is that the City Engineer is authorized to approve change orders up to 2%, the City Manager is authorized to approve change orders up to 5% and all other change orders must be approved by the City Council.

Strategic Plan Initiative C. PUBLIC SAFETY

Goal(s): b Police Department
ii. Complete construction and transition into new Public Safety Facility

4. FISCAL IMPACT / BUDGET AMENDMENT:

The original contract amount of $3,430,000 will be decreased in the amount of ($14,660), a decrease of (0.4%), bringing the total contract to $3,415,340 (Fund 305)

Note: No General Fund money will be used for this change order.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

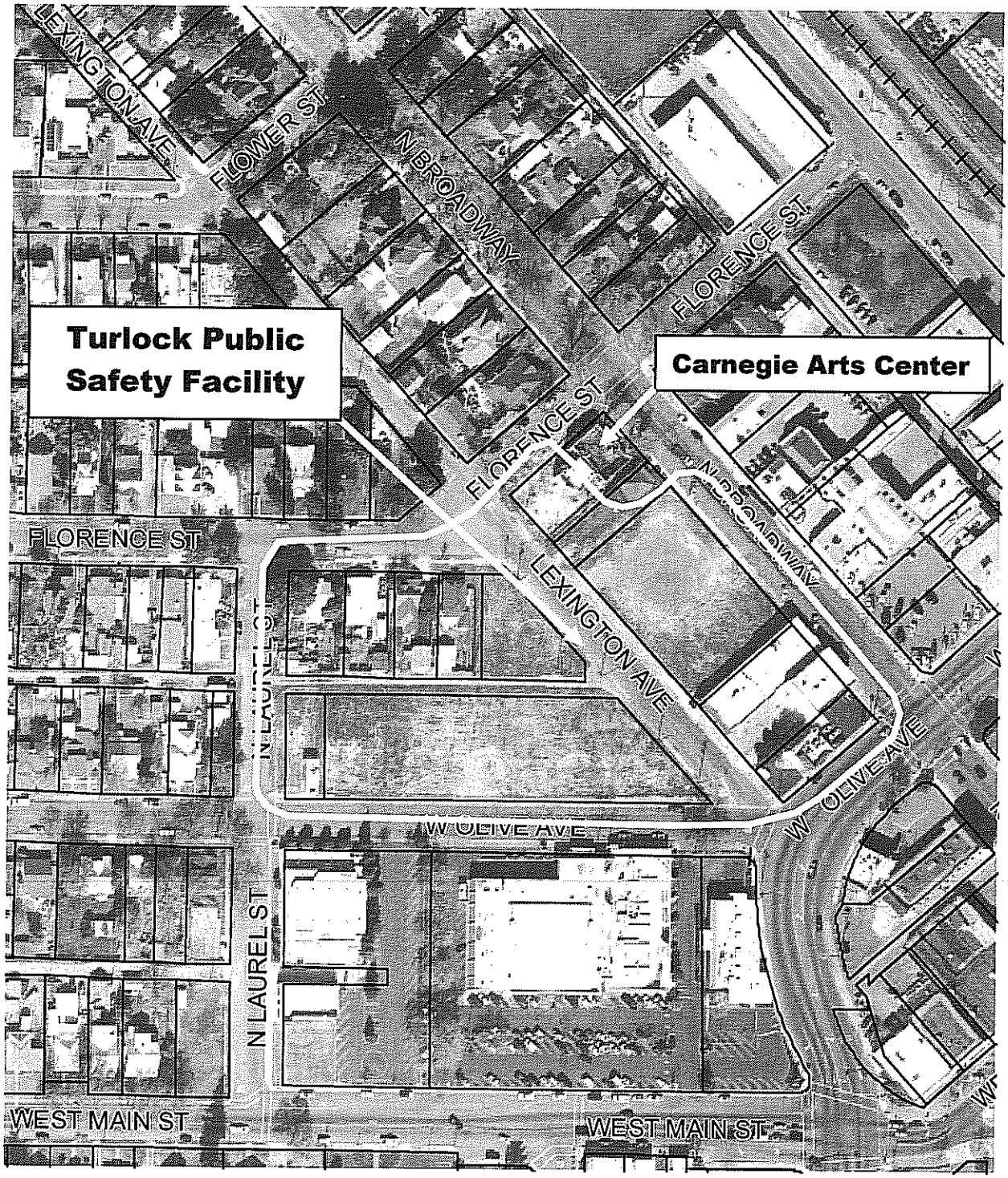
6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Not approve Change Order No. 1. This option is not recommended by City Staff since the changes are necessary for the Turlock Public Safety Facility to be completed within the approved budget.

TURLOCK PUBLIC SAFETY FACILITY
(not to scale)



CONTRACT CHANGE ORDER AUTHORIZATION FORM

PROJECT INFORMATION

Golden State Steel, Inc.
P.O. Box 250
Fowler, CA 93625
559-834-6209

Project Name:	Turlock Public Safety Facility
Project No.:	0804B - Category 06
Awarded on:	February 1, 2011
Original Contract Amount:	$3,430,000.00
Change to contract:	($14,660.00)
Change percentage:	-0.4%
New Contract Total:	$3,415,340.00

Change Order No 1

Description of change order:

1	Eliminate structural steel supporting stepped parapet at upper roof between east/west grid lines C.5 and H and north/south grid lines 9.5 and 12.	($23,445.00)
2	Eliminate steel Angles and bent closure plates for Solatube framing support.	($4,100.00)
3	Provide additional steel to support corner of stepped roof parapet per RFI 008.1.	$2,450.00
4	Provide additional steel tubes for elevator guide rails and hoist beams required by elevator value engineering change in ASI 002 and Change Order No. 1 for Category 15 - Elevators.	$10,435.00
	Total =	($14,660.00)

[X] ***Change orders <2% of contract: Approval of City Engineer, notify City Manager & City Council***

Approved: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

[ ] ***Change order >2% and <5% of contract: Recommended by City Engineer; approved by City Manager; City Council is notified.***

Recommended: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

Approved: _____
Roy W. Wasden, City Manager — Date

[ ] ***Change order >5% of contract: Recommended by City Engineer and City Manager; Approved by City council.***

Recommended: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

Recommended: _____
Roy W. Wasden, City Manager — Date

Approval by City Council: _____

CONTRACT CHANGE ORDER

Date issued: 10-Jan-12
Project Name: Turlock Public Safety Facility

Change Order No.: 1

Golden State Steel, Inc.
P.O. Box 250
Fowler, CA 93625

Project No.: 0804B - Category 06
Contract For: $3,430,000.00
Contract Award Date: February 1, 2011

You are directed to make the following changes in this contract as requested by The City of Turlock:

	ITEM	Unit:	Quantity:	Unit Price:	Total:
1	Eliminate structural steel supporting stepped parapet at upper roof between east/west grid lines C.5 and H and north/south grid lines 9.5 and 12.	LS	1	($23,445.00)	($23,445.00)
2	Eliminate steel Angles and bent closure plates for Solatube framing support.	LS	1	($4,100.00)	($4,100.00)
3	Provide additional steel to support corner of stepped roof parapet per RFI 008.1.	LS	1	$2,450.00	$2,450.00
4	Provide additional steel tubes for elevator guide rails and hoist beams required by elevator value engineering change in ASI 002 and Change Order No. 1 for Category 15 - Elevators	LS	1	$10,435.00	$10,435.00
			Total this CCO=		**($14,660.00)**

The original contract sum =	**$3,430,000.00**
Net change by previous change orders =	**$0.00**
The contract sum will be (decreased) by this Change Order =	**($14,660.00)**
The new contract sum including this change order will be =	**$3,415,340.00**
The contract time will be increased by (0) working days.	

Accepted: _____ **Date:** _____
Contractor

Recommended: _____ **Date:** _____
Michael G. Pitcock, Development Services Director/City Engineer

Approved: _____ **Date:** _____
City Manager

5H

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, P.E.
Director of Development Services / City Engineer

Prepared by: Anthony R. Orosco, Senior Civil Engineer

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of ($15,602) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 08 – Roofing and Waterproofing, bringing the contract total to $593,398

2. DISCUSSION OF ISSUE:

On February 1, 2011, Council awarded a contract in the amount of $609,000 to Graham Prewett, Inc., of Fresno, California for "Turlock Public Safety Facility," Category 08 – Roofing and Waterproofing. In an effort to identify value engineering changes to the contract, City Staff and Graham Prewett, Inc., recommend the following changes:

Change Order History	Amount	City Council Meeting
Original Contract	$609,000	2/1/11
Change Order No. 1	($15,602)	1/10/12
Adjusted Contract Total	$593,398	

Description of change order:

Change order No. 1 includes 3 items:

1) Eliminate flashing, fascia metal and coping associated with the stepped parapet Details A1 and A2, SheetA500, between grid lines C.5 and J. (savings of $8,472)

2) Eliminate flashing associated with Solatube skylight per Detail 1/A351 since Solatube skylights have been eliminated from project. (savings of $2,132)

3) Eliminate plywood nailers associated with flashings and Solatubes as described in Items 5.1 and 5.2. (savings of $4,998)

3. BASIS FOR RECOMMENDATION:

A) City Policy is that the City Engineer is authorized to approve change orders up to 2%, the City Manager is authorized to approve change orders up to 5% and all other change orders must be approved by the City Council.

Strategic Plan Initiative C. PUBLIC SAFETY

Goal(s): b Police Department
ii. Complete construction and transition into new Public Safety Facility

4. FISCAL IMPACT / BUDGET AMENDMENT:

The original contract amount of $609,000 will be decreased in the amount of ($15,602), a decrease of (2.6%), bringing the total contract to $593,398 (Fund 305)

Note: No General Fund money will be used for this change order.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

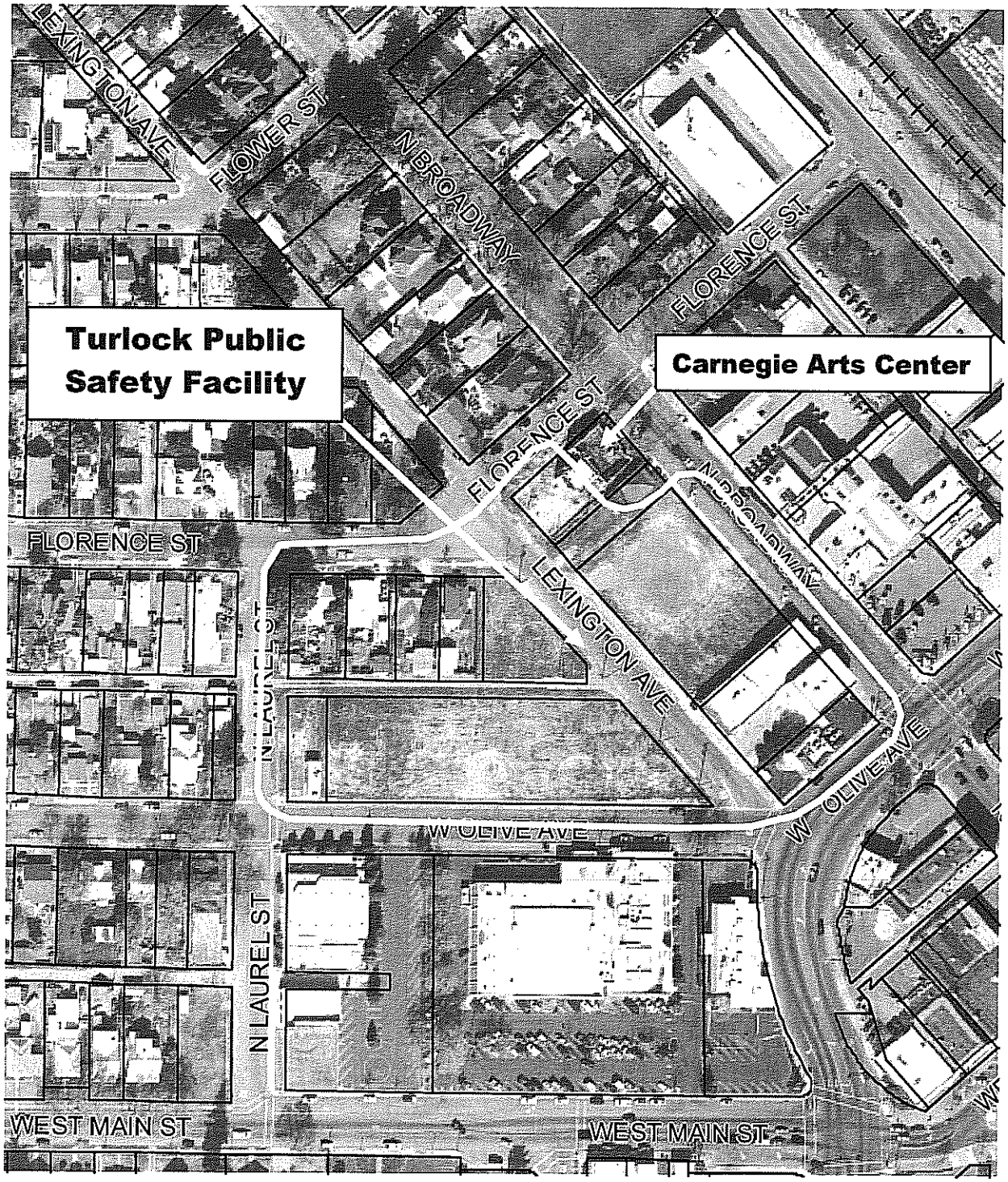
6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Not approve Change Order No. 1. This option is not recommended by City Staff since the changes are necessary for the Turlock Public Safety Facility to be completed within the approved budget.

TURLOCK PUBLIC SAFETY FACILITY
(not to scale)



CONTRACT CHANGE ORDER AUTHORIZATION FORM

PROJECT INFORMATION

Graham Prewett, Inc.	Project Name:	Turlock Public Safety Facility
2773 N. Business Park Ave., #102	Project No.:	0804B - Category 08
Fresno, CA 93727	Awarded on:	February 1, 2011
559-291-3741	Original Contract Amount:	$609,000.00
	Change to contract:	($15,602.00)
Change Order No 1	Change percentage:	-2.6%
	New Contract Total:	$593,398.00

Description of change order:

1	Eliminate flashing, fascia metal and coping associated with the stepped parapet Details A1 and A2, SheetA500, between grid lines C.5 and J.	($8,472.00)
2	Eliminate flashing associated with Solatube skylight per Detail 1/A351 since Solatube skylights have been eliminated from project.	($2,132.00)
3	Eliminate plywood nailers associated with flashings and Solatubes as described in Items 5.1 and 5.2.	($4,998.00)
	Total =	($15,602.00)

[X] ***Change orders <2% of contract: Approval of City Engineer, notify City Manager & City Council***

Approved: _____

Michael G. Pitcock, Director of Development Services — Date
City Engineer

[ ] ***Change order >2% and <5% of contract: Recommended by City Engineer; approved by City Manager; City Council is notified.***

Recommended: _____

Michael G. Pitcock, Director of Development Services — Date
City Engineer

Approved: _____

Roy W. Wasden, City Manager — Date

[ ] ***Change order >5% of contract: Recommended by City Engineer and City Manager; Approved by City council.***

Recommended: _____

Michael G. Pitcock, Director of Development Services — Date
City Engineer

Recommended: _____

Roy W. Wasden, City Manager — Date

Approval by City Council: _____

CONTRACT CHANGE ORDER

Date issued: 10-Jan-12 **Change Order No.:** 1
Project Name: Turlock Public Safety Facility

Graham Prewett, Inc.
2773 N. Business Park Ave., #102
Fresno, CA 93727

Project No.: 0804B - Category 08
Contract For: $609,000.00
Contract Award Date: February 1, 2011

You are directed to make the following changes in this contract as requested by The City of Turlock:

	ITEM	Unit:	Quantity:	Unit Price:	Total:
1	Eliminate flashing, fascia metal and coping associated with the stepped parapet Details A1 and A2, Sheet A500, between grid lines C.5 and J.	LS	1	($8,472.00)	($8,472.00)
2	Eliminate flashing associated with Solatube skylight per Detail 1/A351 since Solatube skylights have been eliminated from project.	LS	1	($2,132.00)	($2,132.00)
3	Eliminate plywood nailers associated with flashings and Solatubes as described in Items 5.1 and 5.2.	LS	1	($4,998.00)	($4,998.00)
			Total this CCO=		**($15,602.00)**
The original contract sum =					**$609,000.00**
Net change by previous change orders =					**$0.00**
The contract sum will be (decreased) by this Change Order =					**($15,602.00)**
The new contract sum including this change order will be =					**$593,398.00**
The contract time will be increased by (0) working days.					

Accepted: _____ **Date:** _____
Contractor

Recommended: _____ **Date:** _____
Michael G. Pitcock, Development Services Director/City Engineer

Approved: _____ **Date:** _____
City Manager

5I

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, P.E.
Director of Development Services / City Engineer

Prepared by: Anthony R. Orosco, Senior Civil Engineer

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of ($22,400) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 11 – Painting and Wall Coverings, bringing the contract total to $296,100

2. DISCUSSION OF ISSUE:

On February 1, 2011, Council awarded a contract in the amount of $318,500 to D.C. Vient, Inc., of Modesto, California for "Turlock Public Safety Facility," Category 13 – Painting and Wall Coverings. In an effort to identify value engineering changes to the contract, City Staff and D.C. Vient, Inc., recommend the following changes:

Change Order History	Amount	City Council Meeting
Original Contract	$318,500	2/1/11
Change Order No. 1	($22,400)	1/10/12
Adjusted Contract Total	$296,100	

Description of change order:

Change order No. 1 includes 3 items:

1) Delete Vinyl wall covering in Lobby 105, Rooms 112 and113. Provide paint finish per Spec. Section 09900 over gypsum board with standard level 4 treatment per Spec. Section 09260. (savings of $4,900)

2) Delete vinyl wall covering above Acrovyn chair rail in Passages 130, 155, and 180. Provide paint finish per Spec. Section 09900 over gypsum board finish with standard level 4 treatment per Spec Section 09260. (savings of $7,500)

3) Change Vitrochem epoxy jail coating system for floor, walls, and metal door and window systems to Tnemec epoxy coating system. (savings of $10,000)

3. BASIS FOR RECOMMENDATION:

A) City Policy is that the City Engineer is authorized to approve change orders up to 2%, the City Manager is authorized to approve change orders up to 5% and all other change orders must be approved by the City Council.

Strategic Plan Initiative C. PUBLIC SAFETY

Goal(s): b Police Department
ii. Complete construction and transition into new Public Safety Facility

4. FISCAL IMPACT / BUDGET AMENDMENT:

The original contract amount of $318,500 will be decreased in the amount of ($22,400), a decrease of (7.0%), bringing the total contract to $296,100 (Fund 305)

Note: No General Fund money will be used for this change order.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

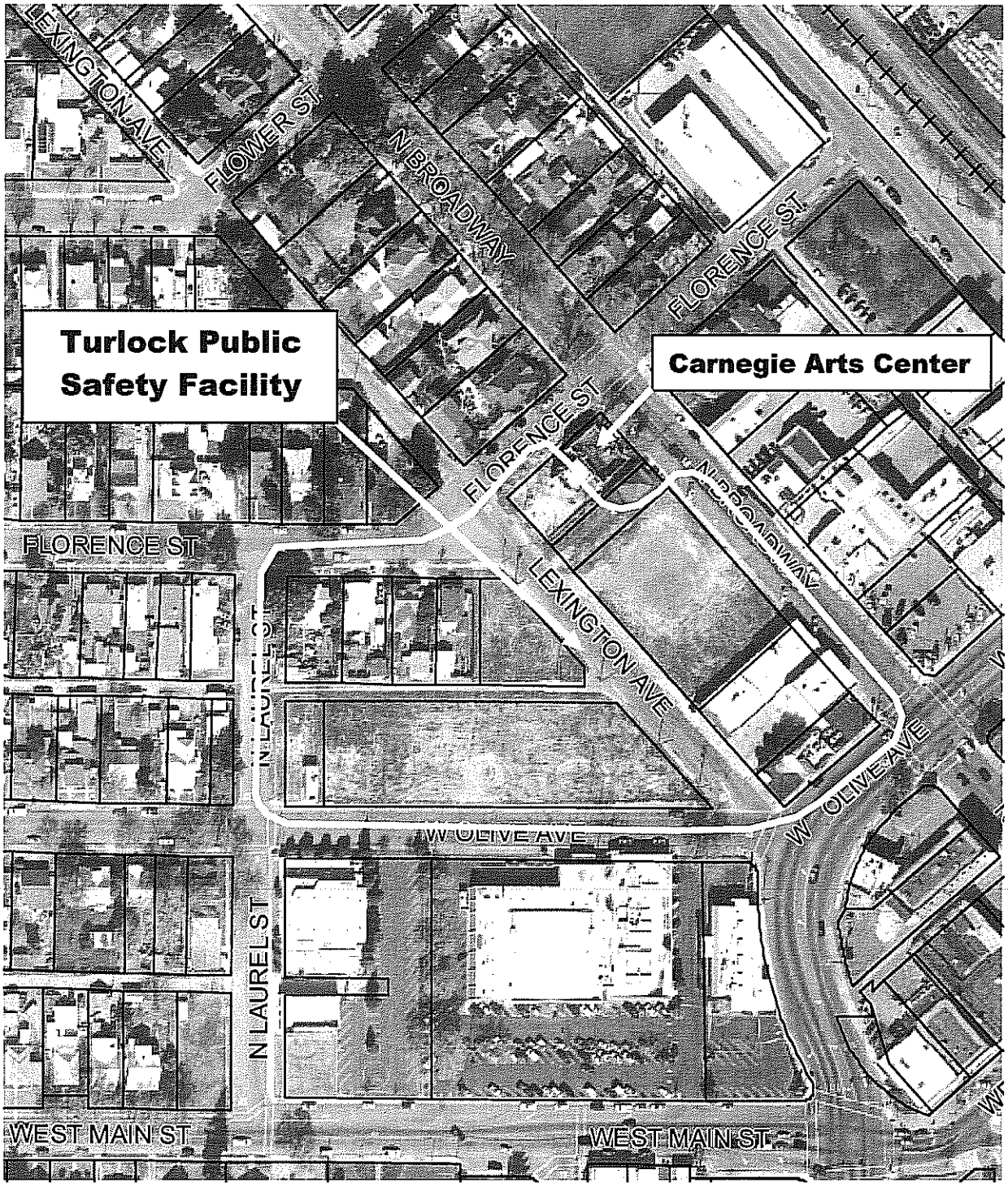
6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Not approve Change Order No. 1. This option is not recommended by City Staff since the changes are necessary for the Turlock Public Safety Facility to be completed within the approved budget.

TURLOCK PUBLIC SAFETY FACILITY
(not to scale)



CONTRACT CHANGE ORDER AUTHORIZATION FORM

PROJECT INFORMATION

D.C. Vient, Inc.
P.O. Box D
Modesto, CA 95352
209-578-1224

Project Name:	Turlock Public Safety Facility
Project No.:	0804B - Category 11
Awarded on:	February 1, 2011
Original Contract Amount:	$318,500.00
Change to contract:	($22,400.00)
Change percentage:	-7.0%
New Contract Total:	$296,100.00

Change Order No 1

Description of change order:

1	Delete Vinyl wall covering in Lobby 105, Rooms 112 and113. Provide paint finish per Spec. Section 09900 over gypsum board with standard level 4 treatment per Spec. Section 09260.	($4,900.00)
2	Delete vinyl wall covering above Acrovyn chair rail in Passages 130, 155, and 180. Provide paint finish per Spec. Section 09900 over gypsum board finish with standard level 4 treatment per Spec Section 09260.	($7,500.00)
3	Change Vitrochem epoxy jail coating system for floor, walls, and metal door and window systems to Tnemec epoxy coating system.	($10,000.00)
	Total =	($22,400.00)

[X] ***Change orders <2% of contract: Approval of City Engineer, notify City Manager & City Council***

Approved: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

[ ] ***Change order >2% and <5% of contract: Recommended by City Engineer; approved by City Manager; City Council is notified.***

Recommended: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

Approved: _____
Roy W. Wasden, City Manager — Date

[ ] ***Change order >5% of contract: Recommended by City Engineer and City Manager; Approved by City council.***

Recommended: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

Recommended: _____
Roy W. Wasden, City Manager — Date

Approval by City Council: _____

CONTRACT CHANGE ORDER

Date issued: 10-Jan-12 **Change Order No.:** 1
Project Name: Turlock Public Safety Facility

D.C. Vient, Inc.
P.O. Box D
Modesto, CA 95352

Project No.: 0804B - Category 11
Contract For: $318,500.00
Contract Award Date: February 1, 2011

You are directed to make the following changes in this contract as requested by The City of Turlock:

	ITEM	Unit:	Quantity:	Unit Price:	Total:
1	Delete Vinyl wall covering in Lobby 105, Rooms 112 and 113. Provide paint finish per Spec. Section 09900 over gypsum board with standard level 4 treatment per Spec. Section 09260.	LS	1	($4,900.00)	($4,900.00)
2	Delete vinyl wall covering above Acrovyn chair rail in Passages 130, 155, and 180. Provide paint finish per Spec. Section 09900 over gypsum board finish with standard level 4 treatment per Spec Section 09260.	LS	1	($7,500.00)	($7,500.00)
3	Change Vitrochem epoxy jail coating system for floor, walls, and metal door and window systems to Tnemec epoxy coating system.	LS	1	($10,000.00)	($10,000.00)
			Total this CCO=		**($22,400.00)**
The original contract sum =					**$318,500.00**
Net change by previous change orders =					**$0.00**
The contract sum will be (decreased) by this Change Order =					**($22,400.00)**
The new contract sum including this change order will be =					**$296,100.00**
The contract time will be increased by (0) working days.					

Accepted: _____ **Date:** _____
Contractor

Recommended: _____ **Date:** _____
Michael G. Pitcock, Development Services Director/City Engineer

Approved: _____ **Date:** _____
City Manager

5J

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, P.E.
Director of Development Services / City Engineer

Prepared by: Anthony R. Orosco, Senior Civil Engineer

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of ($132,032) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to $2,247,968

2. DISCUSSION OF ISSUE:

On February 1, 2011, Council awarded a contract in the amount of $2,380,000 to Bobo Construction, Inc., of Elk Grove, California for "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC. In an effort to identify value engineering changes to the contract, City Staff and Bobo Construction, Inc., recommend the following changes:

Change Order History	Amount	City Council Meeting
Original Contract	$2,380,000	2/1/11
Change Order No. 1	($132,032)	1/10/12
Adjusted Contract Total	$2,247,968	

Description of change order:

Change order No. 1 includes 8 items:

1) Simplify specification requirements for the McQuay air handling units. (savings of $12,292)

2) Delete return air smoke detectors for the computer room air conditioners. (savings of $400)

3) Delete sound traps and provide Steri-Loe lining instead of fiber free lining. (savings of $4,200)

4) Remove PI valve for HVAC control system. (savings of $4,500)

5) Delete one week training for mechanical system per Spec. Section 15010. (savings of $2,000)

6) Substitute 2" duct liner for exterior duct insulation. (savings of $5,000)

7) Delete 82 tubular daylighting skylight devices per Spec. Section 08625. (savings of $83,140)

8) Reduce duct testing requirements per Spec. Section 15990 and replace Detail 9/M500 with round flex duct. (savings of $20,500)

3. BASIS FOR RECOMMENDATION:

A) City Policy is that the City Engineer is authorized to approve change orders up to 2%, the City Manager is authorized to approve change orders up to 5% and all other change orders must be approved by the City Council.

Strategic Plan Initiative C. PUBLIC SAFETY

Goal(s): b Police Department
ii. Complete construction and transition into new Public Safety Facility

4. FISCAL IMPACT / BUDGET AMENDMENT:

The original contract amount of $2,380,000 will be decreased in the amount of $132,032, a decrease of (5.1%), bringing the total contract to $2,247,968 (Fund 305)

Note: No General Fund money will be used for this change order.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

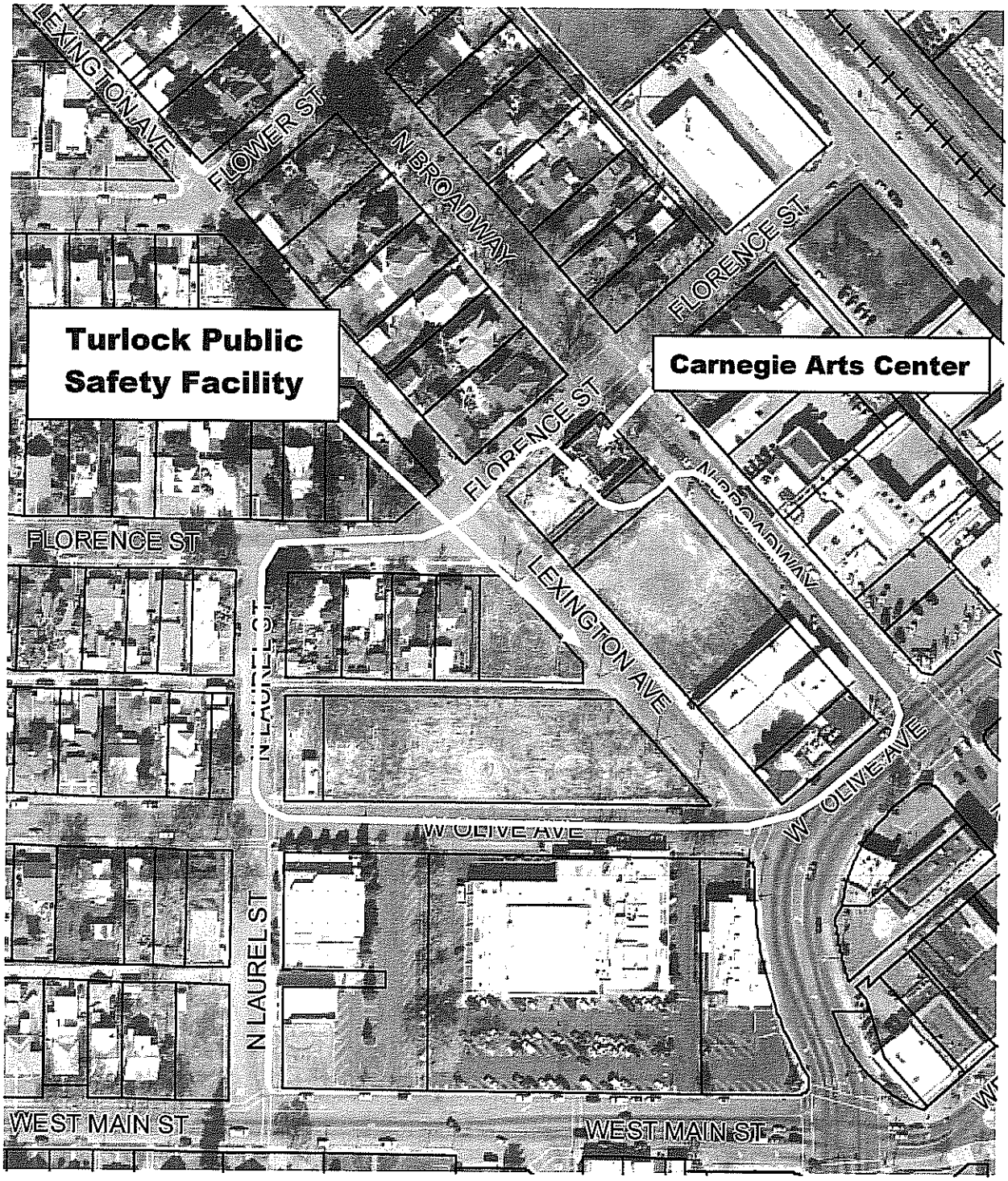
6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Not approve Change Orders No. 1. This option is not recommended by City Staff since the changes are necessary for the Turlock Public Safety Facility to be completed within the approved budget.

TURLOCK PUBLIC SAFETY FACILITY
(not to scale)



CONTRACT CHANGE ORDER AUTHORIZATION FORM

PROJECT INFORMATION

Bobo Construction, Inc.
9728 Kent St.
Elk Grove, CA 95624
(916) 685-2285

Project Name:	Turlock Public Safety Facility
Project No.:	0804B - Category 12
Awarded on:	February 1, 2011
Original Contract Amount:	$2,610,000.00
Change to contract:	($132,032.00)
Change percentage:	-5.1%
New Contract Total:	$2,477,968.00

Change Order No	1

Description of change order:

1	Simplify specification requirements for the McQuay air handling units	($12,292.00)
2	Delete return air smoke detectors for the computer room air conditioners	($400.00)
3	Delete sound traps and provide Steri-Loe lining instead of fiber free lining	($4,200.00)
4	Remove PI valve for HVAC control system	($4,500.000)
5	Delete one week training for mechanical system per Spec. Section 15010	($2,000.00)
6	Substitute 2" duct liner for exterior duct insulation	($5,000.00)
7	Delete 82 tubular daylighting skylight devices per Spec. Section 08625	($83,140.00)
8	Reduce duct testing requirements per Spec. Section 15990 and replace Detail 9/M500 with round flex duct	($20,500.00)
	Total =	($132,032.00)

[X] ***Change orders <2% of contract: Approval of City Engineer, notify City Manager & City Council***

Approved: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

[ ] ***Change order >2% and <5% of contract: Recommended by City Engineer; approved by City Manager; City Council is notified.***

Recommended: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

Approved: _____
Roy W. Wasden, City Manager — Date

[ ] ***Change order >5% of contract: Recommended by City Engineer and City Manager; Approved by City council.***

Recommended: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

Recommended: _____
Roy W. Wasden, City Manager — Date

Approval by City Council: _____

CONTRACT CHANGE ORDER

Date issued: 10-Jan-12 **Change Order No.:** 1
Project Name: Turlock Public Safety Facility

Bobo Construction, Inc.
9728 Kent St.
Elk Grove, CA 95624

Project No.: 0804B - Category 12
Contract For: $2,610,000.00
Contract Award Date: February 1, 2011

You are directed to make the following changes in this contract as requested by The City of Turlock:

	ITEM	Unit:	Quantity:	Unit Price:	Total:
1	Simplify specification requirements for the McQuay air handling units	LS	1	($12,292.00)	($12,292.00)
2	Delete return air smoke detectors for the computer room a conditioners	LS	1	($400.00)	($400.00)
3	Delete sound traps and provide Steri-Loe lining instead of fiber free lining	LS	1	($4,200.00)	($4,200.00)
4	Remove PI valve for HVAC control system	LS	1	($4,500.000)	($4,500.00)
5	Delete one week training for mechanical system per Spec Section 15010	LS	1	($2,000.00)	($2,000.00)
6	Substitute 2" duct liner for exterior duct insulation	LS	1	($5,000.00)	($5,000.00)
7	Delete 82 tubular daylighting skylight devices per Spec. Section 08625	LS	1	($83,140.00)	($83,140.00)
8	Reduce duct testing requirements per Spec. Section 1599 and replace Detail 9/M500 with round flex duct	LS	1	($20,500.00)	($20,500.00)
			Total this CCO=		**($132,032.00)**
The original contract sum =					**$2,610,000.00**
Net change by previous change orders =					**$0.00**
The contract sum will be (decreased) by this Change Order =					**($132,032.00)**
The new contract sum including this change order will be =					**$2,477,968.00**
The contract time will be increased by (0) working days.					

Accepted: _____ **Date:** _____
Contractor

Recommended: _____ **Date:** _____
Michael G. Pitcock, Development Services Director/City Engineer

Approved: _____ **Date:** _____
City Manager

5K

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, P.E.
Director of Development Services / City Engineer

Prepared by: Anthony R. Orosco, Senior Civil Engineer

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of ($122,759) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 13 – Building and Site Electrical, bringing the contract total to $4,132,855

2. DISCUSSION OF ISSUE:

On February 1, 2011, Council awarded a contract in the amount of $4,255,614 to Darrale Patrias Electric of Turlock, California for "Turlock Public Safety Facility," Category 13 – Building and Site Electrical. In an effort to identify value engineering changes to the contract, City Staff and Darrale Patrias Electric recommend the following changes:

Change Order History	Amount	City Council Meeting
Original Contract	$4,255,614	2/1/11
Change Order No. 1	($122,759)	1/10/12
Adjusted Contract Total	$4,132,855	

Description of change order:

Change order No. 1 includes 6 items:

1) Eliminate all conduit and conductors for street clock as described in Spec. Section 02870. (savings of $25,639)

2) Change Lutron Eco Dimming System and ballasts per Spec. Section 16640 to Wattstopper Control System and standalone DLM Lighting Control. Contractor to provide a full and operational control system with no additional cost for the Wattstopper system. (savings of $20,290)

3) Eliminate software for Honeywell Pro Watch access controls system. City to purchase software. (savings of $40,000)

4) Provide standard color instead of premium colors for light fixtures on concrete bollards. (savings of $1,000)

5) Change UPS system per Spec Section 16630 to Leibert. (savings of $14,490)

6) Provide various low voltage changes to Simplex fire alarm system per approved submittals. (savings of $21,340)

3. BASIS FOR RECOMMENDATION:

A) City Policy is that the City Engineer is authorized to approve change orders up to 2%, the City Manager is authorized to approve change orders up to 5% and all other change orders must be approved by the City Council.

Strategic Plan Initiative C. PUBLIC SAFETY

Goal(s): b Police Department
ii. Complete construction and transition into new Public Safety Facility

4. FISCAL IMPACT / BUDGET AMENDMENT:

The original contract amount of $4,255,614 will be decreased in the amount of ($122,759), a decrease of (2.9%), bringing the total contract to $4,132,855 (Fund 305)

Note: No General Fund money will be used for this change order.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

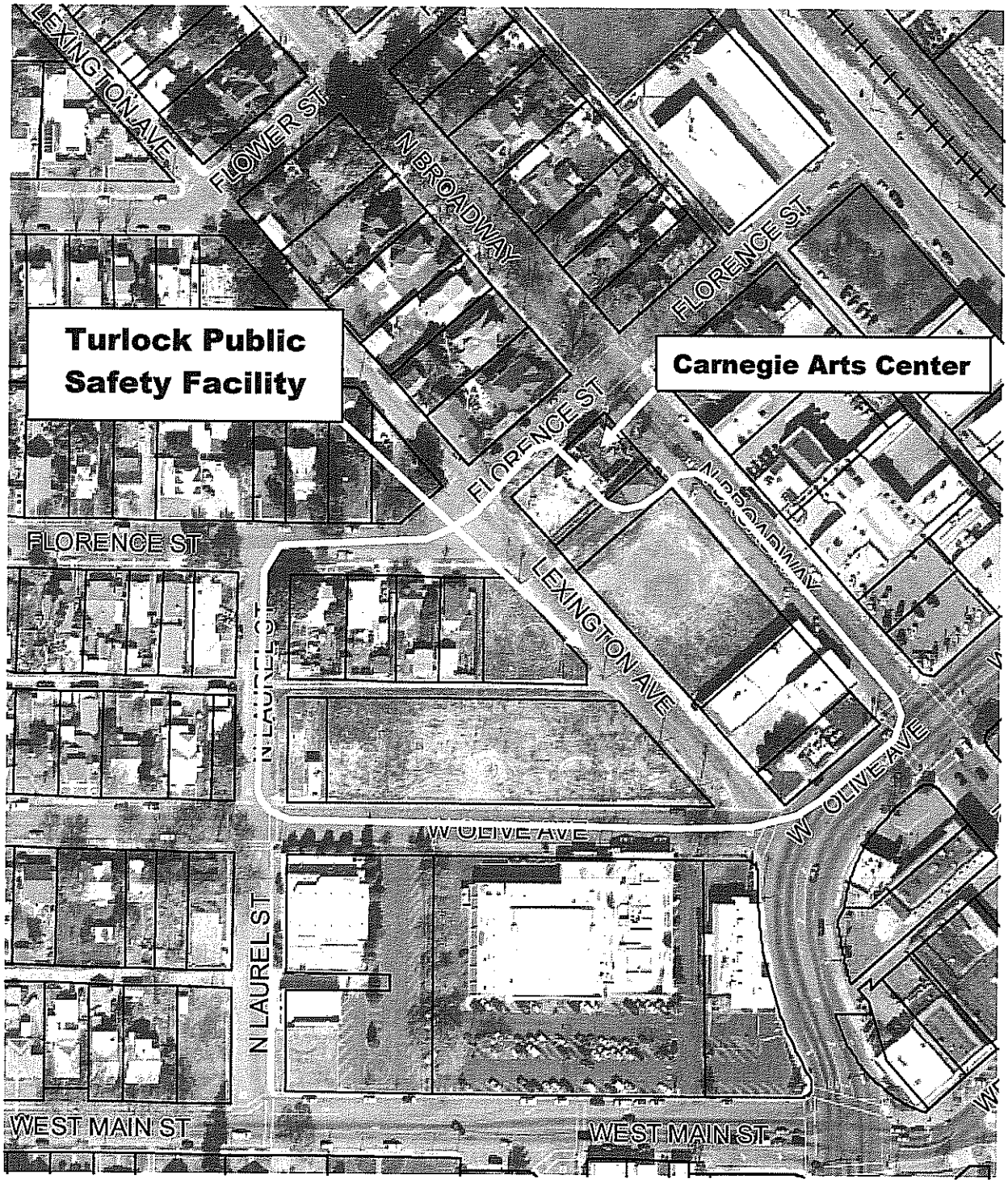
6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Not approve Change Order No. 1. This option is not recommended by City Staff since the changes are necessary for the Turlock Public Safety Facility to be completed within the approved budget.

TURLOCK PUBLIC SAFETY FACILITY
(not to scale)



CONTRACT CHANGE ORDER AUTHORIZATION FORM

PROJECT INFORMATION

Darrele Patrias Electrical Contractor, Inc.	Project Name:	Turlock Public Safety Facility
2480 N. Walnut Rd.	Project No.:	0804B - Category 13
Turlock, CA 95382	Awarded on:	February 1, 2011
209-632-6196	Original Contract Amount:	$4,255,614.00
	Change to contract:	($122,759.00)
Change Order No. 1	Change percentage:	-2.9%
	New Contract Total:	$4,132,855.00

Description of change order:

1	Eliminate all conduit and conductors for street clock as described in Spec. Section 02870.	($25,639.00)
2	Change Lutron Eco Dimming System and ballasts per Spec. Section 16640 to Wattstopper Control System and stand alone DLM Lighting Control. Contractor to provide a full and operational control system with no additional cost for the Wattstopper system.	($20,290.00)
3	Eliminate software for Honeywell Pro Watch access controls system. City to purchase software.	($40,000.00)
4	Provide standard color instead of premium colors for light fixtures on concrete bollards.	($1,000.00)
5	Change UPS system per Spec Section 16630 to Leibert.	($14,490.00)
6	Provide various low voltage changes to Simplex fire alarm system per approved submittals.	($21,340.00)
	Total =	($122,759.00)

[X] ***Change orders <2% of contract: Approval of City Engineer, notify City Manager & City Council***

Approved: _____

Michael G. Pitcock, Director of Development Services — Date
City Engineer

[ ] ***Change order >2% and <5% of contract: Recommended by City Engineer; approved by City Manager; City Council is notified.***

Recommended: _____

Michael G. Pitcock, Director of Development Services — Date
City Engineer

Approved: _____

Roy W. Wasden, City Manager — Date

[ ] ***Change order >5% of contract: Recommended by City Engineer and City Manager; Approved by City council.***

Recommended: _____

Michael G. Pitcock, Director of Development Services — Date
City Engineer

Recommended: _____

Roy W. Wasden, City Manager — Date

Approval by City Council: _____

CONTRACT CHANGE ORDER

Date issued: 10-Jan-12 **Change Order No.:** 1
Project Name: Turlock Public Safety Facility

Darrele Patrias Electrical Contractor, Inc.
2480 N. Walnut Rd.
Turlock, CA 95382

Project No.: 0804B - Category 13
Contract For: $4,255,614.00
Contract Award Date: February 1, 2011

You are directed to make the following changes in this contract as requested by The City of Turlock:

	ITEM	Unit:	Quantity:	Unit Price:	Total:
1	Eliminate all conduit and conductors for street clock as described in Spec. Section 02870.	LS	1	($25,639.00)	($25,639.00)
2	Change Lutron Eco Dimming System and ballasts per Spec. Section 16640 to Wattstopper Control System and stand alone DLM Lighting Control. Contractor to provide a full and operational control system with no additional cost for the Wattstopper system.	LS	1	($20,290.00)	($20,290.00)
3	Eliminate software for Honeywell Pro Watch access controls system. City to purchase software.	LS	1	($40,000.00)	($40,000.00)
4	Provide standard color instead of premium colors for light fixtures on concrete bollards.	LS	1	($1,000.00)	($1,000.00)
5	Change UPS system per Spec Section 16630 to Leibert.	LS	1	($14,490.00)	($14,490.00)
6	Provide various low voltage changes to Simplex fire alarm system per approved submittals.	LS	1	($21,340.00)	($21,340.00)
			Total this CCO=		**($122,759.00)**
The original contract sum =					**$4,255,614.00**
Net change by previous change orders =					**$0.00**
The contract sum will be (decreased) by this Change Order =					**($122,759.00)**
The new contract sum including this change order will be =					**$4,132,855.00**
The contract time will be increased by (0) working days.					

Accepted: _____ **Date:** _____
Contractor

Recommended: _____ **Date:** _____
Michael G. Pitcock, Development Services Director/City Engineer

Approved: _____ **Date:** _____
City Manager

5L

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, P.E.
Director of Development Services / City Engineer

Prepared by: Anthony R. Orosco, Senior Civil Engineer

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Accepting notification of Contract Change Order No. 1 in the decreased amount of ($3,000) (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing, bringing the contract total to $881,000

2. DISCUSSION OF ISSUE:

On February 1, 2011, Council awarded a contract in the amount of $884,000 to Mark III Construction, of Sacramento, California for "Turlock Public Safety Facility," Category 14 – Building and Site Plumbing. In an effort to identify value engineering changes to the contract, City Staff and Mark III Construction recommend the following changes:

Change Order History	Amount	City Council Meeting
Original Contract	$884,000	2/1/11
Change Order No. 1	($3,000)	1/10/12
Adjusted Contract Total	$881,000	

Description of change order:

Change order No. 1 includes 1 item:

1) Change all waste piping under slab from cast iron piping and fittings to Poly Vinyl Chloride (PVC) schedule 40 and schedule 80 pipe and fittings. (savings of $3,000)

3. BASIS FOR RECOMMENDATION:

A) City Policy is that the City Engineer is authorized to approve change orders up to 2%, the City Manager is authorized to approve change orders up to 5% and all other change orders must be approved by the City Council.

Strategic Plan Initiative C. PUBLIC SAFETY

Goal(s): b Police Department
ii. Complete construction and transition into new Public Safety Facility

4. FISCAL IMPACT / BUDGET AMENDMENT:

The original contract amount of $884,000 will be decreased in the amount of ($3,000), a decrease of (0.3%), bringing the total contract to $881,000 (Fund 305)

Note: No General Fund money will be used for this change order.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

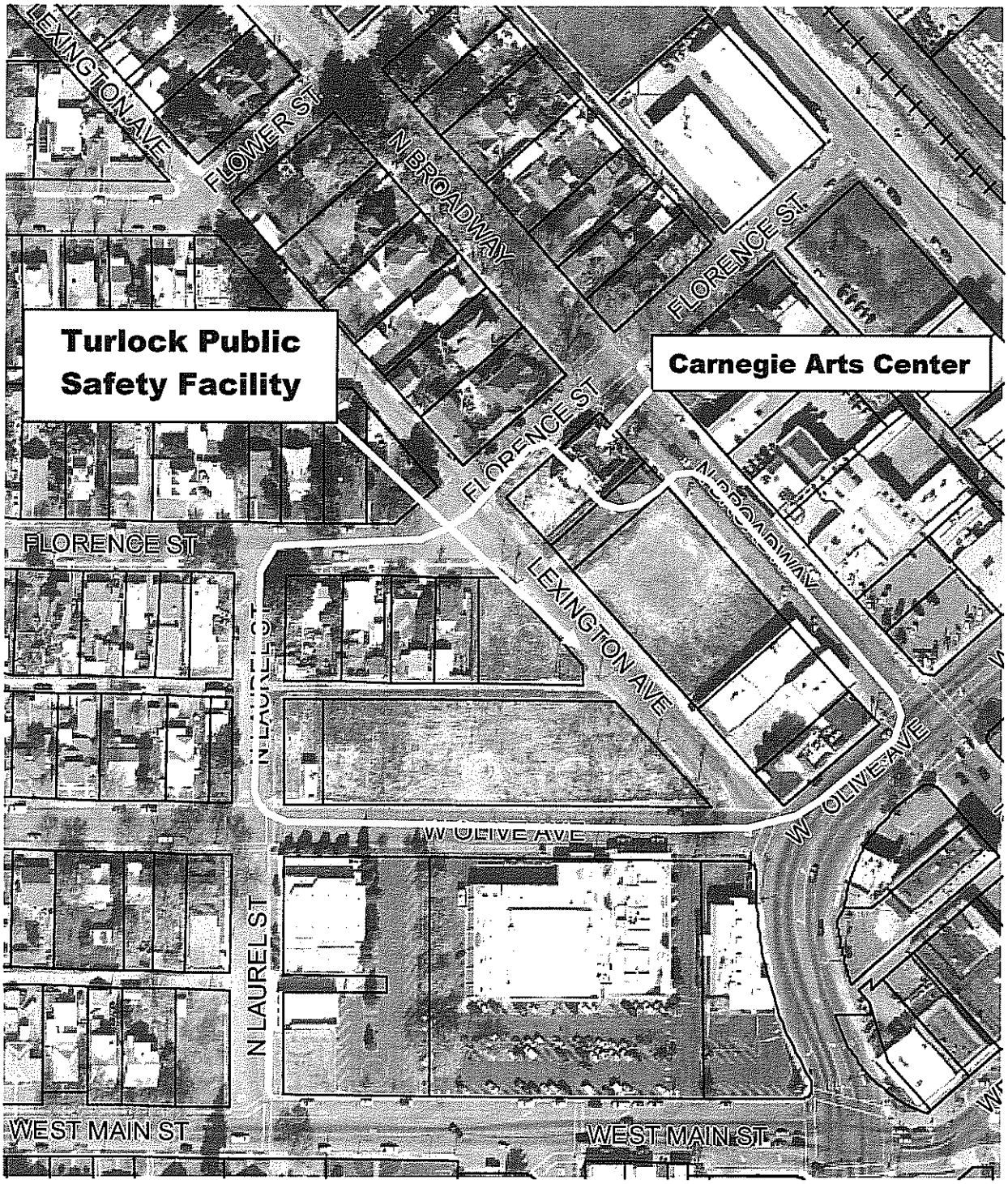
6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Not approve Change Order No. 1. This option is not recommended by City Staff since the changes are necessary for the Turlock Public Safety Facility to be completed within the approved budget.

TURLOCK PUBLIC SAFETY FACILITY
(not to scale)



CONTRACT CHANGE ORDER AUTHORIZATION FORM

PROJECT INFORMATION

Mark III Construction
5101 Florin Perkins Rd.
Sacramento, CA 95826
916-381-8080

Project Name:	Turlock Public Safety Facility
Project No.:	0804B - Category 14
Awarded on:	February 1, 2011
Original Contract Amount:	$884,000.00
Change to contract:	($3,000.00)
Change percentage:	-0.3%
New Contract Total:	$881,000.00

Change Order No	1

Description of change order:

1	Change all waste piping under slab from cast iron piping and fittings to Poly Vinyl Chloride (PVC) schedule 40 and schedule 80 pipe and fittings.	($3,000.00)
	Total =	($3,000.00)

[X] ***Change orders <2% of contract: Approval of City Engineer, notify City Manager & City Council***

Approved: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

[ ] ***Change order >2% and <5% of contract: Recommended by City Engineer; approved by City Manager; City Council is notified.***

Recommended: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

Approved: _____
Roy W. Wasden, City Manager — Date

[ ] ***Change order >5% of contract: Recommended by City Engineer and City Manager; Approved by City council.***

Recommended: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

Recommended: _____
Roy W. Wasden, City Manager — Date

Approval by City Council: _____

CONTRACT CHANGE ORDER

Date issued: 10-Jan-12 **Change Order No.:** 1
Project Name: Turlock Public Safety Facility

Mark III Construction
5101 Florin Perkins Rd.
Sacramento, CA 95826

Project No.: 0804B - Category 14
Contract For: $884,000.00
Contract Award Date: February 1, 2011

You are directed to make the following changes in this contract as requested by The City of Turlock:

	ITEM	Unit:	Quantity:	Unit Price:	Total:
1	Change all waste piping under slab from cast iron piping and fittings to Poly Vinyl Chloride (PVC) schedule 40 and schedule 80 pipe and fittings.	LS	1	($3,000.00)	($3,000.00)
			Total this CCO=		**($3,000.00)**
The original contract sum =					**$884,000.00**
Net change by previous change orders =					**$0.00**
The contract sum will be (decreased) by this Change Order =					**($3,000.00)**
The new contract sum including this change order will be =					**$881,000.00**
The contract time will be increased by (0) working days.					

Accepted: _____ **Date:** _____
Contractor

Recommended: _____ **Date:** _____
Michael G. Pitcock, Development Services Director/City Engineer

Approved: _____ **Date:** _____
City Manager

5M

Council Synopsis

January 10, 2012

From: Mike Pitcock, PE
Director of Development Services / City Engineer

Prepared by: Stephen Fremming, Assistant Engineer

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving Contract Change Order No. 3 in the amount of $278,168.76 (Fund 426) for City Project No. 0952, "Turlock Regional Transit Center," bringing the contract total to $1,657,969.38

2. DISCUSSION OF ISSUE:

On May 12, 2011, three (3) proposals were received for City Project No. 0952, "Turlock Regional Transit Center". George Reed of Modesto, California, was the lowest responsible bidder and a contract was awarded in the amount of $1,345,080.84.

Change Order History:

	Amount	City Council Meeting
Original Contract	$1,345,080.84	5/24/2011
Change Order No. 1	$ 17,669.96	9/27/2011
Change Order No. 2	$ 17,049.82	10/25/2011
Change Order No. 3	$ 278,168.76	1/10/2012
Adjusted Contract Total	$1,657,969.38	

Change Order No. 3 Items:

1. **$3,643.54.** Earthwork and grading for retaining curb along property line separating the Turlock Regional Transit Center from the vacant adjacent parcel. This retaining curb is needed to prevent cross lot drainage. An additional 463 lineal feet of vertical curb, or $6,019, will be added to the contract in the Final Quantities Change Order in connection with this item.
2. **$250.** New monument well, utility box, and lid to replace existing damaged facilities in the recently constructed pedestrian ramp on the southeast corner of Golden State Boulevard and W. Hawkeye Avenue.
3. **$1,450.** Upsize electrical conductors for on-site electrical facilities. A schematic electrical plan was provided with the bid documents including quantity and size of conductor and conduit. The electrical subcontractor reviewed the schematic plan and discovered that certain quantities and sizes of wires were incorrect.

4. **$18,594.72.** Upgrade decomposed granite from "grey" to "gold path". The landscaping for the Turlock Regional Transit Center includes approximately 26,000 square feet of decomposed granite ground cover. The project specifications did not call for a specific color of decomposed granite. This item upgrades all decomposed granite from a plain grey color to "gold path".
5. **$254,230.50.** Addition of pedestrian concrete pavers, crosswalk pavers, concrete border banding, concrete slabs under passenger shelters and bike racks for surface mounting of these facilities, and earthwork and grading for additional sidewalk on Golden State Boulevard from the Transit Center to W. Hawkeye Ave. The original contract included city standard concrete sidewalk for all on-site sidewalks. This item adds approximately 11,000 square feet of pedestrian concrete pavers and 2,300 square feet of crosswalk pavers to this project. The pavers are identical in style to the type installed in the Downtown area. Various contract bid items will be adjusted with the Final Quantities Change Order in connection with this item which will result in a credit to the City in the amount of approximately $39,500.

After performing an estimate of construction costs through project completion, staff discovered that this project was overfunded by approximately $200,000 in American Recovery and Reinvestment Act (ARRA) funds. The situation was created as a highly competitive bidding climate produced an original contract price that was 17% below the estimate of construction costs as compiled in the Engineer's Estimate. The ARRA funds expire on July 1, 2012 and can only be used on the construction of this project. Item numbers 4 and 5 shown above are requested by staff as a means to both expend all available American Recovery and Reinvestment Act (ARRA) funds and improve the accessibility and aesthetics of the site. Staff has identified other Local Transportation Fund (LTF) monies to supplement ARRA, should the total construction costs exceed the available ARRA funds. It is anticipated that under the worst case scenario, total construction costs would exceed ARRA funds by no more than $40,000 and will be paid for using Prop 1b or LTF dollars.

3. BASIS FOR RECOMMENDATION:

A) City Policy is that the City Engineer is authorized to approve change orders up to 2%, the City Manager is authorized to approve change orders up to 5% and all other change orders must be approved by the City Council.

B) The extra work included with Change Order No. 3 is necessary to prevent cross-lot drainage, provide a working electrical system, and fully expending available ARRA funds by enhancing the accessibility and aesthetics of the site.

Strategic Plan Initiative D. MUNICIPAL INFRASTRUCTURE

Goal(s): b. Address Growth-Related Issues (Current and Future)

This project will meet the needs of City and County transit services to provide a transfer hub between bus routes.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Funds are available in the current budget line item, 426-40-415.51260 "Transit Hub Const."

Note: No General Fund money will be used for this project.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

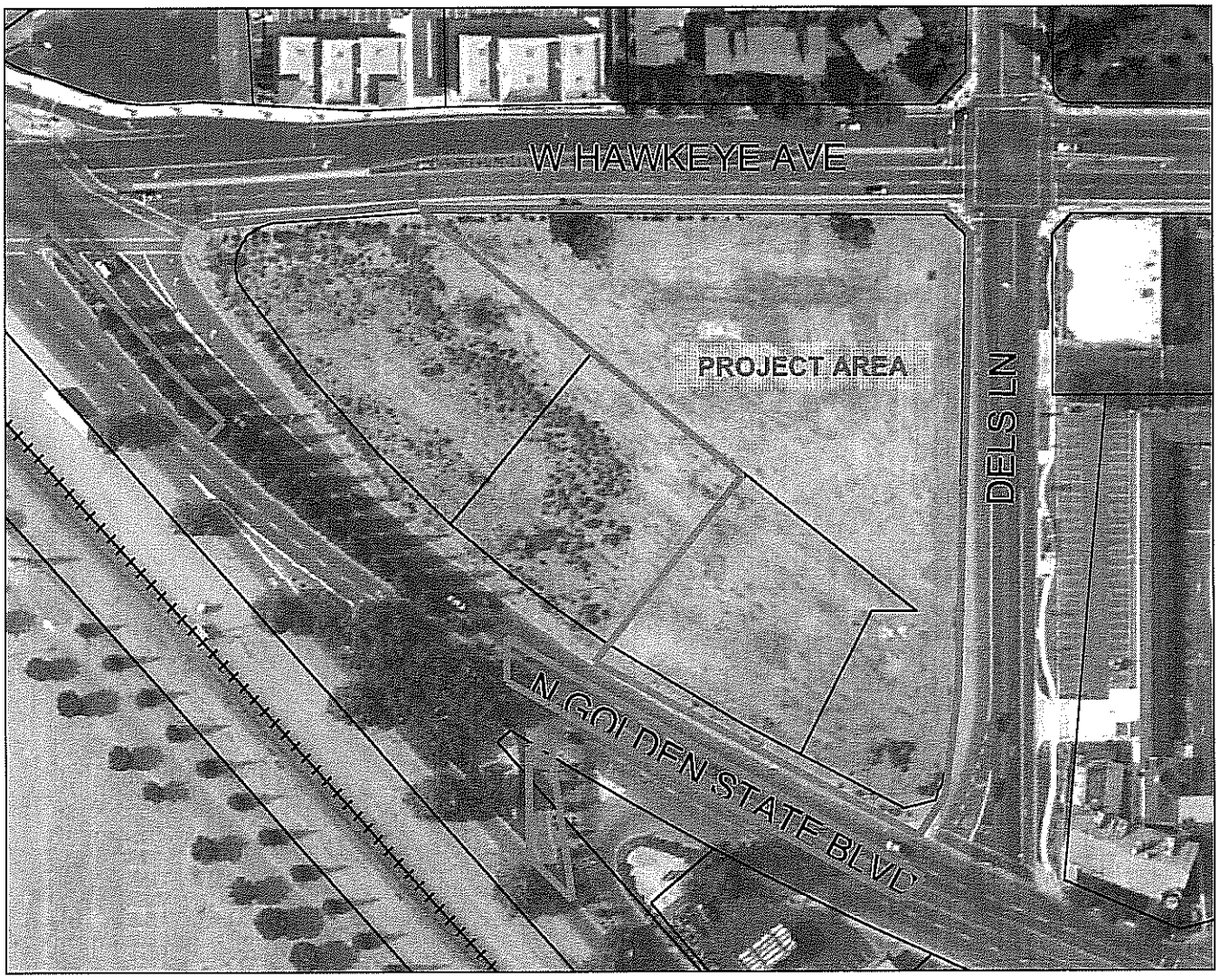
6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

A. Not approve Change Order No. 3. This option is not recommended by City Staff as the extra work items are necessary to prevent cross-lot drainage, provide a working electrical system, and fully expending available ARRA funds by enhancing the accessibility and aesthetics of the site.

TURLOCK REGIONAL TRANSIT CENTER
CITY PROJECT NO. 0952



CONTRACT CHANGE ORDER AUTHORIZATION FORM

PROJECT INFORMATION

Contractor Name
Street Address
City, CA Zip Code
209.668.5520

Change Order No. 3

Project Name:	Turlock Regional Transit Center
Project No.:	0952
Awarded on:	May 24, 2011
Original Contract Amount:	$1,345,080.84
Increase to contract:	$278,168.76
Increase percentage:	20.7%
Increase of previous CCOs:	$34,719.78
Cumulative percentage:	23.3%
New Contract Total:	$1,657,969.38

Description of change order:

1) $3,643.54. Earthwork and grading for on-site retaining curb. 2) $250. New monument well, utility box, and lid at pedestrian ramp at GSB and W. Hawkeye Ave. 3) $1,450. Upsize electrical conductor. 4) $18,594.72. Upgrade decomposed granite type from "grey" to "gold path". 5) $254,230.50. Addition of concrete pedestrian pavers, crosswalk pavers, concrete border banding, concrete slabs under passenger shelters and bike racks, and earthwork and grading for additional sidewalk on Golden State Blvd from the Transit Center to W. Hawkeye Ave. Item numbers 4 and 5 shown above are requested by staff as a means to both expend all available American Recovery and Reinvestment Act (ARRA) funds and improve the accessibility and aesthetics of the site.

[ ] ***Change orders <2% of contract: Approval of City Engineer, notify City Manager & City Council***

Approved: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

[ ] ***Change order >2% and <5% of contract: Recommended by City Engineer; approved by City Manager; City Council is notified.***

Recommended: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

Approved: _____
Roy W. Wasden, City Manager — Date

[X] ***Change order >5% of contract: Recommended by City Engineer and City Manager; Approved by City council.***

Recommended: _____
Michael G. Pitcock, Director of Development Services — Date
City Engineer

Recommended: _____
Roy W. Wasden, City Manager — Date

Approval by City Council: _____

CONTRACT CHANGE ORDER

Date issued: 10-Jan-12 **Change Order No.:** 3
Project Name: Turlock Regional Transit Center

George Reed, Inc.
P.O. Box 4760
Modesto, CA 95352

Project No.: 0952
Contract For: $1,345,080.84
Contract Award Date: 24-May-11

You are directed to make the following changes in this contract as requested by The City of Turlock:

	ITEM	Unit:	Quantity:	Unit Price:	Total:
A.	Earthwork and grading for on-site retaining curb	LS	1	$3,643.54	$3,643.54
B.	New monument well, utility box, and lid at pedestrian ramp at GSB and W. Hawkeye Ave.	LS	1	$250.00	$250.00
C.	Upsize electrical conductor	LS	1	$1,450.00	$1,450.00
D.	Upgrade decomposed granite type from "grey" to "gold path"	LS	1	$18,594.72	$18,594.72
E.	Addition of concrete pedestrian pavers, crosswalk pavers, concrete border banding, concrete slabs under passenger shelters and bike racks, and earthwork and grading for additional sidewalk on Golden State Blvd from the Transit Center to W. Hawkeye Ave.	LS	1	$254,230.50	$254,230.50
			Total this CCO=		**$278,168.76**

The original contract sum =	**$1,345,080.84**
Net change by previous change orders =	**$34,719.78**
The contract sum will be (increased) by this Change Order =	**$278,168.76**
The new contract sum including this change order will be =	**$1,657,969.38**
The contract time will be increased by (45) working days.	

Accepted: _____ **Date:** _____
Contractor

Recommended: _____ **Date:** _____
Michael G. Pitcock, Development Services Director/City Engineer

Approved: _____ **Date:** _____
City Manager

5N

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, P.E.
Director of Development Services / City Engineer

Prepared by: Wayne York, Engineering Technician II

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Requesting the California Department of Transportation (Caltrans) to post signs referring to "Downtown Turlock" near West Main Street exits on Highway 99

2. DISCUSSION OF ISSUE:

In an effort to draw more attention to Turlock's downtown district, Staff has reviewed state guidelines that allow for the modification of existing signs, as well as the posting of new signs, along Highway 99 for the purpose of highlighting civic center areas. These guidelines would allow for the posting of "Downtown Turlock" supplemental signs beneath other signs currently in place along Highway 99. Staff believes this pro-active step will help promote tourism and spur economic activity in this vital area of the City.

Staff has had several discussions with Caltrans to determine the process and potential for posting signs such as these. All requests for supplemental signs on Highway 99 would be made directly to Caltrans, who would review each one on a case-by-case basis. If approved, the City would be required to pay for the cost of the sign and installation, while Caltrans would accept responsibility for the lifetime maintenance of the sign(s).

Staff discussed the possibility of adding "Historic Downtown Turlock" signs, which requires proof of historic registration through the Office of Historic Preservation. Unfortunately, the downtown district has not been registered and does not qualify, so using the name "historic" in any posted sign is not an option.

While the intent of Staff was to post new signs in both northbound and southbound directions, early discussions with Caltrans provided a unique opportunity to incorporate "Downtown Turlock" onto a primary sign (southbound) with no formal request process or cost to the City. This opportunity arose out of the need for Caltrans to replace the existing southbound sign due to damage

from a vehicular accident. During these discussions Caltrans offered to change "Central Turlock" to "Downtown Turlock" at no expense to the City and Staff concurred.

As a result, Staff recommends developing plans for posting a "Downtown Turlock" sign along northbound Highway 99, south of West Main St., to supplement existing signage, as well as identify other signs that may need to be added, removed, or relocated in support of this activity. These plans would then be submitted to Caltrans for their review and consideration.

3. BASIS FOR RECOMMENDATION:

A. Additional signs along a major roadway provide the potential for increased tourism and economic growth.

B. Supplemental signs for civic areas such as these are allowed under Section 2D.34 of the CA MUTCD, when accompanied by a local agency resolution.

Strategic Plan Initiative: E. ECONOMIC DEVELOPMENT

Goal(s): a. Create and sustain value-added economic development

b. Generate job creation and retention

c. Enhance revenue

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: No fiscal impact for changes in the southbound direction. The fiscal impacts for changes to the northbound sign(s) are currently unknown and will depend on the details of the final plans and discussions with Caltrans. The total fiscal impact is expected be absorbed within the currently adopted budget; no budget amendments are expected.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

A. Reject the resolution and leave the existing highway signs as-is. However, due to the potential lost revenue from increased tourism and economic activity, Staff would not recommend this approach.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF REQUESTING THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) TO POST SIGNS REFERRING TO "DOWNTOWN TURLOCK" NEAR WEST MAIN STREET EXITS ON HIGHWAY 99	**RESOLUTION NO. 2011-**

WHEREAS, the City of Turlock (City) recognizes the important historic, economic, and social importance of the city's downtown district and is committed to promoting civic areas of vital economic importance, such as the downtown district, in an effort to spur tourism and economic growth; and

WHEREAS, the posting of new, supplemental signs, or the modification of existing signs, along Highway 99 would provide increased visibility and awareness of this important area to the tens of thousands of drivers who use Highway 99 daily; and

WHEREAS, the California Manual on Uniform Traffic Control Devices (Section 2D.34) allows for local agencies to request supplemental signs along highways when supported by a local agency resolution, as well as specifies the responsibility of the local agency to pay for the cost of the sign fabrication and installation of said sign.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby formally request the California Department of Transportation (Caltrans) to post new supplemental signs, or modify existing posted signs, to reference "Downtown Turlock" in advance of the northbound and southbound West Main Street exits on Highway 99.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 10th day of January 2012, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

50

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, P.E.
Director of Development Services /City Engineer

Prepared by: Maryn Pitt, Housing Program Services Manager

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving a services agreement with Jensen Appraisal Services for NSP residential appraisal services for Housing Program Services programs, for a period of twenty-four (24) months, in an amount not to exceed $10,000

2. DISCUSSION OF ISSUE:

The Neighborhood Stabilization Program (NSP) requires both pre and post acquisition appraisals for foreclosed homes purchased with the grant funds received by the City of Turlock from the Federal Stimulus program. To date, the City has purchased seventeen homes, sold eleven, with the other six in the process of rehabilitation. Staff anticipates the purchase, rehabilitation and sale of at least another ten homes before the end of the grant period. Further, the City has a need for residential appraisal serves related to other funding sources and program requirements.

City of Turlock Housing issued an RFP for residential appraisal services in compliance with the Federal Procurement requirements of the funding source to all certified appraisers within fifty miles of Turlock. One firm responded that met all of the requirements and necessary insurance certification.

3. BASIS FOR RECOMMENDATION:

A) Per City Municipal Code, City Council approval of the Agreement is required prior to execution of the contract with the consultant.

B) The City is required to have appraisals done before the foreclosed homes are purchased and again before the house will be sold to one of our First Time Homebuyer Families.

C) The Neighborhood Stabilization Program requires compliance with all federal procurement guidelines in its execution of the program.

STRATEGIC PLAN INITIATIVE –

G – SOCIAL INFRASTRUCUTRE- HOUSING RESOURCES

Goal(s): a. Maintain quality of life.

b. Address housing concerns.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: $10,000 from grant funds already budgeted in Fund 258

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

Not Required

7. ALTERNATIVES:

A. Reject the award of this consultant agreement. Staff does not recommend this alternative due to the fact that professional real estate appraisals are necessary for the Neighborhood Stabilization program. Without compliance, the City will be required to return the $1.4 million grant.

AGREEMENT FOR SPECIAL SERVICES
between
CITY OF TURLOCK
and
Jensen Appraisal Services
for
NSP Residential Appraisal Services for Housing Program Services Programs

CONTRACT NO. 11-979

THIS AGREEMENT is made this 10th day of January 2012, by and between the **CITY OF TURLOCK**, a municipal corporation of the State of California hereinafter referred to as "CITY" and Jensen and Associates, Incorporated, a California Corporation, hereinafter referred to as "CONSULTANT."

