

City Council Agenda



SEPTEMBER 25, 2012

7:00 p.m.

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



Mayor
John S. Lazar

Council Members
William DeHart, Jr.
Forrest White
Amy Bublak
Mary Jackson
Vice Mayor

City Manager
Roy W. Wasden
City Clerk
Kellie E. Weaver
City Attorney
Phaedra A. Norton

SPEAKER CARDS: To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

NOTICE REGARDING NON-ENGLISH SPEAKERS: The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

EQUAL ACCESS POLICY: If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

NOTICE: Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

AGENDA PACKETS: Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at www.cityofturlock.org and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

1. A. CALL TO ORDER

B. SALUTE TO THE FLAG

2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS

- A. Proclamation: October 2012, Breast Cancer Awareness Month supported by Turlock Fire Department
- B. Presentation: American Planning Association Journalism Section Award

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and the Council does not endorse the religious beliefs or views of this, or any other, invocation speaker.

3. A. SPECIAL BRIEFINGS:

1. CALIFORNIA STATE UNIVERSITY STANISLAUS:

Tomara Hall, Associated Students, Inc. Governmental Affairs Administrator

B. STAFF UPDATES: None

C. PUBLIC PARTICIPATION:

This is the time set aside for members of the public to directly address the City Council on any item of interest to the public, before or during the City Council's consideration of the item, that is within the subject matter jurisdiction of the City Council. You will be allowed three (3) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

No action or discussion may be undertaken on any item not appearing on the posted agenda, except that Council may refer the matter to staff or request it be placed on a future agenda.

4. A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS

5. CONSENT CALENDAR:

Information concerning the consent items listed hereinbelow has been forwarded to each Councilmember prior to this meeting for study. Unless the Mayor, a Councilmember or member of the audience has questions concerning the Consent Calendar, the items are approved at one time by the Council. The action taken by the Council in approving the consent items is set forth in the explanation of the individual items.

- A. Resolution: Accepting Demands of 8/30/12 in the amount of \$1,641,804.22; Accepting Demands of 9/6/12 in the amount of \$344,007.55
- B. Motion: Accepting Minutes of Special Meeting of September 11, 2012; Minutes of Regular Meeting of September 11, 2012
- C. Motion: Accepting notification of Contract Change Order No. 3 in the increased amount of \$600 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 08 – Roofing and Waterproofing, bringing the contract total to \$600,397
- D. Motion: Accepting notification of Contract Change Order No. 3 in the amount of \$18,906 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to \$2,525,192
- E.
 - 1. Motion: Approving Contract Change Order No. 1 (Final) in the decreasing amount of (\$1,798.68) (Fund 215) for City Project No. 0871/RPSTPLE-5165(053), "Christoffersen Parkway Median Landscaping Geer Rd. to N. Olive Ave.," bringing the contract total to \$420,105.20
 - 2. Motion: Accepting improvements for City Project No. 0871/RPSTPLE-5165(053), "Christoffersen Parkway Median Landscaping Geer Rd. to N. Olive Ave.," and authorizing the City Engineer to file a Notice of Completion
- F. Motion: Approving the Fiscal Year 2011-12 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), authorizing submission of the CAPER to the United States Department of Housing and Urban Development (HUD), and authorizing the City Manager or designee to execute related necessary documents
- G. Motion: Approving the renewal agreement between the City of Turlock and Independent Contractor/Kidz Love Soccer, Inc. for youth soccer classes
- H. Motion: Approving an agreement between Verizon Wireless and Turlock Police for cell phone service and products

- I. Motion: Approving an agreement between Stericycle and the Turlock Police Department for the removal and disposal of regulated medical waste and hazardous
- J. Resolution: Accepting a donation from E & J Gallo Winery in the amount of \$400 in 266-20-255-356.35720 "Police Explorers Program Revenue" and appropriating the money to account number 266-20-255-356.47118 "Police Explorer Program"
- K. Resolution: Accepting a donation from L. Makin in the amount of \$25 in account number 266-20-255-351.37200_000 "Police Donations"
- L. Resolution: Accepting donations received for Turlock Police Department's National Night Out to be deposited into account number 266-20-255-351.37200 "Police Donations", as per the attached Exhibit A
- M. Resolution: Accepting the fourth quarter of Fiscal Year 2011-12 monetary donations valued at \$523 from various donors in support of the City's Animal Control Services Unit and donations of assorted animal related products valued at \$2,883.25 utilized in support of the City's Animal Control Services Unit
- N. Resolution: Authorizing the City Manager, the City Manager's designee, or the City Attorney to execute agreements between the City of Turlock and local businesses or residents for the purpose of conducting training on non-City owned property for Fiscal Year 2012-13
- O. Resolution: Approving Post-Issuance Tax Compliance Procedures for Tax-Exempt and Direct Pay Subsidy Bonds
- P. Motion: Rejecting Claim for Damages filed by Joe Peggrum

6. **FINAL READINGS:** None

7. **PUBLIC HEARINGS:**

- A. *Continued from the September 11, 2012 City Council Meeting:* **GENERAL PLAN AMENDMENT 2012-03 AND CITYWIDE REZONE 2012-03 (TURLOCK GENERAL PLAN UPDATE)**

The City Council will consider a comprehensive update to the City's General Plan and Citywide Rezone affecting multiple properties within the City of Turlock. The proposed General Plan is required by State Law to guide future development of the City. The City of Turlock last comprehensively updated its General Plan in 1992, with a major amendment completed in 2003. The Citywide Rezone is required to maintain consistency between the General Plan and Zoning designations for specified properties. This item was continued from the September 11, 2012, special meeting. The City Council will consider the adoption of environmental findings and statement of overriding considerations for General Plan Alternative 1 described in the Draft Environmental Impact Report that would support growth of the City to approximately 104,300 residents by the year 2030. (Whitmore)

Recommended Actions:

ENVIRONMENTAL DETERMINATION:

Resolution: Adopting Findings of Fact and Statement of Overriding Considerations for the new Turlock General Plan as required by the California Environmental Quality Act

GENERAL PLAN DOCUMENT:

Motion: Modifying Guiding Policy 3.1-g and Implementation Policy 3.1-p by adding the following language: “*Prior to proceeding with the planning, annexation and development of Southeast Master Plan 2, 70 percent of the building permits shall be issued for the Northeast Master Plan, East Tuolumne Master Plan, and Southeast Master Plan 1, calculated on a cumulative basis.*”

Resolution: Adopting a New General Plan for the City of Turlock (GPA 2012-03) with the Alternative 1 Land Use Diagram described in the Draft Environmental Impact Report, amending Guiding Policy 3.1-g and Implementation Policy 3.1-p, and directing staff to revise the Public Review Draft General Plan in accordance with the Alternative 1 Land Use Diagram, as recommended by the Planning Commission

CITYWIDE REZONE (Introduce at this meeting)

Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2012-03 (Turlock General Plan Update Citywide Rezone)]

8. SCHEDULED MATTERS:

- A. Request to adopt a Strategic Plan for the City of Turlock Municipal Services Department for a period of three (3) years, 2012-2014. (*Madden*)

Recommended Action:

Motion: Adopting a Strategic Plan for the City of Turlock Municipal Services Department for a period of three (3) years, 2012-2014

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

Conference with Labor Negotiators, Cal. Gov't Code §54957.6

Agency Negotiators: Roy W. Wasden/Phil Lancaster

Employee Organization: Turlock Associated Police Officers

Employee Organization: Turlock City Employee Association

Employee Organization: Turlock Firefighters Association. Local 2434

Employee Organization: Turlock Management Association-Public Safety

Unrepresented Employees: Accountant, Sr., Assistant to the City Manager for Economic

Development/Redevelopment, Community Housing Services Manager, Deputy Development Services

Director/Planning, Development Services Director/City Engineer, Development Services Supervisor/City

Surveyor, Executive Assistant to the City Manager/City Clerk, Finance Customer Service Supervisor, Fire

Chief, Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services

Director, Payroll Coordinator, Principal Civil Engineer, Public Facilities Maintenance Manager, Regulatory

Affairs Manager, Secretary/Deputy City Clerk, Executive Administrative Assistant/Public Safety,

Technical Services Manager, Traffic/Transportation Engineering Supervisor, Utilities Manager, Water

Quality Control Division Manager

12. ADJOURNMENT

IN HONOR OF
BREAST CANCER AWARENESS MONTH
OCTOBER 2012

WHEREAS, nearly 200,000 women and 1,700 men are diagnosed with breast cancer each year; and

WHEREAS, about 40,000 of those diagnosed die each year; and

WHEREAS, October is Breast Cancer Awareness month; and

WHEREAS, members of the Turlock Fire Department will support breast cancer awareness by wearing specially designed pink tee shirts as part of their uniform in October; and

WHEREAS, this is an annual campaign designed to increase education to our City employees and our citizens about early detection, the cause, diagnosis, treatment, and support for survivors; and

WHEREAS, any member of the public may join in this important cause by purchasing and wearing one of these tee shirts for \$15.00 dollars at turlockfirefighters.org; and

WHEREAS, one hundred percent of the proceeds will be donated to the Emanuel Cancer Center in 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 all our citizens, do hereby proclaim October 2012, as "**BREAST CANCER AWARENESS MONTH**" in the City of Turlock and urge all citizens to join with City of Turlock Firefighters in their annual campaign to raise awareness and support for this worthy cause.

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 25th day of September, 2012.

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

5A

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ACCEPTING DEMANDS }
OF 8/30/12 IN THE AMOUNT OF }
\$1,641,804.22; DEMANDS OF 9/6/12 IN THE }
AMOUNT OF \$344,007.55 }

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:
8/30/12	\$1,641,804.22
9/6/12	\$344,077.55

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 25th day of September, 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

Payment Register

From Payment Date: 8/24/2012 - To Payment Date: 8/30/2012

5A1

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - Accounts Payable									
89975	08/27/2012	Open			Utility Management Refund	ATLANTIC REALTY	\$99.84		
	Paying Fund			Cash Amount					
	420 - WATER			420.11000 (Cash)				\$99.84	
89976	08/27/2012	Open			Utility Management Refund	BROWN, VANESSA	\$69.91		
	Paying Fund			Cash Amount					
	420 - WATER			420.11000 (Cash)				\$69.91	
89977	08/27/2012	Open			Utility Management Refund	DHALIWAL, AMRITA, S	\$161.71		
	Paying Fund			Cash Amount					
	420 - WATER			420.11000 (Cash)				\$161.71	
89978	08/27/2012	Open			Utility Management Refund	EXIT REALTY	\$81.53		
	Paying Fund			Cash Amount					
	420 - WATER			420.11000 (Cash)				\$81.53	
89979	08/27/2012	Open			Utility Management Refund	JOHNSON, MICHAEL	\$45.05		
	Paying Fund			Cash Amount					
	420 - WATER			420.11000 (Cash)				\$45.05	
89980	08/27/2012	Open			Utility Management Refund	KIMBLE, APRIL	\$72.15		
	Paying Fund			Cash Amount					
	420 - WATER			420.11000 (Cash)				\$72.15	
89981	08/27/2012	Open			Utility Management Refund	LAWRENCE, MICHAEL	\$49.46		
	Paying Fund			Cash Amount					
	420 - WATER			420.11000 (Cash)				\$49.46	
89982	08/27/2012	Open			Utility Management Refund	MODI, HETAL	\$68.88		
	Paying Fund			Cash Amount					
	420 - WATER			420.11000 (Cash)				\$68.88	
89983	08/27/2012	Open			Utility Management Refund	NEW TOWN ASSOCIATES LLC	\$153.98		
	Paying Fund			Cash Amount					
	420 - WATER			420.11000 (Cash)				\$153.98	
89984	08/27/2012	Open			Utility Management Refund	ROBINSON, JENNIFER	\$32.59		

Payment Register

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	Paying Fund		Cash Amount	Refund	Amount
89985	420 - WATER	Open	420.11000 (Cash)		\$32.59
	08/27/2012		Utility Management Refund	SEQUOIA PROPERTY MANAGEMENT	\$53.31
89986	420 - WATER	Open	420.11000 (Cash)		\$53.31
	08/27/2012		Utility Management Refund	VERA, ANTONIO, FLORES	\$50.50
89987	420 - WATER	Open	420.11000 (Cash)		\$231.19
	08/27/2012		Utility Management Refund	WRIGHT, ERIC	\$528.00
89988	420 - WATER	Open	420.11000 (Cash)		\$231.19
	08/30/2012		Accounts Payable	A & A PORTABLES INC	\$528.00
89989	301 - Capital Improvement	Open	301.11000 (Cash)		\$528.00
	08/30/2012		Accounts Payable	ACCOMTEMPMS INC	\$528.00
89990	410 - WATER QUALITY CONTROL (WQC)	Open	410.11000 (Cash)		\$179.28
	08/30/2012		Accounts Payable	AIRGAS NCN	\$179.27
89991	410 - WATER QUALITY CONTROL (WQC)	Open	410.11000 (Cash)		\$663.71
	08/30/2012		Accounts Payable	ALL VALLEY SMOG INC	\$445.50
89992	110 - General Fund	Open	110.11000 (Cash)		\$148.50
	08/30/2012		Accounts Payable	ALLIANCE SBDC	\$1,340.00
89993	205 - Sports Facilities	Open	205.11000 (Cash)		\$24.75
	08/30/2012		Accounts Payable	AMERICA'S AUTO GLASS	\$135.00
	217 - Streets - Gas Tax	Open	217.11000 (Cash)		\$49.50
	410 - WATER QUALITY CONTROL (WQC)	Open	410.11000 (Cash)		\$99.00
	420 - WATER	Open	420.11000 (Cash)		\$123.75
	258 - Housing Stimulus Funds	Open	258.11000 (Cash)		\$1,340.00
	420 - WATER	Open	420.11000 (Cash)		\$135.00

Payment Register

From Payment Date: 8/24/2012 - To Payment Date: 8/30/2012

Account Number	Payment Date	Open	Paying Fund	Account Type	Account Name	Cash Amount	Amount
89994	08/30/2012	Open	410 - WATER QUALITY CONTROL (WQC)	Accounts Payable	AMERICAN WATER WORKS ASSOCIATION	\$98.00	\$196.00
			420 - WATER	Cash		\$98.00	
89995	08/30/2012	Open	110 - General Fund	Accounts Payable	AT&T / CALNET 2	\$219.90	\$698.57
			255 - CDBG	Cash		\$39.33	
			405 - Building	Cash		\$58.19	
			410 - WATER QUALITY CONTROL (WQC)	Cash		\$185.41	
			420 - WATER	Cash		\$185.40	
			502 - Engineering	Cash		\$10.34	
89996	08/30/2012	Open	110 - General Fund	Accounts Payable	AVAYA INC	\$9.66	\$9.66
89997	08/30/2012	Open	110 - General Fund	Accounts Payable	CALIF DEPT OF TRANS	\$9.66	\$8,290.51
89998	08/30/2012	Open	216 - Streets - Local Transportation	Accounts Payable	CAROLLO ENGINEERS	\$8,290.51	\$136,099.89
			415 - Sewer Bond Projects	Cash		\$55,409.82	
			420 - WATER	Cash		\$80,690.07	
89999	08/30/2012	Open	110 - General Fund	Accounts Payable	CHAMPION INDUSTRIAL	\$1,133.08	\$1,133.08
90000	08/30/2012	Open	425 - Transit - Dial A Ride	Accounts Payable	CHARTER COMMUNICATIONS	\$239.96	\$239.96
90001	08/30/2012	Open	410 - WATER QUALITY CONTROL (WQC)	Accounts Payable	CHILDREN'S CRISIS CENTER	\$11,771.00	\$11,771.00
			420 - WATER	Cash		\$92.48	
			501 - Information Technology	Cash		\$42.50	
90002	08/30/2012	Open	257 - State HOME Funds	Accounts Payable	CITY OF TURLOCK - CASH	\$11,771.00	\$167.29
			110 - General Fund	Cash		\$58.00	

Payment Register

From Payment Date: 8/24/2012 - To Payment Date: 8/30/2012

90003	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	Accounts Payable	COMBINED BENEFITS ADMIN C	\$46,990.75
	420 - WATER	420.11000 (Cash)	Cash Amount		\$39.00
	426 - Transit - BLAST	426.11000 (Cash)	Cash Amount		\$16.00
	501 - Information Technology	501.11000 (Cash)	Cash Amount		\$41.29
	08/30/2012 Open		Accounts Payable		\$13.00
	Paying Fund		Cash Amount		Amount
90004	511 - Health Insurance	511.11000 (Cash)	Accounts Payable	COUNTY BANK VISA	\$3,985.11
	08/30/2012 Open		Accounts Payable		Amount
	Paying Fund		Cash Amount		\$3,985.11
90005	110 - General Fund	110.11000 (Cash)	Accounts Payable	CWEA	\$785.00
	08/30/2012 Open		Accounts Payable		Amount
	Paying Fund		Cash Amount		\$785.00
90006	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	Accounts Payable	ECONOMIC & PLANNING INC	\$4,600.00
	08/30/2012 Open		Accounts Payable		Amount
	Paying Fund		Cash Amount		\$4,600.00
90007	705 - NW Triangle Mello Roos (CFD #1)	705.11000 (Cash)	Accounts Payable	FRANTZ NURSERY	\$2,022.41
	08/30/2012 Open		Accounts Payable		Amount
	Paying Fund		Cash Amount		\$2,022.41
90008	246 - Landscape Assessment	246.11000 (Cash)	Accounts Payable	GEOANALYTICAL LAB INC	\$1,752.55
	08/30/2012 Open		Accounts Payable		Amount
	Paying Fund		Cash Amount		\$1,752.55
90009	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	Accounts Payable	GRAINGER INC, W W	\$2,206.31
	420 - WATER	420.11000 (Cash)	Accounts Payable		\$1,362.90
	08/30/2012 Open		Accounts Payable		\$389.65
	Paying Fund		Cash Amount		Amount
90010	110 - General Fund	110.11000 (Cash)	Accounts Payable	HARDER'S PRINT SHOP INC	\$971.74
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	Accounts Payable		\$121.38
	420 - WATER	420.11000 (Cash)	Accounts Payable		\$1,988.94
	08/30/2012 Open		Accounts Payable		\$95.99
	Paying Fund		Cash Amount		Amount
90011	425 - Transit - Dial A Ride	425.11000 (Cash)	Accounts Payable	HILMAR READY MIX	\$115.42
	426 - Transit - BLAST	426.11000 (Cash)	Accounts Payable		\$585.00
	08/30/2012 Open		Accounts Payable		\$386.74
	Paying Fund		Cash Amount		Amount
90012	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	Accounts Payable	HOLT OF CALIFORNIA INC	\$228.21
	420 - WATER	420.11000 (Cash)	Accounts Payable		\$45.63
	08/30/2012 Open		Accounts Payable		\$69.79

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Paying Fund	Cash Amount	Amount
90013	410 - WATER QUALITY CONTROL (WQC) 08/30/2012 Open Paying Fund	\$228.21
	Accounts Payable	
	HSQ INC	\$16,992.00
90014	410 - WATER QUALITY CONTROL (WQC) 420 - WATER 08/30/2012 Open Paying Fund	\$8,496.00
	Accounts Payable	
	ITRON INC	\$8,496.00
90015	420 - WATER 08/30/2012 Open Paying Fund	\$8,789.73
	Accounts Payable	
	JCS PROPERTIES INC	\$1,775.17
90016	625 - Successor Agency - LMI 08/30/2012 Open Paying Fund	\$1,775.17
	Accounts Payable	
	LPAS INC	\$9,245.00
90017	215 - Streets - Grant Funded Projects 08/30/2012 Open Paying Fund	\$9,245.00
	Accounts Payable	
	MAGIC SANDS MOBILE HOME	\$260.64
90018	625 - Successor Agency - LMI 08/30/2012 Open Paying Fund	\$260.64
	Accounts Payable	
	MAXUM PETROLEUM CO	\$4,271.93
90019	110 - General Fund 205 - Sports Facilities 217 - Streets - Gas Tax 246 - Landscape Assessment 410 - WATER QUALITY CONTROL (WQC) 420 - WATER 425 - Transit - Dial A Ride 426 - Transit - BLAST 502 - Engineering 08/30/2012 Open Paying Fund	\$784.03
	Accounts Payable	
	MULBERRY MOBILE PARK	\$234.85
90020	625 - Successor Agency - LMI 08/30/2012 Open Paying Fund	\$234.85
	Accounts Payable	
	NEIL O ANDERSON AND ASSOC	\$2,061.00
90021	305 - Capital Facility Fees 08/30/2012 Open Paying Fund	\$2,061.00
	Accounts Payable	
	NEW WORLD SYSTEM CORP	\$11,590.00

Payment Register

From Payment Date: 8/24/2012 - To Payment Date: 8/30/2012

90022	110 - General Fund	110.11000 (Cash)				\$6,000.00
	240 - Small Equipment Replacement	240.11000 (Cash)				\$5,590.00
	08/30/2012 Open		Accounts Payable	NIMBUS CONSULTING GROUP		\$4,600.00
	Paying Fund	Cash Amount			Amount	
90023	110 - General Fund	110.11000 (Cash)				\$4,600.00
	08/30/2012 Open		Accounts Payable	P G & E		\$7.84
	Paying Fund	Cash Amount			Amount	
90024	110 - General Fund	110.11000 (Cash)				\$7.84
	08/30/2012 Open		Accounts Payable	PLATT ELECTRIC SUPPLY		\$2,492.70
	Paying Fund	Cash Amount			Amount	
90025	217 - Streets - Gas Tax	217.11000 (Cash)				\$1,212.92
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)				\$1,279.78
	08/30/2012 Open		Accounts Payable	POLYDYNE INC		\$5,474.00
	Paying Fund	Cash Amount			Amount	
90026	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)				\$5,474.00
	08/30/2012 Open		Accounts Payable	RAY MORGAN COMPANY		\$2,147.11
	Paying Fund	Cash Amount			Amount	
	110 - General Fund	110.11000 (Cash)				\$1,722.56
	205 - Sports Facilities	205.11000 (Cash)				\$16.40
	217 - Streets - Gas Tax	217.11000 (Cash)				\$3.67
	246 - Landscape Assessment	246.11000 (Cash)				\$3.66
	405 - Building	405.11000 (Cash)				\$22.79
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)				\$235.68
	420 - WATER	420.11000 (Cash)				\$2.51
	502 - Engineering	502.11000 (Cash)				\$139.84
90027	08/30/2012 Open		Accounts Payable	REPUBLIC ITS		\$34,599.77
	Paying Fund	Cash Amount			Amount	
	216 - Streets - Local Transportation	216.11000 (Cash)				\$11,123.77
	302 - Street Light Installation	302.11000 (Cash)				\$23,476.00
90028	08/30/2012 Open		Accounts Payable	SAFE-T-LITE CO INC		\$2,448.55
	Paying Fund	Cash Amount			Amount	
	217 - Streets - Gas Tax	217.11000 (Cash)				\$2,226.01
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)				\$222.54
90029	08/30/2012 Open		Accounts Payable	SANTA FE AGGREGATES INC		\$150.50
	Paying Fund	Cash Amount			Amount	
90030	217 - Streets - Gas Tax	217.11000 (Cash)				\$150.50
	08/30/2012 Open		Accounts Payable	SHORE CHEMICAL CO		\$2,061.60

Payment Register

From Payment Date: 8/24/2012 - To Payment Date: 8/30/2012

Paying Fund	Cash Amount	Amount
205 - Sports Facilities	205.11000 (Cash)	\$2,061.60
08/30/2012 Voided	INCORRECT ENTRY	
	08/31/2012 Accounts Payable	STANISLAUS COUNTY
		\$731.00
Paying Fund	Cash Amount	Amount
110 - General Fund	110.11000 (Cash)	\$731.00
08/30/2012 Open	Accounts Payable	STANISLAUS COUNTY OFFICE OF EDUCATION
		\$93,100.79
Paying Fund	Cash Amount	Amount
621 - Successor Agency - Non LMI	621.11000 (Cash)	\$93,100.79
08/30/2012 Open	Accounts Payable	T I D
Paying Fund	Cash Amount	Amount
110 - General Fund	110.11000 (Cash)	\$1,697.48
205 - Sports Facilities	205.11000 (Cash)	\$1,255.68
216 - Streets - Local Transportation	216.11000 (Cash)	\$2,504.10
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$1,548.44
420 - WATER	420.11000 (Cash)	\$43,454.86
426 - Transit - BLAST	426.11000 (Cash)	\$290.63
08/30/2012 Open	Accounts Payable	TURLOCK CONVENTION BUREAU
Paying Fund	Cash Amount	Amount
120 - Tourism	120.11000 (Cash)	\$74,504.03
08/30/2012 Open	Accounts Payable	TURLOCK TRANSFER INC
Paying Fund	Cash Amount	Amount
110 - General Fund	110.11000 (Cash)	\$42.33
08/30/2012 Open	Accounts Payable	US BANK OFFICE EQUIPMENT
Paying Fund	Cash Amount	Amount
110 - General Fund	110.11000 (Cash)	\$153.89
502 - Engineering	502.11000 (Cash)	\$305.62
08/30/2012 Open	Accounts Payable	WEST AMERICA BANK
Paying Fund	Cash Amount	Amount
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$28,077.43
420 - WATER	420.11000 (Cash)	\$28,077.43
502 - Engineering	502.11000 (Cash)	\$56,154.86
08/30/2012 Open	Accounts Payable	WEST COAST SAND & GRAVEL
Paying Fund	Cash Amount	Amount
217 - Streets - Gas Tax	217.11000 (Cash)	\$3,470.88
08/30/2012 Open	Accounts Payable	WESTERN VIEW MOBILE RANCH
Paying Fund	Cash Amount	Amount
		\$2,799.11

Payment Register

From Payment Date: 8/24/2012 - To Payment Date: 8/30/2012

90040	625 - Successor Agency - LMI 08/30/2012 Open Paying Fund	625.11000 (Cash) Accounts Payable	WESTFORK ESTATES	\$2,799.11 Amount
90041	625 - Successor Agency - LMI 08/30/2012 Open Paying Fund	625.11000 (Cash) Accounts Payable	ANJOS, FRANK	\$728.30 Amount
90042	410 - WATER QUALITY CONTROL (WQC) 08/30/2012 Open Paying Fund	410.11000 (Cash) Accounts Payable	DANKS, COLIN	\$60.00 Amount
90043	110 - General Fund 08/30/2012 Open Paying Fund	110.11000 (Cash) Accounts Payable	FORTADO, RICHARD	\$500.00 Amount
90044	410 - WATER QUALITY CONTROL (WQC) 08/30/2012 Open Paying Fund	410.11000 (Cash) Accounts Payable	KAISER, CAMERON	\$118.69 Amount
90045	110 - General Fund 08/30/2012 Open Paying Fund	110.11000 (Cash) Accounts Payable	LAND, JENNIFER	\$400.00 Amount
90046	511 - Health Insurance 08/30/2012 Open Paying Fund	511.11000 (Cash) Accounts Payable	LEON, SERGIO	\$393.00 Amount
90047	205 - Sports Facilities 08/30/2012 Open Paying Fund	205.11000 (Cash) Accounts Payable	MARTINEZ, HECTOR A	\$60.00 Amount
90048	110 - General Fund 08/30/2012 Open Paying Fund	110.11000 (Cash) Accounts Payable	MOTA, KARINA	\$75.00 Amount
90049	110 - General Fund 08/30/2012 Open Paying Fund	110.11000 (Cash) Accounts Payable	SANCHEZ, CANDELARIA	\$75.00 Amount
90050	110 - General Fund 08/30/2012 Open Paying Fund	110.11000 (Cash) Accounts Payable	WILLIFORD, GARY	\$15.00 Amount
90051	405 - Building 08/30/2012 Open Paying Fund	405.11000 (Cash) Accounts Payable	WILLIFORD, GARY	\$65.00 Amount
	405 - Building	405.11000 (Cash)		\$65.00 Amount

Payment Register

From Payment Date: 8/24/2012 - To Payment Date: 8/30/2012

Type	Check No	Date	Payee	Account	Amount
90052	110	08/30/2012	WOODSMALL, ROSSANA	Cash Amount	\$22.00
	110	08/30/2012	YOSEMITE COMMUNITY COLLEGE	Cash Amount	\$964,951.96
79 Transactions					\$1,641,804.22

Type Check Totals:
AP - Accounts Payable Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	78	\$1,641,073.22	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$731.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	79	\$1,641,804.22	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	78	\$1,641,073.22	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$731.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	79	\$1,641,804.22	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	78	\$1,641,073.22	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$731.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	79	\$1,641,804.22	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	78	\$1,641,073.22	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$731.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	79	\$1,641,804.22	\$0.00

LIVE - City of Turlock - LIVE

Payment Register

From Payment Date: 8/24/2012 - To Payment Date: 8/30/2012

Payment Register

From Payment Date: 8/31/2012 - To Payment Date: 9/6/2012

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - Accounts Payable									
90054	08/31/2012	Open			Cash Amount	COIT RESTORATION SVCS INC	\$897.47		
		Paying Fund			410.11000 (Cash)				
								\$897.47	
90055	08/31/2012	Open			Cash Amount	COUNTY BANK VISA	\$1,168.80		
		Paying Fund			110.11000 (Cash)				
					410.11000 (Cash)				
					420.11000 (Cash)				
90056	08/31/2012	Open			Cash Amount	FARIA, JAMIE	\$426.00		
		Paying Fund			104.11000 (Cash)				
					110.11000 (Cash)				
90057	08/31/2012	Open			Cash Amount	IBM CORPORATION	\$5,303.85		
		Paying Fund			110.11000 (Cash)				
					501.11000 (Cash)				
90058	08/31/2012	Open			Cash Amount	STANISLAUS COUNTY	\$731.41		
		Paying Fund			110.11000 (Cash)				
90059	08/31/2012	Open			Cash Amount	SUPPORT PAYMENT CLEARING	\$439.13		
		Paying Fund			104.11000 (Cash)				
					110.11000 (Cash)				
90060	08/31/2012	Open			Cash Amount	WE CARE PROGRAM	\$8,593.62		
		Paying Fund			257.11000 (Cash)				
90061	08/31/2012	Open			Cash Amount	TREASURE HUNTERS	\$1,000.00		
		Paying Fund			110.11000 (Cash)				
90062	08/31/2012	Open			Cash Amount	VEGA'S PROFESSIONAL SERVICES	\$1,000.00		
		Paying Fund			110.11000 (Cash)				
90063	09/04/2012	Open			Cash Amount	T I D	\$25,369.41		

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From Payment Date: 8/31/2012 - To Payment Date: 9/6/2012

Paying Fund	Cash Amount	Amount
216 - Streets - Local Transportation	216.11000 (Cash)	\$9,492.19
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$3,240.82
420 - WATER	420.11000 (Cash)	\$13,636.40
90064	09/05/2012 Open	\$416.20
	Utility Management Refund	AMUCHASTEGUI, AARON
Paying Fund	Cash Amount	Amount
110 - General Fund	110.11000 (Cash)	\$0.84
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$2.08
420 - WATER	420.11000 (Cash)	\$413.28
90065	09/05/2012 Open	\$91.30
	Utility Management Refund	ATLANTIC & PACIFIC REAL ESTATE
Paying Fund	Cash Amount	Amount
420 - WATER	420.11000 (Cash)	\$91.30
90066	09/05/2012 Open	\$356.90
	Utility Management Refund	BRADFORD, GREG
Paying Fund	Cash Amount	Amount
420 - WATER	420.11000 (Cash)	\$356.90
90067	09/05/2012 Open	\$130.67
	Utility Management Refund	CASTREJON, ALMA R
Paying Fund	Cash Amount	Amount
420 - WATER	420.11000 (Cash)	\$130.67
90068	09/05/2012 Open	\$72.45
	Utility Management Refund	DIAZ, REBECCA, S
Paying Fund	Cash Amount	Amount
110 - General Fund	110.11000 (Cash)	\$1.67
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$1.89
420 - WATER	420.11000 (Cash)	\$68.89
90069	09/05/2012 Open	\$104.95
	Utility Management Refund	LEWIS, AARON
Paying Fund	Cash Amount	Amount
420 - WATER	420.11000 (Cash)	\$104.95
90070	09/05/2012 Open	\$37.70
	Utility Management Refund	MCSWEENEY, ZACHARY, JARED
Paying Fund	Cash Amount	Amount
420 - WATER	420.11000 (Cash)	\$37.70
90071	09/05/2012 Open	\$91.30
	Utility Management Refund	MENESES, RITA
Paying Fund	Cash Amount	Amount
420 - WATER	420.11000 (Cash)	\$91.30

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Account Number	Payment Date	Open	Paying Fund	Utility Management Refund	RODRIGUEZ, ANDREA, SANCHEZ	Cash Amount	Amount
90072	09/05/2012	Open	420 - WATER	Utility Management Refund		420.11000 (Cash)	\$16.69
90073	09/05/2012	Open	420 - WATER	Utility Management Refund	ROSAS, FELIPE	420.11000 (Cash)	\$45.81
90074	09/05/2012	Open	420 - WATER	Utility Management Refund	ROY, BEVERLEY	420.11000 (Cash)	\$58.70
90075	09/05/2012	Open	420 - WATER	Utility Management Refund	SCOTT, ANDREW	420.11000 (Cash)	\$25.00
90076	09/05/2012	Open	420 - WATER	Utility Management Refund	WOOD INVESTMENTS	420.11000 (Cash)	\$113.40
90077	09/05/2012	Open	420 - WATER	Accounts Payable	AMERINATN'L COMM SERVICE	420.11000 (Cash)	\$64,000.00
90078	09/05/2012	Open	255 - CDBG	Accounts Payable	CHILDRENS CRISIS CENTER	255.11000 (Cash)	\$14,515.67
90079	09/06/2012	Open	257 - State HOME Funds	Accounts Payable	CHILDRENS CRISIS CENTER	257.11000 (Cash)	\$7,513.76
90080	09/06/2012	Open	257 - State HOME Funds	Accounts Payable	WE CARE PROGRAM	257.11000 (Cash)	\$11,445.34
90081	09/06/2012	Open	257 - State HOME Funds	Accounts Payable	ACCOUNTEMPS INC	257.11000 (Cash)	\$432.88

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90082	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			\$216.44
	420 - WATER	420.11000 (Cash)			\$216.44
	09/06/2012 Open	Accounts Payable	AIRGAS NCN		\$163.63
	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			\$163.63
90083	09/06/2012 Open	Accounts Payable	ALLIANCE		\$20,190.00
	Paying Fund	Cash Amount			Amount
90084	121 - Tourism-City Share & Econ Devel	121.11000 (Cash)			\$20,190.00
	09/06/2012 Open	Accounts Payable	AMERICAN MESSAGING		\$296.53
	Paying Fund	Cash Amount			Amount
90085	110 - General Fund	110.11000 (Cash)			\$301.70
	09/06/2012 Open	Accounts Payable	AMERICAN MESSAGING		\$267.36
	Paying Fund	Cash Amount			Amount
90086	110 - General Fund	110.11000 (Cash)			\$425.20
	09/06/2012 Open	Accounts Payable	ANYTHING VINYL LLC		\$2,822.73
	Paying Fund	Cash Amount			Amount
90087	112 - Capital Purchases	112.11000 (Cash)			\$425.20
	09/06/2012 Open	Accounts Payable	AT&T / CALNET 2		\$2,822.73
	Paying Fund	Cash Amount			Amount
90088	110 - General Fund	110.11000 (Cash)			\$425.20
	09/06/2012 Open	Accounts Payable	AT&T MOBILITY		\$2,433.49
	Paying Fund	Cash Amount			Amount
	110 - General Fund	110.11000 (Cash)			\$240.09
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			\$149.15
	501 - Information Technology	501.11000 (Cash)			\$72.84
90089	09/06/2012 Open	Accounts Payable	BONANDER TRUCKS		\$72.84
	Paying Fund	Cash Amount			Amount
90090	110 - General Fund	110.11000 (Cash)			\$72.84
	09/06/2012 Open	Accounts Payable	BURTON'S FIRE APPARATUS		\$4,036.65
	Paying Fund	Cash Amount			Amount
90091	110 - General Fund	110.11000 (Cash)			\$4,036.65
	09/06/2012 Open	Accounts Payable	CENTRAL VALLEY CONCRETE		\$337.73
	Paying Fund	Cash Amount			Amount
90092	217 - Streets - Gas Tax	217.11000 (Cash)			\$337.73
	09/06/2012 Open	Accounts Payable	CHAMBERS TRANSPORT		\$1,125.00
	Paying Fund	Cash Amount			Amount
	217 - Streets - Gas Tax	217.11000 (Cash)			\$1,125.00

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	09/06/2012	Open		Accounts Payable	CHARTER COMMUNICATIONS	Amount
90093	Paying Fund		Cash Amount			
	501 - Information Technology		501.11000 (Cash)			\$54.99
90094	Paying Fund		Cash Amount			
	110 - General Fund		110.11000 (Cash)			\$92.93
	426 - Transit - BLAST		426.11000 (Cash)			\$50.18
90095	Paying Fund		Cash Amount			
	110 - General Fund		110.11000 (Cash)			\$858.00
90096	Paying Fund		Cash Amount			
	511 - Health Insurance		511.11000 (Cash)			\$23,176.84
90097	Paying Fund		Cash Amount			
	110 - General Fund		110.11000 (Cash)			\$1,450.88
	266 - Police Services Grants		266.11000 (Cash)			\$493.45
90098	Paying Fund		Cash Amount			
	240 - Small Equipment Replacement		240.11000 (Cash)			\$195.42
90099	Paying Fund		Cash Amount			
	110 - General Fund		110.11000 (Cash)			\$401.05
90100	Paying Fund		Cash Amount			
	425 - Transit - Dial A Ride		425.11000 (Cash)			\$8,570.80
	426 - Transit - BLAST		426.11000 (Cash)			\$35,156.50
90101	Paying Fund		Cash Amount			
	110 - General Fund		110.11000 (Cash)			\$226.23
90102	Paying Fund		Cash Amount			
	255 - CDBG		255.11000 (Cash)			\$1,146.00
90103	Paying Fund		Cash Amount			
	110 - General Fund		110.11000 (Cash)			\$481.04

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Paying Fund	Cash Amount	Amount
110 - General Fund	110.11000 (Cash)	\$631.31
90116 09/06/2012 Open Paying Fund	Accounts Payable WEST STEEL & PLASTIC	\$131.43
217 - Streets - Gas Tax	217.11000 (Cash)	\$131.43
90117 09/06/2012 Open Paying Fund	Accounts Payable WORK WELLNESS	\$50.00
110 - General Fund	110.11000 (Cash)	\$50.00
90118 09/06/2012 Open Paying Fund	Accounts Payable YORK INSURANCE SV GRP INC	\$11,845.67
510 - Workers Compensation Ins	510.11000 (Cash)	\$11,845.67
90119 09/06/2012 Open Paying Fund	Accounts Payable ZAP MFG INC	\$361.27
217 - Streets - Gas Tax	217.11000 (Cash)	\$361.27
90120 09/06/2012 Open Paying Fund	Accounts Payable ANDERSON LIFTIN INC	\$1,199.00
110 - General Fund	110.11000 (Cash)	\$1,199.00
90121 09/06/2012 Open Paying Fund	Accounts Payable ANDERSON LIFTIN INC	\$81.00
110 - General Fund	110.11000 (Cash)	\$81.00
90122 09/06/2012 Open Paying Fund	Accounts Payable CLEARS, INC	\$400.00
110 - General Fund	110.11000 (Cash)	\$400.00
90123 09/06/2012 Open Paying Fund	Accounts Payable COLNIC, AMY	\$10.50
110 - General Fund	110.11000 (Cash)	\$10.50
90124 09/06/2012 Open Paying Fund	Accounts Payable DELAHOYA, MAGGIE	\$10.50
110 - General Fund	110.11000 (Cash)	\$10.50
90125 09/06/2012 Open Paying Fund	Accounts Payable DELAROSA, SYLVIA	\$21.00
110 - General Fund	110.11000 (Cash)	\$21.00
90126 09/06/2012 Open Paying Fund	Accounts Payable DIAZ, MARICELA	\$21.00
110 - General Fund	110.11000 (Cash)	\$21.00
90127 09/06/2012 Open Paying Fund	Accounts Payable DOUBLETREE BERKELEY MARINA	\$623.11
110 - General Fund	110.11000 (Cash)	\$623.11

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90128	110 - General Fund 09/06/2012 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	DOUBLETREE BERKELEY MARINA	\$623.11
			Cash Amount			Amount
			110.11000 (Cash)			\$623.11
90129	110 - General Fund 09/06/2012 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	DOUBLETREE BERKELEY MARINA	\$623.11
			Cash Amount			Amount
			110.11000 (Cash)			\$623.11
90130	110 - General Fund 09/06/2012 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	DOUBLETREE BERKELEY MARINA	\$623.11
			Cash Amount			Amount
			110.11000 (Cash)			\$623.11
90131	110 - General Fund 09/06/2012 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	FISHER, SONIA	\$226.00
			Cash Amount			Amount
			110.11000 (Cash)			\$226.00
90132	110 - General Fund 09/06/2012 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	GALVAN, VICTORIA	\$10.50
			Cash Amount			Amount
			110.11000 (Cash)			\$10.50
90133	110 - General Fund 09/06/2012 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	GARCIA, RAUL	\$226.00
			Cash Amount			Amount
			110.11000 (Cash)			\$226.00
90134	110 - General Fund 09/06/2012 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	GIANG, TRACY	\$10.50
			Cash Amount			Amount
			110.11000 (Cash)			\$10.50
90135	110 - General Fund 09/06/2012 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	GMRI INC	\$35,821.99
			Cash Amount			Amount
			110.11000 (Cash)			\$35,821.99
90136	110 - General Fund 09/06/2012 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	GODOY, RAMON	\$226.00
			Cash Amount			Amount
			110.11000 (Cash)			\$226.00
90137	110 - General Fund 09/06/2012 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	HALEY CONSTRUCTION	\$480.00
			Cash Amount			Amount
			110.11000 (Cash)			\$480.00
90138	110 - General Fund 09/06/2012 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	HUERTA, MEREDITH	\$10.50
			Cash Amount			Amount
			110.11000 (Cash)			\$10.50
90139	110 - General Fund 09/06/2012 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	JACKSON, ROBERT	\$340.00
			Cash Amount			Amount
			110.11000 (Cash)			\$340.00

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90140	09/06/2012	Open	Accounts Payable	JIN, RUN	Amount
	Paying Fund		Cash Amount		
	110 - General Fund		110.11000 (Cash)		\$10.50
90141	09/06/2012	Open	Accounts Payable	MAVIS, ANDREA	\$10.50
	Paying Fund		Cash Amount		
	110 - General Fund		110.11000 (Cash)		\$10.50
90142	09/06/2012	Open	Accounts Payable	MEDRANO, SARA	\$110.00
	Paying Fund		Cash Amount		
	110 - General Fund		110.11000 (Cash)		\$110.00
90143	09/06/2012	Open	Accounts Payable	MORALS, MARINA	\$10.50
	Paying Fund		Cash Amount		
	110 - General Fund		110.11000 (Cash)		\$10.50
90144	09/06/2012	Open	Accounts Payable	MORAN, YOLANDA	\$10.50
	Paying Fund		Cash Amount		
	110 - General Fund		110.11000 (Cash)		\$10.50
90145	09/06/2012	Open	Accounts Payable	MORENO, ROCIO C	\$10.50
	Paying Fund		Cash Amount		
	110 - General Fund		110.11000 (Cash)		\$10.50
90146	09/06/2012	Open	Accounts Payable	MORENO, VITA	\$10.50
	Paying Fund		Cash Amount		
	110 - General Fund		110.11000 (Cash)		\$10.50
90147	09/06/2012	Open	Accounts Payable	NOVOA, LUIS	\$65.00
	Paying Fund		Cash Amount		
	110 - General Fund		110.11000 (Cash)		\$65.00
90148	09/06/2012	Open	Accounts Payable	PYRAMID FILMS CORPORATION	\$188.39
	Paying Fund		Cash Amount		
	240 - Small Equipment Replacement		240.11000 (Cash)		\$188.39
90149	09/06/2012	Open	Accounts Payable	REYNOSO, FRANCISCO	\$10.50
	Paying Fund		Cash Amount		
	110 - General Fund		110.11000 (Cash)		\$10.50
90150	09/06/2012	Open	Accounts Payable	RODRIGUES, STEVE	\$226.00
	Paying Fund		Cash Amount		
	110 - General Fund		110.11000 (Cash)		\$226.00
90151	09/06/2012	Open	Accounts Payable	SOARES, SHEALYN, L	\$21.00
	Paying Fund		Cash Amount		
	110 - General Fund		110.11000 (Cash)		\$21.00
90152	09/06/2012	Open	Accounts Payable	ST OF CA DEPT OF CONSUMER	\$115.00

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AFFAIRS

Paying Fund	Cash Amount	Amount
502 - Engineering	502.11000 (Cash)	\$115.00
90153 09/06/2012 Open	Accounts Payable VILLASENOR, ADELA	\$10.50
Paying Fund		
110 - General Fund	110.11000 (Cash)	\$10.50
90154 09/06/2012 Open	Accounts Payable WEBBER, RHONDA	\$10.50
Paying Fund		
110 - General Fund	110.11000 (Cash)	\$10.50
101 Transactions		
		\$344,007.55

Type Check Totals:
AP - Accounts Payable Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	101	\$344,007.55	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	101	\$344,007.55	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	101	\$344,007.55	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	101	\$344,007.55	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	101	\$344,007.55	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	101	\$344,007.55	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	101	\$344,007.55	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00

LIVE - City of Turlock - LIVE

Payment Register

From Payment Date: 8/31/2012 - To Payment Date: 9/6/2012

Stopped	0	\$0.00	\$0.00
Total	101	\$344,007.55	\$0.00

1. **CALL TO ORDER** - Mayor Lazar called the meeting to order at 4:34 p.m.
PRESENT: Councilmembers Amy Bublak (arrived at approximately 4:45 p.m.), Bill DeHart, Mary Jackson, Forrest White, and Mayor John S. Lazar.
ABSENT: None

2. **PUBLIC PARTICIPATION:**

Each of the following comments under Public Participation is in reference to Public Hearing Item 5A – General Plan Amendment 2012-03 and Citywide Rezone 2012-03 (Turlock General Plan Update).

Gene Wilson, representing the California Clean Energy Committee, spoke regarding the increase of vehicle miles traveled and the implications to families, the City, and the environment over the lifetime of the plan.

Milton Trieweiler spoke in favor of Alternative B, saving farmland, and the City of Turlock's future.

Richard Mowery spoke on behalf of Sau Yeung, Jonathan Porter, and Diana Porter-Suckow against Alternative B, concerns about transparency by the Planning Commission, and in favor of Alternative A.

Bob Endsley spoke regarding climate change, saving water, and increasing productivity in the valley.

Jessie Orosco spoke in favor of growing in the southwest area and limiting growth.

Juan Orosco spoke in favor of preserving agricultural land and limiting growth.

April Premo spoke in favor stopping growth and developing a plan for the City of Turlock to interface with agriculture.

3. **DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:** None

4. **CONSENT CALENDAR:** None

5. **PUBLIC HEARINGS:**

- A. **GENERAL PLAN AMENDMENT 2012-03 AND CITYWIDE REZONE 2012-03 (TURLOCK GENERAL PLAN UPDATE)**

Planning Manager Debbie Whitmore presented the staff report on a comprehensive update to the City's General Plan and citywide rezone affecting multiple properties within the City of Turlock. The proposed General Plan will guide future development of the City and result in the growth of the City to a cumulative population of around 127,000. The City of Turlock last

comprehensively updated its General Plan in 1992, with a major amendment completed in 2003. Ms. Whitmore introduced Consulting Attorney Rick Jarvis, and Leslie Gould and Sophie Martin of Dyett & Bhatia.

Ms. Gould and Ms. Martin presented information regarding the General Plan, including the following themes: 1) Agriculture & Growth Management, 2) Variety of Housing Types, 3) Business Attraction and Jobs, 4) Improve Circulation System, 5) Sustainable Development, 6) Infill and Revitalization, 7) New Master Plan Areas, 8) Recreation and Culture, and the Final Environmental Impact Report, including significant unavoidable impacts/mitigation measures and alternatives to the proposed plan.

Council discussion included costs associated with countywide agriculture mitigation, high speed rail considerations, annexations procedures and considerations, LAFCO considerations and future amendments to general plan, growth projections, industrial vs. residential growth, and infill development.

Mayor Lazar recessed the meeting at 5:55 p.m.

Mayor Lazar reconvened the meeting at 6:03 p.m.

Mayor Lazar asked for additional public comment.

City Attorney Phaedra Norton clarified that comments made during the meeting would be included as part of the administrative record for the General Plan Update.

Don Jeffries, Marie Roberson, and Ken Whitehill spoke against approval of the plan for reasons including smart growth plans and sustainable growth requirements being a part of "Agenda 21". Mr. Jeffries and Ms. Roberson spoke in favor of opting out of mandated sustainable growth requirements.

Jessie Orosco inquired about costs of the proposed interchange and the need for growth.

Richard Mowery spoke regarding allowable alternatives presented on the agenda.

Steven Nascimento spoke in favor of the Council taking a strong stand and sharing the vision of the Planning Commission and community for no growth west of Highway 99.

Mayor Lazar closed the public hearing.

Additional Council and staff discussion included the Lander interchange, timelines for the 70% residential build out, county islands being included in population growth estimates, potential annexation processes and agreements between the City and Stanislaus County, and residential vs. industrial growth west of the freeway.

ENVIRONMENTAL DETERMINATION:

Action: **Resolution No. 2012-156** Certifying the Final Environmental Impact Report for the New General Plan for the City of Turlock (GPA 2012-03), as required by the California Environmental Quality Act was introduced by Councilmember DeHart, seconded by Councilmember Jackson, and carried unanimously.

GENERAL PLAN DOCUMENT:

ALTERNATIVE A: ADOPTING THE PREFERRED LAND USE PLAN AS DESCRIBED IN THE PUBLIC REVIEW DRAFT GENERAL PLAN AND ERRATA

A resolution adopting a New General Plan for the City of Turlock (GPA 2012-03) with the Preferred Land Use Diagram described in the Public Review Draft General Plan and Errata was introduced by Councilmember Bublak, and failed due to lack of a second.

ALTERNATIVE B: ADOPTING TURLOCK GENERAL PLAN ALTERNATIVE 1 WITH THE ADDITION OF A POLICY REQUIRING 70% OF THE BUILDING PERMITS TO BE ISSUED FOR NORTHEAST TURLOCK MASTER PLAN, EAST TUOLUMNE MASTER PLAN, AND SOUTHEAST MASTER PLAN 1, CUMULATIVELY, BEFORE INITIATING SOUTHEAST MASTER PLAN 2

Action: Motion by Councilmember Jackson, seconded by Councilmember Dehart, Directing staff to revise the Findings of Fact for Alternative B and continuing this item, with revisions, to the September 25, 2012 meeting for the adoption of a new General Plan. Motion carried with Councilmember Bublak dissenting.

Planning Manager Debbie Whitmore reminded those in attendance that as a result of the action taken at tonight's meeting, this matter will be continued to the next regular meeting of the Turlock City Council to be held September 25, 2012, at 7:00 p.m., at which time the Council will consider adoption of the Findings of Fact, Statement of Overriding Considerations, new General Plan, and Rezone 2012-03.

6. CLOSED SESSION:

Alex Cantatore spoke regarding the Closed Session Item regarding 301 Starr Avenue, related to the Haven Women's Center, and asked that no action be taken on this item until additional outreach has been conducted.

City Attorney Phaedra Norton explained that neither of the Closed Session items would be heard during the meeting.

Conference with Real Property Negotiators, Cal. Gov't Code §54956.8

Property: 301 Starr Ave., Turlock, APN 042-022-083-000
Agency Negotiators: Roy Wasden
Negotiating Parties: Havens Women's Center
Under Negotiation: Price and Terms of Payment

Action: None. Item not considered.

Conference with Labor Negotiators, Cal. Gov't Code §54957.6

Agency Negotiators: Roy W. Wasden/Phil Lancaster
Employee Organization: Turlock Associated Police Officers
Employee Organization: Turlock City Employee Association
Employee Organization: Turlock Firefighters Association. Local 2434
Employee Organization: Turlock Management Association-Public Safety
Unrepresented Employees: Accountant, Sr., Assistant to the City Manager for Economic Development/Redevelopment, Community Housing Services Manager, Deputy Development Services Director/Planning, Development Services Director/City Engineer, Development Services Supervisor/City Surveyor, Executive Assistant to the City Manager/City Clerk, Finance Customer Service Supervisor, Fire Chief, Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Payroll Coordinator, Principal Civil Engineer, Public Facilities Maintenance Manager, Regulatory Affairs Manager, Secretary/Deputy City Clerk, Executive Administrative Assistant/Public Safety, Technical Services Manager, Traffic/Transportation Engineering Supervisor, Utilities Manager, Water Quality Control Division Manager

Action: None. Item not considered.

7. **ADJOURNMENT:**

Mayor Lazar adjourned the meeting at approximately 6:44 p.m.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk

-
1. A. **CALL TO ORDER** –Mayor Lazar called the meeting to order at 7:05 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. Mayor Lazar noted that the representative from Turlock Irrigation District was not in attendance and advised the presentation would be handled under Staff Updates Item 3B₃.
 - B. Mayor Lazar recognized members of the Pitman High School Band, including Alex Scott, Ryan Williams, Monique Nohgli, Megan Acree, Marcelle Winkler and Gary Dunn who shared about their experience in Washington, D.C., to perform in the 2012 Washington D.C. Independence Day Parade. Jaime Dunn, Pitman Band Booster President, provided a Powerpoint presentation highlighting their trip. Councilmember Jackson acknowledged Pitman High School Band Director Ruben Modesto for his work with the Pitman High School Band.
 3. A. **SPECIAL BRIEFINGS:** None
 - B. **STAFF UPDATES**
 1. City Clerk Kellie Weaver provided information regarding Board, Commission, and Committee vacancies.
 2. Parks, Recreation & Community Facilities Supervisor Mark Crivelli provided an update on the ASA Softball Western National Tournament and introduced Matt Pfeifer, ASA Commissioner, who presented information about the economic impacts of hosting an ASA tournament.
 3. Recreation Supervisor Karen Packwood provided an update on the aquatics season and recognized Turlock Irrigation District for their continued support of the Swim Pass Program. She also spoke regarding upcoming activities, including the annual Christmas Parade. City Manager Roy Wasden acknowledged Councilmembers Bublak and Jackson and City Treasurer Diana Lewis who gave up their benefits to provide funding for the swim program.
 4. Development Services Director Mike Pitcock provided an update on capital projects, including the annual Slurry Seal Project, Washington Road at W. Main Street Traffic Signal Project, Angelus water lines between Lander Avenue and Orange Street, and the Harding Bypass Drain.

5. Municipal Services Director Dan Madden provided information to Council regarding the odor emanating from Donnelly Park. Mr. Madden explained an algae bloom is occurring which affects oxygen levels in the lake and is resulting in the death of lake fish. He advised staff is working diligently to balance resources to control the problem.

C. PUBLIC PARTICIPATION:

Marie Roberson spoke regarding recent graffiti in the downtown area and freedom of speech issues. She asked that, because of the nature of the graffiti, it be removed immediately. City Manager Roy Wasden responded that the City has been working with the owners of the business where the graffiti is located and follow up will be conducted.

Susan Beasley extended an invitation to the Modesto International Heritage Festival to be held on Saturday, October 6, 2012. The Festival celebrates international and American culture through music, dance, food and displays.

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: None

5. CONSENT CALENDAR:

Staff requested that Consent Calendar Item 5E be removed from the Consent Calendar to be brought forward at a future meeting.

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

- A. **Resolution No. 2012-157** Accepting Demands of 8/16/12 in the amount of \$1,195,095.23; Demands of 8/23/12 in the amount of \$1,187,359.12
- B. **Motion:** Accepting Minutes of Regular Meeting of August 28, 2012
- C. 1. **Motion:** Approving the advertisement for construction proposals for City Project No. 11-42, "Fulkerth Water Tank and Pump Station"
2. **Resolution No. 2012-158** Authorizing the sole source specification of various equipment for City Project No. 11-42, "Fulkerth Water Tank and Pump Station"
- D. **Motion:** Awarding bid and approving an agreement in the amount of \$32,938 (Fund 413) with Swan Engineering of Roseville, California, for City Project No. 12-22, "Pedretti Park Sewer Line"
- E. *Removed for future consideration.*
- F. **Resolution No. 2012-159** Amending the adopted policies and procedures for administering the First Time Home Buyers (FTHB) Program by the City of Turlock for the CalHome funding source
- G. **Resolution No. 2012-160** Appropriating \$30,000 to Fund 410-51-531-44001.005 "Piping Supplies (Sewer)" and \$10,000 to Fund 410-51-531-44001.001 "Supplies General" from the Water Quality Control Fund 410 reserve for anticipated supply expenses associated with various sewer line improvement projects in Fiscal Year 2012-

- H. 1. **Resolution No. 2012-161** Authorizing the filling of one (1) current vacant Utility Worker I position within the Utilities Division of Municipal Services through an in-house recruitment of full-time, part-time, and volunteer staff and outside recruitment if needed
2. *Motion*: Authorizing the promotion of one (1) eligible staff person to the Utility Worker II classification through standard personnel practices
- I. **Resolution No. 2012-162** Authorizing the filling of one (1) vacant Office Assistant I position within the Neighborhood Services Division of the Police Department through an in-house recruitment of full-time, part-time, and volunteer staff, and outside recruitment if needed
- J. **Resolution No. 2012-163** Accepting an allotment of Customer Premise Equipment (CPE) funding from California 9-1-1 Emergency Communications Division in the amount of \$378,000 and appropriating \$35,284.20 for the purchase of a voice recording system from Capture Technologies
- K. *Motion*: Approving an agreement between Stanislaus Regional 911 and the City of Turlock allowing Stanislaus Regional 911 to locate communications equipment at 900 N. Palm Street which will facilitate countywide emergency radio communications and authorizing the City Manager to sign all related documents

6. **FINAL READINGS:**

- A. **Action:** **Ordinance No. 1167-CS**, Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2012-01 (O'Reilly Auto Parts)] as introduced at the August 28, 2012 meeting was unanimously passed and adopted.

Resolution No. 2012-164 Establishing Conditions of Approval for Minor Discretionary Permit 2012-09 (O'Reilly Auto Parts) was introduced by Councilmember White, seconded by Councilmember Jackson, and carried unanimously.

7. **PUBLIC HEARINGS:** None

8. **SCHEDULED MATTERS:** None

Mayor Lazar adjourned to the Successor Agency to the Turlock Redevelopment Agency.

Mayor Lazar reconvened the Turlock City Council meeting.

9. **COUNCIL ITEMS FOR FUTURE CONSIDERATION:**

Councilmember Bublak asked that the student representatives from CSUS and the Teen Council be invited to participate under Special Briefings at City Council meetings.

Mayor Lazar asked that staff consider participation in a clean energy program that would allow community members to upgrade their existing appliances to more energy efficient appliances using local vendors to provide products and services.

10. COUNCIL COMMENTS:

Councilmember Jackson announced that the 5th Annual Turlock Shines event will be held Saturday October 6, 2012. She also stated that on September 29, 2012, six local churches will come together to clean the South Golden State Boulevard area.

11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the Closed Session items and noted that the item regarding 301 Starr Avenue would not be heard at tonight's meeting.

Conference with Real Property Negotiators, Cal. Gov't Code §54956.8
Property: 301 Starr Ave., Turlock, APN 042-022-083-000
Agency Negotiators: Roy Wasden
Negotiating Parties: Havens Women's Center
Under Negotiation: Price and Terms of Payment

Action: None. Item not heard.

Conference with Labor Negotiators, Cal. Gov't Code §54957.6
Agency Negotiators: Roy W. Wasden/Phil Lancaster
Employee Organization: Turlock Associated Police Officers
Employee Organization: Turlock City Employee Association
Employee Organization: Turlock Firefighters Association. Local 2434
Employee Organization: Turlock Management Association-Public Safety
Unrepresented Employees: Accountant, Sr., Assistant to the City Manager for Economic Development/Redevelopment, Community Housing Services Manager, Deputy Development Services Director/Planning, Development Services Director/City Engineer, Development Services Supervisor/City Surveyor, Executive Assistant to the City Manager/City Clerk, Finance Customer Service Supervisor, Fire Chief, Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Payroll Coordinator, Principal Civil Engineer, Public Facilities Maintenance Manager, Regulatory Affairs Manager, Secretary/Deputy City Clerk, Executive Administrative Assistant/Public Safety, Technical Services Manager, Traffic/Transportation Engineering Supervisor, Utilities Manager, Water Quality Control Division Manager

Action: Council provided direction to staff.

12. ADJOURNMENT:

Mayor Lazar adjourned the meeting at 8:00 p.m.

RESPECTFULLY SUBMITTED

Kellie E. Weaver
City Clerk



Council Synopsis

50

September 25, 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. 3 in the increased amount of \$600 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 08 – Roofing and Waterproofing, bringing the contract total to \$600,397

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. During the course of construction, the Architect issued Architect's Supplemental Instruction (ASI) 025 which made changes to the configuration of the walk-in refrigerator. The original plan had the condenser mounted to the top of the walk-in refrigerator. The Architect changed this to keep the hot air from the condenser out of the building by relocating it to a new concrete pad on the roof. This change will help the building run more efficiently and reduce cooling costs. After review of ASI 025, 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
Change Order No. 2	\$6,399	4/24/12
Change Order No. 3	\$600	9/25/12
Adjusted Contract Total	\$600,397	

Description of change order:

Change order No. 2 includes 1 item:

- 1) Per ASI 025, install a platform cap over the new equipment pad for the walk-in refrigerator condenser. Contractor legitimately claims costs for added labor and materials in the amount of \$600.

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 current contract amount of \$599,797 will be increased in the amount of \$600, bringing the total contract to \$600,397 (Fund 305)

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

5. CITY MANAGER'S COMMENTS:

Recommend approval.

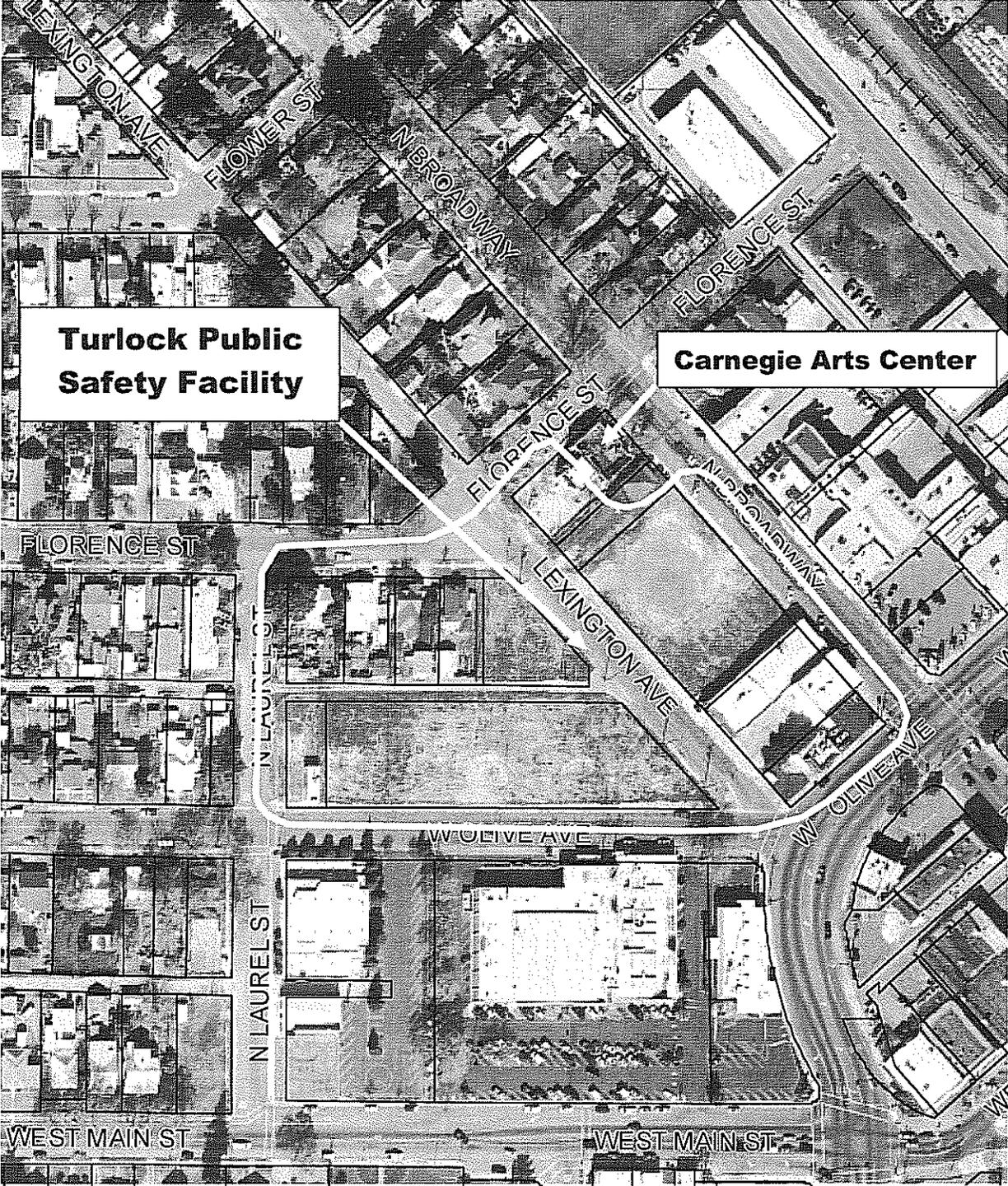
6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Not approve Change Order No. 3. This option is not recommended by City Staff since the changes are necessary for the Turlock Public Safety Facility to be completed.

TURLOCK PUBLIC SAFETY FACILITY
(not to scale)





Council Synopsis

5D

September 25, 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. 3 in the amount of \$18,906 (Fund 305) for City Project No. 0804B, "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC, bringing the contract total to \$2,525,192

2. DISCUSSION OF ISSUE:

On February 1, 2011, Council awarded a contract in the amount of \$2,610,000 to Bobo Construction, Inc., of Elk Grove, California for "Turlock Public Safety Facility," Category 12 – Mechanical and HVAC. During the course of construction it was determined by the Architect, as stated in Architect's Supplemental Instruction (ASI) 018, that additional ventilation was required through the walls of the generator enclosure. In addition, the Architect's responses to Requests for Information (RFI's) 242 and 258 concerning the recommended method for roof penetrations called for Smart Pipe Chase Housings to be installed. After review of ASI 18 and RFI's 242 and 258, City Staff and Bobo Construction, Inc., recommend the following changes:

Change Order History	Amount	City Council Meeting
Original Contract	\$2,610,000	2/1/11
Change Order No. 1	(\$132,032)	1/10/12
Change Order No. 2	\$28,318	6/26/12
Change Order No. 3	18,906	9/25/12
Adjusted Contract Total	\$2,525,192	

Description of change order:

Change order No. 3 includes 2 items:

- 1) During the course of construction it was determined by the Architect as stated in Architect's Supplemental Instruction (ASI) 018 that additional ventilation was required through the walls of the generator enclosure. The added cost is for additional labor and material costs for the purchase and installation of the new louvers. Contractor legitimately claims costs Labor

and materials resulting from changes to the louver design in the amount of \$16,645.

- 2) The Architect's responses to Requests for Information (RFI's) 242 and 258 concerning the recommended method for roof penetrations called for Smart Pipe Chase Housings to be installed. Contractor legitimately claims costs for the purchase and installation of the chase housings in the amount of \$5,965. However, only \$2,261 of the cost will be covered under this change order. The balance will be paid under Allowance Change Order (ACO) 3/12.

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 current contract amount of \$2,506,286 will be increased in the amount of \$18,906, bringing the total contract to \$2,525,192 (Fund 305).

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

5. CITY MANAGER'S COMMENTS:

Recommend approval.

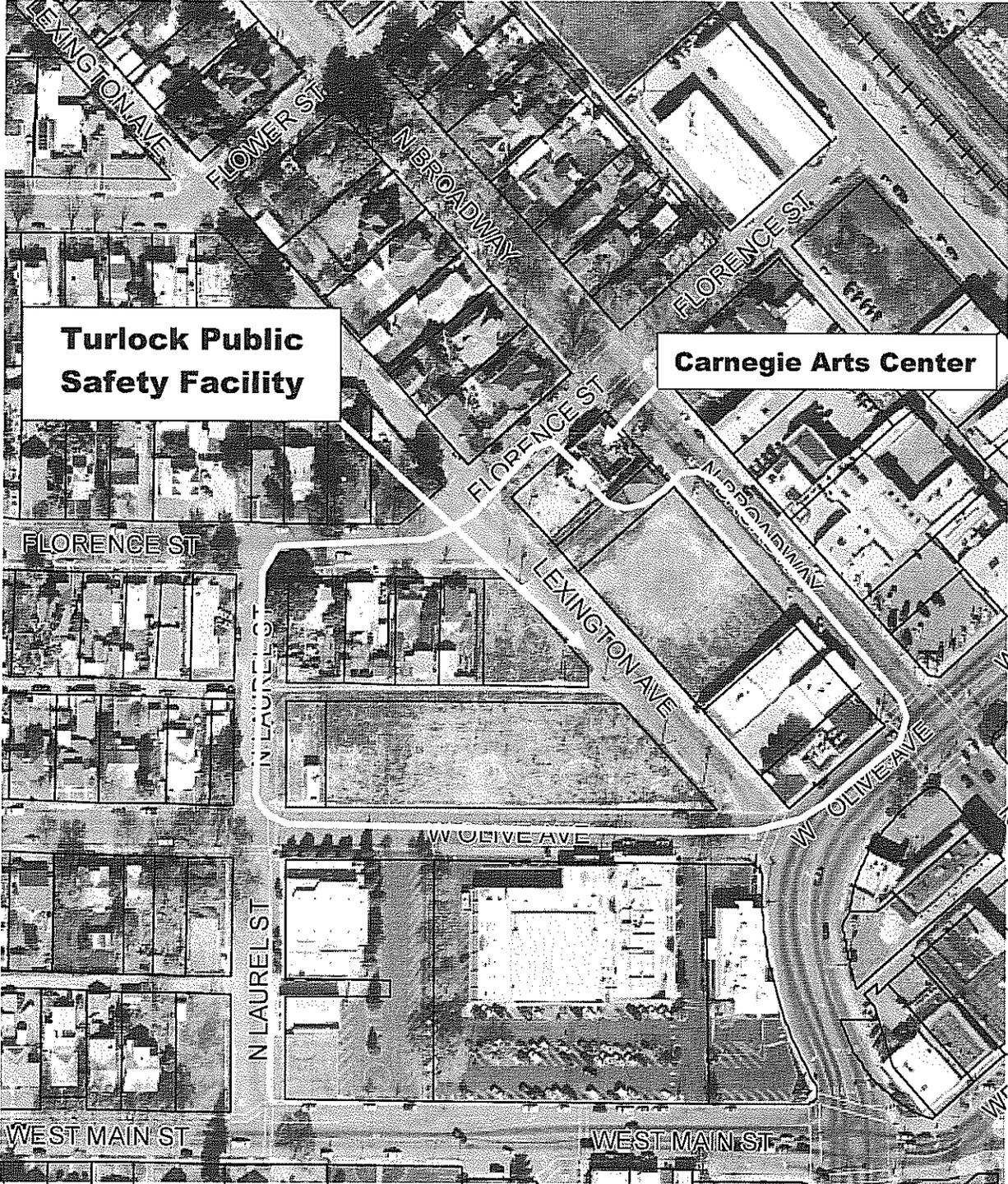
6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Not approve Change Orders No. 3. This option is not recommended by City Staff since the changes are necessary for the Turlock Public Safety Facility to be completed.

TURLOCK PUBLIC SAFETY FACILITY
(not to scale)





Council Synopsis

5E

September 25, 2012

From: Michael G. Pitcock, PE
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 Contract Change Order No. 1 (Final) in the decreasing amount of (\$1,798.68) (Fund 215) for City Project No. 0871/RPSTPLE-5165(053), "Christoffersen Parkway Median Landscaping Geer Rd. to N. Olive Ave.," bringing the contract total to \$420,105.20

Motion: Accepting improvements for City Project No. 0871/RPSTPLE-5165(053), "Christoffersen Parkway Median Landscaping Geer Rd. to N. Olive Ave.," and authorizing the City Engineer to file a Notice of Completion

2. DISCUSSION OF ISSUE:

On December 13, 2011, Council awarded a contract in the amount of \$421,907 to Elite Landscaping, Inc. of Clovis, California for "Christoffersen Parkway Median Landscaping Geer Rd. to N. Olive Ave."

Change Order History	Amount	City Council Meeting
Original Contract	\$421,907.00	December 13, 2011
Change Order No. 1 (Final)	(\$1,798.68)	September 25, 2012
Adjusted Contract Total	\$420,108.32	

Change order No. 1 (Final) includes 1 item:

- Reduction in quantity of Item 11, "Hot Mix Asphalt," by 11.53 tons in the decreasing amount of (\$1,798.68).

3. BASIS FOR RECOMMENDATION:

- 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 changes were needed to complete all work in accordance with the project plans and City Standards.

Strategic Plan Initiative H. COMMUNITY PROGRAMS, FACILITIES, AND INFRASTRUCTURE

- Goal(s):** a Community Infrastructure
- ii. Maintain and promote the City's Urban Forest and Street Tree Program
 - v. Provide safe and well-maintained streets for the citizens of Turlock

4. FISCAL IMPACT / BUDGET AMENDMENT:

Funds have been encumbered in line item number 215-40-420.51210 and are available for contingencies such as this Contract Change Order No. 1 (Final). The original contract amount of \$421,907 will be decreased in the amount of (\$1,798.68), bringing the total contract to \$420,108.32.

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:

Not approve Change Order No. 1 (Final). This option is not recommended by City Staff because the extra work was needed to comply with City standards, as well as the project plans and specifications.



**CONTRACT
CHANGE ORDER
AUTHORIZATION
FORM**

PROJECT INFORMATION

Elite Landscaping, Inc.
2972 Larkin
Clovis, CA 93612
559-292-7760 ext.49

Project Name: Christoffersen Parkway Median Landscaping
Project No.: 0871/RPSTPLE-5165(053)
Awarded on: December 13, 2011
Original Contract Amount: \$421,907.00
Change to contract: (\$1,798.68)
Change percentage: -0.4%
New Contract Total: \$420,108.32

Change Order No. 1 (Final)

Description of change order:

Decrease in quantity of Item No. 11, Hot Mix Asphalt, by 11.53 Tons. (\$1,798.68)

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

Approved: Michael G. Pitcock 9/7/12
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: 25-Sep-12 Change Order No.: 1 (FINAL)
 Project Name: Christoffersen Parkway Median Landscaping

Elite Landscaping, Inc. Project No.: 0871/RPSTPLE-51
 2972 Larkin Contract For: \$421,907.00
 Clovis, CA 93612 Contract Award Date: December 13, 201

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. Actual Amount Paid to Contractor for Bid Items (See Attached)	-	-	-	\$420,108.32
Contractor's Bid Amount for Bid Items	-	-	-	\$421,907.00
Subtotal of Difference				(\$1,798.68)
Total this CCO=				(\$1,798.68)
<i>The original contract sum =</i>				\$421,907.00
<i>Net change by previous change orders =</i>				\$0.00
<i>(decreased)</i>				(\$1,798.68)
<i>The new contract sum including this change order will be =</i>				\$420,108.32
The contract time will be changed by (0) working days. The scheduled completion date is unchanged.				