W I T N E S S E T H:

WHEREAS, in accordance with California Government Code §37103, CITY has a need for Residential Appraisal Services for the Neighborhood Stabilization program; and

WHEREAS, CONSULTANT has represented itself as duly trained, qualified, and experienced to provide such special services, hereinafter referred to as "Services."

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. **SCOPE OF WORK:** CONSULTANT shall furnish all labor, equipment, materials and process, implements, tools, and machinery, except as otherwise specified, which are necessary and required to provide the Services and shall perform such special services in accordance with the standards of its profession and the specifications that are required as part of the Neighborhood Stabilization program and attached hereto as Exhibit A. CONSULTANT shall provide Services that are acceptable to CITY.

2. **PERSONNEL AND EQUIPMENT:** CONSULTANT shall provide all personnel needed to accomplish the Services hereunder. CONSULTANT shall additionally acquire, provide, maintain, and repair, at its sole cost and expense, such equipment, materials, and supplies as CONSULTANT shall reasonably require to accomplish said Services.

3. **SAFETY REQUIREMENT:** All Services and merchandise must comply with California State Division of Industrial Safety orders and O.S.H.A.

4. **COMPENSATION:** CITY agrees to pay CONSULTANT in accordance with Exhibit A as full remuneration for performing all Services and furnishing all staffing and materials called for in Exhibit B and for performance by CONSULTANT of all of its duties and obligations under this Agreement. In no event shall the sum of this Agreement exceed ten thousand and no/100^{ths}

OK for Agenda

Dollars ($10,000.00). CONSULTANT agrees that compensation shall be paid in the manner and at the times set forth below:

(a) Invoices: CONSULTANT shall submit dated invoices to CITY specifying the date, location and service rendered, and the charge therefor.

(b) Payment:

(1) All payments by CITY shall be made in arrears, after satisfactory service, as determined and approved by CITY, has been provided. Payment shall be made by CITY no more than thirty (30) days from CITY's receipt of invoice.

(2) CITY shall normally pay by voucher or check within ten (10) working days after each meeting at which payments can be authorized, provided that CITY receives the invoice at least five (5) working days prior to CITY's meeting date.

(3) If CITY disputes any items on an invoice for a reasonable cause, which includes but is not limited to unsatisfactory service, CITY may deduct that disputed item from the payment, but shall not delay payment for the undisputed portions. The amounts and reasons for such deletions shall be documented to CONSULTANT within fifteen (15) working days after receipt of invoice by CITY. CITY shall assign a sequential reference number to each deletion.

(4) If dispute is settled, payment shall be by voucher or check payable to and mailed to CONSULTANT within five (5) working days of dispute settlement.

(5) CITY reserves the right to only pay for such services rendered to the satisfaction of CITY.

5. TERM OF AGREEMENT: This Agreement shall become effective upon execution and shall continue in full force and effect for a period of twenty four months (24) beginning January 10, 2012 and ending January 30, 2014, subject to CITY's availability of funds.

6. INSURANCE: CONSULTANT shall not commence work under this Agreement until CONSULTANT has obtained CITY's approval regarding all insurance requirements, forms, endorsements, amounts, and carrier ratings, nor shall CONSULTANT allow any subcontractor to commence work on a subcontract until all similar insurance required of the subcontractor shall have been so obtained and approved. CONSULTANT shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by CONSULTANT, its agents, representatives, employees or subcontractors. Failure to maintain or renew coverage or to provide evidence of renewal may constitute a material breach of contract.

(a) Minimum Scope of Insurance: Coverage shall be at least as broad as:

(1) Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01) with an additional insured endorsement (form CG 20 10 11 85 or its equivalent), to be approved by the City of Turlock.

(2) Insurance Services Office Form CA 00 01 covering Automobile Liability, Code 1 (any auto).

(3) Workers' Compensation insurance as required by the State of

California and Employer's Liability Insurance.

(4) Errors and Omissions/Professional Liability Insurance.

(b) Minimum Limits of Insurance: CONSULTANT shall maintain limits no less than:

(1) General Liability (including operations, products and completed operations): $1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

(2) Automobile Liability: $1,000,000 per occurrence for bodily injury and property damage.

(3) Workers' Compensation: as statutorily required by the State of California. Employer's Liability: $1,000,000 per accident or bodily injury or disease.

(4) Errors and Omissions/Professional Liability: $1,000,000 per claim.

(c) Deductibles and Self-Insured Retentions: Any deductibles or self-insured retentions must be declared to and approved by CITY. At the option of CITY, either: (a) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects CITY, its elective and appointive boards, officers, agents, employees, and volunteers; or (b) CONSULTANT shall provide a financial guarantee satisfactory to CITY guaranteeing payment of losses and related investigations, claim administration and defense expenses.

(d) Other Insurance Provisions: The commercial general liability and automobile policies are to contain, or be endorsed to contain, the following provisions:

(1) CITY, its elective and appointive boards, officers, agents, employees, and volunteers are to be covered as additional insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of CONSULTANT; and with respect to liability arising out of work or operations performed by or on behalf of CONSULTANT, including materials, parts or equipment furnished in connection with such work or operations, which coverage shall be maintained in effect for at least three (3) years following the completion of the work specified in the contract. General liability coverage can be provided in the form of an endorsement to CONSULTANT's insurance (CG 20 10 11 85 or its equivalent), or as a separate Owners Protective Liability policy providing both ongoing operations and completed operations.

(2) For any claims related to this project, CONSULTANT's insurance coverage shall be primary insurance as respects CITY and any insurance or self-insurance maintained by CITY shall be excess of CONSULTANT's insurance and shall not contribute with it.

(3) Notice of cancellation or coverage change is required. Each policy of insurance required by this Agreement shall be endorsed to provide CITY a minimum of thirty (30) days' written notice of cancellation or nonrenewal.

(4) Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

(e) Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

(f) Verification of Coverage: CONSULTANT shall furnish CITY with original certificates and endorsements, including amendatory endorsements, effecting coverage required by this Agreement. All certificates and endorsements are to be received and approved by CITY before work commences. CITY reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

(g) Waiver of Subrogation: With the exception of professional liability, CONSULTANT hereby agrees to waive subrogation which any insurer of CONSULTANT may acquire from CONSULTANT by virtue of the payment of any loss. The commercial general liability policy and workers' compensation policy shall be endorsed to contain a waiver of subrogation in favor of CITY for all work performed by CONSULTANT, its agents, employees, independent contractors and subcontractors. CONSULTANT agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation.

(h) Subcontractors: CONSULTANT shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

7. INDEMNIFICATION: CONSULTANT shall indemnify, defend, and hold harmless CITY and its elective and appointive boards, officers, agents, employees, and volunteers from and against all claims, damages, losses and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of CONSULTANT, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, except where caused by the active negligence, sole negligence, or willful misconduct of CITY.

8. INDEPENDENT CONTRACTOR RELATIONSHIP: All acts of CONSULTANT, its agents, officers, and employees and all others acting on behalf of CONSULTANT relating to the performance of this Agreement, shall be performed as independent contractors and not as agents, officers, or employees of CITY. CONSULTANT, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of CITY. CONSULTANT has no authority or responsibility to exercise any rights or power vested in the CITY. No agent, officer, or employee of the CITY is to be considered an employee of CONSULTANT. It is understood by both CONSULTANT and CITY that this Agreement shall not under any circumstances be construed or considered to create an employer-employee relationship or a joint venture.

CONSULTANT, its agents, officers and employees are and, at all times during the terms of this Agreement, shall represent and conduct themselves as independent contractors and not as employees of CITY.

CONSULTANT shall determine the method, details and means of performing the work and services to be provided by CONSULTANT under this Agreement. CONSULTANT shall be responsible to CITY only for the requirements and results specified in this Agreement, and, except as expressly provided in this Agreement, shall not be subjected to CITY's control with respect to the physical action or activities of the CONSULTANT in fulfillment of this Agreement. CONSULTANT has control over the manner and means of performing the services under this Agreement. CONSULTANT is permitted to provide services to others during the same period service are

provided to CITY under this Agreement. If necessary, CONSULTANT has the responsibility for employing other persons or firms to assist CONSULTANT in fulfilling the terms and obligations under this Agreement.

If in the performance of this Agreement any third persons are employed by CONSULTANT, such persons shall be entirely and exclusively under the direction, supervision, and control of CONSULTANT. All terms of employment including hours, wages, working conditions, discipline, hiring, and discharging or any other term of employment or requirement of law shall be determined by the CONSULTANT.

It is understood and agreed that as an independent contractor and not an employee of CITY neither the CONSULTANT or CONSULTANT'S assigned personnel shall have any entitlement as a CITY employee, right to act on behalf of the CITY in any capacity whatsoever as an agent, or to bind the CITY to any obligation whatsoever.

It is further understood and agreed that CONSULTANT must issue W-2 forms or other forms as required by law for income and employment tax purposes for all of CONSULTANT'S personnel.

As an independent contractor, CONSULTANT hereby indemnifies and holds CITY harmless from any and all claims that may be made against CITY based upon any contention by any third party that an employer-employee relationship exists by reason of this Agreement.

9. VOLUNTARY TERMINATION: CITY may terminate this Agreement without cause or legal excuse by providing thirty (30) days' written notice to CONSULTANT.

10. TERMINATION OF STATED EVENT:

(a) Termination on Occurrence of Stated Events. This Agreement shall terminate automatically on the date on which any of the following events occur: (1) bankruptcy or insolvency of CONSULTANT, (2) legal dissolution of CONSULTANT, or (3) death of key principal(s) of CONSULTANT.

(b) Termination by CITY for Default of CONSULTANT. Should CONSULTANT default in the performance of this Agreement or materially breach any of its provisions, at its option CITY may terminate this Agreement by giving written notification to CONSULTANT. The termination date shall be the effective date of the notice. For the purposes of this section, material breach of this Agreement shall include but not be limited to any of the following: failure to perform required services or duties, willful destruction of CITY's property by CONSULTANT, dishonesty or theft.

(c) Termination by CONSULTANT for Default of CITY. Should CITY default in the performance of this Agreement or materially breach any of its provisions, at its option CONSULTANT may terminate this Agreement by giving written notice to CITY. The termination date shall be the effective date of the notice. For the purposes of this section, material breach of this Agreement shall include but not be limited to any of the following: failure to cooperate reasonably with CONSULTANT, willful destruction of CONSULTANT's property by CITY, dishonesty or theft.

(d) Termination for Failure to Make Agreed-Upon Payments. Should CITY fail to pay CONSULTANT all or any part of the payments set forth in this Agreement on the date due, at its option CONSULTANT may terminate this Agreement if the failure is not remedied within thirty

(30) days after CONSULTANT notifies CITY in writing of such failure to pay. The termination date shall be the effective date of the notice.

(e) Termination by CITY for Change of CONSULTANT'S Tax Status. If CITY determines that CONSULTANT does not meet the requirements of federal and state tax laws for independent contractor status, CITY may terminate this Agreement by giving written notice to CONSULTANT. The termination date shall be the effective date of the notice.

(f) In the Event of Termination. If this Agreement is terminated pursuant to this Paragraph, CONSULTANT shall cease all its work on the project as of the termination date and shall see to it that its employees, subcontractors and agents are notified of such termination and cease their work. If CITY so requests, and at CITY's cost, CONSULTANT shall provide sufficient oral or written status reports to make CITY reasonably aware of the status of CONSULTANT'S work on the project. Further, if CITY so requests, and at CITY's cost, CONSULTANT shall deliver to CITY any work products whether in draft or final form which have been produced to date.

If the Agreement is terminated pursuant to any of the subsections contained in this paragraph, CITY will pay CONSULTANT an amount based on the percentage of work completed on the termination date, this percentage shall be determined by CITY in its sole discretion. If the Agreement is terminated pursuant to the subparagraph entitled Termination by CITY for Default of CONSULTANT, CONSULTANT understands and agrees that CITY may, in CITY's sole discretion, refuse to pay CONSULTANT for that portion of CONSULTANT'S services which were performed by CONSULTANT on the project prior to the termination date and which remain unacceptable and/or not useful to CITY as of the termination date.

11. CONFORMANCE WITH FEDERAL AND STATE LAW: All equipment, supplies and services used by CONSULTANT in the performance of this Agreement shall conform to the laws of the government of the United States and the State of California.

12. NONDISCRIMINATION: In connection with the execution of this Agreement, CONSULTANT shall not discriminate against any employee or applicant for employment because of age, race religion, color, sex, or national origin. CONSULTANT shall take affirmative action to insure that applicants are employed, and the employees are treated during their employment, without regard to their age, race, religion, color, sex or national origin. Such actions shall include, but not be limited to, the following: employment, promotions, demotions or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. CONSULTANT shall also comply with the requirement of Title VII of the Civil Rights Act of 1964 (P.L. 88-352) and with all applicable regulations, statutes, laws, etc., promulgated pursuant to the civil rights acts of the government of the United States and the State of California now in existence or hereafter enacted. Further, CONSULTANT shall comply with the provisions of Section 1735 of the California Labor Code.

13. TIME: Time is of the essence in this Agreement.

14. ENTIRE AGREEMENT AND MODIFICATION: This Agreement supersedes all previous Agreements and constitutes the entire understanding of the parties hereto. CONSULTANT shall be entitled to no other benefits than those specified herein. No changes, amendments or alterations shall be effective unless in writing and signed by both parties. CONSULTANT specifically acknowledges that in entering into and executing this Agreement, CONSULTANT relies solely upon the provisions contained in this Agreement and no others.

15. OBLIGATIONS OF CONSULTANT: Throughout the term of this Agreement, CONSULTANT shall possess, or secure all licenses, permits, qualifications and approvals legally required to conduct business. CONSULTANT warrants that it has all of the necessary professional capabilities and experience, as well as all tools, instrumentalities, facilities and other resources necessary to provide the CITY with the services contemplated by this Agreement. CONSULTANT further represents that it will follow the best current, generally accepted and professional practices to make findings, render opinions, prepare factual presentations, and provides professional advice and recommendations regarding this project.

16. OWNERSHIP OF DOCUMENTS: All reports, data, drawings, plans, designs, specifications, graphics, calculations, working papers, models, flow diagrams, visual aids, and other incidental work or materials furnished hereunder shall become and remain the property of the CITY, and may be used by CITY as it may require without any additional cost to CITY. No reports shall be used by the CONSULTANT for purposes other than this contract without the express prior written consent of CITY.

17. NEWS AND INFORMATION RELEASE: CONSULTANT agrees that it will not issue any news releases in connection with either the award of this Agreement, or any subsequent amendment of or efforts under this Agreement, without first obtaining review and approval of said news releases from CITY through the City Manager.

18. INTEREST OF CONSULTANT: CONSULTANT warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. CONSULTANT warrants that, in performance of this Agreement, CONSULTANT shall not employ any person having any such interest. CONSULTANT agrees to file a Statement of Economic Interests with the City Clerk at the start and end of this contract if so required at the option of CITY.

19. AMENDMENTS: Both parties to this Agreement understand that it may become desirable or necessary during the execution of this Agreement, for CITY or CONSULTANT to modify the scope of services provided for under this Agreement. Any material extension or change in the scope of work shall be discussed with CITY and the change and cost shall be memorialized in a written amendment to the original contract prior to the performance of the additional work.

Until a change order is so executed, CITY will not be responsible to pay any charges CONSULTANT may incur in performing such additional services, and CONSULTANT shall not be required to perform any such additional services.

20. PATENT/COPYRIGHT MATERIALS: Unless otherwise expressly provided in the contract, CONSULTANT shall be solely responsible for obtaining the right to use any patented or copyrighted materials in the performance of this Agreement. CONSULTANT shall furnish a warranty of such right to use to CITY at the request of CITY.

21. CERTIFIED PAYROLL REQUIREMENT: For CONSULTANTS performing field work on public works contracts on which prevailing wages are required, CONSULTANT shall comply with the provisions of Section 1776 of the California Labor Code, regarding payroll records, and shall require its subconsultants and subcontractors to comply with that section as may be required by law.

22. PARTIAL INVALIDITY: If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall

nevertheless continue in full force without being impaired or invalidated in any way.

23. WAIVER: The waiver by any party to this Agreement of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

24. AUDIT: CITY's duly authorized representative shall have access at all reasonable times to all reports, contract records, contract documents, contract files, and personnel necessary to audit and verify CONSULTANT'S charges to CITY under this Agreement.

CONSULTANT agrees to retain reports, records, documents, and files related to charges under this Agreement for a period of four (4) years following the date of final payment for CONSULTANT services. CITY's representative shall have the right to reproduce any of the aforesaid documents.

25. GOVERNING LAW: This Agreement shall be governed according to the laws of the State of California.

26. HEADINGS NOT CONTROLLING: Headings used in the Agreement are for reference purposes only and shall not be considered in construing this Agreement.

27. COMPLIANCE WITH LAWS: CONSULTANT shall insure compliance with all safety and hourly requirements for employees, in accordance with federal, state, and county safety and health regulations and laws. CONSULTANT shall fully comply with all applicable federal, state, and local laws, ordinances, regulations and permits.

28. CITY BUSINESS LICENSE: CONSULTANT will have a City of Turlock business license.

29. ASSIGNMENT: This Agreement is binding upon CITY and CONSULTANT and their successors. Except as otherwise provided herein, neither CITY nor CONSULTANT shall assign, sublet, or transfer interest in this Agreement or any part thereof without the prior written consent of the other.

30. RECORD INSPECTION AND AUDIT: CONSULTANT shall maintain adequate records to permit inspection and audit of CONSULTANT's time and material charges under this Agreement. CONSULTANT shall make such records available to CITY during normal business hours upon reasonable notice. Such records shall be turned over to CITY upon request.

31. EXCLUSIVE USE: Services provided within the scope of this Agreement are for the exclusive use of CITY and CONSULTANT agrees that, until final approval by CITY, all data, plans, specifications, reports, and other documents will not be released to third parties by CONSULTANT without the prior written consent of CITY.

32. EMPLOYMENT OF CITY OFFICIAL OR EMPLOYEE: CONSULTANT shall employ no CITY official or employee in the work performed pursuant to this Agreement. No officer or employee of CITY shall have any financial interest in this Agreement in violation of California Government Code Sections 1090 *et seq.*; nor shall CITY violate any provision of its Conflict of Interest Code adopted pursuant to the provisions of California Government Code Sections 87300 *et seq.*

33. NOTICE: Any and all notices permitted or required to be given hereunder shall be deemed duly given and effective (1) upon actual delivery, if delivery is by hand; or (2) five (5) days after delivery into the United States mail, if delivery is by postage paid, registered, or certified (return receipt requested) mail. Each such notice shall be sent to the parties at the address respectively indicated below or to any other address as the respective parties may designate from time to time:

for CONSULTANT: **Jeff Jensen**
Jensen and Associates, Inc.
P.O. Box 234
1127 12th Street, #105
Modesto, CA 95354
PHONE: (209) 521-2512
FAX: (209) 521-2174

for CITY: **CITY OF TURLOCK**
ATTN: Maryn Pitt
Housing Program Services Division
156 SOUTH BROADWAY, SUITE 250
TURLOCK, CALIFORNIA 95380-5454
PHONE: (209) 668-5542 Ext. 2227
FAX: (209) 668-5120

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers' thereunto duly authorized.

CITY OF TURLOCK, a municipal corporation

By: _____
Roy W. Wasden, City Manager

Date: _____

JENSEN AND ASSOCIATES, INC.

By: _____
Jeff Jensen, President

Date: _____

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, City Attorney

ATTEST:

By: _____
Kellie Weaver, City Clerk

EXHIBIT A
Guidance on NSP Appraisals – Voluntary Acquisitions

Acquisitions financed with NSP grant funds are subject to the URA, and its implementing regulations at 49 CFR Part 24, and the requirements set forth in the NSP Notice that was published in the Federal Register on October 6, 2008. HUD anticipates that most of these transactions will qualify as voluntary acquisitions under the applicable regulations of 49 CFR 24.101(b). The URA regulations do not specifically require appraisals in connection with voluntary acquisitions under 49 CFR 24.101(b). However, the NSP Notice requires appraisals to be performed with respect to the NSP funded acquisition of foreclosed upon homes and residential properties, even though they may be considered voluntary under the URA. In those cases, the URA appraisal requirements of 49 CFR 24.103 must be met. The following guidance on appraisals pertains to acquisitions of foreclosed upon homes and residential properties which meet the applicable voluntary acquisition requirements of 49 CFR 24.101(b) and reflects applicable URA requirements and the NSP requirements, including the URA appraisal requirements of 49 CFR 24.103.

1. The NSP grantee must ensure that the owner is informed in writing of what the grantee believes to be the market value of the property; and that the NSP grantee will not acquire the property if negotiations fail to result in a an amicable agreement (see 49 CFR 24.101(b)(1) & (b)(2)).

2. If NSP funds are to be used to acquire a foreclosed upon home or residential property (other than through donation), the grantee must ensure that the purchase price includes a discount from the value established by an appraisal that meets the following requirements:

    a. The appraisal must have been completed within 60 days of the offer made for the property (we have advised that an initial offer can be made, subject to the completion of the appraisal within 60 days of a final offer).

    b. The appraisal must meet the URA definition of an appraisal (see 49 CFR 24.2(a)(3) and the five following requirements (see 49 CFR 24.103(a)(2)):

        i. An adequate description of the physical characteristics of the property being appraised (and, in the case of a partial acquisition, an adequate description of the remaining property), including items identified as personal property, a statement of the known and observed encumbrances, if any, title information, location, zoning, present use, an analysis of highest and best use, and at least a 5-year sales history of the property.

ii. All relevant and reliable approaches to value. If the appraiser uses more than one approach, there shall be an analysis and reconciliation of approaches to value used that is sufficient to support the appraiser's opinion of value.

iii. A description of comparable sales, including a description of all relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction.

iv. A statement of the value of the real property to be acquired and, for a partial acquisition, a statement of the value of the damages and benefits, if any, to the remaining real property, where appropriate.

v. The effective date of valuation, date of appraisal, signature, and certification of the appraiser.

c. The appraiser shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired or by the likelihood that the property would be acquired for the project, other than that due to physical deterioration within the reasonable control of the owner.

d. If the owner of a real property improvement is permitted to retain it for removal from the project site, the amount to be offered for the interest in the real property to be acquired shall be not less than the difference between the amount determined to be just compensation for the owner's entire interest in the real property and the salvage value (defined at §24.2(a)(24)) of the retained improvement.

3. The NSP grantee has a legitimate role in contributing to the appraisal process, especially in developing the scope of work and defining the appraisal problem. The scope of work and development of an appraisal under these requirements depends on the complexity of the appraisal problem. HUD's guide to preparing an appraisal scope of work under the URA is available in HUD Handbook 1378- Appendix 19 or through the following link:

http://www.hud.gov/offices/adm/hudclips/handbooks/cpdh/1378.0/1378x19CPDH.pdf

4. The NSP grantee shall establish criteria for determining the minimum qualifications and competency of appraisers. Qualifications shall be consistent with the scope of work for the assignment. The NSP grantee shall review the experience, education, training, certification/licensing, designation(s) and other qualifications of appraisers, and use only those determined by the NSP grantee to be qualified.

5. If the NSP grantee uses a contract (fee) appraiser to perform the appraisal, such appraiser shall be State licensed or certified in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) (12 U.S.C. 3331 *et seq.*).

5P

Council Synopsis

January 10, 2012

From: Roy W. Wasden, City Manager

Prepared by: Maryn Pitt, Interim Airport Manager

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving a facilities management agreement between the City of Turlock and the Turlock Regional Aviation Association for facilities management of the Turlock Municipal Airport and authorizing the City Manager to execute the agreement and all related documents

2. BACKGROUND:

In 1991, an Airport Master Plan, to greatly improve the airport, was adopted by the City and funded by the FAA. Federal airport improvement program funds are generated by aviation fuel taxes and other aviation services for the sole purpose of airport improvement. The 1991 Airport Master Plan defined a general and comprehensive upgrading of the Airport. Historically, the Turlock Municipal Airport has been operated under an airport lease or contract management agreements. In 1999, the City of Turlock entered into an agreement with the TRAA to operate and maintain the Airport for five years. In 2000, the City of Turlock transferred management authority to the TRAA. TRAA has broad authority to manage all phases of the Airport activities including FAA approved improvement projects.
Both the FAA and Caltrans are involved in the maintenance and upgrading of the Airport. The Airport is, and has been, self-supporting by fees generated by users.

Previously, the City of Turlock approved the establishment of an Airport Advisory Commission. This group held regular meetings for the purpose of advising the City Council on airport needs and accomplishments. Members of the Commission were appointed by the Mayor.

According to a report drafted by the Turlock Airport Advisory Commission for the Study and Proposed Operational Transition of the Turlock Municipal Airport dated April 11, 2000, the report points out the expenditure deficiencies of the airport as well as discusses that the Turlock Municipal Airport is classified as a Basic Utility Airport in the National Plan of Integrated Airport Systems. The definition of an Utility airport is one designed, constructed and maintained to serve general aviation aircraft that have approach speeds of less than 121 knots (120 knots equals 138.2 mph). In this capacity range, Turlock Municipal Airport can serve approximately

seventy five percent (75%) of the single engine and small twin engine airplanes used in personal and business aviation.

Up until this time, the City of Turlock has continued to support, in principle, all of the efforts of the TRAA in the improvements and expansion of the Airport. The Airport has been operated in an efficient, businesslike manner and has relied on many varied volunteer services. It has survived years of low-level activities. It is now anticipating a future of productive growth as a viable asset to its aviation users, to the public in Merced and Stanislaus Counties, and to the City of Turlock.

Currently, there are over 70 aircraft based at the Turlock Municipal Airport. The City has a facilities management agreement with the Turlock Regional Aviation Association (TRAA) a nonprofit association, for the operation of the airport in which the City turned all oversight and monitoring over to the TRAA.

In the April 11, 2000 report by the Turlock Airport Advisory Commission, it concluded that one of the best options for the future of the airport was to lease the facility to a nonprofit organization. Following the recommendation in the report, the City Council directed the City Attorney to draft an agreement to lease out the facility for a period of five years, with the option of two additional five year period extensions. Another agreement was executed in 2008 for a period of twenty years ending on June 30, 2028. In this agreement, the City relinquished all control of the site to the TRAA. Now that the Airport has received federal funds, is not in compliance with the oversight, monitoring and compliance requirements of the FAA.

The Agreement before the City Council is a new agreement that has been reviewed and approved by the Federal Aviation Association's District office in Burlingame.

3. BASIS FOR RECOMMENDATION:

Under the terms of the current agreement dated May 27, 2008, attached as Exhibit "A", the TRAA establishes and collects all rents due, and determines the need for appropriate commercial enterprises. The TRAA has been very successful in its efforts to obtain grants from the Federal Aviation Administration to improve and secure the facility.

In response to the concerns expressed by the Federal Aviation Administration (FAA), the City of Turlock needs to provide greater oversight and control where there have been federal funds expended. The new agreement, attached as Exhibit A reflects the requirement and the compliance with the grant assurances that are required as part of the grant agreement.

Strategic Plan Initiative: Economic Development

Goal(s): Create and sustain value added economic development

Goal(s): Job creation and retention

Goal(s): Enhance Revenue

Goal(s): Create diversity of opportunity for business and community development.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: Historically, the annual revenues from the Airport operations have averaged about $36,000 and annual expenses have averaged about $22,000. Based on the financial feasibility analysis, an estimated $450,000 will be available as FAA Airport Improvement Program funds to the Airport Enterprise Fund to fund the next phase of the Capital Improvement Program. Additionally, the Airport Land Use Plan calls for five additional years of capital projects totally almost $11 million to be funded through the competitive grant process. General aviation entitlement funds provide the City/TRAA the ability to prioritize use of these funds with a greater focus on the needs of the Airport and the community and eliminate the need to compete for general aviation discretionary funds for projects that may not have a high priority for FAA Airport Improvement Program funding.

The Turlock Municipal Airport is eligible for FAA Airport Improvement Program grants as a general aviation airport at the current level of 95 percent of the total project. The most recent prior year (2004-2008) Airport Capital Improvement Plan submitted to the FAA includes $4.1 million of capital improvements projects for the Airport.

The Turlock Municipal Airport has received FAA grant awards beginning in 1989 with the most recent grant award of $150,000 received in 2004 to rehabilitate the runway and install perimeter fencing. Grants totaling $1.7 million have been awarded for projects at the Airport since 1989 averaging $110,000 annually.

The State of California provides four financial assistance programs. The first is the Department of Transportation, Division of Aeronautics annual grant of $10,000; the second allows the California Transportation Commission to allocate funds to match Federal Airport Improvement Program grants for airport and aviation purposes; the third is the acquisition and development grants administered by the State Transportation Improvement Program; and the fourth is the Airport Loan Program.

The State provides annual non-matching $10,000 grants to airports that have not been designated as a "reliever" or "commercial service" airport by the FAA that may

be used for both capital improvements and maintenance and operations. The annual grant may be accumulated for up to five years, or a maximum of $50,000, and used as matching funds for an FAA Airport Improvement Program grant.

State funds can be allocated by the California Transportation Commission to match a FAA Airport Improvement Program grant once an airport sponsor has accepted the Airport Improvement Program grant from the FAA. The State match is available to airports that have been designated as a general aviation or reliever airport by the FAA. Only those projects that are included in the State's Capital Improvement Program are eligible to receive matching grants. The State match will be an amount equal to 5 percent of the 95 percent FAA Airport Improvement Program grant.

Any publicly-owned, public-use airport may apply for a State acquisition and development grant through a structured approval process. Grant projects are evaluated and prioritized by an evaluation matrix and an airport rating form with runway maintenance projects receiving the highest priority for funding. An Airport's request may range from a minimum of $10,000 to a maximum of $500,000 per fiscal year.

5. CITY MANAGER'S COMMENTS:

City Manager recommends approval

6. ENVIRONMENTAL DETERMINATION:

All agreements, improvements and future use of the airport are subject to compliance with National Environmental Protection Act (NEPA)

7. ALTERNATIVES:

A. **Divesture of the Turlock Municipal Airport**

In the April 11, 2000 report by the Turlock Airport Advisory Commission, it noted that of

> *"all of the options explored to divest the City of Turlock of the ownership of the Municipal Airport present challenges. The formation of an airport district will be difficult because of the fear of additional taxes for those owning property within a proposed district. The assumption of ownership by Merced County is a challenge caused by concerns over liability and expense. Reversion to the FAA is not automatic and may require an expensive environmental study with the potential issues of remediation prior to any reversion. All options do not preclude the City's financial responsibility in determining the environmental condition or required steps for the remediation*

should contamination be detected. It should be noted that the only airport in California that has been "reverted" to the FAA/ GSA has been the Dos Palos Airport. In that particular case, according to the report, after reversion to the FAA, the land was sold and soon after contamination was detected. The FAA as the seller was then required to expend approximately $6,000,000 to clean up the environmental issues and contamination.

B. The City of Turlock could decide not to execute the management agreement and turnover the airport to another entity. However, since the Turlock Municipal Airport has received more than $2 million in FAA funds, repayment from a non-federal fund source would be required.

AGREEMENT
between
THE CITY OF TURLOCK
and
TURLOCK REGIONAL AVIATION ASSOCIATION
for Turlock Municipal Airport
FACILITIES MANAGEMENT AGREEMENT

THIS AGREEMENT is entered into this 27th day of May, 2008, by and between the **CITY OF TURLOCK**, a municipal corporation (herein referred to as "City") and **TURLOCK REGIONAL AVIATION ASSOCIATION**, a California nonprofit corporation (herein referred to as "Association").

WHEREAS, City owns real property located in the County of Merced commonly known as the Turlock Municipal Airport; and

WHEREAS, a portion of the property is currently devoted to public airport purposes in conformity with a quitclaim deed dated July 31, 1947; and

WHEREAS, City desires to contract the management of Turlock Municipal Airport to Association.

NOW, THEREFORE, the parties mutually agree as follows:

1. This Agreement shall not absolve the City of Turlock of its responsibility to comply with its federal obligations as stated in the Quitclaim Deed dated July 31, 1947 and any future Sponsor Assurances. The City of Turlock remains ultimately responsible for overseeing the safe and efficient operation of Turlock Municipal Airport.

2. This Agreement shall be for a period of twenty (20) years beginning July 1, 2008 and ending June 30, 2028.

3. Association shall pay an annual fee of One Dollar ($1.00) per year with further consideration for this Agreement being the commitment of Association to operate the airport facility as a public airport with all monies generated by such operation to be expended solely for public airport purposes.

4. Association shall also pay all property taxes due from City attributable to the airport facility and the parties acknowledge that this Agreement may constitute a possessory interest in accordance with Revenue and Taxation Code §107 and Association may be subject to the payment of property taxes levied on this interest.

5. Association shall not commence work under this Agreement until Association has obtained approval regarding all insurance requirements, forms, endorsements, amounts, and carrier ratings. Association shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property.

(a) Coverage shall be at least as broad as:

(1) Insurance Services Office Commercial General Liability coverage (occurrence form CG 00 01 11 88).

(2) Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

(b) Association shall maintain limits no less than:

(1) Premises Liability: $5,000,000 per occurrence for bodily injury, personal injury and property damage.

(2) Operations Liability: $1,000,000 per accident for bodily injury, personal injury and property damage.

(c) Any deductible or self-insured retentions must be declared to and approved by City. At the option of City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its elective and appointive boards, officers, agents, employees, and volunteers; or Association shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

(d) The premises liability and operations liability policies are to contain, or be endorsed to contain, the following provisions:

(1) City, its elective and appointive boards, officers, agents, employees, and volunteers are to be covered as insureds with respect to liability arising out of work or operations performed by or on behalf of Association including materials, parts or equipment furnished in connection with such work or operations. Liability coverage can be provided in the form of an endorsement to Association's insurance, or as a separate owner's policy.

(2) For any claims related to the Airport, Association's insurance coverage shall be primary insurance as respects City, its elective and appointive boards, officers, agents, employees, and volunteers. Any insurance or self-insurance maintained by City, its elective and appointive boards, officers, agents, employees, or volunteers shall be excess of Association's insurance and shall not contribute with it.

(3) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to City.

(e) Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

(f) Association shall furnish City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by City or on other than City's forms, provided those endorsements or policies conform to the requirements. All certificates and endorsements are to be received and approved by City. City reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

6. Association shall assume management and control of all airport property and facilities and shall be entitled to determine and collect all rents and fees due. Association shall be solely responsible for determining the need for one or more Fixed Base Operator(s) ("FBO") or other appropriate commercial enterprises and may contract for an FBO with the following limitations:

(a) the term of any contract may not exceed the term of this Agreement.

(b) Before contracting with an FBO, Association will develop standards to address selection/development of fixed base operators and operations thereto.

(c) City shall permit the construction of privately owned hangars or facilities on the airport property so long as the hangars or facilities comply with all building codes and regulations of Merced County and the Turlock Municipal Airport Master Plan and are in compliance to applicable guidelines contained in the Sponsor Assurances and FAA Order 5190.6A.

7. Association shall pay for all utilities attributable to the airport facility including, but not limited to, sewer, water, natural gas, electricity, telephone, and garbage.

8. City shall submit an accounting and status report of the Airport Enterprise Account, including grant funds, to Association at the beginning of the Agreement and annually thereafter. Association shall obtain and submit to City an audited annual statement of revenues and expenses accumulated through the operation of the airport prepared by an approved outside auditor.

9. City shall remain the public entity grantee for State and Federal airport grants and will continue to comply with State and Federal grant assurances as required by current FAA regulations; however, Association shall be responsible for preparing and submitting through City all grant applications. Any matching funds necessary to secure such grant(s) will be derived from airport and Association developed revenues only. No General Fund monies will be used for grant match obligations. City agrees to forward all documents pertaining to airport grants to Association and process completed applications with the grantor agencies in a timely manner.

10. Association shall be responsible for all normal maintenance and repair of airport facilities pursuant to the normal operation of the airport. Major improvement and pavement preservation projects will be performed to the extent that State and Federal grant applications are funded and as other appropriate funding sources may become available.

11. Association shall be responsible for the notification of the Federal Aviation Administration or any other regulatory agency if any occurrence, event, or incident requiring the notification of such agency by rule, regulation, or law, specifically but not limited to, NOTAMs, National Transportation Safety Board notifications, airport directory updates, etc. City shall be supplied with copies of all such notifications.

12. Nothing herein shall be construed as granting or authorizing the granting of an exclusive right for the use of any landing area or air navigation facility upon which Federal funds have been expended.

13. It is further understood and agreed that the limitations of 49 USC 40103(c) and FAA Order 5190.6A in regard to the prohibition to the granting of exclusive rights shall apply.

14. Association shall indemnify, defend and save harmless City, its officers, agents, employees and volunteers from any and all claims and losses accruing or resulting to any and all contractors, subcontractor, material suppliers, laborers and any other person, firm or corporation furnishing or supplying work, services materials, or supplies in connection with the performance of this contract, and from any all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Association in the performance of this Agreement, however caused, except to the extent caused by the active negligence or willful misconduct of City, its officers, agents and employees.

15. This Agreement, either in whole or in part, is not assignable by Association without the prior written consent of City, such consent shall not be unreasonably withheld and will be executed with prior knowledge and approval of FAA.

16. No amendment, alteration or variation of the terms or specification of this Agreement shall be valid unless made in writing and mutually signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.

17. In connection with the execution of this Agreement, Association shall not discriminate against any employee or applicant for employment because of age, race religion, color, sex, or national origin. Association shall take affirmative action to insure that applicants are employed, and the employees are treated during their employment, without regard to their age, race, religion, color, sex or national origin. Such actions shall include, but not be limited to, the following: employment, promotions, demotions or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. Association shall also comply with the requirement of Title VII of the Civil Rights Act of 1964 (P.L. 88-352) and with all applicable regulations, statutes, laws, etc., promulgated pursuant to the civil rights acts of the government of the United States and the State of California now in existence or hereafter enacted. Further, Association shall comply with the provisions of Section 1735 of the California Labor Code.

18. Association and City will each bear their respective costs of negotiating and executing this Agreement with no funds being expended from City's Airport Enterprise Fund.

19. Time is of the essence in this Agreement.

20. This Agreement supersedes all previous agreements and constitutes the entire understanding of the parties hereto. Association shall be entitled to no other benefits than those specified herein. No changes, amendments or alterations shall be effective unless in writing and signed by both parties. Association specifically acknowledges that in entering into and executing this Agreement, Association relies solely upon the provisions contained in this Agreement and no others.

21. The parties agree to execute and deliver any such additional documents as may be reasonably necessary to carry out the provisions of this Agreement.

22. All notices required to be given under this Agreement shall be in writing and addressed as follows:

FOR ASSOCIATION:

Turlock Regional Aviation Association
Attention: Todd Smith, President
P. O. Box 556
Denair, California 95316
(209) 668-7620

FOR CITY:

City of Turlock
Attention: City Manager
156 South Broadway, Suite 230
Turlock, CA 95380-5454
(209) 668-5540

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officers thereunto duly authorized on the date first written above.

CITY OF TURLOCK, a California corporation

By: _____
Tim Kerr, City Manager

Date: 11/25/08

APPROVED AS TO FORM AND LEGALITY:

By: _____
~~Richard C. Burton~~, City Attorney

ATTEST:

By: _____
Rhonda Greenlee, CMC, City Clerk

TURLOCK REGIONAL AVIATION ASSOCIATION

By: _____

Title: Todd Smith, President

Date: 6/21/08

By: _____
Doug Gleason

Title: ~~William Sweet~~, Vice President

Date: 6/25/08

By: _____
Behrens

Title: William ~~Barrens~~, ~~Secretary/Treasurer~~ TREASURER

Date: 6/21/08

5Q

Council Synopsis

January 10, 2012

From: Dan Madden
Municipal Services Director

Prepared by: Stephen Fremming, Assistant Engineer

Rich Fultz, PLS
City Land Surveyor / Development Services Supervisor

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving the exchange agreement with Anthony Mello, City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline".

2. DISCUSSION OF ISSUE:

City Project No. 6859, "Harding Drain Bypass Pump Station and Pipeline", is currently advertised for public bidding. The project involves the installation of approximately 5.5 miles of 36 inch diameter pipe along Harding Road from Prairie Flower Road to the San Joaquin River. Over the course of many years, Staff has worked on the acquisition of easements to allow for the construction of the pipeline.

During the final design review process, it was noted that one section of the pipeline alignment was shown very near to private property that would be impacted by construction operations. The design consultant explored the possibility of moving the pipeline away from the private property to avoid the need to obtain a temporary construction easement, but the location of recently constructed T.I.D. power poles and the Harding Drain itself left Staff with only one option to construct the pipeline as was originally designed.

Staff contacted the property owner, Anthony Mello, who proved willing to enter into an exchange agreement to grant a temporary construction easement for the construction of the pipeline in exchange for non-monetary compensation.

In exchange for the temporary easement as described in Exhibit A, City at its expense shall provide the following facilities; Relocation and construction of approximately 1,300 feet of drainage channel onto Mello property, installation of approximately 1,300 feet of return water discharge pipeline to match existing materials with connection to existing discharge piping to be located beneath drainage channel described above.

3. BASIS FOR RECOMMENDATION:

a) City Policy states that all agreements which legally encumber the City are to be brought before the City Council for consideration.

b) The exchange agreement will ensure that the necessary easement can be secured to construct the pipeline to the City's specifications and safety standards.

Strategic Plan Initiative D. MUNICIPAL INFRASTRUCTURE

Goal(s): c. Develop and Execute a Municipal Services Strategic Plan
ii) Wastewater

This project meets the City's Strategic plan relative to Municipal Infrastructure in moving toward the completion of the Harding Drain Bypass Project, which will reduce the City's liability in meeting State wastewater discharge requirements.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: Sufficient funds are available in the current budget at line item 415-51-538.51270, "Pipeline Construction", for the construction of drainage improvements as per the attached exchange agreement.

Note: No General Fund money will be used for this project

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

An Environmental Impact Report (EIR) has been completed for this project.

7. ALTERNATIVES:

a) Not approve the exchange agreement. This is not recommended by City Staff as the exchange agreement allows for the location of the pipeline near private property, as is necessary due to existing site constraints.

EXCHANGE AGREEMENT

THIS AGREEMENT is entered into this 10th day of January, 2012 by and between the **CITY OF TURLOCK** (hereinafter "City") and Anthony Mello (hereinafter "Mello").

WHEREAS, City desires to acquire a Temporary Easement on the real property owned by Mello more particularly described on Exhibit A attached hereto (hereinafter the "Easements"); and

WHEREAS, Mello is willing to convey the Temporary Easements for a period of twelve months to City in exchange for relocation and construction of new drainage facilities.

WHEREAS, for these purposes the twelve month period for the Temporary Easement shall begin when the contractor begins work on Mello property.

NOW, THEREFORE, the parties agree to the following exchange for the temporary easement as described in Exhibit A, City at its expense shall provide the following facilities; Relocation and construction of approximately 1,300 feet of drainage channel onto Mello property, installation of approximately 1,300 feet of return water discharge pipeline to match existing materials with connection to existing discharge piping to be located beneath drainage channel described above.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officer's thereunto duly authorized.

CITY OF TURLOCK, a municipal corporation

By: _____
Roy Wasden, City Manager

Date: _____

APPROVED AS TO SUFFICIENCY:

By: _____
Michael G. Pitcock, PE, Director of
Development Services/City Engineer

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, City Attorney

ATTEST:

By: _____
Kellie Weaver, MMC, City Clerk

Anthony Mello

By: _____
Anthony Mello

Date: _____

P.O. Box 1154
Patterson, California 95363

EXHIBIT B

In exchange for the temporary easement as described in Exhibit A, City at its expense shall provide the following facilities;

Relocation and construction of approximately 1,300 feet of drainage channel onto Mello property.

Installation of approximately 1,300 feet of return water discharge pipeline to match existing materials with connection to existing discharge piping to be located beneath drainage channel described above.

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT

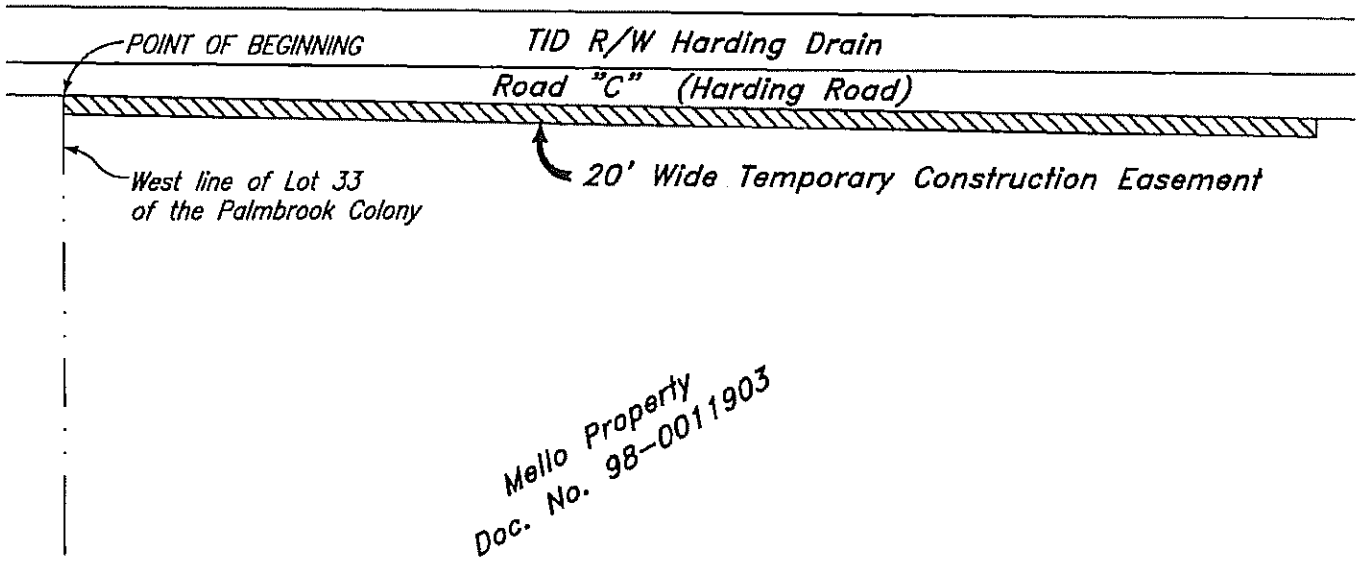
DESCRIPTION

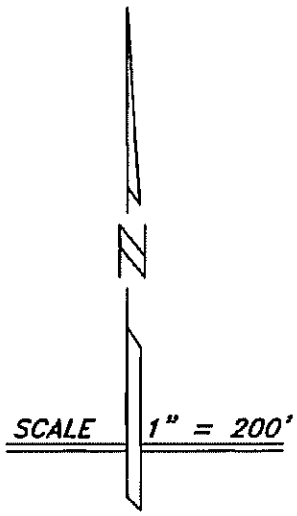
A portion of Section 31, Township 5 South, Range 9 East, Mount Diablo Base and Meridian, located in the County of Stanislaus, State of California, described as follows:

BEGINNING at the northwest corner of Lot 33 as shown on the map of Palmbrook Colony recorded June 18, 1910 in Volume 5 of Maps, at Page 7, Stanislaus County Records, being on the south line of Road "C" known as Harding Road, accepted by Stanislaus County as a Public Utility Easement on March 10, 2009 as Document No. 2009-0022566, Stanislaus County Records; thence South 88°43'37" East along said south line of Road "C" known as Harding Road, a distance of 1350.00 feet; thence South 1°16'23" West 20.00 feet to a line 20.00 feet south of and parallel with said south line of Road "C" known as Harding Road; thence North 88°43'37" West along said line 20.00 feet south of and parallel with the south line of Road "C" known as Harding Road, a distance of 1350.00 feet to the west line of said Lot 33; thence North 1°16'23" East along said west line of Lot 33, a distance of 20.00 feet to the point of beginning.

12-9-11

EXHIBIT "B"
PLAT
Temporary Construction Easement





5R

Council Synopsis

January 10, 2012

From: Dave Young, Chief of Police

Prepared by: Ron Reid, Police Lieutenant

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Accepting monetary donations valued at $1,951 from various donors and donations of assorted animal related products valued at $1,560 utilized in support of the City of Turlock's Animal Control Services operations

2. DISCUSSION OF ISSUE:

Staff received donations from the community during the first quarter of fiscal year 2011/2012 to support the Animal Services Unit. As a result, a total of $1,951.00 was donated by various persons and businesses in monetary form. Additionally, assorted animal related products valued at $1,566.00 were donated for use by the Animal Services Unit (see attached list of donors).

3. BASIS FOR RECOMMENDATION:

Staff is recommending acceptance of the monetary donations and appropriation of the funds to be used in support of the City's Animal Services Unit.

Strategic Plan Initiative: H. POLICY INITIATIVE – COMMUNITY PROGRAMS, FACILITIES, AND INFRASTRUCTURE.

Goal(s): b. (iv) Community Programs
Develop ongoing community partnerships, collaborations and sponsorships which will result in enhanced programming and services to the community as well as leveraging City resources.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Increase to donation account #266-20-255-348.37200_000

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Do not accept these donations.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ACCEPTING MONETARY DONATIONS VALUED AT $1,951 FROM VARIOUS DONORS AND DONATIONS OF ASSORTED ANIMAL RELATED PRODUCTS VALUED AT $1,560 UTILIZED IN SUPPORT OF THE CITY OF TURLOCK'S ANIMAL CONTROL SERVICES OPERATIONS	}	**RESOLUTION NO. 2012-**

WHEREAS, Staff received donations from various donors in the community during FY 2011/2012 (Exhibit A); and

WHEREAS, these donations will be used to support the future needs of the Animal Control Services Unit.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby accept monetary donations valued at $1,951 from various donors and donations of assorted animal related products valued at $1,560 utilized in support of the City of Turlock's Animal Control Services operations.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 10th day of January, 2012, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie Weaver, City Clerk
City of Turlock, County
of Stanislaus, State of California

EXHIBIT A

LIST OF DONORS BY MONTH

July 2011

1. Friends of Turlock (***Food Donation***) – $260.00
2. Wilma Seltzer (***Food Donation***) – $40.00
3. Lisa De Oliveira (***Food Donation***) – $30.00
4. Assorted Pet Items (***Two Large Crates, Six Dog Beds, Two Cat Carriers, One Scratch Post***) Donated Value – $165.00

August 2011

1. Administrative Services – $376.00
2. Kathleen Kennedy – $25.00
3. Wilma Seltzer (***Food Donation***) – $50.00
4. Friends of Turlock (***Food Donation***) – $840.50

September 2011

1. American Legion – Post 88 – $1500.00
2. Kathleen Kennedy – $50.00
3. Tiffany Santoro (***Food Donation***) – $7.00
4. Wilma Seltzer (***Food Donation***) – $80.00
5. Sheryl Perslan (***Assorted Pet Items Donation***) – $23.50
6. Samantha Reglsberd (***Assorted Pet Items Donation***) – $70.00

TOTALS

Monetary Donations - $1951.00
Pet Item Donations - $1566.00

5S

Council Synopsis

January 10, 2012

From: Dave Young, Interim Chief of Police

Prepared by: Lani Smith, Support Operations Manager

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Approving the realignment of the existing 2011-12 budgeted positions of Police Corporals in the Field Operations Division

2. DISCUSSION OF ISSUE:

Staff is seeking approval to realign the existing 2011-12 budgeted positions of Police Corporals from three (3) to five (5) positions.

The existing current 2011-12 budget reflects there are three (3) Police Corporals. Staff intends to maintain the 81 authorized sworn personnel by filling these positions through the reclassification of two (2) existing Police Officer II positions. (See Attachment A).

The Corporal positions provide essential supervision of the staff assigned to patrol.

3. BASIS FOR RECOMMENDATION:

STRATEGIC PLAN:

Strategic Plan Initiative: B. FISCAL RESPONSIBILITY

Goal(s): a. Create an "efficient" yet effective City Government Organization

This agenda item supports the Turlock Police Department's Strategic Plan and specifically implements the following strategic plan priority and objective:

Strategic Plan Priority: 4. Develop Succession Planning and Leadership Building

Objective(s): 12.3 Supervisors Identify Subordinates for Development Opportunities

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: Costs are currently budgeted in Police Salaries in line number 110/420 Police Field Operations

Staff intends to cover the costs within the existing budget salaries allocated to the 81 sworn positions.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

None.

7. ALTERNATIVES:

Council could decline this request for reclassification of the police officers to police corporals.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OFAPPROVING THE REALIGNMENT OF THE EXISTING 2011-12 BUDGETED POSITIONS OF POLICE CORPORALS IN THE FIELD OPERATIONS DIVISION	**RESOLUTION NO. 2012-**

WHEREAS, Staff has identified a need to realign the existing 2011-2012 budgeted positions of Police Corporals in the Field Operations Division; and

WHEREAS, the existing current budget reflects there are three (3) Police Corporals; and

WHEREAS, historically there have been five (5) Corporals to provide supervision on patrol. Through the budgeting process the funded positions were reduced to three (3) corporals. (Please see Attachment A); and

WHEREAS, the Corporal positions provide essential supervision of staff assigned to patrol; and

WHEREAS, costs will be covered within the existing budgeted salaries allocated to the sworn positions staff recommends the revision of realigning these positions to reflect the current allocation of the sworn positions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby authorize the realignment of the existing 2011-12 budgeted positions of Police Corporals in the Field Operations Division.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 10th day of January, 2012, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie Weaver, City Clerk,
City of Turlock, County of
Stanislaus, State of California

ATTACHMENT A

			FY 11-12 Police Salaries			
			Amended Budget	Equity Adjustment	FY 11-12 Budget	Actual YTD 11/30/2011
110	419	1 POLICE CAPTAIN	123,564.00	3,089.21	126,653.21	14,931.00
110	419	2 POLICE LT.	112,068.00	2,941.79	115,009.79	48,543.50
110	419	3 POLICE SGT.	81,888.00	1,949.85	83,837.85	23,884.00
110	419	4 POLICE SGT.	81,888.00	2,149.56	84,037.56	34,274.50
110	419	5 POLICE SGT.	81,888.00	2,149.56	84,037.56	34,274.50
110	419	6 POLICE DETECTIVE	69,432.00	1,822.59	71,254.59	29,060.00
110	419	7 POLICE DETECTIVE	69,432.00	1,822.59	71,254.59	29,060.00
110	419	8 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	419	9 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	419	10 POLICE OFF. II	66,120.00	1,735.65	67,855.65	22,164.50
110	419	11 POLICE OFF. II	66,120.00	1,735.65	67,855.65	25,668.17
110	419	12 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	419	13 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	419	14 POLICE OFF. II	66,120.00	1,735.65	67,855.65	22,320.94
110	419	15 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	419	16 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	419	17 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	419	18 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	419	19 POLICE OFF. II	48,168.00	1,735.65	49,903.65	16,654.50
110	420	1 POLICE CHIEF	191,700.00	4,564.35	196,264.35	127,634.77
110	420	2 POLICE CAPTAIN	123,564.00	3,243.56	126,807.56	51,716.50
110	420	3 POLICE LT.	112,068.00	2,941.79	115,009.79	46,905.50
110	420	4 POLICE LT.	112,068.00	2,668.37	114,736.37	45,584.00
110	420	5 POLICE LT.	112,068.00	2,941.79	115,009.79	46,905.50
110	420	6 POLICE SGT.	81,888.00	2,149.56	84,037.56	34,274.50
110	420	7 POLICE SGT. - TRAFFIC	79,288.00	2,098.37	81,386.37	32,642.00
110	420	8 POLICE SGT.	74,589.00	1,956.80	76,545.80	31,090.00
110	420	9 POLICE SGT.	81,888.00	2,149.56	84,037.56	34,274.50
110	420	10 POLICE SGT.	81,888.00	2,149.56	84,037.56	34,274.50
110	420	11 POLICE SGT.	81,075.50	2,149.56	83,225.06	33,462.00
110	420	12 POLICE SGT.	81,888.00	2,149.56	84,037.56	34,274.50
110	420	13 POLICE SGT. - CAGE	74,280.00	1,949.85	76,229.85	31,090.00
110	420	17 POLICE CORPORAL	70,740.00	1,856.93	72,596.93	29,608.50
110	420	18 POLICE CORPORAL	70,740.00	1,684.62	72,424.62	13,775.00
110	420	19 POLICE CORPORAL	70,740.00	1,684.62	72,424.62	-
110	420	24 POLICE OFF. II	65,203.00	1,735.65	66,938.65	26,757.50
110	420	25 POLICE OFF. II	58,195.50	1,542.42	59,737.92	23,907.00
110	420	26 POLICE OFF. II	63,107.00	1,653.12	64,760.12	26,358.00
110	420	27 POLICE OFF. II	60,112.50	1,574.69	61,687.19	25,107.00
110	420	28 POLICE OFF. II	64,286.00	1,706.18	65,992.18	26,358.00
110	420	29 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	30 POLICE OFF. II	64,024.00	1,694.39	65,718.39	26,358.00
110	420	31 POLICE OFF. II	57,956.50	1,531.67	59,488.17	23,907.00
110	420	32 POLICE OFF. II	64,024.00	1,694.39	65,718.39	26,358.00
110	420	33 POLICE OFF. I	59,390.50	1,233.54	60,624.04	20,453.15
110	420	34 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	35 POLICE OFF. II	62,353.50	1,653.12	64,006.62	25,735.50
110	420	36 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	37 POLICE OFF. II	61,482.00	1,636.31	63,118.31	25,107.00
110	420	38 POLICE OFF. II	60,610.50	1,597.10	62,207.60	25,107.00
110	420	39 POLICE OFF. II	60,112.50	1,574.69	61,687.19	23,953.38
110	420	40 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	41 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	42 POLICE OFF. II	63,107.00	1,653.12	64,760.12	26,358.00
110	420	43 POLICE OFF. II	60,112.50	1,574.69	61,687.19	25,107.00
110	420	44 POLICE OFF. II	58,673.50	1,563.93	60,237.43	23,907.00
110	420	45 POLICE OFF. II	61,357.50	1,630.71	62,988.21	25,107.00
110	420	46 POLICE OFF. II	63,238.00	1,659.02	64,897.02	26,358.00
110	420	47 POLICE OFF. II	62,727.00	1,653.12	64,380.12	26,109.00
110	420	48 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	49 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	51 POLICE OFF. II	66,120.00	1,735.65	67,855.65	33,184.50
110	420	52 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	53 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	54 POLICE OFF. II	66,120.00	1,735.65	67,855.65	28,820.56
110	420	55 POLICE OFF. II	66,120.00	1,735.65	67,855.65	24,919.50
110	420	56 POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	57 POLICE OFF. I	57,120.00	1,499.40	58,619.40	23,907.00

110	420	58	POLICE OFF. II	58,076.00	1,537.04	59,613.04	18,807.86
110	420	59	POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	60	POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	61	POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	62	POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	63	POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	64	POLICE OFF. II	66,120.00	1,735.65	67,855.65	27,674.50
110	420	65	POLICE OFF. II	60,610.50	1,597.10	62,207.60	25,107.00
110	420	69	POLICE OFF. II	55,651.00	1,479.06	57,130.06	22,772.00

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Council Synopsis

January 10, 2012

From: Roy Wasden, City Manager

Prepared by: Marie Lorenzi, Senior Accountant

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Ordering the judicial foreclosure of delinquent special taxes pursuant to the Mello-Roos Community Facilities Act of 1982, and ordering that the tax collector be credited with those installments

2. DISCUSSION OF ISSUE:

Pursuant to Section 7.10 of the Indenture Agreement (Agreement) dated December 1, 1999 executed in conjunction with the issuance of debt used to finance various infrastructure improvements within the Community Facilities District No. 1 (Monte Vista Crossings), the City is required to institute foreclosure proceedings as authorized by law against parcels which have delinquent special assessments. The Agreement states that if (1) a parcel has $1,000 or more in delinquent assessments, or (2) the total amount delinquent is greater than 5% of the total special assessment then the City has the obligation to its bondholders to institute foreclosure proceedings against the owner(s) of the delinquent parcel(s) no later than December 1st.

The District currently has four (4) parcels with delinquent special assessments from the 2010-11 tax year totaling $8,098.26 (excluding any penalties and interest). The first step in the process will be to remove (strip) the direct assessment from the tax roll and request payment from the property owner directly to the City. If the property owner does not remit payment when requested to do so, based on the requirements in the bond documents, Staff is requesting permission to proceed with the judicial foreclosure process.

3. BASIS FOR RECOMMENDATION:

Staff recommends the requested action to be in compliance with the Indenture Agreement related to the bond issuance. When the bonds were issued, the City took on the obligation to follow certain processes to insure that sufficient revenue are collected to repay the bondholders. The requested action is in accordance with this obligation.

Strategic Plan Initiative B. FISCAL RESPONSIBILITY
Goal: (b) Identify smart revenue opportunities including but not limited to grants and outside sources of funding

4. FISCAL IMPACT / BUDGET AMENDMENT:

The cost of collection via foreclosure proceedings is borne by the property owner; therefore there is no additional cost to the City or the District.

5. CITY MANAGER'S COMMENTS:

Recommend approval

6. ENVIRONMENTAL DETERMINATION:

Not applicable

7. ALTERNATIVES:

No alternative is recommended as the requested action is within the City's obligation to bondholders of the debt issued to finance the improvements within the Monte Vista CFD #1.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ORDERING JUDICIAL FORECLOSURE OF DELINQUENT SPECIAL TAXES PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982, AND ORDERING THAT THE TAX COLLECTOR BE CREDITED WITH THOSE TAXES	**RESOLUTION NO. 2012 -**

WHEREAS, the City of Turlock, a California municipal corporation, has conducted proceedings resulting in the formation of Community Facilities Districts ("CFDs") (collectively, the "City") and the issuance and sale of bonds or debt pursuant to the Mello-Roos Community Facilities Act of 1982 (Cal. Gov. Code Section 53311, et seq.; the "Act"); and

WHEREAS, pursuant to the Act, the City has duly recorded Notices of Special Tax Lien and has duly and regularly levied CFD special taxes, which special taxes and interest and penalties thereon constitute a lien against the parcel of the land against which it was levied until the same are paid, which liens secure in whole or part debt issued pursuant to the Act; and

WHEREAS, certain special taxes have not been paid when due, and certain special taxes may not be paid when due in the future; and

W**HEREAS**, pursuant to Section 53356.1(a) of the Act, the City is authorized to order the special taxes collected by an action brought in the Superior Court to foreclose their liens; and

WHEREAS, pursuant to Section 53356.1(b) of the Act, the City covenanted for the benefit of owners of the debt to file such foreclosure actions on behalf of the debt holders and are authorized to order the County Auditor to credit the delinquent special taxes upon the secured tax roll, thus relieving the County Tax Collector of further duty and regard thereto.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby:

1. Find that the Act authorizes the commencement of judicial foreclosure proceedings to collect delinquent special taxes, and hereby orders that the delinquent special taxes listed on the attached Exhibit A and all future delinquent special taxes be collected by action brought in the appropriate Superior Court to foreclose the liens thereof.

2. Find that the Act provides for the payment of the costs associated with the collection of delinquent special taxes and the prosecution of the foreclosure actions and hereby authorizes Staff to require payment on its behalf of all costs incurred in as to each delinquent parcel as a condition of such redemption as provided in the agreement.

3. Authorize and direct City personnel in conjunction with other consultants if and as applicable, pursuant to Government Code Section 53356.2: 1) to record notices of intent to remove the delinquent special taxes from the tax rolls, and 2) to request that the applicable County officials remove current and future delinquent special taxes from the tax rolls.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 10th day of January 2012, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie Weaver
City Clerk, City of Turlock, County of Stanislaus, State of California

EXHIBIT A

City of Turlock CFD No. 1
Delinquent Parcels for 2010-11 Assessment Year

APN	Fiscal Year	Amount
087-003-040-000	2010-11	$ 2,779.18
088-018-010-000	2010-11	$ 2,928.35
088-018-011-000	2010-11	$ 1,066.37
088-018-022-000	2010-11	$ 1,324.36

Amounts listed above are exclusive of Delinquent and Redemption Penalties.

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Council Synopsis

January 10, 2012

From: Roy Wasden, City Manager

Prepared by: Sarah Eddy, Human Resources Manager

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving the side letter agreements between the City of Turlock and Turlock City Employees Association (TCEA), Turlock Associated Police Officers (TAPO), Turlock Associated Firefighters, Local #2434, Turlock Management Association – Public Safety (TMAPS), Turlock Confidential Employees, and Turlock Management Employees, attached as Exhibit A, for the Equalization Adjustment of 4.5% for the period of November 16, 2011 through June 15, 2012

2. DISCUSSION OF ISSUE:

Expenditures for fiscal year 2010/2011 were more than $1,600,000 lower than budgeted as of November, 2011 as a result of the dedicated service and extraordinary restraint in expenditures by all City employees.

3. BASIS FOR RECOMMENDATION:

The City Council authorized a 4.5% base pay Equity Adjustment at its November 8, 2011 meeting in recognition and appreciation of the efforts of City employees in controlling and reducing expenditures.

Each of the employee organizations were represented at a joint meeting at City Hall on November 9, 2011 including the City Manager and the City Attorney, and verbally agreed to accept an equity adjustment of 4.5% applied to base salary for each employee. The term will be November 16, 2011 through June 15, 2012, at which time it will expire.

Strategic Plan Initiative: A. POLICY INITIATIVE – EFFECTIVE LEADERSHIP

Goal(s): c. Hire, develop and retain the best and most qualified employees

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact As detailed in resolution 2011- XXX date 12/13/11.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

A. Do not adopt equity adjustment.

EXHIBIT A

SIDE LETTER

Regarding: Equity Adjustment

Between: City of Turlock and Turlock City Employees Association (TCEA)

Date: November 9, 2011

WHEREAS, expenditures for fiscal year 2010/2011 were more than $1,600,000 lower than budgeted as of November, 2011as a result of the dedicated service and extraordinary restraint in expenditures by all City employees; and

WHEREAS, the City Council authorized an 4.5% base $_{pay}$ Equity Adjustment at its November 8, 2011 meeting in recognition and appreciation of the efforts of City employees in controlling and reducing expenditures; and

WHEREAS, each of the employee organizations were represented at a joint meeting at City Hall on November 9th with representatives of the City including the City Manager and the City Attorney, each of the employee organizations verbally agreed to accept an Equity Adjustment of 4.5% applied to Base Salary for each employee for the term November 16, 2011 through June 15, 2012; and

WHEREAS, the purpose of this side letter is to implement the aforementioned Equity Adjustment.

NOW, THEREFORE, the City of Turlock and Turlock City Employees Association (TCEA) agree as follows:

The aforementioned Equity Adjustment of 4.5% applied to the Base Salary of each employee will be implemented November 16, 2011 and will continue through June 15, 2012 at which time it will expire.

The undersigned agree to the terms as stated above.

TURLOCK CITY EMPLOYEES ASSOCIATION (TCEA)

By: _____
Anthony Orosco, President

By: _____
Rose Stillo, Vice President

By: _____
W. Bob Phibbs, Esq.

CITY OF TURLOCK

By: _____
Roy W. Wasden, City Manager

By: _____
Phaedra A. Norton, City Attorney

EXHIBIT A

SIDE LETTER

Regarding: Equity Adjustment

Between: City of Turlock and Turlock Associated Police Officers

Date: November 9, 2011

WHEREAS, expenditures for fiscal year 2010/2011 were more than $1,600,000 lower than budgeted as of November, 2011as a result of the dedicated service and extraordinary restraint in expenditures by all City employees; and

WHEREAS, the City Council authorized an 4.5% base pay Equity Adjustment at its November 8, 2011 meeting in recognition and appreciation of the efforts of City employees in controlling and reducing expenditures; and

WHEREAS, each of the employee organizations were represented at a joint meeting at City Hall on November 9th with representatives of the City including the City Manager and the City Attorney, each of the employee organizations verbally agreed to accept an Equity Adjustment of 4.5% applied to Base Salary for each employee for the term November 16, 2011 through June 15. 2012; and

WHEREAS, the purpose of this side letter is to implement the aforementioned Equity Adjustment.

NOW, THEREFORE, the City of Turlock and TAPO agree as follows:

The aforementioned Equity Adjustment of 4.5% applied to the Base Salary of each employee will be implemented November 16, 2011 and will continue through June 15, 2012 at which time it will expire.

The undersigned agree to the terms as stated above.

TURLOCK ASSOCIATED POLICE OFFICERS

By: _____
Brandon Bertram, TAPO President

By: _____
Russ Holeman, Vice President

By: _____
Paul Konsdorf, Goyette & Associates

CITY OF TURLOCK

By: _____
Roy W. Wasden, City Manager

By: _____
Phaedra A. Norton, City Attorney

EXHIBIT A

SIDE LETTER

Regarding: Equity Adjustment

Between: City of Turlock and Turlock Associated Firefighters, Local #2434

Date: November 9, 2011

WHEREAS, expenditures for fiscal year 2010/2011 were more than $1,600,000 lower than budgeted as of November, 2011as a result of the dedicated service and extraordinary restraint in expenditures by all City employees; and

WHEREAS, the City Council authorized an 4.5% base pay Equity Adjustment at its November 8, 2011 meeting in recognition and appreciation of the efforts of City employees in controlling and reducing expenditures; and

WHEREAS, each of the employee organizations were represented at a joint meeting at City Hall on November 9th with representatives of the City including the City Manager and the City Attorney, each of the employee organizations verbally agreed to accept an Equity Adjustment of 4.5% applied to Base Salary for each employee for the term November 16, 2011 through June 15, 2012; and

WHEREAS, the purpose of this side letter is to implement the aforementioned Equity Adjustment.

NOW, THEREFORE, the City of Turlock and Turlock Associated Firefighters, Local #2434 agree as follows:

The aforementioned Equity Adjustment of 4.5% applied to the Base Salary of each employee will be implemented November 16, 2011 and will continue through June 15, 2012 at which time it will expire.

The undersigned agree to the terms as stated above.

TURLOCK ASSOCIATED FIREFIGHTERS LOCAL #2434

By: _____
Gary Carlson, President

By: _____
Matthew Horn, Vice President

By: _____
Tim Talbot, Esq.

CITY OF TURLOCK

By: _____
Roy W. Wasden, City Manager

By: _____
Phaedra A. Norton, City Attorney

EXHIBIT A

SIDE LETTER

Regarding: Equity Adjustment

Between: City of Turlock and Turlock Management Association-Public Safety (TMAPS)

Date: November 9, 2011

WHEREAS, expenditures for fiscal year 2010/2011 were more than $1,600,000 lower than budgeted as of November, 2011as a result of the dedicated service and extraordinary restraint in expenditures by all City employees; and

WHEREAS, the City Council authorized an 4.5% base pay Equity Adjustment at its November 8, 2011 meeting in recognition and appreciation of the efforts of City employees in controlling and reducing expenditures; and

WHEREAS, each of the employee organizations were represented at a joint meeting at City Hall on November 9th with representatives of the City including the City Manager and the City Attorney, each of the employee organizations verbally agreed to accept an Equity Adjustment of 4.5% applied to Base Salary for each employee for the term November 16, 2011 through June 15, 2012; and

WHEREAS, the purpose of this side letter is to implement the aforementioned Equity Adjustment.