Accepted: _____ Date: _____
 Contractor

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

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

CITY OF TURLOCK

FINAL QUANTITIES

Christoffersen Parkway Median Landscaping

Project No. 0871/RPSTPLE-5165(053)

Item No.	Item Description	Unit of Measure	Contractor's Unit Price	Final Actual Quantities	Final Actual Amount	Bid Quantities	Bid Amount	Total Difference
1	Traffic Control	LS	\$20,000.00	1.00	\$20,000.00	1.00	\$20,000.00	\$0.00
2	Remove Existing Improvements	LS	\$10,500.00	1.00	\$10,500.00	1.00	\$10,500.00	\$0.00
3	Remove Thermoplastic Traffic Stripes/Marking and	LS	\$3,490.00	1.00	\$3,490.00	1.00	\$3,490.00	\$0.00
4	Cleaning and Grubbing	LS	\$2,900.00	1.00	\$2,900.00	1.00	\$2,900.00	\$0.00
5	Backflow assemblies	EA	\$4,325.00	2.00	\$8,650.00	2.00	\$8,650.00	\$0.00
6	2" Service line	LF	\$9.00	540.00	\$4,860.00	540.00	\$4,860.00	\$0.00
7	Meter Box and Lid	EA	\$680.00	2.00	\$1,360.00	2.00	\$1,360.00	\$0.00
8	2" Water Meter	EA	\$2,250.00	2.00	\$4,500.00	2.00	\$4,500.00	\$0.00
9	Earthwork	LS	\$10,000.00	1.00	\$10,000.00	1.00	\$10,000.00	\$0.00
10	Aggregate Base	CY	\$87.50	200.00	\$17,500.00	200.00	\$17,500.00	\$0.00
11	Hot Mix Asphalt	TON	\$155.00	198.47	\$30,961.32	210.00	\$32,760.00	(\$1,798.68)
12	Synthetic Bender Board	LF	\$9.00	1000.00	\$9,000.00	1,000.00	\$9,000.00	\$0.00
13	Minor Concrete (Vertical Curb)	LF	\$19.00	4515.00	\$85,785.00	4,515.00	\$85,785.00	\$0.00
14	Minor Concrete (Exposed Aggregate Concrete)	SF	\$7.60	1875.00	\$14,250.00	1,875.00	\$14,250.00	\$0.00
15	Adjust Frames and Covers to Grade	EA	\$370.00	6.00	\$2,220.00	6.00	\$2,220.00	\$0.00
16	Rubber Bark	CY	\$270.00	7.00	\$1,890.00	7.00	\$1,890.00	\$0.00
17	Landscap Grass Surfacing	SY	\$60.00	2800.00	\$140,000.00	2,800.00	\$140,000.00	\$0.00
18	Tree Planting - October Glory	EA	\$130.00	76.00	\$9,880.00	76.00	\$9,880.00	\$0.00
19	Maintenance Period (120 Days)	LS	\$10,000.00	1.00	\$10,000.00	1.00	\$10,000.00	\$0.00
20	Landscap Documentation Package	LS	\$5,500.00	1.00	\$5,500.00	1.00	\$5,500.00	\$0.00
21	Install Irrigation Improvements	LS	\$12,150.00	1.00	\$12,150.00	1.00	\$12,150.00	\$0.00
22	Pavement Markers	LS	\$2,210.00	1.00	\$2,210.00	1.00	\$2,210.00	\$0.00
23	Delineators	EA	\$56.00	32.00	\$1,792.00	32.00	\$1,792.00	\$0.00
24	Thermoplastic Pavement Markings	LS	\$2,500.00	1.00	\$2,500.00	1.00	\$2,500.00	\$0.00
25	Thermoplastic Pavement Striping	LS	\$8,210.00	1.00	\$8,210.00	1.00	\$8,210.00	\$0.00
	SUB-TOTAL CONTRACT ITEMS =				\$420,108.32		\$421,907.00	(\$1,798.68)
	CHANGE ORDERS							
	SUB-TOTAL CHANGE ORDER ITEMS =				\$0.00		\$0.00	\$0.00
	TOTAL PROJECT =				\$420,108.32		\$421,907.00	(\$1,798.68)

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. 0871
CHRISTOFFERSEN PARKWAY MEDIAN LANDSCAPING**

Notice is hereby given that work on the above-referenced project, on Christoffersen Parkway in the median islands between Geer Road and North Olive Avenue, was completed by the undersigned agency on September 25, 2012. The contractor of work was Elite Landscaping Inc., 2972 Larkin Avenue, Clovis, California 93612, 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 September 26, 2012 at Turlock, California, Stanislaus County



Council Synopsis

5F
September 25, 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 the Fiscal Year 2011-12 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), authorizing submission of the CAPER to the United States Department of Housing and Urban Development (HUD), and authorizing the City Manager or designee to execute related necessary documents

2 DISCUSSION OF ISSUE:

In a previous action, the City Council approved the submission to HUD of the proposed Annual Action Plan for Fiscal Year 2011-12. HUD awarded the City of Turlock \$672,823 in CDBG funds and City of Turlock/County of Stanislaus Consortium \$1,386,713 FISCAL YEAR 2011. The Annual Action Plan covered the proposed activities, revenue and expenditures for the CDBG and HOME funds. Further, the Annual Action Plan (AAP) proposed to continue the existing First Time Homebuyers Program, Housing Rehabilitation Program, funding for public service programs, affordable housing activities, public improvements, fair housing activities and staff time for the mobile home park rent subsidy program. The federal funds have been leveraged with other funds such as Neighborhood Stabilization program, Cal HOME and RDA low Mod funds to derive greater benefit to the community and the families the program serves.

Prior to the end of each federal fiscal year, HUD requires a jurisdiction to submit a Consolidated Annual Performance Evaluation Report (CAPER) which describes the activities undertaken in the Annual Action Plan and the resulting accomplishments during the reporting period. It is HUD's direction that the Annual Action Plan guide the allocation of resources and other investment decisions made by the City to assist lower income Turlock residents and neighborhoods. In turn, the CAPER then reveals how the resources were utilized according to the priorities established in the Consolidated Plan. It also details the performances that provided additional affordable housing and support services during the reporting period.

Specifically, the Consolidated Annual Performance and Evaluation Report (CAPER) is a U.S. Department of Housing and Urban Development (HUD) mandated report for all communities that receive Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), Housing Opportunities for People with AIDS (HOPWA), and Emergency Shelter Grant (ESG) funding. The CAPER reports the City's success in meeting the housing and social service goals contained in the Consolidated Plan (ConPlan). The CAPER also evaluates the City's overall progress in carrying out priorities of assistance identified in the Five Year Strategic Plan and the Annual Action Plan. The ConPlan is a five year planning document which:

- 1) identifies housing needs and problems;
- 2) analyzes market conditions and resources;
- 3) sets priorities and adopts strategies;
- 4) allocates resources;
- 5) contains an annual plan (which identifies Federal funds expected to be used, indicating the activities on which they will be spent, and sets goals for the number and type of households to be assisted in the applicable federally funded programs).

As a CDBG entitlement community and the lead agency in the Turlock HOME Consortium, the City of Turlock is required annually to complete a CAPER. The City does not currently receive HOPWA or ESG funding. This report is the City's CAPER for CDBG and HOME Consortium programs for the Program Year 2011 (PY2011) (July 1, 2011 to June 30, 2012). Also included in the CAPER are the Integrated Disbursement and Information System (IDIS) Activity Summary Report (PR03) and Financial Summary Report.

In summary of the CAPER, this is the second year of the 2010-2015 Consolidated Planning period. In this CAPER, the City has made significant progress in addressing the challenges of stabilizing the homeowner base within the community, improving the existing housing stock, and improving the overall quality of life in its neighborhoods.

Some of the highlights of the report include:

- First Time Home Buyer Loans
- Residential Rehabilitation Loans
- Purchase and rehabilitation of eleven NSP homes
- Public Service Grants
- Fair Housing Efforts
- Efforts to address the issues related to homelessness.
- Community development sidewalk project

3. BASIS FOR RECOMMENDATION:

HUD has awarded the City of Turlock and HOME Consortium federal funds to carry out activities that benefit low and moderate income persons. The proposed Consolidated Annual Performance and Evaluation Report (CAPER) provides the vehicle to explain and report on the outcomes of the federal funds expended for the proposed activities. Staff recommends approval of the CAPER and its submission to HUD.

4. FISCAL IMPACT / BUDGET AMENDMENT:

No impact on the city's general fund budget. The Fiscal Year 2011 activities were funded with CDBG, CDBG-R, HPRP, NSP, Cal HOME and HOME Consortium funds.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

All environmental review for these activities is completed prior to any activity being undertaken.

7. ALTERNATIVES:

If City Council chooses not to approve the proposed Consolidated Annual Performance and Evaluation Report, the City of Turlock and the HOME Consortium will not be in compliance with the reporting requirements to HUD and could jeopardize future funding.

This alternative is not recommended as the City of Turlock is in the process of building a model housing program and intends to be in compliance with HUD requirements at all times.



CITY OF TURLOCK



Turlock/Stanislaus County HOME Consortium Second Program Year

Consolidated Annual Performance and
Evaluation Report (CAPER)

Fiscal Year 2011-2012

(July 1, 2011 through June 30, 2012)

City of Turlock

CDBG Grant Number B-11-MC-06-0039

City of Turlock/Stanislaus County HOME Consortium

HOME Grant Number M11-DC060240



Prepared by:

City of Turlock

Housing Program Services Division

156 South Broadway, Suite 250, Turlock, CA 95380

(209) 668-5610, Fax (209) 668-2120, TDD 1 800 735-2929

Website: www.cityofturlock.org



DRAFT August 16, 2012

September 25, 2012



SEPTEMBER 2012

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Vice Mayor Mary Jackson
Councilmember Amy Bublak
Councilmember Bill DeHart
Councilmember Forrest White
www.cityofturlock.org

CITY OF OAKDALE

Mayor Pat Paul
Mayor Pro Tem Tom Dunlop
Councilmember Michael Brennan
Councilmember Jason Howard
Councilmember Katherine Morgan
www.ci.oakdale.ca.us

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U. Exhibits

Exhibit 1	Comment Period Proof of Publication & Summary of Public Comments
Exhibit 2	Summary Accomplishments to Meet 5-Year Goals
Exhibit 3	Map of Turlock/Stanslaus County HOME Consortium
Exhibit 4	City of Turlock Census Tract Map
Exhibit 5	City of Turlock Census Tract Low/Mod income percentages
Exhibit 6	City of Turlock Census 2000 Demographic Information
Exhibit 7	HOME Match Report (HUD 40107-A)
Exhibit 8	IDIS Report PR01 HUD Grants and Program Income
Exhibit 9	IDIS Report PR03 CDBG Activity Summary Report
Exhibit 10	IDIS Report PR08 Grantee Summary Activity Report
Exhibit 11	IDIS Report PR26 CDBG Financial Summary Report Equivalent



Second Program Year CAPER

The Second Consolidated Annual Performance and Evaluation Report includes Narrative Responses to CAPER questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations.

A. Executive Summary

The 2011-2012 Consolidated Annual Performance and Evaluation Report (CAPER) constitutes the second reporting period from July 1, 2011 to June 30, 2012 of the Five Year Consolidated Planning period. The City of Turlock is the recipient of federal Community Development Block Grant (CDBG) funding and serves as the lead agency for the City of Turlock/Stanislaus County HOME Investment Partnerships Program Consortium. The United States Department of Housing and Urban Development (HUD) provides these funds to the City on a formula basis.

The City also utilized other Federal, State and local resources, including Neighborhood Stabilization Program (NSP), Homeless Prevention and Rapid Re-Housing (HPRP), CDBG-R, CalHome and Redevelopment funds to address housing and community development priority needs identified in the Consolidated Plan. The CAPER identifies the programs and activities the City undertook during the Program Year (also known as fiscal year) to meet underserved needs identified in the Consolidated Plan. In addition, the CAPER discusses the actions the City took to address the following: lead based paint hazards, barriers to affordable housing, households at or below the poverty level and fair housing.

Recurring Acronyms in this Report:

- AAP- Annual Action Plan
- CAPER-Consolidated Annual Performance and Evaluation Report
- CDBG- Community Development Block Grant
- CHDO- Community Housing Development Organization
- FTHB- First Time Homebuyer Program
- FY – Fiscal Year (July 1 to June 30)
- HOME- HOME Investment Partnership Program
- HPRP – Homeless Prevention and Rapid Re-Housing
- HUD- Housing and Urban Development
- IDIS- Integrated Disbursement and Information System
- NSP – Neighborhood Stabilization Program
- PI- Program Income
- RDA- Redevelopment Agency

The Urban County members are also partners in the City of Turlock/Stanislaus County HOME Consortium (hereafter referred to as the "HOME Consortium"). As the lead agency, the City of Turlock administers the HOME program for the Urban County and reports comprehensive HOME activity for the partnering jurisdictions as part of the City of Turlock's CAPER.

The City of Turlock/Stanislaus County HOME Consortium (Consortium) has successfully completed the second year of its 2010-2014 Consolidated Plan ("Plan"). The Plan is a reflection of the Consortium partners' community vision and outlines priority needs, goals and objectives adopted to achieve the vision. The overall goal of the community planning and development programs covered in the Plan is to develop viable communities by providing

decent, safe and sanitary housing; promoting suitable living environment and expanding economic opportunities for low and moderate income persons.

This CAPER also provides a summary of the resources available, the programmatic accomplishments in affordable housing, and the community development activities during the 2011/2012 fiscal year (July 1, 2011 through June 30, 2012) for the City of Turlock and the City of Turlock/Stanislaus County HOME Consortium (Consortium).

Specific Fiscal Year 2011-2012 projects and their accomplishments are identified in the respective program sections of this document. The format of this document is designed after a HUD document template that includes a series of questions in relation to specific funding programs (CDBG, HOME, etc.). Responses to those questions are provided directly below each question.

B. General Questions

B-1.

Assessment of the one-year goals and objectives:

- a. Describe the accomplishments in attaining the goals and objectives for the reporting period.**
- b. Provide a breakdown of the CPD formula grant funds spent on grant activities for each goal and objective.**
- c. If applicable, explain why progress was not made towards meeting the goals and objectives.**

The City allocated investments of resources on a City-wide basis for such programs as CDBG, CDBG-R, CalHome, State HOME, NSP, and HPRP funds. HOME funds through the Turlock/ Stanislaus County HOME Consortium were invested in the communities of the member jurisdictions. Activities identified under the public service category and targeted to special needs populations were offered on a city-wide basis.

Program Accomplishments by funding source

Community Development Block Grant (CDBG) Activities (City of Turlock):

The City of Turlock has received entitlement Community Development Block Grant (CDBG) CDBG funding since 1984. In fiscal year 2011-2012 the City of Turlock received a CDBG grant of \$672,823 and CDBG Program Income (PI)¹ from loans totaled \$48,623. The City of Turlock offered a variety of activities this fiscal year including Housing Rehabilitation, Temporary Relocation, Public Improvements, and Public Services. The programs are available on a citywide basis. The percentage of funds used for activities benefiting low and moderate income was 100% as illustrated in the CDBG Financial Summary Report (PR26) labeled Exhibit 11. The City affirms that all identified resources were pursued, certification for consistency was provided as needed, and no implementation plans were hindered by action or willful inaction.

¹ CDBG Program Income is defined as the gross income received by the recipient or a sub-recipient directly generated from the use of CDBG funds as defined by HUD in 24 CFR 570.500 and 570.504.

Housing Rehabilitation Program (City of Turlock - CDBG funded)

The Consolidated Plan set forth three basic goals: to provide decent housing, to provide suitable living environments and to expand economic opportunities. The goal of providing suitable living environments includes improving safety, livability and revitalization of deteriorating neighborhoods. Assisting the elderly and large family households were among those households of priority.

The goal set in the Annual Action Plan was to rehabilitate a total of six units and the program assisted in the rehabilitation of nine units with four completed in fiscal year 2011/2012. Of the completed projects, one was provided deferred payment loans and three were provided forgivable loans to address special circumstances.

Forgivable Loans are used in concert with the rehabilitation loans that are provided for rehabilitation work to remedy code violations and accessibility items for seniors, disabled and income eligible families. The Forgivable Loan amount cannot exceed \$10,000. Families are only eligible to receive the Forgivable Loan funding on a one time basis, even if the maximum limit was not received. Forgivable Loan funding can be combined with other rehabilitation program funding and forgiven over a five year period as long as all the terms of the loan are met.

The program is marketed to low and low/mod income level groups and the City has done mailers and provided information in different venues to increase the number of low-income applicants for the program. Staff believes that our outreach is appropriately targeted and effective to reach those that need and qualify for the program. See Exhibit 5 for census tract incomes.

The Rehabilitation program participant's income, race/ethnicity and other data are provided in the following table.

Table 1	
Housing Rehabilitation Program FY 2011/2012	
City of Turlock Participant Data by Household (IDIS Activity # 573, NSP Rehab 598)	
Income Breakdowns	
Extremely low 0-30%	0
Very Low 31-50%	1
Low/Mod 51-80%	3
Total	4
Race/Ethnicity Breakdowns	
White	3
Black or African American	0
Asian	0
American Indian/Alaskan Native	0
Native Hawaiian or Other Pacific Islander	0
American Indian or Alaska Native & White	0
Asian & White	0
Black or African American & White	0
American Indian or Alaska Native & Black or African American	0
Balance/Other	1
Total	4
Hispanic	
Total	4
Other Statistics	
Female Head of household	1
Over 62 years old	0
People with Disabilities	0
Temporary Relocation	
Total	1

The City's largest population is White (non-Hispanic) with the Hispanic population listed as the second largest. The census tracks for these projects are as follows: 37.00 block group 1, 38.01 block group 2 and 3 (2 units in the block group), 39.07 block group 2 and 4, and 39.05 block group 2. See Exhibit 4 for a Census Tract Map of Turlock.

Public Services (City of Turlock CDBG funded):

A total of six Public Service² grants were awarded to qualifying non-profit agencies totaling \$90,000 (\$89,999.99 expended). The percent of CDBG funds expended during the year for public service activities was 13 %. HUD limits the amount of CDBG funds used for public services to not more than 15 percent of the current grant allocation plus 15 percent of the program income from the prior fiscal year. The agencies provided services that were consistent with the goals and objectives of the Consolidated Plan and served low/moderate income households/persons in Turlock. The total served numbers are based on an unduplicated count meaning that clients are counted only once even if

² CDBG funding allows for public services activities as defined by HUD in 24 CFR 570.201(e).

they get the same service more than once. The total served includes the services provided through our grant funding and the agencies other resources for the program for the fiscal year. The following project descriptions outline the services provided to the community excluding fair housing which are described on page 24. Project funding and statistics are illustrated in Table 2 on page 12.

1. ARC of Stanislaus dba Howard Training Center

Project: Senior Meals Program

Amount funded: \$ 15,000

Total Served: 182

Funding provided meals at the congregate site and home delivery to those seniors who are disabled or shut in their homes. They provided fresh meals, Monday through Friday, to Seniors 60 years and older. For seniors who are not able to leave their home due to emotional or health problems a meal is delivered to their door. The Turlock congregate site is located at the Salvation Army Center on Lander Ave. Congregate site meals offer a nutritious hot meal, socialization, and opportunities to remain engaged in the community. The program targets seniors in the following categories: low income, ethnic minority, frail elderly, individuals with disabilities, and rural and otherwise isolated individuals. Meals provided to seniors help them remain healthy, regain health after an illness/injury, and facilitate them being able to remain independent. Each meal provides 1/3rd of the daily nutritional requirements for a senior. The program helps seniors extend their food budget, while receiving a well-balanced meal. Nutritional education is proved at least four times a year to help seniors implement strategies to address health problems and remain healthy.

2. United Samaritans Foundation

Project: Emergency Food Box

Amount funded: \$ 15,000

Total Served: 2,279 (an estimated 3,051 individual meals were provided)

Funding was provided to purchase nutritious food for the Emergency Food Box program. The program is provided to assist individuals and families in Turlock who are experiencing food insecurity and lack sufficient quantities of food to prepare three nutritious meals a day. The emergency food box is filled with sufficient food to feed each person in the family three meals a day for three days. Individuals are eligible to receive a food box every two months and homeless individuals are eligible once a month. Emergency Food Boxes may include, but are not limited to, fresh/frozen meat products, eggs, peanut butter, jelly, canned fruits and vegetables, milk, oatmeal, flour pasta, rice, beans, tomato products, bread and other assorted food items.

3. Children's Crisis Center of Stanislaus County, Inc.

Project: Respite Child Shelter Project

Amount funded: \$15,000

Total Served: 88

The program provided protective shelter and therapeutic activities to low and moderate income, abused, neglected, homeless, or at risk children in Turlock. The therapeutic Shelter Program provided specialized activities designed to form healthy attachments, gain trust, and develop skills required to succeed in school. Children ages newborn to 17 years old were provided services while their parents were out looking for permanent housing, steady employment, medical care, mental health counseling, substance abuse therapy, and other social services. The program provides immediate protection from children, separating them from their parents

during situations of heightened risk for child maltreatment. Within the nurturing homelike environment each child's physical, emotional, therapeutic, and nutritional needs were attended to by qualified, caring staff, trained in the areas of child development, crisis counseling, and crisis management. While children receive quality care, parents will work with Case Managers, and will receive supportive services to alleviate identified risk factors placing their children at risk for abuse and neglect. The organization participated in many outreach events to increase community awareness of their services.

4. We Care Program

Project: We Care Cold Weather Shelter-Turlock

Amount funded: \$15,000

Total Served: 148 for a total of 4,652 individual shelter nights

They provided a cold weather temporary shelter for homeless men in Turlock from January 1, 2011 through to March 31, 2012 seven days a week from 6:30 p.m. to 8:00 a.m. They have an approximate capacity of thirty-four (34) individuals per night. The individuals served were single men eighteen years and older. Individuals were met with regularly to discuss needs for services in the areas of counseling, permanent or transitional housing and employment. Many community service referrals are given to individuals to assist them in the direction necessary to become self-sufficient. Funding was used to pay for the operational expenses that facilitate a safe and secure shelter. Community churches, private individuals, and civic organization provided meals each night to shelter participants. They offered a computer center with four computers to assist in the homeless and a volunteer was available to with help with resumes and basic computer skills. Bus passes were provided to individuals who needed transportation to Modesto for court dates, medical appointments, and essential services.

5. Second Harvest Food Bank of San Joaquin & Stanislaus Counties

Project: Food Assistance Program

Amount funded: \$10,000

Total Served: 19,231

Through the Food Assistance program, Second Harvest Food Bank is able to collect, store, and distribute a large quantity and diversity of food product, and in turn make these groceries available to their network of eight local non-profit charities. By centralizing the collection, storage, and distribution of product, they are able to serve more families and individuals in need through the programs offered by these non-profit charities. Each non-profit agency visits the Food Bank to select package groceries, canned fruits and vegetables, cereals, and breads, dairy products, meats, and fresh fruits and vegetables. With the assistance of the local non-profit charities they distributed over 190,000 pounds of food for the fiscal year with a retail value of \$313,500. Each non-profit charity that they support, with the Food Assistance Program, reports to them the number of unduplicated individuals that they serve on their food pantry programs. These non-profit charities verify that the individuals and families they assist meet the income guidelines.

The following table illustrates the funding and statistical information about these non-profits.

City of Turlock and Turlock/ Stanislaus County HOME Consortium

Table 2 City of Turlock Public Service Projects Data FY 2011/2012 CDBG funds	1	2	3	4	5	6	7			
	ARC of Stanislaus dba Howard Training Center -Senior Meals Program	575	576	577	578	579				
United Samaritans Foundation -Emergency Food Box Children's Crisis Center of Stanislaus County -Respite Child Shelter Program We Care Program - Turlock -We Care Cold Weather Shelter Second Harvest Food Bank of San Joaquin & Stanislaus Counties -Food Assistance										
IDIS #	575	576	577	578	579					

Funding	(Numbers rounded to nearest dollar for clarity)									Totals
Budgeted Amount \$	15,000	15,000	15,000	15,000	10,000					70,000
Funded Amount \$	15,000	15,000	15,000	15,000	10,000					70,000
Returned Funds \$	0	0	0	0	0					0
Net Funds Received \$	15,000	15,000	15,000	15,000	10,000					70,000

Income Breakdowns										Totals
Extremely low 0-30%	52	1,195	56	142	14,640					16,085
Very Low 31-50%	51	205	20	6	2,761					3,043
Low/Mod 51-80%	26	52	12	0	1,830					1,920
Moderate 81+%	53	827	0	0	0					880
Total Served	182	2,279	88	148	19,231					21,928

Race/Ethnicity Breakdowns										Totals
White	156	2,072	76	116	14,782					17,202
Black or African American	4	74	0	6	526					610
Asian	2	12	0	0	93					107
American Indian/Alaskan Native	5	26	0	8	263					302
Native Hawaiian or Other Pacific Islander	0	19	0	1	178					198
American Indian or Alaska Native & White	0	15	0	8	93					116
Asian & White	0	5	0	0	89					94
Black or African American & White	0	28	1	4	128					161
American Indian or Alaska Native & Black or African American	0	17	0	0	24					41
Balance/Other	16	11	11	5	3,055					3,098
Hispanic *	34	937	44	27	8,332					9,384

Other Statistics										Totals
Female Head of household	50	68	44	0	6,121					6,283
Over 62 years old	11	259	0	8	1,951					2,229
People with Disabilities	171	253	0	51	2,164					2,639
Homeless persons assisted	N/A	N/A	N/A	148	N/A					148

N/A= Not Applicable or information Not Available. * Hispanic is a category on its own excluding the race categories.

Planning and Administration (CDBG):

CDBG planning and program administration expenses capacity must be under 20% of the grant plus program income. The City expended \$134,565 for planning and administration expenses resulting in 18% of funds expended meeting the capacity requirement as illustrated in the CDBG Financial Summary Report (PR26) labeled Exhibit 11.

CDBG-R Accomplishments (City of Turlock):

The City of Turlock received CDBG-R funding \$200,913 through Housing and Urban Development (HUD) in the fall of 2009 for the following activities.



1. Workforce Training and Retraining (IDIS# 511)

These funds were designated to assist displaced workers to expand their job skills and become more employable. Stanislaus County went from 16.3 percent in May to 16.6% in June 2009. The county's unemployment rate is still considerably higher at 17.2% as of July 1, 2011. This workforce training was provided here in Turlock under public service component and represents 15% of the grant. Some of this work was completed by Alliance Worknet and the Small Business Development Center (SBDC) in fiscal year 2011/2012 with the balance to be utilized in fiscal year 2012/2013 using a total of \$30,000 in grant funds.

2. Business Enhancement (IDIS# 512)

These funds were used to make businesses more competitive through technical assistance with the development of marketing and business plans, budgeting and financial knowledge and tools, business counseling, web site development as well as assistance to the development and expansion of micro-enterprises. This activity is addressing an urgent community need to stabilize the downtown business core. The Alliance Small Business Development Center was contracted to provide these business enhancement services. The results were as follows:

Business starts = 3

Three clients made personal investments into their businesses totaling \$419,000

No loans received by clients during the reporting period

Jobs created = 20.5

Jobs Retained = 5

Clients served = 100

Counseling Hours provided to Clients = 623.5

26 different training sessions held in Turlock

They have provided assistance to thirty two businesses in the areas of financial restructuring, marketing, relocation, downsizing and expansion.

Assisted: Spent \$30,000 / \$30,000 budgeted.

3. Energy Conservation (IDIS# multiple)

Housing rehabilitation upgrades specific to energy conservation for seniors, disabled as well as for low and very low income families. Five (5) owner occupied units were provided a commitment of assistance of \$36,390 in funding for fiscal year 2011/2012. A total of thirteen units have been assisted with the program.

4. Skill Enhancement Training for Displaced Low Skilled Workers (IDIS# 514)

Provided funding for specific job training to low and moderate income individuals who have been laid off from either business closures such as Mervyn's, Circuit City, Varco Pruden and other businesses and construction companies that have closed. These employees will be retrained to be hired by a new plastics firm who recycles and re-engineers plastic products (energy re-use). Through this program, the firm, Peninsula Plastics, Inc. has hired and the CDBG-R funds have been used to train twelve individuals who did not meet the minimum qualifications and are now employed. They have received specialized training in Crane and fork lift certificated training, CPR and First responder, scissor lift training and material management. Assisted fourteen workers and spent \$ 3,698.

State HOME Funding (City of Turlock)

Through the City's First Time Home Buyer (FTHB) program, the City completed loans with the original HOME State grant funds in previous fiscal years and as applicants repay the program loans the funds are used again to assist other applicants. These repaid funds are referred to as Program Income (PI)³ and/or Recaptured funds⁴. In this CAPER report, all HOME income will be referred to as Program Income for simplicity.

CalHome (City of Turlock)

The City applied for 2008 CalHome funds in June 2009 to fund First Time Home Buyer loans. Housing and Community Development (HCD) awarded the City of Turlock \$900,000 in grant funds. In 2011-2012 four loans were provided expending \$204,760 in grant funds. A total of twenty-one loans have been issued towards the CalHome grant. The City applied for and was awarded a 2011 CalHome grant of \$1,000,000 and anticipates utilizing the funds in fiscal year 2012-2013.

Neighborhood Stabilization Program (NSP) 1 – (City of Turlock)

Consistent with the existing program administered by the State of California Housing and Community Development (HCD) and the City of Turlock, NSP funding was utilized to renovate and rehabilitate homes, eliminate blight and reinvigorate and stabilize the affected neighborhoods. The City of Turlock received approximately \$1.4 million in NSP 1 funds which were used to purchase and rehabilitate homes to sell to income eligible families as well as provide financing mechanisms. For the fiscal year, the City of Turlock purchased nineteen homes with the NSP funds must be sold or rented to low or moderate income families.

For reporting, NSP accomplishments were not required to be included in the CAPER. NSP accomplishments are reported and monitored by HCD.

HOME Consortium (City of Turlock/Stanislaus County HOME Consortium)

The City of Turlock serves as the lead agency for the City of Turlock/Stanislaus County HOME Consortium. The Consortium allocates HOME funds on a formula basis to the members. Consortium members include the jurisdictions of Turlock, Ceres, Newman, Oakdale, Patterson, Waterford and the County of Stanislaus unincorporated areas.

³ *Program income* means gross income received by the participating jurisdiction, State recipient, or a subrecipient directly generated from the use of HOME funds or matching contributions. ... See 24 CFR 92.2 for HOME definitions.

⁴ *Recaptured Funds* are income received connected to affordability periods as defined in 24 CFR 92.503 and 24 CFR 92.254.

Stanislaus County's jurisdiction is comprised of the unincorporated County containing sixteen communities. In fiscal year 2011-2012, the Consortium received a HOME grant allocation of \$1,386,713. Funds were distributed to members as illustrated in the following table.

Funding Distributions	Funding
City of Ceres	138,576.86
City of Newman	137,139.88
City of Oakdale	119,515.97
City of Patterson	126,252.17
City of Turlock	175,482.38
City of Waterford	128,796.29
Stanislaus County	214,271.20
CHDO	208,006.95
Administration	138,671.30
Total Grant	1,386,713.00

The Consortium received Program Income (PI)⁵ totaling \$6,440 and expended \$994,440. Projects listed in Exhibit 8 show funds expended within the fiscal year, although funds may have been drawn after the fiscal year end. The City expends its funds to process payments then reimburses itself with grant draws from HUD for the activities in order to not impede a projects implementation. This internal finance process may cause some activities to show lower funding levels that what we have reported due to this later reimbursement.

Consortium accomplishments are listed as follows: Ceres, Newman, Oakdale, Patterson, County of Stanislaus unincorporated areas, Turlock, Waterford, CHDO, and Matching.

City of Ceres

Rehabilitation Loans

The Housing Authority of Stanislaus County, on behalf of the City of Ceres, administers the Minor Home Repair Program. No rehabilitation loans were initiated in 2011/12.

First Time Home Buyer (FTHB) Loans

Two First Time Homebuyer projects were initiated in 2011/2012 with both completed in 2011/2012.

Ceres Farm Labor Project (IDIS# 444)

-54 residential rental units in Ceres

The City of Ceres through the Housing Authority is rehabilitating 54 residential housing units. They have expended \$240,000 in HOME funds and \$60,000 in

⁵ CDBG Program Income is defined as the gross income received by the recipient or a sub-recipient directly generated from the use of CDBG funds as defined by HUD in 24 CFR 570.500 and 570.504.

Redevelopment Agency funds for the project. Phase 1 was completed in fiscal year 2010/2011 (6 units). Phases 2-4 were completed in fiscal year 2011/2012 (18 units). Additional phases will be completed in fiscal year 2012-2013.

City of Newman

First Time Home Buyer (FTHB) Loans

No First Time Homebuyer projects were initiated in 2011/2012 and but one was completed from 2010/2011.

Newman Family Apartments (IDIS# 445)

-751 Driskell Avenue, Newman, CA

The City of Newman developed a 16 million dollar project to construct a 68 unit multi-family apartment complex on a 3.5 acre parcel located north of Kern Street at the M Street terminus at Driskell Avenue. The developer is Corporation for Better Housing. The City of Newman has expended \$283,000 of HOME funds to the project to assist 11 of the units. They are obtaining occupancy data.

City of Oakdale

First Time Home Buyer (FTHB) Loans

The City of Oakdale processed and completed one First Time Home Buyer Loan utilizing \$50,000 in HOME Consortium funding. The distribution of funding is shown in Table 4 on page 21.

Affordable Housing Development- Heritage Oaks (IDIS# 555)

See Community Housing Development Organizations (CHDO) below for more information about this project in Oakdale.

City of Patterson

Rehabilitation Loans

The Housing Authority of Stanislaus County, on behalf of the City of Patterson, administers the Minor Home Repair Program. One rehabilitation loan was completed in 2011/12 that was initiated in fiscal year 2010/2011.

First Time Home Buyer (FTHB) Loans

The City of Patterson processed one First Time Home Buyer Loan in the amount of \$17,850. The distribution of funding is shown in Table 4 on page 21.

City of Turlock

First Time Home Buyer (FTHB) Loans (Consortium HOME)

The City's First Time Home Buyers loan program processed nine loans to enable low/moderate-income family's purchase their first home. These loans were provided through a combination of HOME Consortium and CDBG funding totaling \$216,900 and \$85,700 respectively. Table 4 on page 22 shows the distribution of funding within Turlock. An additional four loans were provided through CalHome funds.

City of Waterford

The City of Waterford is in the process of developing their policies and procedures for their HOME program and identifying eligible projects.

Stanislaus County (unincorporated areas)

First Time Home Buyer (FTHB) Loans

Stanislaus County provided initiated six First Time Home Buyer Loans. Four were completed in 2011/12 for \$100,600 in Consortium HOME funding. The other two loans should be completed in 2012/2013. The distribution of funding is shown in Table 4 on page 22.

Rehabilitation Loans

The Housing Authority of Stanislaus County, on behalf of Stanislaus County, administers the Minor Home Repair Program. This program is designed to include minor home rehabilitation, which may include, but is not limited to the repair or elimination of conditions that present health and safety hazards, and provides assistance for disabled people in making their home more accessible. Rehabilitation loans were initiated and completed for three participants. One 2010/2011 project was completed in 2011/12. The distribution of funding is shown in Table 4 on page 22.

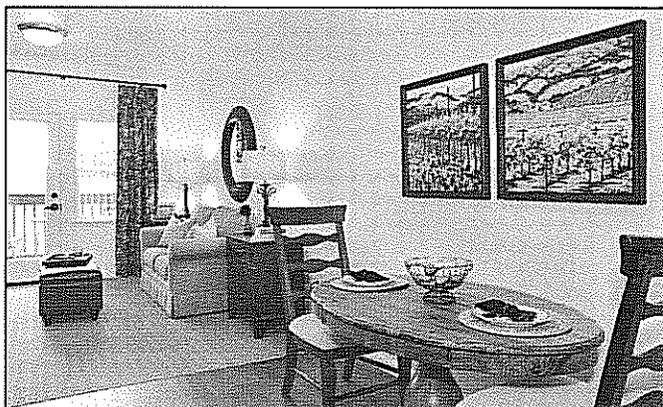
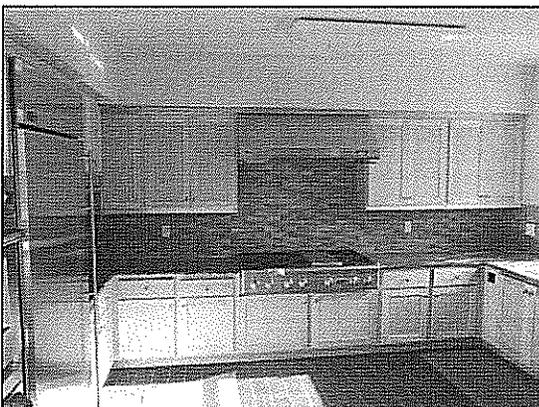
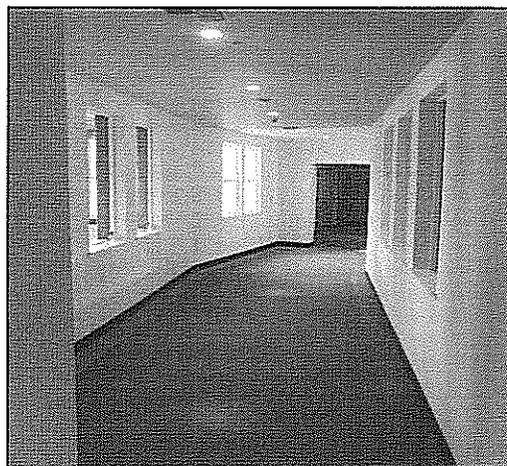
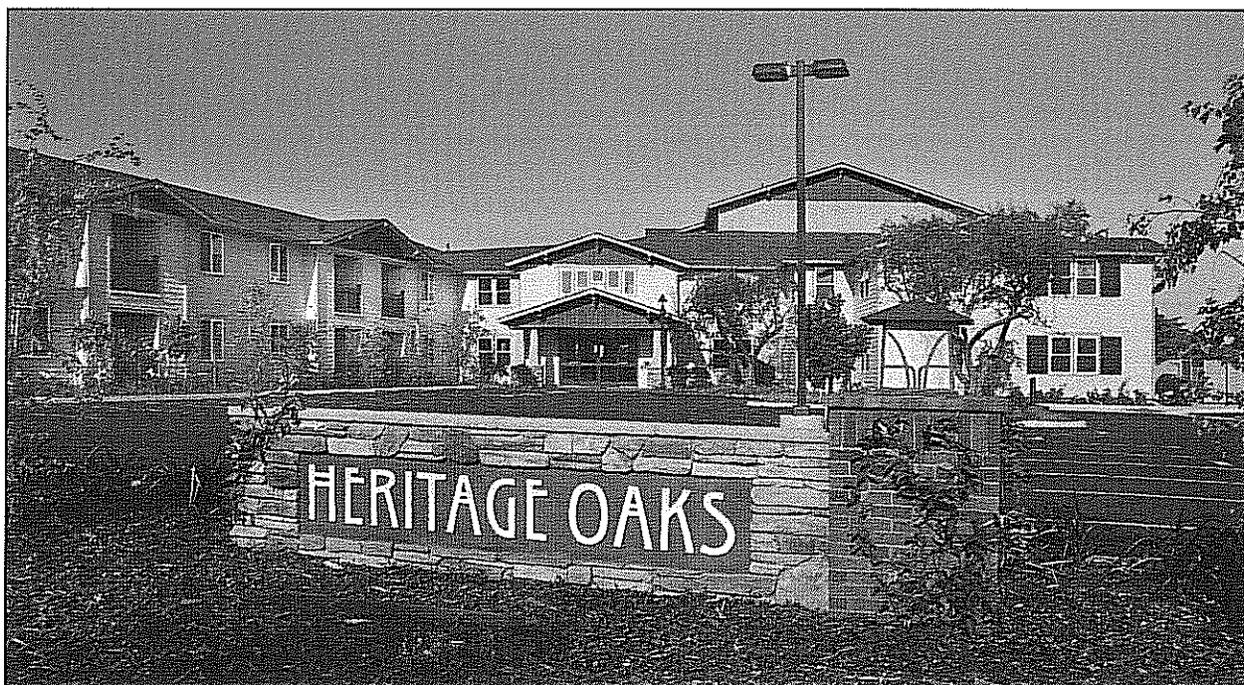
Community Housing Development Organizations (CHDO)⁶

A CHDO is a private non-profit organization that among other HUD requirements has the provision of providing decent, affordable housing to low-income and moderate-income persons. The Consortium reserves 15% of each annual HOME grant allocation for investment in housing to be developed, sponsored, or owned by a Community Housing Development Organization.

CHDO Project- Heritage Oak Senior Apartments, Oakdale, CA (IDIS# 555)

The City of Oakdale entered into a Disposition and Development agreement with Central Valley Coalition for Affordable Housing to the development of this new 50 unit senior rental apartment complex. It was constructed on the 1.52 acre plot at 730 Old Stockton Road in Oakdale, CA. Central Valley Coalition for Affordable Housing will be the CHDO for the project. Funding of \$1,292,653 was provided for 10 HOME-assisted floating units for income-eligible seniors. Matching for HOME funds was from RDA and State Tax Credits. The ground breaking for the project was held on July 14th 2011. The open house was held on May 31, 2012 with guided tours of the facility. The project is 95% occupied. All ten floating HOME-assisted units have been occupied by eligible seniors.

⁶ CHDO's are explained in Title 24 Part 92 subpart G-Community Housing Development Organizations



Matching for HOME funds

See L-2 on page 29 for information about matching funds for the HOME program.

Summary of Housing accomplishments

Summary of Housing accomplishments are listed in the following table to show the breakdown of client data for projects completed in fiscal year 2011/2012.

Table 4 (Part 1): Ceres and Newman

Table 4 (Part 1) Summary of Housing Accomplishments Fiscal Year 2011/2012						
Housing (Only Completed Projects Listed)	Consortium: City of Ceres			Consortium: City of Newman		
	Rehab Single Family	FTHB	Rental	Rehab Single Family	FTHB	Rental
Renters (Median Family Income)						
0-30% of MFI	-	-	9	-	-	-
31-50 of MFI	-	-	1	-	-	-
51-80 of MFI	-	-	-	-	-	-
Total	0	0	10	0	0	0
Owners (Median Family Income)						
0-30% of MFI	-	-	-	-	-	-
31-50 of MFI	-	-	-	-	-	-
51-80 of MFI	-	2	-	-	-	-
Total	0	2	0	0	0	0
Homeless (Homeless families and individuals assisted with transitional and permanent housing)						
Individuals	-	-	-	-	-	-
Families	-	-	-	-	-	-
Total	0	0	0	0	0	0
Non-Homeless Special Needs						
Total	-	-	-	-	-	-
Total Housing	0	2	10	0	0	0
Race/Ethnicity Breakdowns (Only Completed Projects Listed)	Consortium: City of Ceres			Consortium: City of Newman		
	Rehab Single Family	FTHB	Rental	Rehab Single Family	FTHB	Rental
White	-	2	10	-	-	-
Black or African American	-	-	-	-	-	-
Asian	-	-	-	-	-	-
American Indian/Alaskan Native	-	-	-	-	-	-
Native Hawaiian or Other Pacific Islander	-	-	-	-	-	-
American Indian or Alaska Native & White	-	-	-	-	-	-
Asian & White	-	-	-	-	-	-
Black or African American & White	-	-	-	-	-	-
American Indian or Alaska Native & Black or African American	-	-	-	-	-	-
Balance/Other	-	-	-	-	-	-
Total Served	0	2	10	0	0	0
Hispanic Total Served	-	-	-	-	-	-

Table 4 (Part 2): Oakdale and Patterson

Table 4 (Part 2) Summary of Housing Accomplishments Fiscal Year 2011/2012						
Housing (Only Completed Projects Listed)	Consortium: City of Oakdale			Consortium: City of Patterson		
	Rehab Single Family	FTHB	Rental	Rehab Single Family	FTHB	Rental
Renters (Median Family Income)						
0-30% of MFI	-	-	-	-	-	-
31-50 of MFI	-	-	-	-	-	-
51-80 of MFI	-	-	-	-	-	-
Total	0	0	0	0	0	0
Owners (Median Family Income)						
0-30% of MFI	-	-	-	-	-	-
31-50 of MFI	-	-	-	-	-	-
51-80 of MFI	-	1	-	1	1	-
Total	0	1	0	1	1	0
Homeless (Homeless families and individuals assisted with transitional and permanent housing)						
Individuals	-	-	-	-	-	-
Families	-	-	-	-	-	-
Total	0	0	0	0	0	0
Non-Homeless Special Needs						
Total	-	-	-	-	-	-
Total Housing	0	1	0	1	1	0
Race/Ethnicity Breakdowns (Only Completed Projects Listed)	Consortium: City of Oakdale			Consortium: City of Patterson		
	Rehab Single Family	FTHB	Rental	Rehab Single Family	FTHB	Rental
White	-	1	-	1	1	-
Black or African American	-	-	-	-	-	-
Asian	-	-	-	-	-	-
American Indian/Alaskan Native	-	-	-	-	-	-
Native Hawaiian or Other Pacific Islander	-	-	-	-	-	-
American Indian or Alaska Native & White	-	-	-	-	-	-
Asian & White	-	-	-	-	-	-
Black or African American & White	-	-	-	-	-	-
American Indian or Alaska Native & Black or African American	-	-	-	-	-	-
Balance/Other	-	-	-	-	-	-
Total Served	0	1	0	1	1	0
Hispanic Total Served	-	1	-	1	1	-

Table 4 (Part 3): Stanislaus County and Turlock

Table 4 (Part 3)						
Summary of Housing Accomplishments						
Fiscal Year 2011/2012						
Housing (Only Completed Projects Listed)	Consortium: Stanislaus County			Consortium: City of Turlock		
	Rehab Single Family	FTHB	Rental	Rehab Single Family	FTHB	Rental
Renters (Median Family Income)						
0-30% of MFI	-	-	-	-	-	-
31-50 of MFI	-	-	-	-	-	-
51-80 of MFI	-	-	-	-	-	-
Total	0	0	0	0	0	0
Owners (Median Family Income)						
0-30% of MFI	1	-	-	-	-	-
31-50 of MFI	3	2	-	-	5	-
51-80 of MFI	-	2	-	-	4	-
Total	4	4	0	0	9	0
Homeless (Homeless families and individuals assisted with transitional and permanent housing)						
Individuals	-	-	-	-	-	-
Families	-	-	-	-	-	-
Total	0	0	0	0	0	0
Non-Homeless Special Needs						
Total	0	0	0	0	0	0
Total Housing	4	4	0	0	9	0
Race/Ethnicity Breakdowns (Only Completed Projects Listed)	Consortium: Stanislaus County			Consortium: City of Turlock		
	Rehab Single Family	FTHB	Rental	Rehab Single Family	FTHB	Rental
White	4	2	-	-	7	-
Black or African American	-	-	-	-	-	-
Asian	-	-	-	-	-	-
American Indian/Alaskan Native	-	14	-	-	-	-
Native Hawaiian or Other Pacific Islander	-	-	-	-	-	-
American Indian or Alaska Native & White	-	-	-	-	-	-
Asian & White	-	-	-	-	-	-
Black or African American & White	-	-	-	-	-	-
American Indian or Alaska Native & Black or African American	-	-	-	-	-	-
Balance/Other	-	-	-	-	2	-
Total Served	4	4	0	0	9	0
Hispanic Total Served	2	4	-	-	9	-

Table 4 (Part 4): Waterford and CHDO

Table 4 (Part 4)						
Summary of Housing Accomplishments						
Fiscal Year 2011/2012						
Housing (Only Completed Projects Listed)	Consortium: City of Waterford			Consortium: CHDO		
	Rehab Single Family	FTHB	Rental	Rehab Single Family	FTHB	Rental
Renters (Median Family Income)						
0-30% of MFI	-	-	-	-	-	9
31-50 of MFI	-	-	-	-	-	1
51-80 of MFI	-	-	-	-	-	-
Total	0	0	0	0	0	10
Owners (Median Family Income)						
0-30% of MFI	-	-	-	-	-	-
31-50 of MFI	-	-	-	-	-	-
51-80 of MFI	-	-	-	-	-	-
Total	0	0	0	0	0	0
Homeless (Homeless families and individuals assisted with transitional and permanent housing)						
Individuals	-	-	-	-	-	-
Families	-	-	-	-	-	-
Total	0	0	0	0	0	0
Non-Homeless Special Needs						
Total	-	-	-	-	-	-
Total Housing	0	0	0	0	0	10
Race/Ethnicity Breakdowns (Only Completed Projects Listed)	Consortium: City of Waterford			Consortium: CHDO		
	Rehab Single Family	FTHB	Rental	Rehab Single Family	FTHB	Rental
White	-	-	-	-	-	10
Black or African American	-	-	-	-	-	-
Asian	-	-	-	-	-	-
American Indian/Alaskan Native	-	-	-	-	-	-
Native Hawaiian or Other Pacific Islander	-	-	-	-	-	-
American Indian or Alaska Native & White	-	-	-	-	-	-
Asian & White	-	-	-	-	-	-
Black or African American & White	-	-	-	-	-	-
American Indian or Alaska Native & Black or African American	-	-	-	-	-	-
Balance/Other	-	-	-	-	-	-
Total Served	0	0	0	0	0	10
Hispanic Total Served	-	-	-	-	-	-

B-2.

Describe the manner in which the recipient would change its program as a result of its experiences.

The City of Turlock and the Turlock/ Stanislaus County HOME Consortium have been proactive in seeking to identify the priority issues that can be addressed with the funding sources available and which have been identified in the Consolidated Plan. While the City of Turlock and the HOME Consortium have had success in terms of the number of projects, loans and residential rehabilitation (in units), the downturn in the economy and the high unemployment rates in the area make doing loans a challenge for those who have no equity or are already in underwater mortgages.

B-3.

Affirmatively Furthering Fair Housing:

- a. Provide a summary of impediments to fair housing choice.**
- b. Identify actions taken to overcome effects of impediments identified.**

In 2011-2012, the City of Turlock participated in the preparation of a Request for Qualifications for regional Fair Housing Services with the City of Modesto and the Urban County of Stanislaus as the primary means to affirmatively further fair housing opportunities in the on a regional basis. The regional contract was awarded to Project Sentinel for fair housing as well as tenant landlord issues.

Project Sentinel provided Fair Housing services for the City of Turlock through a CDBG grant of \$20,000. They are a non-profit fair housing agency established to investigate fair housing complaints. They seek to provide fair housing services through enforcement of federal, state and local civil rights laws, and the promotion of community awareness. This fiscal year Project Sentinel provided information and referral services to 250 individuals. See the following table for a breakdown of the persons served. They have investigated and documented several fair housing complaints in the City of Turlock. Complaints have been followed through with testers at the complaint sites.

They provide fair housing investigation services and consultation services. These services included testing, canvassing, statistical analysis, witness interviews and counseling. They conduct presentations throughout the Turlock Community, as well as presenting Fair Housing and Landlord/Tenant workshops and Tester Training workshops. Presentations are conducted upon request.

Project Sentinel also distributed Fair Housing educational materials in English and Spanish to local agencies and community organizations. The Community Resource Handbook, produced by City staff, provides reference information to the community including Renters/Landlords rights, shelter services, disabled services, senior services and other housing related resources. This handbook will be revised this year and is provided to the public and to local non-profit agencies. It is available for review and to download from our website at www.cityofturlock.org.

Table 5 Project Sentinel - Fair Housing Services Fiscal Year 2011/2012 (IDIS Activity # 580)	
Income Breakdowns	
Extremely low 0-30%	115
Very Low 31-50%	68
Low/Mod 51-80%	49
Moderate 81+%	18
Total	250
Race/Ethnicity Breakdowns	
White	223
Black or African American	25
Asian	2
American Indian/Alaskan Native	0
Native Hawaiian or Other Pacific Islander	0
American Indian or Alaska Native & White	0
Asian & White	0
Black or African American & White	0
American Indian or Alaska Native & Black or African American	0
Balance/Other	250
Total	250
Hispanic	
Total	69
Other Statistics	
Female Head of household	12
Over 62 years old	7
People with Disabilities	25

HUD requires any jurisdiction receiving funds to commit to affirmatively further fair housing. In accordance with HUD's requirements, the City of Turlock in 2005 completed the Analysis of Impediments to Fair Housing Choice. In addition the City is working with Smart Valley Places on a regional analysis of impediments. Some of the regional impediments identified in the beginning drafts of the Regional AI include:

Affordable Housing

1. IMPEDIMENT: Lack of Sufficient Affordable Housing Supply

- 1.1 Action:** Provide assistance to preserve existing affordable housing and to create new affordable housing.
- 1.2 Action:** Offer regulatory relief and incentives in cooperation with the City of Turlock Development Services Department and the Housing Authority of Stanislaus County for the development of affordable housing.
- 1.3 Action:** Assure the availability of adequate sites for the development of affordable housing.

1.4 Action: Develop strategies to mitigate or preserve affordable multi-family units at risk of conversion to market rate units.

2011-12 Action Taken:

- Carried out housing rehabilitation programs, first-time homebuyer programs, and affordable multi-family projects.
- Provided financial assistance for both first-time homebuyer projects and affordable multi-family projects.
- Maintained and made available properties to construct/rehabilitate affordable housing onto non-profit partners.

2. IMPEDIMENT: Insufficient Funding for Affordable Housing Programs

2.1 Action: Research and apply for alternative private and public funding opportunities that can provide additional support to the City's affordable housing programs.

2.2 Action: Review City's Affordable Housing Program Guidelines and current market conditions to ensure the most efficient use of available funds.

2011-12 Action Taken:

- Applied for \$1,000,000 in CalHome funds for a Rehabilitation Program.
- Implemented Award of \$800,000 through the State of California Small Cities HOME Program for a First-Time Homebuyer Program.

Mortgage Lending

3. IMPEDIMENT: Differential Origination Rates for households of low income status including minorities.

3.1 Action: The City will monitor periodically Home Mortgage Disclosure Act (HMDA) data and report significant trends in mortgage lending by race, ethnicity, and household income.

3.2 Action: The City will support activities of local organizations to improve homebuyer loan readiness through pre-purchase counseling, credit counseling, and home-buyer education programs.

3.3 Action: The City will continue to implement its Economic Development Strategy to increase the income levels for all households in Turlock.

3.4 Action: The City will continue to offer and support home purchase programs for low-income households.

3.5 Action: When selecting lending institutions for contracts as part of an affordable housing project or program, the City may prefer lending institutions with a Community Reinvestment Act (CRA) rating of "Outstanding". The City may exclude those with the rating of "Needs to Improve," or "Substantial Noncompliance" according to the most recent examination period published by the Federal Financial Institutions Examination Council (FFIEC).

2011-12 Action Taken:

- Implemented several fee reduction programs to spur economic development in the City.
- Conducted business and tourism attraction activities to spur economic growth.
- Provided first-time homebuyer programs utilizing redevelopment funds, HOME funds, NSP and CalHome funds.

Fair Housing Education and Enforcement

4. IMPEDIMENT: Lack of knowledge of fair housing rights

4.1 Action: Support efforts to educate persons, including occupants, owners, and agents of both rental and purchase units regarding their fair housing rights and responsibilities.

4.2 Action: Support local advocate agencies and community stakeholders in efforts to disseminate fair housing information to the community at large.

2011-12 Action Taken:

- Refer all individuals with potential fair housing issues to Project Sentinel.

5. IMPEDIMENT: Lack of information on the nature and basis of housing discrimination

5.1 Action: Monitor the incidence of housing discrimination complaints and report trends in the Consolidated Annual Performance and Evaluation Report (CAPER).

5.2 Action: If deemed necessary, create an action item in the City's Annual Action Plan that addresses the trend of discrimination complaints as identified in the CAPER

2011-12 Action Taken:

- In the 2011-12 year 3 complaints were filed to the governing agencies; one complaint was resolved, one complaint was closed due to the complainant not cooperating and once case is still open (filed in April of 2012).

- Based on statistics provided in a study by the Project Sentinel determined property managers in Clovis needed additional education.

Governmental Barriers

6. IMPEDIMENT: Lack of sufficient public transportation for low-income and special needs populations

6.1 Action: The City will continue to study the public transportation system and recommend improvements as funds allow to better serve all populations, including low-income and special needs households.

2011-12 Action Taken:

- Additional funding has not become available but city staff is working with the Transit Manager to identify other funding sources for free or reduced price trinity passes.

7. IMPEDIMENT: Shortage of rental subsidy vouchers

7.1 Action: The City will continue to partner with the Fresno County Housing Authority on both affordable housing projects and obtaining additional funds to support the Housing Choice Voucher Program that is currently oversubscribed.

2011-12 Action Taken:

- The City of Turlock has been working with the Stanislaus County Housing Authority to identify and seek out additional voucher grants and opportunities.

-The Avena Bella affordable housing project currently under construction will add an additional 80 units of affordable housing that will not require housing vouchers.

B-4.

Describe Other Actions in Strategic Plan or Action Plan taken to address obstacles in meeting underserved needs.

The City of Turlock continues to participate in the Federal Reserve Bank's Foreclosure Recovery Task Force. Strategies were identified to assist families who had experienced nefarious sub-prime lending practices and had lost their homes. A collaborative action plan currently underway has been refined by all the participating jurisdictions and was previously recognized by President Obama's administration as being forward thinking and community based.

B-5.

Leveraging Resources

- a. Identify progress in obtaining "other" public and private resources to address needs.**
- b. How Federal resources from HUD leveraged other public and private resources.**
- c. How matching requirements were satisfied.**

The City has actively sought funding sources in addition to CDBG and HOME to leverage its resources. Funds which were available during the fiscal year were CalHome, NSP, HPRP, State HOME, Housing Choice Vouchers (previously known as Section 8), Low-income Housing Tax Credits, Redevelopment Housing Set Aside Funds, and local developer contributions.

CalHome

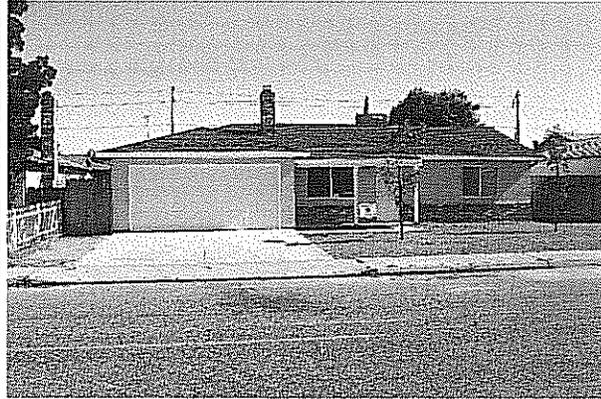
The City applied for 2008 Cal Home funds in June 2009 to fund First Time Home Buyer loans. Housing and Community Development (HCD) awarded the City of Turlock \$900,000 in grant funds. In 2011-2012 four loans were provided expending \$204,760 in grant funds. In some cases, the City of Turlock used CalHome funds as the source of down payment assistance for some of the NSP homes that were located in the target census tracts. A total of twenty-one loans have been issued towards the CalHome grant. The City applied for and was awarded a 2011 CalHome grant of \$1,000,000 and anticipates utilizing the funds in fiscal year 2012-2013.

Neighborhood Stabilization Program (NSP)

The City of Turlock applied for Neighborhood Stabilization Funds in the fall of 2009 and received \$1.4 million in a grant award. These were NSP 1 funds that came through the State of California Housing and Community Development. To date, the City of Turlock has purchased and rehabilitated nineteen homes in the program, including two units with ADA accommodations. The NSP program is implemented utilizing the City's own Housing staff.



NSP House – Before



NSP House – After

Homeless Prevention and Rapid Re-Housing (HPRP)

The City of Turlock had previously partnered with the Stanislaus Community Assistance Project (SCAP) in a Homeless Prevention and Rapid Re-housing grant in the amount of \$1.6 million awarded through the State of California Housing and Community Development.

To date, \$1.08 million of the grant has been expended which includes \$ 466,211.73 on direct services and assistance to individuals and families in Turlock. Case management is provided by SCAP and the case worker see clients in the City of Turlock Housing office twice a week. Specifically, the Turlock HPRP Grant has assisted 190 cases or households with a total of 456 individuals. These figures have been entered into the Client Track database as part of the Homeless Management Information System (HMIS).

In May 2012, HCD approached the City of Turlock to assume the lead role in the HPRP grant. The City has assumed the grant balance of approximately \$289,000 to expend prior to the deadline of September 10, 2012. Children’s Crisis Center, We Care and United Samaritan Foundation remain partners in the Turlock grant effort.

Matching for the HOME Program

Non-federal funding is used as matching for the HOME program. See Section L-2 on Page 43 for HOME Matching information and details.

Table 5
Summary of Funding and Leveraging Resources
 City of Turlock and Consortium for Fiscal Year 2011/2012

Source of Funds	Agency Providing Resources	Funding Available	Geographic Distribution
CDBG	HUD	672,823	Turlock: City-Wide
CDBG Estimated PI and Carry Over	HUD	948,000	Turlock: City-Wide
Consortium HOME	HUD	1,386,713	Turlock and Consortium
Consortium HOME Estimated PI	HUD	156,000	Turlock and Consortium

Consortium HOME Estimated Carry Over	HUD	1,535,537	Turlock and Consortium
State HOME Estimated Program Income	HUD through the State	497,789	Turlock: City-Wide
Redevelopment 20% Housing Set-A-Side	Redevelopment Agency	5,080,000	Turlock and Consortium
Rental Rehabilitation Program (RRP) Estimated Program Income	Local Funds	1,500	Turlock: City-Wide
Local Lenders	Local Funds	Unknown	Turlock and Consortium
Estimated Total Funding Resources		\$9,158,521	

Consortium Leveraging

For the Turlock/Stanislaus County HOME Consortium each member jurisdiction historically has also leveraged their HOME allocation with local Redevelopment Agency funds, Low Income Housing Tax Credits, CalHome, NSP and Housing Choice Voucher funds (previously known as Section 8). The Consortium allocates HOME funds on a formula basis to the Consortium members. Consortium members include the jurisdictions of Turlock, Ceres, Newman, Oakdale, Patterson; County of Stanislaus unincorporated areas, and Waterford. Stanislaus County's jurisdiction is comprised of the unincorporated County containing sixteen communities.

The Redevelopment Agencies throughout California ceased to exist by legislative action on February 1, 2012. All unencumbered Low and Moderate Income Housing funds have been swept by the State of California to be used to close the State's budget gap.

C. Managing the Process

C-1.

Describe actions taken during the last year to ensure compliance with program and comprehensive planning requirements.

The City of Turlock's Housing Division is the lead agency responsible for the development of the Consolidated Plan and Consolidated Annual Performance and Evaluation Report (CAPER). The Housing Division is also the primary agency responsible for the administration and management of programs and projects covered by the Consolidated Plan and identified in the CAPER.

The City complied with all Federal Overlay requirements for all projects and activities undertaken during the 2011-2012 Fiscal Year.

During the 2011-2012 Fiscal Year, the City:

- o Continued to develop its relationships with private for profit developers and non-profit housing providers to expand the availability of affordable housing.

- Continued to actively participate in the "The Turlock/ Modesto/St Stanislaus County Collaborative on Homelessness also known as the Continuum of Care (CoC). Turlock staff now serves on the CoC Executive committee. In addition, Turlock Housing Staff regularly meets with the Turlock Homeless Action Committee as well as served as the lead agency for the Turlock/ Stanislaus County HOME Consortium.
- Continued to participate in a leadership role in the Turlock Community Collaborative (TCC). The TCC is a results-driven network of over 50 member organizations from various sectors "striving to improve the lives of children, adults and families by collaborating and building the resources of the organizations that serve them". The values based group is driven by the belief that working collaboratively with one another creates better solutions to pressing community issues.
- Staff actively participated in the community meetings and public hearing that considered the areas and issue related to the City's compliance with Senate Bill 2 with regard to homeless shelters by right.

D. Citizen Participation

D-1.

Provide a summary of citizen comments.

In order to elicit and encourage public participation, the City of Turlock Housing Program Services Division published the Public Notice for Public Review and Comment and Public Hearing) for the 2011/2012 Consolidated Annual Performance and Evaluation Report (CAPER) and invited the public to participation in the process.

The notice was published in English on August 15, 2012 in the Modesto Bee and published in Spanish on August 15, 2012 in Vida en el Valle, a Spanish language weekly newspaper. The notice indicated that citizens have until August 30, 2012 to make comments. This provides the minimum 15-day comment period as required by HUD 24 CFR 91.105(d)⁷. This notice was also posted on the City Hall Public Announcement Board. A copy of the public notice is attached labeled Exhibit 1.

Documents made available to the public

CAPER copies were made available at the City of Turlock City Hall and Housing Program Services Division Office, Stanislaus County Turlock Library branch office, and City of Turlock Police Services. The Consolidated Plan and the Analysis of Impediments to Fair Housing report were and are available to the public at the City of Turlock Housing Program Services Division office located at 156 South Broadway, Suite 250, (in City Hall) and the Stanislaus County Turlock Library branch office located at 550 Minaret Avenue.

Comments Received

Public comments were sought during the comment period from August 16, 2012 to August 30, 2012. A Public Hearing was held in Turlock on August 23, 2012 at 5:00 pm and another Public Hearing was held in Modesto on August 22, 2012 at 5:00 pm to provide information and take comments for the CAPER. See Exhibit 1 for a summary of the Public Comments.

⁷ Housing and Urban Development Code of Federal Register Title 24 Part 91 section 105(d).

D-2.

In addition, the performance report provided to citizens must identify the Federal funds made available for furthering the objectives of the Consolidated Plan. For each formula grant program, the grantee shall identify the total amount of funds available (including estimated program income), the total amount of funds committed during the reporting period, the total amount expended during the reporting period, and the geographic distribution and location of expenditures. Jurisdictions are encouraged to include maps in describing the geographic distribution and location of investment (including areas of minority concentration). The geographic distribution and expenditure requirement may also be satisfied by specifying the census tracts where expenditures were concentrated.

Please see the list of exhibits for the maps and census tract data.

Expenditures and Commitments

CDBG and HOME funds were used exclusively to benefit low and moderate (low/mod) income persons, aid in the prevention of slums or blight, as well as meet community development needs having a particular urgency.

Expenditures and commitments for this fiscal year are summarized in the following table (Table 6). HUD requires expenses, activities, and accomplishments to be logged into its computerized online reporting system known as the Integrated Disbursement and Information System (IDIS). Expenses in the IDIS reports may not correspond to tables 6 and 7 due to funds not being drawn down within the fiscal year.

Table 6 CDBG Commitments and Expenses Table -City of Turlock Only Fiscal Year 2011/2012 (Numbers rounded for clarity. IDIS reports may not correspond to table due to funds not being drawn down within the fiscal year)				
Project ID	CDBG Project Title	Budget	Commitments	Expenses
1	Housing Rehabilitation	540,000	580,674	580,674
2	Temporary Relocation	4,000	1,000	1,000
3	P/S ARC/Howard Training Center	15,000	15,000	15,000
4	P/S United Samaritans-Food Box	15,000	15,000	15,000
5	P/S Children's Crisis Center	15,000	15,000	15,000
6	P/S We Care Program	15,000	15,000	15,000
7	P/S Second Harvest Food Bank	10,000	10,000	10,000
8	P/S Project Sentinel (Fair Housing)	20,000	20,000	20,000
9	First Time Home Buyer Loans	220,000	85,700	85,700
10	Public Improvements	120,000	28,853	28,853
11	Affordable Housing Development	370,390	0	0
12	Program Administration (CDBG)	138,000	134,565	134,565
		1,482,390	920,792	920,792

Table 7
HOME Consortium Commitments and Expenses Table

Fiscal Year 2011/2012

(Numbers rounded for clarity. IDIS reports may not correspond to table due to funds not being drawn down within the fiscal year)

Project ID	Project Title	HOME Budget	Commitments	Expenses
13	CHDO 2011	208,007	0	0
N/A	Affordable Housing Prior Year	1,535,537	994,440	994,440
14	Affordable Housing Current Year 11/12	1,040,035	0	0
15	City Administration (HOME)	89,443	89,443	89,443
16	Consortium Administration (HOME)	49,228	49,228	49,228
		2,922,250	1,133,111	1,133,111

See Exhibit 8 (IDIS report PR01) and Exhibit 10 (IDIS report PR08) which illustrate how funds were committed and expended in CDBG and HOME. Projects show funds expended within the fiscal year, although funds may have been drawn after the fiscal year end. The City expends its funds to process payments then reimburses itself with grant draws from HUD for the activities in order to not impede a projects implementation. This internal finance process may cause some activities to show lower funding levels that what we have reported due to this later reimbursement. At the end of the fiscal year, the City of Turlock did not have any earned interest on the revolving loan funds that would be required to be returned to HUD.

Table 8
Distribution of Funding in Turlock (HOME & CDBG)
 First Time Home Buyers Assisted (HOME/CDBG) and Rehab (CDBG) in Turlock
 2011/2012

Turlock Census Tracts	First Time Home Buyers Assisted in Turlock (CDBG and HOME Consortium)	Rehabilitation (CDBG Funds)
36.02	-	-
36.03	-	-
36.04	-	-
37.00	1	-
38.01	-	-
38.02	2	-
38.03	6	-
38.04	1	1
39.04	-	-
39.05	-	-
39.06	2	1
39.07	-	-
39.08	1	1
39.09	-	1
Total	13 (4 Home assisted, 5 HOME/CDBG, 4 CalHome)	4 Homes

See Exhibit 4 for Census Tract Map

Table 9
Distribution of Funding in HOME Consortium
 (Excluding Turlock)
 HOME Consortium Assisted First Time Home Buyers, Rehabilitation, and Apartments
 2011/2012

Consortium Member	First Time Home Buyers	Rehab Program	Rentals
Stanislaus County (unincorp. areas)			
Ceres	-	-	
Denair	-	-	
Empire	-	-	
Grayson	-	-	
Hickman	-	-	
Hughson	-	-	
Keyes	2	-	
Modesto	-	4	
Oakdale	-	-	
Patterson	-	-	
Riverbank	-	-	
Salida	2	-	
Crows Landing	-	-	
Ceres	2	-	18
Newman	-	-	-
Oakdale	1	-	10 CHDO
Patterson	1	1	-
Total	8	4	0

See Exhibit 3 for Stanislaus County Map

E. Institutional Structure

E-1.

Describe actions taken during the last year to overcome gaps in institutional structures and enhance coordination.

One of the strategies of the Consolidated Plan is to take actions to overcome any gaps that may exist in the institutional structures and enhance coordination within Stanislaus County network of public service providers.

For instance, during the program's monitoring reviews, agency-to-agency referrals are reviewed to verify that participants receiving services do not experience any gaps as they strive to reach their goal of independence from the need of public services within the community. Thus, the development of the Stanislaus Homeless Management Information System (HMIS) also has the potential to actively refer consumers of homeless services in a way that greatly reduces, if not eliminates, the needs of those transitioning from the streets towards permanent housing. Formal approval for agency-to-agency referral information via the HMIS system has been approved through the HPRP – HMIS Continuum of Care (CoC) sub-committee.

There is considerable work going on in Stanislaus County to bring together governmental agencies, nonprofit service providers, and consumers of services to identify where there are gaps and how they can be best filled. Stanislaus County is actively involved throughout the year with different service networks in the community. One of these is the Stanislaus Housing and Support Services Collaborative (SHSSC) (Continuum of Care), a very strong network of County-wide service providers, through which any identified institutional gaps may be addressed.

Another network is the Stanislaus County Mental Health Services Act (MHSA) collaborative whose purpose is to expand and develop innovative, integrated services for children, adults and older adults. California's voters passed MHSA in November 2004.

One of the major issues seen in the community is not a lack of agencies but a lack of prioritizing by the agencies. Many agencies tend not to look at long-term funding due to either lack of staff or capacity. Building the capacity of local nonprofits has also become an important issue for the Urban County and other entitlement cities. The Urban County also has an excellent working relationship with both the cities of Turlock and Modesto, which are separate CDBG entitlement jurisdictions, to strategically prioritize projects and programs more efficiently and effectively for the region. The Urban County is able to: a) effectively strategize to fill in institutional gaps; and, b) continue to work and build cooperatively and collaboratively; c) provide technical assistance to the nonprofit community; d) provided seed funds via the public service cycle to expand their capacity to provide a greater variety of housing related services for the population they directly serve.

F. Monitoring

F-1.

Describe how and the frequency with which you monitored your activities.

The City of Turlock requires each public service agency to provide quarterly data reports that describe the number of people served and includes statistics on race/ethnicity and income. Each public service agency is monitored on a yearly basis to insure compliance with program regulations.

City staff reviews program activity reports to assess the progression of division projects and resolve problems and issues as necessary to ensure compliance, with all statutory and regulatory requirements. Staff also meets periodically with Consortium members to monitor and approve activities and projects, review financial items, update activity statuses, and complete project documentation. This ensures that all statutory and regulatory requirements are being met and that performance reports and all other information submitted to HUD is correct and complete.

F-2.

Describe the results of your monitoring including any improvements.

Turlock requested from HUD and was granted technical assistance to revise and enhance the City of Turlock as well as the Turlock/ Stanislaus County Home Consortium policies and procedures which included monitoring procedures. A draft set of policies and procedures for HOME has been completed with new monitoring policies and procedures.

F-3.

Self Evaluation

- a. **Describe the effect programs have in solving neighborhood and community problems.**
- b. **Describe progress in meeting priority needs and specific objectives and help make community's vision of the future a reality.**
- c. **Describe how you provided decent housing and a suitable living environment and expanded economic opportunity principally for low and moderate-income persons.**
- d. **Indicate any activities falling behind schedule.**
- e. **Describe how activities and strategies made an impact on identified needs.**
- f. **Identify indicators that would best describe the results.**
- g. **Identify barriers that had a negative impact on fulfilling the strategies and overall vision.**
- h. **Identify whether major goals are on target and discuss reasons for those that are not on target.**
- i. **Identify any adjustments or improvements to strategies and activities that might meet your needs more effectively.**

Based upon the review of the City of Turlock and the Turlock/Stanislaus County HOME Consortium's performance and accomplishment during the past year, the City and

Consortium are meeting the objectives as outlined in the Consolidated Plan. The City and Consortium have taken an active role in the promotion and production of affordable housing as well as addressing the needs of the community. The City actively pursued and utilized resources identified in the Consolidated Plan and Action Plan to leverage the CDBG and HOME funds to serve the Community.

The City of Turlock met the CDBG 1.5 timeliness requirement for the 2011-2012 fiscal year as mandated. HUD requires that the City have no more than 1.5 times its current year entitlement grant in its line of credit on April 15th of each year. All line of credit withdrawals are supported by documented actual expenditures. The City expends the funds first then reimburses itself when funds are drawn down.

City staff reviews program activity reports to assess the progression of division projects and resolve problems and issues as necessary to enhance our effectiveness and productivity. Staff meets at least twice each quarter with Consortium members to monitor and approve activities and projects, review financial items, update activity statuses, and complete project documentation.

G. Lead-Based Paint

G-1.

Describe actions taken during the last year to evaluate and reduce lead-based paint hazards.

The Health Services Agency of Stanislaus County is the lead agency for Stanislaus County in the identification, documentation and prevention of lead poisoning. The Childhood Lead Poisoning Prevention Program of Stanislaus County, administered through the Health Services Agency, becomes involved with childhood lead-based poisoning when notification of an elevated screening blood level is received either from the laboratory or physician. If the blood level is 10ug/dL (micrograms per deciliter), notification is made to the family. Once a child meets the case definition, an environmental investigation is performed by a Registered Environmental Health Specialist to determine, if possible, the source of lead exposure. The Stanislaus County Health Services Agency in partnership with the Department of Environmental Resources conducts the investigation of residences where children with elevated levels of lead reside.

Within the Stanislaus Urban County jurisdiction, there were four (4) cases of childhood lead-based poisoning investigated by Stanislaus County in Fiscal Year 2011-2012. The cause of the lead exposure was connected to the housing unit in three (3) of these cases. In these cases, the Housing Rehabilitation Program information was given to the household. The cause of the poisoning in the remaining case was not determined.

During the Fiscal Year 2011-2012, the Stanislaus Urban County partnered with the Childhood Lead Poisoning Prevention Program to distribute information in the unincorporated areas and the participating jurisdictions. If the source of lead exposure is related to the residential physical environment (e.g. peeling paint that indicates the presence of lead) then the Housing Rehabilitation Program may participate in source eradication.

The lead-based paint regulation that became effective April 22, 2010 added a requirement that requires contractors bidding on rehabilitation of homes built prior to 1978 provide documentation of EPA Lead Renovation and Repair and Painting certification. During the implementation of local housing rehabilitation programs, appropriate steps are taken when the presence of lead-based paint is detected. Steps include full encapsulation, complete abatement (removal), painting or spot repair (as per HUD-sponsored abatement course protocol). These actions are part of the overall strategy of the CP and will continue in funded housing activities.

During the implementation of Turlock local housing rehabilitation programs, appropriate steps are taken when the presence of lead-based paint is detected. Steps include full encapsulation, complete abatement (removal), painting or spot repair (as per HUD-sponsored abatement course protocol). These actions are part of the overall strategy of the Consolidated Plan and will continue in funded housing activities. The City continued to provide information regarding lead based paint hazards to City of Turlock residents.

H. Housing Needs

H-1.

Describe Actions taken during the last year to foster and maintain affordable housing.

During the 2011-2012 fiscal year the City worked to increase the availability of affordable housing to Turlock residents. The City completed its update to the Housing Element of the General Plan which identifies current housing stock and gaps in the number of units by size and affordability. The City's new Housing Element provides for a 10% Affordable Housing Production Goal to insure that affordable purchase and rental housing are constructed to help meet the needs of middle, low and very low income households.

In the Housing Needs Table, annually, the City had committed to assisting six homeowners with housing problems, as addressed through the City's longstanding Owner Occupied Housing Rehabilitation Programs. As identified in the previous section, the Housing Rehabilitation Programs are funded with CDBG, CDBG-R, and HOME funds. During the 2011-2012 Program Year the City expended \$580,674 in CDBG funding for housing rehabilitation and assisted four low and very low-income households.

In addition, The City and its Redevelopment Agency have entered into two Disposition and Development Agreements for the Construction of a two phased project totally 141 units of affordable housing. The project is targeted to serve families and seniors and 30%, 40%, and 50% of the AMI. The first phase of 80 units is currently under construction with occupancy set for July 2013.

For the HOME Consortium, affordable housing developments were completed in Oakdale for senior units and there are two other projects in Ceres and Newman that are underway and close to being completed.

I. Specific Housing Objectives

I-1.

Evaluate progress in meeting specific objective of providing affordable housing, including the number of extremely low-income, low-income, and moderate-income renter and owner households comparing actual accomplishments with proposed goals during the reporting period.