NOW, THEREFORE, the City of Turlock and Turlock Management Association-Public Safety (TMAPS) agree as follows:

The aforementioned Equity Adjustment of 4.5% applied to the Base Salary of each employee will be implemented November 16, 2011 and will continue through June 15, 2012 at which time it will expire.

The undersigned agree to the terms as stated above.

TURLOCK MANAGEMENT ASSOCIATION-PUBLIC SAFETY

By: _____
Brian White, President

By: _____
Ron Reid, Vice President

CITY OF TURLOCK

By: _____
Roy W. Wasden, City Manager

By: _____
Phaedra A. Norton, City Attorney

EXHIBIT A

SIDE LETTER

Regarding: Equity Adjustment

Between: City of Turlock and Turlock Confidential Employees

Date: November 9, 2011

WHEREAS, expenditures for fiscal year 2010/2011 were more than $1,600,000 lower than budgeted as of November, 2011as a result of the dedicated service and extraordinary restraint in expenditures by all City employees; and

WHEREAS, the City Council authorized an 4.5% base pay Equity Adjustment at its November 8, 2011 meeting in recognition and appreciation of the efforts of City employees in controlling and reducing expenditures; and

WHEREAS, each of the employee organizations were represented at a joint meeting at City Hall on November 9th with representatives of the City including the City Manager and the City Attorney, each of the employee organizations verbally agreed to accept an Equity Adjustment of 4.5% applied to Base Salary for each employee for the term November 16, 2011 through June 15, 2012; and

WHEREAS, the purpose of this side letter is to implement the aforementioned Equity Adjustment.

NOW, THEREFORE, the City of Turlock and Turlock Confidential Employees agree as follows:

The aforementioned Equity Adjustment of 4.5% applied to the Base Salary of each employee will be implemented November 16, 2011 and will continue through June 15, 2012 at which time it will expire.

The undersigned agree to the terms as stated above.

TURLOCK CONFIDENTIAL EMPLOYEES

By: _____
Stacey Tonarelli, Representative

By: _____
Audrey Cray, Representative

CITY OF TURLOCK

By: _____
Roy W. Wasden, City Manager

By: _____
Phaedra A. Norton, City Attorney

EXHIBIT A

SIDE LETTER

Regarding: Equity Adjustment

Between: City of Turlock and Turlock Management Employees

Date: November 9, 2011

WHEREAS, expenditures for fiscal year 2010/2011 were more than $1,600,000 lower than budgeted as of November, 2011as a result of the dedicated service and extraordinary restraint in expenditures by all City employees; and

WHEREAS, the City Council authorized an 4.5% base pay Equity Adjustment at its November 8, 2011 meeting in recognition and appreciation of the efforts of City employees in controlling and reducing expenditures; and

WHEREAS, each of the employee organizations were represented at a joint meeting at City Hall on November 9th with representatives of the City including the City Manager and the City Attorney, each of the employee organizations verbally agreed to accept an Equity Adjustment of 4.5% applied to Base Salary for each employee for the term November 16, 2011 through June 15, 2012; and

WHEREAS, the purpose of this side letter is to implement the aforementioned Equity Adjustment.

NOW, THEREFORE, the City of Turlock and Turlock Management Employees agree as follows:

The aforementioned Equity Adjustment of 4.5% applied to the Base Salary of each employee will be implemented November 16, 2011 and will continue through June 15, 2012 at which time it will expire.

The undersigned agree to the terms as stated above.

TURLOCK MANAGEMENT EMPLOYEES

By: _____
Diana Lewis, Representative

By: _____
Michael Cooke, Representative

CITY OF TURLOCK

By: _____
Roy W. Wasden, City Manager

By: _____
Phaedra A. Norton, City Attorney

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RECEIVED
OCT 0 3 2011
ADMINISTRATIVE SERVICES

CITY OF TURLOCK INC. 1908

CLAIM FORM

(Please type or print)

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CLAIM AGAINST: TURLOCK POLICE DEPARTMENT
(Name of Entity)

Claimant's name: James Woo

SS#: _____ **DOB:** 3/15/74 **Gender:** Male ✓ Female ___

Claimant's address: 191 N Tully Rd, Turlock, CA 95380

Claimant's Telephone Number(s): (209) 667-7777

Address where notices about claim are to be sent, if different from above: See above

Date of incident/accident: 9/9/11

Date injuries, damages, or losses were discovered: door, lock, door jamb were damaged

Location of incident/accident: COMFORT SUITES Room 203

What did entity or employee do to cause this loss, damage, or injury? SWAT used a large metal hammer like device to open door.
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? SWAT

What specific injuries, damages, or losses did claimant receive? door; lock; door jamb were damaged beyond use.
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

If the amount of your claim does not exceed $10,000, state the total amount claimed : _____

If the amount of your claim exceeds $10,000, indicate whether your claim would be a "limited civil case" (if the amount claimed does not exceed $25,000 it is treated as a limited civil case) please check one box:

☒ **DOES NOT EXCEED $25,000** ☐ **EXCEEDS $25,000** [see Government Code 910(f)]

How was this amount calculated (please itemize)? Door (formica) $400; Lock - $300; Door jamb - $300; Install - $500.
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

Date Signed: 9/29/11 **Signature:** James W

If signed by representative:

Print Representative's Name _____ Telephone _____

Address _____

Relationship to Claimant _____

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OCT 26 2011
TURLOCK CITY CLERK

CLAIM FORM

(Please type or print)

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CLAIM AGAINST: City of Turlock
(Name of Entity)

Claimant's name: Eddie Dixon

SS#: _____ **DOB:** _____ **Gender:** Male ___ Female ___

Claimant's address: 1400 Lander Ave, Turlock, CA 95380

Claimant's Telephone Number(s): _____

Address where notices about claim are to be sent, if different from above: _____

Date of incident/accident: 10/5/2011

Date injuries, damages, or losses were discovered: 10/5/2011

Location of incident/accident: Northbound on Lander Ave

What did entity or employee do to cause this loss, damage, or injury? cover was left off of a manhole

(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? Unknown

What specific injuries, damages, or losses did claimant receive? undercarriage damage to vehicle

(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

If the amount of your claim does not exceed $10,000, state the total amount claimed : _____

If the amount of your claim exceeds $10,000, indicate whether your claim would be a "limited civil case" (if the amount claimed does not exceed $25,000 it is treated as a limited civil case) [see Government Code 910(f)].
Please check one box: Limited: ☐ DOES NOT EXCEED $25,000 Unlimited: ☐ EXCEEDS $25,000

How was this amount calculated (please itemize)? _____

(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

Date Signed: 10/18/2011 **Signature:** Michelle Guirguis

If signed by representative:

Print Representative's Name Michelle Guirguis Telephone (800) 854-6011 x52077

Address 1401 N Green Valley Parkway #250, Henderson, NV 89074

Relationship to Claimant Insurance Company - MetLife

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NOV 16 2011

ADMINISTRATIVE SERVICES

LAW OFFICES OF ALONZO J. GRADFORD
426 14th St., Ste. 210
Modesto, California 95354
Modesto Ofc: (209) 408-0342; Modesto Fax: (209) 408-0797

November 14, 2011

RE: CLAIM AGAINST THE CITY OF TURLOCK
(Gov. Code, § 910 et seq.)

Rhonda Greenlee
City Clerk City of Turlock
156 South Broadway, Suite 230
Turlock, CA 95380-5454
Phone: (209) 577-5396
Fax: (209) 571-5152

To Whom It May Concern:

Notice is hereby given of a claim by Justin Levi Cady, 3816 Spineo Circle, Rescue, California 95672.

Notices pertaining to Mr. Cady's claim are to be sent to the Law Offices of Alonzo J. Gradford, 426 14th St., Ste. 210, Modesto, California 95354.

The date, place, and other circumstances giving rise to this claim are as follows:

a. On or about May 17, 2011, Mr. Cady was arrested for felony violations of the Vehicle Code based on allegations by Detective Tosta of the Turlock Police Department, which were based on a wrongful identification of Mr. Cady as the motorcyclist involved in an evading incident that had occurred on May 5, 2011. Mr. Cady was arrested and incarcerated for 2 days on these allegations and faced felony charges, despite the existence of exculpatory information.
b. Mr. Cady was factually innocent of these charges.
c. This claim could give rise to causes of action under some or all of the following principles/legal theories:
    i. Negligence;
    ii. Negligent Infliction of Emotional Distress;
    iii. Negligent Hiring/Supervision;
    iv. Intentional Infliction of Emotional Distress;
    v. False Imprisonment;
    vi. Libel;
    vii. Slander;
    viii. Malicious Prosecution;

ix. Violation of Due Process under the California Constitution and the U.S. Constitution;
x. Civil Rights violations under California law and/or Federal law;
xi. Violation of the Fourth and Fourteenth Amendments and concomitant provisions of the California Constitution; and,
xii. Any and all other causes of action reasonably inferable from the facts and circumstances of the case, as reflected in the documents and records on file at present or from facts not yet known.

A general description of the damages, as far as they are known at the time this claim is being presented, includes, but is not limited to, the following:

d. Monetary damages;
e. Medical Expenses;
f. Damage to Reputation;
g. Loss of Liberty;
h. Emotional distress, and all other, related damages.

At the time this claim is being presented, all the names of the public employees whose tortious and constitutionally violative conduct gave rise to this claim are not known; however, based on the documents made available, it is believed that the names include, but might not be limited to: Jason Tosta, Officer K. Briggs (5596), Officer N. Raumann (5715), Special Agent Matt Medina of the California Department of Justice, Bureau of Gambling Control (BGC), Special Agent Rebecka Brown, Special Agent James Rodriguez, and FBI Special agent Rebeck Brown.

This claim would not be a limited civil case, based on the amount claimed.

Your time and attention to this matter is greatly appreciated. If you require clarification or supplemental information regarding the foregoing claim information in order to process and file this claim, please provide notification by U.S. Mail or facsimile to the address and/or fax number above at your earliest opportunity.

Sincerely,

Alonzo J. Gradford
Attorney at Law

RECEIVED
NOV 16 2011
ADMINISTRATIVE SERVICES

5Y

CLAIM FORM

(Please type or print)

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CLAIM AGAINST: City of Turlock
(Name of Entity)

Claimant's name: Enrique T Morales

SS#: [redacted] **DOB:** 6/4/70 **Gender:** Male X Female ___

Claimant's address: 2984 Valentina Way Ceres, CA, 95307

Claimant's Telephone Number(s): (209) 589 6041

Address where notices about claim are to be sent, if different from above: ___

Date of incident/accident: 11/7/11

Date injuries, damages, or losses were discovered: 11/7/11

Location of incident/accident: 190 Minaret Ave

What did entity or employee do to cause this loss, damage, or injury? Tree fell on my car

(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? ___

What specific injuries, damages, or losses did claimant receive? In the front, rear, and passenger side of automobile, The car was hit by a tree branch & has cosmetic damage

(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

If the amount of your claim does not exceed $10,000, state the total amount claimed : 4,204.53

If the amount of your claim exceeds $10,000, indicate whether your claim would be a "limited civil case" (if the amount claimed does not exceed $25,000 it is treated as a limited civil case) [see Government Code 910(f)].
Please check one box: Limited: ☐ DOES NOT EXCEED $25,000 Unlimited: ☐ EXCEEDS $25,000

How was this amount calculated (please itemize)? yes see Attached

(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

Date Signed: 11/16/11 **Signature:** [signature]

If signed by representative:

Print Representative's Name Enrique Morales Jr Telephone 209 589 6041

Address 2984 Valentina way Ceres ca 95307

Relationship to Claimant ___

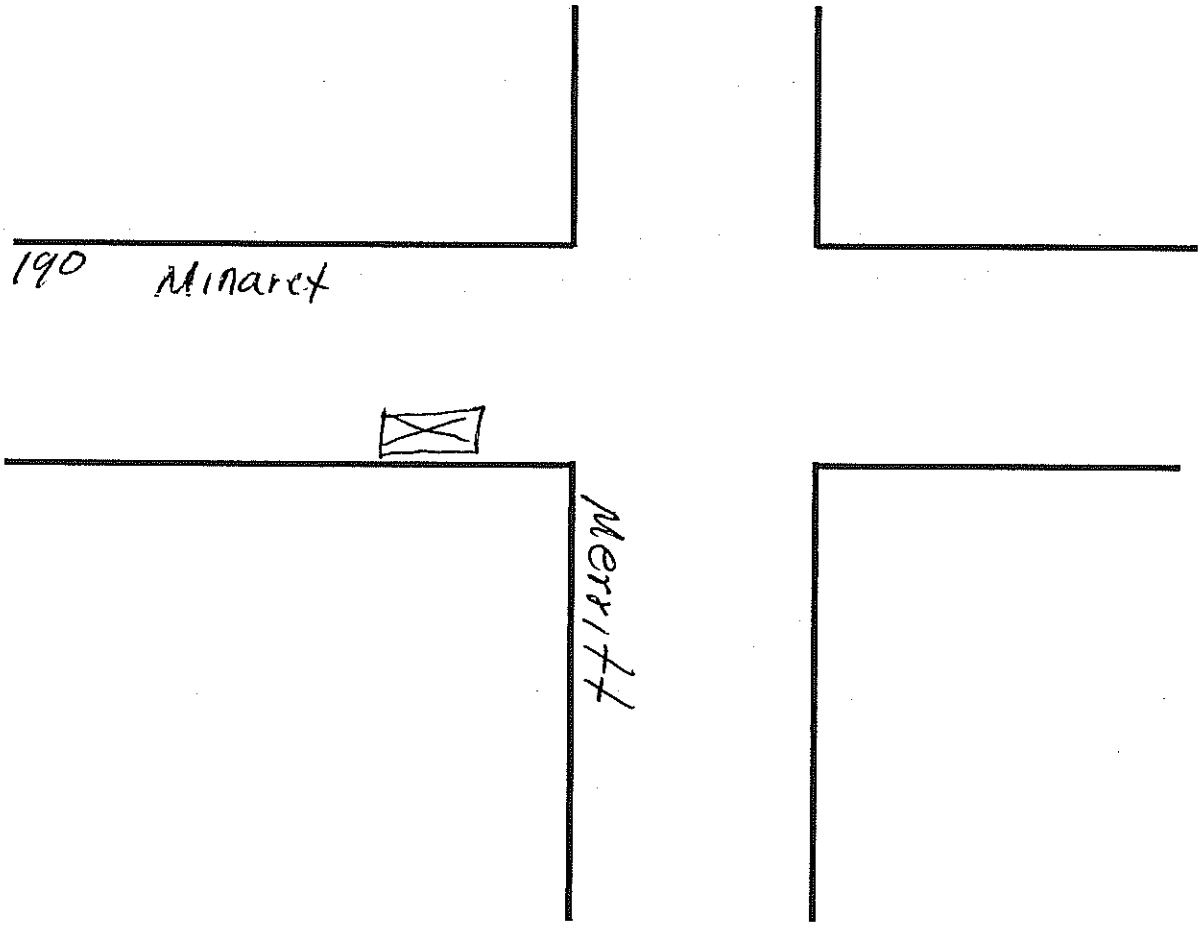
DIAGRAMS

General Diagram

North

Street Incidents

North



ADVANCED AUTO BODY

331 BANGS AVE, MODESTO, CA 95356
Phone: (209) 524-6824
FAX: (209) 524-6521

Workfile ID:	10c9fe5a
Federal ID:	77-0562156
State EPA:	CAL000224221
BAR:	AE 216945

Preliminary Estimate

Customer: MORALES, ENRIQUE

Written By: BRUCE BRISTOL

Insured:	MORALES, ENRIQUE	Policy #:		Claim #:	
Type of Loss:		Date of Loss:		Days to Repair:	0
Point of Impact:					

Owner:
MORALES, ENRIQUE
2984 VALENTINE WAY
CERES, CA 95307
(209) 589-6041 Evening

Inspection Location:
ADVANCED AUTO BODY
331 BANGS AVE
MODESTO, CA 95356
Repair Facility
(209) 524-6824 Day

Insurance Company:

VEHICLE

Year:	1992	Body Style:	2D P/U	VIN:	JT4VN13D8N5089905	Mileage In:	
Make:	TOYO	Engine:	6-3.0L-FI	License:		Mileage Out:	
Model:	DELUXE 4X4 XTRACAB	Production Date:		State:		Vehicle Out:	
Color:	WHITE Int:	Condition:		Job #:			

5 Speed Transmission	Cloth Seats	Overdrive	Recline/Lounge Seats
Bucket Seats	Dual Mirrors	Power Brakes	
Clear Coat Paint	Full Wheel Covers	Power Steering	

Customer: MORALES, ENRIQUE

Vehicle: 1992 TOYO DELUXE 4X4 XTRACAB 2D P/U 6-3.0L-FI WHITE

Line			Operation	Description	Qty	Extended Price $		Labor	Paint
1				FRONT LAMPS					
2			Repl	RT Park & side lamp chrome	1	67.20		0.3	
3				HOOD					
4	*		Rpr	Hood				2.5	2.8
5				Add for Clear Coat					1.1
6				FENDER					
7	*		Rpr	RT Fender 2WD				1.0	2.4
8				Overlap Major Adj. Panel					-0.4
9				Add for Clear Coat					0.4
10			Refn	LT Fender 2WD					2.4
11				Overlap Major Adj. Panel					-0.4
12				Add for Clear Coat					0.4
13				CAB					
14			Refn	LT Corner panel outer					2.5
15				Overlap Major Adj. Panel					-0.4
16				Add for Clear Coat					0.4
17			Blnd	RT Corner panel outer					1.3
18	*		Rpr	Roof panel w/o moon roof				2.5	2.6
19				Overlap Major Adj. Panel					-0.4
20	*			Add for Clear Coat					0.4
21			R&I	RT Side glass Toyota clear				1.2	
22			R&I	LT Side glass Toyota clear				1.2	
23			R&I	Back glass Toyota, extended cab, w/o heat clear				2.0	
24			R&I	Louver				1.0	
25			Blnd	Louver					0.5
26				DOOR					
27	*		Rpr	LT Door shell 2WD, deluxe & SR5 w/o vent				1.5	2.5
28				Overlap Major Adj. Panel					-0.4
29	*			Add for Clear Coat					0.4
30		O	Repl	Stripe tape	1				
31			R&I	LT Mirror remote				0.6	
32			R&I	LT Handle, outside black				0.4	
33			R&I	LT R&I trim panel				0.4	
34				PICK UP BOX					
35			R&I	R&I box assy				2.5	
36	*		Rpr	LT Panel assy side short bed				1.5	2.9
37				Overlap Major Non-Adj. Panel					-0.2
38	*			Add for Clear Coat					0.5
39	#			Hazardous waste removal	1	5.00	T		
40	#		Subl	RE PRODUCE STRIPE KIT	1	389.50	X		
41	#		Repl	Cover car	1	5.00	T	0.1	
42				WINDSHIELD					
43			R&I	RT Nozzle				0.2	

Customer: MORALES, ENRIQUE

Vehicle: 1992 TOYO DELUXE 4X4 XTRACAB 2D P/U 6-3.0L-FI WHITE

44	R&I	LT Nozzle		0.2	
		SUBTOTALS	**466.70**	**19.1**	**21.3**

ESTIMATE TOTALS

Category	Basis		Rate	Cost $
Parts				67.20
Body Labor	19.1 hrs	@	$ 72.00 /hr	1,375.20
Paint Labor	21.3 hrs	@	$ 72.00 /hr	1,533.60
Paint Supplies	21.3 hrs	@	$ 36.00 /hr	766.80
Miscellaneous				399.50
Subtotal				4,142.30
Sales Tax	$ 844.00	@	7.3750 %	62.25
Grand Total				**4,204.55**
Deductible				0.00
CUSTOMER PAY				**0.00**
INSURANCE PAY				**4,204.55**

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM:

ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED:

MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART A=APPROXIMATE PRICE

LABOR TYPES: B=BODY LABOR D=DIAGNOSTIC E=ELECTRICAL F=FRAME G=GLASS M=MECHANICAL P=PAINT LABOR S=STRUCTURAL T=TAXED MISCELLANEOUS X=NON TAXED MISCELLANEOUS

PATHWAYS: ADJ=ADJACENT ALGN=ALIGN A/M=AFTERMARKET BLND=BLEND CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION D&R=DISCONNECT AND RECONNECT EST=ESTIMATE EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY INCL=INCLUDED MISC=MISCELLANEOUS NAGS=NATIONAL AUTO GLASS SPECIFICATIONS NON-ADJ=NON ADJACENT O/H=OVERHAUL OP=OPERATION NO=LINE NUMBER QTY=QUANTITY QUAL RECY=QUALITY RECYCLED PART QUAL REPL=QUALITY REPLACEMENT PART COMP REPL PARTS=COMPETITIVE REPLACEMENT PARTS RECOND=RECONDITION REFN=REFINISH REPL=REPLACE R&I=REMOVE AND INSTALL R&R=REMOVE AND REPLACE RPR=REPAIR RT=RIGHT SECT=SECTION SUBL=SUBLET LT=LEFT W/O=WITHOUT W/_=WITH/_

SYMBOLS: #=MANUAL LINE ENTRY *=OTHER [IE..MOTORS DATABASE INFORMATION WAS CHANGED] **=DATABASE LINE WITH AFTERMARKET N=NOTES ATTACHED TO LINE. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT. NWCPP=NATIONWIDE CRASH PARTS PROGRAM.

Customer: MORALES, ENRIQUE

Vehicle: 1992 TOYO DELUXE 4X4 XTRACAB 2D P/U 6-3.0L-FI WHITE

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide AEM8315, CCC Data Date 11/1/2011, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as AM, Qual Repl Parts or Comp Repl Parts which stands for Competitive Replacement Parts. Used parts are described as LKQ, Qual Recy Parts, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2010 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The Pathways estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

CCC Pathways - A product of CCC Information Services Inc.

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ADMINISTRATIVE SERVICES

CLAIM FORM 52

(Please type or print)

CITY OF TURLOCK INC. 1908

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CLAIM AGAINST: City of Turlock
(Name of Entity)

Claimant's name: Michele Samora

SS#: [redacted] **DOB:** 7-5-1967 **Gender:** Male ___ Female X

Claimant's address: 224 4th Street Turlock 95380

Claimant's Telephone Number(s): 209 495 3929

Address where notices about claim are to be sent, if different from above: Same As Above

Date of incident/accident: Oct 5 2011 And Past

Date injuries, damages, or losses were discovered: Oct 5 2011 And Past

Location of incident/accident: 224 4th Street Turlock CA 95380

What did entity or employee do to cause this loss, damage, or injury? The planing department has not planed for excess water when it rains
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?
City of Turlock Planning Department

What specific injuries, damages, or losses did claimant receive? Excessive water damage from street flooding as well as hazardous mold. See attach. Bids. Photos
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

If the amount of your claim does not exceed $10,000, state the total amount claimed : ___

If the amount of your claim exceeds $10,000, indicate whether your claim would be a "limited civil case" (if the amount claimed does not exceed $25,000 it is treated as a limited civil case) [see Government Code 910(f)].
Please check one box: **Limited:** ☒ **DOES NOT EXCEED $25,000** **Unlimited:** ☐ **EXCEEDS $25,000**

How was this amount calculated (please itemize)? I have two estimates from licenced Contractors, that my insurance company reffered.
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

Date Signed: Nov 15 2011 **Signature:** Michele Samora

If signed by representative:

Print Representative's Name ___ Telephone ___

Address ___

Relationship to Claimant ___

DIAGRAMS

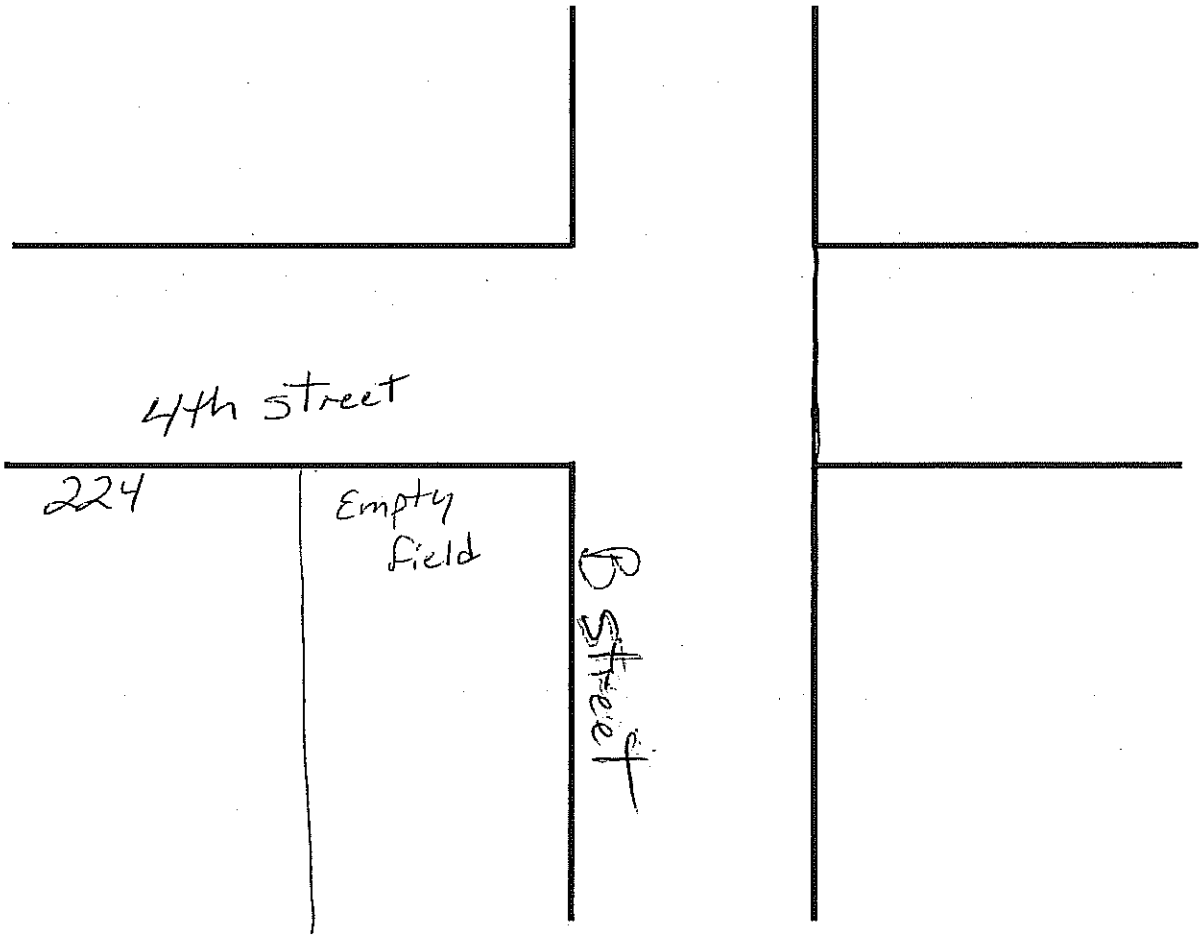
General Diagram

North

See Attached Photos. dated Jan 4 2008 And Oct 5 2011

Street Incidents

North



Trinity Renovation

Trinity Renovation Lic# 947965
P.O. Box 576767 Modesto, Ca, 95357
Office # 209.622.3610 Fax # 209.214.6605
Tax ID # 27-3076467

Insured:	MICHELE SAMORA	Home:	(209) 495-3909
Property:	224 4TH STREET TURLOCK, CA 95380		
Claim Rep.:	Karry Young	Business: E-mail:	(209) 622-3615 kyoung@trinityrenovation.com
Estimator:	Karry Young	Business:	(209) 622-3615
Contractor:		Business:	(209) 622-3610
Company:	Trinity Renovation		
Business:	P.O. Box 576767 Modesto, CA 95357		

Claim Number:	**Policy Number:**	**Type of Loss:**

Date Contacted:	10/27/2011		
Date of Loss:	1/4/2008	Date Received:	10/27/2011
Date Inspected:	10/28/2011	Date Entered:	11/7/2011 1:05 PM
Price List:	CAMO7X_NOV11 Restoration/Service/Remodel		
Estimate:	SAMORA_MICHELE		

Karry Young with Trinity Renovation inspected the above loss site on 10/28/11 with Michele Samora. Upon inspection of the outbuilding, there was noticeable water damage to the interior and exterior siding and framing. With speaking with Michele, every year the city street backs up with water and floods her property. In turn, this causing the damage to her outbuilding. Please see attached photos.

" As you can see it floods every time we have a bad rain storm. It comes in from A street down 4th to my property , than it comes in from B street to my property, runs down the driveway hits the back gate goes through gate into back of house where it rounds the corner into laundry room, it puts at least 4 to 6 inches of water every time. It also runs under my house into the crawl space.The back yard gets flooded also from alley putting, up to at least 6 to 12 inches of water. I have 13 documented calls to police dispatch over a 10 year period. And multiple calls to the City of Turlock. Michele Samora"

Trinity Renovation proposes to provide labor and materials to perform structure repairs outlined in the enclosed estimate. This estimate does not address unforeseen, hidden, or inaccessible conditions.

Trinity Renovation looks forward to assisting you with any renovation needs you may have. If you have any questions regarding this estimate, please call (209) 622-3615.

Sincerely,
Karry Young
Trinity Renovation

Trinity Renovation

Trinity Renovation Lic# 947965
P.O. Box 576767 Modesto, Ca, 95357
Office # 209.622.3610 Fax # 209.214.6605
Tax ID # 27-3076467

SAMORA_MICHELE

Main Level

Main Level

DESCRIPTION	QNTY	UNIT COST	TOTAL
10. Dumpster load - Approx. 12 yards, 1-3 tons of debris	1.00 EA @	377.00 =	377.00
11. Demolish/remove outbiulding (100 sf - 1000 sf)	197.31 SF @	6.20 =	1,223.32
12. Taxes, insurance, permits & fees (Bid item)	1.00 EA @		0.00
Includes: Miscellaneous taxes, insurance, permits and fees.Note: This item to be used for city taxes, course of construction insurance, building permits, or fees charged by private communities or municipalities etc.			

Outbuilding **Height: Peaked**

Missing Wall: **1 - 2' 6" X 6' 8"** **Opens into Exterior** **Goes to Floor**

DESCRIPTION	QNTY	UNIT COST	TOTAL
14. R&R Footings	56.50 LF @	25.89 =	1,462.79
Includes: 5.5 bag mix concrete, forms, stakes, 2 #4 (1/2") continuous deformed steel rebar, and installation labor. Jack hammer and labor.			
5. Drilled bottom plate - 2" x 4" treated lumber	56.50 LF @	1.81 =	102.27
Note: Normally used for plates that will be drilled for anchor bolts and attached to the concrete.			
1. Framing hold down - 16"	14.00 EA @	103.43 =	1,448.02
2. (Material Only) 2" x 4" x 10' #2 & better Fir / Larch (material only)	50.00 EA @	5.26 =	263.00
6. Top plate - 2" x 4"	56.50 LF @	1.81 =	102.27
9. R&R Attic truss	100.00 LF @	10.14 =	1,014.00
Includes: Pre-manufactured attic truss, blocking, angled end bracing, catwalk, sub-fascia, barge rafters, fasteners (nails or staples), and installation labor. Labor cost to remove a pre-manufactured truss and to discard in a job-site waste receptacle. Excludes: Truss anchors			
7. Framing hanger	20.00 EA @	8.99 =	179.80
Includes: Framing hanger, nails			
8. Beam - microlam - 3 1/2" x 9 1/2"	3.00 LF @	12.33 =	36.99
Includes: Pre-manufactured microlam (LVL) beam, nails			
4. Carpenter - General Framer - per hour	80.00 HR @	53.74 =	4,299.20
Labor to frame outbuilding.			
18. Siding - hardboard panel - paint grade	624.58 SF @	2.25 =	1,405.31
22. R&R Exterior door - solid core lauan / mahogany or birch flush	1.00 EA @	260.60 =	260.60
19. Exterior - paint two coats	624.58 SF @	0.79 =	493.42
20. Paint door/window trim & jamb - 2 coats (per side)	2.00 EA @	21.09 =	42.18
21. Paint door slab only - 2 coats (per side)	2.00 EA @	20.98 =	41.96
17. 3 tab - 20 yr. - (hvy.wt) comp. shingle rfg - incl. felt	4.00 SQ @	194.11 =	776.44

Trinity Renovation Lic# 947965
P.O. Box 576767 Modesto, Ca, 95357
Office # 209.622.3610 Fax # 209.214.6605
Tax ID # 27-3076467

Grand Total Areas:

624.58	SF Walls	275.66	SF Ceiling	900.24	SF Walls and Ceiling
197.31	SF Floor	21.92	SY Flooring	56.50	LF Floor Perimeter
0.00	SF Long Wall	0.00	SF Short Wall	67.14	LF Ceil. Perimeter
197.31	Floor Area	217.42	Total Area	624.58	Interior Wall Area
699.75	Exterior Wall Area	61.67	Exterior Perimeter of Walls		
0.00	Surface Area	0.00	Number of Squares	0.00	Total Perimeter Length
0.00	Total Ridge Length	0.00	Total Hip Length		

Trinity Renovation

Trinity Renovation Lic# 947965
P.O. Box 576767 Modesto, Ca, 95357
Office # 209.622.3610 Fax # 209.214.6605
Tax ID # 27-3076467

Summary for Dwelling

Line Item Total				13,528.57
Material Sales Tax	@	7.375% x	3,646.32	268.92
Subtotal				13,797.49
Overhead	@	10.0% x	13,797.49	1,379.75
Profit	@	10.0% x	13,797.49	1,379.75
Replacement Cost Value				**$16,556.99**
Net Claim				**$16,556.99**

Karry Young

Trinity Renovation Lic# 947965
P.O. Box 576767 Modesto, Ca, 95357
Office # 209.622.3610 Fax # 209.214.6605
Tax ID # 27-3076467

1

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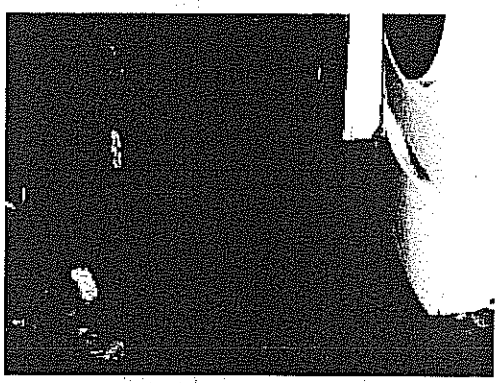

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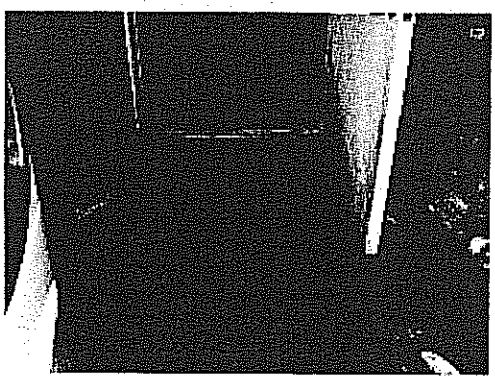

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Trinity Renovation Lic# 947965
P.O. Box 576767 Modesto, Ca, 95357
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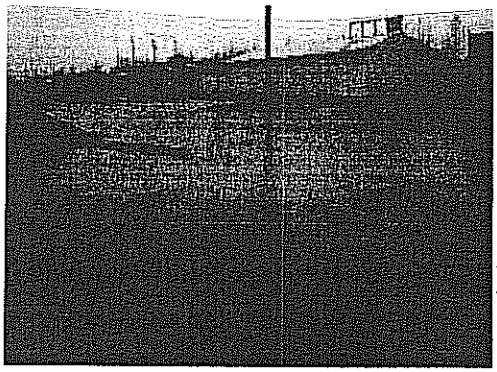
9



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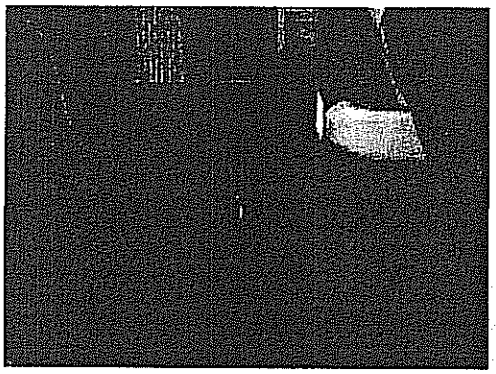

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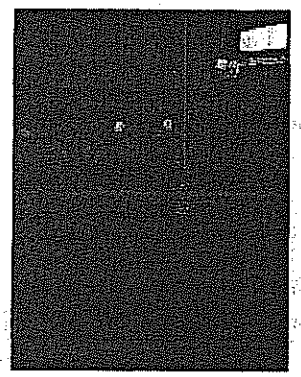
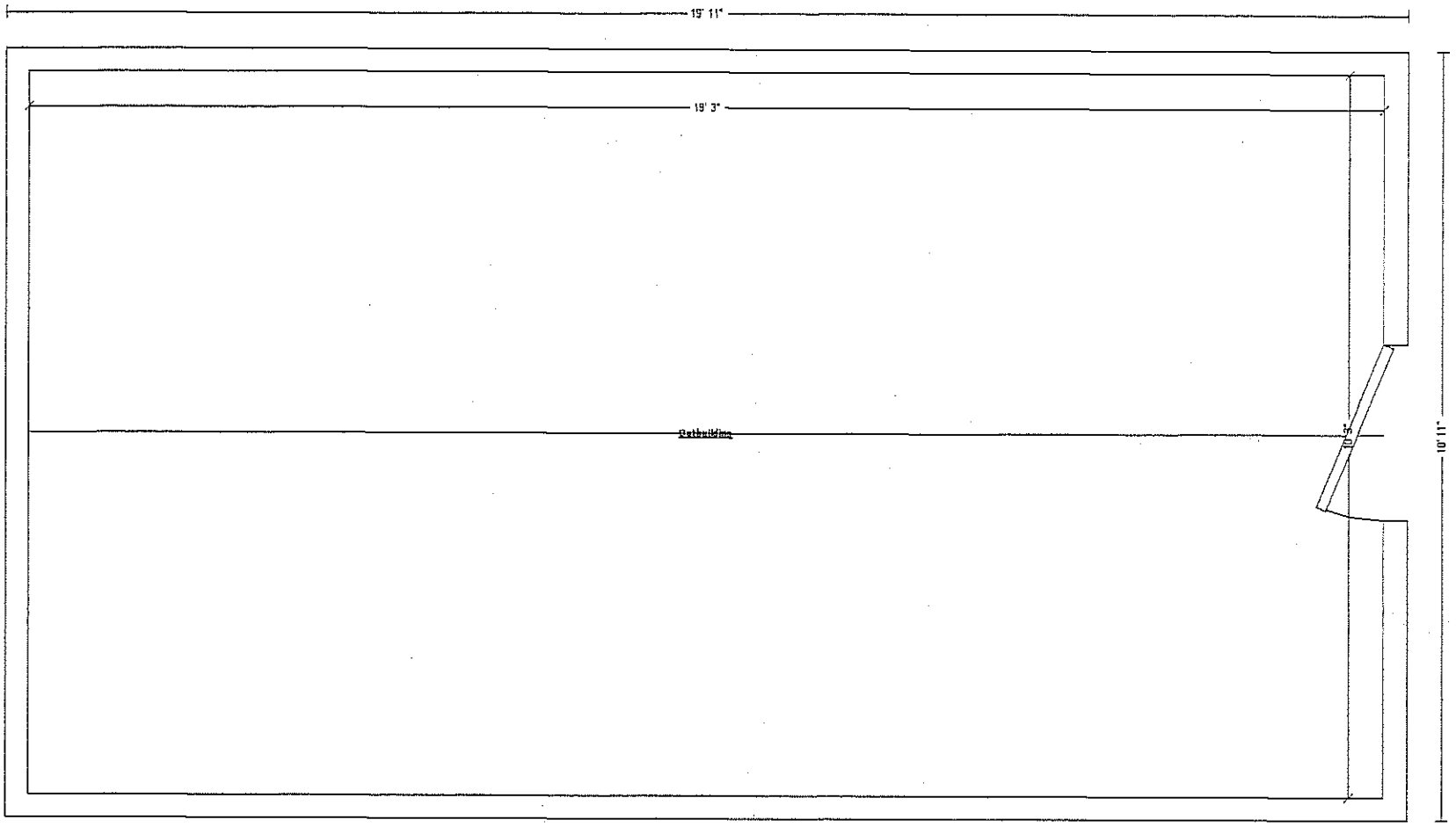


Trinity Renovation

Trinity Renovation Lic# 947965
P.O. Box 576767 Modesto, Ca, 95357
Office # 209.622.3610 Fax # 209.214.6605
Tax ID # 27-3076467

Image Detail

Image No.	Type	Date Taken	Taken By
1	micheles_pics_090	10/5/2011	Karry Young
2	micheles_pics_091	10/5/2011	Karry Young
3	micheles_pics_092	10/5/2011	Karry Young
4	micheles_pics_094	10/5/2011	Karry Young
5	micheles_pics_095	10/5/2011	Karry Young
6	micheles_pics_096	10/5/2011	Karry Young
7	micheles_pics_100	10/5/2011	Karry Young
8	P1040029	1/4/2008	Karry Young
9	P1040031	1/4/2008	Karry Young
10	P1040036	1/4/2008	Karry Young
11	P1040037	1/4/2008	Karry Young



N

Main Level

AAA FLOODANDFIRE CALL JUAN 4155741969

JSJCC Corp. Dba: AAA Flood & Fire Services
2899 Aiello Dr Suite D
San Jose, Ca. 95111
1-888-379-1688
www.aaafloodandfire.com

Client: Michele Samora
Property: 224 4th Street
Turlock, CA

Operator Info:
Operator: ERNIE

Estimator: Ernie Peneueta
Business: 2899 Aiello Drive #D
San Jose, CA 95111

Business: (408) 270-9111

Reference:
Company: Private

Type of Estimate: Remodeling
Date Entered: 10/14/2011

Date Assigned:

Price List: CABA7X_SEP11
Labor Efficiency: Restoration/Service/Remodel
Estimate: 2011-10-14-1203
File Number: 2011-10-14-1203

Michele Samora

RE: 224 4th Street
Turlock, CA

Please find submitted our estimate to rebuilt your garage. Feel free to contact me if you should have any questions. Thank you for your consideration.

Ernie Peneueta
AAA Flood and Fire
408: 645-4166

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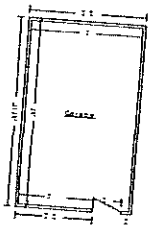
2011-10-14-1203

Main Level



Garage **Height: 8'**

512.00 SF Walls
752.00 SF Walls & Ceiling
26.67 SY Flooring
64.00 LF Ceil. Perimeter
240.00 SF Ceiling
240.00 SF Floor
64.00 LF Floor Perimeter

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
2. R&R Footings - reinforced	72.00 LF	6.42	75.00	5,862.24
6. R&R Stud wall - 2" x 4" x 8' - 16" oc	72.00 LF	5.00	20.00	1,800.00
3. R&R Concrete slab on grade - 12" - finished in place	320.00 SF	3.95	6.64	3,388.80
4. Concrete anchor bolt - 5/8" x 12"	20.00 EA	0.00	5.25	105.00
5. R&R Steel rebar - #5 (5/8")	125.00 LF	1.03	1.08	263.75
7. R&R Joist - 2x6 floor or ceiling system	316.00 BF	0.45	1.34	565.64
8. R&R Rafters - 2x4 - 24" OC (3-5/12 Gable, per SF of floor)	240.00 SF	0.61	1.55	518.40
23. R&R 2" x 6" lumber (1 BF per LF) Fasia.	44.00 LF	0.42	1.71	93.72
16. R&R Siding - hardboard panel - paint grade	648.00 SF	0.21	2.09	1,490.40
15. R&R Exterior door - metal - insulated - flush or panel style	1.00 EA	15.04	231.28	246.32
19. Seal & paint wood siding	648.00 SF	0.00	0.85	550.80
20. Prime & paint exterior fascia - wood, 4"-6" wide	44.00 LF	0.00	1.01	44.44
21. Prime & paint exterior soffit - exposed rafters	61.60 SF	0.00	1.90	117.04
22. Prime & paint gutter / downspout	64.00 LF	0.00	0.96	61.44
Totals: Garage				15,107.99
Total: Main Level				15,107.99

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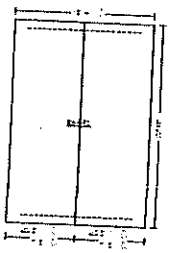
CONTINUED - General

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
17. Architectural/Drafting fees (Bid item)	1.00 EA	0.00	1,500.00	1,500.00
18. Taxes, insurance, permits & fees (Bid item)	1.00 EA	0.00	1,200.00	1,200.00
Includes plan check fees.				
24. Dumpster load - Approx. 40 yards, 7-8 tons of debris	1.00 EA	710.00	0.00	710.00
25. Haul debris - per pickup truck load - including dump fees	2.00 EA	112.49	0.00	224.98
26. General Demolition - per hour	48.00 HR	35.08	0.00	1,683.84
Debris Cartage.				
Totals: General				5,318.82

Roof



Roof1

366.36 Surface Area
77.66 Total Perimeter Length
3.66 Number of Squares
22.67 Total Ridge Length

DESCRIPTION	QNTY	REMOVE	REPLACE	TOTAL
12. R&R Sheathing - plywood - 5/8" CDX	366.36 SF	0.40	1.41	663.11
13. R&R Ridge cap - composition shingles	22.00 LF	1.34	3.29	101.86
14. Gutter / downspout - galvanized - up to 5"	64.00 LF	0.00	3.59	229.76
Totals: Roof1				994.73
Total: Roof				994.73
Line Item Subtotals: 2011-10-14-1203				**21,421.54**

Adjustments for Base Service Charges

	Adjustment
Carpenter - Finish, Trim/Cabinet	111.14

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Adjustments for Base Service Charges	Adjustment
Total Adjustments for Base Service Charges:	111.14
Line Item Totals: 2011-10-14-1203	**21,532.68**

Grand Total Areas:

512.00	SF Walls	240.00	SF Ceiling	752.00	SF Walls and Ceiling
240.00	SF Floor	26.67	SY Flooring	64.00	LF Floor Perimeter
0.00	SF Long Wall	0.00	SF Short Wall	64.00	LF Ceil. Perimeter
240.00	Floor Area	261.78	Total Area	512.00	Interior Wall Area
626.74	Exterior Wall Area	66.67	Exterior Perimeter of Walls		
366.36	Surface Area	3.66	Number of Squares	77.66	Total Perimeter Length
22.67	Total Ridge Length	0.00	Total Hip Length		

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Summary

Line Item Total				21,421.54
Total Adjustments for Base Service Charges				111.14
Material Sales Tax	@	9.250% x	4,276.81	395.60
				21,928.28
Overhead	@	10.0% x	21,928.28	2,192.83
Profit	@	10.0% x	21,928.28	2,192.83
Replacement Cost Value				**$26,313.94**
Net Claim				**$26,313.94**

Ernie Peneueta

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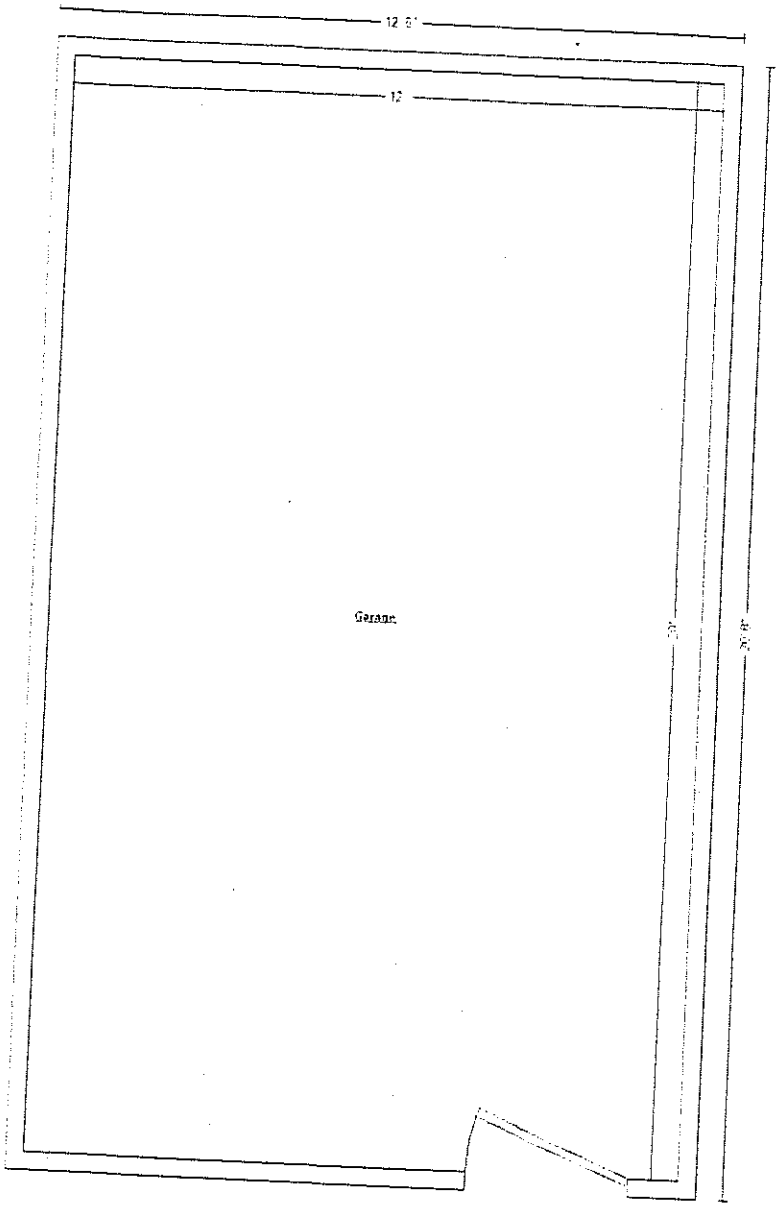
Recap by Category

O&P Items

			Total	%
CONCRETE & ASPHALT			7,764.80	29.51%
GENERAL DEMOLITION			5,468.03	20.78%
DOORS			231.28	0.88%
PERMITS AND FEES			2,700.00	10.26%
FRAMING & ROUGH CARPENTRY			2,310.68	8.78%
PAINTING			773.72	2.94%
ROOFING			588.95	2.24%
SIDING			1,354.32	5.15%
SOFFIT, FASCIA, & GUTTER			229.76	0.87%
O&P Items Subtotal			21,421.54	81.41%
Base Service Charges			111.14	0.42%
Material Sales Tax	@	9.250%	395.60	1.50%
Overhead	@	10.0%	2,192.83	8.33%
Profit	@	10.0%	2,192.83	8.33%
Total			26,313.94	100.00%



0-14-1203

Main Level

TURLOCK POLICE DEPARTMENT

224 FOURTH ST

2000 to 2011

CALLS FOR SERVICE	DATE AND TIME	ADDRESS
Abandoned Vehicle	5/6/2003 07:36AM	224 FOURTH ST
	12/6/2005 07:30AM	224 FOURTH ST
	7/9/2007 09:02AM	224 FOURTH ST
	7/9/2007 09:04AM	224 FOURTH ST
Animal other	8/14/2002 08:23AM	224 FOURTH ST
	2/8/2010 09:47AM	224 FOURTH ST
Assist other agency	1/17/2001 04:26PM	224 FOURTH ST
Bike stop	10/18/2003 01:31AM	224 FOURTH ST
	7/10/2009 12:20AM	224 FOURTH ST
	7/31/2010 10:10PM	224 FOURTH ST
Burglary-auto	3/31/2008 04:17PM	224 FOURTH ST
City Crew Call-Streets	5/24/2001 05:43PM	224 FOURTH ST
	12/25/2004 08:34AM	224 FOURTH ST
	3/31/2006 08:15PM	224 FOURTH ST
	1/18/2010 01:08PM	224 FOURTH ST
City Crew Call-Water	11/22/2003 12:48PM	224 FOURTH ST
	11/22/2003 01:57PM	224 FOURTH ST
	12/31/2005 10:53AM	224 FOURTH ST
	1/2/2006 10:45AM	224 FOURTH ST
	3/31/2006 06:40PM	224 FOURTH ST
	3/10/2007 12:56PM	224 FOURTH ST
	1/2/2011 01:32PM	224 FOURTH ST
	3/24/2011 06:17PM	224 FOURTH ST
	10/5/2011 05:39PM	224 FOURTH ST
Civil	5/6/2005 03:22PM	224 FOURTH ST
Code 6	1/28/2001 05:50PM	224 FOURTH ST
	12/11/2001 02:36AM	224 FOURTH ST
DOG AT LARGE	6/8/2010 10:29AM	224 FOURTH ST
Disturbance	2/13/2005 02:33PM	224 FOURTH ST
Disturbance - Verbal	5/25/2011 04:37PM	224 FOURTH ST
Disturbance - noise	2/20/2006 10:25PM	224 FOURTH ST
Driving while intoxicated	4/3/2011 12:53AM	224 FOURTH ST
Extra patrol	9/24/2006 09:19PM	224 FOURTH ST
Found property	8/9/2006 09:44PM	224 FOURTH ST
Hazard	6/27/2000 12:16AM	224 FOURTH ST
	7/25/2008 07:18AM	224 FOURTH ST
Indecent exposure	4/19/2009 03:11PM	224 FOURTH ST
Lost property	8/2/2011 08:53AM	224 FOURTH ST
Parking cite	10/31/2010 08:03PM	224 FOURTH ST
Public intoxication	11/30/2006 05:08PM	224 FOURTH ST

Not all calls are on this Page. Jan 1 2008 is not on list.

c perrien

5AA

RECEIVED
NOV 17 2011
TURLOCK CITY CLERK

CLAIM FORM

(Please type or print)

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CLAIM AGAINST: Austin Wilson
(Name of Entity)

Claimant's name: Maria A. Viveros

SS#: [redacted] **DOB:** 3-4-60 **Gender:** Male ___ Female X

Claimant's address: 720 Vermont Ave. Turlock, CA 95380

Claimant's Telephone Number(s): (209) 585-5117

Address where notices about claim are to be sent, if different from above: SAME AS Above.

Date of incident/accident: November 9, 2011, Wednesday

Date injuries, damages, or losses were discovered: November 9, 2011

Location of incident/accident: Inside the house in the living room wall.

What did entity or employee do to cause this loss, damage, or injury? He had to cut a piece of the wall to be able to remove the bullet for evedince
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? Austin Wilson

What specific injuries, damages, or losses did claimant receive? See the back for information.
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

If the amount of your claim does not exceed $10,000, state the total amount claimed : ___

If the amount of your claim exceeds $10,000, indicate whether your claim would be a "limited civil case" (if the amount claimed does not exceed $25,000 it is treated as a limited civil case) [see Government Code 910(f)].
Please check one box: Limited: ☒ DOES NOT EXCEED $25,000 Unlimited: ☐ EXCEEDS $25,000

How was this amount calculated (please itemize)? We are not sure but we called our insurance.
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

Date Signed: ___ **Signature:** Maria A. Viveros

If signed by representative:

Print Representative's Name ___ Telephone ___

Address ___

Relationship to Claimant ___

November 15, 2011

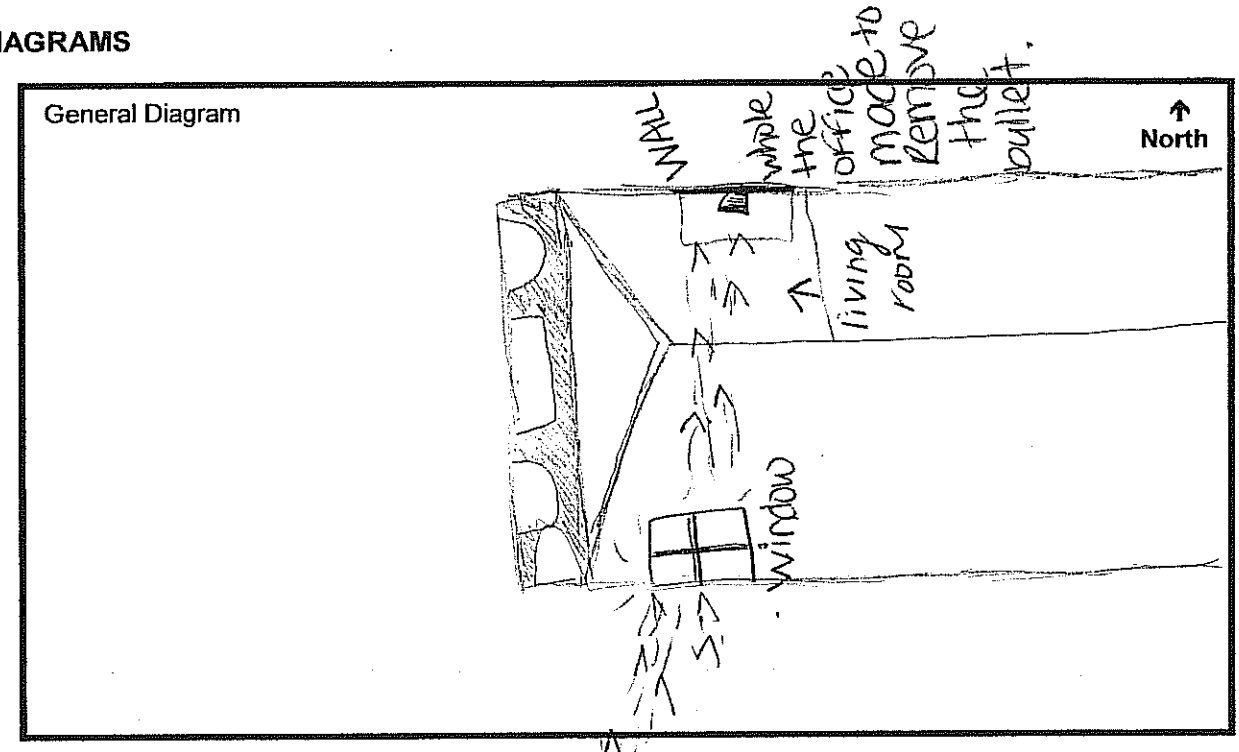
To whom it may concern:

On Wednesday, November 9th of the year 2011, approximately at 2 a.m. there was a shooting and a bullet hit my house. The address is 720 Vermont Ave Turlock, Ca 95380. The bullet came from the direction of West Ave and hit my window and shattered it. The bullet did not stop and it went across the dinning room and hit the living room wall. It shattered our home interior frame and the bullet also left a hole outside on the sheetrock. The officer that came, Austin Wilson, said that he had to make a hole on the wall in order to remove the bullet for evidence. He gave us a card and he informed us that if our insurance company did not want to cover it, to call the City Hall. I do not have money to repair this myself. I am really struggling with my health conditions. The bullet was traced with the drug bust that occurred that night. This bullet was not for me and it was not my fault. I don't think it is fair that I have to stress out for the mistakes of other irresponsible people. I really hope that my claim gets approved because the damage can get worst with water and I don't have any kind of income to fix this. Investigations can be made and pictures are available as well. I would want to thank you for your time and look forward to hearing from you.

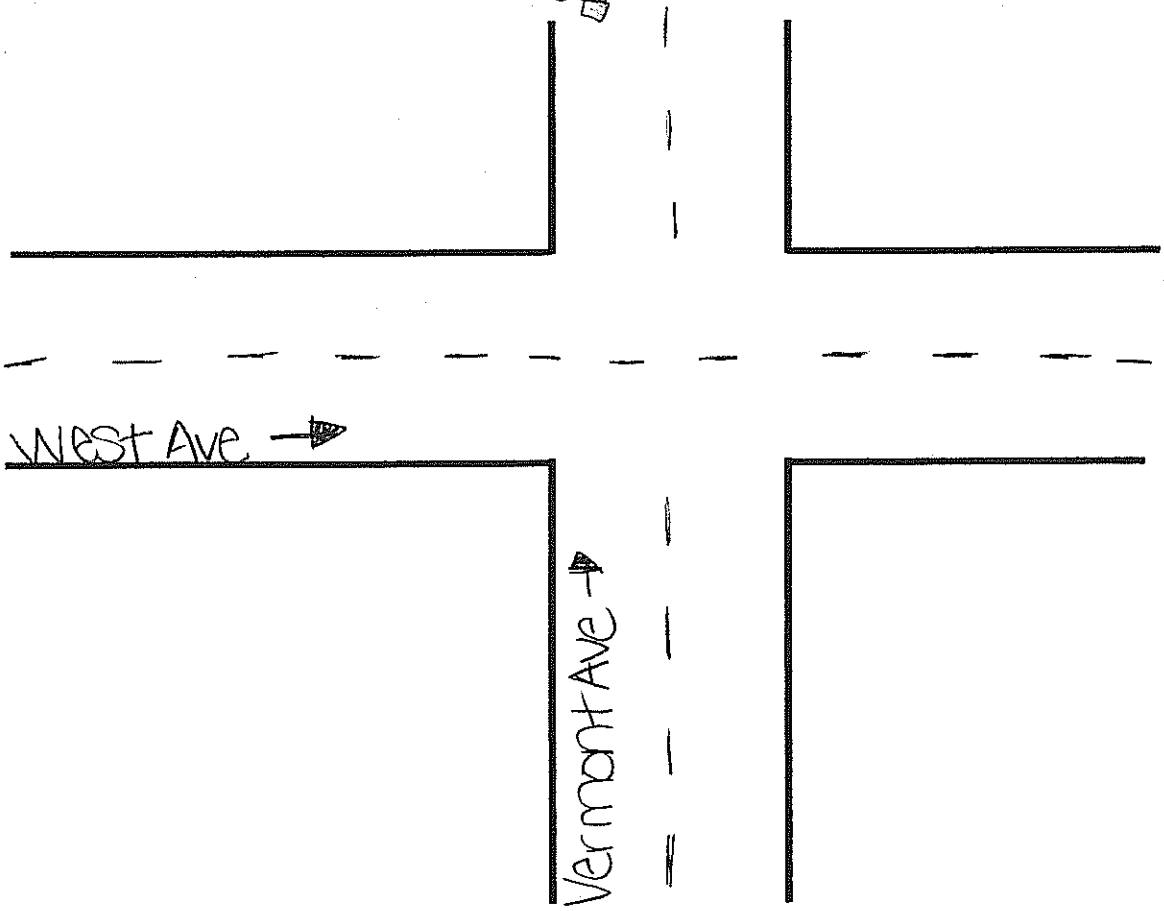
Sincerely,

Maria A Viveros

DIAGRAMS



Street Incidents



CITY OF TURLOCK INC. 1908

CLAIM FORM

(Please type or print)

5AB RECEIVED
ST
OCT 20 2011
ADMINISTRATIVE SERVICES

156 S. BROADWAY, SUITE 230 I TURLOCK, CALIFORNIA 95380 I PHONE 209-668-5540 I FAX 209-668-5668

CLAIM AGAINST: City of Turlock, 156 Broadway, Ste 230, Turlock, CA 95380

(Name of Entity)

Claimant's name: Leilani Jean Blackburn

SS#: [redacted] DOB: 05-10-1938 Gender: Male- Female

Claimant's address: 2125 N Olive Ave. – E24, Turlock, CA 95382

Claimant's Telephone Number(s): 209-632-3556

Address where notices about claim are to be sent, if different from above: Same as above

Date of incident/accident: August 8, 2011

Date injuries, damages, or losses were discovered: August 8, 2011

Location of incident/accident: 390 Hanover St, Turlock, CA (residents: Warren D. & Linda D. Marr)

What did entity or employee do to cause this loss, damage, or injury? Claimant tripped over an uneven edge of crack in the sidewalk. Pictures attached.

(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? N/A

What specific injuries, damages, or losses did claimant receive? The fall necessitated immediate emergency room evaluation and emergency dental repair (replacing lost crown). The fall resulted in facial contusions, abrasions, damaged bone holding teeth in place, headaches, one lost crown, 2 cracked crowns and 3 teeth permanently destroyed by killing the nerve in the teeth. Following ongoing headaches I was referred to Dr. Ma. An MRI determined there was no concussion. Exams performed by endodontic dentist Dr. Kang determined 3 teeth will need root canal to remove destroyed nerves. He also recommends replacing all damaged crowns. See attached.

(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

If the amount of your claim does not exceed $10,000, state the total amount claimed: According to proof – see back of form.

If the amount of your claim exceeds $10,000, indicate whether your claim would be a "limited civil case" (if the amount claimed does not exceed $25,000 it is treated as a limited civil case) please check one box:

XX DOES NOT EXCEED $25,000 0 EXCEEDS $25,000 [see Government Code 9] O(f)]

How was this amount calculated (please itemize)'! See back of this form.

(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

Date Signed: 10-20-11 Signature: Leilani Jean Blackburn

If signed by representative:

Print Representative's Name

Address

Telephone 209-632-3556

Relationship to Claimant

September 2010

CC: Warren D & Linda D Marr
390 Hanover St.
Turlock, CA

Submitted/Estimated charges		Insurance	Claimant's Responsibility
Emanuel Med Center -	$644.00	$ 74.81	$ 00.00
Vepema Med Grp	294.00	52.11	00.00
Delbon Dental - Emer.	1424.00	00.00	820.00 paid
Dr. Hundal	52.86	42.95	00.00
Dr. Ma Nuerologist	125.00	105.46	00.00
Nijjar – MRI	1001.00	209.11	00.00
Dr. Kang, Endodontic	120.00	00.00	120.00
Yung-Ming Kang, DDS	2,100.00 Est.	00.00	2,100.00
Delbon Dental	6,100.00 Est.	00.00	6,100.00
	$ 11,860.86		**$ 9,140.00**

Submitted by: Leilani Jean Blackburn
209-632-3556
2125 N Olive Ave. E-24
Turlock, CA 95382

DIAGRAMS

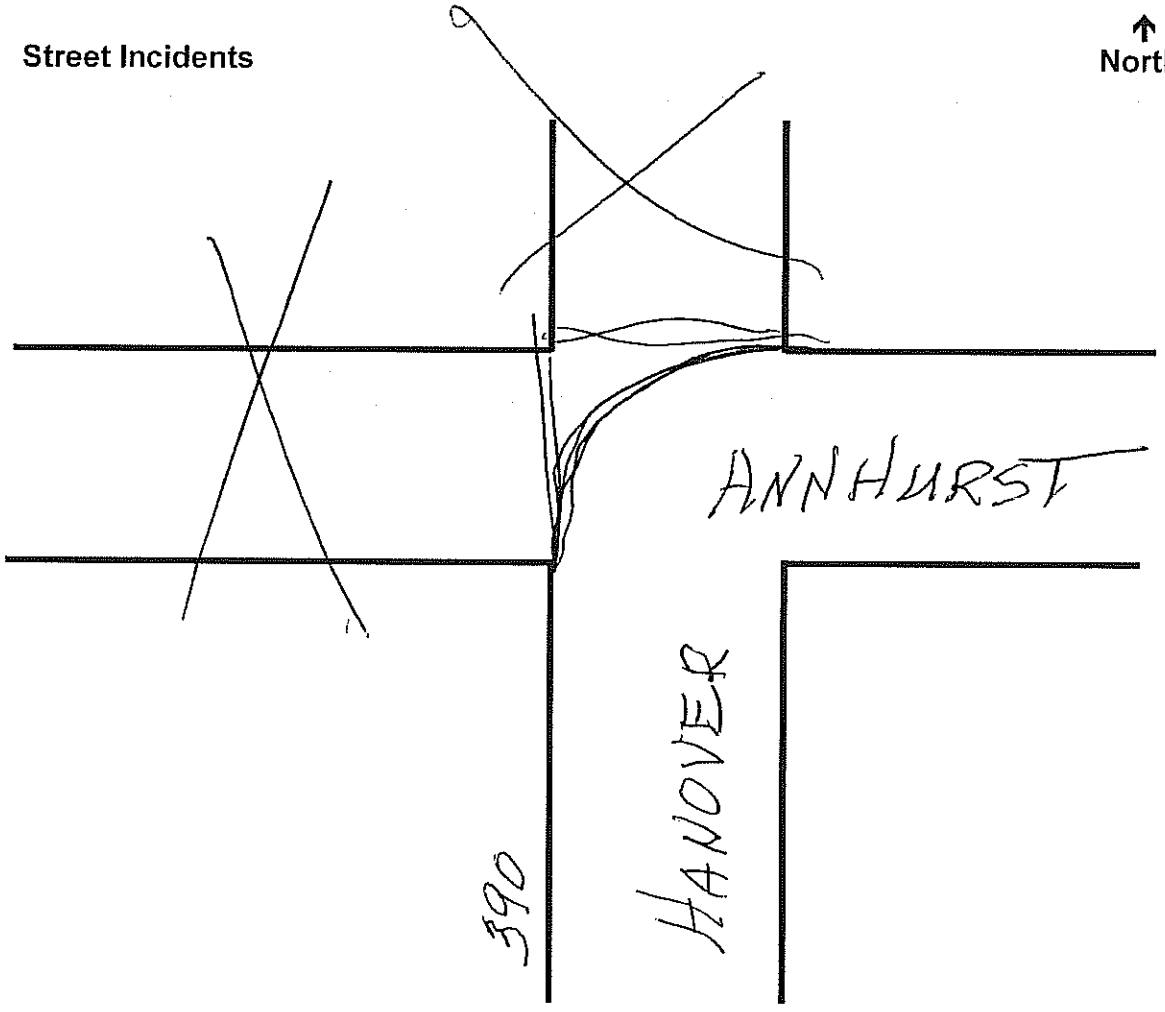
General Diagram

↑ North

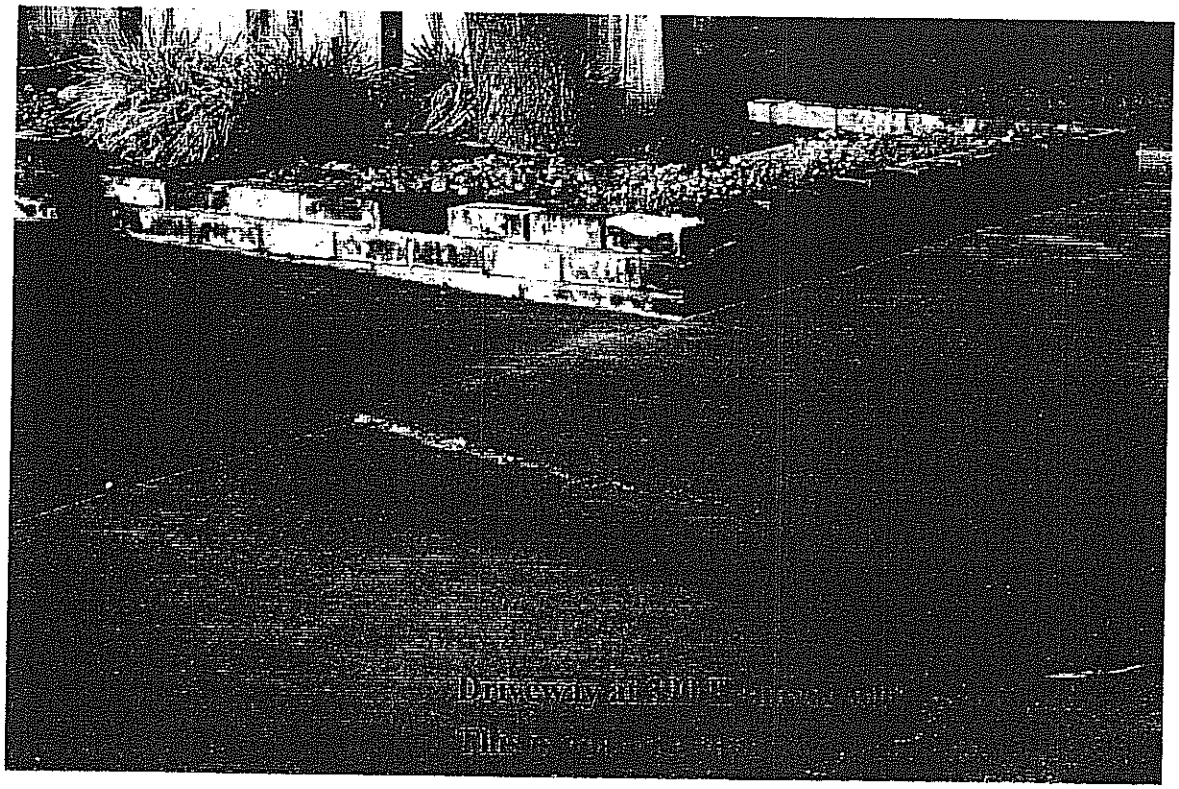
Pictures are attached

Street Incidents

↑ North



1.