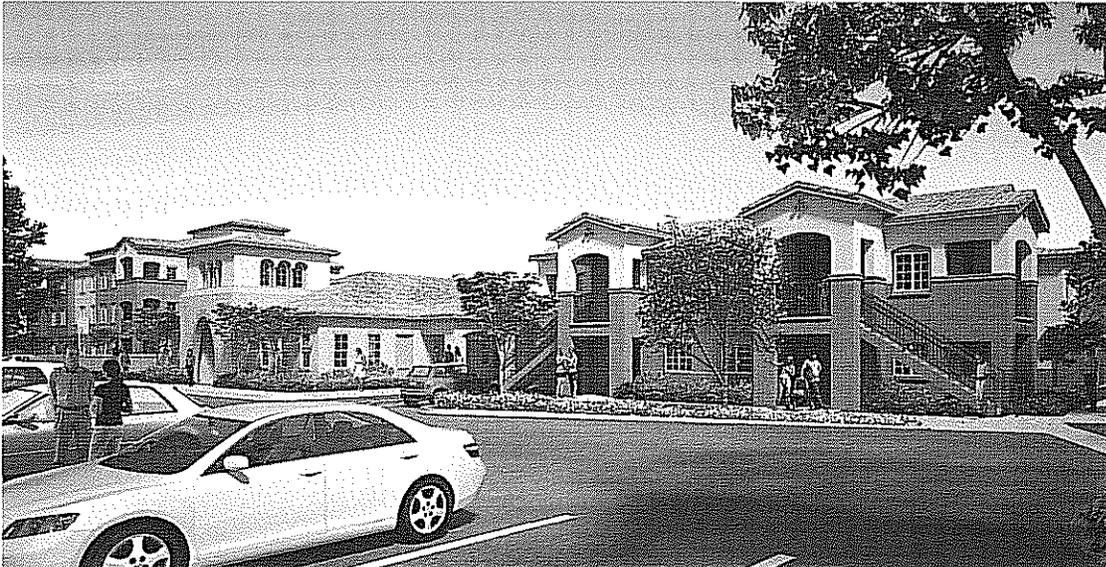
The City's Consolidated Plan identifies as a high priority need extremely low, very low and low-income households experiencing housing problems. Consistent with the priorities outlined in the Consolidated Plan, during the 2011/2012 fiscal year, the City undertook the following activities that addressed the housing needs:

- The Stanislaus County Housing Authority (SCHA) has continued to use resources available through the Housing Choice Voucher Program to provide rental assistance. The SCHA has contract authority from the U.S. Department of Housing and Community Development (HUD) to assist households with Housing Choice Vouchers. The Housing Authority's current budget allowed the full utilization of all vouchers as well as a waiting list.
- The City of Turlock utilized various home purchase assistance resources including the HOME Program, CDBG, and CalHome for the City's first time homebuyer assistance programs.
- The City continued to administer a First Time Home Buyers Program for low-income, first-time homebuyers which provide low interest loans. The program is funded with HOME, CalHome, Program Income, and up until February 1, 2012 Redevelopment Agency Housing Set Aside funds (RDA Low/Mod). Funds expended during the 2011-2012 Program Year for all funding sources Turlock expended \$506,230 and assisted thirteen (13) income eligible homebuyers were assisted.
- The City continued offering a Housing Rehabilitation Program, which is for repair of homes within the City and assists elderly, handicapped and other special needs, improving housing conditions.
- The City will continue to encourage private, for-profit and non-profit developers to construct affordable rental housing utilizing Low-income Housing Tax Credits, HOME, Mortgage Revenue Bonds, Section 202 and the Affordable Housing Goals outlined in the final draft of the new Housing Element. The City may provide incentives such as impact fee deferrals/financing and density bonuses to assist developers in achieving affordable rents.
- All families assisted under the various Stanislaus Urban County first time homebuyer DPA programs meet the Section 215 definitions of affordable housing. All related program goals were met.
- **Avena Bella**
The City entered into a Disposition and Development Agreement for the development of affordable housing located on a parcel of city owned land located at 500 West Linwood Avenue. The project, for tax credit application purposes was broken into two

phases with the first phase consisting of 80 units all of which are designated for income levels at 50% of the AMI and below. A funding request to the Federal Home Loan Bank was submitted in March 2011 and a \$1,000,000 grant was received for the project. The Turlock Redevelopment Agency committed \$5,000,000 to the project and the tax credits were awarded in the September 2011 round of funding. Groundbreaking occurred in April 2012, as scheduled. Completion and occupancy of the 80 units is set for June 2013.



Avena Bella



I-2.

Evaluate progress in providing affordable housing that meets the Section 215 definition of affordable housing for rental and owner households comparing actual accomplishments with proposed goals during the reporting period.

Section 215 provides that the City of Turlock and the Turlock/Stanislaus County HOME Consortium provide an evaluation of progress in meeting its specific objective of providing affordable housing, including the number of extremely low-income, low-income, and moderate-income renter and owner households assisted during the reporting period and the number of households assisted with housing that meets the Section 215 definition of affordable housing for rental and homeownership. The specific documentation and data to answer this requirement can be found in Table 4.

I-3.

Describe efforts to address "worst-case" housing needs and housing needs of persons with disabilities.

In efforts to address "worst-case" housing needs and housing needs of persons with disabilities, the Stanislaus Urban County partners with organizations such as the HACS and Disability Resource Agency for Independent Living (DRAIL). Project Sentinel and DRAIL work closely with one another through client referral to ensure individuals with disabilities are not suffering from discrimination related to housing.

In addition, Catholic Charities Senior Assisted Transportation program and the ARC's Senior Meals program provide food delivery services and transportation services to home bound seniors and persons with disabilities who would otherwise be unable to access services. Throughout the Fiscal Year 2011-2012, 6,386 individuals with disabilities received food assistance, shelter, housing or case management services through agencies that received CDBG Public Services or ESG funds from Stanislaus County.

The City of Turlock regularly responds to complaints by either tenants or neighbors in which these worst case scenarios. Housing staff regularly does HQS inspections and responds with the Fire Marshal and Building inspectors. During the program year, staff responded to six of these cases as well as engaged in an ongoing monitoring of a 104 unit apartment complex in which most of the tenants do not speak English as their first language and that there are approximately 38 Housing Choice voucher tenants that reside there.

J. Public Housing Strategy

J-1.

Describe actions taken during the last year to improve public housing and resident initiatives.

The City of Turlock actively partners with the Stanislaus Housing and Support Services Collaborative (also known as the Continuum of Care) in all activities related to improving public housing and resident initiatives. During past fiscal years, Urban County cities have partnered with the Housing Authority of the County of Stanislaus to rehabilitate public housing units.

The Stanislaus Urban County actively partners with the CoC in all activities related to improving public housing and resident initiatives. During past fiscal years, Stanislaus Urban County cities have partnered with HACS to rehabilitate public housing units. The HACS is the largest landlord of multi-family and single household public housing units for the lower income population of Stanislaus County. The HACS is committed to provide decent

affordable housing to its residents and in doing so; the HACS keeps public housing units in favorable conditions so that its residents have a safe and healthy living environment. During Fiscal Year 202011-2012, the HACS had a total of thirteen (13) public housing modernization projects. Modernization activity included from replacement of windows with new energy efficient units, re-roofing, interior improvements, installation of new energy star rated appliances, and replacement of outdated HVAC systems with high efficiency Energy Star rated systems.

Public housing improvements were conducted at different sites throughout Stanislaus County which include: Riverbank, Patterson, Westley, Hughson, Turlock, Ceres, and Modesto. HACS was able to fund these improvements on a total of 662 housing units, via American Recovery and Reinvestment Act and HUD Capital Fund Program funds.

K. Barriers to Affordable Housing

K-1.

Describe actions taken during the last year to eliminate barriers to affordable housing.

The changed economic circumstances confronting the Urban County, especially those affecting homeownership and rental housing markets, must be viewed as potential threats to fair housing choice. Clearly, vacancy rates in single-family dwellings have been rising rapidly throughout the County as more and more homes have gone into foreclosure or been abandoned, while the number of properties teetering on the verge of delinquency and default remains high.

In response to the foreclosure crisis in the Northern San Joaquin Valley, there have been local efforts to address the crisis. In partnership with local, state, federal, and 31 private entities, the City of Turlock in Collaboration with Stanislaus County and other area cities have been involved in the efforts to assist homeowners that are in foreclosure and/or at risk of foreclosure.

City staff has been involved in the Federal Reserve Foreclosure Recovery Task Force and the Northern California Housing Counseling Network. By learning about the resources available to people facing foreclosure, the knowledge assists staff to provide information and referrals to individuals seeking assistance in the foreclosure process.

L. HOME/American Dream Down Payment Initiative (ADDI)

L-1.

Assessment of Relationship of HOME Funds to Goals and Objectives

a. Evaluate progress made toward meeting goals for providing affordable housing using HOME funds, including the number and types of households served.

See Table 4 for accomplishment data.

L-2.

HOME Match Report

a. Use HOME Match Report HUD-40107-A to report on match contributions for the period covered by the Consolidated Plan program year.

The City satisfied HOME match obligation, during fiscal year 2011-2012, through use of HOME match credit primarily from eligible local redevelopment projects. Currently, the City has approximately \$5,177,801.18 in match credit available.

The City of Turlock/Stanslaus County HOME Consortium funds required contributions to qualified housing⁸ in an amount equal to 25% of appropriated HOME funds drawn down from the Consortium's HOME Investment Trust Fund Treasury account in the fiscal year for project costs, unless the Consortium has received a reduction in the contribution requirement. These contributions are referred to as "match." The amount of obligation is based on the amount of HOME funds drawn down, with some exceptions, including funds for administration. Match contributions made in excess of match obligations may be carried forward as match credit toward meeting obligations incurred in future years. Eligible forms of matching contribution are listed at 24 CFR 92.220.

The HOME matching requirement for the City of Turlock/Stanslaus County HOME Consortium was reduced to 12.5% for the federal fiscal year⁹, due to the percentage of families in poverty. Since the federal and Consortium/City fiscal years do not correspond, this reduction for the federal fiscal year 2010/2011 (Oct. 2010-Sept. 2011) covers three months (July, Aug., & Sept. 2011) of the Consortium's 2011-2012 fiscal year¹⁰ (July 2011-June 2012). The matching reduction was extended for the following federal fiscal year 2011/2012. The remaining Consortium fiscal year 2011/2012 (October 2011-June 2012) was also at the reduced rate of 12.5%.

The matching obligation for this fiscal year (July 1, 2011 to June 30, 2012 at 12.5%) was \$47,217.95. The Consortium exceeded the matching obligation through its eligible cash contribution balance of \$5,177,801.18. This large amount of matching balance is primarily due to HUD determining that the RDA funds (\$4,151,000) used for the construction of the Crane Terrace project, in fiscal year 2004/2005, was an allowable source of match. Matching cash contributions usually include Redevelopment 20% Housing set-a-side and Rental Rehab Program (RRP) funds. For more detailed information see the required HOME Matching Report (form HUD-40107-A) labeled Exhibit 7. The HOME Match Report is illustrated by the Federal Fiscal year (October 1, 2011 to September 30, 2012). Consequently the match report obligation (Part II, #4) shows \$47,217.95 (up to 06/30/12) and the Match contribution (Part II, #3) shows \$5,225,019.13 (up to 06/30/12) as the federal fiscal year does not end until September 30, 2012. This leaves an excess match carry over to the next Federal fiscal year of \$5,177,801.18 (Part II, #5).

⁸ The Housing and Urban Development Code of Federal register in Title 24 Part 92 section 219 defines qualified HOME assisted housing. A contribution is recognized as a matching contribution if it is made with respect to certain criteria.

⁹ The Federal Fiscal Year covers October 1, 2009 through September 30, 2010.

¹⁰ The Consortium's Fiscal Year covered July 1, 2009 through June 30, 2010.

L-3.

HOME MBE and WBE Report

- a. Use Part III of HUD Form 40107 to report contracts and subcontracts with Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs).**

The City will complete the HUD Form 40107 and submit the document to HUD in October 2012, as required.

L-4.

Assessments

- a. Detail results of on-site inspections of rental housing.**
b. Describe the HOME jurisdiction's affirmative marketing actions.
c. Describe outreach to minority and women owned businesses.

In general, the City is proactive in encouraging participation in each housing program or project. Advertisements occur in local circulations, public presentations and events, utility newsletters and through housing providers. In regard to rental projects with five or more units, the City continually takes actions to provide information and otherwise attract eligible persons in the housing market area to the available housing, without regard to race, color, national origin, sex, religion, familial status or disability. Display of the Equal Housing Opportunity logo and the Fair Housing Poster are at each public notice, the City's website and projects.

M. Homeless Needs

M-1.

Identify actions taken to address needs of homeless persons.

Cold Weather Homeless Shelter services were provided in the cold winter months through the We Care program for men and through Turlock Gospel Mission for women and children. The City has adopted a zoning overlay district that homeless shelters can be established by right in response to California's Senate Bill 2. The City's Housing Elements has been certified by the State of California Department of Housing and Community Development for its compliance on the requirements for homeless shelters.

In a further effort to address some of the homeless needs, the City contracted with Community Housing and Shelter Services (CHSS) to provide housing assistance in the form of hotel vouchers, housing counseling assistance and transit passes for clients. These services were provided at the We Care offices in Turlock. During the 2010-2011 fiscal year, CHSS provided assistance to 231 individuals who were seen for services and 66 households were sheltered, which included 218 individuals and 117 were children. There were 2,846 shelter nights provided. The service agreement was funded with Redevelopment Agency funds.

The City has been involved with the Turlock Homeless Action Committee and their efforts to identify potential sites for a shelter within the zoning overlay area. Negotiations are close to conclusion to secure a site for the development of a year round shelter with day and support services.

Continuum of Care

Services are provided to the homeless – including outreach and assessment, emergency housing, transitional housing, permanent supportive housing, and supportive housing – through the cooperative efforts of over 50 agencies involved in the Turlock/ Modesto, Stanislaus County Housing Collaborative. The lead agency to address the issues of homelessness is the Turlock/ Modesto/ Stanislaus County Housing Collaborative, founded in 2001. Its vision is to end homelessness in Stanislaus County. Its mission is to bring people together in collaboration to develop, coordinate and support projects, services and resources that will enhance our partners' ability to end homelessness.

The Continuum addresses the needs of all homeless subpopulations including domestic violence victims, mental illness, substance abuse, HIV+/AIDS, veterans, and youth. Representatives include members from the faith-based community, non-profits, business, city and county government, and interested citizens.

- Implements the Stanislaus County 10 Year Plan to End Homelessness
- Holds monthly membership meetings
- Holds monthly Board meetings
- Conducts the biannual Homeless Counts
- Reviews currently funded projects
- Submits the annual application for HUD McKinney Vento funds

M-2.

Identify actions to help homeless persons make the transition to permanent housing and independent living.

The City of Turlock and the Stanislaus Urban County partnered with We Care, and the Children's Crisis Center in efforts to help homeless persons and families make a transition to permanent housing and independent living. With the use of Homeless Prevention and Rapid Re-Housing Program (HPRP) grant funds, both the chronically homeless populations and temporarily homeless households were provided the opportunity to be placed into permanent housing. While enrolled in the program, case managers work with each household to set goals and work on a housing action plan in order to identify and connect with any needed services such as Temporary Assistance for Needy Families (TANF), Food Stamps, Veteran's Benefits, future employment opportunities, etc. Since the program began in September of 2009, 256 individuals, made up of 102 households, have received Rapid Re-Housing assistance. The HPRP program concluded in August of the 2012-2013 Fiscal Year. Out of 210 homeless assistance clients who have exited the program, 187 were stably housed.

We Care of Turlock, provides emergency shelter to chronically homeless adult males during the worst winter months. Case Managers work with these individuals on a plan for self-sufficiency. During Fiscal Year 2011-2012 a total of 138 individuals were sheltered at the We Care facility. Many entering the emergency shelter were permanently housed through the HPRP program.

M-3.

Identify new Federal resources obtained from Homeless SuperNOFA.

The following chart indicates the resources acquired through the Stanislaus Housing and Support Services Collaborative (also referred to as the Continuum of Care) through from the Homeless SuperNOFA to assist those individuals/families directly suffering from homelessness along with those in jeopardy of becoming homeless.

Turlock/Modesto/Stanslaus		
Program	Source	Amount Received
Families in Transition	SHPR	\$68,341.00
HALO 4 2010	SHPR	\$156,929.00
HALO Housing 2010	SHPR	\$118,333.00
Miller Pointe Project SPC PRA Renewal 2010	S+CR	\$138,240.00
Pathways – Supportive Services Only	SHPR	\$42,879.00
Shelter plus Care 1-4 Project Renewal 2010	S+CR	\$563,340.00
Stanislaus Homeless Collaborative	SHP	\$95,313.00
Turning Point Affordable Housing Project	SHP	\$97,292.00
Total:		\$1,280,667.00

SHP: Supporting Housing Program
 SHPR: Supporting Housing Program Renewal
 S+CR: Shelter Plus Care

N. Specific Homeless Prevention Elements

N-1. Identify actions taken to prevent homelessness.

During Fiscal Year 2011-2012 there have been several actions taken to prevent homelessness. The Urban County partnered with Community Housing & Shelter Services, Catholic Charities, We Care and the Children’s Crisis Center in efforts to prevent homelessness with the use of Homeless Prevention and Rapid Re-Housing Program (HPRP) grant funds. While enrolled in the program, case managers work with each household to set goals and work on a housing action plan in order to identify and connect with any needed services such as TANF, Food Stamps, Veteran’s Benefits, future employment opportunities, etc. During the 2009-2010 and 2010-2011 Fiscal Years, 280 individuals, made up of 76 households, were assisted with Homeless Prevention. The HPRP program will continue to be implemented during the 2011-2012 Fiscal Year. Community Housing and Shelter Services also received ESG funds to provide homeless prevention assistance via short-term rental assistance. The household must demonstrate under what circumstances the case is an emergency and that such emergency will be eliminated and self-sustainability will be accomplished and they will be able to make their rent the following month. During the 2010-2011 Fiscal Year the agency provided rental assistance to 49 unduplicated individuals with ESG funding and 155 individuals, made up of 43 households, with HPRP funding throughout the 2009-2010 and 2010-2011 Fiscal Years. During the 2010-2011 Fiscal Year, Catholic Charities provided utility assistance payments to 37 individuals at-risk of homelessness, allowing them to stabilize their housing situations and remain in permanent housing.

Through HPRP, We Care began providing adult households, without children, with homeless prevention assistance. During the 2010-2011 Fiscal Year, We Care provided 13 individuals, made up of 6 households, with financial assistance to prevent homelessness.

To date, The Turlock HPRP program has provided assistance to 190 households and 456 individuals. The grant has expended approximately \$1.06 million dollars.

O. Emergency Shelter Grants (ESG)

The City of Turlock does not receive Emergency Shelter Grant (ESG) Funds.

P. Community Development

P-1.

Assessment of Relationship of CDBG Funds to Goals and Objectives

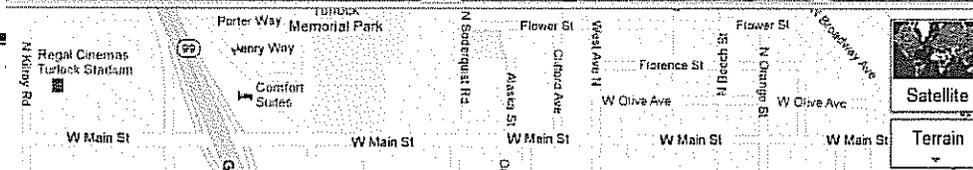
- a. Assess use of CDBG funds in relation to the priorities, needs, goals, and specific objectives in the Consolidated Plan, particularly the highest priority activities.
- b. Evaluate progress made toward meeting goals for providing affordable housing using CDBG funds, including the number and types of households served.
- c. Indicate the extent to which CDBG funds were used for activities that benefited extremely low-income, low-income, and moderate-income persons.

The City undertook the following community development objectives utilizing CDBG funds during the 2011-2012 Program Year:

The issue of sidewalks was identified in the Consolidated Plan as a high priority for the community. As such, the City of Turlock began compiling a list of public improvements, such as curbs, gutters and sidewalks that need to be constructed or rehabilitated to be ADA compliant. The prioritized list will be used to identify the most urgent public improvements and access issues that need to be addressed in the qualifying census tracts with the funds available.

The City undertook a sidewalk improvement project in constructing a new sidewalk which ties from Columbia Park to Osborn School on South Soderquist Road in census tract 38.02. The total cost of the project was \$214,052 of CDBG funds. These improvements included ADA elements to further assist in serving the neighborhood. Recognition was given to the CDBG program on a sign at site. Ten residential homes were assisted.

Before (South Soderquist Road and High Street)



After (South Soderquist Road and High Street)



The Consolidated Plan set forth three basic goals: to provide decent housing, to provide suitable living environments and to expand economic opportunities. The goal of providing suitable living environments includes improving safety, livability and revitalization of deteriorating neighborhoods. Assisting the elderly and large family households were among those households of priority.

The goal set in the Annual Action Plan was to rehabilitate a total of six units and the program assisted in the rehabilitation of nine units with four completed in fiscal year 2011/2012. Of the completed projects, one was provided a deferred payment loan and three were provided forgivable loans to address special circumstances.

Forgivable Loans are used in concert with the rehab loans that are provided for rehabilitation work to remedy code violations and accessibility items for seniors, disabled and income eligible families. The Forgivable Loan amount cannot exceed \$10,000. Families are only eligible to receive the Forgivable Loan funding on a one time basis, even if the maximum limit was not received. Forgivable Loan funding can be combined with other rehabilitation program funding and forgiven over a five year period as long as all the terms of the loan are met.

The program is marketed to low and low/mod income level groups and the City has done mailers and provided information in different venues to increase the number of low-income applicants for the program. Staff believes that our outreach is appropriately targeted and effective to reach those that need and qualify for the program. See Exhibit 5 for census tract incomes.

P-2.

Changes in Program Objectives

- a. Identify the nature of and the reasons for any changes in program objectives and how the jurisdiction would change its program as a result of its experiences.**

No changes made.

P-3.

Assessment of Efforts in Carrying Out Planned Actions

- a. Indicate how grantee pursued all resources indicated in the Consolidated Plan.**
- b. Indicate how grantee provided certifications of consistency in a fair and impartial manner.**
- c. Indicate how grantee did not hinder Consolidated Plan implementation by action or willful inaction.**

The City has complied with all Federal Overlay requirements for all projects and activities undertaken during the 2011/2012 Program Year.

Citizen participation and comments have been solicited through the use of public notices in the local newspapers. Public meetings and hearings have been held in accordance with the City and the Consortium's Citizen Participation Plan to provide an opportunity for community input into what services, projects, or activities the City undertook using Community Development Block Grant and HOME funds.

P-4.

For Funds Not Used for National Objectives

- a. Indicate how use of CDBG funds did not meet national objectives.**
- b. Indicate how did not comply with overall benefit certification.**

All CDBG funds used met National Objectives.

P-5.

Anti-displacement and Relocation – for activities that involve acquisition, rehabilitation or demolition of occupied real property

- a. Describe steps actually taken to minimize the amount of displacement resulting from the CDBG-assisted activities.**
- b. Describe steps taken to identify households, businesses, farms or nonprofit organizations who occupied properties subject to the Uniform Relocation Act or Section 104(d) of the Housing and Community Development Act of 1974, as amended, and whether or not they were displaced, and the nature of their needs and preferences.**
- c. Describe steps taken to ensure the timely issuance of information notices to displaced households, businesses, farms, or nonprofit organizations.**

The City of Turlock includes regulatory language in all of its program documents addressing the anti-displacement and relocation laws. Per program guidelines, the City of Turlock will not provide assistance through any of its programs if the assistance will cause the displacement of a family or individual. No activities were funded that involved displacement and/ or relocation.

P-6.

Low/Mod Job Activities – for economic development activities undertaken where jobs were made available but not taken by low- or moderate-income persons

- a. Describe actions taken by grantee and businesses to ensure first consideration was or will be given to low/mod persons.
- b. List by job title of all the permanent jobs created/retained and those that were made available to low/mod persons.
- c. If any of jobs claimed as being available to low/mod persons require special skill, work experience, or education, provide a description of steps being taken or that will be taken to provide such skills, experience, or education.

CDBG-R Grant has funded and provided job training in which the clientele were low/mod.

P-7.

Low/Mod Limited Clientele Activities – for activities not falling within one of the categories of presumed limited clientele low and moderate income benefit

- a. Describe how the nature, location, or other information demonstrates the activities benefit a limited clientele at least 51% of whom are low- and moderate-income.

No activities were funded in this category during this program year.

P-8.

Program income received

- a. Detail the amount of program income reported that was returned to each individual revolving fund, e.g., housing rehabilitation, economic development, or other type of revolving fund.
- b. Detail the amount repaid on each float-funded activity.
- c. Detail all other loan repayments broken down by the categories of housing rehabilitation, economic development, or other.
- d. Detail the amount of income received from the sale of property by parcel.

The City received \$48,623 in CDBG Program Income for the 2011-2012 program year. The Program Income resulted from the payoff of one (1) Housing Rehabilitation deferred loan and monthly payments and interest of amortized loans. These funds are used to provide further eligible CDBG activities.

The HOME Consortium received \$6,440 in Program Income for the 2011-2012 program year. The program income resulted from the payments on First Time Homebuyer and rehabilitation participants.

P-9.

Prior period adjustments – where reimbursement was made this reporting period for expenditures (made in previous reporting periods) that have been disallowed, provide the following information:

- a. The activity name and number as shown in IDIS;
- b. The program year(s) in which the expenditure(s) for the disallowed activity(ies) was reported;
- c. The amount returned to line-of-credit or program account; and
- d. Total amount to be reimbursed and the time period over which the reimbursement is to be made, if the reimbursement is made with multi-year payments.

At this time, no adjustments have been identified or required to be made for either CDBG for the City of Turlock or the HOME Consortium.

P-10.

Loans and other receivables

- a. List the principal balance for each float-funded activity outstanding as of the end of the reporting period and the date(s) by which the funds are expected to be received.
- b. List the total number of other loans outstanding and the principal balance owed as of the end of the reporting period.
- c. List separately the total number of outstanding loans that are deferred or forgivable, the principal balance owed as of the end of the reporting period, and the terms of the deferral or forgiveness.
- d. Detail the total number and amount of loans made with CDBG funds that have gone into default and for which the balance was forgiven or written off during the reporting period.
- e. Provide a List of the parcels of property owned by the grantee or its subrecipients that have been acquired or improved using CDBG funds and that are available for sale as of the end of the reporting period.

The City has not acquired any properties in the current year using CDBG funds. All properties acquired, rehabilitated and sold during the year were purchased using NSP-1 funds.

P-11.

Lump sum agreements

- a. Provide the name of the financial institution.
- b. Provide the date the funds were deposited.
- c. Provide the date the use of funds commenced.
- d. Provide the percentage of funds disbursed within 180 days of deposit in the institution.

None made this program year.

P-12.

Housing Rehabilitation – for each type of rehabilitation program for which projects/units were reported as completed during the program year

- a. Identify the type of program and number of projects/units completed for each program.
- b. Provide the total CDBG funds involved in the program.
- c. Detail other public and private funds involved in the project.

The City assisted a total of four projects went through the Housing Rehabilitation Program with a combination of CDBG funded loans and grants resulting in four completed units. One was provided a deferred payment loan and three were provided forgivable loans to address special circumstances.

P-13.

Neighborhood Revitalization Strategies – for grantees that have HUD-approved neighborhood revitalization strategies

- a. **Describe progress against benchmarks for the program year. For grantees with Federally-designated EZs or ECs that received HUD approval for a neighborhood revitalization strategy, reports that are required as part of the EZ/EC process shall suffice for purposes of reporting progress.**

Neither the City of Turlock, nor the Turlock/ Stanislaus County HOME Consortium have a Federally-designated neighborhood revitalization strategy area.

Q. Antipoverty Strategy

Q-1.

Describe actions taken during the last year to reduce the number of persons living below the poverty level.

To reduce the number of persons living under poverty level, the City of Turlock in collaboration with the City of Modesto and Stanislaus County has continued its partnership with the Stanislaus Housing and Support Services collaborative in support of activities such as "point in time counts" as well as assists with application of Super NOFA funding opportunities to offset the outstanding need for homeless shelter and services within the community. As well as, provide a portion of CDBG funding to various nonprofits that have a proven track record of assisting the homeless on their path towards toward work and full time housing.

R. Non-Homeless Special Needs

Non-homeless Special Needs

R-1.

Identify actions taken to address special needs of persons that are not homeless but require supportive housing, (including persons with HIV/AIDS and their families).

CDBG Public services grants did provide such benefits to special needs clientele such as emergency food boxes and Senior Meals program. Other efforts toward this goal will be addressed in subsequent program years.

S. Specific HOPWA Objectives

The City of Turlock does not receive HOPWA funds.

T. Other Narrative

None at this time.

U. Exhibits

- Exhibit 1 – Comment Period Proof of Publication & Summary of Public Comments
- Exhibit 2 – Summary Accomplishments to Meet 5-Year Goals
- Exhibit 3 – Map of Turlock/Stanislaus County HOME Consortium
- Exhibit 4 – City of Turlock Census Tract Map
- Exhibit 5 – City of Turlock Census Tract Low/Mod income percentages
- Exhibit 6 – City of Turlock Census 2000 Demographic Information
- Exhibit 7 – HOME Match Report (HUD 40107-A)
- Exhibit 8 – IDIS Report PR01 HUD Grants and Program Income
- Exhibit 9 – IDIS Report PR03 CDBG Activity Summary Report
- Exhibit 10 – IDIS Report PR08 Grantee Summary Activity Report
- Exhibit 11 – IDIS Report PR26 CDBG Financial Summary (replaced HUD-4949 form)

**Comment Period Proof of Publication (English)
& Summary of Public Comments**

Ad Run in the Modesto Bee on August 15, 2012

WEDNESDAY, AUGUST 15, 2012 4 p.m.
 THE WORLD
 The Modesto Bee | www.modbee.com

higher had they not learned of the plot beforehand. Police killed two potential attackers Monday night and captured three Tuesday morning.

But they could not catch them all. Tuesday's other major attack, in northern Kunduz province, involved a bomb on a motorcycle that was parked outside a crowded bazaar in Archi district. The attack killed at least 10 people, including five children, and wounded at least 25 others, according to Hamid Agha, the police chief for Archi district.

Altogether, at least 35 civilians were killed in the attacks in the two provinces.

WILL PUBLISH IN 2012 Youth Sports type ads. Make sure your future children by placing your ad today.

AR: JAKE
Age: 6
name: Thunder
Bill & Melanie

Modesto Bee, Hall of Fame,
 Modesto, CA 95352

Team Name: _____

Zip: _____

Address: _____

**Notice of Public Hearing and CAPER
Comment Period for Program Year 2011/12**

The City of Turlock has prepared their 2011 Consolidated Annual Performance Evaluation Report (CAPER) as required by federal regulations. The report details project accomplishments as well as expenditures throughout the period of July 1, 2011 through June 30, 2012 for the Community Development Block Grant (CDBG) Program for the City of Turlock and the HOME Investment Partnerships (HOME) Program for the City of Turlock/Stanislaus County HOME Consortium. The purpose of the report is to measure to what extent the jurisdiction is meeting priority needs goals and strategies as outlined in the 2010-2015 Consolidated Plan.

A 15-day public comment period on the report begins on Monday, August 16, 2012 and runs through 5:00 p.m., Friday, August 30, 2012. Public hearings on August 22nd and 23rd, 2012 will be held to receive comments on the CAPER. Public Hearings will be held at the following locations:

August 22, 2012 at 5:00 p.m.
 City/County Building – Tenth Street Place
 1010 Tenth Street – Basement Training Room, Modesto, CA 95354

August 23, 2012 at 5:00 p.m.
 City of Turlock City Hall – Council Chambers
 156 South Broadway, Turlock, CA 95380

The meetings will be conducted in English, however an interpreter will be provided with a 48-hour advance notice. The meeting rooms are accessible to person with mobility impairments. Please notify Housing Program Services Division at least 7 days before a hearing if special equipment or interpreting service is needed. If you have a disability or are hearing impaired and need assistance, please make arrangements in advance by calling (209) 668-5610 or TDD 1-800-735-2929.

Comments on the CAPER may be directed to and or for additional information about the CAPER or the City of Turlock's First Time Home Buyers Loan program or Rehabilitation Loan program please contact us or visit our website:

Maryn Pitt, Housing Program Services Manager
 City of Turlock - Housing Program Services Division
 156 South Broadway, Suite 250, Turlock, CA 95380
 Phone: (209) 668-5610 or TDD 1-800-735-2929 Fax (209) 668-5120
 Website: www.cityofturlock.org or by E-mail
 to Maryn Pitt at mpitt@turlock.ca.us

Copies of the CAPER will be available for review starting on August 16, 2012 at the following Turlock locations:

Housing Program Services Division Office - 156 S.
 Broadway, Suite 250 Turlock, CA
 City of Turlock Police Services - 900 N. Palm, Turlock, CA
 Turlock Library - 550 Minaret Ave., Turlock, CA

**Comment Period Proof of Publication (Spanish)
& Summary of Public Comments**

Ad Run in the Vida on August 15, 2012

1900m - 2100m - 3000m - 3100m Viernes - 16:00am - 2:30pm - 3:30am - 5:00am



**AVISO DE JUNTA PÚBLICA Y CAPER
COMENTARIOS PARA EL PROGRAMA 2011/12**



La Ciudad de Turlock está preparando el Reporte de Evaluación Consolidada de Funcionamiento Anual (CAPER) del 2012. El reporte identifica los cumplimientos y gastos de los fondos durante el año Fiscal 2011-2012, sobre el programa de becas de Bloque de Desarrollo de Comunidad (CDBG) para la ciudad de Turlock y el programa de HOME para la ciudad de Turlock/ Consorcio de Stanislaus HOME. El plan de Consolidación Anual identifica como la Ciudad y el Consorcio planea usar los fondos Federales durante el próximo año y satisfacer las metas y objetivos aprobadas por el Concilio de la Ciudad en el Plan de Consolidación 2010-2015.

El Plan será disponible por 15 días para la revisión del público y los comentarios comenzarán el 16 de Agosto, 2012 y terminan el 30 de Agosto, 2012. Junta públicas para comentarios del público se llevarán a cabo el:

- 22 de Agosto a las 5:00 p.m.**
Edificio de Ciudad/Condado- Tenth Street Place
1010 Tenth St. – Sótano de entrenamiento, Modesto
CA 94354
- 23 de Agosto a las 5:00 p.m.**
Ciudad de Turlock- Council Chambers
156 S. Broadway, Turlock, CA 95380

La junta será conducida en Inglés, pero si se necesita un intérprete le será disponible si nos notifica 48 horas por adelantado. Acomodaciones especiales pueden ser proporcionadas para personas con incapacidades por favor de avisar a la División de Servicios del Programa de Viviendas por lo menos 7 días antes de las juntas al (209) 668-5610, TDD 1-800-735-2929.

Para información adicional sobre el CAPER, sobre nuestro Programas para Compradores De Viviendas de por Primera Vez, de Préstamos para Rehabilitación, favor de comunicarse con nosotros o visite nuestro sitio del Internet.

Maryn Pitt, Housing Program Services Manager
Ciudad de Turlock-División de Servicios del Programa de Viviendas
156 S. Broadway Suite 250, Turlock, CA 95380
(209) 668-5610 o TDD 1-800-735-2929 Fax (209) 668-5120
Sitio de Internet: www.cityofturlock.org o Correo Electronico mpitt@turlock.ca.us

Copias del CAPER serán disponibles para su revisión comenzando el 16 de Agosto, 2012 en las oficinas de:

- División de Servicios del Programa de Viviendas - 156 S. Broadway, Suite 250, Turlock, CA
- Departamento de Policía de la Ciudad de Turlock - 900 N. Palm Ave., Turlock, CA
- Biblioteca de Turlock - 550 Minaret Avenue., Turlock, CA

Exhibit 1

**Comment Period Proof of Publication
& Summary of Public Comments**

Summary of Public Comments for 2011/2012 CAPER

Public Hearing August 23, 2012 at 5:00 p.m.: 156 South Broadway, Turlock, CA 95380
No comments were received at the meeting.

Public Hearing August 22, 2012 at 5:00 p.m.: 1010 10th Street, Basement training Room,
Modesto, CA 95354
No comments were received at the meeting.

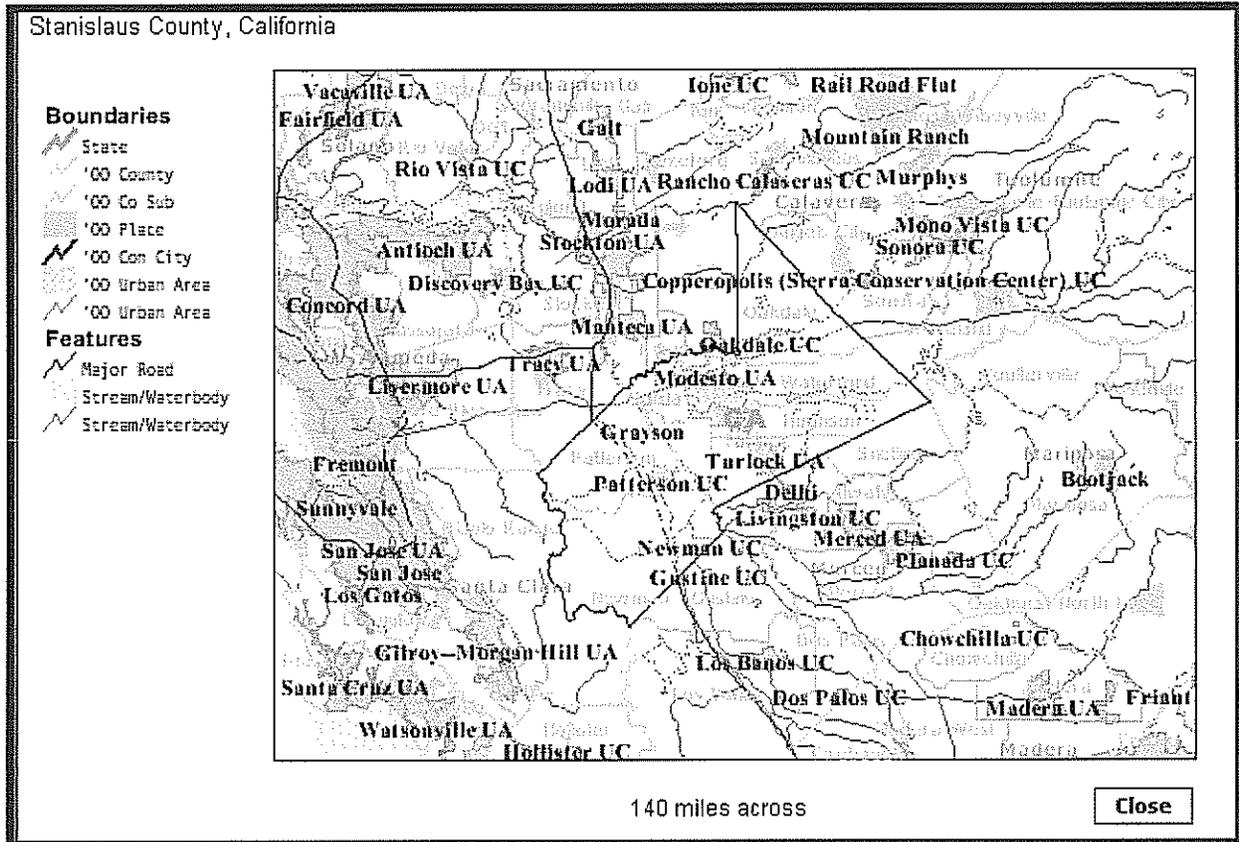
Other comments received by August 30, 2012 deadline:
No comments were received during the comment period ending August 30, 2012.

Exhibit 2

Summary of Accomplishments to Meet 5-Year Goals

<p align="center">City of Turlock and HOME Consortium Table of Accomplishments and Five-Year Goals Fiscal Year 2011/2012</p>							
Program	2010/11	2011/12	2012/13	2013/14	2014/15	Cumulative Total	Five-year Goal
City of Turlock							
Housing Rehabilitation Units	8	4				12	16
Temporary Relocation (household served)	5	1				6	2
Rental Housing Units	0	0				0	4
First Time Home Buyer Program (includes all funding sources)	31	13				44	42
Public Improvement Projects Curb/Gutter/sidewalk homes assisted	0	1				1	5
Fair Housing (people served)	120	250				370	600
Public Service Programs (Organizations assisted)	7	5				12	35
Homeless Prevention (persons)	190 households	—				X	400
Support an employment training program.	14	—				X	25
Homeless Shelter	0	0				0	1
Self Help projects	0	0				0	4
HOME Consortium							
First Time Home Buyer Program	17	8 Members 9 Turlock				34	50
Residential Rehabilitation	6	5				10	30
Multi-family rental development/ rehab	6 Ceres	18 Ceres 10 Oakdale				34	30

Turlock/Stanislaus County Map



City of Turlock Census Tract Map

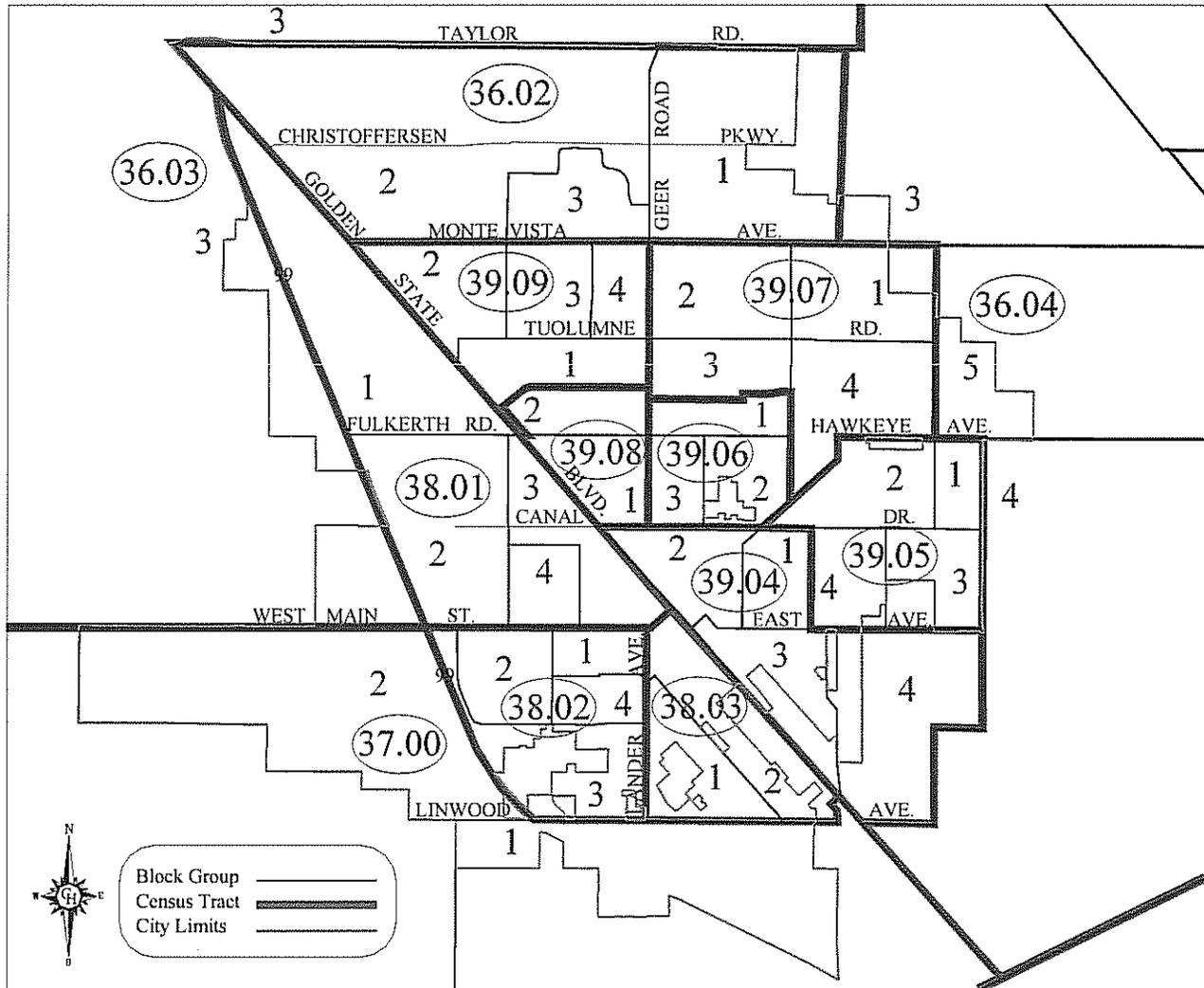


Exhibit 5

**City of Turlock
Low/Mod Income Percentage for
Census Tracts and Individual Block Groups**

Tract	Block Group	Low/Mod Percentage
36.02	1,2,3	31.9
36.02	1	31.3
36.02	2	35.9
36.02	3	71.5

36.03	3	--
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36.04	3,5	7.7
36.04	3	0.0
36.04	5	9.6

37.00	1,2	44.9
37.00	1	45.2
37.00	2	28.6

38.01	1,2,3,4	44.6
38.01	1	30.9
38.01	2	30.2
38.01	3	50.1
38.01	4	77.1

Tract	Block Group	Low/Mod Percentage
38.02	1,2,3,4	70.3
38.02	1	73.9
38.02	2	71.6
38.02	3	65.0
38.02	4	70.8

38.03	1,2	39.7
38.03	1	37.8
38.03	2	44.4

39.04	1,2,3,4	52.9
39.04	1	41.1
39.04	2	57.3
39.04	3	63.3
39.04	4	39.9

39.05	1,2,3,4	23.4
39.05	1	18.3
39.05	2	17.0
39.05	3	25.3
39.05	4	36.3

Tract	Block Group	Low/Mod Percentage
39.06	1,2,3	66.0
39.06	1	21.6
39.06	2	77.1
39.06	3	70.6

39.07	1,2,3,4	29.1
39.07	1	20.1
39.07	2	41.3
39.07	3	32.2
39.07	4	19.6

39.08	1,2	67.5
39.08	1	63.8
39.08	2	70.0

39.09	1,2,3,4	31.8
39.09	1	22.9
39.09	2	37.9
39.09	3	22.4
39.09	4	54.7

Census 2000 Low and Moderate Income summary Data from HUD Website:
www.hud.gov/offices/cpd/systems/census/lowmod/index.cfm

Exhibit 6

City of Turlock Census 2000 Demographic Information From the Census website: http://census.gov			
General Characteristics	Turlock		United States
	Number	Percent	
Total Population	55,810	100	100.0 %
Male	26,870	48.1	49.1 %
Female	28,940	51.9	50.9 %
Median Age (years)	30.9	(X)	35.3 %
One race	52,822	94.6	97.6 %
White	40,370	72.3	75.1 %
Black or African American	798	1.4	12.3 %
American Indian and Alaska Native	523	0.9	0.9 %
Asian	2,518	4.5	3.6 %
Native Hawaiian and Other Pacific Islander	153	0.3	0.1 %
Some other race	8,460	15.2	5.5 %
Two or more races	2,988	5.4	2.4 %
Hispanic or Latino (of any race)	16,422	29.4	12.5 %
Average household size	2.92	(X)	2.59%
Average Family size	3.42	(X)	3.14%
Total housing units	19,095	100.0	100.0 %
Occupied housing units	18,408	96.4	91.0 %
Owner-occupied housing units	10,275	55.8	66.2 %
Renter-occupied housing units	8,133	44.2	33.8 %
Vacant housing units	687	3.6	9.0 %
Population 5 years and over	50,623	(X)	(X)
With a disability	10,345	20.4	(X)
Disability status of the population 21 to 64 years = 29,484	6,263	21.2	19.2 %
Female head of household, no husband present	2,409	(X)	(X)
Median household income (dollars)	39,050	(X)	41,994
Median family income (dollars)	44,501	(X)	50,046
Information provided by the US Census Bureau website : http://census.gov and http://factfinder.census.gov			

Exhibit 8

HUD Grants and Program Income
IDIS PR01 Report

Cover Page for Exhibit

Exhibit 9

CDBG Activity Summary Report
IDIS PR03 Report

Cover Page for Exhibit

Exhibit 10

Grantee Summary Activity Report
IDIS PR08 Report

Cover Page for Exhibit

Exhibit 11

CDBG Financial Summary Report

IDIS PR26 Report Equivalent

CDBG Grant B-10-MC-06-0039 for FY 2011-2012

Part I: Summary of CDBG Resources		
1. Unexpended CDBG funds at end of previous reporting period (Balance from prior program years)		\$ 1,121,246
2. Entitlement Grant from form HUD 7082		\$ 672,823
3. Surplus Urban Renewal Funds		\$ -0-
4. Section 108 Guaranteed Loan Funds (Principal Amount)		\$ -0-
5. Program income received by:	Grantee (Column A)	Subrecipient (Column B)
a. Revolving Funds	\$ 48,623	\$
b. Other (Identify below. If more space is needed use an attachment)		
	\$	\$
	\$	\$
c. Total Program Income (Sum of columns a and b)		\$ 48,623
6. Prior Period Adjustments (if column is a negative amount, enclose in brackets)		\$ -0-
7. Total CDBG Funds available for use during this reporting period (sum of lines 1 through 6)		\$ 1,842,692

Part II: Summary of CDBG Expenditures		
8. Total expenditures reported on Activity Summary, forms HUD-4949.2 & 4949.2A		\$ 920,792
9. Total expended for Planning & Administration, form HUD-4949.2	\$ 134,565	
10. Amount subject to Low/Mod Benefit Calculation (line 8 minus line 9)	\$ 786,227	
11. CDBG funds used for Section 108 principal & interest payments		\$ -0-
12. Total expenditures (line 8 plus line 11)		\$ 920,792
13. Unexpended balance (line 7 minus line 12)		\$ 921,900

Part III: Low/Mod Benefit This Reporting Period		
14. Total Low/Mod credit for multi-unit housing expenditures from form HUD 4949.2A		\$ -0-
15. Total from all other activities qualifying as low/mod expenditures from forms HUD-4949.2 and 4949.2A		\$ 786,227
16. Total (line 14 plus line 15)		\$ 786,227
17. Percent benefit to low/mod persons (line 16 divided by line 10 this reporting period)		100%

Part IV: Low/Mod Benefit for Multi-Year Certifications (Complete only if certification period includes prior years)		
Program years (PY) covered in certification	PY _____	
18. Cumulative net expenditures subject to program benefit calculation		\$ -0-
19. Cumulative expenditures benefiting low/mod persons		\$ -0-
20. Percent benefit to low/mod persons (line 19 divided by line 18)		%

Part V: For Public Service (PS) Activities Only: Public Service Cap Calculation		
21. Total PS expenditures from column h, form HUD-4949.2A		\$ 90,000
22. Total PS unliquidated obligations from column r, form HUD4949.2A		\$ -0-
23. Sum of line 21 and 22		\$ 90,000
24. Total PS unliquidated obligations reported at the end of the previous reporting period		\$ -0-
25. Net obligations for public services (line 23 minus line 24)		\$ 90,000
26. Amount of Program Income received in the preceding program year		\$ 3,922
27. Entitlement grant Amount (from line 2)		\$ 672,823
28. Sum of line 26 and 27		\$ 676,745
29. Percent funds obligated for Public Service Activities (line 25 divided by line 28)		13%

Part VI: Planning and Program Administration Cap Calculation		
30. Amount subject to planning and administrative cap (grant amount from line 2 plus line 5c)		\$ 721,446
31. Amount expended for Planning & Administration (from line 9 above)		\$ 134,565
32. Percent funds expended (line 31 divided by line 30)		18%



Council Synopsis

September 25, 2012

5G

From: Allison Van Guilder, Parks, Recreation & Public Facilities Manager

Prepared by: Mark Crivelli, Recreation Sr. Supervisor

Agendized by: Roy Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving the renewal agreement between the City of Turlock and Independent Contractor/Kidz Love Soccer, Inc. for youth soccer classes

2. DISCUSSION OF ISSUE:

The City of Turlock and Kidz Love Soccer, Inc., intend to work together to implement youth soccer classes for the year September 2012 to September 2013. This program is designed to teach children ages 2 – 10 the fundamentals and skills of youth soccer. All program activities will take place at City of Turlock facilities. This is a renewal of a current contract between the City of Turlock and Kidz Love Soccer, Inc.

3. BASIS FOR RECOMMENDATION:

To ensure the City and Kidz Love Soccer, Inc. are adequately shielded from risk and liability, staff thoroughly evaluated the impacts of entering into an Independent Contractor with Kidz Love Soccer, Inc. In order to contract with the City of Turlock, Kidz Love Soccer, Inc. will be required to adhere to the standards set by the City of Turlock, in regards to operational guidelines, insurance requirements, fingerprinting and financial management, all of which are detailed in the contract. Staff will work closely with Kidz Love Soccer, Inc. to ensure all requirements are maintained for the life of the contract.

Strategic Plan Initiative H. COMMUNITY PROGRAMS, FACILITIES, AND INFRASTRUCTURE

Goal(s): b-ii Support the community's youth by providing quality after school opportunities

b-iv 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:

At the conclusion of the program, the City of Turlock will pay Kidz Love Soccer, Inc. 70% of net program fees and include a detailed report that includes date, location and session that is being paid. The City of Turlock will retain 30% of the net revenue, plus \$6.00 administrative fee per registration received for the program. No additional monies are required for this program.

5. CITY MANAGER'S COMMENTS:

Recommend approval

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Council could choose not to enter into a Contract with Kidz Love Soccer, Inc. to provide youth soccer classes. With this alternative, there could be a potential loss of revenue, as well as a loss of affordable youth activities.



AGREEMENT FOR SPECIAL SERVICES
between
CITY OF TURLOCK
and
KIDZ LOVE SOCCER, INC.
for
Youth Soccer Classes
CONTRACT NO. 12-042

THIS AGREEMENT is made this 25th day of September, 2012, by and between the **CITY OF TURLOCK**, a municipal corporation of the State of California, hereinafter referred to as "CITY" and **KIDZ LOVE SOCCER, INC.**, a California corporation, hereinafter referred to as "INDEPENDENT CONTRACTOR."

WITNESSETH:

WHEREAS, in accordance with California Government Code §37103, CITY has a need for soccer instructors; and

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

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

1. **SCOPE OF WORK:** INDEPENDENT CONTRACTOR shall furnish all labor, equipment, materials and process, implements, and tools, 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 attached hereto as Exhibit A. INDEPENDENT CONTRACTOR shall provide Services that are acceptable to CITY.

2. **PERSONNEL AND EQUIPMENT:** INDEPENDENT CONTRACTOR shall provide all personnel needed to accomplish the Services hereunder. INDEPENDENT CONTRACTOR shall additionally acquire, provide, maintain, and repair, at its sole cost and expense, such equipment, materials, and supplies as INDEPENDENT CONTRACTOR shall reasonably require to accomplish said Services. INDEPENDENT CONTRACTOR and any and all of its employees who will provide services to CITY under this agreement shall be fingerprinted by CITY prior to services being provided. INDEPENDENT

OK for agenda
DM

CONTRACTOR shall be solely responsible for the cost of fingerprinting by CITY.

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 INDEPENDENT CONTRACTOR in accordance with Exhibit A as full remuneration for performing all Services and furnishing all staffing and materials called for in Exhibit A and for performance by INDEPENDENT CONTRACTOR of all of its duties and obligations under this Agreement. In no event shall the sum of this Agreement exceed Twenty-two Thousand Five Hundred and no/100^{ths} Dollars (\$22,500). INDEPENDENT CONTRACTOR agrees that compensation shall be paid in the manner and at the times set forth below:

(a) Invoices:

(1) The CITY will collect all program registration fees. INDEPENDENT CONTRACTOR is not authorized to collect program fees. Following the collection of fees from registration, CITY shall confirm the number of participants enrolled. INDEPENDENT CONTRACTOR will be compensated only for participants who have paid. At the conclusion of the program, the CITY will pay INDEPENDENT CONTRACTOR 70% minus participation fee of \$6.00, and include a program report that includes the date, location and services that INDEPENDENT CONTRACTOR is being paid for.

(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 after program ends.

(2) CITY shall normally pay by voucher or check within ten (10) working days after each meeting at which payments can be authorized.

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

(c) Non-Appropriation of Funds:

(1) Payment due and payable to INDEPENDENT CONTRACTOR for current services is within the current budget and within an available, unexhausted and unencumbered appropriation of the City. In the event the CITY has not appropriated sufficient funds for payment of INDEPENDENT CONTRACTOR services beyond the current fiscal year, this Agreement shall cover only those costs incurred up to the conclusion of the current fiscal year.

5. TERM OF AGREEMENT: This Agreement shall become effective upon

execution and shall continue in full force and effect for a period of Twelve months (12) beginning September, 2012 and ending September, 2013, subject to CITY's availability of funds.

6. INSURANCE: INDEPENDENT CONTRACTOR shall not commence work under this Agreement until INDEPENDENT CONTRACTOR has obtained CITY's approval regarding all insurance requirements, forms, endorsements, amounts, and carrier ratings, nor shall INDEPENDENT CONTRACTOR allow any subcontractor to commence work on a subcontract until all similar insurance required of the subcontractor shall have been so obtained and approved. INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR, 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: INDEPENDENT CONTRACTOR 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) INDEPENDENT CONTRACTOR 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 insured's with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of INDEPENDENT CONTRACTOR; and with respect to liability arising out of work or operations performed by or on behalf of INDEPENDENT CONTRACTOR, 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 INDEPENDENT CONTRACTOR 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, INDEPENDENT CONTRACTOR's insurance coverage shall be primary insurance as respects CITY and any insurance or self-insurance maintained by CITY shall be excess of INDEPENDENT CONTRACTOR'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: INDEPENDENT CONTRACTOR 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, INDEPENDENT CONTRACTOR hereby agrees to waive subrogation which any insurer of INDEPENDENT CONTRACTOR may acquire from INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR, its agents, employees, independent contractors and subcontractors. INDEPENDENT CONTRACTOR agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation.

(h) **Subcontractors:** INDEPENDENT CONTRACTOR 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: INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR, 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 INDEPENDENT CONTRACTOR, its agents, officers, and employees and all others acting on behalf of INDEPENDENT CONTRACTOR relating to the performance of this Agreement, shall be performed as independent contractors and not as agents, officers, or employees of CITY. INDEPENDENT CONTRACTOR, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of CITY. INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR. No agent, officer, or employee of the INDEPENDENT CONTRACTOR is to be considered an employee of CITY. It is understood by both INDEPENDENT CONTRACTOR and CITY that this Agreement shall not under any circumstances be construed or considered to create an employer-employee relationship or a joint venture.

INDEPENDENT CONTRACTOR, 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.

INDEPENDENT CONTRACTOR shall determine the method, details and means of performing the work and services to be provided by INDEPENDENT CONTRACTOR under this Agreement. INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR in fulfillment of this Agreement. INDEPENDENT CONTRACTOR has control over the manner and means of performing the services under this Agreement. INDEPENDENT CONTRACTOR is permitted to provide a service to others during the same period service is provided to CITY under this Agreement. If necessary, INDEPENDENT CONTRACTOR has the responsibility for employing other persons or firms to assist INDEPENDENT CONTRACTOR in fulfilling the terms and obligations under this Agreement.

If in the performance of this Agreement any third persons are employed by INDEPENDENT CONTRACTOR, such persons shall be entirely and exclusively under the direction, supervision, and control of INDEPENDENT CONTRACTOR. 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 INDEPENDENT CONTRACTOR.

It is understood and agreed that as an independent contractor and not an employee of CITY neither the INDEPENDENT CONTRACTOR or INDEPENDENT CONTRACTOR'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 INDEPENDENT CONTRACTOR must issue W-2 forms or other forms as required by law for income and employment tax purposes for all of INDEPENDENT CONTRACTOR's personnel.

It is further understood and agreed that INDEPENDENT CONTRACTOR shall not transport participants in the program at any time.

As an independent contractor, INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR.

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 INDEPENDENT CONTRACTOR, (2) legal dissolution of INDEPENDENT CONTRACTOR, or (3) death of key principal(s) of INDEPENDENT CONTRACTOR.

(b) Termination by CITY for Default of INDEPENDENT CONTRACTOR. Should INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR. 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 INDEPENDENT CONTRACTOR, dishonesty or theft.

(c) Termination by INDEPENDENT CONTRACTOR for Default of CITY. Should CITY default in the performance of this Agreement or materially breach any of its provisions, at its option INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR, willful destruction of INDEPENDENT CONTRACTOR's property by CITY, dishonesty or theft.

(d) Termination for Failure to Make Agreed-Upon Payments. Should CITY fail to pay INDEPENDENT CONTRACTOR all or any part of the payments set forth in this Agreement on the date due, at its option INDEPENDENT CONTRACTOR may terminate this Agreement if the failure is not remedied within thirty (30) days after INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR's Tax Status. If CITY determines that INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR. 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, INDEPENDENT CONTRACTOR 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, INDEPENDENT CONTRACTOR shall provide sufficient oral or written status reports to make CITY reasonably aware of the status of INDEPENDENT CONTRACTOR's work on the project. Further, if CITY so requests, and at CITY's cost, INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR, INDEPENDENT CONTRACTOR understands and agrees that CITY may, in CITY's sole discretion, refuse to pay INDEPENDENT CONTRACTOR for that portion of INDEPENDENT CONTRACTOR's services which were performed by INDEPENDENT CONTRACTOR 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 and/or provided by INDEPENDENT CONTRACTOR in the performance of this Agreement shall conform to the laws of the government of the United States and the State of California. INDEPENDENT CONTRACTOR its agents, officers and employees who violate local, state, or federal laws aimed at protecting children are ineligible to provide services under this agreement.

12. NONDISCRIMINATION: In connection with the execution of this Agreement, INDEPENDENT CONTRACTOR shall not discriminate against any employee or applicant for employment because of age, race religion, color, sex, or national origin. INDEPENDENT CONTRACTOR 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. INDEPENDENT CONTRACTOR 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, INDEPENDENT CONTRACTOR 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. INDEPENDENT CONTRACTOR 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. INDEPENDENT CONTRACTOR specifically acknowledges that in entering into and executing this Agreement, INDEPENDENT CONTRACTOR relies solely upon the provisions contained in this Agreement and no others.

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

16. OWNERSHIP OF DOCUMENTS: Any and all reports, data, computations, plans, correspondence and/or other pertinent data, information, documents and computer media, including disks and other incidental work or materials gathered, furnished or prepared by Contractor in performance of this Agreement, 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 INDEPENDENT CONTRACTOR for purposes other than this contract without the express prior written consent of CITY. Such work product shall be transmitted to CITY within ten (10) days after a written request. INDEPENDENT CONTRACTOR may retain copies of such products. All written documents that are intended for public review shall be provided to City in a format suitable for posting on the internet.

17. NEWS AND INFORMATION RELEASE: INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR: INDEPENDENT CONTRACTOR 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. INDEPENDENT CONTRACTOR warrants that, in performance of this Agreement, INDEPENDENT CONTRACTOR shall not employ any person having any such interest. INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR may incur in performing such additional services, and INDEPENDENT CONTRACTOR shall not be required to perform any such additional services.

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

21. 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.

22. 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.

23. 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 INDEPENDENT CONTRACTOR's charges to CITY under this Agreement.

INDEPENDENT CONTRACTOR 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 INDEPENDENT CONTRACTOR services. CITY's representative shall have the right to reproduce any of the aforesaid documents.

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

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

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

27. CITY BUSINESS LICENSE: INDEPENDENT CONTRACTOR will have a City of Turlock business license.

28. DRIVERS LICENSE: INDEPENDENT CONTRACTOR will have a valid

California Driver's License.

29. TAXPAYER IDENTIFICATION NUMBER INDEPENDENT CONTRACTOR shall provide the City with a complete Request for Taxpayer Identification Number ("TIN") and Certification, Form W-9, as issued by the Internal Revenue Service.

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

31. RECORD INSPECTION AND AUDIT: INDEPENDENT CONTRACTOR shall maintain full and accurate records with respect to all services and matters covered under this Agreement. CITY shall have free access at all reasonable times to such records, and the right to examine and audit the same and to make transcripts therefrom, and to inspect all program data, documents, proceedings and activities. INDEPENDENT CONTRACTOR shall maintain an up-do-date list of key personnel and telephone numbers for emergency contact after normal business hours.

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

33. RIGHT TO UTILIZE OTHERS CITY reserves the right to utilize other to perform work similar to the services provided hereunder

34. EMPLOYMENT OF CITY OFFICIAL OR EMPLOYEE: INDEPENDENT CONTRACTOR 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.*

35. 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 INDEPENDENT

CONTRACTOR: KIDZ LOVE SOCCER, INC.
580 E WEDDELL DR., UNIT 2
SUNNYVALE, CA 94089
PHONE: (408) 774-4629
FAX: (888) 391-5114

for CITY: CITY OF TURLOCK
ATTN: ALLISON VAN GUILDER
PARKS, RECREATION AND PUBLIC FACILITIES DIVISION
144 S. BROADWAY
TURLOCK, CA 95380-5454
PHONE: (209) 668-5599 EXT. 4601
FAX: (209) 668-5619

SIGNATURE PAGE FOLLOWS

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

KIDZ LOVE SOCCER, INC.

By: _____
Roy W. Wasden, City Manager

By: _____

Date: _____

Title: _____

APPROVED AS TO FORM:

Print name: _____

By: _____
Phaedra A. Norton, City Attorney

Date: _____

ATTEST:

By: _____
Kellie Weaver, CMC, City Clerk

EXHIBIT A SCOPE OF SERVICE

PERFORMANCE OF DUTIES

INDEPENDENT CONTRACTOR agrees to provide various Youth Soccer classes to participants of 2.5 to 10 years, to the sole reasonable satisfaction of the City of Turlock Parks, Recreation and Public Facilities Manager or his/her designee. **INDEPENDENT CONTRACTOR** shall (1) furnish services to CITY at such times and locations as are mutually agreeable to the parties, (2) perform such instruction in a skillful and competent manner, (3) shall abide by all laws in doing so, (4) perform such other duties as are customarily performed by one holding such position in other similar businesses or enterprises as those engaged in by CITY and (5) maintain instruction area in a clean, safe and orderly manner.

COMPENSATION

INDEPENDENT CONTRACTOR will be paid at 70% of registration fees minus a \$6.00 per participant administrative fee to be kept by City of Turlock for registration purposes. The City of Turlock Parks, Recreation and Public Facilities Division will pay **INDEPENDENT CONTRACTOR** from registrations received for each class session. Compensation will not exceed twenty-two thousand five hundred dollars (\$22,500) for the duration of this agreement. **INDEPENDENT CONTRACTOR** will be paid within six weeks of registration closure.

SUBCONTRACTORS

In the event an **INDEPENDENT CONTRACTOR** will not be able to teach class due to illness or some other reason beyond the control of the **INDEPENDENT CONTRACTOR**, **INDEPENDENT CONTRACTOR** will implement the following procedure:

INDEPENDENT CONTRACTOR will secure a substitute contractor equally or better qualified to instruct class at the scheduled time and place. Subcontractors must meet fingerprinting requirements according to Public Resources Code, Section 5164.

SUPERVISION

INDEPENDENT CONTRACTOR agrees to establish appropriate rules for conducting the class and to assume responsibility for student discipline to ensure adequate protection for students and facility.

FACILITY

INDEPENDENT CONTRACTOR agrees to assume full responsibility for setting up any facility for instruction and for cleaning and restoring the facility to its usual condition following each class session. This includes properly securing all doors and windows upon exiting the facility. City representatives shall at all times have access to facility, whenever class is in progress to monitor programs for quality.

CONDUCT

INDEPENDENT CONTRACTOR understands the City of Turlock is a public entity under the California Government Code and the Constitution of the State of California, and CITY's purpose in engaging **INDEPENDENT CONTRACTOR** is to provide its residents with recreational activities in a manner that will foster a sense of community, security, fun and fair play. **INDEPENDENT CONTRACTOR** agrees to conduct himself/herself in a manner that will further these goals. **INDEPENDENT CONTRACTOR** further acknowledges failure to do so will result in immediate termination of this agreement.

COORDINATION OF WORK

INDEPENDENT CONTRACTOR agrees to coordinate with CITY's specified time(s) and date(s) in order to avoid conflict of use. It is agreed the resolution of any conflict is at the sole discretion of the City's Parks, Recreation and Public Facilities Manager or his/her designee. **INDEPENDENT CONTRACTOR** agrees to work with assigned City staff to maintain accurate enrollment records.

**WAIVER OF
INSURANCE PROVISIONS
in Contract No. 12-042
between
THE CITY OF TURLOCK
and
KIDZ LOVE SOCCER, INC.**

The following insurance requirements set forth in the above-referenced Agreement have been waived for the stated reasons:

1. **Automobile Liability Insurance**
Instructor Erin Treat will not be using an automobile as part of her work or service under this Agreement.

2. **Errors and Omissions / Professional Liability Insurance** is not applicable for the scope of work under this agreement.

Dated: September 25, 2012

Peter Stanley, General Manager
Kidz Love Soccer, Inc.

Allison Van Guilder, Manager
Parks, Recreation and Public Facilities Division



Council Synopsis

September 25, 2012

5H

From: Robert A. Jackson, Chief of Police

Prepared by: Steven Williams, Support Operations Captain

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving an agreement between Verizon Wireless and Turlock Police for cell phone service and products

2. DISCUSSION OF ISSUE:

Turlock Police has contracted with Nextel/Sprint for cell phone service for the last several years. Recently, several police employees have experienced reduced Nextel/Sprint coverage areas resulting in inconsistent service at best and the inability to communicate at worst.

There are three primary reasons for the recommendation to switch from Nextel/Sprint to Verizon cell phone service. Those reasons include more reliable and expanded cell phone coverage areas, interoperability with allied agencies, and reduced monthly costs.

3. BASIS FOR RECOMMENDATION:

For an initial, net investment in hardware of less than \$1,200 and an estimated ongoing annual saving of more than \$5,000 in cell phone service, staff recommends authorizing the agreement with Verizon for cell phone service and products.

Please see the attached memorandum dated August 24, 2012, for details of the basis for the recommendation (Attachment A).

Strategic Plan Initiative B. FISCAL RESPONSIBILITY

Goal(s): 1(c). Ensure the most efficient use of resources and maximize value within department budgets and develop value-added partnerships with public and private agencies, industry, and educational institutions, such as California State University Stanislaus.

Strategic Plan Initiative C. PUBLIC SAFETY

Goal(s): 1(b)(i)(b). Enhance internal and external communication and teamwork.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: 1) Net investment of no more than \$1,200. Initial investment of up to \$1,900 for equipment purchases less a \$700 trade-in value for existing Blackberry cell phones. Funds for the equipment will come from fund 110/20-200-43140 (Pagers). A majority of department pagers will be returned and service will be discontinued. Existing monies budgeted in fund 110-20-200-43140 (Pagers) will support the purchase of the equipment without a need for an increase.

2) Estimated annual saving of more than \$5,000 in fund 110/20-200-45001_000 (Telephone General).

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Council could reject the agreement.



ATTACHMENT "A"

TURLOCK POLICE DEPARTMENT INTER-OFFICE MEMORANDUM

DATE: 08-24-12

TO: CHIEF ROBERT JACKSON
FROM: CAPTAIN STEVEN WILLIAMS
SUBJECT: CELL PHONE COST ANALYSIS AND COMPARISON

Turlock Police has contracted with Nextel/Sprint for cell phone service for the last several years. Recently, several police employees have experienced reduced Nextel/Sprint coverage areas resulting in inconsistent service at best and the inability to communicate at worst. For an initial, net investment of less than \$1,200 and on ongoing annual saving of more than \$5,000, I am recommending the Turlock Police Department switch from Nextel/Sprint to Verizon cell phone service effective October 2012.

There are three primary reasons for the recommendation to switch from Nextel/Sprint to Verizon cell phone service including:

- 1) More reliable and expanded cell phone coverage area(s).
- 2) Interoperability with allied agencies
- 3) Reduced monthly costs

More reliable and expanded cell phone coverage area(s)

Over the past year, and particularly over the last three months, the embattled Nextel/Sprint network has significantly reduced its coverage area. I have received several complaints/concerns from police employees describing the inability to communicate on their department-issued cell phones. Two recent incidents include a homicide and a jewelry store robbery. Investigators and supervisors advised me that as urgent police work was being performed department-issued cell phones on the Nextel/Sprint network indicated that there was no service. These incidents occurred within the city limits where, previously, the Nextel/Sprint network would provide a strong cell phone signal.

No less than three police employees advised me that they have had to use their personal cell phone on another network for department-related business because their department-issued Nextel/Sprint cell phone indicated that no service was available. Several employees have advised me that their personal Verizon phone has service where their department-issued Nextel/Sprint cell phone does not.

As I write this memorandum from my office in the police department, the reception status bar on my department-issued cell phone is bouncing back and forth between an "X" indicating no service available and one service bar indicating limited service available. This is another example of how the Nextel/Sprint network has deteriorated in that previously, I consistently had four full bars while in my office.

Interoperability with allied agencies

A majority of police employees do not have department-issued cell phones. The decision to issue a department cell phone is determined by the need of the employee based on their current assignment. Employees who have department-issued cell phones include supervisors, managers, some employees in special assignments, and select individuals based on demonstrated necessity.

Generally, employees who have cell phones issued to them have a need to communicate regularly with outside agencies. The "Direct-connect" two-way feature of the cell phone is heavily relied upon in law enforcement both for day-to-day interactions as well as during multijurisdictional critical incidents. The direct-connect feature is only available within the same network (eg. Verizon to Verizon). The feature is not capable of communicating between the Nextel/Sprint network and the Verizon network.

Law enforcement in Stanislaus County has switched to the Verizon network. Agencies that have already made the switch to Verizon include:

- 1) Modesto Police
- 2) Stanislaus District Attorney
- 3) Stanislaus County Sheriff
- 4) Ceres Police
- 5) Probation
- 6) StanCat
- 7) Oakdale Police
- 8) Stanislaus County Office of Emergency Services
- 9) Stanislaus County CEO's Office

Reduced Monthly Costs

An analysis of cell phone service costs was completed for the months of April, May, and June of 2012. During that three-month period, forty-nine (49) phones were issued to police employees. The average monthly cost for cell phone service, text messaging, and data service for the police department on the Nextel/Sprint network was \$1,377.77 (excluding tax and surcharges). This included forty-one (41) flip phones and seven (7) Blackberry phones using an average of 7,544 cell phone minutes per month for the entire department.

The monthly cost for flip phones on the Verizon network will be \$10 per month plus \$.06 per minute for calls made outside the Verizon network. The monthly cost for Blackberry phones on the Verizon network will be \$35 per month plus \$.06 per minute for calls

made outside the Verizon network. These charges include 100 text messages per phone per month and unlimited data service for the Blackberry phones. Using the same number of phones from the Nextel/Sprint analysis and applying the average of 7,544 minutes per month, the average cost of the Verizon bill would have been \$1,107.07 or a savings of \$270.07 (savings of \$3,240.84 per year).

This assumes that all cell phone minutes will occur outside the Verizon network. Cell phone calls placed inside the Verizon network are not charged the \$.06 per minute. A conservative estimate would reduce the number of minutes charged at \$.06 per minute to approximately 5000 minutes. Applying that number to the estimate would reduce the average monthly fee on the Verizon network to \$955.00 per month or a savings of \$422.77 (savings of \$5,073.24 per year).

Comparing Nextel/Sprint Actual to Verizon Charges

Average	Average	Comparison	Comparison	Comparison	Comparison
Nextel	Nextel	Verizon	Verizon	Verizon	Verizon
Minutes	Cost	Minutes	Cost	Savings (Mo)	Savings (Yr)
7,544	\$1,377.77	7,544	\$1,107.07	\$270.07	\$3,240.84

Comparing Nextel/Sprint Actual to Verizon Estimated Chagres (Discounting calls made on Verizon within Verizon network)

Average	Average	Comparison	Comparison	Comparison	Comparison
Nextel	Nextel	Verizon	Verizon	Verizon	Verizon
Minutes	Cost	Minutes	Cost	Savings (Mo)	Savings (Yr)
7,544	\$1,377.77	5,000	\$955.00	\$422.77	\$5,073.24

A conservative estimate indicates that switching from Nextel/Sprint to Verizon will result in an annual savings of more than \$5,000 per year in cell phone service.

Initial Investment in Hardware

Verizon is offering a promotion through the end of October 2012 wherein both Blackberry and flip phones are free with the exception of sales tax. Sales tax on the Blackberry will be \$37.63 per phone. Sales tax on the flip phone will be \$18.45 per phone.

We currently have seven (7) Blackberry phones issued. I recommend we purchase ten (10) Blackberry phones through this promotion. One of the additional Blackberry phones would be issued to newly promoted Lieutenant Miguel Pacheco. Another additional Blackberry would be issued to Executive Assistant Mary Sousa. The third additional phone would be kept in reserve as a replacement should one of the issued Blackberry phones become damaged.

We currently have forty-one (41) flip phones issued. I recommend we purchase forty-

five (45) flip phones. The four additional flip phones would be kept in reserve as replacements should an issued flip phone become damaged.

The Blackberry purchase includes a holster/case and chargers. The flip phone purchase does not include a holster/case or a car charger. Verizon has offered to sell the flip phone holster/case and car charger for \$15 per phone. I recommend we purchase these necessary accessories.

Verizon is offering a \$100 trade-in value for the currently issued Blackberry phones. The trade-in value does not effect the initial investment. The department will receive a check in the mail 60-90 days after the conversion to Verizon service. It is not an instant discount off the purchase price.

The initial hardware investment for ten (10) Blackberry phones, forty-five (45) flip phones, and necessary accessories amounts to \$1,881.55. That amount less the trade-in value equals a net initial investment of \$1,181.55.

Blackberry Phone	Convoy (Flip) Phone	Accessory Package	Trade-in Offer	Net Total
10	45	45	7	
\$376.30	\$830.25	\$675.00	-\$700.00	\$1,181.55

I intend to retract and discontinue service of department-issued pagers. A recent survey indicated that issued pagers are not used by police employees. The HipLink notification system will serve as the primary method of call-out and urgent notifications for police employees. There is no cost for the use of the HipLink notification system.

In FY12-13, \$3,600 was budgeted for pager service. After pagers are retracted and service is discontinued, I anticipate a balance of approximately \$2,500 remaining in G/L 110/20-200-43140 (Pagers). I recommend the use of this fund for the initial investment associated with the conversion to Verizon cell phones. Annually thereafter, I anticipate a savings of more than \$5,000 in cell phone service.

Discussion with City Information Technology (I.T.) personnel concluded that Blackberry cell phones are compatible with the Blackberry Enterprise Server regardless of the network providing service to the phones.

Conclusion

Cell phones are a necessary tool used by Turlock Police employees. The need for reliable service and interoperability with allied agencies has been demonstrated. The initial investment associated with the hardware necessary to deploy Verizon cell phones will require no increase in budgeted monies. The cost analysis has demonstrated that conversion to the Verizon network will result in a reduction of monthly and annual cell phone service fees. I recommend Turlock Police convert to the Verizon network in October of 2012.



WESTERN STATES CONTRACTING ALLIANCE
GOVERNMENT ENTITY AUTHORIZED USER AGREEMENT

Verizon Wireless ("Vendor") and the State of Nevada, for itself and on behalf of the Western States Contracting Alliance ("WSCA" and/or "Customer"), have entered into a Contract for Services of Independent Contractor #1523 ("Contract") with an effective date beginning on October 10, 2006 through and including October 31, 2012 and any and all amendments and/or addenda thereto. Pursuant to the Contract, the State of California has entered into a Participating Addendum ("PA") designating **Turlock Police**, a government entity, as an authorized user ("Authorized User") and by execution of this Government Entity Authorized User Agreement ("User Agreement") is made a part thereof.