2.

3.

4.

EMANUEL
MEDICAL CENTER
825 Delbon Avenue
Turlock, CA 95382
Main Phone: 209-667-4200
Emergency Services: 209-664-2790

Date: 08/08/11
Account No: E00002329386
Unit No: EE00490619
Patient: BLACKBURN,LEILANI
Location: EMC.ED
Physician: VALLEY EMERGENCY PHYSICIAN GRP

Patient Visit Information

Staff

Your caregivers today were:

Physician: DANG,KULMEET DO
Practitioner: Ventura,Ivan PA
Nurse: LV

Patient Instructions Reviewed

ABRASIONS
FACIAL CONTUSION (W/WAKE-UP)
MECHANICAL FALL

VITALS
B/P 154/81

received 08/08/11 - 0846

Activity Restrictions or Additional Instructions

Call your doctor to arrange follow up reevaluation within 24 hours. Call the Emanuel Physician Centers (see below) or another Medical Clinic if you do not have a primary care physician. Return to the Emergency Department immediately if symptoms worsen or change, or if you cannot obtain follow up as recommended.

Emanuel Physican Center - Colorado 2121 Colorado Ave. Suite C Turlock, CA 95382
209-664-5175

Emanuel Physician Center - Monte Vista 2240 W. Monte Vista Turlock, CA 95382
209-664-5150

Medication Dose and Instructions

Hydrocodone Bit/Acetaminophen* (Vicodin*) 1 TAB, ORAL EVERY 8 HOURS, AS NEEDED, #20

Home Medications: (Check one)
☐ No Home MEDS
☐ NO medications brought to hospital
☐ Medications sent to Pharmacy

☐ Medications brought to hospital sent home with _____
☐ Patient unable to verbalize due to: _____
Home medication history information obtained at admission ☐ Rx bottles ☐ Patient ☐ Family
Height _____ Weight _____

Allergies ☐ None Allergic To: Iodine ni

Medication Name	Dose	Route	Frequency	Last Dose Date/Time	Stop Medication
☐ None					
Acton.?					

To include: herbals, supplements and OTC medication

_____ The pt is unable to provide a list of medication, there is no family member or other individual(s) who can provide the list, and the patient's pharmacy is unknown or unavailable. (initial if applicable and sign below)

Nurse Signature _____ Date/Time 8-8-11 0824

Attention:
1. Resume your current medications unless Stop Medication column checked
2. Check with your Primary Care Physician for any further medication questions
3. Remember to take this medication list with you to your next doctor's appointment

New Medication Name	Dose	Route	Frequency
[illegible]			
[illegible]			

I have reviewed the above home medications. All medications are appropriate to continue except for the ones checked in the Stop Medication column.

Physician/Provider Signature _____ Date/Time 8/8/11 0840

Date/Time	Initials	Patient Signature or Guardian Representative
8/8/11	LB	[illegible] Blackburn
Date/Time	Initials	Nurse Signature (Discharge)
8/8/11	[illegible]	[illegible]

EMANUEL MEDICAL CENTER
TURLOCK, CA

ED / OUTPATIENT MEDICATION RECONCILIATION

Fell, Facial injuries 0824

ED.0430

Patient Identification
BLACKBURN,LEILANI E00002329386 7.38
F 73 05/10/38 0824 08/08/11
MCR.MCA
PRE ER EE00490619
Bl. ni

0430 (5/09) WHITE - CHART CANARY - PATIENT

Blue Cross®
Blue Shield®
Federal Employee Program

...em Blue Cross and Blue Shield
Vm. Howard Taft Rd.
...nnati, Ohio 45206

ANTHEM BLU... OSS IN CALIFORNIA
P.O. BOX 70000
VAN NUYS, CALIFORNIA, 91470
FOR INQUIRIES RELATED TO THIS CLAIM
PLEASE CALL (800) 322-7319

01480

CALFEP04 SEOB 20110901800 JDF7
20110831 000959 Env [11,370] 1 of 2

**********AUTO**SCH 5-DIGIT 95380
11370 1 AV 0-340 49
WILLIAM B BLACKBURN
2125 N OLIVE AVE APT E24
TURLOCK CA 95382-1909

Explanation of Benefits
THIS IS NOT A BILL

EXPLANATION OF BENEFITS AT A GLANCE

We Sent Check To: EMANUEL MEDICAL CENTER

Patient Name: LEILANI BLACKBURN

Dates of Service: 08/08/2011 - 08/08/2011

You Owe the Provider: $0.00

ID Number: R03386971

Claim Number: 11241X049545AA

Claim Paid On: 09/01/2011

Claim Received On: 08/29/2011

Claim Processed On: 09/01/2011

Provider: EMANUEL MEDICAL CENTER
Type: PREFERRED PROVIDER

Dates of Service: 08/08/2011 - 08/08/2011

Type of Service	Submitted Charges	Plan Allowance	Remark Codes	Deduct	Coinsurance Or Copay	Medicare/ Other Ins.	What We Paid	You Owe the Provider
PRESCRIPTION DRUG	49.00	98.48	303 310			74.81	23.67	
MEDICAL CARE	595.00		314 634					
TOTALS:	644.00	98.48		0.00	0.00	74.81	23.67	0.00

EXPLANATION OF REMARK CODES

303--YOUR HEALTH CARE PROVIDER HAS AGREED TO ACCEPT ASSIGNMENT OF MEDICARE BENEFITS. THIS MEANS YOU ARE NOT RESPONSIBLE FOR THE DIFFERENCE BETWEEN THE MEDICARE - APPROVED AMOUNT AND THE ACTUAL CHARGE.

310--YOU ARE ENROLLED IN MEDICARE, WHICH IS PRIMARY. THIS MEANS MEDICARE PROVIDES BENEFITS FIRST AND YOUR SERVICE BENEFIT PLAN PAYS SECOND. WE HAVE PAID 100% OF THE ALLOWABLE CHARGES ON THIS CLAIM AFTER MEDICARE'S PAYMENT. NO DEDUCTIBLE OR COINSURANCE/COPAYMENT APPLIES.

314--BENEFITS FOR THESE SERVICES ARE INCLUDED IN THE MEDICARE ALLOWANCE FOR ANOTHER COVERED SERVICE RENDERED ON THE SAME DATE OF SERVICE. ADDITIONAL BENEFITS ARE NOT AVAILABLE. BECAUSE THE PROVIDER ACCEPTED THE ASSIGNMENT OF MEDICARE BENEFITS, YOU ARE NOT RESPONSIBLE FOR THESE CHARGES.

634--BENEFITS FOR THESE SERVICES ARE INCLUDED IN OUR ALLOWABLE CHARGES FOR ANOTHER COVERED SERVICE PROVIDED ON THE SAME DATE OF SERVICE. ADDITIONAL BENEFITS ARE NOT AVAILABLE FOR THIS CHARGE. BECAUSE THIS PROVIDER IS A PREFERRED OR PARTICIPATING NETWORK PROVIDER, YOU ARE NOT RESPONSIBLE FOR THESE CHARGES.

Continued On Next Page

BlueCross BlueShield
Federal Employee Program
www.fepblue.org

Explanation of Benefits
THIS IS NOT A BILL

AT 01 008296 60696E 25 A**3DGT

WILLIAM B BLACKBURN
2125 N OLIVE AVE APT E24
TURLOCK CA 95382-1909

BLUE SHIELD OF CALIFORNIA
P.O. BOX 272510
CHICO, CA 95927-2510
1-800-824-8839
WWW.FEPBLUE.ORG

EXPLANATION OF BENEFITS AT A GLANCE

We Sent Check To: PROVIDER OF SERVICE
Patient Name: LEILANI BLACKBURN
Dates of Service: 08/08/2011 - 08/08/2011
You Owe the Provider: $0.00

ID Number: R03386971
Claim Number: 27112570791600
Claim Paid On: 10/04/2011
Claim Received On: 09/14/2011
Claim Processed On: 09/30/2011

Provider: VEPEMA MEDICAL GR
Type: NON-PARTICIPATING PROVIDER

Dates of Service: 08/08/2011 - 08/08/2011

Type of Service	Submitted Charges	Plan Allowance	Remark Codes	Deduct	Coinsurance Or Copay	Medicare/ Other Ins.	What We Paid	You Owe the Provider
MEDICAL CARE	294.00	52.11	303 310			41.69	10.42	
TOTALS:	294.00	52.11		0.00	0.00	41.69	10.42	0.00

EXPLANATION OF REMARK CODES

303--YOUR HEALTH CARE PROVIDER HAS AGREED TO ACCEPT ASSIGNMENT OF MEDICARE BENEFITS. THIS MEANS YOU ARE NOT RESPONSIBLE FOR THE DIFFERENCE BETWEEN THE MEDICARE - APPROVED AMOUNT AND THE ACTUAL CHARGE.

310--YOU ARE ENROLLED IN MEDICARE, WHICH IS PRIMARY. THIS MEANS MEDICARE PROVIDES BENEFITS FIRST AND YOUR SERVICE BENEFIT PLAN PAYS SECOND. WE HAVE PAID 100% OF THE ALLOWABLE CHARGES ON THIS CLAIM AFTER MEDICARE'S PAYMENT. NO DEDUCTIBLE OR COINSURANCE/COPAYMENT APPLIES.

Summary of Out-of-Pocket Expenses for 2011

	Calendar Year Deductible	Catastrophic Protection Preferred	Non-Preferred/ Preferred Total
What You Have Paid			
Individual	$0.00	$0	$0
Family	$0.00	$868	$868
Annual Maximum			
Individual	$0.00	$0	$0
Family	$0.00	$5,000	$7,000

Your Out-of-Pocket Expenses On This Claim

Calendar Year Deductible	$0.00
Per Admission Copay	$0.00
Coinsurance	$0.00
Copayment	$0.00
Non-covered Charges	$0.00
Precertification Penalty	$0.00
TOTAL:	$0.00

If you have questions, please call a customer service representative at your local Blue Cross and Blue Shield Plan. If you disagree with the decision on your claims or request for services, and wish to have the decision reconsidered, you must notify your Plan in writing within 6 months from the date of this decision, i.e. 04/04/2012. You may request copies, free of charge, of any relevant materials and Plan documents relating to your claim. Your Plan will not accept unauthorized reconsiderations from providers. See the Disputed Claims section of your Service Benefit Plan Brochure.

SINGLE PATIENT LEDGER

Delbon Dental

Date: 08/18/2011 **Page:** 1

Patient Name: Leilani Blackburn
2125 N. Olive Ave
Turlock, CA 95382

Chart Number: BL0006

Billing Type: 1

DATE	TEETH	DESCRIPTION	PATIENT	CHARGE	PAYMENT	BALANCE
07/30/2011		Patient Balance Forward		92.00		92.00
08/08/2011		Intraoral-periapical-1st film	Leilani	30.00		122.00
08/08/2011		Intraoral-periapical-each add'l	Leilani	17.00		139.00
08/08/2011		Intraoral-periapical-each add'l	Leilani	17.00		156.00
08/08/2011	7	Crown-porc fuse high noble mtl	Leilani	1025.00		1181.00
08/08/2011	7	Emerg treatment, palliative	Leilani	138.00		1319.00
08/08/2011		Credit Card Payment	Leilani		-820.00	499.00
08/18/2011	7	Crown buildup, includ any pins	Leilani	197.00		696.00
08/18/2011	7	Cement Crown	Leilani	0.00		696.00

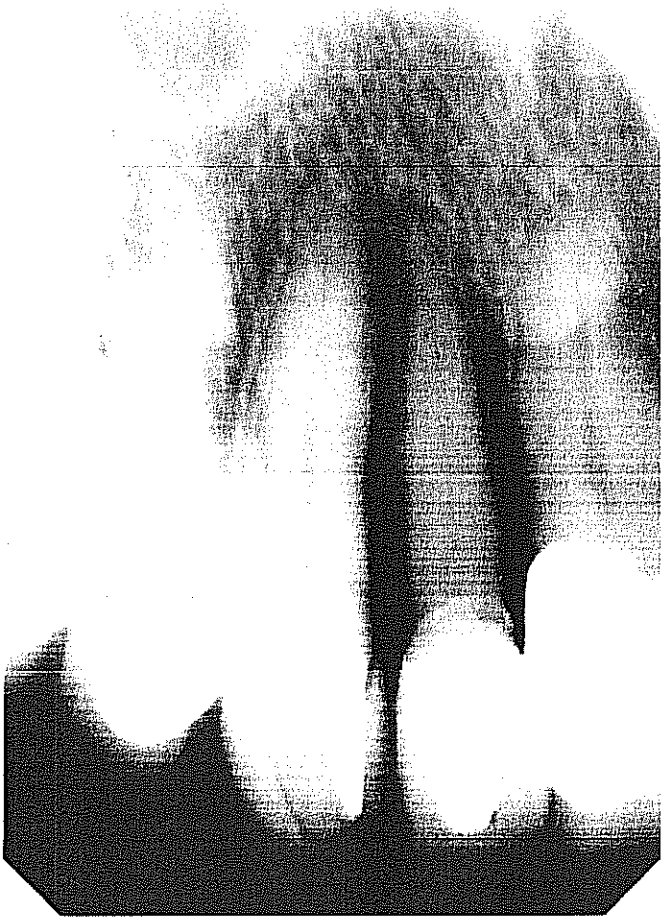
TOTAL PATIENT BALANCE AS OF 08/18/2011: 696.00

Samer Hamza DDS
1060 Delbon Ave
Turlock CA 95382

www.iRadiology.com

Delbon Dental
Samer Hamza DDS
1060 Delbon Ave
Turlock CA 95382
David Robinson

Name: Leilani Blackburn
Exam Date: 8/18/2011
Notes:



XDR®
www.XDRradiology.com

BlueCross BlueShield
Federal Employee Program
www.fepblue.org

Explanation of Benefits
THIS IS NOT A BILL

BLUE SHIELD OF CALIFORNIA
P.O. BOX 272510
CHICO, CA 95927-2510
1-800-624-8838
WWW.FEPBLUE.ORG

WILLIAM B BLACKBURN
2125 N OLIVE AVE APT E24
TURLOCK CA 95382-1909

EXPLANATION OF BENEFITS AT A GLANCE			
We Sent Check To:	PROVIDER OF SERVICE	ID Number:	R03386971
Patient Name:	LEILANI BLACKBURN	Claim Number:	26112493143300
Dates of Service:	08/11/2011 - 08/11/2011	Claim Paid On:	09/09/2011
You Owe the Provider:	$0.00	Claim Received On:	09/06/2011
		Claim Processed On:	09/07/2011

Provider: HUNDAL
Type: PREFERRED PROVIDER

Dates of Service: 08/11/2011 - 08/11/2011

Type of Service	Submitted Charges	Plan Allowance	Remark Codes	Deduct	Coinsurance Or Copay	Medicare/ Other Ins.	What We Paid	You Owe the Provider
OFFICE VISIT	52.86	42.95	303 310			34.36	8.59	
TOTALS:	52.86	42.95		0.00	0.00	34.36	8.59	0.00

EXPLANATION OF REMARK CODES

303--YOUR HEALTH CARE PROVIDER HAS AGREED TO ACCEPT ASSIGNMENT OF MEDICARE BENEFITS. THIS MEANS YOU ARE NOT RESPONSIBLE FOR THE DIFFERENCE BETWEEN THE MEDICARE - APPROVED AMOUNT AND THE ACTUAL CHARGE.

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Summary of Out-of-Pocket Expenses for 2011		Catastrophic Protection	
	Calendar Year Deductible	Preferred	Non-Preferred/ Preferred Total
What You Have Paid			
Individual	$0.00	$0	$0
Family	$0.00	$796	$796
Annual Maximum			
Individual	$0.00	$0	$0
Family	$0.00	$5,000	$7,000

Your Out-of-Pocket Expenses On This Claim	
Calendar Year Deductible	$0.00
Per Admission Copay	$0.00
Coinsurance	$0.00
Copayment	$0.00
Non-covered Charges	$0.00
Precertification Penalty	$0.00
TOTAL:	$0.00

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BlueCross BlueShield
Federal Employee Program
www.fepblue.org

Explanation of Benefits
THIS IS NOT A BILL

AT 01 007226 47820E 25 A**3DGT

WILLIAM B BLACKBURN
2125 N OLIVE AVE APT E24
TURLOCK CA 95382-1909

BLUE SHIELD OF CALIFORNIA
P.O. BOX 272510
CHICO, CA 95927-2510
1-800-624-8839
WWW.FEPBLUE.ORG

EXPLANATION OF BENEFITS AT A GLANCE

We Sent Check To:	PROVIDER OF SERVICE	ID Number:	R03386971
Patient Name:	LEILANI BLACKBURN	Claim Number:	26112492834600
		Claim Paid On:	09/09/2011
Dates of Service:	08/17/2011 - 08/17/2011	Claim Received On:	09/06/2011
		Claim Processed On:	09/07/2011
You Owe the Provider:	$0.00		

Provider: MA
Type: PREFERRED PROVIDER

Dates of Service: 08/17/2011 - 08/17/2011

Type of Service	Submitted Charges	Plan Allowance	Remark Codes	Deduct	Coinsurance Or Copay	Medicare/ Other Ins.	What We Paid	You Owe the Provider
MEDICAL CARE			502					
MEDICAL CARE			502					
MEDICAL CARE			502					
MEDICAL CARE			502					
MEDICAL CARE			502					
OFFICE VISIT	125.00	105.46	303			84.37	21.09	
			310					
TOTALS:	125.00	105.46		0.00	0.00	84.37	21.09	0.00

EXPLANATION OF REMARK CODES

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502--WE DO NOT PROVIDE BENEFITS FOR CREDITS, DISCOUNTS, MONETARY ALLOWANCES OR PROVIDER BILLING ERRORS WHEN YOU HAVE NO LEGAL PAYMENT OBLIGATION. YOU ARE NOT RESPONSIBLE FOR THESE CHARGES.

Continued On Next Page

BlueCross® BlueShield®
Federal Employee Program
www.fepblue.org

Explanation of Benefits
THIS IS NOT A BILL

AT 01 010028 55196B 33 C**3DGT

WILLIAM B BLACKBURN
2125 N OLIVE AVE APT E24
TURLOCK CA 95382-1909

BLUE SHIELD OF CALIFORNIA
P.O. BOX 272510
CHICO, CA 95927-2510
1-800-824-8839
WWW.FEPBLUE.ORG

BRIAN SEAN - PIFI

EXPLANATION OF BENEFITS AT A GLANCE

We Sent Check To: PROVIDER OF SERVICE
Patient Name: LEILANI BLACKBURN
Dates of Service: 08/25/2011 - 08/25/2011
You Owe the Provider: $0.00

ID Number: R03386971
Claim Number: 27112622365500
Claim Paid On: 09/22/2011
Claim Received On: 09/17/2011
Claim Processed On: 09/20/2011

Provider: NIJJAR
Type: PREFERRED PROVIDER

Dates of Service: 08/25/2011 - 08/25/2011

Type of Service	Submitted Charges	Plan Allowance	Remark Codes	Deduct	Coinsurance Or Copay	Medicare/ Other Ins.	What We Paid	You Owe the Provider
XRAY	1,001.00	210.11	303 310			168.09	42.02	
TOTALS:	1,001.00	210.11		0.00	0.00	168.09	42.02	0.00

EXPLANATION OF REMARK CODES

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Summary of Out-of-Pocket Expenses for 2011

	Calendar Year Deductible	Catastrophic Protection Preferred	Non-Preferred/ Preferred Total
What You Have Paid			
Individual	$0.00	$0	$0
Family	$0.00	$868	$868
Annual Maximum			
Individual	$0.00	$0	$0
Family	$0.00	$5,000	$7,000

Your Out-of-Pocket Expenses On This Claim

Calendar Year Deductible	$0.00
Per Admission Copay	$0.00
Coinsurance	$0.00
Copayment	$0.00
Non-covered Charges	$0.00
Precertification Penalty	$0.00
TOTAL:	$0.00

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Yung-Ming Kang, D.D.S., C.A.G.S., D.Sc.D.
Practice Limited to Endodontics
4101 Tully Road, Suite 602
Modesto, CA 95356
Tel: (209) 529-1698 Fax: (209) 529-0058

September 29, 2011

RE: Leilani Blackburn
D.O.B.: 05-10-38

To Whom It May Concern:

Dr. Kang recommends root canal therapy on teeth #8, 9, and 10. The total cost of treatment will be $2,100.00 which comes out to $700.00 per tooth.

If I could be of further assistance, please feel free to contact me at my office.

Sincerely,

Alicia

COPY

Yung-Ming Kang, D.D.S. C.A.G.S., D.Sc.D.
Practice Limited to Endodontics
4101 Tully Road, Suite 602
Modesto CA95356
Tel: 209 529-1698 Fax: 209 529-0058

September 29, 2011

Dr. Samer Hamza
1060 Delbon Avenue
Turlock CA 95382

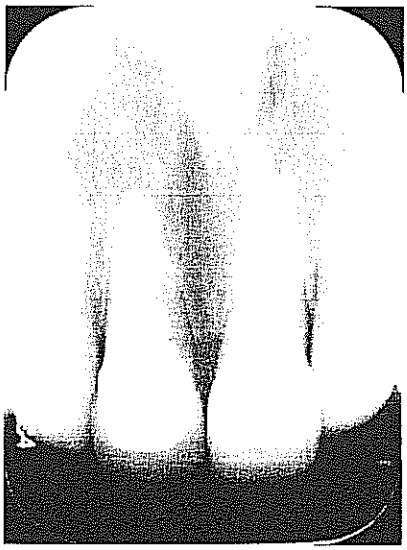
Dear Dr. Hamza :

We saw **Leilani Blackburn** for the endodontic recall on teeth # **8, 9 and 10.** Radiographically, widening of PDL around these three teeth remained the same. Clinically, all three teeth had degree I mobility with tenderness on percussion and loading tests. Pulp test with ice cotton revealed no vitality on teeth # 8, 9 and 10. I suggest endodontic treatment on these three teeth.

Thank you for referring the patient to our office. If you need further information, please feel free to contact me.

Sincerely Yours,

Yung-Ming Kang



COPY

Yung-Ming Kang, D.D.S. C.A.G.S., D.Sc.D.
Practice Limited to Endodontics
4101 Tully Road, Suite 602
Modesto CA95356
Tel: 209 529-1698 Fax: 209 529-0058

August 29, 2011

Dr. Samer Hamza
1060 Delbon Avenue
Turlock CA 95382

Dear Dr. Hamza :

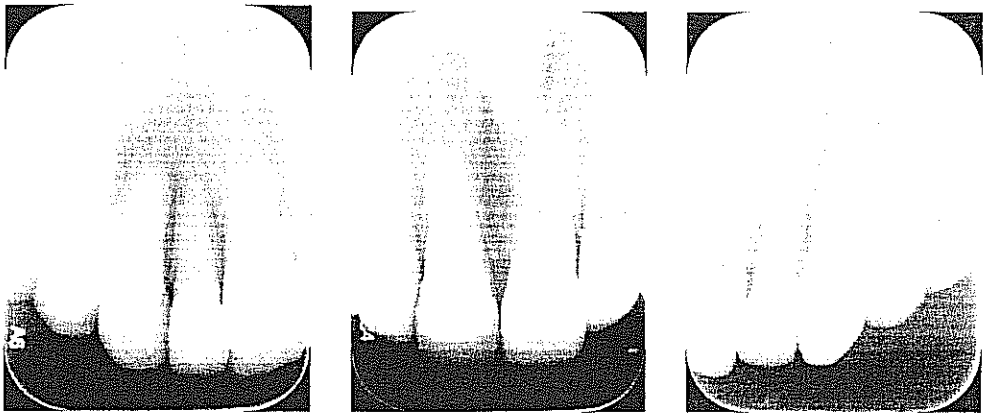
We saw **Leilani Blackburn** for the consultation on teeth # **6, 7, 8, 9, 10 and 11.** Leilani stated she had recent traumatic injury to her upper front teeth 3 weeks ago.

Radiographically, teeth # 8, 9, 10 and 11 had widening of PDL over the apical area, but no lesion of endodontic origin was noticed. Clinically, teeth # 6, 7 and 11 responded normally to the pulp test, but teeth # 8, 9 and 10 did not respond to the ice test. Teeth # 8, 9, 10 and 11 were also sensitive to the percussion and loading tests. Cone beam CT revealed no sign of bony fracture or root fracture. I suggest no endodontic treatment at this time but observation. Leilani has a follow up appointment with me in one month to re-check the vitality of teeth # 8, 9, and 10. A subsequent report will send to you after the follow up.

Thank you for referring the patient to our office. If you need further information, please feel free to contact me.

Sincerely Yours,

Yung-Ming Kang



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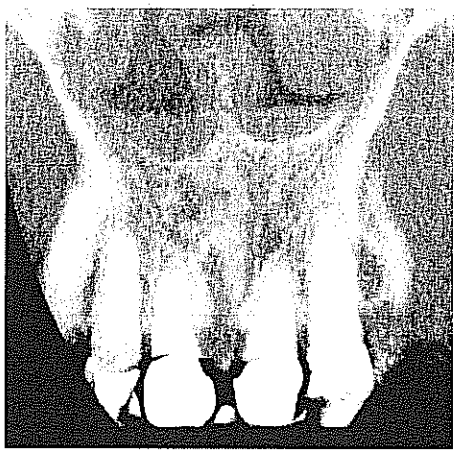

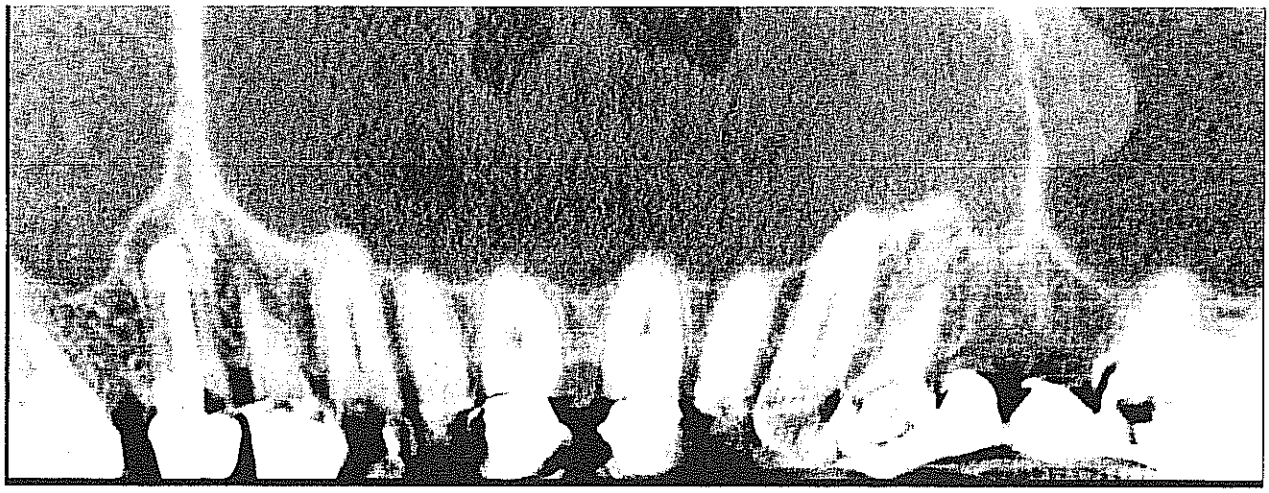

Yung-Ming Kang, D.D.S.
Practice Limited to Endodontics
4101 Tully Road, Suite 602
Modesto, CA 95356
Telephone: 209 529-1698 Fax: 209 529-0058

Statement Date: Monday, August 29, 2011
Account No: 3738

Statement of Account

Leilani Blackburn
2125 North Olive Ave., #E24
Turlock, CA 95382

Date	Tooth#	Description	Claim #	Charges	Credit	Running Balance
8/29/2011	6	D9310 Specialist Consultation		$120.00		$120.00
8/29/2011	6	D0220 Initial Periapical		$30.00		$150.00
8/29/2011	8	D0230 Addtnl Periapical		$15.00		$165.00
8/29/2011	11	D0230 Addtnl Periapical		$15.00		$180.00
8/29/2011		Con/3D x-ray #6,7,8,9,10,11			$120.00	$60.00
		Leilani Blackburn Credit Card	Visa			
8/29/2011		pre-op x-ray #6,7,8,9,10,11			$60.00	$0.00
		Adjustment Courtesy	endo			

ACCOUNT SUMMARY

Total Debits:	Total Credits:
$180.00	$180.00
Today's Balance:	$0.00
Please Pay:	**$0.00**

DELBON DENTAL
Dr. Samer Hamza
209-667-2977
1060 Delbon Avenue Turlock, CA 95382

October 5, 2011

RE: Lelani Blackburn
D.O. B. 05/10/38

To whom it may concern:

Dr Hamza recommends crowns and build ups on teeth # 6, 8, 9, 10 and 11.
Following Root canal therapy on teeth # 8, 9 and 10, as Dr. Kang suggested.
Also patient stated that existing crowns on teeth # 8,9, and 10., have moved since her fall and they are not comfortable for her to bite on.
Tooth #6 has existing crown and the porcelain was chipped due to the fall, this will need to be replaced .
Tooth #11 has two large fillings on the same tooth with hairline cracks after the fall which she will need a crown and build up on this tooth also.

The total cost of treatment will be $ 6100.00 which comes out to $ 1222.00 per tooth.

If we can be of further assistance, please feel free to contact us at our office.

Sincerely,

Debbie Rizzuto

Treatment Plan

Patient: Leilani Blackburn
Birthdate: 05/10/1938
Provider: Samer Hamza DDS
Phone: (209)667-2977
Office: 1060 Delbon Ave.
Turlock, CA 95382

Chart #: BL0006

Date: 10/04/2011
SS#: [redacted]

Ord	Th	Surf	Description	Fee	Pat	Pri Ins	Sec Ins
?	6		Crown-porc fuse high noble mtl	1025.00	1025.00	0.00	0.00
?	6		Crown buildup, includ any pins	197.00	197.00	0.00	0.00
?	8		Crown-porc fuse high noble mtl	1025.00	1025.00	0.00	0.00
?	8		Crown buildup, includ any pins	197.00	197.00	0.00	0.00
?	9		Crown-porc fuse high noble mtl	1025.00	1025.00	0.00	0.00
?	9		Crown buildup, includ any pins	197.00	197.00	0.00	0.00
?	10		Crown-porc fuse high noble mtl	1025.00	1025.00	0.00	0.00
?	10		Crown buildup, includ any pins	197.00	197.00	0.00	0.00
?	11		Crown-porc fuse high noble mtl	1025.00	1025.00	0.00	0.00
?	11		Crown buildup, includ any pins	197.00	197.00	0.00	0.00
			Sub Total:	**6110.00**	**6110.00**	**0.00**	**0.00**

Treatment Plan Total	6,110.00
Estimated Deductible to be Applied	0.00
Estimated Insurance Payment	0.00
Estimated Patient's Portion	6,110.00

Dental Insurance Benefits		Patient Primary	Patient Secondary
Annual Plan Benefits			0.00
Paid Benefits YTD		0.00	0.00
Pending Insurance Est. YTD		0.00	0.00
Est. Benefits Remaining YTD			0.00
Benefits Expire		12/31/11	
Deductible Owed YTD	Standard	0.00	0.00
	Preventive	0.00	0.00
	Other	0.00	0.00

Primary Dental Insurance: Blueshield Federal Employee Pro

The above listed treatment plan has been recommended for me for my dental health. I agree to the above and understand that treatment may change as services are rendered. I also understand that my patient portioin will be due and payable at the time services are rendered. My insurance is being billed as a courtesy and I realize that I am ultimately responsible for all dental fees.

Leilani Blackburn — Patient's Signature

10-4-11 — Date

***THESE FEES ARE VALID FOR 90 DAYS FROM SIGNED DATE.

5AC

Council Synopsis

January 10, 2012

From: Roy W. Wasden, City Manager

Prepared by: Kellie E. Weaver, City Clerk

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Establishing a fee for the processing of an initiative petition for any municipal measure

2. DISCUSSION OF ISSUE:

Section 9202(b) of the Elections Code of the State of California authorizes the City Council to establish a fee not to exceed two hundred dollars ($200) for the purpose of processing an initiative petition. The collected fee must be refunded to the filer if, within one year of the date of filing the notice of intention, the city elections official certifies the sufficiency of the petition. It is in the best interest of the City of Turlock for the City Council to establish this fee in the event a notice of intention to circulate an initiative petition is filed with the city elections official.

3. BASIS FOR RECOMMENDATION:

Section 9202(b) of the Elections Code of the State of California authorizes the City Council to establish this fee. Having this fee in place will enhance effective management of the municipal initiative process.

Strategic Plan Initiative: A. POLICY INITIATIVE – EFFECTIVE LEADERSHIP:

Goal(s): b. Internal department service improvements

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact None.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

a) Set an alternative fee in an amount less than two hundred dollars ($200).

b) Approve no fee, at which time no fee would be required of a proponent wishing to file a notice of intention to circulate an initiative petition.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ESTABLISHING A FEE FOR THE PROCESSING OF AN INITIATIVE PETITION FOR ANY MUNICIPAL MEASURE	**RESOLUTION NO. 2011-**

WHEREAS, § 9202(b) of the Elections Code of the State of California authorizes the City Council to establish a fee not to exceed two hundred dollars ($200) for the purpose of processing an initiative petition.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby resolve, declare, determine and order as follows:

SECTION 1. That pursuant to § 9202(b) of the Elections Code of the State of California, the City Council establishes a fee of two hundred dollars ($200) to be paid to the City Clerk by any person at the time of filing a notice of intent to circulate an initiative petition in the City.

SECTION 2. The City Clerk is directed to deposit any fees collected pursuant to this resolution into the general fund of the City. The fee will be refunded to the filer if, within one year of the date of filing the notice of intent, the City Clerk certifies to the sufficiency of the petition.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 10th day of January, 2012, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

7A

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, P.E.
Director of Development Services /City Engineer

Prepared by: Roger K. Fall
Development Services Department

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving the recommended Program of Projects for Fiscal Year 2011-12 Federal Transit Administration Urbanized Area Program Funding

2. DISCUSSION OF ISSUE:

The City of Turlock, under Federal Transit Administration (FTA) guidelines, is required to hold a Public Hearing for public comment concerning FTA transit projects proposed to be funded with FTA Section 5307 – Urbanized Area Program. This federal apportionment will provides a sustainable source of funds for transit operations and capital expenditures. Projects are partially funded with Federal dollars requiring a local match of 50% for operating and 20% for capital expenses.

Stanislaus Council of Governments (StanCOG) provided a public notice and public hearing regarding Federal Improvement Program (FTIP) Amendment but the public notice for the FTIP lacked certain wording concerning FTA 5307 Transit projects. Therefore, to ensure that the City adheres to the FTA guidelines, staff is providing a separate "Public Notice" and "Public Hearing" for the proposed Amendment in the FTA Transit Section 5307 – Urbanized Area Program projects.

The attached "Public Notice", contains the recommended Program of Projects for FTA Section 5307 funds. The FTA projects will be included in the City's FY 2010\11 budget when the FTA approves the FTA grant application. The Stanislaus Council of Governments adopted the Federal Transportation Improvement Program (FTIP) amendment to include Stanislaus County jurisdictions FTA Section 5307 Program projects. A Public Hearing on this document has been held without any comments.

To qualify for this funding a completed and approved FTA Grant Application is required within 180 day including an internal sixty day review of the application by the FTA.

The major projects in this program include transit operating assistance and the land acquisition in support of the 5307 funded construction phase two of the Turlock Regional Transfer Center facility. The proposed parcels for this project are located near the intersection of Golden State Blvd and Del's Lane. Upon approval to purchase the parcels by the current parcel owners and City Council, the complete Federal 5307- Construction FTA funding, with twenty percent local match requirements from Proposition 1B, has been approved and readily available for immediate site construction work. The following dollar figures are planning dollar amounts the actual expenditures may be considerably less than those represented below.

FTA Section 5307 Program Assistance

Transit Operating Assistance	$	600,000.00
Buses	$	125,000.00
Transit Center Property Acquisition\Construction	$	1,400,000.00
Preventative Maintenance	$	125,000.00
Bus Support Equipment	$	100,000.00

LTF Program Assistance

Transit Operating Assistance	$	600,000.00
Buses	$	25,000.00
Transit Center Property Acquisition\Construction	$	280,000.00
Preventative Maintenance	$	25,000.00
Bus Support Equipment	$	25,000.00

BASIS FOR RECOMMENDATION:

A. FTA requires that prior to providing approval of funds for a particular grantee, the grantee afford the public an opportunity to comment on the program of projects it plans to undertake with Federal funds. FTA considers that a grantee has met the public participation requirement associated with the annual development of the program of projects when the grantee follows the public involvement process outlined in the FTA planning regulations for the development of the TIP and any subsequent amendments.

Strategic Plan Initiative B. FISCAL RESPONSIBILITY

Goal(s): b. Identify smart revenue opportunities including but not limited to grants and outside sources of funding.

Strategic Plan Initiative E. ECONOMIC DEVELOPMENT

Goal(s): 1-C Enhance revenue

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact
The budgetary effect of this item will be is included in the adopted FY 11/12- City budget and no additional financial impact is expected other than what is included within transit funds 425 and 426.

No General Fund dollars will be used for capital projects or this transit operation.

Budget Amendment
None at this time.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

Not applicable.

7. ALTERNATIVES:

A. Not hold a public hearing and not accept the federal funding; of course, staff does not recommend this action.

MICHAEL G. PITCOCK
DIRECTOR OF DEVELOPMENT SERVICES
CITY ENGINEER
mpitcock@turlock.ca.us

DEVELOPMENT SERVICES DEPARTMENT

156 S. BROADWAY, SUITE 150 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5520 | FAX 209-668-5563 | TDD 1-800-735-2929

NOTICE OF PUBLIC HEARING

BY THE DIRECTOR OF DEVELOPMENT SERVICES / CITY ENGINEER OF THE CITY OF TURLOCK

A Public Hearing will be held on **Tuesday, January 10, 2012 at 7:00 P.M.** In The Yosemite Community Room on the 2nd floor of Turlock City Hall, 156 South Broadway, Turlock, California, for the purpose of receiving public comment on the **City of Turlock's FY 2011/12 Program of Projects prepared pursuant to Federal Transit Administration Guidelines.**

The Turlock Urbanized Area FY 2011/12 Federal Apportionment Is estimated to be approximately $1,778,690 under Section 5307, and $1,191,288 under Transit Local Transportation Funding (LTF) funding.

Transit operating assistance to defray operation expenses for the period of July 1, 2011 through June 30, 2012, the total FY 2011/12 section 5307 funds available for operating assistance is estimated to be $600,000 and other capital expenditures $1,750,000.

FTA Section 5307 Program Assistance (List includes prior year Federal Transit Administration (FTA) funding and current funding amounts)

Transit Operating Assistance	$	600,000.00
Buses	$	125,000.00
Transit Center Property Acquisition\Construction	$	1,400,000.00
Preventative Maintenance	$	125,000.00
Bus Support Equipment	$	100,000.00

LTF Program Assistance (matching funds List includes prior year Local Transportation funding and current funding amounts)

Transit Operating Assistance	$	600,000.00
Buses	$	25,000.00
Transit Center Property Acquisition\Construction	$	280,000.00
Preventative Maintenance	$	25,000.00
Bus Support Equipment	$	25,000.00

Unless amended, this Program of Projects will constitute the final Program of Projects.

This Program of Projects is being published to provide the opportunity for public comment by interested citizens, private transportation providers, and locally elected officials. A copy of the Program of Projects is available for review at the City of Turlock, Development Services Office at 156 South Broadway, Suite 150, Turlock, CA 95380. The city invites interested parties the opportunity to submit comments, orally or in writing, regarding the program of projects and the overall performance of transit operations. Any written or fax comments must be submitted by the date of the proposed public hearing to the Development Services office address above.

PURSUANT TO CALIFORNIA CONSTITUTION ARTICLE III 'IV ESTABLISHING THE ENGLISH LANGUAGE AS THE OFFICIAL LANGUAGE FOR THE STATE OF CALIFORNIA, AND IN ACCORDANCE WITH CALIFORNIA CODE OF CIVIL PROCEDURE '185 WHICH REQUIRES PROCEEDINGS BEFORE ANY STATE COURT TO BE IN ENGLISH, NOTICE IS HEREBY GIVEN THAT ALL PROCEEDINGS BEFORE THE TURLOCK CITY COUNCIL SHALL BE IN ENGLISH AND ANYONE WISHING TO ADDRESS THE COUNCIL IS REQUIRED TO HAVE A TRANSLATOR PRESENT WHO WILL TAKE AN OATH TO MAKE AN ACCURATE TRANSLATION FROM ANY LANGUAGE NOT ENGLISH INTO THE ENGLISH LANGUAGE.

BY ORDER OF THE DIRECTOR OF DEVELOPMENT SERVICES / CITY ENGINEER OF THE CITY OF TURLOCK.

MICHAEL G. PITCOCK, DIRECTOR OF DEVELOPMENT SERVICES / CITY ENGINEER

7B

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, PE, Director of Development Services/City Engineer

Prepared and Presented by: Debra Whitmore, Deputy Director of Development Services/Planning

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Adopting General Plan Amendment 2009-03 (Hearing Draft 2007-14 Housing Element)

2. DISCUSSION OF ISSUE:

The State of California requires each city to prepare a Housing Element as part of its General Plan. The purpose of the Housing Element is to encourage the provision of affordable and decent housing in all communities to meet Statewide housing goals.

A contract was awarded to Dyett and Bhatia Regional Planner, Inc., to prepare the update to the City's General Plan and this Housing Element. Pursuant to State Law, local governments must make a diligent effort to provide an opportunity for citizen participation through the Housing Element update process. Two public meetings were held during the preparation of the document to allow non-profit, public agencies and the public an opportunity to help in the formulation of the policies and programs contained in the document. A special listserve has been created from the City's mailing lists to ensure that all nonprofit and public agencies with an interest in affordable housing and housing production were provided regular updates on public involvement opportunities. Notices were provided on the availability of draft materials and documents. Commencing on July 31, 2009, the Administrative Draft 2007-14 Housing Element was circulated for public review and a concurrent mandatory 60-day review period by the State Housing and Community Development Department (HCD).

The initial draft Housing Element was made available for review on the City of Turlock website, as well as at a variety of public places, including but not limited

to: City Hall, Stanislaus County Library, California State University, Stanislaus, Turlock Chamber of Commerce, Employment Development Department (Turlock office), Senior Center, and the Stanislaus County Community Services Agency (Turlock Office). In addition a workshop with the Planning Commission was held on July 16, 2009 as a preview to the release of the draft document. The public may view and download the document at the City's project website: http://www.gpupdate.turlock.ca.us.

HCD provided an initial set of comments on the draft plan (see Attachment 1). Modifications to the document were made and a second draft was submitted by the Turlock City Council to HCD in March 2010. The Negative Declaration for the project was adopted by the Turlock City Council at that time. After reviewing the second draft, the HCD staff contacted staff indicating that, until the City was able to identify a specific strategy to comply with Senate Bill 2 (emergency shelter permitting process), the HCD would not certify the draft Housing Element.

FINAL REVISIONS TO THE DRAFT HOUSING ELEMENT

Once the City completed the Senate Bill 2 process, staff submitted a revised Housing Element which included a summary of the recently enacted emergency shelter permitting process as well as several other updated actions related to items listed in Attachment 1. The HCD responded with a brief list of additional changes to the document (see Attachment 2). Staff has incorporated these additional changes into the Hearing Draft 2007-14 Housing Element included in this report. Once the changes were incorporated, the HCD issued the attached certification letter (see Attachment 3).

ENVIRONMENTAL REVIEW

An Initial Study was prepared for the draft Housing Element (see Attachment 4). The Initial Study was forwarded to the State Clearinghouse for a 30-day public review and comment period which began on November 12, 2009, and ended on December 14, 2009. Several comments were received. Those comments were addressed in March 2010 at the time the Negative Declaration was adopted by the City Council. As no significant changes have been made to the draft Housing Element, staff is proposing that the City Council determine that no new Negative Declaration is required to adopt the Hearing Draft 2007-14 Housing Element.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission will consider a recommendation on this item at its January 5 meeting. A verbal report on their recommendation will be provided at the meeting.

3. BASIS FOR RECOMMENDATION:

Pursuant to Government Code Section 65580 et. seq., cities and counties are required to prepare a Housing Element to demonstrate how they will use their powers to ensure that adequate and safe housing is available to all segments of the community. The Housing Element was due to the State Housing and Community Development Department by August 30, 2009. The Housing Element must be amended into the Turlock General Plan as it is one of the State-mandated elements of a general plan.

Intelligent, Planned, Managed Growth- calls for the completion of the General Plan and Housing Element.

Strategic Plan Initiative F. INTELLIGENT, PLANNED, MANAGED GROWTH

Goal(s):

d. Provide for housing diversity

l) Include affordable housing

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: The cost to prepare the 2009 Housing Element has been incorporated into the budget for the General Plan Update. The budget to prepare the Housing Element is $92,780 of the approximately $1.24 million to update the General Plan (G/L Account 305-40-442.43270).

5. CITY MANAGER'S COMMENTS:

Recommends approval.

6. ENVIRONMENTAL DETERMINATION:

A Negative Declaration has been prepared and adopted in March 9, 2010, in accordance with the California Environmental Quality Act. No subsequent environmental review is required pursuant to Section 15162 of the California Environmental Quality Act Guidelines.

7. ALTERNATIVES:

1. **The City Council may choose not to adopt the Hearing Draft 2007-14 Housing Element.** Staff does not recommend this action as the Housing Element is a mandatory element of the Turlock General Plan.

2. **The City Council may choose to amend the Hearing Draft 2007-14 Housing Element.** Staff does not recommend this action as the revised document reflects previously approved policy and no significant changes have been made to the document.

ATTACHMENT 1

STATE HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT'S INITIAL COMMENTS ON THE ADMINISTRATIVE DRAFT

No public comments were received on the administrative draft document; however, the City did receive comments from the HCD (see Attachment # 1). Below is a summary of the more significant changes made in response to HCD's initial comments:

1. **Height Limits:** The HCD staff noted that many of the multi-family projects recently approved in the City require Conditional Use Permits or Planned Development zoning because the project exceeds the 35-foot height limit established for residential districts. The City has included a program to amend the Zoning Ordinance to allow taller buildings in the High Density Residential district to eliminate this potential barrier to higher density multi-family projects.

2. **SB 2: Emergency, Supportive and Transitional Housing:** Senate Bill 2 requires the City of Turlock adopt one of three strategies to address homelessness. The City may either: 1) construct a homeless shelter meeting the needs of the homeless population identified in the Housing Element; 2) work with a neighboring jurisdiction to construct a shelter by August 2011; or 3) revise it Zoning Ordinance to identify a zone or an overlay district to allow the construction of a homeless shelter under a nondiscretionary permit and which has sufficient capacity (vacant land) to build such a shelter. The HCD would prefer that the zoning strategy be specified in the Housing Element. State Law does not require this; it states that the City must adopt a zoning ordinance amendment within one year of adopting this Housing Element. Because the City has not yet initiated a possible zoning ordinance change, staff is not recommending that the final strategy be included In Housing Element. Instead, staff has identified a schedule for possible adoption of such an ordinance change.

3. **Farmworker Housing:** The HCD staff continues to press the City to provide specialized housing programs for farmworker housing. Staff has taken the position that farmworker housing should not be treated any differently than any other multi-family or group housing. The programs identified in the draft Housing Element make it clear that any programs available for these housing types will be made available for farmworker housing.

4. **Energy Conservation:** The HCD staff would prefer the Housing Element to include a specific AB 32 program to reduce greenhouse gas emissions. Staff recognizes that the City will have to meet this requirement in its upcoming General Plan Update and will have to rely on a host of programs and policies that go well beyond Housing Element programs and policies. Staff does not believe that incorporating this more comprehensive analysis and program is required at this time. The Initial Study for the project has analyzed the potential impact of the project on greenhouse gas emissions in compliance with AB 32. Greenhouse gas emission targets for local agencies have not yet been adopted, but will be available for the General Plan Update process. Therefore, staff is not recommending a major change to the Housing Element but has

included a program that relies on the General Plan Update process to address this concern.

5. **Extremely Low Income Households**: The HCD staff requested the addition of a specific target or goal to meet the needs of households in the Extremely Low Income category (households earning less than 30% of the Area Median Income). This is a new requirement under State housing law. The draft Housing Element was revised to include a program whereby the Housing Program Service Division will ensure that a minimum of 20% of the units in multi-family projects funded by the City will be made available to Extremely Low Income households.

City of Turlock Housing Element
Changes based on HCD Technical Assistance 11-29-11

Page 6-7

Policy 1-3-7: Support the development of housing affordable to Extremely Low, Very Low, and Low income residents.

Program A: Assist and/or partner with nonprofit agencies on developments that provide units affordable to Extremely Low, Very Low, and Low income households. Use a variety of funding sources available to facilitate development of housing projects that meet the needs of those in the lowest income cohorts and provide incentives and concessions to encourage development affordable to lower income households such as priority processing, fee deferral and modification to development standards in accordance with Section 65915 of the California Government Code (State Density Bonus Law)

Responsibility: Housing Division, Redevelopment Agency

Timing: Ongoing annually, subject to funding availability

Funding: CDBG, HOME, RDA

Program B: For all affordable housing projects greater than 10 units, ~~require that 20%~~ target 10% of the units ~~are~~ as affordable to Extremely Low Income households.

Responsibility: Housing Division

Timing: Within one year of Element's adoption

Funding: CDBG, HOME, RDA

Page 6-14

Policy 3-3-6: Assist in the identification of appropriate sites for farmworker housing.

Program: Work with Stanislaus County, agricultural stakeholders, and developers/builders of farmworker housing in Stanislaus County and greater Turlock to identify available and suitable sites for farmworker housing ~~in Stanislaus County within Turlock's greater planning area.~~ and grant incentives and concessions such as priority processing, fee deferral and modification to development standards in accordance with Section 65915 of the California Government Code (State Density Bonus Law) to qualifying farmworker housing developments.

Responsibility: Housing Division

Timing: At least annual contact and Ongoing, subject to need

Page 6-19

Policy 6-1-2: Continue to support non-profit cooperation in the development of affordable housing.

Program: Compile a list of non-profit organizations that the City has worked with in the past to establish cooperative agreements with non-profit housing corporations as a support agency to the City. Identify additional organizations that can serve the same role, and provide notice of funds available. As part of this list and extended outreach, the City shall contact developers/providers of permanent and migrant farmworker housing to ensure that these entities are also made aware of available funding.

Responsibility: Housing Division

Timing: Update and distribute annually

STATE OF CALIFORNIA -BUSINESS, TRANSPORTATION AND HOUSING AGENCY

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177 / FAX (916) 327-2643
www.hcd.ca.gov

RECEIVED
DEC - 1 2011
CITY OF TURLOCK
PLANNING DIVISION

November 29, 2011

Ms. Debra A. Whitmore, Deputy Director
Department of Development Services – Planning Division
City of Turlock
156 South Broadway, Suite 120
Turlock, CA 95380

Dear Ms. Whitmore:

RE: Review of the City of Turlock's Revised Draft Housing Element Update

Thank you for submitting Turlock's revised draft housing element received for review on October 24, 2011 along with additional revisions on October 25 and November 29, 2011. The Department is required to review draft housing elements and report the findings to the locality pursuant to Government Code Section 65585(b). The review was facilitated by communications with you and your consultant, Ms. Sophie Martin, of Dyett and Bhatia.

The revised draft element addresses the statutory requirements described in the Department's May 17, 2010 review. For example, the element now includes programs to assist the development of housing for farmworkers. As a result, the revised element will comply with State housing element law (Article 10.6 of the Government Code) when these revisions are adopted and submitted to the Department, pursuant to Government Code Section 65585(g).

Program A under Policy 1-3-2 to maintain compliance with Chapter 633, Statutes of 2007 (SB 2) and permit emergency shelters in an overlay zone with sufficient capacity to accommodate the need for emergency shelters is necessary to comply with housing element law. As a result, the City must monitor and report on the implementation of Program A through the annual progress report, required pursuant to Government Code Section 65400. If this program is not effective in accommodating the need for emergency shelters, the element should be amended to identify alternative strategies and add or revise programs, as appropriate. For example, if proposals for shelters are denied, the need for emergency shelters is inaccurately determined or capacity is not available for the development of shelters, then the element should be amended immediately.

The Department appreciates your hard work and cooperation in the preparation of the housing element and looks forward to receiving Turlock's adopted housing element. If you have any questions or need additional technical assistance, please contact Brett Arriaga, of our staff, at (916) 445-5888.

Sincerely,

Glen A. Campora
Assistant Deputy Director

Mayor Lazar opened the public hearing. No one spoke. Mayor Lazar closed the public hearing.

Action: **Resolution No. 2010-046** Assessing properties for abatement costs and establishing a lien for payment was introduced by Councilmember , seconded by Councilmember and carried unanimously.

B. Planning Manager Debbie Whitmore and Sophie Martin presented the staff report on the request to adopt a Negative Declaration of Environmental Effect for General Plan Amendment 2009-03 (Draft 2007-14) Housing Element and directing staff to submit the Draft 2007-14 Housing Element to the State Housing and Community Development Department for a mandatory 60-day review period pursuant to Government Code Section 65585(b). Mayor Lazar opened the public hearing. No one spoke. Mayor Lazar closed the public hearing.

Action: **Resolution No. 2010-047** Adopting a Negative Declaration of Environmental Effect for General Plan Amendment 2009-03 (Draft 2007-14 Housing Element) was introduced by Councilmember Jackson, seconded by Councilmember Howze, and carried unanimously.

Motion by Councilmember Howze, seconded by Councilmember Jackson, Directing staff to submit the Draft 2007-14 Housing Element to the State Housing and Community Development Department for a mandatory 60-day review period pursuant to Government Code Section 65585(b). Motion carried unanimously.

8. SCHEDULED MATTERS:

A. Municipal Services Director Dan Madden presented the staff report on the request to approve an agreement with Sun Valley Pumping of Turlock, CA, for the delivery of fat, oil, and grease (FOG) to facilitate the increase in methane gas production for utilization in the Turlock Irrigation District Fuel Cell power generator system and authorize the City Manager to execute future like agreements. Mayor Lazar asked for public comment. Nancy Jewit asked for additional information regarding the project.

Action: Motion by Councilmember Spycher, seconded by Bublak, Approving an agreement with Sun Valley Pumping of Turlock, CA, for the delivery of fat, oil, and grease (FOG) to facilitate the increase in methane gas production for utilization in the Turlock Irrigation District Fuel Cell power generator system. Motion carried unanimously.

Resolution No. 2010-048 Authorizing the City Manager to execute future agreements for the delivery of fat, oil, and grease (FOG) utilizing the terms of the agreement with Sun Valley Pumping of Turlock as a template for future users and allowing future users to initiate a like agreement without the requirement of City Council approval was introduced by Councilmember Spycher, seconded by Councilmember Bublak, and unanimously carried.

DEBRA A. WHITMORE
DEPUTY DIRECTOR OF DEVELOPMENT SERVICES
dwhitmore@turlock.ca.us

DEVELOPMENT SERVICES
PLANNING DIVISION

156 S. BROADWAY, SUITE 120 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5542 EXT 2218 | FAX 209-668-5107

DATE: November 10, 2009

TO: All Interested Agencies

FROM: Debra A. Whitmore, Deputy Director

PROJECT NAME: General Plan Amendment 2009-03- City of Turlock Draft 2007-14 Housing Element

PROJECT CONTACT: Debra A. Whitmore, Deputy Director of Development Services/Planning Division
Turlock Planning Division, 156 S. Broadway, Suite 120, Turlock, CA 95380-5454
(209) 668-5640

PROJECT LOCATION: Citywide

PROJECT DESCRIPTION: The City of Turlock is required by the State of California (§ 65580 – 65589.8 of the California Government Code) to prepare a Housing Element as one of the required seven mandatory elements contained in its General Plan. The purpose of the Housing Element is to encourage the provision of an adequate and diverse supply of safe and affordable housing in all communities, consistent with Statewide housing goals.

In accordance with State Law, the Draft 2007-14 Housing Element, completed on July 31, 2009, was made available at various locations throughout the City for a concurrent 60-day review period to the public and to the State Housing and Community Development Department (HCD). Changes to address comments received from both the public and HCD have been incorporated into the document. The Planning Commission will consider making a recommendation to the Turlock City Council regarding the adoption of the Draft 2007-14 Housing Element.

The Draft Housing Element is available online at: http://www.gpupdate.turlock.ca.us .

RESPONSE PERIOD STARTS: November 16, 2009

RESPONSE PERIOD ENDS: December 15, 2009 @ 5:00 PM

PUBLIC HEARING: **January 7, 2010 @ 7:00 PM**
Turlock Planning Commission
Turlock City Hall, Yosemite Room
156 South Broadway, Turlock, CA

The City of Turlock has determined that it is the Lead Agency for Environmental Review of the Proposed Project named above. Please review the appropriateness of the " Negative Declaration" in relation to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the " Negative Declaration", as determined by the City of Turlock, when considering any permit or other approval of the project by your agency. Please send any supplemental responses at the earliest possible date, but not later than the **RESPONSE PERIOD ENDS** date as identified above. (These comments may be faxed to (209) 668-5107, followed by a hard copy in the mail). The Applicant's "Initial Environmental Questionnaire" is not included with this Notice. Should you need any additional information regarding this project, please do not hesitate to contact me. Thank you for your cooperation.

ATTACHMENT: Initial Study, Site Plan (if applicable)

CITY OF TURLOCK GENERAL PLAN, HOUSING ELEMENT UPDATE

INITIAL STUDY

November 3, 2009

Review Period: November 16,2009 to December 15, 2009

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1 BACKGROUND

1.	Project Title:	General Plan Amendment 2009-03, City of Turlock 2007-14 Housing Element
2.	Lead Agency Name and Address:	City of Turlock Planning Division 156 S. Broadway, Suite 120 Turlock, CA 95380-5454
3.	Contact Person and Phone Number:	Debbie Whitmore City of Turlock 209.668.5542 x 2218
4.	Project Location:	The City of Turlock
5.	Project Sponsor's Name and Address:	City of Turlock Planning Division 156 S. Broadway, Suite 120 Turlock, CA 95380-5454
6.	General Plan Designation:	No changes in General Plan Designations are proposed
7.	Zoning:	No changes in Zoning Designations are proposed

8. Project Description Summary:

The City of Turlock is required by the State of California (§ 65580 – 65589.8 of the California Government Code) to prepare a Housing Element as one of the required seven mandatory elements contained in its General Plan. The purpose of the Housing Element is to encourage the provision of an adequate and diverse supply of safe and affordable housing in all communities, consistent with Statewide housing goals.

In accordance with State law, the Draft 2007-14 Housing Element Update, completed on July 31, 2009, was made available at various locations throughout the City for a concurrent 60-day review period to the public and to the State Housing and Community Development Department (HCD). Changes to address comments received from both the public and HCD have been incorporated into the document. The Planning Commission will consider making a recommendation to the Turlock City Council regarding the adoptiong of the Draft 2007-14 Housing Element.

A more detailed summary of the contents of the Housing Element is provided beginning on Page 6 of this Initial Study. The entire document is available online at:

http://www.gpupdate.turlock.ca.us

2 SOURCES

The following documents are referenced information sources utilized by this analysis:

1. City of Turlock General Plan, 1992-2012.
2. City of Turlock General Plan Master Environmental Assessment (MEA)/DEIR, September 1992.
3. San Joaquin Valley Air Pollution Control District, www.valleyair.org, June 24, 2009.
4. City of Turlock General Plan Update Report #1: Existing Conditions and Key Issues, March 2009.

3 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use & Planning
☐ Energy & Mineral Resources	☐ Noise	☐ Population & Housing
☐ Public Services	☐ Recreation	☐ Transportation & Circulation
☐ Utilities/Service Systems	☐ Mandatory Findings of Significance	

4 DETERMINATION

On the basis of this initial study:

☒ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

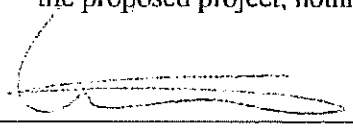
☐ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets.

An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier General Plan EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier General Plan EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



November 5, 2009

Signature — Date

Debra. A. Whitmore, Deputy Director — City of Turlock

Printed Name — For

PROJECT DESCRIPTION

5 BACKGROUND AND INTRODUCTION

This Initial Study provides an environmental analysis pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended, for the proposed City of Turlock General Plan Housing Element Update (proposed project).

The Housing Element of the City of Turlock General Plan identifies and establishes the City's policies with respect to meeting the needs of existing and future residents in Turlock. The Housing Element establishes policies that will guide the City decision-making and sets forth an action plan to implement its housing goals over the next five years. These commitments are in furtherance of the statewide housing goal of "early attainment of decent housing and a suitable living environment for every California family," as well as a reflection of concerns unique to the City of Turlock.

The project site to be affected by the Housing Element Update is the Study Area for the ongoing City of Turlock General Plan Update. The Study Area encompasses approximately 14,720 acres, or 23 square miles. It is bounded roughly by Taylor road to the north, Waring and Verduga Roads to the east, Harding Road to the south, and Commons and Washington Roads to the west. The Study Area for this General Plan update is smaller than, and fully contained within, the Planning Area identified in the Master Environmental Assessment/Draft Environmental Impact Report (MEA/DEIR) for the 1992 General Plan. That area is roughly bounded by Keyes Road on the north, the Turlock Irrigation District Main Canal on the east, Harding and Clausen roads on the south, and Washington Road to the west. The Planning Area is about 40 square miles (25,600 acres) and includes a portion of the community of Keyes, the community of Denair, and a part of Merced County.

Future development in the City of Turlock would occur under adopted community policies, standards, ordinances and the Turlock General Plan.

As required by State law (Section 65580 – 65589.8 of the California Government Code), the project includes an update of the City of Turlock's General Plan Housing Element. The update will identify residential sites adequate to accommodate a variety of housing types for all income levels and needs of special population groups defined under State law (Section 65583 of the California Government Code), analyze governmental constraints to housing maintenance, improvement and development, address conservation and improvement of the condition of the existing affordable housing stock, and outline policies to promote housing opportunities for all persons.

No new housing sites, beyond those already identified in the current General Plan, are proposed as part of this update. The Housing Element Update does not include any annexations, changes to land use designations, zoning, building heights and intensities, or residential densities.

6 PROJECT DESCRIPTION

Housing Element Overview

The Housing Element is a comprehensive statement by the City of Turlock of its broad and specific commitments to facilitate the development of housing in the City. The Housing Element is one of the seven General Plan elements mandated by the State of California, as articulated in Sections 65580 to 65589.8 of the Government Code. State law requires that the Housing Element consist of "...an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and schedules programs for the preservation, improvement and development of housing." The residential character of the City is, to a large extent, determined by the variety of its

housing and the locations and maintenance of the housing. The Housing Element is an official response to the need to provide housing for all economic segments of the population, establishing policies that will guide City decision making, and setting forth an action plan to implement housing goals through 2014.

Government Code Section 65583 requires that Housing Element include the following components:

- A review of the previous element's goals, policies, programs, and objectives to ascertain the effectiveness of each of these components, as well as the overall effectiveness of the Housing Element.
- An assessment of housing needs and an inventory of resources and constraints related to the meeting of these needs.
- An analysis and program for preserving assisted housing developments.
- A statement of community goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.
- A program which sets forth a five-year schedule of actions that the City is undertaking or intends to undertake, in implementing the policies set forth in the Housing Element.

City of Turlock's Housing Needs

Between 2000 and 2007, the City of Turlock grew from 55,810 people to 69,330 at an annual rate of approximately 3.1 percent. Growth is expected to continue at a slower rate of 2.3 percent annually over the next housing element cycle. Several factors influence the degree of demand for housing as well as the type of housing demanded in the City of Turlock. Major "needs" categories considered in the Housing Element include: housing needs resulting from population growth in the City and surrounding region; housing needs that result when households are paying more than they can afford for housing; housing needs of "special needs groups" such as the elderly, large families, female heads of households, households with persons with disabilities, and the homeless; and housing needs resulting from overcrowding in existing units.

Land Available for Housing Development

As part of the 2007-2014 Housing Element update and the concurrent comprehensive General Plan update, an analysis of the residential development potential of vacant and underutilized land in the City of Turlock was completed in March 2009. A total of 407 acres of vacant and underutilized land are currently zoned residential in the City of Turlock that will accommodate up approximately 3,218 new housing units. Table 1-1 is a listing of vacant land by zone classification along with the low, high, and average unit capacities for each classification.

Table 1-1 Summary of Sites' Dwelling Unit Capacity

	Density (gross units/acre)			*Available*	*Dwelling Unit Capacity*		
Current Zoning[1]	*Low*	*High*	*Average*	*Acres*	*Low*	*High*	*Average*
High Density Residential	15	30	22.5	64	963	1,925	1,444
Commercial Office/High Density Residential	15	30	22.5	6	44	89	67
Downtown Core	15	45	30	2	13	39	26
Subtotal for Extremely Low, Very Low, Low				**72**	**1,020**	**2,053**	**1,537**

Income Units (RH, CORH, DC):							
Low Density Residential 4.5	5	10	7.5	27	137	274	206
Medium Density Residential	7	15	11	45	323	692	507
Office/Residential	5	10	7.5	1	3	7	5
Industrial/Residential	5	10	7.5	1	2	5	4
Transitional Commercial	5	10	7.5	1	2	4	3
Subtotal for Moderate Income Units (RL45, RM, OR, IR, TC):				**76**	**468**	**981**	**724**
Residential Estate	0.2	3	1.6	100	20	299	159
Low Density Residential	3	7	5	159	478	1,116	797
Subtotal for Above Moderate Income Units (RE, RL):				**259**	**498**	**1,415**	**957**
Total				**407**	**1,986**	**4,449**	**3,218**

1. For parcels zoned Planned Development, the residential densities associated with the underlying General Plan designation were used.

Source: City of Turlock, Dyett & Bhatia

California's Housing Element law requires that cities and counties develop local housing programs designed to meet their "fair share" of the statewide housing goals, as established by the California Department of Housing and Community Development (HCD), for all income groups. This "fair share" allocation seeks to ensure that each jurisdiction accepts responsibility for the housing needs of not only its current residents, but also for those households who might be reasonably expected to reside within the jurisdiction. A jurisdiction's "fair share" of regional housing need is the number of additional dwelling units that would be required to accommodate the anticipated growth in households, replace expected demolitions and conversion of housing units to non-housing uses, and achieve a future vacancy rate that allows for the healthy functioning of the housing market.

Councils of Governments (COGs) are the agencies responsible for allocating the State's regional housing goals to the cities and counties through the Regional Housing Needs Assessment (RHNA) process. The City of Turlock falls under the jurisdiction of the Stanislaus Council of Governments (StanCOG). StanCOG uses a predominately demographic formula to allocate the regional housing needs to its member agencies. This allocation must then be considered by each jurisdiction when housing elements are prepared. StanCOG does not, however, set housing policy. The agency has adopted the philosophy that each city within its jurisdiction knows their own needs and resources and should have the responsibility for developing their own policies to meet their portion of the regional housing need.

Historically, COGs prepared RHNAs every five years according to a statewide schedule prepared by the State. However, during the early 1990s the State suspended funding for the development of the RHNA. Due to the lack of State funding to continuously support the RHNA process during the 1990s, the housing needs for the years 2001-2002 were included with the 2003-2008 RHNA cycle. Therefore, while the proposed Housing Element outlines programs for the five year period from 2009 to 2014, provision of adequate sites to accommodate 3,461 new housing units identified by the current RHNA cycle actually applies to the 2007 through 2014 time period.

Between January 1, 2007, and the April 1, 2009, building permits were issued for a total of 595 units in the City of Turlock. As the current RHNA cycle includes 2007-2009, these dwelling units have been applied toward the 3,461 dwelling unit housing need identified for the City of Turlock, leaving

a balance of **2,866 dwelling units as the current allocation need**. Since the environmental review of the 595 dwelling units constructed between 2007 and 2009 was previously conducted on a project-by-project basis, this document will only be assessing the potential impacts related to the provision of adequate land to accommodate the balance of the 3,461 unit RHNA assigned to the City of Turlock, or 2,866 housing units.

The 407 acres of vacant land currently zoned residential in the City of Turlock will accommodate 3,218 new housing units if built at the average allowable density—12 percent more units than those needed to meet the City's current balance of 2,866 dwelling units by 2014. The land needed to accommodate the City's RHNA has been identified on parcels currently zoned in accordance with the existing General Plan Land Use Diagram. No annexation or rezoning of land is necessary to meet the City's need. Therefore, no action to change land uses or densities is taken as part of this Housing Element update; it is a policy document only.

The housing need is divided into four income categories: Very Low (up to 50 percent of county median income), Low (between 50 percent and 80 percent), Moderate (between 80 percent and 120 percent), and Above Moderate (more than 120 percent). In addition, Extremely Low income households are defined as a subset of Very Low: those earning up to 30 percent of county median income. The income group proportions are then applied toward the construction need, which results in a goal for the number of housing units by income group within the City of Turlock. Table 1-2 breaks down the allocation of housing needs by these income categories.

Table 1-2 Remaining Need Based on Units Built, Under Construction, or Permitted

Income Category	*Original Allocation*	*Units Built, Under Construction, or Issued Building Permit: January 1, 2007 – April 1, 2009*	*Remaining Allocation*
Very Low (0-50% of AMI)	805	0	805
Low (51-80% of AMI)	562	110	452
Moderate (81-120% of AMI)	666	2	664
Above Moderate (over 120% of AMI)	1,428	483	945
Total	**3,461**	**595**	**2,866**

Source: Stanislaus Council of Governments (StanCOG), City of Turlock

Housing Element Organization

The City of Turlock's Housing Element is organized into five primary sections as outlined below:

Program Accomplishments: This section includes an evaluation of the City's housing programs and implementation actions from the previous Housing Element cycle and analyzes the appropriateness of the City's existing goals and policies.

Housing Needs Assessment: This section analyzes current demographic and housing market trends in order to ascertain the greatest housing needs in the City of Turlock. The results of the needs assessment and the constraints analysis (described below) form the basis for the policies put forth in the document.

Sites Inventory: This section includes an inventory of the sites available in the City that can accommodate the City's RHNA and analyzes their development capacity and appropriateness for a variety of housing types. In addition, a summary of quantified objectives for housing production and rehabilitation is provided.

Constraints: This section includes a summary of possible constraints on housing production, attributable to both governmental and non-governmental factors. This analysis chapter helps inform the policies and programs that aim to remove constraints.

Housing Programs: This section identifies housing goals, policies and objectives. Responsible parties and funding sources are identified, and schedules for implementation are set forth.

Discretionary Action

Implementation of the proposed project would require the following discretionary actions by the City of Turlock Planning Commission/City Council:

- Approval of a Negative Declaration; and
- Approval of the Housing Element for the City of Turlock.

7 ENVIRONMENTAL CHECKLIST

The following Checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Potentially Significant With Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

I. AESTHETICS

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	☒
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Discussion

a-c. The Housing Element Update anticipates the need for 2,866 additional housing units in the City for the five-year period from 2009 to 2014. No new housing sites are proposed as a part of this Housing Element Update beyond those already identified in the current General Plan. Without identifying the location and type of residential development, the potential impact of development on a scenic vista, scenic resources, historic buildings, or visual character of the City is impossible to determine. Furthermore, because the Housing Element is a policy level document, the Housing Element does not include any site specific designs or proposals that would enable an assessment of potential site specific visual impacts that may result with future housing development proposals. The City's project review procedures require a case-by-case review of future housing projects to ensure that the projects comply with the City's Design Guidelines (which take into account existing views and aesthetic conditions), and that the projects are consistent with all General Plan goals, objectives, and policies. For these reasons, the project will result in ***no impact*** to aesthetics.

d. Development of residential uses in accordance with the City's Housing Element Update would create new sources of light and glare. The increased density and intensity of residential uses would increase the amount of light and glare in developed areas (from exterior lighting, street lighting, vehicular lighting, and interior lighting visible from the outside). To minimize potential light and glare impacts, future development proposed by the Housing Element Update would be required to comply with applicable policies governing light and glare outlined in the General Plan, City of Turlock Design Guidelines, City of Turlock Zoning Ordinance, and requirements mandated during the environmental review of individual residential developments. For these reasons, the project will result in ***no impact*** to light and glare.

II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?	☐	☐	☐	☒

Discussion

a,c. Farming has been an integral part of the Turlock region's economic and social life since the community's inception in the mid-1800s. Beginning with cattle and sheep ranching, the introduction of the railroad, refrigerated shipping, and construction of the La Grange Dam on the Tuolumne River have helped to expand the region's agricultural production to include grains, fruits, truck crops, dairy products, and poultry. Despite the City's growth Turlock remains dependent on and surrounded by farms, orchards, and other agricultural operations.

The proposed project identifies a housing need of 2,866 housing units in the City. According to the City of Turlock General Plan EIR, the development anticipated in the General Plan would have a significant and unavoidable adverse impact on agricultural land by converting Prime Farmland to non-agricultural use or impairing the agricultural productivity of Prime Farmland. However, the impact on Prime Farmland associated with the City of Turlock's buildout potential was previously considered and Findings of Fact and Statement of Overriding Considerations were adopted. No new housing sites are proposed as a part of this Housing Element Update beyond those already identified in the current General Plan.

Within the General Plan update Study Area, 6,260 acres (43 percent) of the existing land uses are agricultural. The City of Turlock has identified 407 acres zoned for residential development that can accommodate the necessary 2,866 units, all of which are within the

current city limits and on infill sites within the existing urbanized area. The agricultural land impacted by General Plan buildout is located virtually entirely outside city limits or in the Westside Industrial Specific Plan (WISP) area, which is not designated for residential use.

The impacts related to the loss of Prime Farmland that were identified in the General Plan EIR as significant and unavoidable would not be increased by the proposed Housing Element Update, because no action is being taken to annex new lands into the city or increase the density or intensity of any land. Furthermore, because the Housing Element is a policy level document, the Housing Element does not include any site specific designs or proposals that would enable an assessment of potential site specific agricultural impacts that may result with future housing development proposals. Therefore, the proposed project would have ***no impact*** on agricultural resources than previously analyzed as part of the General Plan EIR.

b. Approximately half of the farmland in the Turlock Planning Area is under Williamson Act contract; the exception is the southeast quadrant where little land under the contract exists (Turlock Master Environmental Assessment (MEA), p. 3-4). As of 2007, land under Williamson Act contracts totaled 46 percent of the total agricultural acreage in the Study Area (Existing Conditions and Key Issues, p. 7-3). Two parcels identified in the proposed Housing Element for future housing development (APNs 072006007000 and 073016006000) were under Williamson Act contracts as of 2007. However, both parcels' contracts are in non-renewal, meaning that the contracts are in the process of expiration and the land will become available for non-agricultural uses. Therefore, the proposed project has ***no impact*** on Williamson Act contracts or agricultural zoning.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Discussion

a-c. Air quality is monitored, evaluated, and regulated by federal, State, regional, and local regulatory agencies and jurisdictions, including the United States Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and the San Joaquin Valley Air Pollution Control District (SJVAPCD). Stanislaus County is one of eight counties in the SJVAPCD. The EPA, CARB and the SJVAPCD develop rules and/or regulations to attain the goals or directives imposed by legislation. Both State and regional regulations may be more, but not less, stringent than federal regulations. The SJVAPCD regulates air quality in Stanislaus County through its permit authority over most stationary emission sources and through its planning and review activities. The SJVAPCD is responsible for implementing emissions standards and other requirements of federal and State laws.

Since 1970, air quality has been regulated at the federal level under the Clean Air Act (CAA). This act authorized the U.S. Environmental Protection Agency (EPA) to set National Ambient Air Quality Standards (NAAQS) for air pollutants of nationwide concern. The EPA has established standards for seven criteria air pollutants. These pollutants include ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), respirable particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), and lead (Pb). Primary standards for air pollutants were established to protect public health, while secondary standards were established to protect the public welfare by preventing impairment of visibility and damage to vegetation and property.

In addition to more stringent ambient air quality standards than the corresponding NAAQS for the six criteria air pollutants, the California Air Resources Board (CARB) has set State standards (CAAQS) for sulfates, hydrogen sulfide, vinyl chloride, and visibility reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety. These criteria refer to episode levels representing periods of short-term exposure to air pollutants that actually threaten public health. In addition to pollutants listed on the federal level, the State of California has established standards for sulfates, hydrogen sulfide, vinyl chloride and visibility reducing particles.

The CARB is required to "identify" and "classify" each air basin of the State on a pollutant-by-pollutant basis. Subsequently, the CARB designated areas in California as nonattainment based on violations of the CAAQS. Areas in the State were also classified based on severity of air pollution problems. For each nonattainment class, the California Clean Air Act (CCAA) specifies air quality management strategies that must be adopted. Air districts in violation of CAAQS are required to prepare an Air Quality Attainment Plan (AQAP) that lays out a program to attain and maintain the CCAA mandates.

The SJVAPCD has adopted several attainment plans in an attempt to achieve State and federal air quality standards for the various pollutants. The SJVAPCD adopted attainment plans for carbon monoxide in 1998 (updated in 2004), for PM_{10} and $PM_{2.5}$ in 2008, and for ozone in 2004 (updated in 2008). The San Joaquin Valley Air Basin (SJVAB) attainment status is as follows:

Nitrogen Oxides

Nitrogen dioxide, a reddish brown gas, and nitric oxide (NO), a colorless, odorless gas, are formed from fuel combustion under high temperature or pressure. These compounds are referred to jointly as nitrogen oxides, or NOx. NOx is a primary component of the photochemical smog reaction. They also contribute to other pollution problems, including a high concentration of fine particulate matter, poor visibility, and acid deposition. NO2 decreases lung function and may reduce resistance to infection. The SJVAPCD is designated as an attainment area for NOx under the State standards and as attainment/unclassified under the federal standards (www.valleyair.org, June 24, 2009).

Sulfur Dioxide

Sulfur dioxide (SO2) is a colorless irritating gas formed primarily from incomplete combustion of fuels containing sulfur. Industrial facilities also contribute to gaseous SO2 levels. SO2 irritates the respiratory tract, can injure lung tissue when combined with fine particulate matter, and reduces visibility and the level of sunlight. The SJVAPCD is designated as an attainment area for SO2 under the State standards and as attainment/unclassified under the federal standards (www.valleyair.org, June 24, 2009).

Carbon Monoxide

Carbon monoxide is an odorless, colorless gas that is highly toxic. The gas is formed by the incomplete combustion of fuels and is emitted directly into the air (unlike ozone). Under most conditions, CO does not persist in the atmosphere and is rapidly dispersed. Carbon monoxide exceedances are most likely to occur in the winter when relatively low inversion levels trap pollutants near the ground and concentrate the CO. the San Joaquin Valley Air Basin is designated as attainment/unclassified under both the State and federal standards for CO. (www.valleyair.org, June 24, 2009).

Ozone

Low-level ozone (versus atmospheric ozone) is not emitted directly by pollution sources; rather, it is formed by the interaction between sunlight with nitrogen oxides or hydrocarbons. Nitrogen oxides and hydrocarbons are emitted by on-road motor vehicles and other mobile sources; solvent extraction; combustion; and industrial and commercial processes. High concentrations of ozone can cause lung irritation, and ultimately lung tissue damage.

Ozone is measured by two standards: one-hour concentration and eight-hour concentration. For the ozone – one hour State standard, the San Joaquin Valley Air Basin has been designated as "non-attainment/severe." For the ozone – eight hour standard, the Basin is designated as "non-attainment/extreme" by federal standards and "nonattainment" by State standards (www.valleyair.org, June 24, 2009).

PM_{10} and $PM_{2.5}$

Respirable particulate matter (PM_{10}), is emitted by dust- and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g. wind-raised dust). It produces haze and limits visibility. Respirable particulate

matter may irritate eyes and the respiratory tract, decrease lung capacity, and increase the risk of cancer and mortality. While the San Joaquin Valley Air Basin is in attainment for PM_{10} under federal standards, it is in nonattainment by State standards.

Fine particulate matter ($PM_{2.5}$) is produced by fuel combustion in motor vehicles, equipment and industrial sources; residential and agricultural burning; and photochemical reactions of other pollutants, including NOx, sulfur oxides, and organic compounds. The San Joaquin Valley Air Basin is a nonattainment area for $PM_{2.5}$ under both the federal and State standards.

The Turlock General Plan DEIR (p. 28) concluded that the impacts of development in the Turlock Planning Area consistent with the General Plan would include an increase in vehicle trips. Both of these factors contribute to increasing levels of ozone and PM_{10}. PM_{10} and $PM_{2.5}$ are two pollutants for which the Planning Area currently violates standards. The Turlock General Plan DEIR (p. 28) concludes that as recognized by the 1991 Air Quality Attainment Plan for the San Joaquin Valley Unified Air Pollution Control District, these impacts would be significant even after the implementation of mitigation measures. However, Findings of Fact and Overriding Considerations were adopted by the City Council for the 1992 Turlock General Plan in which the Turlock City Council determined that the unavoidable air quality impacts were outweighed by the benefits of the implementation of the General Plan. Thus, impacts of citywide development were already analyzed in the Turlock General Plan DEIR, and the Housing Element is consistent with the Turlock General Plan.

The General Plan DEIR includes a broad level policy analysis regarding air quality. Under the General Plan Land Use Diagram, the City of Turlock currently has 407 acres zoned for residential development that can accommodate the 2,866 housing units identified by the Housing Element Update. No new housing sites are proposed as a part of this Housing Element Update beyond those already identified in the current General Plan. Because the Housing Element Update is a policy level document, it does not include specific development proposals. Future development anticipated under the Housing Element shall comply with the density and intensity standards outlined in the Land Use Element of the General Plan and the City's current Zoning Ordinance, which the proposed Housing Element does not modify. Therefore, the adoption of the Housing Element will have ***no impact*** on air quality.

d,e. The Housing Element Update contains policies and programs rather than specific projects. No new housing sites are proposed as a part of this Housing Element Update beyond those already identified in the current General Plan. New development within the City must comply with the density and intensity standards outlined in the Land Use Element of the General Plan and the City's current Zoning Ordinance. Future housing projects will be reviewed through the City's project review process to ensure that sensitive receptors are not adversely impacted by substantial pollutant concentrations, including but not limited to objectionable odors, by requiring future projects to comply with all applicable standards, guidelines, and General Plan policies, goals, and programs. Therefore, the proposed project is considered to have ***no impact*** on sensitive receptors.

IV. BIOLOGICAL RESOURCES

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or State habitat conservation plan?	☐	☐	☐	☒

Discussion

a-f. The City of Turlock MEA/DEIR discusses an absence of features such as natural waterways with associated riparian vegetation and the historic intensive commercial cultivation of lands in the Planning Area that contribute to the relatively narrow range of plant and animal species

present. Nonetheless, the fields, pastures, orchards, and vineyards in the Planning Area, which all provide habitat for plants and animals, would be diminished as a result of implementation of the General Plan.

Recorded sitings of rare, threatened, or endangered species were not discovered during the research conducted for the MEA and DEIR. However, a systematic survey was not conducted and the Turlock General Plan DEIR (p. 30) concludes that with regard to species of special concern, the impacts of the General Plan are difficult to evaluate because of the lack of an extensive field survey.

As part of the research for the Turlock General Plan Update Existing Conditions and Key Issues report, a computerized search of the California Natural Diversity Database, run by the California Department of Fish and Game, was run for the four 7.5-minute USGS quadrangles in which the Planning Area lies. Several species listed as Threatened or as Species of Special Concern are present in the four quadrangles: Swainson's Hawk, the tricolored blackbird, and the western pond turtle. However, these species rely on riparian, pond, or marsh habitats, which are present in the region but not in the Planning Area or on any of the sites identified for future housing development.

The Housing Element Update anticipates the need for 2,866 housing units in the City for the five-year period from 2009 to 2014. Under the current zoning ordinance, which was developed and updated in accordance with current General Plan, the City of Turlock currently has 407 acres zoned for residential development that can accommodate the 2,866 units identified by the Housing Element Update. No new housing sites are proposed as a part of this Housing Element Update beyond those already identified in the current General Plan. The Turlock General Plan and accompanying Land Use Diagram have been developed with extensive resource protection policies and reserve areas. Amending the City of Turlock General Plan to include this Housing Element Update would not result in any significant impacts on biological resources because implementation of the goals, policies, and actions included in the Housing Element must be consistent with State and Federal laws and the goals, policies, and standards established within the Open Space, Natural Resources, and Conservation Element of the General Plan, which are intended to protect biological resources.

Because the Housing Element is a policy level document, the Housing Element does not include any site specific designs or proposals that would enable an assessment of potential site specific biological impacts that may result from future housing development proposals. Per CEQA requirements, case-by-case reviews of future housing projects would be conducted to assess the potential for housing project specific biological impacts and project consistency with State and Federal regulations and all General Plan goals, objectives and policies. The proposed project would have ***no impact*** on biological resources.

V. CULTURAL RESOURCES

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
c. Directly or indirectly destroy a unique paleontological resource on site or unique geologic features?	☐	☐	☐	☒
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

Discussion

a-d. Cultural resources are places, structures, or objects that are important for scientific, historic, and/or religious reasons to cultures, communities, groups, or individuals. Cultural resources include historic and prehistoric archaeological sites, architectural remains, engineering structures, and artifacts that provide evidence of past human activity. They also include places, resources, or items of importance in the traditions of societies and religions.

CEQA Guidelines Section 15064.5 defines historic resources as any object, building, structure, site, area, place, record, manuscript or other resource listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historic resources, or the lead agency. Generally a resource is considered to be "historically significant" if it meets one of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Is associated with the lives of important persons in the past;
- Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

As part of the current General Plan update process, the City of Turlock conducted a survey to assess its historic and archaeological resources within the Study Area, in accordance with CEQA requirements. A records search conducted in 2008 by the Central California Information Center (CCIC) of the California Historic Resources Information System at California State University, Stanislaus identified 38 properties in the Study Area listed on the State's Historic Property Data File (Existing Conditions and Key Issues, p. 7-17). A similar survey was conducted by the City in 1989 as part of the 1992 General Plan update, the results of which are documented in the DEIR.

In the most recent survey, 36 properties of historical significance were identified. Three are California historical landmarks, listed on the National Register of Historic Places or the California Register of Historic Places. Two properties were identified but not evaluated for the National or California Registers. The remaining 31 properties were identified in the historic property data file but were determined to be ineligible for listing on the National or California Registers. None of the sites identified for potential future housing development in the proposed Housing Element are occupied by identified historic structures of any sort.

Evaluations and assessments are based on surface evidence and it is recognized that the possibility always exists that unidentified cultural or paleontological resources may be found during the construction activities in the proposed City of Turlock General Plan area, which includes this Housing Element Update.

The Housing Element Update requires that adequate land to accommodate 2,866 housing units is available. The City of Turlock currently has 407 acres zoned for residential development that can accommodate the 2,866 units identified by the Housing Element Update. No new housing sites are proposed as a part of this Housing Element Update beyond those already identified in the current General Plan. The proposed Housing Element does not revise or modify developments standards in such a way that would impact historic, archaeological, or paleontological resources. Future housing projects would be reviewed by the City to ensure adherence to applicable City, county, State, and federal standards and guidelines related to the protection/preservation of cultural resources.

For all of the reasons discussed in this section, there will be ***no impact*** to cultural resources as a result of the proposed project.

VI. GEOLOGY AND SOILS

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist -	☐	☐	☐	☒

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault?				
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code?	☐	☐	☐	☒
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Discussion

a.i-ii. The Central Valley formation is a 200 mile long north-westward tending, asymmetric structural trough that has been filled with as much as six miles of sediment in the San Joaquin Valley. The City of Turlock is part of a low-relief plain, which was formed by coalescing alluvial fans, with sediments ranging from a depth of about 7,000 feet in the northwest to about 12,000 feet in the southwest.

The City of Turlock, with the exception of part of the southeast portion, is underlain by continental rocks and deposits from the Miocene to the Holocene Age. These deposits in the San Joaquin Valley are characterized by a heterogeneous mix of generally poorly sorted clay, silt, sand and gravel; some beds of claystone, siltstone, sandstone, and conglomerate, and may include some younger alluvium and continental deposits. Part of the southeast portion of the City is underlain by windblown sand and dune sand from the Holocene Age.

Geologic faults are not known to exist in the City of Turlock or in the valley portion of Stanislaus County. The nearest faults are the Bear Mountain and Melones faults in the eastern part of Stanislaus County that have been inactive for the last 150 million years, and the Tesla Ortigalita fault in the Diablo Range.

Similar to any other place in the Valley, the City could be impacted by earthquakes along faults in the other parts of the region or elsewhere in California. Recorded earthquakes from faults outside the Turlock region have in the past produced ground shaking to an intensity of VI on the Modified Mercalli Intensity Scale. Ground shaking to an intensity of VII would be possible in the future. However, the Turlock General Plan DEIR (p. 36) states that the extremely low level of natural hazards in the Turlock area means that significant risks would not be encountered.

All new housing development and rehabilitation that might result from Housing Element implementation would be required to be consistent with existing State and Local building codes which are designed to ensure that new construction does not expose people to significant geological impacts. Therefore, the proposed Housing Element would have ***no impact*** on geological hazards.

a-iii As part of implementing Public Resources Code Section 2690 *et seq.* (Seismic Hazards iv,c,d. Mapping Act), the California Division of Mines and Geology has established a program to map liquefaction and landslide potential in various parts of the State. Efforts have initially been concentrated on major metropolitan areas, especially those that are known to be subject to landslides and liquefaction; studies in the Central Valley have not yet been initiated. No documented cases of landslides or liquefaction have occurred in Turlock, and the risk is very low due to the fact that there are no faults, hills, or natural waterways within the Planning Area.

The Housing Element Update requires that adequate land to accommodate 2,866 housing units is available. New residential development within the City would be designed and constructed to meet the most current seismic safety standards for liquefaction included in the Uniform Building Code (UBC) and/or standards established by the City of Turlock. Adherence to these requirements would reduce potential liquefaction, landslide, and other related impacts to a ***no impact*** level.

b. Development of the 2,866 residential units identified in the Housing Needs Assessment would require earth-moving activities, which would expose soils, thereby increasing the potential for erosion or loss of topsoil. The susceptibility of soils to erosion varies depending on the location, base material, topography, surrounding environment (e.g., natural cover or paved surfaces), and the level of ground disturbance activities. Compliance with National Pollution Discharge Elimination System (NPDES) permit and Storm water Pollution Prevention Plan (SWPP) requirements as well as City standards for construction and grading practices would reduce potential impacts related to soil erosion to a ***no impact*** level.

e. The Housing Element Update contains policies and programs rather than ordinance amendments or specific projects. However, future residential development within the City would utilize local sewer systems, not septic tanks. Therefore, the proposed project would have ***no impact*** on septic systems.

VII. GREENHOUSE GAS EMISSIONS[1]

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the atmosphere?	☐	☐	☐	☒
b. Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	☒

Discussion

a-b. At the time of the 1992 General Plan EIR, greenhouse gas (GHG) emissions were not an issue area that jurisdictions were tasked with considering as part of their environmental analysis. Therefore, GHG emissions were not analyzed in the General Plan EIR. While final CEQA guidelines on GHG emissions have not yet been released, GHG emission guidelines have been drafted. While adoption of the Housing Element will not result in any change in the overall development capacity or distribution of development in the city, the following provides further discussion about greenhouse gases and climate change for information purposes.

Legislative Context

In September 2006, the Governor signed AB 32, the California Global Warming Solutions Act (Health and Safety Code Section 38500 et. seq.). The Act codifies the executive order reduction of statewide GHG emissions to 1990 levels by the year 2020. This change, which is estimated to be a 25 to 35 percent reduction from current emission levels, will be accomplished through an enforceable statewide cap on GHG emissions that will be phased in starting in 2012.

On September 30, 2008, Governor Schwarzenegger signed Senate Bill (SB) 375 into law. This legislation links transportation and land use planning with the CEQA process to help achieve the GHG emission reduction targets set by AB 32. Regional transportation planning agencies are required to include a sustainable community strategy (SCS) in regional transportation plans. The SCS must contain a planned growth scenario that is integrated with the transportation network and policies in such a way that it is feasible to achieve AB 32 goals on a regional level. SB 375 also identifies new CEQA exemptions and stream lining for projects that are consistent with the SCS and qualify as Transportation Priority Projects (TPP). TPPs must meet three requirements: 1) contain at least 50 percent residential use;

1 Based on Appendix G in the Preliminary Draft CEQA Guideline Amendments, developed by the Governor's Office of Planning and Research (OPR) for public workshop and approval, as announced January 8, 2009.

commercial use must have floor area ratio (FAR) or not less than 0.75; 2) have a minimum net density of 20 units per acre; and 3) be located within one-half mile of a major transit stop or high quality transit corridor included in the regional transportation plan.

City of Turlock Actions

Even before the passage of AB 32 and SB 375, the City of Turlock has sought to reduce energy consumption (and associated greenhouse gas emissions) and achieve environmental sustainability through a variety of General Plan policies and local ordinances. Actions include:

- Integrating land use and transportation planning through promoting infill development, mixed uses, and higher density developments that allow residents to access goods and services without a car or in fewer and shorter trips;
- Maintaining a strong jobs/housing balance that has resulted in nearly half of residents working locally, minimizing total commute trips and trip distances;
- Establishing residential design guidelines that require new developments' site plans to orient homes so as to passively manage solar gain and energy consumption;
- Marketing and supporting the Turlock Irrigation District (TID) (Turlock's local electricity provider) and Pacific Gas and Electric (PG&E) rebate programs that encourage energy-saving retrofit measures such as weather stripping and insulation; and
- Promoting the development of alternative energy sources through TID's Solar Rebate Program.

Conclusion

The actions that the City has taken, summarized above, show a commitment to reducing GHG emissions through green design and energy efficiency. The housing sites listed in Table 1-1 of the project description are either infill and/or compact and mixed use in nature, and therefore support the goals of AB32 and SB 375. No new housing sites are proposed as part of the Housing Element Update. The housing sites identified in the document are entirely consistent with those included in the current General Plan; therefore the same number of housing units can be constructed in the city with or without the Housing Element Update. City policy requires EIRs for all specific plans, thus ensuring that any potential changes from the General Plan go through their own full environmental analysis, including greenhouse gases. The proposed Housing Element is a policy document only, it does not revise or modify any developments standards, and it makes no specific development proposals for any sites. Therefore, adoption of the proposed Housing Element would have ***no impact*** on greenhouse gas emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	☐	☐	☒
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h. Expose people or structures to the risk of loss, injury or death involving wildland fires,	☐	☐	☐	☒

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				

Discussion

a. The proposed Housing Element contains City programs to encourage housing development, and does not relate to or affect the transport, use, or disposal of hazardous materials.

b. The potential release of hazardous materials along roadways is an on-going condition that is regulated by federal, State, and local regulations. This condition would exist with or without the proposed project.

To ensure that development of housing on specific sites does not result in potentially significant hazards or expose people to potential health hazards, future projects would be reviewed for consistency with State, federal, and local requirements and guidelines. Adherence to such requirements would reduce potential impacts associated with this issue to a ***no impact*** level.

c. Residential units constructed through implementation of the Housing Element Update may be located within one-quarter mile of an existing or planned school. In the absence of specific information regarding the location and type of these additional residential units, it is not possible to determine potential impacts to existing or planned schools. Incidental amounts of hazardous materials may be utilized during the construction and/or occupation of new residential units. An analysis of potential impacts to existing or planned schools would be conducted during the environmental review of specific residential developments. New projects developed on sites identified by the Housing Element would be required to adhere to applicable City, county, State, and/or federal regulations related to the transport, use, storage or disposal of hazardous materials. Therefore, there is ***no impact*** on school sites associated with the proposed project.

d. The Housing Element Update contains policies and programs rather than specific projects, and identifies sites on which future residential development could occur in accordance with the current General Plan and zoning ordinance. As part of the existing conditions research for the current General Plan Update, sites containing potentially hazardous materials were identified. Only one parcel identified for future residential development in the Housing Element has hazardous materials present. APN 042005054000 has two underground storage tanks identified by the State Water Resources Board. The site is currently undergoing remediation. Review of potential impacts related to this issue would be conducted during the environmental review of specific residential developments, and these developments would be required to adhere to applicable county, State, and/or federal regulations. Therefore, ***no impacts*** associated with hazardous materials would result from the proposed project.

e. The City of Turlock owns a municipal airfield that is located approximately 8 miles east of the City, off of East Avenue and Newport Avenue. The airport is not only outside the incorporated City limits but is also situated in the adjoining Merced County. Development of the 2,866 units needed under the Housing Element Update would be constructed outside of

an airport land use plan, more than two miles away from an airport, and would not pose a risk or hazard for people residing or working in the area. In addition, the Housing Element Update contains policies and programs rather than specific projects. Therefore, ***no impact*** is associated with the proposed project.

f. There is one private airstrip in the vicinity of the Study Area. It is anticipated that any development near the airstrip would not result in a safety hazard for people residing in the project area. However, noise generated from the operation of this airstrip may cause some degree annoyance to future residents of projects in the airstrip's immediate vicinity. Therefore, the following notice will be provided to potential property owners of affected sites: "This property is presently located in the vicinity of a private airstrip. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to aircraft operations (for example: noise and vibration). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."

However, the Housing Element Update contains policies and programs rather than specific projects, and no new housing sites are proposed beyond what the General Plan currently allows. Therefore, the adoption of the Housing Element would result in ***no impact*** on safety associated with the presence of a private air strip.

g. The Housing Element Update contains policies and programs rather than specific projects. No new housing sites are proposed beyond what the General Plan currently allows. Development of residential uses would be consistent with applicable requirements of adopted emergency response/evacuation plans. Development of new residential uses would also comply with the applicable design requirements of these plans. For these reasons, adoption of the proposed project would result in ***no impact*** on emergency response.

h. Development of the residential land identified in the Housing Element Update to accommodate 2,866 housing units would not expose people or structures to the risk of loss, injury, or death involving wildland fires because there are no wildland areas located within or adjacent to the Turlock Planning Area. The City is primarily surrounded by agricultural operations where specific crops are routinely managed and irrigated. New development would adhere to applicable and appropriate standards and regulations of responsible fire authorities. Moreover, the Housing Element Update is a policy level document and therefore does not contain specific projects. Therefore, there is ***no impact*** relating to wildland fires associated with the proposed project.

IX. HYDROLOGY AND WATER QUALITY

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f. Otherwise substantially degrade water quality?	☐	☐	☐	☒
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h. Place within a 100-year floodplain structures which would impede or redirect flood flows?	☐	☐	☐	☒
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	☐	☐	☐	☒
j. Expose people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Discussion

a, f. Under Section 402 of the Clean Water Act, the Regional Water Quality Control Board (RWQCB) issues National Pollutant Discharge Elimination System (NPDES) permits to regulate the discharge of dredged and fill material into waters of the United States, including wetlands. Waters of the United States include rivers, lakes, and their tributary waters. Waste discharges include discharges of stormwater and construction project discharges. A construction project resulting in the disturbance of one or more acres requires a NPDES permit. Construction project proponents are required to prepare a Storm Water Pollution Prevention Plan (SWPPP).

The Housing Element Update contains policies and programs rather than specific projects. Through the City's environmental review process, future residential development would be evaluated on an individual basis for potential violation of water quality standards or waste discharge requirements. Implementation of Best Management Practices (BMPs) as specified by the NPDES permit and the approval of a SWPPP would ensure that any potential impacts associated with this issue would be reduced to a ***no impact*** level.

b. Groundwater is currently the sole source of domestic water for the Planning Area (Turlock General Plan, p. 6-11). Three interconnected bodies of groundwater exist in the Planning Area. Most groundwater recharge comes from surface application of water in the form of agricultural irrigation. Depth to groundwater in the Planning Area varies from about 35 feet in the eastern part to about 15 in the west and is projected to increase to as much as 90 feet by the year 2020 (Turlock General Plan, p. 6-12). Prompted by the last drought and previous water shortages, the City of Turlock passed a Water Conservation and Education Ordinance in March 1991. The ordinance aims to accomplish conservation through restricting the times of outdoor residential water use.

The Turlock DEIR (p. 35) states that because implementation of the General Plan would reduce the area over which irrigation occurs, the relative importance of precipitation as a source of recharge would increase. The increase in impervious surfaces created by urbanization consistent with proposed policies would have a significant and unavoidable adverse impact on both quality and quantity of recharge because stormwater runoff would absorb urban chemicals as it travels on streets and other surfaces. However, the impact on groundwater quantity and recharge associated with the City of Turlock's buildout potential was previously considered and Findings of Fact and Statement of Overriding Considerations were adopted.

The impacts related to groundwater quantity and recharge that were identified in the General Plan DEIR as significant and unavoidable would not be increased by the proposed Housing Element Update. Furthermore, because the Housing Element is a policy level document, the Housing Element does not include any site specific designs or proposals that would enable an assessment of potential site specific groundwater impacts that may result with future housing development proposals. Therefore, the proposed project would have ***no impact*** on groundwater resources.

c-e. Because the Housing Element is a policy level document, the Housing Element does not include any site specific designs or proposals that would enable an assessment of potential site specific stormwater runoff and drainage pattern impacts that may result with future housing development proposals. Therefore, a case-by-case design review of future housing

projects would be carried out to ensure the safety of the future communities, and that future projects are consistent with all General Plan goals, objectives, and policies.

Currently, most of the stormwater in the City of Turlock drains to detention basins that are located throughout the City. The stormwater system has generally protected the City from flooding. It is not anticipated that development of housing on the small infill parcels identified by the proposed Housing Element would exceed the capacity of the existing system. Furthermore, General Plan Policy 4.3-i requires outdoor stormwater detention on project sites that are larger than two acres. Therefore, the proposed project would have ***no impact*** on stormwater runoff and drainage.

g-i. According to the General Plan MEA, neither the City of Turlock nor the surrounding Planning Area is within a special flooding hazard area. Therefore, the community would not be subject to any flood risks by a 100-year flood. However, the Planning Area, located south of the Tuolumne River, is near the New Don Pedro Dam. According to the U.S. Army Corps of Engineers' present standards, the entire Planning Area falls within the dam failure inundation area for the New Don Pedro Dam. Dam failure inundation would occur if the dam were to fail completely within a one-hour period. Such a disaster would only occur under extremely unique circumstances, where the entire dam would completely give way.

Future development anticipated in the Housing Element Update would be subject to all applicable development guidelines for potential dam inundation areas. Each development would be evaluated on an individual basis and would be required to comply with UBCs and regulations. Therefore, the proposed project would have ***no impact*** on flooding hazards.

j. Tsunamis are defined as sea waves created by undersea fault movement. A tsunami poses little danger away from shorelines. Turlock is many miles inland from any sea or ocean and, therefore, would not suffer from a tsunami. In addition, mudflows typically occur in mountainous or hilly terrain, and the City of Turlock is not mountainous and hilly.

A seiche is a long wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir, whose destructive capacity is not as great as that of tsunamis. Natural rivers, streams, or other natural waterways are not known to exist in the Turlock Planning Area, which is part of the San Joaquin River drainage basin. Therefore, the proposed project would not be subject to a seiche.

The Housing Element Update is a policy level document and does not contain specific projects. Still, due to the reasons explained above, tsunamis, mudflows, and seiches would have ***no impact*** on the future development on sites identified by the Housing Element Update.

X. LAND USE AND PLANNING

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Physically divide an established community?	☐	☐	☐	☒
b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	☐	☐	☐	☒
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	☐	☐	☐	☒

Discussion

a. This Housing Element Update, completed in conformance with California Government Code and reflecting statewide housing goals as assigned to each county through the Regional Housing Needs Assessment (RHNA) process, indicates that the City of Turlock must show that it can accommodate 2,866 housing unit between 2009 and 2014. The City has identified 407 acres of residentially-zoned land that can accommodate the City's share of the future regional housing needs. It is not anticipated that any future residential development on the sites identified would physically divide an established community, as the sites are relatively small vacant and underutilized infill parcels scattered throughout the City of Turlock's existing urbanized area. Therefore, the proposed project would have a ***no impact*** on an established community.

b. No housing sites are proposed beyond those already identified in the current General Plan, and the Housing Element complies with and does not modify any applicable specific plans or the local zoning ordinance. Therefore, there is ***no impact*** due to the proposed project.

c. Currently, habitat conservation plans or natural communities conservation plans do not exist within the Turlock Planning Area. Therefore, there would be ***no impacts*** to habitat conservation plans or natural community conservation plans due to the proposed project.

XI. MINERAL RESOURCES

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☒
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Discussion

a,b. According to the City of Turlock General Plan MEA/DEIR, the State Division of Mines and Geology (DMG) is not aware of any historic or current mining operations within the City of Turlock, other than minor excavations for fill material, which is not considered a significant resource. The only significant mineral commodities that might be found are sand and gravel for road and building construction, although at this time known significant deposits do not exist. Thus, there are not known valuable mineral resources in the Planning Area, and there would be ***no impact*** on mineral resources associated with the proposed Housing Element.

XII. NOISE

Would the project result in:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	☒
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Discussion

a. Sound refers to anything that is or may be perceived by the ear. Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, and sleep. Noise impacts can be described in three categories. The first is audible impacts that refer to increases in noise levels noticeable to humans. Audible increases in noise levels generally refer to a change of 3.0 decibels (dB) or greater since this level has been found to be barely perceptible in exterior environments. The second category, potentially audible, refers to a change in the noise level between 1.0 and 3.0 dB. This range of noise levels has been found to be noticeable only in laboratory environments. The last category is changes in noise level of less than 1.0 dB that are inaudible to the human ear. Only audible changes in existing ambient or background noise levels are considered potentially significant.

The proposed project identifies a housing need of an additional 2,866 housing units in the City. The City of Turlock currently has 407 acres zoned for residential development that can accommodate the 2,866 units identified by the Housing Element Update. No new housing sites are identified beyond what is already specified in the current General Plan. Typically, residential housing does not generate unacceptable noise levels, which would exceed City standards.

Significant noise sources within the City of Turlock include the Union Pacific Railroad (UPRR) tracks, Highway 99, and industrial facilities in the southwestern part of the City. Policy 8.4-f of the Turlock General Plan requires noise analyses and appropriate mitigation measures for those noise-sensitive uses projected to be subjected to noise levels that are conditionally acceptable or unacceptable (Turlock General Plan DEIR, p. 46). In addition, the Turlock General Plan DEIR (p. 46) concludes that existing and future noise conflicts would be resolved through continued enforcement of the City's Noise Control Ordinance, as called for in Policy 8.4-k of the General Plan. A case-by-case review of future housing projects would be carried out to ensure that future housing development projects are consistent with

all General Plan goals, objectives, and policies, and the City's Noise Ordinance, which the Housing Element does not modify. Therefore, the proposed project would have ***no impact*** on noise levels.

b. The construction of new residential uses would require the use of earthmoving vehicles and construction equipment. The operation of this equipment would temporarily increase the potential for groundborne vibration and/or noise. Potential ground borne noise/vibration impacts resulting from construction of additional residential units envisioned by the Housing Element Update would be short-term. Construction activities associated with new residential development would be required to comply with applicable City standards regarding the generation of ground vibration or groundborne noise, which the Housing Element does not modify. Therefore, the proposed project would have ***no impact*** on groundborne vibration and noise levels.

c. The update to the Housing Element identifies land to accommodate the required 2,866 housing units. No new housing sites are proposed beyond those already identified in the current General Plan. The development of new residential uses typically increases the traffic volumes in the vicinity of new development. Because traffic noise is a primary contributor to the local noise environment, any increase in traffic resulting from the development of new residential uses would be expected to proportionally increase local noise levels. However, the number of housing units required in the Housing Element Update does not exceed the number previously considered and analyzed in the General Plan, and the General Plan DEIR did not identify any significant noise impacts that cannot be mitigated by the City's Noise Control Ordinance. Therefore, the proposed project would have ***no impact*** on noise.

d. The update to the Housing Element identifies that an additional 2,866 dwelling units are necessary to meet anticipated housing needs. No new housing sites are proposed beyond those already identified in the current General Plan. Development of new residential uses would require the modification of individual project sites, installation of utilities, and construction of structures. Noise generated from grading and construction equipment as well as noise generated from workers' vehicles would contribute to a temporary increase in ambient noise levels in the vicinity of the project site. The Housing Element Update contains policies and programs rather than specific projects, and thus does not generate any construction noise. However, any potential noise impacts by housing development would be addressed by compliance with the City's Noise Control Ordinance. Therefore, the proposed project would have ***no impact*** on noise generated by construction.

e,f. The City of Turlock owns a municipal airfield that is located approximately eight (8) miles east of the City, off of East Avenue and Newport Avenue. The airport is not only outside the incorporated City limits but is also situated in the adjoining Merced County. Development of the 2,866 units needed under the Housing Element Update would be constructed outside of an airport land use plan, more than two miles away from an airport, and would not expose people residing or working in the project area to excessive noise levels. Furthermore, private airstrips do not exist in the Planning Area. Therefore, there are ***no impacts*** associated with the proposed project.

XIII. POPULATION AND HOUSING

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☐	☒
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Discussion

a. As indicated in the Housing Element Update, the City of Turlock currently has 407 acres zoned for residential development that can accommodate an additional 2,866 housing units. Development of 2,866 units would increase the total number of housing units in the City, keeping pace with the City of Turlock's housing needs as anticipated by the California Department of Housing and Community Development (HCD). The Housing Element Update, developed in conformance with California Government Code (Section 65580 et al) to reflect statewide housing goals as assigned to each county through the Regional Housing Needs Assessment (RHNA) process, identifies that a balance of 2,866 additional housing units are needed between 2009-2014. Specifically, the Housing Element addresses the need to provide housing for all economic segments of the population, establishes policies that would guide City decision making, and sets forth an action plan to implement housing goals through 2014. All of the housing development proposed by the Housing Element Update is within the existing City limits on land that can be or is already served by the necessary infrastructure for residential development. For these reasons, adoption and implementation of the Housing Element would not be expected to induce substantial growth that would require significant new infrastructure, displace substantial numbers of existing housing, or necessitate the construction of replacement housing. Therefore, the proposed Element Update would have ***no impact*** on population and housing.

b,c. Future developments anticipated by the Housing Element Update would be constructed on vacant and underutilized land in the City, and existing people and housing would not be displaced. Therefore, there are ***no impacts*** associated with the project.

XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Fire protection?	☐	☐	☐	☒
b. Police protection?	☐	☐	☐	☒
c. Schools?	☐	☐	☐	☒
d. Parks?	☐	☐	☐	☒

Discussion

a. Residential development proposed through the Housing Element Update would be served by the City of Turlock Fire Department. The Fire Department successfully maintains a 5-minute or less response time. The outward expansion of urban development, however, is "stretching" this response time to maximum acceptable levels. Facility planning efforts for a future fire facility are necessary to accommodate future growth within the City limits (Turlock MEA, p. 8-18). However, the Turlock General Plan DEIR (p. 36) states that fire protection services are not expected to be at a level of service where the ability to provide adequate protection is in jeopardy. Research conducted as part of the current General Plan update process confirmed that the Turlock Fire Department has not identified any specific point or threshold at which a change of staffing or facilities will be necessary to maintain the desired response time; however, staff states that monitoring growth patterns, demographics, and new development are essential to determine staffing increases and new station locations (Existing Conditions and Key Issues, p. 6-14). In addition, the development of housing on the sites identified in this Housing Element would not represent significant "outward growth" as the identified parcels are infill sites within the existing urbanized area. As with any future public facility needs, the Fire Department is dependent upon the level of revenue that the City receives and the annual appropriations in Capital improvement programs.

The additional development of 2,866 housing units set forth by the Housing Element would increase the need for fire protection services in the City. This potential impact was previously analyzed in the DEIR and found not to be significant. Future development may require improvements to existing facilities or increases in staffing and equipment. Turlock currently charges a Capital Facilities Fee to new development in the City in part to fund fire service facilities. Individual projects are reviewed by the Fire Department to ensure compliance with

Fire Code requirements, which ensure fire prevention and safety in the event of a fire. Therefore, the proposed Housing Element would have ***no impact*** on fire services.

b. Residential development anticipated in the Housing Element Update would be served by the City of Turlock Police Department. Turlock Police Services is structured into three divisions: Operations, Administration, and Community Services. As of March 2009, the authorized sworn strength of Turlock Police was 81 police officers, or 1.16 full time police officers per 1,000 residents (Existing Conditions and Key Issues, p. 6-13). The department also has 44 non-sworn support personnel and 25 volunteers. The current service ratio represents an improvement over the ratio cited in the last General Plan review, of 1.06 sworn officers per 1,000 residents in 2001. The Department has also been successful in meeting its response time standards for Priority One calls of 6.5 minutes. Both the Turlock General Plan DEIR (p. 36) and the more recent Existing Conditions and Key Issues Report (p. 6-13) state that police protection services are not expected to be at a level of service where the ability to provide adequate protection is in jeopardy.

Future development anticipated in the Housing Element Update may require improvements to existing facilities or increases in staffing and equipment. However, no new sites for housing are proposed beyond those already identified in the current General Plan, and the Draft General Plan EIR did not find any significant impacts related to police services. The City of Turlock currently charges a Capital Facilities Fee to new development in the City in part to fund police service facilities. Therefore, the proposed project would have ***no impact*** on police services.

c. The population increase projected to occur as a result of the buildout of the General Plan would result in a doubling of enrolment in the Turlock School Districts' elementary and secondary schools (Turlock DEIR, p. 37). To accommodate enrollment, the General Plan designates sites for five elementary schools, a future junior high school and a future high school. In recent years, the City and Turlock Unified School District (TUSD) have made significant progress in increasing school capacity since the last General Plan update. The second high school designated in the General Plan opened in 2001; Medeiros Elementary and the Walnut Education Center (elementary school) opened in 2006 and 2007, respectively.

The Housing Element Update identifies an assigned growth need for 2,866 additional housing units for development through 2014. The City of Turlock currently has 407 acres zoned for residential development that can accommodate the 2,866 units identified by the Housing Element Update. Development of additional housing is provided to meet anticipated population growth, thereby increasing the demand on schools. Additional facilities and staffing would be necessary to accommodate the growth. The City of Turlock, Stanislaus County, and the State have adopted requirements for residential and non-residential construction to assist in financing school facilities through payment of development impact fees, consistent with State Law (Turlock DEIR, p. 37). For these reasons, there would be ***no impact*** on school facilities associated with the proposed project.

d. In 1995, the City of Turlock adopted a Parks Master Plan, which evaluated the current and future needs for park and recreation facilities. Turlock's park system embraces a wide variety of community, neighborhood, pocket, and neighborhood-school parks. Several parks also serve as water detention basins. The 1992 General Plan established a citywide standard of 4.2 acres of public parks per 1,000 residents (Turlock MEA, p. 8-2). In 2002, that standard was increased to 4.5 acres per 1,000 residents, based on the results of the 2000 Census and the parkland inventory completed as part of the General Plan review taking place at that time.

The Housing Element Update identifies an assigned growth need of 2,866 additional housing units for development through 2014. The Housing Element Update contains goals, policies, and programs rather than specific projects. The City of Turlock currently has 407 acres zoned for residential development that can accommodate the 2,866 units identified by the Housing Element Update. Future development anticipated in the Housing Element Update would increase the demand for additional parkland in the City. All future residential development shall be reviewed to ensure consistency with the Turlock General Plan, all applicable City ordinances, and the community's open space and recreational needs. Fees, land dedications, or improvements are also required in most instances by the City of Turlock to provide an adequate supply of public parkland. For these reasons, there would be ***no impact*** on parkland due to the proposed project.

XV. RECREATION

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Discussion

a, b. The City of Turlock currently has 306 acres of recreation and parkland that is comprised of Neighborhood-Serving City Parks, Neighborhood School Parks, and Community Parks. The 1992 General Plan established a citywide standard of 4.2 acres of public parks per 1,000 residents; the 2002 update to the General Plan increased the standard to 4.5 acres per 1,000 residents. The Housing Element Update identifies an assigned growth need of 2,866 additional housing units through 2014. The City of Turlock currently has 407 acres zoned for residential development that can accommodate the 2,866 housing units identified by the Housing Element Update. The Housing Element Update contains goals, policies, and programs rather than specific projects. Future development anticipated in the Housing Element Update would increase the demand for additional parkland in the City, but no new housing sites are proposed beyond those already identified in the current General Plan. All future residential development shall be reviewed to ensure consistency with the Turlock General Plan, all applicable City ordinances, and the community's open space and recreational needs. Fees, land dedications, or improvements are also required in most instances by the City of Turlock to provide an adequate supply of public parkland. For these reasons, there would be ***no impact*** on recreation associated with the proposed project.

XVI. TRANSPORTATION AND CIRCULATION

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d. Substantially increase hazards due to a design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e. Result in inadequate emergency access?	☐	☐	☐	☒
f. Result in inadequate parking capacity?	☐	☐	☐	☒
g. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

Discussion

a,b. Traffic conditions within the City of Turlock are generally good (Turlock MEA, p. 2-1). Of the 43 intersections surveyed as part of the Existing Conditions and Key Issues Report for the current General Plan update process, only five were determined to be operating at LOS E/F during AM and/or PM peak hours of travel (pp. 5-12 – 5-14). However, implementation of the General Plan would cause a significant increase in the number of trips and vehicle miles traveled in the Planning Area (Turlock DEIR, p. 24). Because locations in the Planning Area exist where traffic operations are projected to operate at level of service E and F, and

mitigation measures have been judged infeasible because of their cost and disruption, traffic impacts are determined to be significant and unavoidable. However, Findings of Fact and Overriding Considerations were adopted by the City Council for the 1992 Turlock General Plan in which the Turlock City Council determined that the unavoidable traffic impacts were outweighed by the benefits of the implementation of the General Plan.

Under the General Plan Land Use Diagram and current zoning, the City of Turlock currently has 407 acres zoned for residential development that can accommodate the 2,866 housing units identified by the Housing Element Update. Any future development associated with the Housing Element must comply with all regional and local transportation plans and policies, the Turlock General Plan, payment of Transportation Impact Fees, and all applicable City ordinances. Therefore, the proposed project would have ***no impact*** on traffic volume and level of service.

c. The Housing Element Update contains policies and programs rather than specific projects. However, development anticipated by the Housing Element Update involves the potential development of 2,866 housing units on vacant and underutilized parcels of land throughout the City, all of which were already identified in the existing General Plan. The anticipated amount of development would not result in any changes to air traffic patterns, nor would the anticipated amount of development result in any substantial safety risks related to aircraft traffic. Therefore, there would be ***no impact*** associated with the project.

d. The Housing Element Update identifies an assigned growth need of 2,866 additional housing units through 2014. All of the sites proposed for new housing are already identified in the current General Plan. Any needed roadway improvements associated with the identified development would be constructed to the City's roadway safety standards. Therefore, the increased amount of traffic associated with the anticipated development would not substantially increase hazards to motorist, pedestrians or bicyclists. Through the City's development review process, future development projects would be evaluated for potential safety impacts. Therefore, the proposed project would have ***no impact*** on roadway safety.

e. The Housing Element Update identifies an assigned growth need of 2,866 additional housing units through 2014. However, the Housing Element is a policy document only and does not include any specific development proposals. Any future residential projects would be required to conform to traffic and safety regulations that specify adequate emergency access measures. Without specific details regarding each development, the adequacy of emergency access to and within the projects is impossible to determine with any precision. Future development projects would be evaluated to determine adequacy of emergency access prior to its approval. Therefore, the proposed project would have ***no impact*** on emergency access.

f. Development anticipated by the Housing Element Update involves the construction of residential dwelling units. However, the Housing Element is a policy document only and does not include any specific development proposals. Any new development would be required to adhere to all applicable City of Turlock standards pertaining to the provision of parking facilities. Future development projects would be evaluated to determine adequacy of parking on an individual basis. Therefore, the proposed project would have ***no impact*** on parking.

g. The City of Turlock contains access to several forms of alternative transportation such as buses, trains, walking trails, and bike paths. The Housing Element Updated identifies an assigned growth need of 2,866 housing units by 2014. Because the Housing Element is a policy level document, it does not include site specific designs or proposals that would enable

an assessment of potential site specific impacts to alternative transportation that may result with future housing development proposals. Consistent with the existing General Plan, any future development proposals would provide for alternative modes of transportation. Therefore, the proposed project would have ***no impact***.

XVII. UTILITIES AND SERVICE SYSTEMS

Would the project:

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g. Comply with federal, State, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

Discussion

a,b,d,e. The City of Turlock provides wastewater treatment and disposal service to residential, commercial, and industrial users in Turlock, and to residents in Keyes and Denair Community Services Districts. The treated effluent is discharged into the San Joaquin River via Turlock Irrigation District Lateral Drain #5.

The newly-constructed Turlock Regional Water Quality Control Facility (TRWQCF) currently treats approximately 13 million gallons per day (mgd) of flow from Turlock, Keyes, and Denair, as well as 1 mgd from the City of Ceres. With the construction of planned improvements, the facility could treat 20 mgd from Turlock, Keyes, and Denair, and 2 mgd from Ceres, thus providing capacity for about a 50 percent increase in flow to the plant. Current projections anticipate flow to the facility reaching 23 mgd by 2030 (the proposed buildout year of the next General Plan planning period). The current and planned treatment facilities will occupy only 60 acres of the 140 acre facility site, leaving room for the plant to expand well beyond the projected capacity needs of 23 mgd in 2030 (Existing Conditions and Key Issues, p. 6-19).

Growth consistent with the General Plan land use diagram, which includes potential buildout of the 2,866 units identified in this Housing Element, would require the City of Turlock to increase its capacity to supply water (Turlock DEIR, p. 39). Currently, all of the City's potable water comes from groundwater. The City currently operates 24 wells that produce a total water supply of approximately 55 mgd. The City is also currently evaluating a Surface Water Project (SWP) that would supply an additional 15 mgd of treated Tuolumne River water from the Turlock Irrigation District (TID) (Existing Conditions and Key Issues, p. 6-16, 6-17). As part of the research conducted for the Existing Conditions and Key Issues report, data from the City of Turlock's 2005 Urban Water Management Plan and the 2003 Water Master Plan Update project that the estimated annual potable water demand in 2017 would be 39,560 acre-feet per year, or 35 mgd. The current production of 55 mgd from city wells plus the additional projected 15 mgd of TID surface water would be more than enough to meet the potable water demand over the planning period for this Housing Element Update.

Additionally, per General Plan policies, the City will continue to carefully review individual projects and work with utility providers to ensure that future projects do not result in localized or project specific utility impacts and ensure that each project is contributing a fair share financial contribution to the ongoing improvement of the public systems. Therefore, the adoption of the proposed Housing Element Update would have ***no impact*** on water and wastewater.

c. The City of Turlock adopted a comprehensive plan for storm drainage in 1998. Most of the City's stormwater drains to detention basins located throughout the City and eventually flows to a storage basin on the west side of the TRWQCF. Many detention basins are also used as City parks. Following storm events, the runoff is then directed to TID Lateral 4 or the Harding Drain. The stormwater system has effectively prevented the City from flooding. The infrastructure meets current needs and is sufficient to handle the buildout of the current General Plan, which includes the 2,866 housing units identified in this Housing Element, though future growth may necessitate upgrades to the existing infrastructure (Existing Conditions and Key Issues, p. 6-22).

The Housing Element Update contains policies and programs rather than specific projects. Development anticipated in the Housing Element Update would be required to be consistent

with General Plan goals and policies related to storm water drainage as well as local ordinances and NPDES requirements. Without specific project details, it is not possible to accurately determine storm water drainage requirements of future development projects. Per General Plan Policy 4.3-i, outdoor stormwater detention is required on project sites that are larger than two acres. Design of future storm water drainage facilities would be evaluated as each new development is proposed. Recommendations for improvements and/or new storm water drainage facilities would be made at that time. Therefore, there are considered to be ***no impacts*** on stormwater drainage associated with the proposed project.

f,g. Solid waste collection is a "demand-responsive" service and City of Turlock current service levels can be expanded and funded through user fees without difficulty. The City, through the designated waster hauler, has instituted separate curbside collection of solid waste, recyclable materials, and green waste within the City. All future development within the City shall comply with applicable elements of the California Solid Waste Reuse and Recycling Access Act of 1991. Additionally, the City has been successful in meeting State mandates (AB 939) requiring 25 percent of waste to be diverted from landfills by 1995 and 50 percent by 2000.

Waste generated in Turlock is sent to the Fink Road Landfill or the Waste to Energy Plant at Fink Road, which are operated by the Stanislaus County Department of Environmental Resources. The landfill is capable of handling 2,400 tons of waste per day, and receives volume from numerous communities in addition to Turlock. The county estimates that the landfill will be sufficient for at least 15 more years, covering the planning period for the proposed Housing Element.

The Housing Element Update contains policies and programs rather than ordinance amendments or specific projects, and the housing on sites identified by the Element could proceed with or without this project. The volume of solid waste generated by the anticipated housing units set forth by the Housing Element Update would not be anticipated to adversely impact landfills or other solid waste disposal facility. Where needed, appropriate mitigation measures would be required to reduce potential impacts associated with residential developments on an individual basis. Therefore, there are considered to be ***no impacts*** associated with the proposed project.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

Issues	*Potentially Significant Impact*	*Potentially Significant With Mitigation Incorporated*	*Less-Than-Significant Impact*	*No Impact*
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	☐	☐	☐	☒
c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion

a,b. The proposed project involves the implementation of the Housing Element Update for the City of Turlock. The Housing Element Update is a policy document designed to guide the City in future planning for housing through 2014. The Housing Element Update identifies an assigned growth need of 2,866 additional housing units within the City. Buildout of the City's General Plan has previously been analyzed and mitigated for in the General Plan MEA/DEIR. The City of Turlock currently has 407 acres zoned for residential development that can accommodate the 2,866 units identified by the Housing Element Update, all of which is already allowed under the City's existing General Plan.. Furthermore, the Housing Element Update contains policies and programs rather than specific projects. The proposed project is considered to have ***no impact.***

c,d. The Housing Element Update identifies an assigned growth need of 2,866 housing units within the City. This development would increase the amount of traffic on local roadways,

emission of pollutants and particulate matter, generate noise within the project limits, would affect the amount and distribution of biological resources, would impact the provision of public services, and may result in the loss of prime agricultural land. The loss of prime agricultural land is considered a "cumulatively considerable impact" and a "substantial adverse impact," both direct and indirect, which were addressed with the City of Turlock General Plan MEA/DEIR. A Findings of Fact and Statement of Overriding Considerations were adopted as part of the approval of the Turlock General Plan. No new housing sites are proposed beyond those already identified in the existing General Plan. Therefore, the proposed project is considered to have ***no impact.***

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ADOPTING GENERAL PLAN AMENDMENT 2009-03 (HEARING DRAFT 2007-14 HOUSING ELEMENT)	}	**RESOLUTION NO. 2012-**

WHEREAS, pursuant to Section 65300 et seq. of the California Government Code, the City of Turlock has prepared and adopted the 1992 – 2012 Turlock General Plan on March 15th, 1993 and formally reviewed the document, recertifying the Turlock General Plan Master Environmental Assessment / Environmental Impact Report, on June 11, 2002; and

WHEREAS, pursuant to Section 65302 of the California Government Code, the City of Turlock is required to prepare a Housing Element as one of the required seven mandatory elements contained in its General Plan; and

WHEREAS, the purpose of the Housing Element is to encourage the provision of an adequate and diverse supply of safe and affordable housing in all communities, consistent with Statewide housing goals; and

WHEREAS, the Housing Element consists of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources and scheduled programs for the preservation, improvement, and development of housing, pursuant to California Government Code Section 65580; and

WHEREAS, in accordance with Government Code Section 65585(b), the City made the Draft 2007-14 Housing Element available for a concurrent 60-day public and State Housing and Community Development Department (HCD) review and comment period on July 31, 2009; and

WHEREAS, comments were received from both the public and HCD and appropriate changes incorporated into the document; and

WHEREAS, pursuant to Government Code Section 65585(b), HCD requested that the City resubmit the revised Draft 2007-14 Housing to the Department for a second 60-day review period prior to adoption by the City Council; and

WHEREAS, a Notice of Intent to adopt the Negative Declaration was posted with the Stanislaus County Recorder on November 17, 2009, stating that the project could not have a significant effect on the environment; and

WHEREAS, the revised Public Review Draft 2007-14 Housing Element and Initial Study were circulated for a 30-day review period pursuant to the California Environmental Quality Act (CEQA) beginning on November 17, 2009, (State Clearinghouse No. 2009112042); and

WHEREAS, after public hearing held on March 9, 2010, the City Council considered the testimony regarding both the Draft 2007-14 Housing Element and adopted the Negative Declaration by Council Resolution 2010-046, having determined that the City of Turlock, as lead agency for the proposed project, and having made the following findings:

1. Pursuant to CEQA Guidelines Section 15162, the proposed activity is adequately described and is within the scope of the General Plan EIR.
2. All feasible mitigation measures developed in the General Plan EIR have been incorporated into the project.
3. Pursuant to Public Resources Code Sections 21080(c)(2) and 21157.5, the initial study prepared for the proposed project has identified potential new or significant effects that were not adequately analyzed in the General Plan EIR, but feasible mitigation measures have been incorporated to revise the proposed subsequent project to avoid or mitigate the identified effects to a point where clearly no significant effects would occur.
4. There is no substantial evidence before the lead agency that that the subsequent project, as revised, may have a significant effect on the environment.
5. The analyses of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment contained in the General Plan EIR are adequate for this subsequent project.
6. Pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations was adopted for the General Plan EIR by Turlock City Council Resolution 93-042. As identified in the Turlock General Plan MEA/EIR, development in the project area would result in significant, and unavoidable, impacts in the areas of noise, regional air quality, and the eventual loss of agricultural land. The magnitude of these impacts can be reduced, but not eliminated by the mitigation measures referenced in the initial study prepared for this project and General Plan EIR. Therefore, mitigation measures identified in the General Plan EIR, and its respective Statements of Overriding Considerations (contained in Turlock City Council Resolution No. 93-042), are adequate to mitigate the impacts from the proposed project where feasible, and are hereby incorporated by reference.
7. Pursuant to Public Resources Code Section 21157.6(a), having reviewed the General Plan EIR, the City of Turlock finds and determines that:
    a. no substantial changes have occurred with respect to the circumstances under which the General Plan EIR was certified, and
    b. that there is no new available information which was not and could not have been known at the time the General Plan EIR was certified; and

WHEREAS, on March 9, 2010, the Turlock City Council directed staff to submit the Draft 2007-14 Housing Element to the HCD; and

WHEREAS, on November 29, 2011, the HCD certified the Draft 2007-14 Housing Element based on proposed changes provided by staff which have been incorporated into the Hearing Draft 2007-14 Housing Element; and

WHEREAS, whereas minor changes, deletions, and additions have been made to the project described in the Negative Declaration for the Housing Element and, pursuant to Section 15162 of the California Environmental Quality Act Guidelines, a subsequent Negative Declaration is only required if the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative; and

WHEREAS, on January 10, 2012, after holding a properly noticed public hearing and considering additional public testimony on the Hearing Draft 2007-14 Housing Element, the Turlock City Council found and determined as follows:

1) That the proposed General Plan Amendment does conform to the provisions and standards of the General Plan.
2) That the proposed General Plan Amendment is consistent with the balance of the General Plan.
3) That the proposed General Plan Amendment is necessary to implement the goals and objectives of the General Plan.
4) That the public necessity, convenience, and general welfare require the proposed amendment.
5) That the proposed General Plan Amendment will not cause substantial environmental damage.

NOW THEREFORE BE IT RESOLVED that the Turlock City Council does hereby find as follows:

Section 1. The Turlock City Council does hereby find that a subsequent Negative Declaration is not required for the Hearing Draft 2007-14 Housing Element having found, on the basis of substantial evidence in the light of the whole record, the following:

1) No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) No substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 2. The Turlock City Council does hereby adopt General Plan Amendment 2009-03 (Hearing Draft 2007-14 Housing Element).

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 10th day of January 2012, by the following vote:

AYES:
NOES:
ABSTAIN:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie E. Weaver
City Clerk, City of Turlock, County of Stanislaus, State of California

1C

Council Synopsis

January 10, 2012

From: Michael G. Pitcock, P.E.
Director of Development Services / City Engineer

Prepared by: Eric A. Picciano, P.E.
Principal Civil Engineer, Building Official

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Ordinance: Repealing Turlock Municipal Code Title 8, Chapters 1, 2, 5, 6, 7 and 8, regarding Building Regulations and adopting new Title 8, Chapters 1, 2, 5, 6, and 8

2. DISCUSSION OF ISSUE:

The proposed municipal code amendment is to the City of Turlock Municipal Code, specifically Chapter 8-1, Building Code.

The responsible state body for all building code development is the California Building Standards Commission (CBSC). The CBSC conducts code development hearings to gain input from building officials, local and state government leaders, developers and other interested parties to review the Building Code Standard for the State of California. These triennially produced standards contain the mandatory minimum building requirements for the State of California and are automatically adopted for local jurisdictions. However, to administer these codes each jurisdiction must adopt rules and requirements. Included in these standards are the following: California Building, Residential, Electrical, Plumbing, Mechanical, Energy and CalGreen Codes.

With adoption, the Health and Safety Code §§18941.5 and 17958.7 allow the governing body of the local jurisdiction by ordinance opportunity to make changes or modifications that are more stringent than the requirements published in the California Building Standards Code. However, modifications must be deemed necessary because of local climatic, geological or topographical conditions. At the same time, the Health and Safety Code §17950 and §18938 (b) state that whether or not the local jurisdiction takes an affirmative action to adopt the standards, they are applicable to all occupancies throughout California.

In addition to the previously adopted Codes, in 2010 the CBSC adopted two additional codes sections, Part 2.5 known as the California Residential Code (CRC) and Part 11 the California Green Building Standards Code, "CalGreen"

1. Prior to this year, California has not had a pure residential Code. Previously all of the code requirements pertaining to one and two-family dwellings or

townhouses were located in Part 2, of the California Building Code. This allowed for gaps between residential and non-residential code requirements. The International Residential Code (IRC) is a more prescriptive code, which contains all requirements for residential construction in a single document. To help clarify residential code requirements the CBSC adopted the IRC as part of Part 2.5, of the California Residential Code.

2. Also, prior to this year, no state has adopted a Building Code that specifically addresses "green" construction in a codified manner. The specific purpose of the California Green Building Standards Code is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. Some of the key mandatory components that CalGreen address are:

    - Reduce water consumption by 20 percent
    - Divert 50 percent of construction waste from landfills.
    - Install low Volatile Organic Compounds (VOC) materials
    - Mandatory inspections of energy systems, such as furnace and air conditioners for nonresidential buildings over 10,000 square feet.

A notable addition to the City's Municipal Code through this adoption is the creation of the Building Appeals Board. The intent of the Board is to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the Building Code. The board of appeals shall be appointed by the City Council and hold office at its pleasure.

The authority of the Board is limited to an appeal that is based on a claim that the true intent of the code or the rules legally adopted has been incorrectly interpreted, the provisions of the code do not fully apply or an equally good or better form of construction has been proposed. The Board does not have any authority to waive any requirements of the code.

To be qualified, the members of the Board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

Attached for your review, to aid you in your understanding of the significant changes proposed to this chapter of the municipal code, is an annotated copy of the affected chapters delineating the proposed modifications.

Also attached for further information regarding the applicability of the California Building Standards as being required by state law, please see the second attachment entitled "Building Standards Bulletin 09-02"

3. BASIS FOR RECOMMENDATION:

A) In accordance with the Health and Safety Code §§ 17950 and 18938(b) California Building Standards are applicable to all occupancies throughout California whether or not the local jurisdiction takes affirmative action to adopt those Building Standards.

B) Adoption of the California Building Standards allows the City of Turlock opportunity to make limited changes to aid in local enforcement.

C) The last major review of Chapter 8 of the Turlock Municipal Code occurred in 1996. Since 1996, the California Building Standards have undergone several iterations of code changes and updates.

D) This project is consistent with the Goals and Actions of Section F Intelligent, Planned, Managed growth of the City of Turlock Strategic Plan 2011-2013.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: The implementation of this code requires additional training for existing staff. Funding is budgeted in the FY 11-12 Building and Safety budget.

This adoption also includes the addition of cost recovery fees for the enforcement of the Green Building Code, review of mandated residential Fire sprinklers and cost recovery for denied appeals from the Building Appeals Board.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

Not applicable

7. ALTERNATIVES:

A. Not adopt the California Building Code. This alternative is not practical, because the Building Code is already in effect and is being enforced. Adoption allows the City of Turlock opportunity to make limited changes to aid in local enforcement and creates a Board of Building Appeals.

ATTACHMENT 1

Chapter 8-1
BUILDING CODE STANDARDS

Sections:

Article 1. Uniform Codes

8-1-101 Purpose.
8-1-102 Adoption
8-1-103 Finding of necessity for stricter standard.
~~8-1-104 Organization and enforcement.~~
8-1-104 Amendments, additions and deletions to the California Building Code
8-1-105 Amendments, additions and deletions to the California Residential Code
~~8-1-105~~ 8-1-106 Fees.
~~8-1-106~~ 8-1-107 Exceptions to fees.
~~8-1-107~~ 8-1-108 Code defined.
~~8-1-108~~ 8-1-109 Licenses required.
~~8-1-109~~ 8-1-110 Addresses to be posted.
8-1-111 Violation: misdemeanor

Article 2. Permits by Telephone or Internet

8-1-201 Building permits by telephone or internet ("Phone In, Facsimile or internet permits")

Article 3. Board of Building Appeals

8-1-301 General
8-1-302 Authority to Adopt Rules.
8-1-303 Adopted Code Applicable.
8-1-304 Limitations on Authority.
8-1-305 Appeal Hearing Date.
8-1-306 Request for Information.
8-1-307 Board Decisions.
8-1-308 Appeal of Board's Decision

Article 1. Uniform Codes

8-1-101 Purpose.
The purposes of this chapter are to provide minimum standards to safeguard life, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the corporate limits of the City.

8-1-102 Adoption.
~~These certain documents in book form entitled "Uniform Building Code, 1997 Edition, Volumes 1, 2, 3" including Appendices, Chapter 4; Div. I, as amended, 15, 18, 31; Div. II and III, 33 and 12; Div II thereof, the "Uniform Mechanical Code, 1997 Edition," "The~~

~~Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition." the "Uniform Housing Code, 1997 Edition," the "Dwelling Construction Under the Uniform Building Code, 1997 Edition," as approved by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, and the "1997 Edition of the Uniform Administrative Code" excepting therein Tables 3-A through 3-H and inserting into its place Tables 3-A through 3-H of the 1994 Uniform Administrative Code for the purposes of determining permit, plan review, and inspection fees, are hereby referred to and by such reference incorporated herein and adopted by the City of Turlock as the Building Code of the City of Turlock, except as certain portions of said Uniform Building Code, 1997 Edition, (UBC), are hereinafter specifically amended. One copy of said Uniform Building Code, certified by the Clerk of said City of Turlock, is on file and will be kept on file for use and examination by the public in the Office of the Chief Building Official in said City of Turlock, 156 South Broadway, Turlock, California.~~

The following publications are hereby incorporated herein by reference and are adopted by the City of Turlock as the Building Code of the City of Turlock, except as expressly amended or superseded by the provisions of this chapter:

Title 24, 2010 Edition of the California Building Standards Code including the following parts:

- Part 1 California Administrative Code,
- Part 2 California Building Code Volumes 1 and 2, incorporating Appendix H, "Signs", and Appendix I, "Patio Covers"
- Part 2.5 California Residential Code including Appendix E, Manufactured Housing used as Dwellings, Appendix G, Swimming Pools, Spas, and Hot tubs" and Appendix H, "Patio Covers"
- Part 3 California Electrical Code including Annex Chapters A, B, C and D
- Part 4 California Mechanical Code including Appendix Chapters A, B and C
- Part 5 California Plumbing Code including Appendix Chapters A, B, D, and I
- Part 6 California Energy Code including Appendix Chapters
- Part 8 California Historical Code including Appendix Chapters
- Part 10 California Existing Building Code including Appendix Chapters
- Part 11 California Green Building Standards Code, Chapters 1-8
- Part 12 California Referenced Standards Code including Appendix Chapters

Tables 3-A through 3-H of the 1994 Uniform Administrative Code

Table 1A within Section 107 of the 1994 Uniform Building Code

The Uniform Housing Code, 1997 Edition as published by the International Conference of Building Officials

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition as published by the International Conference of Building Officials

One copy of said California Building Standards Code and all other referenced publications, certified by the Clerk of said City of Turlock, is on file and will be kept on file for use and examination by the public in the Office of the Chief Building Official in said City of Turlock, 156 South Broadway, Turlock, California.