In accordance with the definitions, terms and conditions set forth in the Contract and/or PA, **Turlock Police**, as a designated government entity, may purchase wireless services and products under the terms, conditions, and pricing established by the Contract and/or PA for Authorized User participation. Participation is further subject to any and all applicable state and local purchasing statutes and ordinances. The Authorized User states, acknowledges and agrees, as follows:

- (1) Agency Name: Turlock Police Department ;
- (2) It is an Authorized User as defined under the terms of the Contract and/or PA;
- (3) Authorized User is eligible and desires to purchase wireless services and products from Vendor pursuant to the terms and conditions of the Contract, PA, User Agreement, any and all amendments, addenda and schedules as the Customer may specify from time to time, as well as the terms and conditions of all calling plans activated under this User Agreement, which are incorporated herein by reference;
- (4) Authorized User will provide documentation and substantiate Authorized User status as appropriate and as requested from time to time by Vendor;
- (5) The Authorized User agrees to the terms and conditions of the WSCA Master Agreement including the disclosure of limited account information as part of the contractual reporting requirements to WSCA Administration and the participating state;
- (6) Authorized User will ensure that this User Agreement will be used only in support of government business;
- (7) The undersigned represents and warrants that he/she has the power and authority to execute this User Agreement, bind the respective Authorized User, and that the execution and performance of this User Agreement has been duly authorized by all necessary Authorized User action; and
- (8) The undersigned is duly authorized by the Authorized User to designate the following individual(s) (the "Authorized Contacts") who are authorized to take action with respect to the account with Vendor to purchase equipment, add lines of service, cancel lines of service and make changes to the account that financially bind the Authorized User to the terms and conditions of this User Agreement, the Contract, the PA, and execute Customer Agreements for the lines of wireless service, subject to the additional terms and conditions therein.

FEIN Number: 94-6000445

Existing Vendor Customer Account Number(s):

Means of Contact Acceptable To/From Authorized User (e.g. fax, e-mail, etc.): email

Vendor Sales Representative Name: **Michelle Harrell** and Wireless Phone Number: **(209) 402-4557**

Authorized User has caused this User Agreement to be executed by its duly authorized representative as of this 25th day of September, 2012.

Authorized Signature

Roy W. Wasden, City Manager
Printed Name and Title

OK for Agenda

10.2010

Verizon Wireless Contract Number: _____

Data furnished in this document shall not be duplicated, used, disclosed in whole or in part for any purpose other than to evaluate the document.



Council Synopsis

September 25, 2012

51

From: Robert A. Jackson, Chief of Police

Prepared by: Steven Williams, Support Operations Captain

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Approving an agreement between Stericycle and the Turlock Police Department for the removal and disposal of regulated medical waste and hazardous

2. DISCUSSION OF ISSUE:

The Turlock Police Department has an existing service agreement with Stericycle for the removal of regulated medical waste and hazardous waste. Recently, the Turlock Police Department had an increase in the amount of waste to be removed by Stericycle. Stericycle offered to increase the amount of removed waste permitted under the service agreement at no cost to the Turlock Police Department through an updated service agreement.

Stericycle provides waste removal service on a quarterly basis. The previous agreement allowed for a maximum of seven (7) medical waste containers per service. The proposed new agreement allows for a maximum of nine (9) medical waste containers per service at no additional cost. The monthly service fee of \$156 will remain the same with the additional allotment of service containers.

This agreement will supersede any previous agreement. The proposed agreement will have an effective date of September 1, 2012, and will continue for a sixty (60) month term.

3. BASIS FOR RECOMMENDATION:

City Council approval is required for service agreements. Staff recommends accepting the new terms of this agreement.

Strategic Plan Initiative B. FISCAL RESPONSIBILITY

Goal(s): 1(c) Ensure the most efficient use of resources and maximize value within department budgets and develop value-added partnerships with public and private agencies,

industry, and educational institutions, such as California State University Stanislaus.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: None.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Council could reject the new agreement.



Stericycle
Protecting People. Reducing Risk.

Account/Site # _____

STERI-SAFESM SERVICE AGREEMENT

Service Address

Billing Address (If Different)

Name: Turlock Police Services
Address 1: 156 S Broadway # 112
Address 2: _____
City/State/Zip: Turlock, CA 95380-3360
E-Mail: _____
Phone: (209) 668-5550 ext. _____ **Fax:** (209) 668-5642
Contact: _____ **Title:** _____

Name: _____
Address 1: _____
Address 2: _____
City/State/Zip: _____
E-Mail: _____
Phone: () - - ext. _____ **Fax:** () - -
Contact: _____ **Title:** _____

The parties agree as follows:

1. The Effective date of this agreement is 9/1/2012.
2. Stericycle shall remove and dispose of Customer's Regulated Medical Waste (Hazardous Waste as applicable) subject to the terms and conditions set forth below.
3. Stericycle will provide additional compliance services for the prices applicable to the service program level Customer has selected below.

Services to be Provided

<u>STERI-SAFE w/ RMW</u>	<u>Special Waste Services</u>	
	<u>Category</u>	<u>Max Cont per yr</u>
Steri-Safe Program Level <u>Select</u>	<input type="checkbox"/> Drug Disposal Service	_____
Payment Schedule: Billed <u>Annually</u>	Each Additional Container Charge \$ _____	
<small>* Monthly payment schedule only available for selected programs with pickup frequency greater than 13 pickups per year.</small>	<input type="checkbox"/> Fixer/Developer	_____
Service Frequency <u>4 stops year</u>	Each Additional Container Charge \$ _____	
Maximum Medical Waste Containers per Year <u>9</u>	<input type="checkbox"/> Path/Chemo	_____
Medical Waste Container Size <u>Medium</u>	Each Additional Container Charge \$ _____	
Each Additional Container Charge \$ <u>65.00</u> per stop	<input checked="" type="checkbox"/> I certify that I will properly classify and segregate my waste streams and that I will not co-mingle these waste streams with any other.	
Additional Pick Up Charge \$ _____ <small>(For stops in addition to your regular schedule.)</small>		
Fuel Charge Per Stop \$ _____		
Monthly Service Fee: \$ 156.00		

By signing below I acknowledge that I am the Customer's authorized officer or agent and that I have the authority to bind Customer to this Agreement. Customer agrees to be bound by the terms and conditions that appear on following pages hereof and comply with Stericycle's Waste Acceptance Policy, both of which are integral parts of this Agreement.

CUSTOMER: X _____ **PLEASE PRINT:** _____ **Title** _____ **Date:** _____

STERICYCLE: X _____ **PLEASE PRINT:** _____ **Title** _____ **Date:** _____

<u>STERICYCLE USE ONLY</u>	
Type of Agreement _____	Term of agreement <u>60</u> Months
Tax Exempt: <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, ID# _____ (copy must accompany paperwork)	EPA Gen ID # _____
Purchase Order (If applicable) # _____ From ___/___/___ to ___/___/___	Promo Code _____
Segment Code _____ Affiliation Code _____	SFDC Record # _____
SScode : _____ RXcode : _____ F/Dcode : _____ P/Ccode : _____	
Routing Information (Operations Department):	
Med Waste Container Code _____ Qty _____	Special Waste Container Code _____ Qty _____ None (sharps only) <input type="checkbox"/>
Service Area _____ Route # _____	Container Setup Date ___/___/2012 First Pickup Date (Cycle Begin Date) ___/___/2012
Day of Service: <input type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input type="checkbox"/> Thurs <input type="checkbox"/> Fri	Service Hours _____
Routing Comments _____	

Stericycle, Inc. • www.stericycle.com • 4010 Commercial Ave., Northbrook, IL 60062 • P (866) 783-7422 ext _____ • F (866) 783-7432
 The Offer Will Expire on: _____

OK for agenda
[Signature]

1. **Regulated Medical Waste Services** (a) Stericycle, Inc. shall collect, transport, treat and dispose of all Regulated Medical Waste (except Non-Conforming Waste) generated by Customer during the term of this Agreement. (b) Responsibility for transportation of Regulated Medical Waste collected from Customer shall transfer and vest in Stericycle at the time it is loaded onto Stericycle's vehicle. Customer shall have title to Regulated Medical Waste at all prior times. Customer shall hold title to any Non-Conforming Waste at all times, whether refused for collection or returned to the customer for proper disposal after collection. All Regulated Medical Waste must be accompanied by a properly completed shipping document pursuant to 49 CFR 172.202 (Manifest). (c) Stericycle employees may refuse containers that are determined to be Non-Conforming Waste as identified in the Waste Acceptance Policy (WAP). Customer shall place only "Regulated Medical Waste" as defined by 49 CFR 173.134 or by any other federal, state and local regulations. (d) Customer represents and warrants that i) the waste presented for disposal will not contain any "hazardous", "toxic", "radioactive" or Non-Conforming Wastes as defined by all applicable laws, regulations and the WAP, ii) the waste strictly conforms to Stericycle's WAP and their local laws and regulations concerning Regulated Medical Waste and iii) they have reviewed the attached WAP and its complete definitions and requirements. (e) Customer shall be liable for any and all injuries, losses and damages resulting from Non-Conforming Waste. (f) All lab wastes or materials which contain or have the potential to contain infectious substances arising from those agents listed under 42 CFR 72.3 are strictly prohibited from medical waste by federal law and must be pretreated prior to disposal. (g) Further definitions are included under the current WAP, which is attached and made a part of this Agreement and specifically incorporated herein. Stericycle reserves the right to change the WAP at any time to ensure compliance with applicable laws or regulations. A copy of Stericycle's WAP may also be obtained from your local Stericycle representative.

2. **Term and Pricing** Subject to the provisions below, the term ("Term") of this Agreement shall be Sixty (60) months from the Effective Date. (a) This Agreement shall automatically renew for successive terms equal to the original Term (each an "Extension Term") unless either party has given sixty (60) days notice, in writing, during the six (6) month period prior to the renewal date of its desire to terminate this agreement. All Extension Terms shall be subject to the terms and conditions hereunder. (b) Stericycle reserves the right to adjust the contract price to account for operational changes it implements to comply with documented changes in law, to cover increases in the cost of fuel, insurance, residue disposal, or to otherwise address cost escalation. Customer and Stericycle agree that any adjustment made pursuant to this Paragraph, within each twelve month period, shall not exceed 12%. (c) In the event Customer terminates this Agreement prior to expiration of the term hereof (or any "Extension Term") or fails to perform any of its obligations under this Agreement, Stericycle shall have, without limitation, all rights and remedies provided at law or in equity, as well as the right to recover from Customer an amount (which the parties hereby acknowledge constitutes Stericycle's liquidated damages and not a penalty) equal to fifty (50) percent of the Customer's average monthly charge multiplied by the number of months (including any partial months), remaining until the expiration date of the then current term hereof. (d) Stericycle shall have the right to terminate this Agreement at any time by giving Customer at least sixty (60) days notice in the event that it is unable to continue performing its obligations under this Agreement due to the suspension, revocation, cancellation or termination of any permit required to perform this Agreement or in the event that a change in any law or regulation makes it impractical or uneconomical, in Stericycle's sole discretion, to continue performing this Agreement.

3. **Billing** Stericycle shall provide Customer with monthly, quarterly or annual invoices that are due upon receipt. Customer agrees to pay a late charge on any amounts owed to Stericycle that are more than 30 days old, at a rate equal to the lesser of 1 1/4% per month or the maximum rate permitted by law. Customer shall bear any costs that Stericycle may incur in collecting overdue amounts from Customer, including, but not limited to, reasonable attorneys' fees and court costs. Should any amounts due pursuant to this Agreement remain unpaid for more than 30 days from the date of the debt's first invoice, Stericycle shall have the option, without notice to Customer, to suspend service under this Agreement until the overdue amounts (plus late charges and collection fees) are paid. In addition to Stericycle's charges for services and products under this Agreement, the Customer shall pay all taxes imposed or levied by any governmental authority with respect to such services or products. These taxes include all sales, use, excise, occupation, franchise and similar taxes and tax-like fees and charges (but do not include any taxes on Stericycle's net income). Stericycle shall cooperate with the Customer to

determine the applicability of any exemption certificates that the Customer provides to Stericycle in a timely manner. Notwithstanding any limit to adjust the contract price, Stericycle reserves the right to further adjust the amounts payable and due to Stericycle for fees including, but not limited to environmental protection, compliance, waste management, or safety. In the event that Stericycle suspends services under this Agreement for any reason, including the expiration or termination of this Agreement or Customer's breach (see 2(c), above), Stericycle may remove all containers belonging to it from Customer's premises and assess a \$50.00 pick up fee for such removal.

4. **Surcharge** Stericycle may also impose a surcharge in the event that Stericycle attempts to pick up waste at a Customer location (on either a scheduled pick-up or in response to a Customer request) and, through no fault of Stericycle, either (a) there is no Regulated Medical Waste for Stericycle to pick up, (b) waste is not ready for pick-up or (c) the Customer location is closed. Excess waste volumes significantly greater than average volume for similar generators or exceeding maximum allowable containers per year shall be subject to a surcharge at the current surcharge container rate (\$65.00) at Stericycle's discretion. Stericycle will impose this surcharge to deter abuses, including but not limited to, solid waste disposed in the medical waste stream, or Customer consolidation of the waste of several generators under one site. Stericycle may bill additional charges for each non-compliant container provided by Customer. Non-compliant containers subject to additional charges include, but are not limited to containers that are overweight under applicable laws, rules or regulations; those containers exceeding 50 lbs; containers holding non-conforming waste; and containers where the waste is improperly segregated or packaged.

5. **Liability for Equipment** Customer shall have the care, custody and control of containers and other equipment owned by Stericycle and placed at Customer's premises and accepts responsibility and liability for the equipment and its contents except when it is being physically handled by employees of Stericycle. Customer agrees to defend, indemnify and hold harmless Stericycle from and against any and all claims for loss or damage to property, or personal injury or death, resulting from or arising in any manner out of Customer's use, operation or possession of any containers and other equipment furnished under this Agreement. Any damage or loss to such containers and equipment, other than normal wear and tear, will be charged to Customer at full replacement value.

6. **Indemnification** (a) Stericycle shall indemnify and hold Customer harmless from any liabilities arising from the gross negligence or willful misconduct of Stericycle in the performance of its obligations under this Agreement. Customer shall indemnify and hold harmless Stericycle from any liabilities arising from the gross negligence or willful misconduct of Customer, which shall include, but not be limited to, failure to properly store, package, label, or segregate Regulated Medical Waste and any liabilities relating to Non-Conforming Waste, whether or not collected, transported or treated by Stericycle. Each party agrees to pay the reasonable attorneys' fees and costs incurred by the other in bringing a successful indemnification claim under this Paragraph. Customer agrees to pay Stericycle's reasonable attorney's fees incurred for any successful defense by Stericycle of a suit for indemnification brought against Stericycle by Customer. (b) Stericycle will indemnify and hold harmless any Customer who subscribes to a Preferred Program from any fine or portion thereof resulting from an OSHA citation explicitly describing a blood-borne pathogen or medical waste management practice specifically addressed only by the Preferred Program training and materials. Provided, however, that Stericycle's obligation to indemnify Customer under this sub-Paragraph (b) is contingent upon (1) Customer having followed or following each recommendation and instruction included in the Preferred Program (whether expressed verbally by employees or agents of Stericycle or as set forth in any written or electronic materials) and (2) Customer notifying Stericycle as soon as possible after it learns that it will be the subject of an OSHA inspection, and shall allow employees or agents of Stericycle to attend the inspection and to defend the Customer's blood-borne pathogen and medical waste management practices during the inspection. Customer's failure to perform any of its obligations under this sub-Paragraph (b) to Stericycle's satisfaction shall absolve Stericycle of its indemnification responsibilities under this sub-Paragraph (b). This sub-Paragraph (b) applies only to the Preferred Level Program.

7. **Compliance Materials** To the extent that Stericycle provides Customer with any electronic or printed materials (the "Compliance Materials") it provides these materials subject to a limited license to Customer to use the Compliance Materials for Customer's own, non-commercial use. Stericycle may revoke this license at its discretion at any time. Customer may not copy or distribute the Compliance Materials in any manner, not use or republish the Compliance Materials for or to

any third party or audience, including but not limited to business/trade groups or associations, chambers of commerce, professional, fraternal or educational associations or reciprocating or cooperating service providers. Customer acknowledges the prejudice that it causes to Stericycle by violating the foregoing terms as well as the difficulty in calculating economic damage to Stericycle as a result thereof and therefore agrees to pay to Stericycle the sum of \$5000.00 for each such violation of those terms. Customer agrees to return all Compliance Materials to Stericycle at Customer's expense at the expiration or termination of this Agreement. Stericycle may charge Customer a fee for failure to return Compliance Materials at the expiration of the Term or a restocking fee for return of materials prior to the expiration of the Term. FOR PREFERRED PROGRAM CUSTOMERS ONLY: Stericycle's OSHA Compliance Program includes: one annual on-site mock OSHA evaluation and one annual bloodborne pathogens training at a single Customer building for each site location where Regulated Medical Waste Services are provided.

8. Compliance with Laws Stericycle hereby agrees to carry General Liability, Automobile Liability, and Workmen's Compensation Insurance as required by applicable state law, and to otherwise comply with all federal and state laws, rules and regulations applicable to its performance hereunder. As of the date of this Agreement, Stericycle has all necessary permits, licenses, zoning and other federal, state or local authorizations required to perform the services under this Agreement and will furnish copies of these to Customer upon request. Customer hereby agrees to comply with all federal and state laws, rules and regulations applicable to its handling of Regulated Medical Waste and its performance under this Agreement, including, without limitation, all applicable record keeping, documentation and manifesting requirements. Customer acknowledges that Stericycle has advised Customer of the Regulated Medical Waste service frequency requirements within their state (if applicable), and Customer has determined its desired frequency independent of Stericycle's recommendation. Customer hereby agrees to indemnify and hold Stericycle harmless for any decisions around service frequency by Customer that do not comply with state regulations. Stericycle and Customer shall keep and retain adequate books and records and other documentation including personnel records, correspondence, instructions, plans, receipts, vouchers, copies of manifests and tracking records consistent with and for the periods required by applicable regulations and guidelines pertaining to storage or handling of Regulated Medical Waste and the services to be performed under this Agreement.

9. Exclusivity Customer agrees to use no other Regulated Medical Waste disposal service or method during the Term of this Agreement and any Extension Terms.

10. Excuse of Performance Stericycle shall not be responsible if its performance of this Agreement is interrupted or delayed by contingencies beyond its control, including, without limitation, acts of God, war, blockades, riots, explosion, strikes, lockouts or other labor or industrial disturbances, fires, accidents to equipment, injunctions or compliance with laws, regulations, guidelines or orders of any governmental body or instrumentality thereof (whether now existing or hereafter created).

11. Independent Contractor Stericycle's relationship with Customer pursuant hereto is that of an independent contractor, and nothing in this Agreement shall be construed to designate Stericycle as an employee, agent or partner of or a joint venture with Customer.

12. Amendment and Waiver Changes in the types, size and amount of equipment or the frequency of service may be mutually agreed to orally or in writing by the parties, without affecting the validity of this Agreement. Consent to oral changes shall be evidenced by the practices and actions

of the parties. All other amendments to this Agreement (other than as provided in 2(b)) shall be effected only by a written instrument executed by the parties. No waiver shall be effective unless submitted in writing by the party granting such waiver. No waiver of any provision of this Agreement shall be deemed a waiver of any other provision of this Agreement and no waiver of any breach or duty under this Agreement shall be deemed a waiver of any other breach or later instances of the same duty.

13. Savings Clause In case any one or more of the provisions contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not effect any other provisions of this Agreement; this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein, unless such finding shall impair the rights or increase the obligations of Stericycle hereunder, in which event, at Stericycle's option, this Agreement may be terminated.

14. Entire Agreement This Agreement (including any attachments, exhibits and amendments made in accordance with Paragraph 12) constitutes the entire understanding and agreement of the parties and cancels and supersedes all prior negotiations, representations, understandings or agreements, whether written or oral, with respect to the subject matter of this Agreement. This Agreement shall be binding upon and shall inure to the benefit of the successors, assigns legal representatives and heirs of the parties hereto provided, however, that Customer may not assign its rights or delegate its obligations under this Agreement without the prior written consent of Stericycle, which consent of Stericycle may not unreasonably withhold.

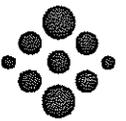
15. Governing Law This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois without regard to the conflicts of laws or rules of any jurisdiction.

16. Notices All required notices, or those which the parties may desire to give under this Agreement shall be in writing and sent to the parties' addresses set forth above.

17. Originals A copy or facsimile of this Agreement shall be as effective as an original.

18. Purchase Orders Any terms or conditions contained in any Purchase Order, Purchase Order Agreement, or other invoice acknowledgment, Order by Customer or proposed at any time by Customer in any manner, which vary from, or conflict with the terms and conditions in the Stericycle Service Agreement are deemed to be material alterations and are objected to by Stericycle without need of further notice of objection and shall be of no effect nor in any circumstances binding upon Stericycle unless expressly accepted in writing. If Customer's standard purchase order form is provided to Stericycle in connection with this Agreement, the terms and conditions for that Purchase Order will be superseded by the provisions of this Agreement and the use of the purchase order shall be only to facilitate Customer's payment of fees to Stericycle. Written acceptance or rejection by Stericycle of any such terms or conditions shall not constitute an acceptance of any other additional terms or conditions.

19. Waste Brokers Stericycle reserves the right to deal solely with the Customer and not with any third party agents of the customer for all purposes relating to this Agreement. Customer represents and warrants to Stericycle that it is the medical waste generator and is acting for its own account and not through a broker or agent. Stericycle shall be entitled to terminate this agreement and seek all available legal remedies, including but not limited to liquidated damages, in the amount set forth herein for Customer's breach of this representation and warranty.



Stericycle
Protecting People. Reducing Risk.®

REGULATED MEDICAL WASTE ACCEPTANCE POLICY

Stericycle policy requires compliance with all applicable regulations regarding the collection, transportation and treatment of regulated medical waste. Federal Department of Transportation (DOT) Regulations require the generator of regulated medical waste to certify that the packaging and documentation of transported regulated medical waste complies with DOT regulations regarding waste classification, packaging, labeling and shipping documentation. To ensure that neither Stericycle nor the generator of regulated medical waste violates applicable regulations, it is imperative that all parties understand the rules regarding proper identification, classification, segregation and packaging of regulated medical waste. The purpose of this policy is to summarize the minimum requirements for preparing your medical waste for collection, transportation and treatment. Additional facility or state-specific waste acceptance policies may apply based on permit specifications. Please contact your local representative for further information. You may also call (866) 783-7422.

REGULATED MEDICAL WASTE

Stericycle accepts medical waste generated in a broad range of medical, diagnostic, therapeutic and research activities. The term "medical waste" includes biohazardous, biomedical, infectious or regulated medical waste as defined under federal, state or local laws, rules, regulations and guidelines. Except as defined by specific state regulations, this excludes RCRA hazardous waste pharmaceuticals, all DEA scheduled drugs including "controlled substances, bulk chemotherapy, waste containing mercury or other heavy metals, batteries of any type, cauterizers, non-infectious dental waste, chemicals such as solvents, reagents, corrosives or ignitable materials classified as hazardous waste under Federal and State EPA Regulations. In addition, Stericycle cannot accept bulk liquids, radioactive materials, or complete human remains (including heads, full torsos and fetuses). Stericycle cannot accept these excluded materials packaged as regulated medical waste. All lab wastes or materials which contain or have the potential to contain infectious substances arising from those agents listed under 42 CFR 72.3 are strictly prohibited from medical waste by federal law and must be pretreated prior to disposal. Separate protocol and packaging requirements apply for the disposal of non-hazardous pharmaceuticals. Hazardous waste transportation services may be offered in certain geographical locations, under separate contract. Please contact your local representative for details and packaging specifications.

WASTE SEGREGATION AND PACKAGING

The generator is solely responsible for properly segregating, packaging and labeling of regulated medical waste. Proper segregation and packaging reduces the potential for accidental release of the contents and exposure to employees and the general public. DOT regulations require (49 CFR 173.197) that all packages of regulated medical waste be prepared for transport in containers meeting the following requirements: 1) rigid; 2) leak resistant; 3) impervious to moisture; 4) of sufficient strength to prevent tearing or bursting under normal conditions of use and handling; 5) sealed to prevent leakage during transport; and 6) puncture resistant for sharps. All regulated medical waste must be accompanied by a properly completed shipping document (See 49 CFR 172.202).

MANAGEMENT OF NON-CONFORMING WASTE

As required by regulation and company policy, Stericycle employees may refuse containers that are non-conforming because of their contents or are improperly packaged, leaking, damaged or likely to create a risk of exposure to employees or the general public. Any non-conforming waste identified in route to or at a Stericycle location may be returned to the generator for proper packaging or disposal. Proper segregation and packaging is essential to ensure compliant and safe handling, collection, transportation and treatment of regulated medical waste.

STERICYCLE REGULATED MEDICAL WASTE ACCEPTANCE POLICY CHECKLIST

ACCEPTED REGULATED MEDICAL WASTE
<ul style="list-style-type: none"> • Sharps - Means any object contaminated with a pathogen or that may become contaminated with a pathogen through handling or during transportation and also capable of cutting or penetrating skin or a packaging material. Sharps includes needles, syringes, scalpels, broken glass, culture slides, culture dishes, broken capillary tubes, broken rigid plastic, and exposed ends of dental wires. • Regulated Medical Waste or Clinical Waste or (Bio) Medical Waste - Means a waste or reusable material derived from the medical treatment of an animal or human, which includes diagnosis and immunization, or from biomedical research, which includes the production and testing of biological products.
ACCEPTED REGULATED MEDICAL WASTE WHICH MUST BE IDENTIFIED AND SEGREGATED FOR INCINERATION
<ul style="list-style-type: none"> • Trace Chemotherapy Contaminated Waste - RCRA Empty drug vials, syringes and needles, spill kits, IV tubing and bags, contaminated gloves and gowns, and related materials as defined in applicable laws, rules, regulations or guidelines • Pathological Waste - Human or animal body parts, organs, tissues and surgical specimen (decanted or formaldehyde, formalin or other preservatives as required per hazardous waste rules). • Non-RCRA Pharmaceuticals - Must be characterized and certified as non-RCRA hazardous material by the generator. Excludes all DEA scheduled drugs, including controlled substances* • California Only - Solidified Suction Canisters - Suction canisters that have been injected with solidifier materials to control liquids or suction canisters made of high heat resistant plastics such as polysulfone
REGULATED MEDICAL WASTE NOT ACCEPTED BY STERICYCLE
<ul style="list-style-type: none"> • Untreated Category A Infectious Substances • RCRA Hazardous Pharmaceutical Waste and all DEA controlled drugs, including controlled substances* • Chemicals - Formaldehyde, formalin, acids, alcohol, waste oil, solvents, reagents, fixer developer • Hazardous Waste - Drums or other containers with a hazard warning symbol, batteries and other heavy metals • Radioactive Waste - Any container with a radioactivity level that exceeds regulatory or permitted limits; lead-containing materials • Complete Human Remains (including heads, full torsos, and fetuses) • Bulk Chemotherapy Waste • Compressed Gas Cylinders, Canisters, Inhalers and Aerosol Cans • Any Mercury Containing Material or Devices - Any mercury thermometers, Sphygmomanometers, lab or medical devices • Mercury-Containing Dental Waste - Non-contact and contact amalgam and products, chairside traps, amalgam sludge or vacuum pump filters, extracted teeth with mercury fillings and empty amalgam capsules

*Consult Stericycle Representative for specific requirements

Additional waste acceptance policies may apply based on state or permit specific requirements. Hazardous waste transportation services may be offered in certain geographical locations, under separate contract. Please refer to your local Stericycle Representative for additional information and options for possible hazardous waste handling. For additional information on container and labeling requirements contact our Stericycle Customer Service Department at (866) 783-7422.

ADDENDUM TO SERVICE AGREEMENT
between
CITY OF TURLOCK (hereinafter "CITY")
and
Stericycle, Inc (hereinafter "CONTRACTOR")
City Contract No. 12-052

1. **INSURANCE:** CONTRACTOR shall not commence work under this Agreement until CONTRACTOR has obtained CITY's approval regarding all insurance requirements, forms, endorsements, amounts, and carrier ratings, nor shall CONTRACTOR allow any subcontractor to commence work on a subcontract until all similar insurance required of the subcontractor shall have been so obtained and approved. CONTRACTOR 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 CONTRACTOR, 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: CONTRACTOR 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 for 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: (1) 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 (2)

ADDENDUM TO SERVICE AGREEMENT
between
CITY OF TURLOCK (hereinafter "CITY")
and
Stericycle, Inc (hereinafter "CONTRACTOR")
City Contract No. 12-052

CONTRACTOR 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 insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of CONTRACTOR; and with respect to liability arising out of work or operations performed by or on behalf of CONTRACTOR, 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 CONTRACTOR'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, CONTRACTOR's insurance coverage shall be primary insurance as respects CITY and any insurance or self-insurance maintained by CITY shall be excess of CONTRACTOR's insurance and shall not contribute with it.

(3) In the event of cancellation, non-renewal, or material change that reduces or restricts the insurance coverage afforded to CITY under any of the required insurance coverages, the insurer, broker/producer, or CONTRACTOR shall provide CITY with sixty (60) days' prior written notice of such action.

(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: CONTRACTOR 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, CONTRACTOR hereby agrees to waive subrogation which any insurer of CONTRACTOR may acquire from CONTRACTOR 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 CONTRACTOR, its agents, employees,

ADDENDUM TO SERVICE AGREEMENT
between
CITY OF TURLOCK (hereinafter "CITY")
and
Stericycle, Inc (hereinafter "CONTRACTOR")
City Contract No. 12-052

independent contractors and subcontractors. CONTRACTOR agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation.

(h) Subcontractors: CONTRACTOR 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.

2. INDEMNIFICATION: To the fullest extent permitted by law, CONTRACTOR agrees to indemnify, defend, and hold harmless CITY, its officers, agents, and employees from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of, resulting from or in any manner related to any work performed or services provided under this Agreement, provided that any such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or injury to or destruction of tangible property including the loss of use resulting therefrom regardless of whether or not it is caused in part by a party indemnified hereunder. Notwithstanding the foregoing, nothing herein shall be construed to require CONTRACTOR to indemnify a party indemnified hereunder from any claim arising from the sole negligence or willful misconduct of the party to be indemnified.

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

CITY OF TURLOCK, a municipal corporation

STERICYCLE, Inc

By: _____
Roy W. Wasden, City Manager

By: _____

Date: _____

Title: _____

APPROVED AS TO FORM:

Print name: _____

By: _____
Phaedra A. Norton, City Attorney

Date: _____

ATTEST:

By: _____
Kellie E. Weaver, City Clerk



Council Synopsis

55

September 25, 2012

From: Robert A. Jackson, Chief of Police

Prepared by: Steven Williams, Support Operations Captain

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Accepting a donation from E & J Gallo Winery in the amount of \$400 in 266-20-255-356.35720 "Police Explorers Program Revenue" and appropriating the money to account number 266-20-255-356.47118 "Police Explorer Program"

2. DISCUSSION OF ISSUE:

In June of 2012, E & J Gallo Winery requested assistance from the Turlock Police Explorer Post to participate with other explorer posts from throughout the county. The Explorers provided extra patrol and a volunteer public safety presence at the E & J Gallo Winery company picnic.

On July 2, 2012, the Turlock Police Department received a donation check from E & J Gallo Winery in the amount of \$400.00. The donation was intended to be a donation to the Turlock Police Explorer Post.

3. BASIS FOR RECOMMENDATION:

Staff recommends accepting the check and appropriating the money to account 266/20-255.356.47118 "Police Explorer Program".

Strategic Plan Initiative B. FISCAL RESPONSIBILITY

Goal(s): 1(a). Identify smart revenue opportunities including but not limited to grants and outside sources of funding.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: \$400.00 of \$500.00 anticipated throughout fiscal year.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Council could reject the donation.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ACCEPTING A }
DONATION FROM E & J GALLO WINERY IN }
THE AMOUNT OF \$400 IN }
266-20-255-356.35720 "POLICE }
EXPLORERS PROGRAM REVENUE" AND }
APPROPRIATING THE MONEY TO }
ACCOUNT NUMBER 266-20-255-356.47118 }
"POLICE EXPLORER PROGRAM" }
_____ }

RESOLUTION NO. 2012-

WHEREAS, IN June of 2012, E & J Gallo Winery requested assistance from the Turlock Police Explorer Post to participate with other explorer posts from throughout the county; and

WHEREAS, The Turlock Explorer Post provided extra patrol and a volunteer public safety presence at the E & J Gallo Winery company picnic; and

WHEREAS, on July 2, 2012, the Turlock Police Department received a donation check from E & J Gallo Winery in the amount of \$400.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby accept a donation from E & J Gallo Winery in the amount of \$400 in 266-20-255-356.35720 "Police Explorers Program Revenue" and appropriating the money to account number 266-20-255-356.47118 "Police Explorer Program"

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 25th day of September 2012, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

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



Council Synopsis

September 25, 2012

5K

From: Robert A. Jackson, Chief of Police

Prepared by: Steven Williams, Support Operations Captain

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Accepting a donation from L. Makin in the amount of \$25 in account number 266-20-255-351.37200_000 "Police Donations"

2. DISCUSSION OF ISSUE:

On July 27, 2012, staff received a check via United States mail. The check, in the amount of \$25, was paid to the order of "Turlock Police Dept." The name on the check was L. Makin. Staff called the phone number on the check. Ms. Makin confirmed that the \$25 check was intended to be a general donation to the Turlock Police Department.

3. BASIS FOR RECOMMENDATION:

Staff recommends accepting the check in account 266/20-255-351.37200_000 "Police Donations".

Strategic Plan Initiative B. FISCAL RESPONSIBILITY

Goal(s): 1(a). Identify smart revenue opportunities including but not limited to grants and outside sources of funding.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: \$25 of \$2,500 anticipated throughout fiscal year.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Council could reject the donation.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ACCEPTING A }
DONATION FROM L. MAKIN IN THE }
AMOUNT OF \$25 IN ACCOUNT NUMBER }
266-20-255-351.37200_000 "POLICE }
DONATIONS" }
_____ }

RESOLUTION NO. 2012-

WHEREAS, on July 27, 2012, staff received a check in the mail from L. Makin in the amount of \$25; and

WHEREAS, on August 1, 2012, staff contacted L. Makin via telephone and was advised that the check was intended to be a general donation to the Police Department.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby accept a donation from L. Makin in the amount of \$25 in account number 266-20-255-351.37200_000 "Police Donations".

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 25th day of September 2012, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

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



Council Synopsis

5L

September 25, 2012

From: Robert A. Jackson, Chief of Police

Prepared by: Nino Amirfar, Police Lieutenant

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Accepting donations received for Turlock Police Department's National Night Out to be deposited into account number 266-20-255-351.37200 "Police Donations", as per the attached Exhibit A

2. DISCUSSION OF ISSUE:

Staff has received monetary and product donations for our crime prevention outreach as per the attached worksheet. Through the development and promotion of National Night Out, staff has successfully engaged private businesses, service groups, and other local sponsors in creating a sense of community by supporting crime prevention awareness. Monies and products received through donations assisted in offsetting cost to the City of Turlock.

3. BASIS FOR RECOMMENDATION:

- A) City of Turlock policy requires City Council approval for the acceptance of all donations.
- B) Staff recommends accepting donations to offset the cost of National Night Out.

Strategic Plan Initiative: B. FISCAL RESPONSIBILITY

Goals(s): (b) Identify smart revenue opportunities including but not limited to grants and outside sources of funding

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: \$760

Increase of revenue to account number 266-20-255-351.37200 "Police Donations"

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

None

7. ALTERNATIVES:

Council may choose not to accept these donations.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ACCEPTING }
DONATIONS RECEIVED FOR TURLOCK }
POLICE DEPARTMENT'S NATIONAL NIGHT }
OUT TO BE DEPOSITED INTO ACCOUNT }
NUMBER 266-20-255-351.37200 "POLICE }
DONATIONS" AS PER THE ATTACHED }
EXHIBIT A }
_____ }

RESOLUTION NO. 2012-

WHEREAS, the Turlock Police Department received donations from the community to support crime prevention outreach; and

WHEREAS, through the development and promotion of National Night Out, staff has successfully engaged private businesses, service groups and other local sponsors in creating a sense of community by supporting crime prevention awareness; and

WHEREAS, monies and products received through donations assist in offsetting cost to the City of Turlock.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby accept the donations received for Turlock Police Department's National Night Out to be deposited into account number 266-20-255-351.37200 "Police Donations" as per the attached Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 25th day of September 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

National Night Out 2012 Donations

Sponsor	Items Given
Target	\$300 gift card, 200 NNO backpacks, Pallet of water, 10 volunteers
Turlock Rotary Club	\$500 Check
Diary Farms of America	\$150 Check
Luxury Limousine	Limousine & Driver
Cost Less Foods	10 Cases of water
Foster Farms Dairy	Six - 3 gallon tubs of Ice Cream
Foster Farms Poultry	500 hot dogs
Lance Olson	500 buns & cookies
Pepsi	10 Cases of mixed sodas
Prime Shine Car Wash	One books of 5 protex coupons
Turlock Firefighters L2434	Fire Hats
Toni Allison	\$10 Cash
Smith Chevrolet	\$100 Check
Valley 1 st Credit Union	Coloring books & Crayons



Council Synopsis

5M

September 25, 2012

From: Robert A. Jackson, Chief of Police

Prepared by: Ron Reid, Police Lieutenant

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Accepting the fourth quarter of Fiscal Year 2011-12 monetary donations valued at \$523 from various donors in support of the City's Animal Control Services Unit and donations of assorted animal related products valued at \$2,883.25 utilized in support of the City's Animal Control Services Unit

2. DISCUSSION OF ISSUE:

Staff received donations from the community during the fourth quarter of Fiscal Year 2011-12 to support the Animal Services Unit. As a result, a total of \$523.00 was donated by various persons and businesses in monetary form. Additionally, assorted animal related products valued at \$2,883.25 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 animal related products be appropriated for use 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:

A. Do not accept these donations.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ACCEPTING THE }
FOURTH QUARTER OF FISCAL YEAR }
2011-12 MONETARY DONATIONS }
VALUED AT \$523 FROM VARIOUS }
DONORS IN SUPPORT OF THE CITY'S }
ANIMAL CONTROL SERVICES UNIT AND }
DONATIONS OF ASSORTED ANIMAL }
RELATED PRODUCTS VALUED }
AT \$2,883.25 UTILIZED IN SUPPORT OF }
THE CITY'S ANIMAL CONTROL SERVICES }
UNIT }
_____ }

RESOLUTION NO. 2012-

WHEREAS, staff received donations from various donors in the community during the fourth quarter of Fiscal Year 2011-12 (EXHIBIT A); and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby accept the fourth quarter of Fiscal Year 2011-12 monetary donations valued at \$523 from various donors in support of the City's Animal Control Services Unit and donations of assorted animal related products valued at \$2,883.25 utilized in support of the City's Animal Control Services Unit

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 25th day of September, 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

EXHIBIT A

LIST OF DONORS BY MONTH

April 2012

1. Kathleen Kennedy (*Monetary Donation*) – \$25.00
2. Hope Rescue (*Food Donation*) – \$303.60
3. Stephanie Lambert (*Food Donation*) – \$67.50
4. Anonymous (*Food Donation*) – \$5.67
5. Tim Slama (*Food Donation*) – \$11.70

May 2012

1. Joseph A. Schomburg (*Monetary Donation*) – \$50.00
2. Friends of Turlock (*Food Donation*) – \$665.70
3. Wilma Seltzer (*Food Donation*) – \$60.00
4. Vanessa Olivas (*Food Donation*) – \$9.00
5. Natalie Madrigal (*Food Donation*) – \$103.80
6. Pamda Adomyetz (*Food Donation*) – \$120.00
7. Darla Kimbrough (*Food Donation*) – \$4.50
8. Crystal Martinez (*Food Donation*) – \$26.25
9. Hope Rescue (*Food and Cat Litter Donation*) – \$308.80

June 2012

1. Skyline Sporting Dog (*Monetary Donation*) – \$448.00
2. Friends of Turlock (*Food Donation*) – \$787.80
3. Wilma Seltzer (*Food Donation*) – \$60.00
4. Trish Moreno (*Food Donation*) – \$3.00
5. Anonymous (*Food Donation*) – \$116.70
6. Tim Slama (*Food Donation*) – \$1.98
7. Hope Rescue (*Food and Cat Litter Donation*) – \$227.25

TOTALS

Monetary Donations - \$453.06
Pet Item Donations - \$2,883.25



Council Synopsis

5N

September 25, 2012

From: Tim Lohman, Fire Chief

Prepared by: Brian White, Fire Division Chief

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Authorizing the City Manager, the City Manager's designee, or the City Attorney to execute agreements between the City of Turlock and local businesses or residents for the purpose of conducting training on non-City owned property for Fiscal Year 2012-13

2. DISCUSSION OF ISSUE:

As part of the City of Turlock employees' need for continual training, we are seeking the ability to enter into partnerships with local businesses and residential property owners by using their facilities as training grounds. Training keeps critical perishable skills current, as well as, enhances and improves the safety of employees during low frequency but high risk operations or tasks.