~~(Ord. 942-CS, Amended, 06/24/1999; 931-CS, Amended, 04/26/1998; 877-CS, Amended, 12/28/1995; 780-CS, Amended, 07/09/1992)~~

8-1-103 Finding of necessity for stricter standard.

The legislative body hereby makes the finding that a stricter standard than provided by the ~~Uniform Building Code, Section 3102.5.1, Volume 1, 1997~~ California Building Code, Section 2111.13.1, Volume 2, 2010 Edition, is necessary for the fire prevention and safety of Turlock residents. Due to local climatic conditions which exist in the City during the high-usage period of late fall and winter months, the ~~Uniform Building Standard~~ California Building Code has proven to be insufficient to prevent the high number of fires which have occurred under the current standard. The legislature finds that a higher standard is therefore necessary and proper for the safety of Turlock residents. ~~(See Section 8-1-104 for amended Section 3102.5.1).~~

The legislative body hereby makes the finding that a stricter standard than provided by the California Building Code, Section 105.2.2, Volume 1, 2010 Edition, is necessary for the safety of Turlock residents. Due to local climatic and seismic conditions which exist in the City, the California Building Code is insufficient to protect life and safety due to high wind and seismic loads that may occur under the under the current standard. The legislature finds that a higher standard is therefore necessary and proper for the safety of Turlock residents.

The legislative body hereby makes the finding that a stricter standard than provided by the California Residential Code, Section 313.3.8.1 2010 Edition, is necessary for the fire prevention and safety of Turlock residents. Due to local climatic conditions which exist in the City, the California Residential Code has proven to be insufficient to prevent the high number of pipe failures which have occurred under the current standard. The legislature finds that a higher standard is therefore necessary and proper for the safety of Turlock residents.

The legislative body hereby makes the finding that a stricter standard than provided by the California Residential Code, Section 1005.3 2010 Edition, is necessary for the fire prevention and safety of Turlock residents. Due to local climatic conditions which exist in the City during the high-usage period of late fall and winter months, the California Residential Code has proven to be insufficient to prevent the high number of fires which have occurred under the current standard. The legislature finds that a higher standard is therefore necessary and proper for the safety of Turlock residents.

~~(Ord. 942-CS, Amended, 06/24/1999; 887-CS, Amended, 12/28/1995; 780-CS, Amended, 07/09/1992)~~

~~**8-1-104 Organization and enforcement.**~~

~~Section 104.1 of said Uniform Building Code, Volume 1, 1997 Edition is amended to read as follows:~~

~~Sec. 104.1. There is hereby established in the City of Turlock the Building Department under the jurisdiction of the Chief Building Official who shall be appointed by the City Manager and shall have the authority of the Chief Building Official granted in said Code, except as hereinafter provided.~~

~~Section 3102.5.1. of the Uniform Building Code, Volume 1 , 1997 Edition is amended to add the following subsection:~~

~~Factory-built chimneys and fireplaces shall be separated from combustible construction by materials approved for one-hour fire-resistive construction on the fireplace and chimney side.~~

~~(Ord. 942-CS, Amended, 06/24/1999; 887-CS, Amended, 12/28/1995; 780-CS, Amended, 07/09/1992)~~

8-1-104 Amendments, additions and deletions to the California Building Code

The following amendments, additions and deletions are made to the California Building code adopted by this chapter:

1. Section 1.11.2.1.1 Enforcement is hereby amended to read as follows:
   1.11.2.1.1 The City of Turlock delegates to the Chief Building Official the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R, Division 3 dwellings, as described in Section 310.1 of Part 2 of the California Building Standards Code.
2. Section 101.4.1 is hereby amended to read as follows:
   101.4.1 Gas. The provisions of the California Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.
3. Section 101.4.2 is hereby amended to read as follows:
   101.4.2 Mechanical. The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.
4. Section 101.4.3 is hereby amended to read as follows:
   101.4.3 Plumbing. The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.
5. Section 101.4.4 is hereby amended to read as follows:
   101.4.4 Property maintenance. The provisions of the California Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.
6. Section 101.4.5 is hereby amended to read as follows:
   101.4.5 Fire prevention. The provisions of the California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and

alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

7. Section 103.2 Appointment is hereby amended to read as follows:
   The Chief Building Official shall be appointed by the City Manager and shall have the authority of the Building Official granted in said Code.
8. Section 105.1 is hereby amended to read as follows:
   105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to occupy an existing building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
9. Section 105.1.1. "Annual Permit" Not Adopted.
10. Section 105.1.2. "Annual Permit Records" Not adopted.
11. Section 105.2.2 is hereby amended to read as follows:
    Timber fences not over 6 feet (1,829 mm) high and masonry fences not over 5 feet (1,524mm) high.
12. Section 105.2.9 is hereby amended to read as follows:
    Prefabricated swimming pools accessory to Group R-3 occupancy that are less than 18" deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
13. Section 105.2.10 is hereby amended to read as follows:
    Shade cloth structures constructed for nursery or agricultural purposes, not including service systems and Group M occupancies
14. Section 107.2.3 Means of egress is hereby amended to read as follows.
    107.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. The construction documents shall designate the number of occupants to be accommodated on every floor and in all rooms and spaces. The Chief Building Official may waive this requirement.
15. Section 110.1 General is hereby amended to add the following:
    A survey of the lot may be required by the Chief Building official to verify that the structure is located in accordance with the approved plans.
16. Section 110.3.4 Frame inspection is hereby amended to read as follows:
    110.3.4 Frame inspection. Framing inspections shall be made after the roof is loaded, the building is substantially weather tight, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are completed.
17. Section 110.3.5 Lath and gypsum board inspection is hereby amended to delete the following: Exception: Gypsum board that is not part of a fire resistance rated assembly or a shear assembly
18. Section 110.3.11 is hereby added as follows.
    110.3.11 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

    Reinspection fees may be assessed when the inspection record is not posted or not otherwise available on the work site, the approved plans are not readily

available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the building official.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

19. Section 2111.13.1 is hereby amended to add the following:
Factory-built chimneys and fireplaces shall be separated from combustible construction by materials approved for one hour fire-resistive construction on the fireplace and chimney side.
20. Section 3109, "Swimming pool enclosures and safety devices" Not adopted.
21. Adopt, Chapter 31B, "Public Swimming Pools"
22. Add Section 3130B.3 as follows.
3130B.3 Allowance for diatomaceous earth media filters. The installation of swimming pool filters which use diatomaceous earth (D.E.) as a media shall only be allowed if a separation tank is provided.

8-1-105 Amendments, additions and deletions to the California Residential Code

The following amendments, additions and deletions are made to the California Residential Code adopted by this chapter:

1. Section 1.11.2.1.1.1 is hereby amended to read as follows:
The City of Turlock delegates to the Chief Building Official the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R-3 occupancies as described in Section 1.1.3.1 or CCR Part 2, California Building Code, Section 310.1.
2. Section R101.1 is hereby amended to read as follows:
R101.1 Title. These provisions shall be knows as the Residential Code for One- and Two-Family Dwellings of the City of Turlock and shall be cited as such and will be referred to herein as "this code"
3. Section R101.2 is hereby amended to read as follows:
R101.2 Scope. The provisions of the California Residential Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures
Exception: Live/work units complying with the requirements of Section 419 of the California Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the California Building Code when constructed under the California Residential Code for One- and Two-family Dwellings shall conform to Section 903.3.1.3 of the California Building Code.
4. Section R109.1.4 is hereby amended to read as follows:
R109.1.4 Frame and Masonry inspection. Inspection of framing and masonry construction shall be made after the roof is loaded, the building is substantially weather tight, the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after chimneys and vents to be concealed are

completed and the rough electrical, plumbing, heating wires, pipes and ducts are completed.

5. Section R110.2 is hereby amended to read as follows:

R110.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in Sections 3406 and 3407 of the California Building Code

6. Section R313.8.1.8 is hereby amended to read as follows:

The piping system is tested in accordance with the California plumbing Code including a 150# pressure test for two hours to insure continuity of pipe fitting connections

7. Table R301.2(1) is hereby amended to read as follows:

Table R301.2(1)
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From:			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freeze Index	Mean Annual Temp
	Speed MPH	Topographic Effects		Weathering	Frost Line Depth	Termite					
0	85	No	D	Negligible	12 Inches	Very Heavy	n/a	n/a	Flood Zone X	50	60

8. Section R1005.3 is hereby amended to add the following:

Factory-built chimneys and fireplaces shall be separated from combustible construction by materials approved for one hour fire-resistive construction on the fireplace and chimney side.

9. Section AE102, "Application to existing manufactured homes and Building Service Equipment" is not adopted

10. Section AE 301, "Permits" is not adopted

11. Section AE302.2 is amended to delete the following:

Where no unusual site conditions exist, the building official may accept approved standard foundation plans and details in conjunction with the manufacturer's approved installation instructions without requiring the submittal of engineering calculations..

12. Section AE305.5.1 is hereby amended to add the following:

4. Compliance with the manufacture's installation instructions

13. Section AE501.1 General is hereby amended to read as follows:

AE501.1 General. A manufactured home shall be installed on a foundation system which has been designed by a California Licensed architect or engineer and constructed to sustain within the stress limitations specified in this code and all loads specified in this code.

Exception: Foundation plans stamped and approved by the State of California shall be deemed to meet the requirements of this Appendix E.

14. Section AE501.3 is hereby amended to add the following:

1. Piers shall be considered to resist only vertical forces acting in a downward direction.

15. Section AE503 "Skirting and perimeter enclosures" is not adopted.

16. Section AE504 "Structural Additions" is not adopted.

17. Section AE505 "Building Service Equipment" is not adopted.

18. Section AE506 "Exits" is not adopted.
19. Section AE507 "Occupancy, fire safety and energy conservation standards" is not adopted.
20. Section AE601, "Footings and Foundations" is not adopted.
21. Section AE603, "Height of piers" is not adopted.
22. Section AE604, "Anchorage Installations" is not adopted.
23. Section AE605, "Ties, materials and installation" is not adopted.
24. Section AE606, "Referenced standards" is not adopted.
25. Section AG102.1 Swimming Pool shall be amended to read as follows:
    SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 18 inches (457 mm) deep."
26. Section AG103.4 is hereby added to read as follows:
    AG103.4 Allowance for Diatomaceous earth media filters. "The installation of swimming pool filters which use diatomaceous earth (D.E.) as a media shall only be allowed if a separation tank is provided.
27. Section AG105.2.2 is hereby amended to read as follows:
    The top of the barrier shall be at least 60 inches (1524 mm) above grade measured on the side of the barrier which faces away from the swimming pool.
28. Section AG105.2.8 is hereby amended to read as follows:
    Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching and locking device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
    8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
    8.2 The gate and barrier shall have no opening larger than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism; and
    8.3 All swimming pool construction shall comply with the California Health and Safety Code Swimming Pool Safety Act including Section 115920-115929

~~8-1-105~~ 8-1-106 Fees.

Table 1-A of Section 107 of ~~said~~ Uniform Building Code, Volume 1, 1994 Edition, and Tables 3-A through 3-H of the 1994 Uniform Administrative Code shall be used for the purposes of computing permit, plan check and inspection fees as determined therein. The fees shall be one hundred fifty (150%) percent of the amount so determined.

Fees for plan check and inspection not addressed by the 1994 Uniform Building Code or the 1994 Uniform Administrative Code requirements necessary to meet California Green Building Standards Code, California Energy Code and as related to residential Fire sprinklers shall be based on actual cost recovery

Fees and deposits for appeals to the Board of Building Appeals shall be as follows:

1) Deposit for appeal to be paid to the City Clerk with the application of appeal: $500
2) In the event that the applicant's appeal of the Building Official's decision is upheld by the Board, no appeal fee shall be incurred and all deposited funds shall be returned to the appellant. If the Building Official's opinion is

sustained by the Board of Building Appeals, the total Appeal fee shall be based on actual cost recovery

~~(1100-CS, Amended, 10/25/2007; 931-CS, Amended, 03/26/1998; 887-CS, Amended, 12/28/1995)~~

8-1-107 Exceptions to fees.
The following-named owners of proposed buildings shall be required to secure a building permit, if the provisions of this chapter apply to such buildings, but they shall be exempt from the requirements for payment except where the City incurs an actual cost for any plan-checking or permit fee for such buildings: the Federal, State, and County governments and any municipality, school district or other district, agency, or jurisdiction supported by public taxation.
~~(887-CS, Renumbered, 12/28/1995, 8-1-107; 775-CS, Amended, 05/14/1992)~~

8-1-108 Code defined.
Wherever the word "Code" is used in this chapter, the same shall be deemed to mean and refer to those Codes set forth in Section 8-1-102 of this chapter. ~~the Uniform Building Code, 1997 Edition, the Uniform Mechanical Code, 1997 Edition, the Uniform Code for the Abatement of Dangerous Buildings,1997 Edition, the Uniform Housing Code, 1997 Edition, and Dwelling Construction Under the Uniform Building Code, 1997 Edition and the Uniform Administrative Code, 1997 Edition~~.

~~(Ord. 942-CS, Amended, 06/24/1999; 887-CS, Renumbered, 12/28/1995, 8-1-108; 780-CS, Amended, 07/09/1992)~~

8-1-109 Licenses required.
Nothing contained in this chapter, or the Codes adopted by this chapter, shall be construed or deemed to be a waiver of the applicable provisions of the Municipal Code of the City requiring contractors, subcontractors, or specialty contractors to obtain licenses from the City under the circumstances and conditions therein prescribed.
~~(887-CS, Renumbered, 12/28/1995, 8-1-109)~~

8-1-110 Addresses to be posted.
All construction sites shall be clearly marked with a street address visible from the street.
~~(887-CS, Renumbered, 12/28/1995, 8-1-110)~~

8-1-111 Violation: Misdemeanor.
Violation of any provision of this chapter or any Code adopted by the City Council shall constitute a misdemeanor punishable as provided in Title 1, Chapter 2 of this Code.

Article 2. Permits by Telephone or internet

8-1-201 Building permits by telephone ("Phone In, Facsimile or internet permits").
A contractor may apply for building permits by telephone, facsimile or internet when such work is nonstructural and no documentation such as plans or calculations are required.

Work permitted by telephone, facsimile or internet is limited to: re-roofing, ~~electrical service changes~~, sewer and water line ~~installation~~ repair, termite repair, and mechanical equipment change out.

In order to obtain a "Phone In", facsimile or internet" permit, all of the following conditions must be met:

(a) Contractor has on file with the City of Turlock Building Division a valid license issued by the State of California Licensing Board;

(b) Contractor has a current City of Turlock Business License;

(c) Contractor has a current Worker's Compensation Certificate on file with the Turlock Building Division; and

(d) Contractor has on deposit with the City of Turlock Finance Division a minimum balance of Three Hundred and no/100ths ($300.00) Dollars. To remain eligible, such minimum balance shall be maintained on a monthly basis.

~~(822-CS, Enacted, 08/12/1993)~~

Article 3. Board of Building Appeals

8-1-301 General

In order to hear and decide appeals of orders, decisions or determinations made by the Chief Building Official relative to the application and interpretation of those Codes set forth in Section 8-1-102 of this chapter, there shall be and is hereby created a Board of Building Appeals, hereinafter referred to as the Board, consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction and are not employees of the jurisdiction. The Building Official shall act as Secretary of the Board.

The members of the Board shall be appointed by the City Council and shall hold office at its pleasure.

8-1-302 Authority to Adopt Rules.

The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the Chief Building Official within thirty (30) calendar days of the hearing with a duplicate copy to the appellant.

8-1-303 Adopted Code Applicable.

Except as otherwise provided in those Codes set forth in Section 8-1-102 of this chapter, the Board shall hear appeals in accordance with the procedures set forth herein.

8-1-304 Limitations on Authority.

An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this Code.

8-1-305 Appeal Hearing Date.

As soon as practicable after receiving a written appeal, the Building Official shall fix a date, time, and place for the hearing of the appeal by the Board. Such date shall be not less than ten (10) calendar days nor more than forty-five (45) calendar days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to the appellant(s) by the Building Official either by causing a copy of such notice to be delivered to the appellant(s) personally or by mailing a copy thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal.

8-1-306 Request for Information.

Whenever in the course of any proceedings taken hereunder, the Board shall have cause to request additional information, the same may be requested of the Building Safety Division of the Economic Development Department, the Fire Department, or any other agencies charged by law with enforcement of health or safety requirements of local or state law.

8-1-307 Board Decisions.

The decision of the Board in granting or denying an appeal shall become final on the date of service of the decision.

Decisions of the Board shall be in writing and shall contain findings of fact, a determination of issues presented, and the requirements to be complied with. The decision of the Board shall be issued within thirty (30) calendar days of the hearing. A copy of the decision shall be delivered to the appellant(s) personally or sent by certified mail, postage prepaid, return receipt requested within thirty (30) calendar days of the effective date of the decision. The effective date of the decision(s) of the Board shall be as stated therein.

8-1-308 Appeal of Board's Decision.

Any appeal of a Board decision must be filed with a court of competent jurisdiction pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6 within thirty (30) calendar days of the service of the decision; otherwise all objections will have been waived. The filing of such appeal within such time limit shall stay the effective date of the decision of the Board.

Chapter 8-2
ELECTRICAL CODE

Sections:

8-2-01 Purposes.
8-2-02 ~~Adoption of National Electrical Code the~~ Adoption of the Electrical Code of the City of Turlock.
8-2-03 Definitions.
8-2-04 Assistance to inspectors.
8-2-05 Permit: Issuance: Required licenses.
8-2-06 Permit: Issuance to owner.
8-2-07 Special requirements: Residential.
8-2-08 Special requirements: Commercial and industrial buildings.
~~8-2-09 Board of Appeals.~~
8-2-09 Exceptions to fees
8-2-10 Licenses required
8-2-11. Violation: Misdemeanor

8-2-01 Purposes.
The purposes of this chapter are to provide minimum standards to safeguard life, limb, health, property, and the public welfare by regulating and controlling the design, construction, installation, alteration, repair and quality of materials for electrical work within the City of Turlock.
~~(741-CS, Amended, 07/23/1991)~~

Adoption of the

8-2-02 Adoption of ~~National Electrical Code.~~ Electrical Code of the City of Turlock.
~~These certain documents in book form entitled National Electrical Code 1996 published by the National Fire Protection Association and approved by the American National Standards Institute, one (1) copy of which is on file in the office of the City Clerk, are hereby adopted by reference together as the Electrical Code of the City of Turlock, except as hereinafter amended, deleted and added to.~~

The following publications are hereby incorporated herein by reference and adopted by the City of Turlock as the Electrical Code of the City of Turlock, except as expressly amended or superseded by the provisions of this chapter.

California Electrical Code 2010 Edition, based on the 2008 National Electric Code, including Annex A, B, and C as published by National Fire Protection Association and as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

One copy of said California Electrical Code, certified by the Clerk of said City of Turlock, is on file and will be kept on file for use and examination by the public in the Office of the Building Official in said City of Turlock, 156 South Broadway, Turlock, California.

~~(Ord. 942-CS, Amended, 06/24/1999; 887-CS, Amended, 12/28/1995; 741-CS, Amended, 07/23/1991)~~

8-2-03 Definitions.
Whenever the following words appear in the ~~Uniform~~ California Electrical Code they shall be deemed to mean as follows:

(a) Chief Electrical Inspector shall mean the Chief Building Official or his ~~assistant inspectors~~ deputies

(b) Residential structure defined. "Residential structures," as used in this section means single-family and multi-family dwelling units and attached accessory uses only. Convalescent hospitals, rest homes, hotels and motels shall be considered as commercial.

8-2-04 Assistance to inspectors.
Upon reasonable advance notice being given to the Building Division, the contractor shall furnish the necessary help and equipment to assist the inspector to inspect the work done. This help shall be provided during normal working hours of the trade involved provided during normal working hours of the trade involved and in a reasonable length of time proportionate to the size of the job.
~~(741-CS, Amended, 07/23/1991)~~

8-2-05 Permit: Issuance: Required licenses.
No permit shall be issued to any person to do or cause to be done any electrical work regulated by this chapter, except to a person holding a valid unexpired and unrevoked California electrical contractor's license and City contractor's business license, except when and as otherwise provided in this chapter.

8-2-06 Permit: Issuance to owner.
Any permit required by this chapter may be issued to any person to do any electrical work regulated by this chapter in the event that person is the bona fide owner of any such buildings.
~~(741-CS, Amended, 07/23/1991)~~

8-2-07 Special requirements: Residential.

(a) Not more than ten (10) outlets shall be permitted on any lighting circuit on No. 14 AWG wire.

(b) Where the service conduit is extended to furnish a support for the service drop wires, only rigid conduit of not less than one and one-fourth (1-1/4") inch trade size may be used and shall not extend more than thirty (30") inches beyond the last support.

(c) Substandard service equipment shall be brought up to standard on any and all remodeling jobs or in any case where additional wiring is installed.

(d) On panel and switchboard all circuits shall be identified by means of painting or other approved methods. Type S (non-tamperable) fuses shall be required in all new fuse panel and in existing installations showing evidence of overfusing.

(e) Except with special permission of the Chief Building Official, service entrance conductors shall be copper and not ~~be~~ less ~~than No. 6 AWG wire for a fifty (50) to sixty (60) ampere disconnect, No. 4 for seventy (70) amperes,~~ No. 2 for one hundred (100) amperes and No. 4/0 for two hundred (200) amperes.

(f) All temporary power pole services shall be at least fifty (50) ampere capacity with properly protected outlets.

(g) Dishwashers and garbage disposals shall be each be wired on an individual circuit with No. 12 wire with 20 amp receptacles.

(h) All residential receptacle circuits shall be wired with No. 12 AWG conductors.

(i) A maximum of eight (8) receptacles and/or fixed outlets on each residential circuit shall be allowed.

(j) Bell transformers shall not be installed in attics.

(k) Electrical subpanels may not be installed over any plumbing fixture or in bathrooms or in clothes closets.

~~(l) Roof-mounted comfort heating and/or cooling system units installed on multi-family dwellings shall have a 125 volt, single-phase, fifteen (15) or twenty (20) ampere rated receptacle outlet located on the same roof level within seventy-five (75') feet of such equipment.~~

~~(m) All new dwellings of over nine hundred (900) square feet in area shall have a minimum of one hundred (100) ampere service.~~

~~(n)~~ (l) Service equipment shall be located on the outside of all dwellings. The outer end of the service raceway shall be terminated where it is accessible to the serving agency.

~~(o)~~ (m) Where non-metallic sheathed cable is used all grounding on noncurrent carrying metal parts of fixed equipment shall be done by means of a grounding conductor running in the same cable with the circuit conductors.

~~(741-CS, Amended, 07/23/1991)~~

8-2-08 Special requirements: Commercial and industrial buildings.

(a) Convenience outlets in commercial installations shall be wired with not less than No. 12 AWG wire with a maximum of ten (10) ~~six (6)~~ outlets per circuit.

(b) On panel and switchboards, all circuits shall be identified by means of painting or other approved methods. Type S (non-tamperable) fuses shall be required in all new fuse panels and in existing installations showing evidence of overfusing.

(c) Portable type neon signs, phonographs, pinball machines, merchandise dispensers and the like shall be wired with not more then six (6) feet of flexible cord.

(d) Electrical subpanels may not be installed over any plumbing fixtures or in bathrooms or in clothes closets.

~~(741-CS, Amended, 07/23/1991)~~

8-2-09 Exceptions to fees.

The following-named owners of proposed buildings shall be required to secure a building permit, if the provisions of this chapter apply to such buildings, but they shall be exempt from the requirements for payment except where the City incurs an actual cost for any plan-checking or permit fee for such buildings: the Federal, State, and County governments and any municipality, school district or other district, agency, or jurisdiction supported by public taxation.

~~**8-2-09 Board of Appeals.**~~

~~(a) Appeal. In the event that any person believes that unreasonable restrictions of unnecessary and extraordinary hardship or damage will be imposed upon him by the enforcement of any of the standards hereby adopted, or by the adoption or application of any rules or regulations by the Chief Building Official, or from any rulings or determinations of such officers, such person may appeal as provided by Title 1, Chapter 4 of this Code. The person making the appeal shall attach to the written appeal a cashiers check made payable to the City of Turlock in an amount established by resolution of the City Council.~~

~~(887-CS, Amended, 12/28/1995; 866-CS, Amended, 02/09/1995; 741-CS, Amended, 07/23/1991)~~

ATTACHMENT 1

8-2-10 Licenses required.
Nothing contained in this chapter, or the Codes adopted by this article, shall be construed or deemed to be a waiver of the applicable provisions of the Municipal Code of the City requiring contractors, subcontractors, or specialty contractors to obtain licenses from the City under the circumstances and conditions therein prescribed.

8-2-11 Violation: Misdemeanor.
Violation of any provision of this chapter or any Code adopted by the City Council shall constitute a misdemeanor punishable as provided in Title 1, Chapter 2 of this Code.

Chapter 8-5
PLUMBING CODE

~~Sections:~~

~~Article 1. Uniform Code~~

Sections:

8-5-101 Purposes.
8-5-102 Adoption of the Plumbing Code of the City of Turlock.
8-5-103 Administrative authority.
8-5-104 Exceptions to fees.
8-5-105 Licenses required.
~~8-5-106 Amendments: Chapter 4, Table 4-1.~~
~~8-5-107~~ 8-5-106 Violation: Misdemeanor.

~~Article 1. Uniform Code~~

8-5-101 Purposes.
The purposes of this chapter are to provide minimum standards to safeguard life, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the City.

8-5-102 Adoption of the Plumbing Code of the City of Turlock
~~That certain document in book form entitled " Uniform Plumbing Code 1997 Edition," including the Appendices, as compiled and published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California, 91789-2825 referred to and by such reference incorporated in this article, is hereby adopted by the City, except as certain portions of said Uniform Plumbing Code, 1997 Edition, are hereinafter specifically amended. One copy of said Uniform Plumbing Code, 1997 Edition, is on file and will be kept on file for us and examination by the public in the office of the City Clerk,156 S. Broadway, Turlock, California.~~

The following publications are hereby incorporated herein by reference and adopted by the City of Turlock as the Plumbing Code of the City of Turlock, except as expressly amended or superseded by the provisions of this chapter.

California Plumbing Code 2010 Edition, including, Appendix A , Appendix B and Appendix I based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, and as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.
One copy of said California Plumbing Code 2010 Edition is on file and will be kept on file for use and examination by the public in the office of the Building Official in said City of Turlock, 156 S. Broadway, Turlock, California
~~(Ord. 942-CS, Amended, 06/24/1999; 887-CS, Amended, 12/28/1995; 780-CS, Amended, 07/09/1992)~~

8-5-103 Administrative authority.
Section 102.1 of said ~~Uniform~~ California Plumbing Code ~~1994~~ 2010 Edition is hereby amended to read as follows:

102.1.Authority having Jurisdiction. The Authority Having jurisdiction shall be the Chief Building Official of the Building Department and authorized deputies.

~~"102.1. Administrative authority. The Administrative authority is the Building Department, and the authorized representatives shall be the Chief Building Official and the Building Inspectors.~~
~~(Manual, Amended, 05/18/2000; 887-CS, Amended, 12/28/1995; 780-CS, Amended, 07/09/1992)~~

8-5-104 Exceptions to fees.
The following named owners of proposed buildings shall be required to secure a plumbing permit, if the provisions of this chapter apply to such buildings, but they shall be exempt from the requirement for the payment except where the City incurs an actual cost for any plan-checking or permit fee for such buildings: the Federal, State, or County government and any municipality, school district, agency, or jurisdiction supported by public taxation.
~~(780-CS, Amended, 07/09/1992)~~

8-5-105 Licenses required.
Nothing contained in this chapter, or the Codes adopted by this article, shall be construed or deemed to be a waiver of the applicable provisions of the Municipal Code of the City requiring contractors, subcontractors, or specialty contractors to obtain licenses from the City under the circumstances and conditions therein prescribed.

~~**8-5-106 Amendments: Chapter 4, Table 4-1.**~~
~~Part C is hereby added to the footnote Number 11 of Appendix C of said California Uniform Plumbing Code to read as follows:~~
~~Any restaurant not serving alcoholic beverages, having a gross seating area of not more than 600 square feet and whose seating capacity is not more than thirty (30) persons, shall be allowed to have one unisex rest room provided the following conditions are met:~~
~~1. All paths leading to such rest rooms shall be handicapped accessible; and~~
~~2. All sanitation facilities shall be handicapped accessible.~~
~~(Ord. 942-CS, Amended, 06/24/1999; 887-CS, Amended, 12/28/1995)~~

~~**8-5-107**~~ **8-5-106 Violation: Misdemeanor.**
Violation of any provision of this chapter or any ~~Uniform~~ Code adopted by the City Council shall constitute a misdemeanor punishable as provided in Title 1, Chapter 2 of this Code.
~~(780-CS, Enacted, 07/09/1992)~~

Chapter 8-6

~~*UNIFORM CODE FOR REPAIR, VACATION, OR DEMOLITION OF DANGEROUS BUILDINGS*~~

MECHANICAL CODE

Sections:

8-6-101 Purposes.
8-6-102 Adoption of the Mechanical Code of the City of Turlock
8-6-103 Licenses required
8-6-104. Violation: Misdemeanor

8-6-101 Purposes.
The purposes of this chapter are to provide minimum standards to safeguard life, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the City.

8-6-102 Adoption of the Mechanical Code of the City of Turlock
The following publications are hereby incorporated herein by reference and adopted by the City of Turlock as the Mechanical Code of the City of Turlock, except as expressly amended or superseded by the provisions of this chapter.

California Mechanical Code 2010 Edition, including, Appendix A, Appendix B and Appendix C based on the 2006 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials, and as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

One copy of said California Mechanical Code 2010 Edition is on file and will be kept on file for use and examination by the public in the office of the Building Official in said City of Turlock, 156 S. Broadway, Turlock, California

8-6-103 Licenses required.
Nothing contained in this chapter, or the Codes adopted by this article, shall be construed or deemed to be a waiver of the applicable provisions of the Municipal Code of the City requiring contractors, subcontractors, or specialty contractors to obtain licenses from the City under the circumstances and conditions therein prescribed.

8-6-104 Violation: Misdemeanor.
Violation of any provision of this chapter or any Code adopted by the City Council shall constitute a misdemeanor punishable as provided in Title 1, Chapter 2 of this Code.

ATTACHMENT 1

~~*Chapter 8-7 SWIMMING POOL CODE*~~

~~Sections:~~

~~Article 1. Uniform Code~~

~~8-7-101Purposes.~~
~~8-7-102 Adoption.~~
~~8-7-103 Administrative authority.~~
~~8-7-104 Code defined.~~
~~8-7-105 Exceptions to fees.~~
~~8-7-106 Licenses required.~~
~~8-7-107 Swimming pool fences.~~
~~8-7-108 Prohibition of diatomaceous earth media filters: Exception.~~

~~Article 1. Uniform Code~~

~~8-7-101 Purposes.~~

~~The purpose of this chapter are provide minimum standards to safeguard life, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all swimming pools within the corporate limits of the City.~~

~~8-7-102 Adoption.~~

~~That certain document in book form Uniform Swimming Pool, Spa and Hot Tub Code, 1997 Edition, published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California – referred to and by such reference incorporated in this article, is hereby adopted by the Council as the Swimming Pool, Spa and Hot Tub Code of the City, except as certain portions of said Uniform Swimming Pool, Spa and Hot Tub Code, 1997 Edition, are hereinafter specifically amended. One copy of said Uniform Swimming Pool, Spa and Hot Tub Code, 1997 Edition, is on file and will be kept on file for use and examination by the public in the office of the City Clerk,156 S. Broadway, Turlock, California.~~

~~(Ord. 942-CS, Amended, 06/24/1999; 887-CS, Amended, 12/28/1995)~~

~~8-7-103 Administrative authority.~~

~~Section 1.5 of said Uniform Swimming Pool, Spa and Hot Tub Code is hereby amended to read as follows:~~

> ~~Sec. 1.5. Administrative authority and assistants. Wherever the term "Administrative Authority" is used in this Code, it shall be construed to mean the Building Official or his authorized representative.~~

~~Section 1.11 of said Uniform Swimming Pool, Spa and Hot Tub Code is hereby deleted.~~

~~(887-CS, Amended, 12/28/1995)~~

~~8-7-104 Code defined.~~

~~Wherever the word "Code" is used in this chapter, the same shall be deemed to mean and refer to the Uniform Swimming Pool, Spa and Hot Tub Code, 1997 Edition~~

~~(Ord. 942-CS, Amended, 06/24/1999; 887-CS, Amended, 12/28/1995)~~

8-7-105 Exceptions to fees.

The following-named owners of proposed buildings shall be required to secure a swimming pool permit, if the provisions of this chapter apply to such swimming pools, but they shall be exempt from the requirements for the payment of any plan-checking or permit fee for such swimming pools: the Federal, State, and County government and a municipality, irrigation district, school district or other district, agency, or jurisdiction supported by public taxation.

8-7-106 Licenses required.

Nothing contained in this chapter, or the Code adopted by this article, shall be construed or deemed to be a waiver of the applicable provisions of this Municipal Code requiring contractors, subcontractors, and specialty contractors to obtain licenses from the City under the circumstances and conditions prescribed in this Code.

8-7-107 Swimming pool fences.

Except as otherwise required by law, all private swimming pools for all single-family, duplex, and multiple-family dwellings, condominium projects, community apartment projects, stock cooperatives, hotels, and motels shall be fenced by a minimum four (4') foot high wall or fence substantially constructed so as to isolate the pool from access by the general public. Such fences shall be provided with a self-closing and self-latching gate or gates. No pool shall have the finish plaster coat applied or be filled with water until the enclosing fence has been constructed and approved by the Building Official. Surrounding structures, existing yard fences, and gates (when adapted) may suffice for this requirement when approval by the Building Official is obtained.

"Swimming pool," as used in this section, shall not include portable wading pools not over twenty-four (24") inches in depth but shall include spas and shall include hot tubs outside of enclosed buildings.

(Ord. 942-CS, Amended, 06/24/1999; 887-CS, Amended, 12/28/1995)

8-7-108 Prohibition of diatomaceous earth media filters: Exception.

The installation of swimming pool filters which use diatomaceous earth (D.E.) as a media shall be prohibited, unless provided with a separation tank.

(795-CS, Amended, 11/26/1992)

Chapter 8-8

BUILDING MOVING

Sections:

8-8-01 Building defined.
8-8-02 Permits: Required.
8-8-03 Permits: Issuance.
8-8-04 Permits: Denial.
8-8-05 Permits: Applications: Form.
8-8-06 Permits: Applications: Contents.
8-8-07 Suspension or revocation of permits.
8-8-08 Control and supervision.
8-8-09 Permits: Fees.
8-8-10 Permits: Bond or security.
8-8-11 Insurance.
8-8-12 Moving notices: Required.
8-8-13 Moving notices: Form and content.
8-8-14 Protests: Referral to Planning Commission.
~~8-8-15 Appeals: Hearings.~~
8-8-16 8-8-15 Improvements and repairs: Required in certain cases.
8-8-17 8-8-16 Improvements and repairs: Time allowed for completion.
8-8-18 8-8-17 Duties of persons in charge of moving buildings.
8-8-19 8-8-18 Exceptions.

8-8-01 Building defined.

For the purposes of this chapter, "building" shall mean a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. A structure containing ~~100~~ 120 square feet or less of floor space shall not fall within this definition.

8-8-02 Permits: Required.

No person shall move any building or structure over, along, or across any highway, street, or alley in the City without first obtaining a permit therefor from the City Engineer. All such permits shall be effective for a period of thirty (30) calendar days after the date of issuance.

8-8-03 Permits: Issuance.

A permit shall be issued only under the following conditions:

(a) All the inspection fees and permit fees required by this chapter and by this Code regulating building, electrical, plumbing, and gas installations shall have been paid;

(b) A route of travel within the City shall have been approved by the City Engineer;

(c) The building shall have been inspected and approved, and the certificate of inspection shall have been filed by the Building Official;

(d) The City Engineer shall have determined that the moving equipment to be used, when loaded, will not be detrimental to the streets or other property of the City;

(e) The applicant shall have posted securities and insurance certificates as required by the provisions of Section 8-8-10 and 8-8-11of this chapter;

(f) No written protests shall have been received, or protests which have been received shall have been overruled by the Planning Commission or the Council; and

(g) Required street and alley dedications shall have been made, and all required street or utility improvements and repairs shall have been made or security for such improvement or repair shall have been furnished.

8-8-04 Permits: Denial.

No permit shall be issued to move any building or structure which, in the opinion of the City Engineer or Chief Building Official:

(a) Is so constructed or in such condition as to be dangerous;

(b) Is infested with pests or insanitary;

(c) If it is a dwelling or habitation, is unfit for human habitation;

(d) Is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to, or be materially detrimental to, the property or improvements in the district within a radius of 1,000 feet from the proposed site;

(e) If the proposed use is prohibited by the zoning laws of the City;

(f) If the structure is of a type prohibited at the proposed location by any law of the City; or

(g) If the moving of the building or structure will cause unreasonable damage to the trees, plants, and shrubs on and along the public streets.

However, that if the condition of the building or structure, in the judgment of the Chief Building Official, admits of practicable and effective repair, the permit may be issued upon the terms and conditions set forth in Section ~~8-8-16~~ 8-8-15 of this chapter. ~~(Ord. 942-CS, Amended, 06/24/1999)~~

8-8-05 Permits: Applications: Form.

The application for a permit shall be made in writing and in duplicate, upon forms provided by the City, and shall be ~~filled~~ filed with the Building Official at least fourteen (14) days prior to the date the building is to be moved. The Building Official shall transmit one copy to the City Engineer.

8-8-06 Permits: Applications: Contents.

The application for a permit issued pursuant to the provisions of this chapter shall set forth:

(a) The reason for the moving of the building; a description of the building to be moved, including the construction materials, dimensions, number of rooms, and condition of the exterior and interior;

(b) The proposed improvements to be made to the structure, if any; the proposed improvements to be made to the property, if any; and the street address from which the building is to be moved;

(c) A legal description and street address, if any, of the lot to which such building is to be moved;

(d) A site plan indicating the proposed location of the structure on the lot and the proposed improvements, if any, if such lot is inside the City;

(e) The highways, streets, and alleys of the City over, along, or across which the applicant proposes to move the building;

(f) The proposed moving date and hours;

(g) Whether the building conforms to the zoning laws for the area to which it is to be moved; and

(h) A description of the moving equipment, such as the weight, weight distribution to the wheels of the carrying vehicle, and the like.

8-8-07 Suspension or revocation of permits.
The City Engineer, at any time, for sufficient cause may revoke or suspend any permit granted pursuant to the provisions of this chapter.

8-8-08 Control and supervision.
Every building which is moved on, over, or through any public street, way, or park in the City shall be under the control of the City Engineer, and every such building shall be moved in a careful manner, and the work shall be prosecuted with diligence and to the satisfaction and approval of the City Engineer. The provisions of this section in no way shall relieve the person having the charge of the moving of any building of his obligation to furnish proper supervision.

8-8-09 Permits: Fees.
At the time of filling the application for a permit, fees established by resolution of the City Council shall be paid:

(a) For each building moved from a location inside or outside the City to another location outside the City over a route through the City; and

(b) For each building moved from a location inside or outside the City to another location inside the City, except that an accessory building not over 400 square feet in area may be moved in conjunction with the moving of a residence from the same location to the same location without paying an additional fee therefor.
~~(903-CS, Amended, 06/27/1996; 887-CS, Amended, 12/28/1995)~~

8-8-10 Permits: Bond or security.
Prior to the issuance of a permit to move a building, the owner of the property from which the building is to be moved, or his agent, shall file with the City Clerk a bond or other form of security in favor of the City conditioned as follows:

(a) To secure the faithful performance of all repairs and improvements required pursuant to the provisions of Section ~~8-8-16~~ 8-8-15 of this chapter and the faithful performance of all other conditions imposed on the granting of such permit. In no case shall the amount be less than Two Thousand and no/100ths ($2,000.00) Dollars; and

(b) To insure payment to the City of any cost for damages or the destruction of City property or public improvements which may result from the granting of such permit.

(c) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water, and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(d) Immediately after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(e) Within ten (10) days after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely close and seal any sanitary piping located on the property;

(2) Fill with dirt or sand any septic tanks or cesspools located on the property;

(3) Fill any openings, excavations, or basement remaining on the land with dirt or sand to the street level or the natural level of the adjoining property unless otherwise directed by the City Engineer;

(4) Remove any buried underground tanks formerly used for the storage of flammable liquids as may be required by the Fire Department; and

(5) Remove all refuse, debris, and waste materials from the property.

The bond required by the provisions of this section shall be in an amount equal to the cost of the work proposed to be done as estimated by the City Engineer.

The bond may be in the form of a corporate surety bond, cash deposit, saving and loan certificate, or an instrument of credit.

An extension of time for the completion of the work required by the provisions of this section may be granted by the City Engineer when, in his discretion, circumstances justify such an extension, but no such extension shall release any bond or other security furnished pursuant to the provisions of this section.

8-8-11 Insurance.

A policy or certificate of liability insurance shall be secured which shall name the City and its agents additional insured and which shall indemnify and save the City harmless from any and all claims, actions, demands, damages, or expenses whatever which may result from the operations of the applicant under the moving permit, if granted, or from the exercise of the privileges conferred upon him by the permit. Such liability insurance shall be in amounts not less than One Hundred Thousand and no/100ths ($100,000.00) Dollars for injuries, including wrongful death, to any one person, in an amount not less than Three Hundred Thousand and no/100ths ($300,000.00) Dollars for injuries or death, and in an amount not less than Fifty Thousand and no/100ths ($50,000.00) Dollars for property damage on account of one accident.

8-8-12 Moving notices: Required.

Within five (5) days after the receipt of an application to move any building to a location inside the City, the Building Official shall cause a notice to be posted on the front and rear of the proposed location and on the front of the building proposed to be moved if the building is located inside the City.

8-8-13 Moving notices: Form and content.

The moving notice required by the provisions of Section ~~8-8-12~~ of this chapter shall have a title in letters not less than one inch in height, "MOVING NOTICE"; shall give the existing location of the house by street address and the name and address of the applicant requesting a permit to move such building; shall set forth the date of the posting; and shall state that protests may be filed with the Planning Commission within five (5) days after the date of the posting of such notice, excluding Saturdays, Sundays, and legal holidays.

8-8-14 Protests: Referral to Planning Commission.

Any person shall have the right to file a protest against any building being moved to any location inside the City. Such protest shall be in writing, shall set forth the reasons for the protest, and the name and address of the protestant and shall be filed with the Building Official who will forward it to the Planning Director.

~~**8-8-15 Appeals: Hearings.**~~

~~If written protest are filed, the Planning Director shall set a time and date for a hearing before the Planning Commission, which shall not be sooner than three (3) calendar days~~

~~nor later than twenty (20) calendar days from the date of the filing of the protest. The Planning Director shall notify the Building Official, the applicant, and the person protesting of the hour and date set for such hearing.~~

~~Any action of the Building Official taken pursuant to the provisions of this Chapter may be appealed as provided by Title 1, Chapter 4 of this Code.~~
~~(866-CS, Amended, 02/09/1995)~~

~~8-8-16~~ 8-8-15 Improvements and repairs: Required in certain cases.
The Building Official may, or the Planning Commission may in all cases where a protest in writing has been received and a hearing has been held thereon, require an applicant to make such improvements and repairs to the building sought to be moved as, in the opinion of the Building Official or the Planning Commission, are required to achieve compatibility with existing structures in the area to which the building is to be moved. The applicant shall make a dedication of all streets, alleys, or ways of the City as shown on the adopted General Plan and any precise plan for properties adjacent to or in the vicinity of the property on which the building is to be moved, and all street improvements shall be installed, or a bond or security approved by the City covering the cost of such improvements shall be filed with the Building Official.

~~8-8-17~~ 8-8-16 Improvements and repairs: Time allowed for completion.
The time limit within which any improvements or repairs required by the provisions of this chapter shall be completed shall be written on the permit.

~~8-8-18~~ 8-8-17 Duties of persons in charge of moving buildings.
Every person in charge of the moving of any building or structure on or over the street of the City shall:

(a) Give at least thirty-six (36) hours' written notice to any person responsible for moving or removing wires or the doing of other things necessary to permit the moving of the building over the route approved;

(b) Give thirty-six (36) hours' written notice to the Police Chief and Fire Chief of the time and date of the moving and the route over which the building or structure is to be moved; and

(c) Maintain four (4") inch minimum, self-illuminated red lights at each corner of the building from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise while the building is in route.

~~8-8-19~~ 8-8-18 Exceptions.
The provisions of this chapter shall apply to all buildings moved in or into the incorporated limits of the City, except as follows:

(a) Temporary storage in transit. Buildings or structure may be moved to a location within the City for the temporary storage thereof for a period not to exceed thirty (30) days under the following terms and conditions:

(1) The permittee shall have a fixed place of business within the City and shall have obtained a business license from the City to engage in the business of moving buildings or structures.

(2) No such buildings or structures shall be stored at any location, or in any manner, or for the purpose of sale in violation of any laws or ordinances of the State or the City.

(3) Any temporary storage shall have endorsed thereon the location and the duration of such storage and any other conditions specified by the Building Official and under which such permit is granted.

(4) The fee for such permit shall be the same as is provided for a permit to move buildings or structures to a location outside the City; provided, however, if the buildings or structures are removed from a temporary storage place to a location inside the City, a new permit shall be obtained on the same terms and conditions as are applicable to the moving of a building from one location inside the City to another location inside the City, including the payment of a fee established by resolution of the City Council for each building, less the amount of the fee previously paid by the permittee for the permit to move the buildings to such storage location.

(b) Temporary buildings. Whenever an application is filed for a permit to move a building or structure for use as a temporary construction office or tool storage building, agricultural building, or other temporary use inside or outside the City, the Building Official may, within his discretion, waive any or all of the provisions of this chapter as he shall deem reasonable under the circumstances.

~~(903-CS, Amended, 06/27/1996; 887-CS, Amended, 12/28/1995)~~

BUILDING STANDARDS BULLETIN 09-02

DATE: **February 1, 2009**

TO: **INTERESTED PARTIES**

SUBJECT: **APPLICABILITY OF CALIFORNIA BUILDING STANDARDS AND LOCAL GOVERNMENT AMENDMENTS THERETO**

This bulletin supersedes Building Standards Bulletin 99-01 issued on March 17, 1999. While most provisions of the original bulletin remain valid the attachments had become outdated and there has become a need to expand on matters regarding local government adoptions. The information and references herein are to bring attention to requirements of state law establishing the application of the California Building Standards Code found in Title 24 of the California Code of Regulations, and how local government must enforce its provisions as applicable, and how local government may enact more restrictive requirements for local conditions, adopt administrative regulations and approve alternatives.

APPLICABILITY:

The applicability of California Building Standard Code (CBSC) is identified in the California Health and Safety Code (HSC), which is state law. Within the HSC there are two portions of law addressing the application of the CBSC. First is the California Building Standards Law[1] found in Division 13, Part 2.5, and second is the State Housing Law[2] found in Division 13, Part 1.5. These portions of law establish that the CBSC as published by the California Building Standard Commission that incorporates the latest editions of selected model codes is the applicable code for all occupancies[3] throughout the state, not the model codes by themselves.

Additionally, the Department of Housing and Community Development has adopted regulations implementing the State Housing Law in the California Code of Regulations, Title 25, Division 1, Chapter 1, Subchapter 1 (CCR, T-25), for residential structures subject to the State Housing Law. These regulations, the

[1] H&SC § 18938(b), "...to all occupancies throughout the state...."
[2] H&SC § 17950, "...to apartment houses, hotels, motels, and dwellings, and buildings and structures accessory thereto..."
[3] The term "occupancy" as used in the California Building Standards Code is the method of classifying all buildings and structures.

CBSC, and the requirements of the State Housing Law, are applicable in all parts of the State.[2]

LOCAL GOVERNMENT AMENDMENTS:

Local governments may amend the building standards contained in the CBSC for all occupancies, and the regulations of the Department of Housing and Community Development in CCR T-25 applicable to residential structures. The provisions of law that permit these local government amendments contain subtle differences.

Local Government Amendments under the Building Standards Law:

The Building Standards Law takes a straight forward approach to amendments by local governments:[4]

- The governing body of the local government must make express findings that amendments to the building standard contained in CCR, T-24 are necessary because of local climatic, geological or topographical conditions.[5]
- The local government amendments must provide a more restrictive building standard than that contained in CCR, T-24.[4]
- The amendments are not effective until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the California Building Standards Commission.[6]

Local Government Amendments under the State Housing Law:

The State Housing Law provides for amendment of building standards related to residential construction and for amendment of CCR, T-25.

- The governing body of the local government must make an express finding that amendments to either the building standards for residential construction contained in CCR, T-24, or the regulations of the Department of Housing and Community Development contained in CCR, T-25, are necessary because of local climatic, geological or topographical conditions.[7] There is an exception

[4] H&SC, § 18941.5
[5] H&SC, §§ 18941.5 and 17958.7
[6] H&SC, 17958.7
[7] H&SC, §§ 17958, 17958.5 and 17958.7

in CCR, T-25, § 52 to the requirement for an express finding where alternate abatement procedures are determined by the local enforcement agency to be the equivalent of those contained in CCR, T-25.

  - Unlike the California Building Standards Law, there is no specific requirement in the State Housing Law that local government amendments provide either more restrictive building standards than those contained in CCR, T-24, or more restrictive regulations than those contained in CCR, T-25.[7]
- The amendments are not effective until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings have been filed with the California Building Standards Commission.[6]

Local Government Amendments under the Fire Protection District Law of 1961:

Local government amendments to building standards in the CBSC adopted by the State Fire Marshal for fire and panic safety are permitted under this provision of state law for fire protection districts organized under HSC, Division 12, Part 2.7. Again, there are differences in how these amendments are implemented.

- The "governing body" shall be deemed to be the district board and the district shall be deemed to be the local agency.[8]

- The district board must make an express finding that amendments to building standards for fire and panic safety that are contained in CCR, T-24 are necessary because of local climatic, geological or topographical conditions.[8]

- The district is required to notify the city, county, or city and county where the amendments will apply of the proposed amendments, and receive their comments.[8]

- Upon adoption, the amendments are required to be presented for ratification to the city, county, or city and county where it will apply.[8]

The amendment is not effective until copies of both the express findings and the amendments, with the amendments expressly marked and identified as to the applicable findings, have been filed with the Department of Housing and Community Development by the city, county, or city and county where it will apply, along with the adopting ordinance and any findings of the city, county, or city and county.[9]

[8]H&SC, § 13869.7
[9]H&SC, §§ 13869.7, 17958.7 and 18941.5 (b) NOTE: H&SC, § 17958.7 was amended by Chapter 645 of the 1997 Statutes to provide that the required filings be with the California Building Standards Commission, notwithstanding the reference in H&SC, § 13869.7 that filings be with the Department of Housing and Community Development.

Local Government Adoption of the CBSC by Ordinance:

- The CBSC is applicable to all occupancies throughout California, whether or not the local government takes an affirmative action to adopt those CBSC.[10]

- The State Housing Law requires local building department enforcement of the Law, building standards, and implementing regulations of the Department of Housing and Community Development for residential structures.[11]

- Local governments should work closely with counsel to develop an adopting ordinance[12]; any expressed findings for any amendment of the CBSC, and provide for enforcement of the CBSC.

- **Filings with the California Building Standards Commission:**
  - The absence of a filing with the California Building Standards Commission of local government amendments implies that the CBSC and the related regulations of the Department of Housing and Community Development are applicable within that local jurisdiction, without amendment.[13]

  - The California Building Standards Commission will acknowledge by letter the filings by local governments that meet the requirements of H&SC, § 17958.7.

  - The California Building Standards Commission will not question the merits of the express findings of a local government as to the local climatic, geological or topographical conditions necessitating their amendments.

  - The California Building Standards Commission will reject, by letter, the filings by local governments proposing to adopt and amend model codes. Only the CBSC, incorporating model codes and including state agency amendments, and the related regulations of the Department of Housing and Community Development, are subject to adoption and amendment by local governments.[13]

  - The California Building Standards Commission will reject, by letter, the filings by local governments where no express findings are submitted with

[10] H&SC §§ 17950 and 18938 (b)
[11] H&SC, § 17960
[12] GC, § 50020, et seq.
[13] HSC, § 18938 (b), 17950 and 17958.7

proposed amendments. No express findings will be deemed to have been submitted under the following circumstances:

- There are, in fact, no express findings submitted with the proposed amendments.
- The proposed amendments are not expressly marked and identified as to [10]HSC, §§ the applicable express findings.
- There is no evidence by signatures or the certification of the city/county clerk that the express findings were a lawful action of the governing body of the local jurisdiction.

Local Administrative Regulations:

Local regulations necessary to carryout the application of the CBSC that do not establish building standards may be enacted without meeting the requirements of HSC sections 18941.5, 17958, 17958.5 and 17958.7. As discussed previously, said HSC sections require local amendments for more restrictive building standards with an expressed finding of need based on local conditions.

Local Approval of Alternatives:

Local building departments have authority under Health and Safety Code section 17951(e) to allow alternative materials and methods of construction that are not specifically adopted in the CBSC. Said section is from the State Housing Law with application to the design and construction of hotels, motels, lodging houses, apartments, condominiums, and dwellings. Thus, an alternative material or method of construction not specifically adopted in the CBSC may be approved on a case-by-case basis for housing construction under the conditions stated in HSC section 17951(e), without the need for a local ordinance or code amendment.

If you have any questions concerning this bulletin, or if additional clarification would be helpful, please contact CBSC at 916-263-0916.

Dave Walls
Executive Director

CALIFORNIA GOVERNMENT CODE

Title 5, Division 1, Part 1

§50020. When a statute requires a local agency to take legislative action by resolution and the local agency is required by its charter to take legislative action by ordinance, action by ordinance is compliance with the statute for all purposes.

§50022.1. **(a)** "Code," as used in this article, means any statute, or any published compilation of rules, regulations or standards adopted by the federal government or the State of California, or by any agency of either of them. It shall include any codification or compilation of existing ordinances of the adopting local agency. It shall include any nationally recognized or approved published compilations of proposed rules, regulations or standards of any private organization or institution which has been in existence for a period of at least three years.

(b) "Primary code," as used in this article, means any code which is directly adopted by reference, in whole or in part, by any ordinance passed pursuant to this article.

(c) "Secondary code," as used in this article, means any code which is incorporated by reference, directly or indirectly, in whole or in part, in any primary code or in any secondary code.

(d) "Published," as used in this article, means issued in printed, lithographed, multigraphed, mimeographed or similar form.

(e) "Approved," as used in this article, means the approval of the legislative body of the local agency, as the result of investigation and tests conducted by such agency or by reason of the accepted principles or tests by recognized national or state authorities, technical, or scientific organizations.

§50022.2. Provided that all the procedures and requirements of this article are complied with, any local agency is hereby authorized to enact any ordinance which adopts any code by reference, in whole or in part; and such primary code, thus adopted, may in turn adopt by reference, in whole or in part, any secondary codes duly described therein. Every primary code which is incorporated in any such adopting ordinance shall be specified in the title of the ordinance. A local agency ordinance may adopt a code, the adoption of which is expressly required or permitted as a condition of compliance with a state statute, by reference without complying with the procedures and requirements of this article.

§50022.3. After the first reading of the title of the adopting ordinance and of the title of the code to be adopted thereby, and of the title of the secondary codes therein adopted by reference, the legislative body shall schedule a public hearing thereon. Notice of the hearing shall be published pursuant to Section 6066 in a newspaper of general circulation in or nearest to the adopting local agency. If there is no such newspaper in the county the notice shall be posted in the same manner as provided for the posting of a proposed ordinance. The notice shall state the time and place of the hearing. It shall also state that copies of the primary code and also copies of the secondary codes, if any, being considered for adoption, are on file with the clerk of the legislative body, and are open to public inspection. The notice shall also contain a description which the legislative body deems sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof.

§50022.4. After the hearing, the legislative body may amend, adopt or reject the adopting ordinance in the same manner in which it is empowered to act in the case of other ordinances; and, except as to the adoption of a code of existing ordinances of the adopting agency, nothing in this article shall be deemed to permit the adoption by reference of any penalty clauses which may appear in any code which is adopted by reference. Any such penalty clauses may be enacted only if set forth in full, and published, in the adopting ordinance. It is further provided that all changes or additions to any code made by the legislative body shall be published in the manner which is required for ordinances.

§50022.5. Nothing contained in this article shall be deemed to relieve any local agency from the requirement of publishing in full the ordinance that adopts any code, and all provisions applicable to the publication shall be fully carried out.

§50022.6. At least one copy of each primary code adopted by reference, and of each secondary code pertaining thereto, all certified to be true copies by the clerk of the legislative body, shall be filed in the office of the clerk of the legislative body at least 15 days preceding the hearing, and shall be kept there for public inspection while the ordinance is in force. However, after the adoption of the code by reference, one copy of the primary code and of each secondary code may be kept in the office of the chief enforcement officer instead of in the office of the clerk of the legislative body. Following the adoption of any code, the clerk of the legislative body shall at all times maintain a reasonable supply of copies of the primary code and of any secondary codes incorporated in it by reference, available for purchase by the public at a moderate price, not to exceed the actual cost thereof to the adopting local agency.

§50022.7. If at any time any code which any local agency has previously adopted by reference, shall be amended by the agency which originally promulgated or adopted it, then the legislative body may adopt such amendment or amended code by reference through the same procedure as required for

the adoption of the original code; or an ordinance may be enacted in regular manner, setting forth the entire text of such amendment.

§50022.8. Copies of such codes in published form, duly certified by the clerk of the legislative body, shall be received without further proof as prima facie evidence of the provisions of such codes or public records in all courts and administrative tribunals of this State.

§50022.9. A city may enact ordinances which adopt by reference county ordinances, codes, or any parts thereof and any amendments thereto by complying with the requirements of this article.

§50022.10. A code adopted and fully published or adopted by reference as provided in this article, may be subsequently recodified or recompiled and thereafter adopted by reference in the same manner as prescribed by this article for the original adoption by reference of the code.

§50023. The legislative body of a local agency, directly or through a representative, may attend the Legislature and Congress, and any committees thereof, and present information to aid the passage of legislation which the legislative body deems beneficial to the local agency or to prevent the passage of legislation which the legislative body deems detrimental to the local agency. The legislative body of a local agency, directly or through a representative, may meet with representatives of executive or administrative agencies of state, federal, or local government to present information requesting action which the legislative body deems beneficial to, or opposing action deemed detrimental to, such local agency. The cost and expense incident thereto are proper charges against the local agency.

§50024. The legislative bodies of local agencies may enter into associations and through a representative of the associations attend the Legislature and Congress, and any committees thereof, and present information to aid the passage of legislation which the association deems beneficial to the local agencies in the association, or to prevent the passage of legislation which the association deems detrimental to the local agencies in the association. The cost and expense incident thereto are proper charges against the local agencies comprising the association.

§50025. By resolution, a legislative body may withdraw from the association at any time.

§50026. The legislative body of any local agency, chartered or general law, which is otherwise authorized by law or charter to impose any tax on the privilege of earning a livelihood by an employee or any other tax, fee or charge on or measured by the earnings, or any part thereof, of any employee, shall not impose any such tax, fee or charge on the earnings of any employee, when such employee is not a resident of the taxing jurisdiction, unless exactly the same tax, fee or charge at the same rate, with the same credits and deductions, is imposed on the earnings of all residents of the taxing jurisdiction who are employed therein.

This section shall not be construed as authorizing any tax prohibited by Section 17041.5 of the Revenue and Taxation Code or any other provision of law, nor shall it be construed so as to prohibit the levy or collection of any otherwise authorized tax upon a business measured by or according to gross receipts.

§50026.5. **(a)** The legislative body of any local agency, chartered or general law, which is otherwise authorized by law or charter to impose any tax, shall not impose any tax, fee, or charge on or measured by the sale of any stocks, bonds, or any other securities.

(b) It is the intent of the Legislature to prohibit any imposition of any local tax, fee, or charge, in connection with the sale of those securities, whether that imposition is imposed on the transaction itself, on the privilege of engaging in any transaction, or in any other form.

(c) The Legislature finds and declares that the need for uniform statewide regulation and taxation of securities transactions is a matter of statewide concern, and it is the Legislature's intent to regulate the subject matter of securities comprehensively and to occupy the field to the exclusion of local action.

§50027. Any city, county, or city and county in the State of California may, pursuant to such provisions as may be prescribed by its governing body, prohibit or regulate the practice of astrology for compensation. In connection therewith, the governing body may prescribe such rules and regulations as it deems advisable to protect users of such astrological services. The power granted cities, counties, and cities and counties pursuant to this section is in addition to any authority granted by Section 37101 or by charter provision or by Sections 16000 and 16100 of the Business and Professions Code.

§50028. **(a)** The legislative body of any county, city, or city and county, whether general law or chartered, may adopt, by ordinance, such rules and regulations as it deems necessary, which require any coin-operated viewing machine to have permanently attached thereto a tally counter which will count each coin, and accumulate such count or the accumulated amount of money, deposited in such coin-operated viewing machine. Such tally counter shall be resistant to tampering, and shall not be capable of being reset to a lower number, and shall display the count in such a manner that the accumulated total is readily visible near the coin insertion slot or opening. For the purposes of this section, "coin-operated viewing machine" means any projector, machine, television, or other device which displays for viewing motion pictures, projection slides, filmstrips, photographic

pictures, video tapes, or drawings, and which is operated by the viewer, or for the viewer, by means of inserting a coin into the device, an attachment thereto, an enclosure surrounding such device, or any other device electrically or mechanically connected thereto. For the purposes of this section, "coin" means any physical object, including, but not limited to, a piece of metal issued by the federal government as money. "Coin-operated viewing machine" does not include electronic video game of skill wherein the image is created, generated, or synthesized electronically, or coin-operated television receivers which display commercial or public service broadcasts.

(b) Notwithstanding any other provision of law, any county ordinance adopted pursuant to this section shall be enforceable within the incorporated, as well as the unincorporated, area of the county, whether general law or chartered, unless a city ordinance in direct conflict with such county ordinance has been adopted, in which case such county ordinance shall be enforceable in the area of the county outside of such city.

(c) (1) Any person who violates the provisions of the ordinance adopted pursuant to this section shall be subject to a civil penalty not to exceed ten thousand dollars ($10,000) for each such machine and each day in which such violation occurs.

(2) In determining the amount of such penalty, the court shall take into consideration all relevant circumstances, including but not limited to, the frequency of inspection, the cash flow through such machine, the amount of revenue derived by other such machines in the vicinity, prior revenues generated, the nature and persistence of the violation, and prior violations by the same person or establishment.

(d) No peace officer, as defined in Section 830 of the Penal Code, shall check such tally counters, provided, however, that an ordinance adopted pursuant to this section may provide for checking of such tally counters by a person or persons employed by the adopting county, city, or city and county, other than a peace officer, on a predetermined schedule.

(e) The provisions of this section shall not be construed to limit, or otherwise affect, any other power of a county, city, or city and county to license, tax, or regulate business or commercial enterprises or property within their jurisdiction, but shall be in addition to such powers.

§50029. The board of supervisors of the County of Orange or the city council of any city in that county may, by resolution, establish a fee program requiring the payment of a fee as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges over waterways, railways, freeways, and canyons, or constructing major thoroughfares pursuant to the procedures set forth in Section 66484.3.

§50030. Any permit fee imposed by a city, including a chartered city, a county, or a city and county, for the placement, installation, repair, or upgrading of telecommunications facilities such as lines, poles, or antennas by a telephone corporation that has obtained all required authorizations to provide telecommunications services from the Public Utilities Commission and the Federal Communications Commission, shall not exceed the reasonable costs of providing the service for which the fee is charged and shall not be levied for general revenue purposes.

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CALIFORNIA HEALTH AND SAFETY CODE

Division 12, Part 2.7
Fire Protection District Law of 1961

§13869.7. (a) Any fire protection district organized pursuant to Part 2.7 (commencing with Section 13800) of Division 12 may adopt building standards relating to fire and panic safety that are more stringent than the building standards adopted by the State Fire Marshal and contained in the California Building Standards Code. For these purposes, the district board shall be deemed a legislative body and the district shall be deemed a local agency. Any changes or modifications that are more stringent than the requirements published in the California Building Standards Code relating to fire and panic safety shall be subject to subdivision (b) of Section 18941.5.

(b) Any fire protection district that proposes to adopt an ordinance pursuant to this section shall, not less than 30 days prior to noting a proposed ordinance for public hearing, provide a copy of that ordinance, together with the adopted findings made pursuant to subdivision (a), to the city, county, or city and county where the ordinance will apply. The city, county or city and county, may provide the district with written comments, which shall become part of the fire protection district's public hearing record.

(c) The fire protection district shall transmit the adopted ordinance to the city, county, or city and county where the ordinance will apply. The legislative body of the city, county, or city and county, may ratify, modify, or deny an adopted ordinance and transmit its determination to the district within 15 days of the determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial. No ordinance adopted by the district shall be effective until ratification by the city, county, or city and county where the ordinance will apply. Upon ratification of an adopted ordinance, the city, county, or city and county, shall file a copy of the findings of the district, and any findings of the city, county, or city and county, together with the adopted ordinance expressly marked and identified to which each finding refers, with the

Department of Housing and Community Development.[7]

(d) Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units, including, but not limited to, manufactured homes as defined in Section 18007.

(e) Nothing in this section shall authorize a district to mandate, nor prohibit a district from mandating, the retrofitting of existing dwelling units for the installation of residential fire sprinkler systems, including, but not limited to, manufactured homes as defined in Section 18007.

(f) Nothing in this section shall apply in any manner to litigation filed prior to January 1, 1991, regarding an ordinance or regulation which mandates the installation of residential fire sprinkler systems within newly constructed dwelling units or in new additions to existing dwelling units.

(g) This section shall not apply to fire and panic safety requirements for the public schools adopted by the State Fire Marshal pursuant to Section 13143.

(h) (1) A city, county, or city and county that ratifies an ordinance relating to fire and panic safety pursuant to this section shall delegate the enforcement of the ordinance to either of the following:

(A) The chief of the fire protection district that adopted the ordinance, or his or her authorized representative.

(B) The chief building official of the city, county, or city and county, or his or her authorized representative.

(2) Any fee charged pursuant to the enforcement authority of this subdivision shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

CALIFORNIA HEALTH AND SAFETY CODE

Division 13, Part 1.5
State Housing Law

§17922. (a) Except as otherwise specifically provided by law, the building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 and the other rules and regulations, which are contained in Title 24 of the California Administrative Code *[sic]*, adopted, amended, or repealed from time to time pursuant to this chapter shall be adopted by reference, except that the building standards and rules and regulations shall include any additions or deletions made by the department. The building standards and rules and regulations shall impose substantially the same requirements as are contained in the most recent editions of the following uniform industry codes as adopted by the organizations specified:

(1) The Uniform Housing Code of the International Conference of Building Officials, except its definition of "substandard building."

(2) The Uniform Building Code of the International Conference of Building Officials.

(3) The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials.

(4) The Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

(5) The National Electrical Code of the National Fire Protection Association. In adopting building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for publication in the State Building Standards Code and in promulgating other regulations, the department shall consider local conditions and any amendments to the uniform codes referred to in this section. Except as provided in Part 2.5 (commencing with Section 18901), in the absence of adoption by regulation, the most recent editions of the uniform codes referred to in this section shall be considered to be adopted one year after the date of publication of the uniform codes.

(6) Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials.

(b) Except as provided in Section 17959.5, local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set forth in this part.

(c) Regulations other than building standards which are adopted, amended, or repealed by the department, and building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5, governing alteration and repair of existing buildings and moving of apartment houses and dwellings shall permit the replacement, retention, and extension of original materials and the continued use of original methods of construction as long as the hotel, lodging house, motel, apartment house, or dwelling, or portions thereof, or building and structure accessory thereto, complies with the provisions published in the State Building Standards Code and the other rules and regulations of the department or alternative local standards adopted pursuant to subdivision (b) of Section 17920.7 or 17958.5 and

[7] Changed to the California Building Standards Commission in the State Housing Law and Building Standards Law, Ch. 645, Stats. of 1997. Filings received by HCD will be forwarded to the Commission.

does not become or continue to be a substandard building. Building additions or alterations which increase the area, volume, or size of an existing building, and foundations for apartment houses and dwellings moved, shall comply with the requirements for new buildings or structures specified in this part, or in building standards published in the State Building Standards Code, or in the other rules and regulations adopted pursuant to this part. However, the additions and alterations shall not cause the building to exceed area or height limitations applicable to new construction.

(d) Regulations other than building standards which are adopted by the department and building standards adopted and submitted by the department for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 governing alteration and repair of existing buildings shall permit the use of alternate materials, appliances, installations, devices, arrangements, or methods of construction if the material, appliance, installation, device, arrangement, or method is, for the purpose intended, at least the equivalent of that prescribed in this part, the building standards published in the State Building Standards Code, and the rules and regulations promulgated pursuant to the provisions of this part in performance, safety, and for the protection of life and health. Regulations governing abatement of substandard buildings shall permit those conditions prescribed by Section 17920.3 which do not endanger the life, limb, health, property, safety, or welfare of the public or the occupant thereof.

(e) No local enforcement agency may prohibit the use of materials, appliances, installations, devices, arrangements, or methods of construction specifically permitted by the department to be used in the alteration or repair of existing buildings, but such materials, appliances, installations, devices, arrangements, or methods of construction may be specifically prohibited by local ordinance as provided pursuant to Section 17958.5.

(f) No local ordinance may permit any action or proceeding to abate violations of regulations governing maintenance of existing buildings, unless the building is a substandard building or the violation is a misdemeanor.

§17922.6. **(a)** The Office of Noise Control in coordination with the department shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18934) of Part 2.5 of this division and shall adopt, amend, and repeal rules and regulations other than building standards which establish uniform minimum noise insulation requirements for hotels, motels, apartment houses, and dwellings other than detached single-family dwellings.

(b) Such requirements shall be based on performance in order to require compliance on site where the hotel, motel, apartment house, or dwelling other than a detached single-family dwelling, is located.

(c) Such requirements shall be sufficient to protect persons within the hotel, motel, apartment house, or dwelling other than a detached single-family dwelling, from the effects of excessive noise, including, but not limited to, hearing loss or impairment and persistent interference with speech and sleep.

(d) The provisions of this section, the building standards published in the State Building Standards Code relating to noise insulation, and the other rules and regulations adopted pursuant to this section, shall apply equally to those hotels, motels, apartment houses, and dwellings other than detached single-family dwellings, owned, operated, or maintained by any public entity. The department shall enforce such building standards published in the State Building Standards Code and such other rules and regulations with respect to any such hotel, motel, apartment house, or dwelling other than a detached single-family dwelling, which is not subject to the jurisdiction of any local building department.

(e) The provisions of this section, the building standards published in the State Building Standards Code relating to noise insulation, and the other rules and regulations adopted pursuant to this section shall not apply to detached single-family dwellings.

(f) Such other rules and regulations adopted by the Office of Noise Control shall become operative six months after their date of adoption.

(g) Sections 17925, 17958, 17958.5, and 17958.7 shall not apply to the provisions of this section.

§17925. Except as provided in Section 17922.6, any person, firm, corporation, or governmental agency that opposes the application of any applicable building standard published in the State Building Standards Code or any other rule or regulation adopted by the department within a particular local area may request a hearing before the local appeals board regarding the matter. If the local appeals board determines after the hearing that because of local conditions or factors it is not reasonable for the building standard, rule, or regulation to be applied in the local area, the building standard, rule, or regulation shall have no application within that local area. A copy of the determination of the local appeals board, together with a report of the local conditions upon which the determination is based, shall be filed with the department pursuant to Section 17958.7.

§17950. The provisions of this part the building standards published in the State Building Standards Code, or the other rules and regulations promulgated pursuant to the provisions of this part which relate to apartment houses, hotels, motels, and dwellings, and buildings and structures accessory thereto, apply in all parts of the state.

§17951. **(a)** The governing body of any county or city, including a charter city, may prescribe fees for permits, certificates, or other forms or documents

required or authorized by this part or rules and regulations promulgated pursuant thereto.

(b) The governing body of any county or city, including a charter city, or fire protection district, may prescribe fees to defray the costs of enforcement required by this part to be carried out by local enforcement agencies.

(c) The amount of the fees prescribed pursuant to subdivisions (a) and (b) of this section shall not exceed the amount reasonably required to administer or process these permits, certificates, or other forms or documents, or to defray the costs of enforcement required by this part to be carried out by local enforcement agencies, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code.

(d) (1) The provisions of this part are not intended to prevent the use of any manufactured home, mobile home, material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by the California Building Standards Code or this part, provided that this alternate has been approved.

(2) The building department of any city or county may approve an alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the California Building Standards Code or this part in performance, safety, and for the protection of life and health.

(3) The building department of any city or county shall require evidence that any material, appliance, installation, device, arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to this part and in order to substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved testing agency selected by the owner or the owner's agent.

§17958. Except as provided in Sections 17958.8 and 17958.9, any city or county may make changes in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations thereafter adopted pursuant to Section 17922 to amend, add, or repeal ordinances or regulations which impose the same requirements as are contained in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations adopted pursuant to Section 17922 or make changes or modifications in those requirements upon express findings pursuant to Sections 17958.5 and 17958.7. If any city or county does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes or modifications in those requirements upon express findings, the provisions published in the California Building Standards Code or the other regulations promulgated pursuant to Section 17922 shall be applicable to it and shall become effective 180 days after publication by the California Building Standards Commission. Amendments, additions, and deletions to the California Building Standards Code adopted by a city or county pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the California Building Standards Commission.

§17958.5. Except as provided in Section 17922.6, in adopting the ordinances or regulations pursuant to Section 17958, a city or county may make such changes or modifications in the requirements contained in the provisions published in the California Building Standards Code and the other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions.

For purposes of this subdivision, a city and county may make reasonably necessary modifications to the requirements, adopted pursuant to Section 17922, contained in the provisions of the code and regulations on the basis of local conditions.

§17958.7. **(a)** Except as provided in Section 17922.6, the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions. Such a finding shall be available as a public record. A copy of those findings, together with the modification or change expressly marked and identified to which each such finding refers, shall be filed with the California Building Standards Commission. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.

(b) The California Building Standards Commission may reject a modification or change filed by the governing body of a city or county if no finding was submitted.

§17958.8. Local ordinances or regulations governing alterations and repair of existing buildings shall permit the replacement, retention, and extension of original materials and the use of original methods of construction as long as the hotel, lodging house, motel, apartment house, or dwelling, or portions thereof, or building and structure accessory thereto, complies with the provisions published in the State Building Standards Code and the other rules and regulations of the department or alternative local stan-

dards adopted pursuant to Section 17920.7[8] and does not become or continue to be a substandard building.

§17958.9. Local ordinances or regulations governing the moving of apartment houses and dwellings shall, after July 1, 1978, permit the retention of existing materials and methods of construction so long as the apartment house or dwelling complies with the building standards for foundation applicable to new construction, and does not become or continue to be a substandard building.

§17960. The building department of every city or county shall enforce within its jurisdiction all the provisions published in the State Building Standards Code, the provisions of this part, and the other rules and regulations promulgated pursuant to the provisions of this part pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings.

§17995. Any person who violates any of the provisions of this part, the building standards published in the State Building Standards Code relating to the provisions of this part, or any other rule or regulation promulgated pursuant to the provisions of this part, is guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment not exceeding six months, or by both such fine and imprisonment.

CALIFORNIA HEALTH AND SAFETY CODE

Division 13, Part 2.5
Building Standards Law

§18938. (a) Building standards shall be filed with the Secretary of State and codified only after they have been approved by the commission and shall not be published in any other title of the California Code of Regulations. Emergency building standards shall be filed with the Secretary of State and shall take effect only after they have been approved by the commission as required by Section 18937. The filing of building standards adopted or approved pursuant to this part, or any certification with respect thereto, with the Secretary of State, or elsewhere as required by law, shall be done solely by the commission.

(b) The building standards contained in the Uniform Fire Code of the International Conference of Building Officials and the Western Fire Chiefs Association, Inc., the Uniform Building Code of the International Conference of Building Officials, Appendix Chapter 1 of the Uniform Code for Building Conservation of the International Conference of Building Officials, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, the National Electrical Code of the National Fire Protection Association, the Uniform Mechanical Code of the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, as referenced in the California Building Standards Code, shall apply to all occupancies throughout the state and shall become effective 180 days after publication in the California Building Standards Code by the California Building Standards Commission, or at a later date after publication established by the commission.

(c) Except as otherwise provided in this subdivision, an adoption, amendment, or repeal of a building standard shall become effective 180 days after its publication in the triennial edition of the California Building Standards Code or one of its supplements, or at any later date as approved by the California Building Standards Commission, with the exceptions of building standards adopted by the Occupational Safety and Health Standards Board, standards adopted pursuant to Section 25402 of the Public Resources Code, and those regulations that implement or enforce building standards. Building standards adopted by the Occupational Safety and Health Standards Board and those regulations that implement or enforce building standards shall become effective 30 days after filing by the commission with the Secretary of State. This subdivision shall not apply to emergency building standards, and building standards approved pursuant to subdivision (b) of Section 142.3 of the Labor Code and published pursuant to subdivision (b) of Section 18943. An amendment or a repeal of a building standard in the California Building Standards Code that, as determined by the commission, would result in a less restrictive regulation, shall become effective 30 days after filing of the amendment or repeal by the commission with the Secretary of State.

(d) Emergency standards defined in subdivision (a) of Section 18913 shall become effective when approved by the commission, and filed with the Secretary of State, or upon any later date specified therein, and remain in effect as provided by Section 11346.1 of the Government Code and Section 18937 of this code. Emergency standards shall be distributed as soon as practicable after publication to all interested and affected parties. Notice of repeal, pursuant to Section 11346.1 of the Government Code, of emergency standards defined in subdivision (a) of Section 18913 within the period specified by that section, shall also be given to the parties by the affected agencies promptly after the termination of the statutory period pursuant to Section 11346.1 of the Government Code.

(e) This section shall not be applicable to the time limits set forth in Sections 17922 and 17958 for approval of uniform codes and for changes by local agencies in the California Building Standards Code.

§18941.5 (a) (1) Amendments, additions, and deletions to the California Building Standards Code adopted by a city, county, or city and county pursuant to Section 18941.5 or pursuant to Section 17958.7,

[8] Repealed

together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the commission, or at a later date after publication established by the commission.

(2) The publication date established by the commission shall be no earlier than the date the California Building Standards Code is available for purchase by the public.

(b) Neither the State Building Standards Law contained in this part, nor the application of building standards contained in this section, shall limit the authority of a city, county, or city and county to establish more restrictive building standards reasonably necessary because of local climatic, geological, or topographical conditions. The governing body shall make the finding required by Section 17958.7 and the other requirements imposed by Section 17958.7 shall apply to that finding. Nothing in this section shall limit the authority of fire protection districts pursuant to subdivision (a) of Section 13869.7. Further, nothing in this section shall require findings required by Section 17958.7 beyond those currently required for more restrictive building standards related to housing.

§18942. (a) The commission shall publish, or cause to be published, editions of the code in its entirety once in every three years. In each intervening year the commission shall publish, or cause to be published, supplements as necessary. For emergency building standards defined in subdivision (a) of Section 18913, an emergency building standards supplement shall be published whenever the commission determines it is necessary. The commission shall also publish, for emergency standards defined in subdivision (b) of Section 18913 and for building standards or administrative regulations that apply directly to the implementation or enforcement of building standards approved pursuant to subdivision (b) of Section 142.3 of the Labor Code, a semiannual supplement, or a more frequent supplement if required by federal law.

(b) The commission shall publish the text of Article 2.5 (commencing with Section 115920) of Chapter 5 of Part 10 of Division 104, within the California Code of Regulations, Title 24, Part 2 requirements for single-family residential occupancies, with the following note: "NOTE: These regulations are subject to local government modification. You should verify the applicable local government requirements at the time of application for a building permit."

(c) The commission may publish, stockpile, and sell at a reasonable price the code and any materials incorporated therein by reference if it deems the latter is insufficiently available to the public, or unavailable at a reasonable price. Each state department concerned and each city, county, or city and county, shall have an up-to-date copy of the code available for public inspection.

(d) (1) Each city, county, and city and county, including charter cities, shall obtain and maintain with all revisions on a current basis, at least one copy of the building standards and other state regulations relating to buildings published in Titles 8, 19, 20, 24, and 25 of the California Code of Regulations. These codes shall be maintained in the office of the building official responsible for the administration and enforcement of this part.

(2) This subdivision shall not apply to any city or county which contracts for the administration and enforcement of the provisions of this part with another local government agency which complies with this section.

CALIFORNIA CODE OF REGULATIONS
Title 25, Division 1, Chapter 1, Subchapter 1

ARTICLE 1
APPLICATION AND SCOPE

§1. (a) New Construction. The provisions of this subchapter shall apply in all parts of the state and shall apply to the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court area, sanitation, maintenance, and ventilation of all hotels, motels, apartment houses and dwellings, or portions thereof and buildings and structures accessory thereto approved for construction on or after the effective date of this subchapter except as hereinafter provided.

(b) Existing Buildings. The provisions of this subchapter relating to use, maintenance and change of occupancy shall apply to all buildings, or portions thereof, approved for construction or constructed before or after the effective date of this subchapter.

ARTICLE 2
DEFINITIONS

§4. The following definitions and the definitions contained in California Administrative Code, Title 24 shall apply to the provisions of this subchapter as applicable.

"Building Official." The Department or the local government agency so designated as the enforcement agency in Division 13,Part 1.5, Health and Safety Code.

"Labeled." Bearing a label of an approved testing agency or other approved means of identification.

"Local Appeals Board." The board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the requirements of the city or county relating to the use, maintenance, and change of occupancy of hotels, motels, lodging houses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair, demolition, and moving of such buildings if also authorized to hear such appeals. In any area in which there is not such a board or agency, "housing appeals board" means the local appeals board having jurisdiction over such area.

ARTICLE 3
ADMINISTRATION AND ENFORCEMENT

§6. The governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as are contained in this subchapter. Such regulations shall be adopted pursuant to the provisions of Sections 17958, 17958.5, 17958.7, 17958.8, 17958.9 and 17959 of the Health and Safety Code.
NOTE: The regulations contained in Section 20 and Section 24 (f) through (k) of this subchapter are intended to be enforced by the department. The provisions of these sections need not be adopted by the governing body of any city or county. *[Emphasis added.]*

§8. As set forth in Section 17922.1 of the Health and Safety Code, any city or county may modify or change the requirements contained in this subchapter if they make a finding that temporary housing is required for use in conjunction with a filed mining claim.

§10. Enforcement of the provisions of Division 13, Part 1.5 of the Health and Safety Code and the provisions of this subchapter shall be as designated by Sections 17952, 17960, 17961, 17962, 17964, 17965 and 17966 of the Health and Safety Code.

§12. Local appeals boards and their actions shall be as set forth in Sections 17920.5, 17920.6 and 17925 of the Health and Safety Code.

§14. As set forth in Section 17951(d) of the Health and Safety Code, the building department of any city or county may approve alternate materials or methods of construction not specifically prescribed in this subchapter.

§16. No person shall erect, construct, reconstruct, install, relocate or alter any building or structure subject to the provisions of this subchapter without first obtaining a written construction permit therefore from the enforcement agency.

§18. Wherever the department is the enforcement agency, an environmental impact report or negative declaration prepared by or under the supervision of the local planning agency shall be submitted with an application for a permit to construct a project subject to the Environmental Quality Act of 1970 (Public Resources Code, commencing with Section 21000). The environmental impact report or negative declaration shall comply with the applicable requirements of the California Administrative Code, Title 14, Division 6, Chapter 3.

§20. [*Not printed, HCD only.*]

ARTICLE 4
NEW CONSTRUCTION, ADDITIONS, ALTERATIONS

§22. Except as otherwise permitted or required by Division 13, Part 1.5 of the Health and Safety Code and by this subchapter, all buildings and structures subject to this subchapter shall comply with the basic construction regulations contained in Part 2, Title 24, California Administrative Code.

See Chapters 2-18 and 2-19 in Part 2, Title 24, California Administrative Code for special requirements relating to high rise buildings.

See Subchapter 2-12 in Part 2, Title 24, California Administrative Code for requirements related to limited density owner-built rural dwellings.

§24. [*Not printed, HCD only.*]

§26. All buildings and structures subject to the provisions of this subchapter shall comply with the basic mechanical requirements contained in Part 4, Title 24, California Administrative Code.
NOTE: The provisions contained in the Unfired Pressure Vessels Safety order, California Administrative Code, Title 8, Part 1, Chapter 4, Subchapter 1, except as permitted or required by the Uniform Mechanical Code, when not otherwise subject to enforcement by the Division of Industrial Relations, shall apply to this Subchapter.

§28. All buildings and structures subject to the provisions of this subchapter shall comply with the basic electrical requirements contained in Part 3, Title 24, California Administrative Code.

§30. All buildings and structures subject to the provisions of this subchapter shall comply with the basic electrical requirements contained in Part 5, Title 24, California Administrative Code.

ARTICLE 5
EXISTING BUILDINGS

§32. Except as otherwise permitted or required by Health and Safety Code, Division 13, Part 1.5 and this subchapter, the provisions of the 1997 Edition of the Uniform Housing Code, Chapters 4, 5, and 6, and Sections 701.2 and 701.3, as adopted by the International Conference of Building Officials, with the following State amendments, are hereby incorporated by reference and shall apply to buildings or structures subject to the provisions of this subchapter.
(a) HOT WATER is water supplied to plumbing fixtures at a temperature of not less than 110 degrees F (43.3 degrees C).
(b) MECHANICAL CODE is the California Mechanical Code contained in Part 4, Title 24, California Code of Regulations.

(c) PLUMBING CODE is the California Plumbing Code contained in Part 5, Title 24, California Code of regulations.

§34. (a)Every dwelling unit and guest room used or offered for rent or lease shall continue to be provided with heating facilities capable of maintaining a minimum room temperature of 70 degrees F. at a point three feet above the floor in all habitable rooms and when the heating facilities are not under the control of the tenant or occupant of the building owner and/or manager shall be required to provide said heat at a minimum temperature of 70 degrees F. 24 hours a day. Such facilities shall be installed and maintained in a safe condition and in accordance with Chapter 37 of the Uniform Building Code, the Uniform Mechanical Code, and other applicable laws. No unvented fuel burning heaters shall be permitted. All heating devices or appliances shall be of the approved type.

(b) The provisions of Subsection (a) are subject to the exemption for existing buildings provided in Section 103(a) of the Uniform Housing Code.

(c) Those buildings and structures which are exempt from the requirements of Subsection (a) shall be provided with heat at a temperature as close to 70 degrees as the existing heating facilities are capable of providing at a point three feet above the floor in all habitable rooms when the heating facilities are not under control of the tenant.

§36. Rehabilitation and repair of existing buildings shall be subject to the requirements of Section 17922(c), Health and Safety Code.

§38. An adequate number of appropriate receptacles with close-fitting covers for garbage and rubbish as may be considered necessary by the enforcing agency shall be provided for the occupant of every dwelling unit by the owner or operator of every apartment house, hotel or combination thereof. Each receptacle shall be kept in a clean condition and in good repair.

§40. In every apartment house or hotel, every part of every bed, including the mattress, sheets, blankets, and bedding shall be kept in a clean, dry sanitary condition, free from filth, urine, or other foul matter, and from the infection of lice, bedbugs or other insects. The bed linen in a hotel shall be changed before a new guest occupies the bed. In every dwelling unit where linen is furnished, the linen shall be changed before a new guest occupies the dwelling unit.

§42. A manager, janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments, and of every hotel in which there are 12 or more guest rooms, in the event that the owner of any such apartment house or hotel does not reside upon said premises. Only one caretaker would be required for all structures under one ownership and on one continuous parcel of land. If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating his name and address, or the name and address of his agent in charge of the apartment house, shall be posted in a conspicuous place on the premises.

§44. The use of hotplates existing in rooms prior to September 20, 1963 shall be in accordance with the provisions of Section 17921.1 of the Health and Safety Code.

§46. Portable fire extinguishers shall be provided and maintained in every apartment house and hotel. The number and type of portable fire extinguishers to be installed shall be determined by the enforcement agency. However, the minimum requirements shall be as set forth in Title 19, Chapter 1, Subchapter 3, California Administrative Code.

ARTICLE 6
ACTIONS AND PROCEEDINGS

§48. Access for inspection and repair of buildings subject to the provisions of this subchapter shall be as provided by Sections 17970, 17971, and 17972, of the Health and Safety Code.

§50. Abatement Actions instituted by an enforcement agency shall be in accordance with the provisions set forth in Sections 17980 through 17990 Health and Safety Code.

§52. The procedures for abatement, hereinafter outlined, or such other procedures as determined by the enforcement agency to be equivalent for the purpose intended may be used.

§54. Whenever any building or portion thereof, has become substandard as defined in Section 17920.3, Health and Safety Code and when determined to be a nuisance as defined in Section 17920, Health and Safety Code by the enforcing agency, the following shall apply:

The enforcement agency shall notify the owner of such building and any mortgagee or beneficiary under any deed of trust, or record, in the manner hereinafter stated. The notice shall state the conditions which render the building unfit for human habitation and shall order the building, or portion thereof, vacated and shall institute proceedings for the correction or abatement thereof, either by demolition, closing or repair, within 30 days after date of notice. If, in the opinion of the enforcement agency, such conditions can be corrected or abated by repair thereof, the notice shall state the repairs which will be required.

If such building is encumbered by a mortgage or deed of trust, of record, and the owner of such building shall not have complied with the order of the enforcement agency on or before the expiration of 30 days after the mailing and posting of the notice, the mortgagee or beneficiary under such deed of trust may,

within 15 days after the expiration of said 30-day period, comply with the requirements of the order of the enforcement agency, in which event the cost to such mortgagee or beneficiary shall be added to and become a part of the lien secured by said mortgage or deed of trust and shall be payable at the same time and in the same manner as may be prescribed in said mortgage or deed of trust for the payment of any payment of any taxes advanced or paid by said mortgagee or beneficiary for and on behalf of said owner.

If the order of the enforcement agency shall not have been complied with on or before the expiration of 45 days after the mailing and posting of the notice, the enforcement agency may institute such appropriate action or proceeding to correct or abate any nuisance or any violation of any other provision of this article or an alternative procedure such enforcement agency may institute proceedings for the abatement of such nuisance, after notice and hearing, before the governing board of such agency in the manner hereinafter set forth.

§56. For the purpose of providing for the advancement of costs in the enforcement of the provisions of this article, any city or county may create revolving funds or funds from which may be paid the costs of enforcing the provisions of this article and into which may be paid the receipts from the collection of costs or fines imposed in the enforcement thereof.

§58. The notices required in Section 54 shall be given in the following manner: The enforcement agency shall post conspicuously at least one copy of the notice on the building alleged to be unfit and shall send another copy by registered or certified mail, postage prepaid, return receipt requested, to the person owning the land on which building is located as such person's name and address appear on the last equalized assessment roll or as known to the clerk of the governing board of such enforcement agency and to any mortgagee or beneficiary; and if such address is unknown to the enforcement agency, then said fact shall be stated in said copy so mailed and it shall be addressed to him at the county seat of the county wherein said property is situated.

The officer or employee of the enforcement agency upon giving notice as aforesaid shall file an affidavit thereof with the clerk of the governing board of such enforcement agency certifying to the time and the manner in which such notice was given. He shall also file therewith any receipt card which may have been returned to him in acknowledgement of the receipt of such notice by registered mail. The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

§60. (a) If the enforcement agency determines to proceed with the abatement of such nuisance through proceedings instituted before its governing board, it shall give a second notice in the same manner as set forth in Section 58 directing the owner of such building to appear before the governing board of the enforcement agency at a stated time and place and show cause why such building should not be condemned as a nuisance and said nuisance be abated as herein provided, and a copy of said notice shall be mailed to each mortgagee or beneficiary under any deed of trust, of record, in the manner prescribed in Section 58. Said notice shall be headed "Notice to Abate Nuisance" in letters of not less than three-fourths of an inch in height and shall be substantially in the following form:

NOTICE TO ABATE NUISANCE

The owner of the building situated at_____is hereby notified to appear before _____ (insert name of governing board) of the _____ (insert name of enforcement agency) at its meeting to be held _____, 19__, at _____ (place of meeting) at the hour of _____ o'clock __m., or as soon thereafter as he may be heard, and show cause, if any he has, why said building should not be condemned as a public nuisance and said nuisance be abated by reconstructing or properly repairing said building or by razing or removing same.

Dated_____

_____

(Name of enforcement agency)

By_____

(Name of officer)

(b) The officer or employee of the enforcement agency giving such notice shall file an affidavit of posting and mailing in the manner required by Section 62 hereof, but the failure to any owner or other required by such notice shall not affect in any manner the validity of any proceeding taken hereunder.

§62. (a) At the time fixed in said notice, the governing board of the enforcement agency shall proceed to hear the testimony of the officers or employees of the enforcement agency and the owner or his representatives, if present at said hearing, and other competent persons who may be present and desire to testify, respecting the condition of said building, the estimated cost of its reconstruction, repair or removal, and any other matter which said governing body may deem pertinent thereto. Upon the conclusion of said hearing, said governing board may, by resolution, declare its findings and, in the event that it so concludes, it may declare said building to be a nuisance and direct the owner to abate the same within 30 days after the date of posting on said premises a notice of the passage of said resolution by having said building properly reconstructed or repaired, or having the same razed or removed and notifying said owner that if said nuisance is not abated said building will be razed or removed by the enforcement agency and the expense thereof made a lien on the lot or parcel of land upon which said building is located.

(b) At any time within 60 days after the passage of any resolution directing the abatement of a nuisance, the enforcement agency shall post a copy thereof conspicuously on the building so declared to be a nuisance and mail another copy by registered mail, postage prepaid, return receipt requested, to the person

owning the land on which the building is located as such person's name and address appear on the last equalized assessment roll or as known to the clerk of the governing board of such enforcement agency, and a copy of said notice shall be mailed to each mortgagee or beneficiary under any deed of trust, or record, at the last known address of such mortgagee or beneficiary, and if such address is unknown to the enforcement agency, then said fact shall be stated in said copy so mailed and it shall be addressed to him at the county seat of the county where said property is situated. The officer or employee of the enforcement agency, upon giving notice as aforesaid, shall file an affidavit thereof in the manner provided for in Section 58 thereof. The governing board of the enforcement agency may grant any extension of time to abate said nuisance that it may deem justifiable upon good cause therefore being shown.

§64. Any owner or other interested person having any objections, or feeling aggrieved at any proceedings taken by the governing board of the enforcement agency in ordering abatements of any nuisance, must bring an action in a court of competent jurisdiction within 30 days after the date of posting on said premises a notice of the passage of the resolution declaring the nuisance to exist to contest the validity of any proceedings leading up to and including the adoption of the resolution; otherwise all objections will be deemed to have been waived.

§66. Thirty days after the posting of the copies of the resolution declaring any building a nuisance, the enforcement agency shall be deemed to have acquired jurisdiction to abate such nuisance by razing or removing the building, unless the nuisance is abated by the owner or other person interested within the 30-day period or any extension thereof granted by the governing board as provided for in this article. In the event that the nuisance is not abated within the time prescribed the enforcement agency may thereupon raze and remove the building so declared to constitute a nuisance or have the same done under its direction and supervision.

§68. The building materials contained in such building so razed or removed may be sold by the governing board at public sale to the highest responsible bidder after not less than five days notice of intended sale published at least once in a newspaper of general circulation published in the city or county wherein such building is located, either before or after said building has been razed or removed and any amount received from the sale of such building materials shall be deducted from the expense of razing or removing said building. The enforcement agency shall keep an itemized account of the expense involved in the razing or removing of any such building and shall deduct therefrom the amount received from the sale of the building materials. The enforcement agency shall cause to be posted conspicuously on the property from which the building was razed or removed a statement verified by the officer of the enforcement agency in charge of doing the work showing the gross and net expense of the razing or removing of such building together with a notice of the time and place when and where said statement shall be submitted to the governing board of the enforcement agency for approval and confirmation and at which time said governing board of the enforcement agency for approval and confirmation and at which time said governing board shall consider any objections or protests, if any, which may be raised by any property owner liable to be assessed for the cost of such work and any other interested persons. A copy of said statement and notice shall be mailed in the manner prescribed in Section 58 and an affidavit of such posting and mailing shall be filed in the manner prescribed in said section. The time for confirmation shall be not less than five days from the date of the posting and mailing of said statement and notice.

§70. **(a)** At the time fixed for the hearing of the statement of expense the governing board of the enforcement agency shall consider the statement, together with any objections or protests which may be raised by any of the property owners liable to be assessed for doing the work and any other interested persons; and thereupon said governing board may make such revision, correction, or modification in the statement as it may deem just, after which, by motion or resolution, said report as submitted, or in the event any revisions, corrections or modifications have been ordered made by said governing board then said statement as revised, corrected or modified, shall be confirmed. The board may adjourn said hearings from time to time and its decisions on said statement and on all protests and objections which may be made shall be final and conclusive.

(b) In the event that the cost for razing or removing said nuisance exceeds the proceeds received from the sale of any materials, then the amount of the net expense of abating such nuisance, if not paid within five days after the decision of said governing board on said statement, shall constitute a lien on the real property upon which the same was abated or removed, which lien shall continue until the amount thereof and interest thereon at the rate of 6 percent per annum, computed from the date of confirmation of the statement until paid, or until it is discharged of record. Such lien shall, for all purposes, be upon parity with the lien of State, county, and municipal taxes. In the event of nonpayment the governing board shall, at any time within 60 days after the decision of the governing board on the statement, cause to be filed in the office of the county recorder of the county in which such property is located a certificate substantially in the following form:

NOTICE OF LIEN

Pursuant to the authority vested in the undersigned by Division 13, Part 1.5 of the Health and Safety Code and California Administrative Code, Title 25, Chapter 1, Subchapter 1, of the State of California, the undersigned did on the _____ day of _____, 19__, cause a nuisance to be abated on the real property hereinafter

described; and the undersigned did on the _____ day of _____, 19__, by action duly recorded in its official minutes as of said date, assess the cost of such abatement, less the amount received from the sale of any building materials upon the real property hereinafter described, and the same has not been paid nor any part thereof; and the said _____ (enforcement agency) does hereby claim a lien on said real property for the net expense of the doing of said work in the sum of $_____, and the same shall be a lien upon said real property until the said sum, with interest at the rate of 6 percent per annum, from the said _____ day of _____, 19__, (insert date of confirmation of statement) has been paid in full and discharged of record. The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain piece or parcel of land lying and being in the City of _____, County of _____, State of _____, and particularly described as follows:

Dated_____

_____

(Name of enforcement agency)

By_____(Name of officer)

(c) From and after the date of the recording of said notice of lien all persons shall be deemed to have had notice of the contents thereof. The statute of limitations shall not run against the right of the enforcement agency to enforce the payment of said lien.

(d) In the event that the amount received from the sale of material exceeds the expenses of razing or removing such building, then such excess shall be deposited with the treasurer of the enforcement agent to the credit of the owner of said property or to such other person legally entitled thereto, and such excess shall be payable to said owner or other person on demand and upon producing evidence of ownership satisfactory to said treasurer.

ARTICLE 7
PENALTIES

§72. Any violation of this subchapter or of the Health and Safety Code, Division 13, Part 1.5, commencing with Section 17910 (State Housing Law) shall be subject to the penalties as set forth in Section 17995 of the Health and Safety Code.

ARTICLE 8
OWNER-BUILD RURAL DWELLINGS

[Not printed, local government option.]

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF REPEALING TURLOCK MUNICIPAL CODE TITLE 8, CHAPTERS 1, 2, 5, 6, AND 8, REGARDING BULDING REGULATIONS AND ADOPTING NEW TITLE 8, CHAPTERS 1, 2, 5, 6, AND 8	**ORDINANCE NO. -CS**

WHEREAS, an ordinance of the Council of the City of Turlock repealing Title 8 Chapters 1, 2, 5, 6, and 8 of the Turlock Municipal Code and adding new Title 8 Chapters 1, 2, 5, 6, and 8 adopting by reference the following codes:

WHEREAS, the following publications are hereby adopted by reference and incorporated in this Code, except as expressly amended or superseded by the provisions of this chapter. Title 24, 2010 Edition of the California Building Standards Code including the following Parts:

Part 1 California Administrative Code,
Part 2 California Building Code Volumes 1 and 2, incorporating Appendix H, "Signs", and Appendix I, "Patio Covers"
Part 2.5 California Residential Code including Appendix E, Manufactured Housing used as Dwellings, Appendix G, Swimming Pools, Spas, and Hot tubs" and Appendix H, "Patio Covers"
Part 3 California Electrical Code including Annex Chapters A, B, C and D
Part 4 California Mechanical Code including Appendix Chapters A, B and C
Part 5 California Plumbing Code including Appendix Chapters A, B, D, and I
Part 6 California Energy Code including Appendix Chapters
Part 8 California Historical Code including Appendix Chapters
Part 10 California Existing Building Code including Appendix Chapters
Part 11 California Green Building Standards Code, Chapters 1-8
Part 12 California Referenced Standards Code including Appendix Chapters

Tables 3-A through 3-H of the 1994 Uniform Administrative Code

Table 1A within Section 107 of the 1994 Uniform Building Code

The Uniform Housing Code, 1997 Edition as published by the International Conference of Building Officials

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition as published by the International Conference of Building Officials

WHEREAS, The degree in change since the last update to the City Code is so significant.

BE IT ORDAINED by the City Council of the City of Turlock as follows:

SECTION 1. REPEALED: Title 8, Chapter 1, 2, 5, 6, and 8.

SECTION 2. ADDITION: New Title 8, Chapter 1, 2, 5, 6, and 8.

Chapter 8-1
BUILDING CODE STANDARDS

Sections:

Article 1. Uniform Codes

8-1-101 Purpose.
8-1-102 Adoption.
8-1-103 Finding of necessity for stricter standard.
8-1-104 Amendments, additions and deletions to the California Building Code.
8-1-105 Amendments, additions and deletions to the California Residential Code.
8-1-106 Fees.
8-1-107 Exceptions to fees.
8-1-108 Code defined.
8-1-109 Licenses required.
8-1-110 Addresses to be posted.
8-1-111 Violation: misdemeanor.

Article 2. Permits by Telephone or Internet

8-1-201 Building permits by telephone or internet ("Phone In, Facsimile or internet permits").

Article 3. Board of Building Appeals

8-1-301 General.
8-1-302 Authority to Adopt Rules.
8-1-303 Adopted Code Applicable.
8-1-304 Limitations on Authority.
8-1-305 Appeal Hearing Date.
8-1-306 Request for Information.
8-1-307 Board Decisions.
8-1-308 Appeal of Board's Decision

Article 1. Uniform Codes

8-1-101 Purpose.
The purposes of this chapter are to provide minimum standards to safeguard life, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the corporate limits of the City.

8-1-102 Adoption.
The following publications are hereby incorporated herein by reference and are adopted by the City of Turlock as the Building Code of the City of Turlock, except as expressly amended or superseded by the provisions of this chapter:

Title 24, 2010 Edition of the California Building Standards Code including the following parts:

Part 1 California Administrative Code,
Part 2 California Building Code Volumes 1 and 2, incorporating Appendix H, "Signs", and Appendix I, "Patio Covers"
Part 2.5 California Residential Code including Appendix E, Manufactured Housing used as Dwellings, Appendix G, Swimming Pools, Spas, and Hot tubs" and Appendix H, "Patio Covers"
Part 3 California Electrical Code including Annex Chapters A, B, C and D
Part 4 California Mechanical Code including Appendix Chapters A, B and C
Part 5 California Plumbing Code including Appendix Chapters A, B, D, and I
Part 6 California Energy Code including Appendix Chapters
Part 8 California Historical Code including Appendix Chapters
Part 10 California Existing Building Code including Appendix Chapters
Part 11 California Green Building Standards Code, Chapters 1-8
Part 12 California Referenced Standards Code including Appendix Chapters

Tables 3-A through 3-H of the 1994 Uniform Administrative Code

Table 1A within Section 107 of the 1994 Uniform Building Code

The Uniform Housing Code, 1997 Edition as published by the International Conference of Building Officials

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition as published by the International Conference of Building Officials

One copy of said California Building Standards Code and all other referenced publications, certified by the Clerk of said City of Turlock, is on file and will be kept on file for use and examination by the public in the Office of the Chief Building Official in said City of Turlock, 156 South Broadway, Turlock, California.

8-1-103 Finding of necessity for stricter standard.

The legislative body hereby makes the finding that a stricter standard than provided by the California Building Code, Section 2111.13.1, Volume 2, 2010 Edition, is necessary for the fire prevention and safety of Turlock residents. Due to local climatic conditions which exist in the City during the high-usage period of late fall and winter months, the California Building Code has proven to be insufficient to prevent the high number of fires which have occurred under the current standard. The legislature finds that a higher standard is therefore necessary and proper for the safety of Turlock residents.

The legislative body hereby makes the finding that a stricter standard than provided by the California Building Code, Section 105.2.2, Volume 1, 2010 Edition, is necessary for the safety of Turlock residents. Due to local climatic and seismic conditions which exist in the City, the California Building Code is insufficient to protect life and safety due to high wind and seismic loads that may occur under the under the current standard. The legislature finds that a higher standard is therefore necessary and proper for the safety of Turlock residents.

The legislative body hereby makes the finding that a stricter standard than provided by the California Residential Code, Section 313.3.8.1 2010 Edition, is necessary for the fire prevention and safety of Turlock residents. Due to local climatic conditions which exist in the City, the California Residential Code has proven to be insufficient to prevent the high number of pipe

failures which have occurred under the current standard. The legislature finds that a higher standard is therefore necessary and proper for the safety of Turlock residents.

The legislative body hereby makes the finding that a stricter standard than provided by the California Residential Code, Section 1005.3 2010 Edition, is necessary for the fire prevention and safety of Turlock residents. Due to local climatic conditions which exist in the City during the high-usage period of late fall and winter months, the California Residential Code has proven to be insufficient to prevent the high number of fires which have occurred under the current standard. The legislature finds that a higher standard is therefore necessary and proper for the safety of Turlock residents.

8-1-104 Amendments, additions and deletions to the California Building Code
The following amendments, additions and deletions are made to the California Building code adopted by this chapter:

1. Section 1.11.2.1.1 Enforcement is hereby amended to read as follows:
   1.11.2.1.1 The City of Turlock delegates to the Chief Building Official the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R, Division 3 dwellings, as described in Section 310.1 of Part 2 of the California Building Standards Code.
2. Section 101.4.1 is hereby amended to read as follows:
   101.4.1 Gas. The provisions of the California Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.
3. Section 101.4.2 is hereby amended to read as follows:
   101.4.2 Mechanical. The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.
4. Section 101.4.3 is hereby amended to read as follows:
   101.4.3 Plumbing. The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.
5. Section 101.4.4 is hereby amended to read as follows:
   101.4.4 Property maintenance. The provisions of the California Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.
6. Section 101.4.5 is hereby amended to read as follows:
   101.4.5 Fire prevention. The provisions of the California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or

removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

7. Section 103.2 Appointment is hereby amended to read as follows:
   The Chief Building Official shall be appointed by the City Manager and shall have the authority of the Building Official granted in said Code.
8. Section 105.1 is hereby amended to read as follows:
   105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to occupy an existing building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
9. Section 105.1.1. "Annual Permit" Not Adopted.
10. Section 105.1.2. "Annual Permit Records" Not adopted.
11. Section 105.2.2 is hereby amended to read as follows:
    Timber fences not over 6 feet (1,829 mm) high and masonry fences not over 5 feet (1,524mm) high.
12. Section 105.2.9 is hereby amended to read as follows:
    Prefabricated swimming pools accessory to Group R-3 occupancy that are less than 18" deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
13. Section 105.2.10 is hereby amended to read as follows:
    Shade cloth structures constructed for nursery or agricultural purposes, not including service systems and Group M occupancies
14. Section 107.2.3 Means of egress is hereby amended to read as follows.
    107.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. The construction documents shall designate the number of occupants to be accommodated on every floor and in all rooms and spaces. The Chief Building Official may waive this requirement.
15. Section 110.1 General is hereby amended to add the following:
    A survey of the lot may be required by the Chief Building official to verify that the structure is located in accordance with the approved plans.
16. Section 110.3.4 Frame inspection is hereby amended to read as follows:
    110.3.4 Frame inspection. Framing inspections shall be made after the roof is loaded, the building is substantially weather tight, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are completed.
17. Section 110.3.5 Lath and gypsum board inspection is hereby amended to delete the following: Exception; Gypsum board that is not part of a fire resistance rated assembly or a shear assembly
18. Section 110.3.11 is hereby added as follows:
    110.3.11 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

    Reinspection fees may be assessed when the inspection record is not posted or not otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the building official.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

19. Section 2111.13.1 is hereby amended to add the following:
    Factory-built chimneys and fireplaces shall be separated from combustible construction by materials approved for one hour fire-resistive construction on the fireplace and chimney side.
20. Section 3109, "Swimming pool enclosures and safety devices" not adopted.
21. Adopt, Chapter 31B, "Public Swimming Pools."
22. Add Section 3130B.3 as follows.
    3130B.3 Allowance for diatomaceous earth media filters. The installation of swimming pool filters which use diatomaceous earth (D.E.) as a media shall only be allowed if a separation tank is provided.

8-1-105 Amendments, additions and deletions to the California Residential Code
The following amendments, additions and deletions are made to the California Residential Code adopted by this chapter:

1. Section 1.11.2.1.1.1 is hereby amended to read as follows:
   The City of Turlock delegates to the Chief Building Official the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R-3 occupancies as described in Section 1.1.3.1 or CCR Part 2, California Building Code, Section 310.1.
2. Section R101.1 is hereby amended to read as follows:
   R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Turlock and shall be cited as such and will be referred to herein as "this code."
3. Section R101.2 is hereby amended to read as follows:
   R101.2 Scope. The provisions of the California Residential Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.
   Exception: Live/work units complying with the requirements of Section 419 of the California Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the California Building Code when constructed under the California Residential Code for One- and Two-family Dwellings shall conform to Section 903.3.1.3 of the California Building Code.
4. Section R109.1.4 is hereby amended to read as follows:
   R109.1.4 Frame and Masonry inspection. Inspection of framing and masonry construction shall be made after the roof is loaded, the building is substantially weather tight, the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after chimneys and vents to be concealed are completed and the rough electrical, plumbing, heating wires, pipes and ducts are completed.
5. Section R110.2 is hereby amended to read as follows:
   R110.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in Sections 3406 and 3407 of the California Building Code
6. Section R313.8.1.8 is hereby amended to read as follows:
   The piping system is tested in accordance with the California plumbing Code including a 150# pressure test for two hours to insure continuity of pipe fitting connections.
7. Table R301.2(1) is hereby amended to read as follows:

Table R301.2(1)
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From:			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freeze Index	Mean Annual Temp
	Speed MPH	Topographic Effects		Weathering	Frost Line Depth	Termite					
0	85	No	D	Negligible	12 Inches	Very Heavy	n/a	n/a	Flood Zone X	50	60

8. Section R1005.3 is hereby amended to add the following:
   Factory-built chimneys and fireplaces shall be separated from combustible construction by materials approved for one hour fire-resistive construction on the fireplace and chimney side.
9. Section AE102, "Application to existing manufactured homes and Building Service Equipment" is not adopted.
10. Section AE 301, "Permits" is not adopted.
11. Section AE302.2 is amended to delete the following:
    Where no unusual site conditions exist, the building official may accept approved standard foundation plans and details in conjunction with the manufacturer's approved installation instructions without requiring the submittal of engineering calculations.
12. Section AE305.5.1 is hereby amended to add the following:
    4. Compliance with the manufacture's installation instructions.
13. Section AE501.1 General is hereby amended to read as follows:
    AE501.1 General. A manufactured home shall be installed on a foundation system which has been designed by a California Licensed architect or engineer and constructed to sustain within the stress limitations specified in this code and all loads specified in this code.
        Exception: Foundation plans stamped and approved by the State of California shall be deemed to meet the requirements of this Appendix E.
14. Section AE501.3 is hereby amended to add the following:
    1. Piers shall be considered to resist only vertical forces acting in a downward direction.
15. Section AE503 "Skirting and perimeter enclosures" is not adopted.
16. Section AE504 "Structural Additions" is not adopted.
17. Section AE505 "Building Service Equipment" is not adopted.
18. Section AE506 "Exits" is not adopted.
19. Section AE507 "Occupancy, fire safety and energy conservation standards" is not adopted.
20. Section AE601 "Footings and Foundations" is not adopted.
21. Section AE603 "Height of piers" is not adopted.
22. Section AE604 "Anchorage Installations" is not adopted.
23. Section AE605 "Ties, materials and installation" is not adopted.
24. Section AE606 "Referenced standards" is not adopted.
25. Section AG102.1 Swimming Pool shall be amended to read as follows:
    SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 18 inches (457 mm) deep."
26. Section AG103.4 is hereby added to read as follows:

AG103.4 Allowance for Diatomaceous earth media filters. "The installation of swimming pool filters which use diatomaceous earth (D.E.) as a media shall only be allowed if a separation tank is provided.

27. Section AG105.2.2 is hereby amended to read as follows:
    The top of the barrier shall be at least 60 inches (1524 mm) above grade measured on the side of the barrier which faces away from the swimming pool.
28. Section AG105.2.8 is hereby amended to read as follows:
    Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching and locking device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
    8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
    8.2 The gate and barrier shall have no opening larger than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism; and
    8.3 All swimming pool construction shall comply with the California Health and Safety Code Swimming Pool Safety Act including Section 115920-115929

8-1-106 Fees.
Table 1-A of Section 107 of Uniform Building Code, Volume 1, 1994 Edition, and Tables 3-A through 3-H of the 1994 Uniform Administrative Code shall be used for the purposes of computing permit, plan check and inspection fees as determined therein. The fees shall be one hundred fifty (150%) percent of the amount so determined.

Fees for plan check and inspection not addressed by the 1994 Uniform Building Code or the 1994 Uniform Administrative Code requirements necessary to meet California Green Building Standards Code, California Energy Code and as related to residential Fire sprinklers shall be based on actual cost recovery.

Fees and deposits for appeals to the Board of Building Appeals shall be as follows:

1) Deposit for appeal to be paid to the City Clerk with the application of appeal: $500
2) In the event that the applicant's appeal of the Building Official's decision is upheld by the Board, no appeal fee shall be incurred and all deposited funds shall be returned to the appellant. If the Building Official's opinion is sustained by the Board of Building Appeals, the total appeal fee shall be based on actual cost recovery

8-1-107 Exceptions to fees.
The following-named owners of proposed buildings shall be required to secure a building permit, if the provisions of this chapter apply to such buildings, but they shall be exempt from the requirements for payment except where the City incurs an actual cost for any plan-checking or permit fee for such buildings: the Federal, State, and County governments and any municipality, school district or other district, agency, or jurisdiction supported by public taxation.

8-1-108 Code defined.
Wherever the word "Code" is used in this chapter, the same shall be deemed to mean and refer to those Codes set forth in Section 8-1-102 of this chapter.

8-1-109 Licenses required.
Nothing contained in this chapter, or the Codes adopted by this chapter, shall be construed or deemed to be a waiver of the applicable provisions of the Municipal Code of the City requiring contractors, subcontractors, or specialty contractors to obtain licenses from the City under the circumstances and conditions therein prescribed.

8-1-110 Addresses to be posted.
All construction sites shall be clearly marked with a street address visible from the street.

8-1-111 Violation: Misdemeanor.
Violation of any provision of this chapter or any Code adopted by the City Council shall constitute a misdemeanor punishable as provided in Title 1, Chapter 2 of this Code.

Article 2. Permits by Telephone or internet

8-1-201 Building permits by telephone ("Phone In, Facsimile or internet permits").
A contractor may apply for building permits by telephone, facsimile or internet when such work is nonstructural and no documentation such as plans or calculations are required.

Work permitted by telephone, facsimile or internet is limited to: re-roofing, sewer and water line repair, termite repair, and mechanical equipment change out.

In order to obtain a "Phone In", facsimile or internet" permit, all of the following conditions must be met:

(a) Contractor has on file with the City of Turlock Building Division a valid license issued by the State of California Licensing Board;

(b) Contractor has a current City of Turlock Business License;

(c) Contractor has a current Worker's Compensation Certificate on file with the Turlock Building Division; and

(d) Contractor has on deposit with the City of Turlock Finance Division a minimum balance of Three Hundred and no/100ths ($300.00) Dollars. To remain eligible, such minimum balance shall be maintained on a monthly basis.

Article 3. Board of Building Appeals

8-1-301 General
In order to hear and decide appeals of orders, decisions or determinations made by the Chief Building Official relative to the application and interpretation of those Codes set forth in Section 8-1-102 of this chapter, there shall be and is hereby created a Board of Building Appeals, hereinafter referred to as the Board, consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction and are not employees of the jurisdiction. The Building Official shall act as Secretary of the Board.

The members of the Board shall be appointed by the City Council and shall hold office at its pleasure.

8-1-302 Authority to Adopt Rules.
The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the Chief Building Official within thirty (30) calendar days of the hearing with a duplicate copy to the appellant.

8-1-303 Adopted Code Applicable.
Except as otherwise provided in those Codes set forth in Section 8-1-102 of this chapter, the Board shall hear appeals in accordance with the procedures set forth herein.

8-1-304 Limitations on Authority.
An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this Code.

8-1-305 Appeal Hearing Date.
As soon as practicable after receiving a written appeal, the Building Official shall fix a date, time, and place for the hearing of the appeal by the Board. Such date shall be not less than ten (10) calendar days nor more than forty-five (45) calendar days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to the appellant(s) by the Building Official either by causing a copy of such notice to be delivered to the appellant(s) personally or by mailing a copy thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal.

8-1-306 Request for Information.
Whenever in the course of any proceedings taken hereunder, the Board shall have cause to request additional information, the same may be requested of the Building Safety Division of the Economic Development Department, the Fire Department, or any other agencies charged by law with enforcement of health or safety requirements of local or state law.

8-1-307 Board Decisions.
The decision of the Board in granting or denying an appeal shall become final on the date of service of the decision.

Decisions of the Board shall be in writing and shall contain findings of fact, a determination of issues presented, and the requirements to be complied with. The decision of the Board shall be issued within thirty (30) calendar days of the hearing. A copy of the decision shall be delivered to the appellant(s) personally or sent by certified mail, postage prepaid, return receipt requested within thirty (30) calendar days of the effective date of the decision. The effective date of the decision(s) of the Board shall be as stated therein.

8-1-308 Appeal of Board's Decision.
Any appeal of a Board decision must be filed with a court of competent jurisdiction pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6 within thirty (30) calendar days of the service of the decision; otherwise all objections will have been waived. The filing of such appeal within such time limit shall stay the effective date of the decision of the Board.

Chapter 8-2
ELECTRICAL CODE

Sections:

8-2-01 Purposes.
8-2-02 Adoption of the Electrical Code of the City of Turlock.
8-2-03 Definitions.
8-2-04 Assistance to inspectors.
8-2-05 Permit: Issuance: Required licenses.
8-2-06 Permit: Issuance to owner.
8-2-07 Special requirements: Residential.
8-2-08 Special requirements: Commercial and industrial buildings.
8-2-09 Exceptions to fees.
8-2-10 Licenses required.
8-2-11. Violation: Misdemeanor.

8-2-01 Purposes.
The purposes of this chapter are to provide minimum standards to safeguard life, limb, health, property, and the public welfare by regulating and controlling the design, construction, installation, alteration, repair and quality of materials for electrical work within the City of Turlock.

8-2-02 Adoption of Electrical Code of the City of Turlock.
The following publications are hereby incorporated herein by reference and adopted by the City of Turlock as the Electrical Code of the City of Turlock, except as expressly amended or superseded by the provisions of this chapter.

California Electrical Code 2010 Edition, based on the 2008 National Electric Code, including Annex A, B, and C as published by National Fire Protection Association and as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

One copy of said California Electrical Code, certified by the Clerk of said City of Turlock, is on file and will be kept on file for use and examination by the public in the Office of the Building Official in said City of Turlock, 156 South Broadway, Turlock, California.

8-2-03 Definitions.
Whenever the following words appear in the California Electrical Code they shall be deemed to mean as follows:

(a) Chief Electrical Inspector shall mean the Chief Building Official or his deputies.

(b) Residential structure defined. "Residential structures," as used in this section means single-family and multi-family dwelling units and attached accessory uses only. Convalescent hospitals, rest homes, hotels and motels shall be considered as commercial.

8-2-04 Assistance to inspectors.
Upon reasonable advance notice being given to the Building Division, the contractor shall furnish the necessary help and equipment to assist the inspector to inspect the work done. This

help shall be provided during normal working hours of the trade involved provided during normal working hours of the trade involved and in a reasonable length of time proportionate to the size of the job.

8-2-05 Permit: Issuance: Required licenses.
No permit shall be issued to any person to do or cause to be done any electrical work regulated by this chapter, except to a person holding a valid unexpired and unrevoked California electrical contractor's license and City contractor's business license, except when and as otherwise provided in this chapter.

8-2-06 Permit: Issuance to owner.
Any permit required by this chapter may be issued to any person to do any electrical work regulated by this chapter in the event that person is the bona fide owner of any such buildings.

8-2-07 Special requirements: Residential.
(a) Not more than ten (10) outlets shall be permitted on any lighting circuit on No. 14 AWG wire.
(b) Where the service conduit is extended to furnish a support for the service drop wires, only rigid conduit of not less than one and one-fourth (1-1/4") inch trade size may be used and shall not extend more than thirty (30") inches beyond the last support.
(c) Substandard service equipment shall be brought up to standard on any and all remodeling jobs or in any case where additional wiring is installed.
(d) On panel and switchboard all circuits shall be identified by means of painting or other approved methods. Type S (non-tamperable) fuses shall be required in all new fuse panel and in existing installations showing evidence of overfusing.
(e) Except with special permission of the Chief Building Official, service entrance conductors shall be copper and not less than No. 2 for one hundred (100) amperes and No. 4/0 for two hundred (200) amperes.
(f) All temporary power pole services shall be at least fifty (50) ampere capacity with properly protected outlets.
(g) Dishwashers and garbage disposals shall each be wired on an individual circuit with No. 12 wire with 20 amp receptacles.
(h) All residential receptacle circuits shall be wired with No. 12 AWG conductors.
(i) A maximum of eight (8) receptacles and/or fixed outlets on each residential circuit shall be allowed.
(j) Bell transformers shall not be installed in attics.
(k) Electrical subpanels may not be installed over any plumbing fixture or in bathrooms or in clothes closets.
(l) Service equipment shall be located on the outside of all dwellings. The outer end of the service raceway shall be terminated where it is accessible to the serving agency.
(m) Where non-metallic sheathed cable is used all grounding on noncurrent carrying metal parts of fixed equipment shall be done by means of a grounding conductor running in the same cable with the circuit conductors.

8-2-08 Special requirements: Commercial and industrial buildings.
(a) Convenience outlets in commercial installations shall be wired with not less than No. 12 AWG wire with a maximum of ten (10) outlets per circuit.
(b) On panel and switchboards, all circuits shall be identified by means of painting or other approved methods. Type S (non-tamperable) fuses shall be required in all new fuse panels and in existing installations showing evidence of overfusing.

(c) Portable type neon signs, phonographs, pinball machines, merchandise dispensers and the like shall be wired with not more than six (6) feet of flexible cord.

(d) Electrical subpanels may not be installed over any plumbing fixtures or in bathrooms or in clothes closets.

8-2-09 Exceptions to fees.

The following-named owners of proposed buildings shall be required to secure a building permit, if the provisions of this chapter apply to such buildings, but they shall be exempt from the requirements for payment except where the City incurs an actual cost for any plan-checking or permit fee for such buildings: the Federal, State, and County governments and any municipality, school district or other district, agency, or jurisdiction supported by public taxation.

8-2-10 Licenses required.

Nothing contained in this chapter, or the Codes adopted by this article, shall be construed or deemed to be a waiver of the applicable provisions of the Municipal Code of the City requiring contractors, subcontractors, or specialty contractors to obtain licenses from the City under the circumstances and conditions therein prescribed.

8-2-11 Violation: Misdemeanor.

Violation of any provision of this chapter or any Code adopted by the City Council shall constitute a misdemeanor punishable as provided in Title 1, Chapter 2 of this Code.

Chapter 8-5
PLUMBING CODE

Sections:

8-5-101 Purposes.
8-5-102 Adoption of the Plumbing Code of the City of Turlock.
8-5-103 Administrative authority.
8-5-104 Exceptions to fees.
8-5-105 Licenses required.
8-5-106 Violation: Misdemeanor.

8-5-101 Purposes.
The purposes of this chapter are to provide minimum standards to safeguard life, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the City.

8-5-102 Adoption of the Plumbing Code of the City of Turlock
The following publications are hereby incorporated herein by reference and adopted by the City of Turlock as the Plumbing Code of the City of Turlock, except as expressly amended or superseded by the provisions of this chapter.

California Plumbing Code 2010 Edition, including, Appendix A , Appendix B and Appendix I based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, and as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

One copy of said California Plumbing Code 2010 Edition is on file and will be kept on file for use and examination by the public in the office of the Building Official in said City of Turlock, 156 S. Broadway, Turlock, California

8-5-103 Administrative authority.
Section 102.1 of said California Plumbing Code 2010 Edition is hereby amended to read as follows:

102.1.Authority having Jurisdiction. The Authority Having jurisdiction shall be the Chief Building Official of the Building Department and authorized deputies.

8-5-104 Exceptions to fees.
The following named owners of proposed buildings shall be required to secure a plumbing permit, if the provisions of this chapter apply to such buildings, but they shall be exempt from the requirement for the payment except where the City incurs an actual cost for any plan-checking or permit fee for such buildings: the Federal, State, or County government and any municipality, school district, agency, or jurisdiction supported by public taxation.

8-5-105 Licenses required.
Nothing contained in this chapter, or the Codes adopted by this article, shall be construed or deemed to be a waiver of the applicable provisions of the Municipal Code of the City requiring

contractors, subcontractors, or specialty contractors to obtain licenses from the City under the circumstances and conditions therein prescribed.

8-5-106 Violation: Misdemeanor.
Violation of any provision of this chapter or any Code adopted by the City Council shall constitute a misdemeanor punishable as provided in Title 1, Chapter 2 of this Code.

Chapter 8-6

MECHANICAL CODE

Sections:

8-6-101 Purposes.
8-6-102 Adoption of the Mechanical Code of the City of Turlock.
8-6-103 Licenses required.
8-6-104. Violation: Misdemeanor.

8-6-101 Purposes.
The purposes of this chapter are to provide minimum standards to safeguard life, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the City.

8-6-102 Adoption of the Mechanical Code of the City of Turlock
The following publications are hereby incorporated herein by reference and adopted by the City of Turlock as the Mechanical Code of the City of Turlock, except as expressly amended or superseded by the provisions of this chapter.

California Mechanical Code 2010 Edition, including, Appendix A, Appendix B and Appendix C based on the 2006 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials, and as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

One copy of said California Mechanical Code 2010 Edition is on file and will be kept on file for use and examination by the public in the Office of the Building Official in said City of Turlock, 156 S. Broadway, Turlock, California

8-6-103 Licenses required.
Nothing contained in this chapter, or the Codes adopted by this article, shall be construed or deemed to be a waiver of the applicable provisions of the Municipal Code of the City requiring contractors, subcontractors, or specialty contractors to obtain licenses from the City under the circumstances and conditions therein prescribed.

8-6-104 Violation: Misdemeanor.
Violation of any provision of this chapter or any Code adopted by the City Council shall constitute a misdemeanor punishable as provided in Title 1, Chapter 2 of this Code.

Chapter 8-8

BUILDING MOVING

Sections:

8-8-01 Building defined.
8-8-02 Permits: Required.
8-8-03 Permits: Issuance.
8-8-04 Permits: Denial.
8-8-05 Permits: Applications: Form.
8-8-06 Permits: Applications: Contents.
8-8-07 Suspension or revocation of permits.
8-8-08 Control and supervision.
8-8-09 Permits: Fees.
8-8-10 Permits: Bond or security.
8-8-11 Insurance.
8-8-12 Moving notices: Required.
8-8-13 Moving notices: Form and content.
8-8-14 Protests: Referral to Planning Commission.
8-8-15 Improvements and repairs: Required in certain cases.
8-8-16 Improvements and repairs: Time allowed for completion.
8-8-17 Duties of persons in charge of moving buildings.
8-8-18 Exceptions.

8-8-01 Building defined.

For the purposes of this chapter, "building" shall mean a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. A structure containing 120 square feet or less of floor space shall not fall within this definition.

8-8-02 Permits: Required.

No person shall move any building or structure over, along, or across any highway, street, or alley in the City without first obtaining a permit therefor from the City Engineer. All such permits shall be effective for a period of thirty (30) calendar days after the date of issuance.

8-8-03 Permits: Issuance.

A permit shall be issued only under the following conditions:

(a) All the inspection fees and permit fees required by this chapter and by this Code regulating building, electrical, plumbing, and gas installations shall have been paid;

(b) A route of travel within the City shall have been approved by the City Engineer;

(c) The building shall have been inspected and approved, and the certificate of inspection shall have been filed by the Building Official;

(d) The City Engineer shall have determined that the moving equipment to be used, when loaded, will not be detrimental to the streets or other property of the City;

(e) The applicant shall have posted securities and insurance certificates as required by the provisions of Section 8-8-10 and 8-8-11of this chapter;

(f) No written protests shall have been received, or protests which have been received shall have been overruled by the Planning Commission or the Council; and

(g) Required street and alley dedications shall have been made, and all required street or utility improvements and repairs shall have been made or security for such improvement or repair shall have been furnished.

8-8-04 Permits: Denial.
No permit shall be issued to move any building or structure which, in the opinion of the City Engineer or Chief Building Official:

(a) Is so constructed or in such condition as to be dangerous;

(b) Is infested with pests or insanitary;

(c) If it is a dwelling or habitation, is unfit for human habitation;

(d) Is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to, or be materially detrimental to, the property or improvements in the district within a radius of 1,000 feet from the proposed site;

(e) If the proposed use is prohibited by the zoning laws of the City;

(f) If the structure is of a type prohibited at the proposed location by any law of the City; or

(g) If the moving of the building or structure will cause unreasonable damage to the trees, plants, and shrubs on and along the public streets.

However, that if the condition of the building or structure, in the judgment of the Chief Building Official, admits of practicable and effective repair, the permit may be issued upon the terms and conditions set forth in Section 8-8-15 of this chapter.

8-8-05 Permits: Applications: Form.
The application for a permit shall be made in writing and in duplicate, upon forms provided by the City, and shall be filed with the Building Official at least fourteen (14) days prior to the date the building is to be moved. The Building Official shall transmit one copy to the City Engineer.

8-8-06 Permits: Applications: Contents.
The application for a permit issued pursuant to the provisions of this chapter shall set forth:

(a) The reason for the moving of the building; a description of the building to be moved, including the construction materials, dimensions, number of rooms, and condition of the exterior and interior;

(b) The proposed improvements to be made to the structure, if any; the proposed improvements to be made to the property, if any; and the street address from which the building is to be moved;

(c) A legal description and street address, if any, of the lot to which such building is to be moved;

(d) A site plan indicating the proposed location of the structure on the lot and the proposed improvements, if any, if such lot is inside the City;

(e) The highways, streets, and alleys of the City over, along, or across which the applicant proposes to move the building;

(f) The proposed moving date and hours;

(g) Whether the building conforms to the zoning laws for the area to which it is to be moved; and

(h) A description of the moving equipment, such as the weight, weight distribution to the wheels of the carrying vehicle, and the like.

8-8-07 Suspension or revocation of permits.
The City Engineer, at any time, for sufficient cause may revoke or suspend any permit granted pursuant to the provisions of this chapter.

8-8-08 Control and supervision.
Every building which is moved on, over, or through any public street, way, or park in the City shall be under the control of the City Engineer, and every such building shall be moved in a careful manner, and the work shall be prosecuted with diligence and to the satisfaction and approval of the City Engineer. The provisions of this section in no way shall relieve the person having the charge of the moving of any building of his obligation to furnish proper supervision.

8-8-09 Permits: Fees.
At the time of filling the application for a permit, fees established by resolution of the City Council shall be paid:

(a) For each building moved from a location inside or outside the City to another location outside the City over a route through the City; and

(b) For each building moved from a location inside or outside the City to another location inside the City, except that an accessory building not over 400 square feet in area may be moved in conjunction with the moving of a residence from the same location to the same location without paying an additional fee therefor.

8-8-10 Permits: Bond or security.
Prior to the issuance of a permit to move a building, the owner of the property from which the building is to be moved, or his agent, shall file with the City Clerk a bond or other form of security in favor of the City conditioned as follows:

(a) To secure the faithful performance of all repairs and improvements required pursuant to the provisions of Section 8-8-15 of this chapter and the faithful performance of all other conditions imposed on the granting of such permit. In no case shall the amount be less than Two Thousand and no/100ths ($2,000.00) Dollars; and

(b) To insure payment to the City of any cost for damages or the destruction of City property or public improvements which may result from the granting of such permit.

(c) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water, and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(d) Immediately after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(e) Within ten (10) days after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely close and seal any sanitary piping located on the property;

(2) Fill with dirt or sand any septic tanks or cesspools located on the property;

(3) Fill any openings, excavations, or basement remaining on the land with dirt or sand to the street level or the natural level of the adjoining property unless otherwise directed by the City Engineer;

(4) Remove any buried underground tanks formerly used for the storage of flammable liquids as may be required by the Fire Department; and

(5) Remove all refuse, debris, and waste materials from the property.

The bond required by the provisions of this section shall be in an amount equal to the cost of the work proposed to be done as estimated by the City Engineer.

The bond may be in the form of a corporate surety bond, cash deposit, saving and loan certificate, or an instrument of credit.

An extension of time for the completion of the work required by the provisions of this section may be granted by the City Engineer when, in his discretion, circumstances justify such an

extension, but no such extension shall release any bond or other security furnished pursuant to the provisions of this section.

8-8-11 Insurance.
A policy or certificate of liability insurance shall be secured which shall name the City and its agents additional insured and which shall indemnify and save the City harmless from any and all claims, actions, demands, damages, or expenses whatever which may result from the operations of the applicant under the moving permit, if granted, or from the exercise of the privileges conferred upon him by the permit. Such liability insurance shall be in amounts not less than One Hundred Thousand and no/100ths ($100,000.00) Dollars for injuries, including wrongful death, to any one person, in an amount not less than Three Hundred Thousand and no/100ths ($300,000.00) Dollars for injuries or death, and in an amount not less than Fifty Thousand and no/100ths ($50,000.00) Dollars for property damage on account of one accident.

8-8-12 Moving notices: Required.
Within five (5) days after the receipt of an application to move any building to a location inside the City, the Building Official shall cause a notice to be posted on the front and rear of the proposed location and on the front of the building proposed to be moved if the building is located inside the City.

8-8-13 Moving notices: Form and content.
The moving notice required by the provisions of Section 8-8-12 of this chapter shall have a title in letters not less than one inch in height, "MOVING NOTICE"; shall give the existing location of the house by street address and the name and address of the applicant requesting a permit to move such building; shall set forth the date of the posting; and shall state that protests may be filed with the Planning Commission within five (5) days after the date of the posting of such notice, excluding Saturdays, Sundays, and legal holidays.

8-8-14 Protests: Referral to Planning Commission.
Any person shall have the right to file a protest against any building being moved to any location inside the City. Such protest shall be in writing, shall set forth the reasons for the protest, and the name and address of the protestant and shall be filed with the Building Official who will forward it to the Planning Director.

8-8-15 Improvements and repairs: Required in certain cases.
The Building Official may, or the Planning Commission may in all cases where a protest in writing has been received and a hearing has been held thereon, require an applicant to make such improvements and repairs to the building sought to be moved as, in the opinion of the Building Official or the Planning Commission, are required to achieve compatibility with existing structures in the area to which the building is to be moved. The applicant shall make a dedication of all streets, alleys, or ways of the City as shown on the adopted General Plan and any precise plan for properties adjacent to or in the vicinity of the property on which the building is to be moved, and all street improvements shall be installed, or a bond or security approved by the City covering the cost of such improvements shall be filed with the Building Official.

8-8-16 Improvements and repairs: Time allowed for completion.
The time limit within which any improvements or repairs required by the provisions of this chapter shall be completed shall be written on the permit.

8-8-17 Duties of persons in charge of moving buildings.

Every person in charge of the moving of any building or structure on or over the street of the City shall:

(a) Give at least thirty-six (36) hours written notice to any person responsible for moving or removing wires or the doing of other things necessary to permit the moving of the building over the route approved;

(b) Give thirty-six (36) hours written notice to the Police Chief and Fire Chief of the time and date of the moving and the route over which the building or structure is to be moved; and

(c) Maintain four (4") inch minimum, self-illuminated red lights at each corner of the building from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise while the building is in route.

8-8-18 Exceptions.

The provisions of this chapter shall apply to all buildings moved in or into the incorporated limits of the City, except as follows:

(a) Temporary storage in transit. Buildings or structure may be moved to a location within the City for the temporary storage thereof for a period not to exceed thirty (30) days under the following terms and conditions:

(1) The permittee shall have a fixed place of business within the City and shall have obtained a business license from the City to engage in the business of moving buildings or structures.

(2) No such buildings or structures shall be stored at any location, or in any manner, or for the purpose of sale in violation of any laws or ordinances of the State or the City.

(3) Any temporary storage shall have endorsed thereon the location and the duration of such storage and any other conditions specified by the Building Official and under which such permit is granted.

(4) The fee for such permit shall be the same as is provided for a permit to move buildings or structures to a location outside the City; provided, however, if the buildings or structures are removed from a temporary storage place to a location inside the City, a new permit shall be obtained on the same terms and conditions as are applicable to the moving of a building from one location inside the City to another location inside the City, including the payment of a fee established by resolution of the City Council for each building, less the amount of the fee previously paid by the permittee for the permit to move the buildings to such storage location.

(b) Temporary buildings. Whenever an application is filed for a permit to move a building or structure for use as a temporary construction office or tool storage building, agricultural building, or other temporary use inside or outside the City, the Building Official may, within his discretion, waive any or all of the provisions of this chapter as he shall deem reasonable under the circumstances.

SECTION 3. VALIDITY: If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Turlock City Council hereby declares that they would have passed this ordinance, and each section, subsection, sentence, clause, word, or phrase thereof, irrespective of the fact that one or more section, subsection, sentence, clause, word, or phrase be declared invalid or unconstitutional.

SECTION 4. ENACTMENT: Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Stanislaus, State of California, together with names of the members of the City Council voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 24th day of January 2012, by the following vote:

AYES: Councilmembers
NOES:
NOT PARTICIPATING:
ABSENT:

Signed and approved this ___ day of _____, 2012.

_____
JOHN S. LAZAR, Mayor

ATTEST:

_____
Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF REPEALING TURLOCK MUNICIPAL CODE TITLE 8, CHAPTERS 1, 2, 5, 6, AND 8, REGARDING BULDING REGULATIONS AND ADOPTING NEW TITLE 8, CHAPTERS 1, 2, 5, 6, AND 8	**ORDINANCE NO. -CS**

WHEREAS, an ordinance of the Council of the City of Turlock repealing Title 8 Chapters 1, 2, 5, 6, and 8 of the Turlock Municipal Code and adding new Title 8 Chapters 1, 2, 5, 6, and 8 adopting by reference the following codes:

WHEREAS, the following publications are hereby adopted by reference and incorporated in this Code, except as expressly amended or superseded by the provisions of this chapter. Title 24, 2010 Edition of the California Building Standards Code including the following Parts:

Part 1 California Administrative Code,
Part 2 California Building Code Volumes 1 and 2, incorporating Appendix H, "Signs", and Appendix I, "Patio Covers"
Part 2.5 California Residential Code including Appendix E, Manufactured Housing used as Dwellings, Appendix G, Swimming Pools, Spas, and Hot tubs" and Appendix H, "Patio Covers"
Part 3 California Electrical Code including Annex Chapters A, B, C and D
Part 4 California Mechanical Code including Appendix Chapters A, B and C
Part 5 California Plumbing Code including Appendix Chapters A, B, D, and I
Part 6 California Energy Code including Appendix Chapters
Part 8 California Historical Code including Appendix Chapters
Part 10 California Existing Building Code including Appendix Chapters
Part 11 California Green Building Standards Code, Chapters 1-8
Part 12 California Referenced Standards Code including Appendix Chapters

Tables 3-A through 3-H of the 1994 Uniform Administrative Code

Table 1A within Section 107 of the 1994 Uniform Building Code

The Uniform Housing Code, 1997 Edition as published by the International Conference of Building Officials

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition as published by the International Conference of Building Officials

WHEREAS, The degree in change since the last update to the City Code is so significant.

BE IT ORDAINED by the City Council of the City of Turlock as follows:

SECTION 1. REPEALED: Title 8, Chapter 1, 2, 5, 6, and 8.

SECTION 2. ADDITION: New Title 8, Chapter 1, 2, 5, 6, and 8.

Chapter 8-1
BUILDING CODE STANDARDS

Sections:

Article 1. Uniform Codes

8-1-101 Purpose.
8-1-102 Adoption.
8-1-103 Finding of necessity for stricter standard.
8-1-104 Amendments, additions and deletions to the California Building Code.
8-1-105 Amendments, additions and deletions to the California Residential Code.
8-1-106 Fees.
8-1-107 Exceptions to fees.
8-1-108 Code defined.
8-1-109 Licenses required.
8-1-110 Addresses to be posted.
8-1-111 Violation: misdemeanor.

Article 2. Permits by Telephone or Internet

8-1-201 Building permits by telephone or internet ("Phone In, Facsimile or internet permits").

Article 3. Board of Building Appeals

8-1-301 General.
8-1-302 Authority to Adopt Rules.
8-1-303 Adopted Code Applicable.
8-1-304 Limitations on Authority.
8-1-305 Appeal Hearing Date.
8-1-306 Request for Information.
8-1-307 Board Decisions.
8-1-308 Appeal of Board's Decision

Article 1. Uniform Codes

8-1-101 Purpose.
The purposes of this chapter are to provide minimum standards to safeguard life, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the corporate limits of the City.

8-1-102 Adoption.
The following publications are hereby incorporated herein by reference and are adopted by the City of Turlock as the Building Code of the City of Turlock, except as expressly amended or superseded by the provisions of this chapter:

Title 24, 2010 Edition of the California Building Standards Code including the following parts:

Part 1 California Administrative Code,
Part 2 California Building Code Volumes 1 and 2, incorporating Appendix H, "Signs", and Appendix I, "Patio Covers"
Part 2.5 California Residential Code including Appendix E, Manufactured Housing used as Dwellings, Appendix G, Swimming Pools, Spas, and Hot tubs" and Appendix H, "Patio Covers"
Part 3 California Electrical Code including Annex Chapters A, B, C and D
Part 4 California Mechanical Code including Appendix Chapters A, B and C
Part 5 California Plumbing Code including Appendix Chapters A, B, D, and I
Part 6 California Energy Code including Appendix Chapters
Part 8 California Historical Code including Appendix Chapters
Part 10 California Existing Building Code including Appendix Chapters
Part 11 California Green Building Standards Code, Chapters 1-8
Part 12 California Referenced Standards Code including Appendix Chapters

Tables 3-A through 3-H of the 1994 Uniform Administrative Code

Table 1A within Section 107 of the 1994 Uniform Building Code

The Uniform Housing Code, 1997 Edition as published by the International Conference of Building Officials

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition as published by the International Conference of Building Officials

One copy of said California Building Standards Code and all other referenced publications, certified by the Clerk of said City of Turlock, is on file and will be kept on file for use and examination by the public in the Office of the Chief Building Official in said City of Turlock, 156 South Broadway, Turlock, California.

8-1-103 Finding of necessity for stricter standard.

The legislative body hereby makes the finding that a stricter standard than provided by the California Building Code, Section 2111.13.1, Volume 2, 2010 Edition, is necessary for the fire prevention and safety of Turlock residents. Due to local climatic conditions which exist in the City during the high-usage period of late fall and winter months, the California Building Code has proven to be insufficient to prevent the high number of fires which have occurred under the current standard. The legislature finds that a higher standard is therefore necessary and proper for the safety of Turlock residents.

The legislative body hereby makes the finding that a stricter standard than provided by the California Building Code, Section 105.2.2, Volume 1, 2010 Edition, is necessary for the safety of Turlock residents. Due to local climatic and seismic conditions which exist in the City, the California Building Code is insufficient to protect life and safety due to high wind and seismic loads that may occur under the under the current standard. The legislature finds that a higher standard is therefore necessary and proper for the safety of Turlock residents.

The legislative body hereby makes the finding that a stricter standard than provided by the California Residential Code, Section 313.3.8.1 2010 Edition, is necessary for the fire prevention and safety of Turlock residents. Due to local climatic conditions which exist in the City, the California Residential Code has proven to be insufficient to prevent the high number of pipe

failures which have occurred under the current standard. The legislature finds that a higher standard is therefore necessary and proper for the safety of Turlock residents.

The legislative body hereby makes the finding that a stricter standard than provided by the California Residential Code, Section 1005.3 2010 Edition, is necessary for the fire prevention and safety of Turlock residents. Due to local climatic conditions which exist in the City during the high-usage period of late fall and winter months, the California Residential Code has proven to be insufficient to prevent the high number of fires which have occurred under the current standard. The legislature finds that a higher standard is therefore necessary and proper for the safety of Turlock residents.

8-1-104 Amendments, additions and deletions to the California Building Code
The following amendments, additions and deletions are made to the California Building code adopted by this chapter:

1. Section 1.11.2.1.1 Enforcement is hereby amended to read as follows:
   1.11.2.1.1 The City of Turlock delegates to the Chief Building Official the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R, Division 3 dwellings, as described in Section 310.1 of Part 2 of the California Building Standards Code.
2. Section 101.4.1 is hereby amended to read as follows:
   101.4.1 Gas. The provisions of the California Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.
3. Section 101.4.2 is hereby amended to read as follows:
   101.4.2 Mechanical. The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.
4. Section 101.4.3 is hereby amended to read as follows:
   101.4.3 Plumbing. The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.
5. Section 101.4.4 is hereby amended to read as follows:
   101.4.4 Property maintenance. The provisions of the California Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.
6. Section 101.4.5 is hereby amended to read as follows:
   101.4.5 Fire prevention. The provisions of the California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or

removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

7. Section 103.2 Appointment is hereby amended to read as follows:
   The Chief Building Official shall be appointed by the City Manager and shall have the authority of the Building Official granted in said Code.
8. Section 105.1 is hereby amended to read as follows:
   105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to occupy an existing building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
9. Section 105.1.1. "Annual Permit" Not Adopted.
10. Section 105.1.2. "Annual Permit Records" Not adopted.
11. Section 105.2.2 is hereby amended to read as follows:
    Timber fences not over 6 feet (1,829 mm) high and masonry fences not over 5 feet (1,524mm) high.
12. Section 105.2.9 is hereby amended to read as follows:
    Prefabricated swimming pools accessory to Group R-3 occupancy that are less than 18" deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
13. Section 105.2.10 is hereby amended to read as follows:
    Shade cloth structures constructed for nursery or agricultural purposes, not including service systems and Group M occupancies
14. Section 107.2.3 Means of egress is hereby amended to read as follows.
    107.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. The construction documents shall designate the number of occupants to be accommodated on every floor and in all rooms and spaces. The Chief Building Official may waive this requirement.
15. Section 110.1 General is hereby amended to add the following:
    A survey of the lot may be required by the Chief Building official to verify that the structure is located in accordance with the approved plans.
16. Section 110.3.4 Frame inspection is hereby amended to read as follows:
    110.3.4 Frame inspection. Framing inspections shall be made after the roof is loaded, the building is substantially weather tight, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are completed.
17. Section 110.3.5 Lath and gypsum board inspection is hereby amended to delete the following: Exception; Gypsum board that is not part of a fire resistance rated assembly or a shear assembly
18. Section 110.3.11 is hereby added as follows:
    110.3.11 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

    Reinspection fees may be assessed when the inspection record is not posted or not otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the building official.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

19. Section 2111.13.1 is hereby amended to add the following:
    Factory-built chimneys and fireplaces shall be separated from combustible construction by materials approved for one hour fire-resistive construction on the fireplace and chimney side.
20. Section 3109, "Swimming pool enclosures and safety devices" not adopted.
21. Adopt, Chapter 31B, "Public Swimming Pools."
22. Add Section 3130B.3 as follows.
    3130B.3 Allowance for diatomaceous earth media filters. The installation of swimming pool filters which use diatomaceous earth (D.E.) as a media shall only be allowed if a separation tank is provided.

8-1-105 Amendments, additions and deletions to the California Residential Code
The following amendments, additions and deletions are made to the California Residential Code adopted by this chapter:

1. Section 1.11.2.1.1.1 is hereby amended to read as follows:
   The City of Turlock delegates to the Chief Building Official the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R-3 occupancies as described in Section 1.1.3.1 or CCR Part 2, California Building Code, Section 310.1.
2. Section R101.1 is hereby amended to read as follows:
   R101.1 Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Turlock and shall be cited as such and will be referred to herein as "this code."
3. Section R101.2 is hereby amended to read as follows:
   R101.2 Scope. The provisions of the California Residential Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.
   Exception: Live/work units complying with the requirements of Section 419 of the California Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. Fire suppression required by Section 419.5 of the California Building Code when constructed under the California Residential Code for One- and Two-family Dwellings shall conform to Section 903.3.1.3 of the California Building Code.
4. Section R109.1.4 is hereby amended to read as follows:
   R109.1.4 Frame and Masonry inspection. Inspection of framing and masonry construction shall be made after the roof is loaded, the building is substantially weather tight, the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after chimneys and vents to be concealed are completed and the rough electrical, plumbing, heating wires, pipes and ducts are completed.
5. Section R110.2 is hereby amended to read as follows:
   R110.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in Sections 3406 and 3407 of the California Building Code
6. Section R313.8.1.8 is hereby amended to read as follows:
   The piping system is tested in accordance with the California plumbing Code including a 150# pressure test for two hours to insure continuity of pipe fitting connections.
7. Table R301.2(1) is hereby amended to read as follows:

Table R301.2(1)
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From:			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freeze Index	Mean Annual Temp
	Speed MPH	Topographic Effects		Weathering	Frost Line Depth	Termite					
0	85	No	D	Negligible	12 Inches	Very Heavy	n/a	n/a	Flood Zone X	50	60

8. Section R1005.3 is hereby amended to add the following:
   Factory-built chimneys and fireplaces shall be separated from combustible construction by materials approved for one hour fire-resistive construction on the fireplace and chimney side.
9. Section AE102, "Application to existing manufactured homes and Building Service Equipment" is not adopted.
10. Section AE 301, "Permits" is not adopted.
11. Section AE302.2 is amended to delete the following:
    Where no unusual site conditions exist, the building official may accept approved standard foundation plans and details in conjunction with the manufacturer's approved installation instructions without requiring the submittal of engineering calculations.
12. Section AE305.5.1 is hereby amended to add the following:
    4. Compliance with the manufacture's installation instructions.
13. Section AE501.1 General is hereby amended to read as follows:
    AE501.1 General. A manufactured home shall be installed on a foundation system which has been designed by a California Licensed architect or engineer and constructed to sustain within the stress limitations specified in this code and all loads specified in this code.
    Exception: Foundation plans stamped and approved by the State of California shall be deemed to meet the requirements of this Appendix E.
14. Section AE501.3 is hereby amended to add the following:
    1. Piers shall be considered to resist only vertical forces acting in a downward direction.
15. Section AE503 "Skirting and perimeter enclosures" is not adopted.
16. Section AE504 "Structural Additions" is not adopted.
17. Section AE505 "Building Service Equipment" is not adopted.
18. Section AE506 "Exits" is not adopted.
19. Section AE507 "Occupancy, fire safety and energy conservation standards" is not adopted.
20. Section AE601 "Footings and Foundations" is not adopted.
21. Section AE603 "Height of piers" is not adopted.
22. Section AE604 "Anchorage Installations" is not adopted.
23. Section AE605 "Ties, materials and installation" is not adopted.
24. Section AE606 "Referenced standards" is not adopted.
25. Section AG102.1 Swimming Pool shall be amended to read as follows:
    SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water over 18 inches (457 mm) deep."
26. Section AG103.4 is hereby added to read as follows:

AG103.4 Allowance for Diatomaceous earth media filters. "The installation of swimming pool filters which use diatomaceous earth (D.E.) as a media shall only be allowed if a separation tank is provided.

27. Section AG105.2.2 is hereby amended to read as follows:
    The top of the barrier shall be at least 60 inches (1524 mm) above grade measured on the side of the barrier which faces away from the swimming pool.
28. Section AG105.2.8 is hereby amended to read as follows:
    Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching and locking device. Where the release mechanism of the self-latching device is located less than 60 inches (1524 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
    8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
    8.2 The gate and barrier shall have no opening larger than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism; and
    8.3 All swimming pool construction shall comply with the California Health and Safety Code Swimming Pool Safety Act including Section 115920-115929

8-1-106 Fees.
Table 1-A of Section 107 of Uniform Building Code, Volume 1, 1994 Edition, and Tables 3-A through 3-H of the 1994 Uniform Administrative Code shall be used for the purposes of computing permit, plan check and inspection fees as determined therein. The fees shall be one hundred fifty (150%) percent of the amount so determined.

Fees for plan check and inspection not addressed by the 1994 Uniform Building Code or the 1994 Uniform Administrative Code requirements necessary to meet California Green Building Standards Code, California Energy Code and as related to residential Fire sprinklers shall be based on actual cost recovery.

Fees and deposits for appeals to the Board of Building Appeals shall be as follows:

1) Deposit for appeal to be paid to the City Clerk with the application of appeal: $500
2) In the event that the applicant's appeal of the Building Official's decision is upheld by the Board, no appeal fee shall be incurred and all deposited funds shall be returned to the appellant. If the Building Official's opinion is sustained by the Board of Building Appeals, the total appeal fee shall be based on actual cost recovery

8-1-107 Exceptions to fees.
The following-named owners of proposed buildings shall be required to secure a building permit, if the provisions of this chapter apply to such buildings, but they shall be exempt from the requirements for payment except where the City incurs an actual cost for any plan-checking or permit fee for such buildings: the Federal, State, and County governments and any municipality, school district or other district, agency, or jurisdiction supported by public taxation.

8-1-108 Code defined.
Wherever the word "Code" is used in this chapter, the same shall be deemed to mean and refer to those Codes set forth in Section 8-1-102 of this chapter.

8-1-109 Licenses required.
Nothing contained in this chapter, or the Codes adopted by this chapter, shall be construed or deemed to be a waiver of the applicable provisions of the Municipal Code of the City requiring contractors, subcontractors, or specialty contractors to obtain licenses from the City under the circumstances and conditions therein prescribed.

8-1-110 Addresses to be posted.
All construction sites shall be clearly marked with a street address visible from the street.

8-1-111 Violation: Misdemeanor.
Violation of any provision of this chapter or any Code adopted by the City Council shall constitute a misdemeanor punishable as provided in Title 1, Chapter 2 of this Code.

Article 2. Permits by Telephone or internet

8-1-201 Building permits by telephone ("Phone In, Facsimile or internet permits").
A contractor may apply for building permits by telephone, facsimile or internet when such work is nonstructural and no documentation such as plans or calculations are required.

Work permitted by telephone, facsimile or internet is limited to: re-roofing, sewer and water line repair, termite repair, and mechanical equipment change out.

In order to obtain a "Phone In", facsimile or internet" permit, all of the following conditions must be met:

(a) Contractor has on file with the City of Turlock Building Division a valid license issued by the State of California Licensing Board;

(b) Contractor has a current City of Turlock Business License;

(c) Contractor has a current Worker's Compensation Certificate on file with the Turlock Building Division; and

(d) Contractor has on deposit with the City of Turlock Finance Division a minimum balance of Three Hundred and no/100ths ($300.00) Dollars. To remain eligible, such minimum balance shall be maintained on a monthly basis.

Article 3. Board of Building Appeals

8-1-301 General
In order to hear and decide appeals of orders, decisions or determinations made by the Chief Building Official relative to the application and interpretation of those Codes set forth in Section 8-1-102 of this chapter, there shall be and is hereby created a Board of Building Appeals, hereinafter referred to as the Board, consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction and are not employees of the jurisdiction. The Building Official shall act as Secretary of the Board.

The members of the Board shall be appointed by the City Council and shall hold office at its pleasure.

8-1-302 Authority to Adopt Rules.
The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the Chief Building Official within thirty (30) calendar days of the hearing with a duplicate copy to the appellant.

8-1-303 Adopted Code Applicable.
Except as otherwise provided in those Codes set forth in Section 8-1-102 of this chapter, the Board shall hear appeals in accordance with the procedures set forth herein.

8-1-304 Limitations on Authority.
An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this Code.

8-1-305 Appeal Hearing Date.
As soon as practicable after receiving a written appeal, the Building Official shall fix a date, time, and place for the hearing of the appeal by the Board. Such date shall be not less than ten (10) calendar days nor more than forty-five (45) calendar days from the date the appeal was filed with the Building Official. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to the appellant(s) by the Building Official either by causing a copy of such notice to be delivered to the appellant(s) personally or by mailing a copy thereof, postage prepaid, addressed to the appellant(s) at the address(es) shown on the appeal.

8-1-306 Request for Information.
Whenever in the course of any proceedings taken hereunder, the Board shall have cause to request additional information, the same may be requested of the Building Safety Division of the Economic Development Department, the Fire Department, or any other agencies charged by law with enforcement of health or safety requirements of local or state law.

8-1-307 Board Decisions.
The decision of the Board in granting or denying an appeal shall become final on the date of service of the decision.

Decisions of the Board shall be in writing and shall contain findings of fact, a determination of issues presented, and the requirements to be complied with. The decision of the Board shall be issued within thirty (30) calendar days of the hearing. A copy of the decision shall be delivered to the appellant(s) personally or sent by certified mail, postage prepaid, return receipt requested within thirty (30) calendar days of the effective date of the decision. The effective date of the decision(s) of the Board shall be as stated therein.

8-1-308 Appeal of Board's Decision.
Any appeal of a Board decision must be filed with a court of competent jurisdiction pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6 within thirty (30) calendar days of the service of the decision; otherwise all objections will have been waived. The filing of such appeal within such time limit shall stay the effective date of the decision of the Board.

Chapter 8-2
ELECTRICAL CODE

Sections:

8-2-01 Purposes.
8-2-02 Adoption of the Electrical Code of the City of Turlock.
8-2-03 Definitions.
8-2-04 Assistance to inspectors.
8-2-05 Permit: Issuance: Required licenses.
8-2-06 Permit: Issuance to owner.
8-2-07 Special requirements: Residential.
8-2-08 Special requirements: Commercial and industrial buildings.
8-2-09 Exceptions to fees.
8-2-10 Licenses required.
8-2-11. Violation: Misdemeanor.

8-2-01 Purposes.
The purposes of this chapter are to provide minimum standards to safeguard life, limb, health, property, and the public welfare by regulating and controlling the design, construction, installation, alteration, repair and quality of materials for electrical work within the City of Turlock.

8-2-02 Adoption of Electrical Code of the City of Turlock.
The following publications are hereby incorporated herein by reference and adopted by the City of Turlock as the Electrical Code of the City of Turlock, except as expressly amended or superseded by the provisions of this chapter.

California Electrical Code 2010 Edition, based on the 2008 National Electric Code, including Annex A, B, and C as published by National Fire Protection Association and as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

One copy of said California Electrical Code, certified by the Clerk of said City of Turlock, is on file and will be kept on file for use and examination by the public in the Office of the Building Official in said City of Turlock, 156 South Broadway, Turlock, California.

8-2-03 Definitions.
Whenever the following words appear in the California Electrical Code they shall be deemed to mean as follows:

(a) Chief Electrical Inspector shall mean the Chief Building Official or his deputies.

(b) Residential structure defined. "Residential structures," as used in this section means single-family and multi-family dwelling units and attached accessory uses only. Convalescent hospitals, rest homes, hotels and motels shall be considered as commercial.

8-2-04 Assistance to inspectors.
Upon reasonable advance notice being given to the Building Division, the contractor shall furnish the necessary help and equipment to assist the inspector to inspect the work done. This

help shall be provided during normal working hours of the trade involved provided during normal working hours of the trade involved and in a reasonable length of time proportionate to the size of the job.

8-2-05 Permit: Issuance: Required licenses.
No permit shall be issued to any person to do or cause to be done any electrical work regulated by this chapter, except to a person holding a valid unexpired and unrevoked California electrical contractor's license and City contractor's business license, except when and as otherwise provided in this chapter.

8-2-06 Permit: Issuance to owner.
Any permit required by this chapter may be issued to any person to do any electrical work regulated by this chapter in the event that person is the bona fide owner of any such buildings.

8-2-07 Special requirements: Residential.
(a) Not more than ten (10) outlets shall be permitted on any lighting circuit on No. 14 AWG wire.
(b) Where the service conduit is extended to furnish a support for the service drop wires, only rigid conduit of not less than one and one-fourth (1-1/4") inch trade size may be used and shall not extend more than thirty (30") inches beyond the last support.
(c) Substandard service equipment shall be brought up to standard on any and all remodeling jobs or in any case where additional wiring is installed.
(d) On panel and switchboard all circuits shall be identified by means of painting or other approved methods. Type S (non-tamperable) fuses shall be required in all new fuse panel and in existing installations showing evidence of overfusing.
(e) Except with special permission of the Chief Building Official, service entrance conductors shall be copper and not less than No. 2 for one hundred (100) amperes and No. 4/0 for two hundred (200) amperes.
(f) All temporary power pole services shall be at least fifty (50) ampere capacity with properly protected outlets.
(g) Dishwashers and garbage disposals shall each be wired on an individual circuit with No. 12 wire with 20 amp receptacles.
(h) All residential receptacle circuits shall be wired with No. 12 AWG conductors.
(i) A maximum of eight (8) receptacles and/or fixed outlets on each residential circuit shall be allowed.
(j) Bell transformers shall not be installed in attics.
(k) Electrical subpanels may not be installed over any plumbing fixture or in bathrooms or in clothes closets.
(l) Service equipment shall be located on the outside of all dwellings. The outer end of the service raceway shall be terminated where it is accessible to the serving agency.
(m) Where non-metallic sheathed cable is used all grounding on noncurrent carrying metal parts of fixed equipment shall be done by means of a grounding conductor running in the same cable with the circuit conductors.

8-2-08 Special requirements: Commercial and industrial buildings.
(a) Convenience outlets in commercial installations shall be wired with not less than No. 12 AWG wire with a maximum of ten (10) outlets per circuit.
(b) On panel and switchboards, all circuits shall be identified by means of painting or other approved methods. Type S (non-tamperable) fuses shall be required in all new fuse panels and in existing installations showing evidence of overfusing.

(c) Portable type neon signs, phonographs, pinball machines, merchandise dispensers and the like shall be wired with not more than six (6) feet of flexible cord.

(d) Electrical subpanels may not be installed over any plumbing fixtures or in bathrooms or in clothes closets.

8-2-09 Exceptions to fees.

The following-named owners of proposed buildings shall be required to secure a building permit, if the provisions of this chapter apply to such buildings, but they shall be exempt from the requirements for payment except where the City incurs an actual cost for any plan-checking or permit fee for such buildings: the Federal, State, and County governments and any municipality, school district or other district, agency, or jurisdiction supported by public taxation.

8-2-10 Licenses required.

Nothing contained in this chapter, or the Codes adopted by this article, shall be construed or deemed to be a waiver of the applicable provisions of the Municipal Code of the City requiring contractors, subcontractors, or specialty contractors to obtain licenses from the City under the circumstances and conditions therein prescribed.

8-2-11 Violation: Misdemeanor.

Violation of any provision of this chapter or any Code adopted by the City Council shall constitute a misdemeanor punishable as provided in Title 1, Chapter 2 of this Code.

Chapter 8-5
PLUMBING CODE

Sections:

8-5-101 Purposes.
8-5-102 Adoption of the Plumbing Code of the City of Turlock.
8-5-103 Administrative authority.
8-5-104 Exceptions to fees.
8-5-105 Licenses required.
8-5-106 Violation: Misdemeanor.

8-5-101 Purposes.
The purposes of this chapter are to provide minimum standards to safeguard life, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the City.

8-5-102 Adoption of the Plumbing Code of the City of Turlock
The following publications are hereby incorporated herein by reference and adopted by the City of Turlock as the Plumbing Code of the City of Turlock, except as expressly amended or superseded by the provisions of this chapter.

California Plumbing Code 2010 Edition, including, Appendix A , Appendix B and Appendix I based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, and as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

One copy of said California Plumbing Code 2010 Edition is on file and will be kept on file for use and examination by the public in the office of the Building Official in said City of Turlock, 156 S. Broadway, Turlock, California

8-5-103 Administrative authority.
Section 102.1 of said California Plumbing Code 2010 Edition is hereby amended to read as follows:

102.1.Authority having Jurisdiction. The Authority Having jurisdiction shall be the Chief Building Official of the Building Department and authorized deputies.

8-5-104 Exceptions to fees.
The following named owners of proposed buildings shall be required to secure a plumbing permit, if the provisions of this chapter apply to such buildings, but they shall be exempt from the requirement for the payment except where the City incurs an actual cost for any plan-checking or permit fee for such buildings: the Federal, State, or County government and any municipality, school district, agency, or jurisdiction supported by public taxation.

8-5-105 Licenses required.
Nothing contained in this chapter, or the Codes adopted by this article, shall be construed or deemed to be a waiver of the applicable provisions of the Municipal Code of the City requiring

contractors, subcontractors, or specialty contractors to obtain licenses from the City under the circumstances and conditions therein prescribed.

8-5-106 Violation: Misdemeanor.
Violation of any provision of this chapter or any Code adopted by the City Council shall constitute a misdemeanor punishable as provided in Title 1, Chapter 2 of this Code.

Chapter 8-6

MECHANICAL CODE

Sections:

8-6-101 Purposes.
8-6-102 Adoption of the Mechanical Code of the City of Turlock.
8-6-103 Licenses required.
8-6-104. Violation: Misdemeanor.

8-6-101 Purposes.
The purposes of this chapter are to provide minimum standards to safeguard life, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the City.

8-6-102 Adoption of the Mechanical Code of the City of Turlock
The following publications are hereby incorporated herein by reference and adopted by the City of Turlock as the Mechanical Code of the City of Turlock, except as expressly amended or superseded by the provisions of this chapter.

California Mechanical Code 2010 Edition, including, Appendix A, Appendix B and Appendix C based on the 2006 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials, and as adopted by the California Building Standards Commission in Title 24 of the California Code of Regulations.

One copy of said California Mechanical Code 2010 Edition is on file and will be kept on file for use and examination by the public in the Office of the Building Official in said City of Turlock, 156 S. Broadway, Turlock, California

8-6-103 Licenses required.
Nothing contained in this chapter, or the Codes adopted by this article, shall be construed or deemed to be a waiver of the applicable provisions of the Municipal Code of the City requiring contractors, subcontractors, or specialty contractors to obtain licenses from the City under the circumstances and conditions therein prescribed.

8-6-104 Violation: Misdemeanor.
Violation of any provision of this chapter or any Code adopted by the City Council shall constitute a misdemeanor punishable as provided in Title 1, Chapter 2 of this Code.

Chapter 8-8

BUILDING MOVING

Sections:

8-8-01 Building defined.
8-8-02 Permits: Required.
8-8-03 Permits: Issuance.
8-8-04 Permits: Denial.
8-8-05 Permits: Applications: Form.
8-8-06 Permits: Applications: Contents.
8-8-07 Suspension or revocation of permits.
8-8-08 Control and supervision.
8-8-09 Permits: Fees.
8-8-10 Permits: Bond or security.
8-8-11 Insurance.
8-8-12 Moving notices: Required.
8-8-13 Moving notices: Form and content.
8-8-14 Protests: Referral to Planning Commission.
8-8-15 Improvements and repairs: Required in certain cases.
8-8-16 Improvements and repairs: Time allowed for completion.
8-8-17 Duties of persons in charge of moving buildings.
8-8-18 Exceptions.

8-8-01 Building defined.

For the purposes of this chapter, "building" shall mean a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. A structure containing 120 square feet or less of floor space shall not fall within this definition.

8-8-02 Permits: Required.

No person shall move any building or structure over, along, or across any highway, street, or alley in the City without first obtaining a permit therefor from the City Engineer. All such permits shall be effective for a period of thirty (30) calendar days after the date of issuance.

8-8-03 Permits: Issuance.

A permit shall be issued only under the following conditions:

(a) All the inspection fees and permit fees required by this chapter and by this Code regulating building, electrical, plumbing, and gas installations shall have been paid;

(b) A route of travel within the City shall have been approved by the City Engineer;

(c) The building shall have been inspected and approved, and the certificate of inspection shall have been filed by the Building Official;

(d) The City Engineer shall have determined that the moving equipment to be used, when loaded, will not be detrimental to the streets or other property of the City;

(e) The applicant shall have posted securities and insurance certificates as required by the provisions of Section 8-8-10 and 8-8-11of this chapter;

(f) No written protests shall have been received, or protests which have been received shall have been overruled by the Planning Commission or the Council; and

(g) Required street and alley dedications shall have been made, and all required street or utility improvements and repairs shall have been made or security for such improvement or repair shall have been furnished.

8-8-04 Permits: Denial.
No permit shall be issued to move any building or structure which, in the opinion of the City Engineer or Chief Building Official:

(a) Is so constructed or in such condition as to be dangerous;

(b) Is infested with pests or insanitary;

(c) If it is a dwelling or habitation, is unfit for human habitation;

(d) Is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to, or be materially detrimental to, the property or improvements in the district within a radius of 1,000 feet from the proposed site;

(e) If the proposed use is prohibited by the zoning laws of the City;

(f) If the structure is of a type prohibited at the proposed location by any law of the City; or

(g) If the moving of the building or structure will cause unreasonable damage to the trees, plants, and shrubs on and along the public streets.

However, that if the condition of the building or structure, in the judgment of the Chief Building Official, admits of practicable and effective repair, the permit may be issued upon the terms and conditions set forth in Section 8-8-15 of this chapter.

8-8-05 Permits: Applications: Form.
The application for a permit shall be made in writing and in duplicate, upon forms provided by the City, and shall be filed with the Building Official at least fourteen (14) days prior to the date the building is to be moved. The Building Official shall transmit one copy to the City Engineer.

8-8-06 Permits: Applications: Contents.
The application for a permit issued pursuant to the provisions of this chapter shall set forth:

(a) The reason for the moving of the building; a description of the building to be moved, including the construction materials, dimensions, number of rooms, and condition of the exterior and interior;

(b) The proposed improvements to be made to the structure, if any; the proposed improvements to be made to the property, if any; and the street address from which the building is to be moved;

(c) A legal description and street address, if any, of the lot to which such building is to be moved;

(d) A site plan indicating the proposed location of the structure on the lot and the proposed improvements, if any, if such lot is inside the City;

(e) The highways, streets, and alleys of the City over, along, or across which the applicant proposes to move the building;

(f) The proposed moving date and hours;

(g) Whether the building conforms to the zoning laws for the area to which it is to be moved; and

(h) A description of the moving equipment, such as the weight, weight distribution to the wheels of the carrying vehicle, and the like.

8-8-07 Suspension or revocation of permits.
The City Engineer, at any time, for sufficient cause may revoke or suspend any permit granted pursuant to the provisions of this chapter.

8-8-08 Control and supervision.
Every building which is moved on, over, or through any public street, way, or park in the City shall be under the control of the City Engineer, and every such building shall be moved in a careful manner, and the work shall be prosecuted with diligence and to the satisfaction and approval of the City Engineer. The provisions of this section in no way shall relieve the person having the charge of the moving of any building of his obligation to furnish proper supervision.

8-8-09 Permits: Fees.
At the time of filling the application for a permit, fees established by resolution of the City Council shall be paid:

(a) For each building moved from a location inside or outside the City to another location outside the City over a route through the City; and

(b) For each building moved from a location inside or outside the City to another location inside the City, except that an accessory building not over 400 square feet in area may be moved in conjunction with the moving of a residence from the same location to the same location without paying an additional fee therefor.

8-8-10 Permits: Bond or security.
Prior to the issuance of a permit to move a building, the owner of the property from which the building is to be moved, or his agent, shall file with the City Clerk a bond or other form of security in favor of the City conditioned as follows:

(a) To secure the faithful performance of all repairs and improvements required pursuant to the provisions of Section 8-8-15 of this chapter and the faithful performance of all other conditions imposed on the granting of such permit. In no case shall the amount be less than Two Thousand and no/100ths ($2,000.00) Dollars; and

(b) To insure payment to the City of any cost for damages or the destruction of City property or public improvements which may result from the granting of such permit.

(c) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water, and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(d) Immediately after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(e) Within ten (10) days after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely close and seal any sanitary piping located on the property;

(2) Fill with dirt or sand any septic tanks or cesspools located on the property;

(3) Fill any openings, excavations, or basement remaining on the land with dirt or sand to the street level or the natural level of the adjoining property unless otherwise directed by the City Engineer;

(4) Remove any buried underground tanks formerly used for the storage of flammable liquids as may be required by the Fire Department; and

(5) Remove all refuse, debris, and waste materials from the property.

The bond required by the provisions of this section shall be in an amount equal to the cost of the work proposed to be done as estimated by the City Engineer.

The bond may be in the form of a corporate surety bond, cash deposit, saving and loan certificate, or an instrument of credit.

An extension of time for the completion of the work required by the provisions of this section may be granted by the City Engineer when, in his discretion, circumstances justify such an

extension, but no such extension shall release any bond or other security furnished pursuant to the provisions of this section.

8-8-11 Insurance.
A policy or certificate of liability insurance shall be secured which shall name the City and its agents additional insured and which shall indemnify and save the City harmless from any and all claims, actions, demands, damages, or expenses whatever which may result from the operations of the applicant under the moving permit, if granted, or from the exercise of the privileges conferred upon him by the permit. Such liability insurance shall be in amounts not less than One Hundred Thousand and no/100ths ($100,000.00) Dollars for injuries, including wrongful death, to any one person, in an amount not less than Three Hundred Thousand and no/100ths ($300,000.00) Dollars for injuries or death, and in an amount not less than Fifty Thousand and no/100ths ($50,000.00) Dollars for property damage on account of one accident.

8-8-12 Moving notices: Required.
Within five (5) days after the receipt of an application to move any building to a location inside the City, the Building Official shall cause a notice to be posted on the front and rear of the proposed location and on the front of the building proposed to be moved if the building is located inside the City.

8-8-13 Moving notices: Form and content.
The moving notice required by the provisions of Section 8-8-12 of this chapter shall have a title in letters not less than one inch in height, "MOVING NOTICE"; shall give the existing location of the house by street address and the name and address of the applicant requesting a permit to move such building; shall set forth the date of the posting; and shall state that protests may be filed with the Planning Commission within five (5) days after the date of the posting of such notice, excluding Saturdays, Sundays, and legal holidays.

8-8-14 Protests: Referral to Planning Commission.
Any person shall have the right to file a protest against any building being moved to any location inside the City. Such protest shall be in writing, shall set forth the reasons for the protest, and the name and address of the protestant and shall be filed with the Building Official who will forward it to the Planning Director.

8-8-15 Improvements and repairs: Required in certain cases.
The Building Official may, or the Planning Commission may in all cases where a protest in writing has been received and a hearing has been held thereon, require an applicant to make such improvements and repairs to the building sought to be moved as, in the opinion of the Building Official or the Planning Commission, are required to achieve compatibility with existing structures in the area to which the building is to be moved. The applicant shall make a dedication of all streets, alleys, or ways of the City as shown on the adopted General Plan and any precise plan for properties adjacent to or in the vicinity of the property on which the building is to be moved, and all street improvements shall be installed, or a bond or security approved by the City covering the cost of such improvements shall be filed with the Building Official.

8-8-16 Improvements and repairs: Time allowed for completion.
The time limit within which any improvements or repairs required by the provisions of this chapter shall be completed shall be written on the permit.

8-8-17 Duties of persons in charge of moving buildings.

Every person in charge of the moving of any building or structure on or over the street of the City shall:

(a) Give at least thirty-six (36) hours written notice to any person responsible for moving or removing wires or the doing of other things necessary to permit the moving of the building over the route approved;

(b) Give thirty-six (36) hours written notice to the Police Chief and Fire Chief of the time and date of the moving and the route over which the building or structure is to be moved; and

(c) Maintain four (4") inch minimum, self-illuminated red lights at each corner of the building from one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise while the building is in route.

8-8-18 Exceptions.

The provisions of this chapter shall apply to all buildings moved in or into the incorporated limits of the City, except as follows:

(a) Temporary storage in transit. Buildings or structure may be moved to a location within the City for the temporary storage thereof for a period not to exceed thirty (30) days under the following terms and conditions:

(1) The permittee shall have a fixed place of business within the City and shall have obtained a business license from the City to engage in the business of moving buildings or structures.

(2) No such buildings or structures shall be stored at any location, or in any manner, or for the purpose of sale in violation of any laws or ordinances of the State or the City.

(3) Any temporary storage shall have endorsed thereon the location and the duration of such storage and any other conditions specified by the Building Official and under which such permit is granted.

(4) The fee for such permit shall be the same as is provided for a permit to move buildings or structures to a location outside the City; provided, however, if the buildings or structures are removed from a temporary storage place to a location inside the City, a new permit shall be obtained on the same terms and conditions as are applicable to the moving of a building from one location inside the City to another location inside the City, including the payment of a fee established by resolution of the City Council for each building, less the amount of the fee previously paid by the permittee for the permit to move the buildings to such storage location.

(b) Temporary buildings. Whenever an application is filed for a permit to move a building or structure for use as a temporary construction office or tool storage building, agricultural building, or other temporary use inside or outside the City, the Building Official may, within his discretion, waive any or all of the provisions of this chapter as he shall deem reasonable under the circumstances.

SECTION 3. VALIDITY: If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Turlock City Council hereby declares that they would have passed this ordinance, and each section, subsection, sentence, clause, word, or phrase thereof, irrespective of the fact that one or more section, subsection, sentence, clause, word, or phrase be declared invalid or unconstitutional.

SECTION 4. ENACTMENT: Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Stanislaus, State of California, together with names of the members of the City Council voting for and against the same.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 24th day of January 2012, by the following vote:

AYES: Councilmembers
NOES:
NOT PARTICIPATING:
ABSENT:

Signed and approved this ___ day of _____, 2012.

_____
JOHN S. LAZAR, Mayor

ATTEST:

_____
Kellie E. Weaver, City Clerk,
City of Turlock, County of Stanislaus,
State of California

8A

Council Synopsis

January 10, 2012

From: Roy Wasden, City Manager

Prepared by: Michael Cooke, Regulatory Affairs Manager

Agendized by: Roy Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Accepting a report evaluating customer service provided by Development Services Division based on the results of a telephone survey of the Department's external customers

2. DISCUSSION OF ISSUE:

The City Council has committed significant resources to position Turlock at a competitive advantage in attracting economic development. Through careful land use planning and significant infrastructure investments, the City Council has laid the groundwork for Turlock to be the premiere place for business growth as the State's economy begins to recover. Given the Development Services Department's critical role in economic development, the City Manager requested that outreach be conducted to evaluate customer service and seek suggestions for improvement, as appropriate.

The Development Services Department has asked for customer feedback in the past but has been unable to obtain consistent information. For instance, very few customers have ever filled out the online customer service questionnaire on the Development Services webpage.

For this survey, all customers who had a formal interaction with Development Services in the month of October were called on the telephone. For some Divisions, like the Engineering and Planning Division, customer interactions from the summer were also included to increase the number of respondents. Twelve multiple-choice questions were posed using a "rating scale" for responses. This method was chosen because it is useful for determining the prevalence of an attitude, opinion, knowledge or behavior. The survey used what is known as a "Likert scale," where survey participants are asked whether they agree or disagree with a statement. Responses ranged from "strongly disagree" to "strongly agree," with five total answer options.

Further, all survey respondents were also asked an open-ended question at the end of the survey to provide suggestions to improve customer service. The responses to this open-ended question, although hard to quantify, provided

invaluable qualitative data that will help the City improve the way it interacts with its customers.

The sample size was relatively small and so the results of the survey do not provided a complete picture of the customer service provided by the Department. Nevertheless, some clear trends emerged. Overall, the Department is to be commended for the level of customer service it provides and for the improvements it has made over the years. As with all businesses, however, there is room for improvement in some areas. Fortunately, it appears that only some minor changes could result in a major improvement in service. Such changes, if faithfully implemented, will improve the Department's relationships with its customers and also enhance the Department's image.

3. BASIS FOR RECOMMENDATION:

A) The City Manager requested that this survey be undertaken as part of the City's overall economic development strategy and as part of the implementation of the City of Turlock's 2011-13 Strategic Plan.

B) The survey results provide important feedback that will allow the Department to better understand its strengths and weaknesses and to make improvements as appropriate.

Strategic Plan Vision: "...we are committed to world class customer service..."

Strategic Plan Initiative A. EFFECTIVE LEADERSHIP

Goal(s): b. Internal department service improvements

Strategic Plan Initiative F. ECONOMIC DEVELOPMENT

Goal(s): 7. Understand interdepartmental relationships to Economic Development

a. Create streamlined processes city-wide

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: None

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

A. Do not accept the report. This alternative is not recommended because it provides valuable information on the Development Services Department's strengths and weaknesses, as perceived by its external customers. Such information will allow the Department to stay focuses on its core strengths as well as implement necessary improvements to enhance customer service.

Customer Service Outreach & Evaluation

Development Services 2011

An evaluation of customer service provided by the Development Services Department based on telephone interviews with external customers

Customer Service Outreach & Evaluation

Overview

Background & Purpose

In 2006, by Resolution 2006-263, the Turlock City Council undertook an organizational restructuring to create the Development Services Department. The Department is composed of the following four core service areas: Engineering, Building & Safety, Planning, and Housing Program Services. The key objective in creating this Department was to "enable the City to better serve the development community with the goal of enhancing the overall quality of life in Turlock."

The City hired Childress Consulting to facilitate in the development of the Department, as well as the implementation of a change management process to create a "high performance work culture." As part of the change management process, Childress Consulting was tasked with engaging the development community to identify opportunities to improve customer service.

In 2008, as a result of the Great Recession, development activity declined precipitously in Turlock. To align revenue and expenses, the City implemented a number of staffing reductions which hit the Development Services Department especially hard.

Nevertheless, the Department has stayed focused on its key mission of "serving the public interest in partnership with developers, homeowners, and contractors, in order to build a

Development Services

The mission of Development Services is "...serving the public interest in partnership with developers, homeowners, and contractors, in order to build a better community to ensure the safety, health and welfare of the citizens of Turlock."

There is much to be proud of in the services that our employees in Development Services provide and the manner in which they provide those services. Indeed, customers noted an improvement in service over the past 2-5 years.

During the outreach process, customers also provided suggestions to improve customer service. Fortunately, it appears that just a few adjustments in some key areas are needed to enhance the standard of service and to improve the Department's relationship with its customers.

better community to ensure the safety, health and welfare of the citizens of Turlock."

The City Council has committed significant resources to position Turlock at a competitive advantage in the region to attract economic development. Through the preparation of Specific Plans and Environmental Impact Reports, accompanied by strategic annexations and significant investment in infrastructure, the City Council has laid the groundwork for Turlock to be the premiere place for business investment as the State's economy begins to recover. Given the Department's critical role in economic development, the City Manager requested that outreach be conducted to evaluate customer service and seek suggestions for improvement, as appropriate.

Survey Methodology

The Development Services Department has tried to obtain customer feedback in the past but has been unable to obtain consistent information. For instance, very few customers have ever filled out the online customer service questionnaire on the Development Services webpage.

For this survey, all customers who had a formal interaction with Development Services in the month of October were called on the telephone. Twelve multiple choice questions were posed using a "rating scale" for responses. This method was chosen because it is useful for determining the prevalence of an attitude, opinion, knowledge or behavior. The survey used what is known as a "Likert scale," where survey participants are asked whether they agree or disagree with a statement. Responses ranged from "strongly disagree" to "strongly agree," with five total answer options.

Survey respondents were also asked an open-ended question at the end of the survey whereby they could provide suggestions on how the Development Services Department could improve its service. These open-ended questions, although hard to quantify, provided invaluable qualitative data that will help the City improve the way it interacts with its customers.

Survey Results

	Customers Contacted	*Surveys Completed*
Predevelopment	8	4
Building Permits	12	10
Engineering Permits	6	3
Planning Permits	10	4
Total	36	24

The scoring rubric was as follows:

Response	*Score*
Strongly Agree	5
Agree	4
Neutral	3
Disagree	2
Strongly Disagree	1

Due to the small sample size, not only was the average score computed but also the amount of variability in scores (deviation around the square of the mean). A small deviation (≤ 1) gives confidence in the average score and tends to indicate that service is consistent in this area. When the deviation is larger (≥ 2.0), it means there is a high variability in scores; this could mean that service is inconsistent in this area. In this report, variability is rated either "high" or "low" for each question.

Also, survey responses were graded on a curve to normalize results; this allowed survey results to be placed into three broad categories: high satisfaction, neutral satisfaction, and dissatisfaction.

Survey Results: Predevelopment Meetings

Predevelopment Meetings – an overview

Since the late 1990s, Turlock has offered free "predevelopment" meetings where a variety of Department representatives sit down with customers and provide comments on proposed projects. Predevelopment meetings help customers understand how the City planning, zoning, codes and development standards affect a project's design. Further, customers receive an overview of the processes and timing of City approvals and permits. Also, City staff provides estimates of development-related fees so that customers can determine how City, County and school fees affect a project's budget. Finally, predevelopment meetings provide an opportunity for customers to meet the people who will be reviewing their project, ask them questions, and get answers. Ultimately, developers obtain all City-related information to help them determine whether a project is cost feasible.

Predevelopment Survey Results

		Ave	*Var*				
1	City employees were eager to help me	4.5	*low*	5	5	4	4
2	City employees were courteous	4.5	*high*	5	5	5	3
3	City employees conducted themselves professionally at all times	4.75	*low*	5	5	5	4
4	City employees treated me as a valuable customer (respect)	4.5	*high*	5	5	5	3
5	I was made to feel that my project was important to the City of Turlock	4.25	*high*	5	5	5	2
6	City employees had the technical knowledge necessary to assist me	4.75	*low*	5	5	5	4
7	City employees were able to answer my questions or find another employee who could assist me	4.75	*low*	5	5	5	4
8	Employees helped to identify solutions and alternatives to any problems that arose	4	*high*	5	5	3	3
9	I was given a clear sense of the next steps needed to move my project forward (in the approval process)	4.5	*low*	5	4	5	4
10	Service exceeded my expectations	4.25	*high*	5	4	5	3
11	It was easy to do business with the City of Turlock	4.25	*high*	5	4	5	3
12	My overall experience with the City of Turlock was positive	4	*high*	5	5	3	3

Areas of High Satisfaction (4.5 and above and low variability)	*Neutral Satisfaction (4.25-4.5 and higher variability)*	*Areas of Dissatisfaction (4.0 and below)*
Eagerness to help	Service expectations	Problem Solving
Courtesy	Ease of doing business	Overall experience
Employee professionalism		
Esteem – project importance		
Technical knowledge		
Institutional knowledge		
Provide direction / advice		
Respect - treatment as valuable customer		

Suggestions to Improve Customer Experience

- Demonstrate empathy and compassion toward the client.
- Be more specific when providing direction on development standards.
- Get down to the customer's level and see the project from their perspective.

Positive Comments

- There is a huge improvement from 5-6 years ago.
- The staff was very helpful – particularly Adrienne Werner and Mark Gomez.

Survey Results: Building Permits

Building Permit Process – an overview

The Building & Safety Division provides building plan review and inspection services to enforce and protect the health and safety of the public through the administration of the state's model building codes. Plan check staff review drawings for compliance with current building codes; support staff calculates the applicable fees and then issues a building permit. When construction begins, certified building inspectors monitor the project at various stages from start to finish. After the project is complete, building occupancy is granted and / or completion noted.

Building Permit Survey Results

		Ave	***Var***										
1	City employees were eager to help me	**4.3**	***high***	4	5	4	5	4	4	4	4	4	5
2	City employees were courteous	**4.4**	***high***	5	5	4	5	4	4	4	4	4	5
3	City employees conducted themselves professionally at all times	**4.1**	***high***	4	4	4	5	4	4	4	3	4	5
4	City employees treated me as a valuable customer	**3.8**	***high***	2	4	4	5	4	3	4	3	4	5
5	I was made to feel that my project was important to the City of Turlock	**3.6**	***high***	2	3	4	5	3	4	4	2	4	5
6	City employees had the technical knowledge necessary to assist me	**3.9**	***low***	4	4	4	4	4	3	4	4	4	4
7	City employees were able to answer my questions or find another employee who could assist me	**4.1**	***low***	4	4	4	5	4	4	4	4	4	4
8	Employees helped to identify solutions and alternatives to any problems that arose	**3.7**	***high***	4	3	4	5	4	4	3	2	4	4
9	I was given a clear sense of the next steps needed to move my project forward (in the approval process)	**3.9**	***high***	4	3	4	4	4	4	4	4	3	5
10	Service exceeded my expectations	**3**	***high***	2	3	2	5	3	3	4	2	3	3
11	It was easy to do business with the City of Turlock	**3.4**	***high***	2	3	2	4	4	4	4	4	3	4
12	My overall experience with the City of Turlock was positive	**3.7**	***high***	2	3	4	5	4	4	4	3	4	4

Areas of High Satisfaction (4.25 and above and low variability)	*Areas of Neutral Satisfaction (3.75-4.24 and higher variability)*	*Areas of Dissatisfaction (3.74 and below and highest variability)*
Eagerness to help	Employee professionalism	Solution Identification
Courtesy	Respect - treatment as valuable customer	Esteem – project importance
	Technical knowledge	Service expectations
	Institutional knowledge	Ease of doing business
	Provide direction / advice	Overall experience

Suggestions to Improve Customer Experience *(some respondents offered multiple comments)*

- Don't be too finicky in plan check. The City should reduce time on plan check and place more emphasis on the contractor and inspector resolving the issues in the field.
- Inspectors should be able to make more decisions in the field without additional documentation from the designer.
- Use common sense and don't use "liability" as a justification for excessive requirements.
- Staff must offer solutions to problems and be willing to partner with the contractor to ensure successful projects.
- Provide a mechanism, such as e-mail, whereby the City communicates information to both the designer and the client simultaneously.

Positive Comments

- Inspectors are excellent.
- Things are getting better, but it can be hit-and-miss.
- Jennifer Land, was very helpful; you need more people with attitudes like Jennifer.
- I am very happy about the progress and I am optimistic about the future.

Survey Results: Planning Permits

Planning Permits – an overview

The City of Turlock's Planning Division regulates land uses, site design, and building design consistent with adopted community policies, standards and ordinances. The Planning Division provides information on zoning, parking, signage, development standards (setback standards, height limitations, and the like), and the Turlock General Plan. The Planning Division processes a variety of development applications. Some permits issued are at a staff level, while other must be reviewed by the Planning Commission and the City Council. The City of Turlock's Planning Division is also the first stop for people setting up a new business in Turlock, including home-based businesses. For the purpose of this survey, 10 sample projects were chosen for analysis and included staff level permits as well as permits that were reviewed by the Planning Commission.

Planning Permits Survey Results

		Ave	***Var***				
1	City employees were eager to help me	**4.5**	***low***	4	5	5	4
2	City employees were courteous	**4.75**	***low***	4	5	5	5
3	City employees conducted themselves professionally at all times	**4.5**	***low***	4	5	5	4
4	City employees treated me as a valuable customer (respect)	**4.5**	***low***	4	5	5	4
5	I was made to feel that my project was important to the City of Turlock	**4.25**	***low***	4	4	5	4
6	City employees had the technical knowledge necessary to assist me	**4.5**	***low***	4	5	5	4
7	City employees were able to answer my questions or find another employee who could assist me	**4.25**	***low***	4	4	5	4
8	Employees helped to identify solutions and alternatives to any problems that arose	**4.25**	***high***	4	5	5	3
9	I was given a clear sense of the next steps needed to move my project forward (in the	**4.25**	***high***	4	5	5	3

	approval process)						
10	Service exceeded my expectations	4.5	*low*	4	5	5	4
11	It was easy to do business with the City of Turlock	4.25	*high*	4	5	5	3
12	My overall experience with the City of Turlock was positive	4.75	*low*	4	5	5	5

Areas of High Satisfaction (4.5 and above and low variability)	*Areas of Neutral Satisfaction (4.25-4.5 and higher variability)*	*Areas of Dissatisfaction (4.25 and below with high variability)*
Eagerness to help	Problem Solving	NONE
Courtesy	Provide direction / advice	
Employee professionalism	Ease of doing business	
Respect - treatment as valuable customer		
Esteem – project importance		
Technical knowledge		
Institutional knowledge		
Service expectations		
Overall experience		

Suggestions to Improve Customer Experience

- It is OK to be strict as long as employees explain why things have to be a certain way
- Be more active during community outreach (public noticing) to help communicate accurate information
- The service was excellent compared to other cities that have made drastic cutbacks in service. In the future, if you are looking for good examples of very efficient planning departments, consider looking at Rancho Cordova and Sacramento County.

Positive Comments

- You guys are doing a hell of a good job – planning, building, fire and Turlock Scavenger.

Survey Results: Engineering Permits

Engineering Permits – an overview

Among many other responsibilities, the Engineering staff issues a number of permits for both on-site and off-site construction. For work in the public right-of-way, contractors must obtain an encroachment permit. For on-site grading, the Engineering Division issues grading permits. The permits are reviewed and issued by public works inspectors who are assigned to work both in the field and at the Development Services front desk. Public Works inspectors are responsible for the inspection of all public improvements under construction by both the City and private developers. The inspectors must ensure that all construction is in accordance with approved plans and specifications, including requirements contained in the City of Turlock's Construction Standards and any applicable sections of the Municipal Code.

Engineering Permits Survey Results

		Ave	*Var*			
1	City employees were eager to help me	**4.67**	*low*	4	5	5
2	City employees were courteous	**4.33**	*low*	4	5	4
3	City employees conducted themselves professionally at all times	**4.67**	*low*	4	5	5
4	City employees treated me as a valuable customer (respect)	**5.00**	*low*	5	5	5
5	I was made to feel that my project was important to the City of Turlock	**4.33**	*low*	4	5	4
6	City employees had the technical knowledge necessary to assist me	**4.67**	*low*	5	4	5
7	City employees were able to answer my questions or find another employee who could assist me	**5.00**	*low*	5	5	5
8	Employees helped to identify solutions and alternatives to any problems that arose	**4.33**	*low*	4	5	4
9	I was given a clear sense of the next steps needed to move my project forward (in the approval process)	**4.33**	*low*	4	5	4

10	Service exceeded my expectations	**4.67**	*low*	4	5	5
11	It was easy to do business with the City of Turlock	**4.67**	*low*	4	5	5
12	My overall experience with the City of Turlock was positive	**4.67**	*low*	4	5	5

Areas of High Satisfaction (4.5 and above and low variability)	*Areas of Neutral Satisfaction (4.25-4.5 and higher variability)*	*Areas of Dissatisfaction (below 4.25)*
Eagerness to help	Courtesy	NONE
Employee professionalism	Esteem – project importance	
Respect - treatment as valuable customer	Problem Solving	
Technical knowledge	Provide direction / advice	
Institutional knowledge		
Service expectations		
Ease of doing business		
Overall experience		

Suggestions to Improve Customer Experience

NONE

Positive Comments

- Employees went above-and-beyond. They helped me outside of normal counter hours
- I appreciated that assistance was available even though the counter was officially closed

8B

Council Synopsis

January 10, 2012

From: Heidi McNally-Dial, Economic Development/Redevelopment Manager

Prepared by: Heidi McNally-Dial, Economic Development/Redevelopment Manager

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Adopting a resolution declaring its intent to serve as the Successor Agency of the Turlock Redevelopment Agency as provided for in Part 1.85 of AB X1 26 and elect to retain the housing assets and functions previously performed by the Turlock Redevelopment Agency

2. DISCUSSION OF ISSUE:

AB X1 26, which was signed by the Governor of California on June 29, 2011, added Parts 1.8 and 1.85 to the Community Redevelopment Law. Part 1.8 immediately suspended most redevelopment agency activities and, among other things, prohibits redevelopment agencies from incurring indebtedness or entering into or modifying contracts. Part 1.85 provided that on October 1, 2011, all existing redevelopment agencies and redevelopment agency components of community development agencies are dissolved, and successor agencies are designated as successor entities to the former redevelopment agencies. Part 1.85 imposes numerous requirements on the successor agencies and subjects successor agency actions to the review of oversight boards established under Part 1.85. The oversight board will be established through appointments from the Mayor, the County Superintendent of Schools and the Board of Supervisors. See attached memo from the Agency workshop of September 13, 2011 (Attachment A).

The California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California alleging that AB X1 26 and AB X1 27 are unconstitutional. On December 29, 2011, the Supreme Court issued its opinion in California Redevelopment Association, et al. v. Matosantos et al. The Court upheld AB X1 26 which provides for the dissolution of redevelopment Agencies. The Court also invalidated in its entirety AB X1 27 which would have allowed for continuation of redevelopment agencies which opt to make "voluntary payments".

3. BASIS FOR RECOMMENDATION:

Staff recommends that the Council adopt a resolution declaring the Council's intention for the City of Turlock to become the Successor Agency. While the City Council will no longer make up the Agency Board staff believes City staff can best carryout the winding down of the Agency and financial administration of previously approved or contracted projects.

RDA Counsel has recommended adoption of a Resolution declaring the intent of the Council to establish the City of Turlock as the Successor Agency and further recommends that the resolution be filed with the County Auditor-Controller's office by January 13, 2012. In addition, Staff recommends, and language is contained in the resolution, to elect to retain the housing assets and functions previously performed by the Agency.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal and budgetary impacts are under analysis by staff. Additional information will be forthcoming at future City Council meetings.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

There will be no new environmental impact associated with the action described above.

7. ALTERNATIVES:

Not adopt this resolution as recommended by staff. This is not recommended as either another agency within the Turlock Redevelopment area would become the Successor Agency or the Governor would appoint three people to become the oversight board.

TURLOCK REDEVELOPMENT AGENCY WORKSHOP
September 13, 2011

TO: Turlock Redevelopment Agency

FROM: Marie Lorenzi, Senior Accountant
Heidi McNally-Dial, Economic/Redevelopment Manager
Maryn Pitt, Housing Program Services Manager

SUBJECT: Discussion of Agency Options Regarding ABX1 26 and ABX1 27

REDEVELOPMENT OVERVIEW:

Redevelopment agencies were created through legislation in California in the 1950s to provide a financing tool for public improvements, elimination of blight, job creation and other community benefits. There currently are close to 400 redevelopment agencies in the State of California. The Turlock Redevelopment Area was adopted in 1993, expanded in 1996 and encompasses 4,318 acres, approximately 51% of the City.

RECENT LEGISLATION AND COURT ACTION:

Legislation signed by the Governor on June 29, 2011 has dramatically impacted redevelopment in California. While the actions face Court challenge and the outcome remains unknown redevelopment agencies must move forward to take action independent of the final outcome. ABX1 26 and ABX1 27 provide the following choices for redevelopment agencies :

- Dissolution
- Creation of a successor agency to wind down the business of the Agency
- Continuation of the agency following a hefty "voluntary payment" to the State and annual payments thereafter.

While many unknowns still exist and the legislation is unclear and/or conflicting in some cases, this staff report attempts to provide information on what each option could mean to the Turlock Redevelopment Agency and the City of Turlock.

The California Supreme Court has decided to hear the case challenging the constitutionality of the laws. They issued a stay for portions of ABX1 26 and for all of ABX1 27 and established an expedited briefing schedule.

The California Redevelopment Association and the League of California Cities believe this bodes well for redevelopment agencies. The Court intends to set a hearing for oral arguments before the end of the year and make a ruling before January 15, 2012. The first half of the first annual "voluntary payment" is due January 15, 2012.

DISCUSSION:

The Turlock Redevelopment Agency has already taken two important actions related to the legislation. First, the Agency authorized an appeal of the original CA Department of Finance (DOF) calculated "voluntary payment". The original calculation was based on 2008-2009 financial information and therefore did not include the principal and interest payments related to the 2011 bonds issued for construction of the Public Safety Facility. The DOF tax increment revenue available for debt payments was also higher than current tax increment due to reduced property values. The DOF calculated amount is $3,187,304 while Staff has calculated the amount to be $1,599,681. The DOF has until September 15 to respond to the appeal. They have the option of extending the timeline to October 15, which triggers a 30-day extension of all related timelines in the Legislation.

The second action the Agency has taken is adoption of the Enforceable Obligation Payment Schedule. This will enable the Agency to make payments to its creditors through the remainder of calendar year 2011. These obligations include contracts with sub-contractors, employee salaries, rent etc.

Exhibit A outlines the potential impacts and costs of the three options introduced above. Should the Supreme Court not invalidate ABX1 26 and/or ABX1 27, it is possible that any actions taken prior to their ruling will have to be revisited to either be ratified or changed. In the event the Supreme Court upholds ABX1 26 and/or ABX1 27 (or portions thereof) due to actions taken by the Legislature over the past few years, any Agency decisions taken after the Supreme Court rules should be entered into with the anticipation that they are single year decisions and will need to be revisited as State legislative changes occur.

The Agency Board would change dramatically if either the total dissolution or Successor Agency option are implemented. The provisions of governance under the successor option allows for only one City Council member on the seven member oversight board. In addition the Mayor would have the ability to appoint one employee of the existing Agency to the board. If the City does not opt to become the Successor Agency and no other local agency passes a resolution requesting the authority, the Governor would appoint three people to serve as the oversight board.

Budget implications are significant because the current budget contains well over $500,000 dollars in current administrative, fixed and employee costs. This includes all or portions of seven positions and a portion of administrative functions for each of the following divisions – City Council, City Manager, City Clerk, Finance, City Attorney, and Human Resources. If the Agency elects to support complete dissolution no funding would be available for any administrative purposes.

If a Successor Agency is created Legislation provides that a maximum of 5% can be used for administrative purposes this fiscal year and 3% thereafter. The definition of administration expenses is not clearly defined in the legislation. If tax increment is $8.0

million the maximum amount for administrative purposes is $ 400,000 considerably lower than what is currently budgeted. If these expenditures are not paid from Redevelopment another funding source will be necessary in order to avoid additional cuts to the City's overall budget. In addition, an annual fee of approximately $125,000 can be assessed by Stanislaus County under the legislation. It is unclear if this replaces the current "property tax administration fee" currently charged by the County or if it is in addition to the current charge. Given the increased work load required of the County Auditor-Controller by the legislation, Staff expects this fee to be increased.

If the Agency retains full control through the payment of the "voluntary payment" more funding for administrative purposes could be used if available. However, as *Exhibit B* points out, following housing set-aside, pass-throughs and bond debt service payments less than $500,000 remains available. As tax increment grows additional funds would be available to the Agency for future use.

Housing program funding and implementation will be severely impacted no matter which option is chosen by the Agency Board. If either the Dissolution or Successor Agency option is chosen the Agency will no longer have any redevelopment housing funds available. Those funds that currently exist and are committed to projects such as Avena Bella will remain in Turlock because of the existing Development and Disposition Agreement(DDA). The current DDA for Phase One provides for the Agency to contribute $5,000,000 in tax increment to enable the construction of the first 80 units for low and very-low income households. The second 60 unit phase is structured to trigger development when sufficient low-mod funds are available, estimated to be an RDA contribution of approximately $3-4 million. With a Successor Agency any current uncommitted housing funds would be transferred to the County Housing Authority for their use.

The "voluntary payment" option would allow the Agency to continue to receive the 20% housing set-aside monies from tax increment for future projects and to be used as match for other federally-funded housing programs. These low-mod funds are estimated to be $1.3 million for fiscal year 2011-12 and will change as gross tax increment changes. The downside of the continuation of the Agency is that the anticipated 2011-2012 housing tax increment will be needed to make the "voluntary payment". While the current law allows for use of the 2011-2012 revenue to make the "voluntary payment" this is a one-year only option. Also there are current discussions at the State level that may result in new legislation requiring repayment of the low-mod funds if they are used to make the "voluntary payment". As was discussed above the "voluntary payment" for the Turlock Redevelopment Agency is anticipated to be between $1.6 million and $3.2 million depending on the success of the appeal that was filed.

Existing assets of the Agency would be transferred to any Successor Agency whether that agency is the City of Turlock or another entity. If the Agency makes the "voluntary payment" the assets are retained by the Turlock Redevelopment Agency. Assets currently held by the Agency include 301 Starr Avenue which was purchased by the Agency for the future development of low-mod units.

Future project implementation will be nonexistent with any option other than one that includes the "voluntary payment" option. No new projects or contracts may be initiated by a Successor Agency. If the "voluntary payment" is made, the City Council, sitting as the Agency Board, can determine future project implementation and enter into contracts as it sees fit. The Agency's low-mod funds also serve as the local non-federal match for the HOME program. These federal funds require a 25% match to the federal funds on an ongoing program basis. The City currently has a sufficient match balance, however, staff estimates that in two to three years the match balance would be depleted and alternative matching funds would need to be identified in order to continue to use federal HOME funds.

At this time it is not possible to estimate how much tax increment will be available for new non-housing projects after fulfilling the Agency's current debt service and pass-through payment obligations.

ACTION	Board Composition	Budget Implications	Housing Program Funding & Implementation	Existing Assets	New Project Implementation	Other Comments
Dissolution of the Agency/Other Successor Agency Role: None except two Turlock reps serve on Board, if no entity becomes Successor Agency Governor appoints three people to serve as Board.	New 7 member Board 1 Council rep, 1 prior Agency employee, 1 TUSD rep., 1 Co. Office of Ed. rep., 1 Comm. College rep., 2 BOS reps (1 public member) OR 3 members appointed by Governor.	Contractual obligations deemed valid would be paid. No admin. funds would come to City.	No future low-mod funds available except those contracted obligations. Any excess uncommitted funds go to Housing Authority.	Assets, properties, contracts, leases, equipment etc. transfer to Successor Agency.	No new projects or contracts can be initiated.	The Successor Agency, if not the City would be the first Agency that passes a Resolution requesting the authority. If none, Governor appoints Board of three to oversee wind down.
City is Successor Agency Role: Assume limited responsibility. Purpose is to wind down the Agency.	New 7 member board as described above.	1st year 5% admin. allowed, 3% max in future years. If TI is $8M = $400,000 3% = $240,000	Same as above.	Assets, properties, contracts, leases, equipment etc. transfer to Successor Agency.	No new projects or contracts can be initiated.	This option would provide some continuum of efforts and limited admin. funds.
Retain Agency – Make Payment Role: Continue to function as Turlock Redevelopment Agency	City Council remains as Agency Board.	Agency retains budget discretion. Following housing set-aside, pass-thrus, debt service approx. $500,000 will remain annually. Agency will be required to make annual payments as defined by DOF.	Housing set-aside continues to accumulate to Agency for use as match or for programs. The large initial VARP will likely use housing funds, allowable first year only.	Turlock Redevelopment Agency maintains all assets and any excess tax increment.	Initiated as funds are available and the Agency Board sees fit.	This is a costly on-going commitment but maintains control of the Agency with the existing Board and provides for the continuation of housing programs.

EXHIBIT A

EXHIBIT B

	Original PA	Amended PA	
Increment Rec'd 2010-11	1,569,044.67	3,802,123.45	5,371,168.12
Pass Throughs			
Section 33676 withheld by County	783,540.56		not subject to 20% LMI
Negotiated withheld by County	343,840.23		
AB1290 withheld by County		794,390.69	
Gross Increment	2,696,425.46	4,596,514.14	7,292,939.60
20% LMI	382,576.98	919,302.83	1,301,879.81

	Original PA	Amended PA
Summary of Passthroughs 2010-11		
Section 33676 withheld by County	783,540.56	
Negotiated withheld by County	343,840.23	
Negotiated held by Agency	210,504.63	
AB1290 withheld by County		794,390.69
	1,337,885.42	794,390.69
		2,132,276.11

Available Cash (80%) 2010-11			
Increment rec'd	1,569,044.67	3,802,123.45	5,371,168.12
Negotiated PT's held by Agency	(210,504.63)		(210,504.63)
20% LMI	(382,576.98)	(919,302.83)	(1,301,879.81)
County Admin	(32,710.00)	(78,489.41)	(111,199.41)
			0.00
	943,253.06	2,804,331.21	3,747,584.27

Bond Debt Service Payments	2011-12	2012-13	2013-14	2014-15
1999 Bonds	330,872.50	332,210.00	333,022.50	328,441.25
2006 Bonds	1,533,841.26	1,535,814.26	1,536,941.26	1,537,141.26
2011 Bonds	1,431,538.36	1,069,143.76	1,069,143.76	1,323,618.76
	3,296,252.12	2,937,168.02	2,939,107.52	3,189,201.27

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ADOPTING A RESOLUTION DECLARING ITS INTENT TO SERVE AS THE SUCCESSOR AGENCY OF THE TURLOCK REDEVELOPMENT AGNECY AS PROVIDED FOR IN PART 1.85 AB X1 26 AND ELECT TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE TURLOCK REDEVELOPMENT AGENCY	**RESOLUTION NO. 2012-**

WHEREAS, the Turlock Redevelopment Agency (the "Agency") is a redevelopment agency in the City of Turlock (the "City"), created pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the "Redevelopment Law"); and

WHEREAS, the City Council of the City (the "City Council") adopted Ordinance No. 93-834 approving and adopting the redevelopment plan for the Turlock Redevelopment Project Area, and the City Council has amended such redevelopment plan adopting Ordinance 96 - 906, expanding the Redevelopment Project area. The Agency is undertaking a program to redevelop the Project Areas; and

WHEREAS, AB X1 26 was signed by the Governor of California on June 29, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) to Division 24 of the California Health and Safety Code. Commencing upon the effectiveness of AB X1 26, AB X1 26 suspends most redevelopment agency activities and, among other things, prohibits redevelopment agencies from incurring indebtedness or entering into or modifying contracts. Effective October 1, 2011, AB X1 26 dissolves all existing redevelopment agencies and redevelopment agency components of community development agencies, designates successor agencies to the former redevelopment agencies, and imposes numerous requirements on the successor agencies and subjects successor agency actions to the review of oversight boards established pursuant to the provisions of Part 1.85; and

WHEREAS, the California Redevelopment Association and League of California Cities have filed a lawsuit in the Supreme Court of California alleging that AB X1 26 and AB X1 27 are unconstitutional. On August 11, 2011, the Supreme Court of California decided to hear the case and set a briefing schedule designed to allow the Supreme Court to decide the case before January 15, 2012. On August 11, 2011, the Supreme Court also issued a stay order, which was subsequently modified on August 17, 2011. Pursuant to the modified stay order, the Supreme Court granted a stay of all of AB X1 27 (i.e., Part 1.9), except for Health and Safety Code Section34194 (b) (2) (relating to the determination of cities' fiscal year 2011-12 remittance amounts) and a partial stay of AB X1 26. With respect to AB X1 26, Part 1.85 was stayed in it's entirely, but part 1.8 was not stayed.

WHEREAS, on December 29, 2011 the Supreme Court upheld AB X1 26 and invalidated on its entirety AB X1 27, the City intends become the Successor Agency as provided by AB X1 26.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby find, order, determine and resolve as follows:

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. This Resolution is adopted pursuant to Health and Safety Code Section 34193.

Section 3. The City Council hereby declares its intent to serve as the Successor Agency to the Turlock Redevelopment Agency.

Section 4. The City Council hereby declares its intent to retain the housing assets and functions previously performed by the Turlock Redevelopment Agency.

Section 5. Neither the adoption of this Resolution nor the performance of actions under or pursuant to this Resolution is intended by the City or Agency to waive any right either may have to challenge the legality of all or any portion of AB X1 26 or AB X1 27 through administrative or judicial proceedings.

Section 6. The City Manager, or the City Manager's designee, is hereby authorized and directed to notify the County of Stanislaus Auditor-Controller, the State Controller, and the Department of Finance that the Council has adopted this Resolution, with such notification to be accompanied by a certified copy of this Resolution.

Section 7. This Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines. The City Council has determined that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b) (5)).

Section 8. The City Clerk is hereby directed to send a certified copy of this Resolution to the Agency.

Section 9. The officers and staff of the City are herby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution and any such actions previously taken by such officers are hereby ratified and confirmed.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 10th day of January 2012, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

_____
Kellie E. Weaver, City Clerk, City of Turlock, County of Stanislaus, State of California