3. BASIS FOR RECOMMENDATION:

In an effort to reduce the number of items put before Council, we are asking that an approval process be conducted which would allow us to engage in training at local business and residential sites without having to seek City Council authorization each time. When necessary, individual agreements will be approved by the City Manager, City Manager's designee, or the City Attorney and hold harmless agreements will be processed.

Strategic Plan Initiative: Not specifically identified within the City Strategic Plan as this item pertains to the ongoing operation and overall maintenance of City facilities, equipment or infrastructure.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: None.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

N/A

7. ALTERNATIVES:

Council could require each agreement to be approved individually by the City Council.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF AUTHORIZING THE }
CITY MANAGER, THE CITY MANAGER'S }
DESIGNEE, OR THE CITY ATTORNEY TO }
EXECUTE AGREEMENTS BETWEEN THE }
CITY OF TURLOCK AND LOCAL }
BUSINESSES OR RESIDENTS FOR THE }
PURPOSE OF CONDUCTING TRAINING }
ON NON-CITY OWNED PROPERTY FOR }
FISCAL YEAR 2012-13 }
_____ }

RESOLUTION NO. 2012-

WHEREAS, Turlock City Fire has identified the need to regularly train in order to maintain skills; and

WHEREAS, local business and residential sites provide a real life environment for Fire personnel to train; and

WHEREAS, the Council is required to approve all City agreements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby authorize the City Manager, the City Manager's designee, or the City Attorney to execute agreements between the City of Turlock and local businesses or residents for the purpose of conducting training on non-City property for Fiscal Year 2012-13.

BE IT FURTHER RESOLVED, that the City Council of the City of Turlock does hereby authorize, the City Manager, the City Manager's Designee or the City Attorney to sign all documents related to these activities on behalf of the City of Turlock.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 25th day of September 2012, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

ATTEST:

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



**Council
Synopsis**

50

September 25, 2012

From: Roy W. Wasden, City Manager

Prepared by: Marie Lorenzi, Senior Accountant

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Resolution: Approving Post-Issuance Tax Compliance Procedures for Tax-Exempt and Direct Pay Subsidy Bonds

2. DISCUSSION OF ISSUE:

The attached Resolution formally memorializes the City's (and by extension the Turlock Public Financing Authority's) current procedures related to the issuance of long-term debt and the subsequent monitoring of compliance with bond covenants. The procedures attached to the Resolution represent best practices in debt administration and will assist Staff in staying in compliance with the various covenants and requirements of the debt issuance documents as well as to maintain the tax-exempt nature of the bonds the City/PFA currently has outstanding. This is important to those who have invested in the City's/PFA's bonds.

3. BASIS FOR RECOMMENDATION:

As noted above, the attached Resolution memorializes the Staff's current practices related to the issuance and subsequent monitoring of outstanding bond issuances. While there is no legal requirement to formally adopt these procedures, there is question asked on IRS Form 8038-G which is filed with each debt issuance asking whether there are adopted procedures for post-issuance tax compliance. It is generally thought adopted procedures may lessen an issuer's exposure to a tax compliance audit by the IRS.

4. FISCAL IMPACT / BUDGET AMENDMENT:

The adoption of these policies and procedures should not have a fiscal impact on the City's adopted budget. Staff has already engaged the necessary professionals to perform items described in the document (i.e. annual Rebate Report) and included the associated costs in the operating budget of funds that have outstanding bond issuances.

5. CITY MANAGER'S COMMENTS:

Recommend approval

6. ENVIRONMENTAL DETERMINATION:

Not applicable

7. ALTERNATIVES:

None recommended

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF APPROVING POST- }
ISSUANCE TAX COMPLIANCE }
PROCEDURES FOR TAX-EXEMPT AND }
DIRECT PAY SUBSIDY BONDS }
_____ }

RESOLUTION NO. 2012-

WHEREAS, the City of Turlock (City) and the Turlock Public Financing Authority (PFA) have issued bonds, the proceeds of which were used to fund various projects for the benefit of the City and its citizenry; and

WHEREAS, during the course of the issuance process City Staff has engaged legal, investment, and other professionals to provide assistance and guidance during the process; and

WHEREAS, incorporated within the agreements and other documents executed in conjunction with the various bond issuances are covenants that the City and/or PFA have agreed to adhere to while the bonds are outstanding; and

WHEREAS, during the issuance process and post-issuance City Staff has employed processes and procedures to ensure continued compliance with requirements necessary to maintain the tax-exempt nature of the bonds issued and now wishes to memorialize these procedures in the form of a Resolution with Exhibit A detailing the procedures.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby approve the Post-Issuance Tax Compliance Procedures for Tax-Exempt and Direct Pay Subsidy Bonds.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 25th day of September, 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

Post-Issuance Tax Compliance Procedures For Tax-Exempt and Direct Pay Subsidy Bonds

September 26, 2012

The purpose of these Post-Issuance Tax Compliance Procedures is to establish policies and procedures in connection with tax-exempt bonds and direct pay subsidy bonds (e.g. "build America bonds" or similar programs) ("Bonds") issued by or on behalf of the Turlock Public Financing Authority (the "Authority") or the City of Turlock, California (the "City" and, collectively with the Authority, the "Issuer") so as to ensure that the Issuer complies with all applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt or direct pay subsidy status of the Bonds.

General

Ultimate responsibility for all matters relating to Issuer financings and refinancings rests with the Executive Director of the Authority and the City Manager of the City (collectively, the "Responsible Officer").

Post-Issuance Compliance Requirements

External Advisors / Documentation

The Responsible Officer and other appropriate Issuer personnel shall consult with bond counsel and other legal counsel and advisors, as needed, throughout the Bond issuance process to identify requirements and to establish procedures necessary or appropriate so that the Bonds will continue to qualify for the appropriate tax status. Those requirements and procedures shall be documented in an Issuer resolution(s), Tax Certificate(s) and/or other documents finalized at or before issuance of the Bonds. Those requirements and procedures shall include future compliance with applicable arbitrage rebate requirements and all other applicable post-issuance requirements of federal tax law throughout (and in some cases beyond) the term of the Bonds.

The Responsible Officer and other appropriate Issuer personnel also shall consult with bond counsel and other legal counsel and advisors, as needed, following issuance of the Bonds to ensure that all applicable post-issuance requirements in fact are met. This shall include, without limitation, consultation in connection with future contracts with respect to the use of Bond-financed assets and future contracts with respect to the use of output or throughput of Bond-financed assets.

Whenever necessary or appropriate, the Issuer shall engage expert advisors (each a "Rebate Service Provider") to assist in the calculation of arbitrage rebate payable in respect of the investment of Bond proceeds.

Role of the Issuer as Bond Issuer

Unless otherwise provided by Issuer resolutions, unexpended Bond proceeds shall be held by the Issuer, and the investment of Bond proceeds shall be managed by the Responsible Officer. The Responsible Officer shall maintain records and shall prepare regular, periodic statements to the Issuer regarding the investments and transactions involving Bond proceeds.

If an Issuer resolution provides for Bond proceeds to be administered by a trustee, the trustee shall provide regular, periodic (monthly) statements regarding the investments and transactions involving Bond proceeds.

Arbitrage Rebate and Yield

Unless a Tax Certificate documents that bond counsel has advised that arbitrage rebate will not be applicable to an issue of Bonds:

- the Issuer shall engage the services of a Rebate Service Provider, and the Issuer or the Bond trustee shall deliver periodic statements concerning the investment of Bond proceeds to the Rebate Service Provider on a prompt basis;
- upon request, the Responsible Officer and other appropriate Issuer personnel shall provide to the Rebate Service Provider additional documents and information reasonably requested by the Rebate Service Provider;
- the Responsible Officer and other appropriate Issuer personnel shall monitor efforts of the Rebate Service Provider and assure payment of required rebate amounts, if any, no later than 60 days after each 5-year anniversary of the issue date of the Bonds, and no later than 60 days after the last Bond of each issue is redeemed; and
- during the construction period of each capital project financed in whole or in part by Bonds, the Responsible Officer and other appropriate Issuer personnel shall monitor the investment and expenditure of Bond proceeds and shall consult with the Rebate Service Provider to determine compliance with any applicable exceptions from the arbitrage rebate requirements during each 6-month spending period up to 6 months, 18 months or 24 months, as applicable, following the issue date of the Bonds.

The Issuer shall retain copies of all arbitrage reports and trustee statements as described below under "Record Keeping Requirements".

Use of Bond Proceeds

The Responsible Officer and other appropriate Issuer personnel shall:

- monitor the use of Bond proceeds, the use of Bond-financed assets (e.g., facilities, furnishings or equipment) and the use of output or throughput of Bond-financed assets throughout the term of the Bonds (and in some cases beyond the term of the Bonds) to ensure compliance with covenants and restrictions set forth in applicable Issuer resolutions and Tax Certificates;

- maintain records identifying the assets or portion of assets that are financed or refinanced with proceeds of each issue of Bonds;
- consult with Bond Counsel and other professional expert advisers in the review of any contracts or arrangements involving use of Bond-financed facilities to ensure compliance with all covenants and restrictions set forth in applicable Issuer resolutions and Tax Certificates;
- maintain records for any contracts or arrangements involving the use of Bond-financed facilities as might be necessary or appropriate to document compliance with all covenants and restrictions set forth in applicable Issuer resolutions and Tax Certificates; and
- meet at least annually with personnel responsible for Bond-financed assets to identify and discuss any existing or planned use of Bond-financed, assets or output or throughput of Bond-financed assets, to ensure that those uses are consistent with all covenants and restrictions set forth in applicable Issuer resolutions and Tax Certificates.

All relevant records and contracts shall be maintained as described below.

Record Keeping Requirements

Unless otherwise specified in applicable Issuer resolutions or Tax Certificates, the Issuer shall maintain the following documents for the term of each issue of Bonds (including refunding Bonds, if any) plus at least three years:

- a copy of the Bond closing transcript(s) and other relevant documentation delivered to the Issuer at or in connection with closing of the issue of Bonds;
- a copy of all material documents relating to capital expenditures financed or refinanced by Bond proceeds, including (without limitation) construction contracts, purchase orders, invoices, trustee requisitions and payment records, as well as documents relating to costs reimbursed with Bond proceeds and records identifying the assets or portion of assets that are financed or refinanced with Bond proceeds;
- a copy of all contracts and arrangements involving private use of Bond-financed assets or for the private use of output or throughput of Bond-financed assets; and
- copies of all records of investments, investment agreements, arbitrage reports and underlying documents, including trustee statements.

GOVERNMENT TORT CLAIM FORM

5P RECEIVED
AUG 23 2012

(PLEASE TYPE OR PRINT ALL INFORMATION REQUESTED)

CLAIM AGAINST Police Dept/Turlock (NAME OF PUBLIC ENTITY) CITY ATTORNEY

1. CLAIMANT'S NAME: Joe Peggnum

2. CLAIMANT'S MAILING ADDRESS: 2205 South Broadway
Turlock CA 95380
(ADDRESS) (CITY) (STATE) (ZIP CODE)

3. AMOUNT OF CLAIM: \$ 27,950

IF THE AMOUNT CLAIMED EXCEEDS TEN THOUSAND DOLLARS (\$10,000), THE AMOUNT OF THE CLAIM SHOULD BE UNSPECIFIED AND CLAIMANT SHOULD INDICATE THE TYPE OF CIVIL CASE:

- LIMITED CIVIL CASE (\$25,000 OR LESS)
- NON-LIMITED CIVIL CASE (OVER \$25,000)

4. ITEMIZATION OF CLAIM: (How was the amount claimed above computed; list items totaling amount set forth above, including damages for pain and suffering, if applicable). IF YOU HAVE SUPPORTING DOCUMENTATION FOR THE AMOUNT CLAIMED (BILLS, RECEIPTS, ETC.), PLEASE ATTACH THREE (3) COPIES TO THIS CLAIM.

ITEM	DOLLAR AMOUNT
<u>see attached sheets</u>	

(CONTINUE ITEMIZATION ON SEPARATE SHEET, IF NECESSARY)

5. ADDRESS TO WHICH NOTICES ARE TO BE SENT IF DIFFERENT FROM LINES 1 AND 2:

(NAME)

(STREET OR P.O. BOX NUMBER)

(CITY) (STATE) (ZIP CODE)

6. DATE & TIME OF ACCIDENT OR LOSS: 2-29-2012

7. LOCATION OF ACCIDENT OR LOSS (INCLUDE CITY, COUNTY, AND STREET ADDRESS, INTERSECTION, ROAD NUMBERS OR MILE MARKER):

main street in Turlock, CA

8. HOW DID THE ALLEGED ACCIDENT OR LOSS OCCUR? STATE ALL FACTS WHICH SUPPORT YOUR CLAIM AGAINST THE PUBLIC ENTITY:

see attached sheet

(CONTINUE ON SEPARATE SHEET, IF NECESSARY)

9. DESCRIBE INJURY / DAMAGE / LOSS: my car was stolen + my possessions were thrown away at the motel. I was staying at

(CONTINUE ON SEPARATE SHEET, IF NECESSARY)

10. NAME OF PUBLIC EMPLOYEE (S) CAUSING INJURY / DAMAGE / LOSS, IF

KNOWN: Detective Timothy A Redd

11. SIGNATURE OF CLAIMANT OR ATTORNEY/REPRESENTATIVE:

X [Signature] DATED: 7-3-2012

12. DAYTIME TELEPHONE NUMBERS (PLEASE INCLUDE AREA CODE)

CLAIMANT
()

ATTORNEY/REPRESENTATIVE
()

NOTICE

SECTION 72 OF THE PENAL CODE PROVIDES:

"EVERY PERSON WHO, WITH INTENT TO DEFRAUD, PRESENTS FOR ALLOWANCE OR FOR PAYMENT TO ANY STATE BOARD OR OFFICER, OR TO ANY COUNTY, CITY, OR DISTRICT BOARD OR OFFICER, AUTHORIZED TO ALLOW OR PAY THE SAME IF GENUINE, ANY FALSE OR FRAUDULENT CLAIM, BILL, ACCOUNT, VOUCHER, OR WRITING," IS GUILTY OF EITHER A MISDEMEANOR OR FELONY AND MAY BE SUBJECT TO IMPRISONMENT AND/OR A FINE.

Car		\$3000.00
Clothes		\$1500.00
Tools		\$2000.00
Laptop		\$1000.00
Cameras		\$500.00
Cellphone		\$250.00
Bike trailer		\$100.00
Important papers	ID's - Birth cert. D-P-214	\$100.00
		<u>\$8950.00</u>

90 days 2-29-2012 - May 29th
incarceration \$10,000.00

30 days D-I \$5,000.00
April 28 - May 28th

90 days of Recycling \$4500.00
at \$50.00 a day \$19,500.00

\$27,950.00

I was riding my bicycle down the railroad tracks on 2-29-2012 looking for recyclables. I realized I left my trash bags in the car. The car was parked at the movie theatre in Turlock on main street, I had cut through a field to go back to my car when I was pulled over by officer Giavacchini at 9:30 am on 2-29-2012, Detective Tim Redd heard my name and told her to arrest me. She arrested me & took me to Turlock Police Dept. where I was put in a room & interviewed by Detective Redd and he had me arrested. I sit in jail for 3 months and 30 days for disciplinary isolation. Once again a mistaken identity wrong person. I am awaiting to pick jury on May 29th and go to trial for something I didn't do on June 11th, 2012. Because they let the real suspect bail out and take off. So they want me to take a deal and admit to something I didn't do. Since my arrest on 2-29-2012, my car was broke into & impounded. I had a lot of my stuff at Venice motel and it has been discarded. All this because of Detective Timothy Redd was wrong.

Case # 1442479

Timothy Redd
2-29-2012

7A



Council Synopsis

September 25, 2012

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

Prepared and Presented by: Debra A. Whitmore, Deputy Director of Development Services/ Planning

Agendized by: Roy W. Wasden, City Manager

(CONTINUED FROM SPECIAL MEETING OF SEPTEMBER 11, 2012)

1. ACTION RECOMMENDED:

ENVIRONMENTAL DETERMINATION:

Resolution: Adopting Findings of Fact and Statement of Overriding Considerations for the new Turlock General Plan as required by the California Environmental Quality Act

GENERAL PLAN DOCUMENT:

Motion: Modifying Guiding Policy 3.1-g and Implementation Policy 3.1-p by adding the following language: *“Prior to proceeding with the planning, annexation and development of Southeast Master Plan 2, 70 percent of the building permits shall be issued for the Northeast Master Plan, East Tuolumne Master Plan, and Southeast Master Plan 1, calculated on a cumulative basis.”*

Resolution: Adopting a New General Plan for the City of Turlock (GPA 2012-03) with the Alternative 1 Land Use Diagram described in the Draft Environmental Impact Report, amending Guiding Policy 3.1-g and Implementation Policy 3.1-p, and directing staff to revise the Public Review Draft General Plan in accordance with the Alternative 1 Land Use Diagram, as recommended by the Planning Commission

CITYWIDE REZONE (Introduce at this meeting)

Ordinance: Amending the Zoning Map of the City of Turlock, California, attached to Title 9 of the Turlock Municipal Code [Rezone 2012-03 (Turlock General Plan Update Citywide Rezone)]

2. DISCUSSION OF ISSUE:

The matter before the City Council is the adoption of the new General Plan. As required by State Law, the City of Turlock has circulated a Draft Environmental Impact Report (EIR) for public comment, received comments from various public agencies and private individuals, and provided responses to those comments through the preparation of a Final EIR. The City Council held a public hearing on September 11 and considered all of the testimony as well as the written comments received from public agencies and the general public.

Before deliberating on the General Plan, the City Council certified the Environmental Impact Report in accordance with the California Environmental Quality Act. Furthermore, the City Council directed staff to return with a Findings of Fact and Statement of Overriding Considerations for Alternative B, as presented in the September 11 staff report, as well as adoption of the new General Plan and the accompanying Citywide Rezone action.

PLANNING COMMISSION RECOMMENDATION

State Law requires that two separate public hearings be held on the adoption of a new General Plan- one before the Planning Commission and the other before the City Council. State Law also requires that the Planning Commission forward its recommendation to the City Council in writing. This section summarizes the recommended action made unanimously by the Turlock Planning Commission.

On September 6, the Planning Commission held a public hearing on the new General Plan and its associated Citywide Rezone, and recommended the City Council adopt Alternative 1, rather than the Preferred Land Use Plan. Alternative 1 is described in more detail in Chapter 4 of the Draft EIR and includes development of Phase 1 of the General Plan (i.e., infill development and Southeast Master Plan 1, 2 and 3 only).

The Planning Commission also recommended that the City Council clarify the "timing policy" in the General Plan, contained in Guiding Policy 3.1-g and Implementing Policy 3.1-p by clarifying that additional annexations would not be initiated until at least 70 percent of the building permits are issued for the existing master plans located within the City which includes Southeast Master Plan 1 (Morgan Ranch), the Northeast Master Plan and East Tuolumne Master Plan. The policy presented in the Public Review Draft EIR would have required 70 percent issuance of building permits of Southeast Master Plan 1 (Morgan Ranch) only.

SELECTED ALTERNATIVE

On September 11, the City Council held a public hearing to consider testimony on the proposed General Plan and Final EIR. Before discussing the new General Plan and the alternatives presented in the Draft EIR, the City Council certified the Final EIR as complying with the requirements of the California Environmental Quality Act and found that it reflected their independent judgment of the environmental effects of the project.

The City Council considered each of the alternative land use alternatives presented in the Draft EIR. The City Council voted to support the Planning Commission recommendation (called "Alternative B" on the agenda) which included the Draft EIR Alternative 1 Land Use Diagram and the addition of a policy requiring that planning for Southeast Master Plan 2 would not begin until at least 70 percent of the building permits are issued for the existing master plans located within the City (i.e., Southeast Master Plan 1, the Northeast Master Plan and East Tuolumne Master Plan, cumulatively). Staff suggested the following language to add to Guiding Policy 3.1-g and Implementing Policy 3.1-p:

"Prior to proceeding with the planning, annexation and development of Southeast Master Plan 2, 70 percent of the building permits shall be issued for the Northeast Master Plan, East Tuolumne Master Plan, and Southeast Master Plan 1, calculated on a cumulative basis."

Prior to adopting the new General Plan, the City Council must approve the Findings of Fact regarding each environmental effect and the alternatives to the project, and Statement of Overriding Considerations identifying the benefits of the project that support approval of the project in light of significant unavoidable environmental effects of the project identified in the EIR. These Findings are based upon the content and policies of the General Plan. The Findings of Fact and Statement of Overriding Consideration must reflect the chosen alternative. The item was therefore continued to the City Council's regular meeting of September 25 to give staff time to revise these documents to correspond with the selected alternative.

CITYWIDE REZONE

Adoption of the new General Plan would require changes in the General Plan land use designations for 85 properties located within the City Limits. State Law requires consistency between the General Plan designation and the Zoning designation for property. To maintain consistency between the General Plan and Zoning for the 85 properties, these properties must be also rezoned. The properties are identified in the exhibits attached to the Draft Council Ordinance.

State Law requires the City directly notify property owners whose land development rights are directly impacted by the proposed General Plan and zoning changes. As this process has unfolded, we have received comments from individual property owners requesting deletion of their properties from the original list proposed in Citywide Rezone 2012-03, circulated with the Draft General Plan and Draft EIR. Ten properties were removed from the original list as a result of these property owner requests. The exhibits attached to the draft resolution and ordinance reflect these property owner requests.

The Planning Commission received public testimony regarding the proposed Citywide Rezone accompanying the General Plan Update. After hearing several of the property owners speak regarding the proposed rezoning of three properties on Colorado Avenue – 1128, 1204, 1208 Colorado- the Planning Commission voted unanimously to recommend that the properties be redesignated and rezoned from Low Density Residential to Medium Density Residential/Office as presented in the staff recommendation.

HOUSING ELEMENT FINDINGS

The Housing Element is a mandated element of the General Plan, although adopted separately, and a project proposing to rezone property, like this one, must be able to demonstrate consistency with this Housing Element as well. State Law [Government Code Section 65863(a)] requires the City make specific findings whenever rezoning actions that reduce the residential density of any parcel identified in the Housing Element. First, the reduction must be consistent with the City's General Plan. Second, the remaining sites identified in the Housing Element must be adequate to accommodate the jurisdiction's share of regional housing need.

While this action would re-designate parcels from residential to commercial, thereby reducing the inventory of land available for residential development, there are corresponding changes in density for other parcels or redesignation of other parcels from nonresidential to residential uses that increase the potential housing that could be developed within the existing City Limits by 184 units. Therefore, the proposed General Plan Amendment and Citywide Rezoning is consistent with the General Plan and Housing Element.

3. BASIS FOR RECOMMENDATION:

- A. **STATE LAW:** The General Plan is required by State Law to be updated at the end of its planning horizon. The planning horizon for the current General Plan, originally adopted in 1993, ends in 2012. Adoption of the new General Plan would establish a new planning horizon of 2030.

B. PLANNING COMMISSION RECOMMENDATION: After making the necessary environmental findings and determinations, the Planning Commission recommended the City Council adopt the new General Plan with the Alternative 1 Land Use Diagram and modifying Guiding Policy 3.1-g and Implementation Policy 3.1-p by adding the following language: *“Prior to proceeding with the planning, annexation and development of Southeast Master Plan 2, 70 percent of the building permits shall be issued for the Northeast Master Plan, East Tuolumne Master Plan, and Southeast Master Plan 1, calculated on a cumulative basis.”*

C. CITY OF TURLOCK STRATEGIC PLAN 2011-13:

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: F. INTELLIGENT, PLANNED, MANAGED GROWTH

Goal(s):

- a. Ensure all growth adds value to the current and future community
- b. Continue use of Specific and Master Plans
- c. Ensure that all new growth pays for itself (Assessment Districts, CFF/PAF, CFD)
- d. Provide for housing diversity
 - i) Include affordable housing
- e. Create long-term, value-added plan for In-fill
- f. Ensure all growth and development reflects balanced land use through the General Plan implementation which will address future growth and development
- g. Coordinate with various agencies on the planning and implementation of the South County Corridor

Actions:

- a. General Plan adoption

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: The General Plan proposes changes in the future land use pattern and growth of the City of Turlock. The General Plan also proposes that the City develop fiscal policies to ensure that development pays its fair share of the additional costs that would result from growth. The City has adopted funding

mechanisms, such as the Capital Facility Fee Program, master plan fees, and a Community Facilities District to offset both the initial capital costs and ongoing operating costs associated with new development.

Budget Amendment: At the time of writing the staff report, staff has consulted with Dyett and Bhatia regarding potential cost increases required to revise the Public Review Draft General Plan to reflect the selected alternative. Dyett and Bhatia have completed a preliminary review of the scope and remaining budget and has concluded that adequate funds remain in the contract to revise the General Plan document for the selection of the Alternative 1 Land Use Diagram and its associated policies, traffic impacts, air quality impacts, and so on. The consultant will be working with the subconsultants to revise the detailed budget. Staff will provide a report at the City Council meeting if there are any changes.

5. CITY MANAGER'S COMMENTS:

Recommends approval.

6. ENVIRONMENTAL DETERMINATION:

An Environmental Impact Report has been prepared and circulated in accordance with the California Environmental Quality Act. Prior to adopting the new General Plan, the City Council must certify that environmental document as well as adopt Findings of Fact and Statement of Overriding Considerations.

7. ALTERNATIVES:

- A. The City Council may not adopt the new General Plan and/or Citywide Rezone.
- B. The City Council may modify the General Plan and/or Citywide Rezone recommendation.
- C. The City Council may modify specific policies or other detailed actions contained in the draft General Plan.

DOCUMENTS AVAILABLE ONLINE AT <http://www.gpupdate.turlock.ca.us>:

- Turlock General Plan Public Review Draft – dated June 2012
- Turlock General Plan Public Review Draft Errata – dated August 2012
- Turlock General Plan Draft Environmental Impact Report – dated June 2012
- Turlock General Plan Final Environmental Impact Report – dated August 2012

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

**IN THE MATTER OF ADOPTING FINDINGS }
OF FACT AND STATEMENT OF }
OVERRIDING CONSIDERATIONS FOR THE }
NEW TURLOCK GENERAL PLAN AS }
REQUIRED BY THE CALIFORNIA }
ENVIRONMENTAL QUALITY }
ACT }**

RESOLUTION NO. 2012-

WHEREAS, on December 27, 2010, the City of Turlock, acting as Lead Agency under the California Environmental Quality Act (CEQA), published a Notice of Preparation and initiated work on a Draft Environmental Impact Report (DEIR) on a new General Plan for the City of Turlock; and

WHEREAS, the DEIR was circulated for public review and comment from June 5, 2012 to July 20, 2012, and a public open house to receive comments on the DEIR was held June 14, 2012; and

WHEREAS, the City of Turlock prepared the Final Environmental Impact Report (FEIR) for the new Turlock General Plan by incorporating the DEIR; comments received about the DEIR and responses to those comments; and changes, clarifications and corrections to the DEIR, and as required by CEQA, the FEIR was mailed to those public agencies that commented on the DEIR, as well as all of the other commenters on August 23, 2012; and

WHEREAS, the Environmental Impact Report, including the DEIR and the FEIR, is a program EIR that examines the potential effects resulting from implementing the proposed General Plan, evaluates the General Plan as a whole and identifies the broad, regional effects that may occur with its implementation; and

WHEREAS, the EIR evaluated the potential environmental impacts that could result from the approval of the Project, alternatives to the Project, and the self-mitigating General Plan implementing policies designed to mitigate or avoid the potentially significant impacts of the Project; and

WHEREAS, policies that would reduce or avoid environmental impacts are built into the General Plan and will be implemented and enforced through the application of the Turlock General Plan in land use and planning decisions. The monitoring plan for policies in the General Plan that would reduce or avoid impacts is the General Plan itself. The reporting program for these mitigating implementation policies is the City's annual General Plan reporting process; and

WHEREAS, for mitigation measures that extend beyond the General Plan implementing policies and are separately identified in the EIR, a Mitigation Monitoring

and Reporting Program has been developed in accordance with CEQA Guidelines §15097, and will be administered by the City; and

WHEREAS, the Turlock City Council has reviewed the Final Environmental Impact Report for the new General Plan ("CEQA Documentation") consisting of the Draft EIR dated June 5, 2012, comments received on the Draft EIR and the Response to Comments Document dated August 23, 2012; and

WHEREAS, the Turlock Planning Commission, at their September 6, 2012 meeting, made the CEQA required findings and voted to recommend to the City Council that the FEIR for the Turlock General Plan be certified pursuant to CEQA Guidelines §15090; and

WHEREAS, the Turlock City Council held a duly noticed public hearing on September 11, 2012, to receive testimony on the Public Review Draft General Plan and Errata, and the Draft and Final Environmental Impact Report, pursuant to Government Code §65355; and

WHEREAS, on September 11, 2012, the Turlock City Council approved Council Resolution No. 2012-156 certifying the Final Environmental Impact Report for the new General Plan; and

WHEREAS, the Turlock City Council voted to continue the agenda item to the September 25, 2012, regular meeting of the Turlock City Council to allow staff time to prepare the necessary documents for Alternative B, the Planning Commission recommendation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock hereby adopts the Findings of Facts and Statement of Overriding Considerations (Exhibit A) and the Mitigation Monitoring and Reporting Program (Exhibit B) in accordance with CEQA Guidelines §§15091, 15093, and 15097.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 25th day of September, 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

Exhibit A

Findings of Fact and Statement of Overriding Considerations

I. PROJECT DESCRIPTION

The City of Turlock is located in Stanislaus County, on the eastern side of California's San Joaquin Valley, 100 miles east of the San Francisco Bay Area. The City is on the State Highway 99 corridor, linking it to other Central Valley cities including Stockton and Sacramento to the north and Fresno and Bakersfield to the south. Turlock's Planning Area is the geographic area for which the General Plan establishes policies about future urban growth, long-term agricultural activity, and natural resource conservation. The Planning Area extends beyond Turlock's city limits and includes the unincorporated communities of Keyes and Denair. The Planning Area occupies 29,800 acres or 46.5 square miles.

The Study Area is a subset of the Planning Area. It was defined as the area in which the City would study the extent to which Turlock's urban development would need to expand in order to accommodate growth over the next 20 years. The majority of existing conditions research, analysis, and policy formulation pertains only to the Study Area. The Study Area is roughly bounded 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. It also includes some additional land at the northwest corner, along the State Route 99 Corridor, encompassing the Taylor Road interchange. The Study Area comprises 17,460 acres or 27 square miles. The City of Turlock's existing city limits encompasses approximately 8,730 acres (13.6 square miles) of incorporated land or 51 percent of the Study Area.

The General Plan also covers Turlock's adopted Sphere of Influence (SOI) as well as any land outside of it that is relevant to the city's planning. The SOI is a boundary that encompasses lands that are expected to ultimately be annexed by the City, and the City will apply to LAFCO to expand the SOI as part of the General Plan Update. Portions of the Planning Area beyond the SOI may or may not be annexed to Turlock, but are still considered to be related to and influenced by the City's planning.

The proposed Turlock General Plan is intended to replace the existing General Plan, which was last updated in 1992. The Plan includes the seven elements required by Government Code Section 65302: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. Additional elements may be included in the general plan as well, at the discretion of the City. The proposed Turlock General Plan also includes the optional elements of New Growth Areas and Infrastructure; Parks, Schools, and Community Facilities; and City Design. Economic Development policies are found in the Land Use element. Turlock's Housing Element was updated in 2009-2010 through a separate process and is not part of the current General Plan Update, so is not analyzed in the EIR.

Full development under the proposed General Plan is referred to as "buildout." Although the proposed General Plan horizon is the year 2030, the Plan is not intended to specify or anticipate when buildout will actually occur; nor does the designation of a site for a certain use necessarily mean the site will be used in such a way within the next 20 years.

Based on past development trends, regional growth forecasts, and applying assumptions on future growth, the Preferred Land Use Diagram circulated as the Public Review Draft General Plan would have

accommodated approximately 126,500 residents and 44,100 housing units at maximum buildout, an increase of about 79 percent over the current population estimate of 71,000.

The Selected General Plan Land Use Diagram

Approximately 24,400 housing units currently exist in the Turlock Planning Area. The Land Use Plan circulated in the Public Review Draft General Plan and evaluated in the Final EIR would have accommodated a further 19,700 housing units through new development and infill development at maximum buildout. This “Preferred Land Use Diagram” served as “the Project” for purposes of the environmental review process. Most of the new residential developments would have been developed in six compact, mixed-use master planned neighborhoods in the City’s Southeast and Northwest areas. A smaller portion of new housing will be developed on infill sites closer to Downtown and elsewhere in existing city limits.

In weighing the evidence presented in the Final EIR and the public testimony received at the September 11 public hearing on the matter, the Turlock City Council directed selected the Alternative 1 Land Use Diagram in the Draft Environmental Impact Report (EIR) to serve as the basis for the new General Plan. This decision was made after certification of the Final EIR and staff was directed to prepare these findings in accordance with the Alternative 1 Land Use Diagram. Alternative 1 is also the environmentally superior alternative presented in the Draft EIR. This Alternative provides the development of approximately 11,800 additional housing units by 2030 and envisions the development of three new master plans- one located within the City Limits (Southeast 1) and two outside the current City Limits, Southeast 2 and 3. Infill development, including the annexation of existing County islands, is expected to account for approximately 5,400 additional units including the development of Southeast Master Plan 1 that is already located within the City Limits. The Alternative calls for the annexation of approximately 1,020 additional acres of land outside the City Limits, located within the existing Sphere of Influence of the City, in two master plan areas, Southeast 2 and 3, for an additional 6,400 housing units.

New Development in Master Plans

The new General Plan introduces three new master plan areas for future neighborhood development, all located within the southeast portion of the Study Area. An additional master plan area is identified within the city’s current boundaries, encompassing significant areas of unincorporated “county islands.” The concept behind provision of master plan areas is twofold: to ensure that future development at the urban edge of Turlock proceeds in a discrete, orderly fashion, according to prescribed phasing and with adequate infrastructure; and second, to create complete neighborhoods that are compact, walkable, and mixed use, with a variety of housing types and public amenities.

A Master Plan or Specific Plan must be prepared for each area. The General Plan assigns a minimum average residential density to each master plan area. Builders/developers may plan and construct a variety of housing types within each area, so long as the overall density meets the minimum threshold. The General Plan also specifies the amount and general location of other complementary uses, such as parks, schools, and shopping centers, as well as the appropriate locations for heavier commercial and industrial uses. The master plans must also provide major transportation infrastructure (collectors, arterials, and expressways) in accordance with the overall citywide circulation diagram, and appropriate utility infrastructure. Essentially, the General Plan provides standards and guidelines for the mix and location of land uses and supporting public facilities and infrastructure for each area, and the master plans may be designed with some flexibility as long as these standards are met and the plans are consistent with the overall citywide systems.

Phasing of Master Plans

Turlock’s development is planned to proceed in a logical order, requiring substantial development in the previous master plan before planning, annexation and construction of the next mater plan is initiated. Development of a subsequent master plan may not proceed until 70 percent of the building permits for the preceding area have been issued. In addition, to ensure that the master plans located within the current City Limit are built out, the Plan includes a policy that Southeast 2 may not proceed until 70 percent of the building permits for the Northeast Turlock Master Plan, the East Tuolumne Master Plan and Southeast 1 (“Morgan Ranch”), combined, have been issued. Accommodating some 11,800 new housing units and 32,900 new residents (104,300 total residents), development in this alternative can proceed without triggering the need to construct a new Highway 99 interchange in the southeast. However, development in this area will benefit from the construction of a new interchange as this is a potential option for realigning Highway 165 and relieving congestion on Lander Avenue. In addition, this alternative could largely be developed without the need for major new potable water infrastructure.

Table 1 summarizes buildout for the proposed General Plan by population and housing units for each phase of development.

TABLE 1: RESIDENTIAL DEVELOPMENT POTENTIAL FOR GENERAL PLAN ALTERNATIVE1

<i>Phase</i>	<i>Housing Units by Phase</i>	<i>Cumulative Housing Units</i>	<i>Population by Phase</i>	<i>Cumulative Population</i>
Existing (2010)	24,400	24,400	71,000	71,000
ALTERNATIVE 1 (SELECTED)				
Approved Projects	1,400	25,800	3,900	75,000
Infill	3,000	28,800	8,400	83,400
Southeast 1 (Morgan Ranch)	1,000	29,800	2,800	86,200
Southeast 2	2,400	32,200	6,800	93,000
Southeast 3	4,000	36,200	11,300	104,300
Total Alternative 1	11,800	36,200	33,200	104,300

Source: Dyett & Bhatia, 2011

Economic Development

Turlock is projected to accommodate approximately 53,800 jobs at buildout, an increase of approximately 90 percent from the number of jobs in 2010 (28,260). The total additional number of jobs accommodated by the proposed General Plan Alternative 1 is about 25,500. Over a 20 year period (2010-2030), this represents an average annual growth rate of about 4.5 percent. The majority of jobs will be concentrated in five land use categories, which will account for 83% of all jobs in Turlock: Downtown Mixed Use (23%), Community Commercial (23%), Office (20%), Heavy Commercial (17%), and Industrial (11%).

II. FINAL EIR

The Final EIR consists of the Draft EIR and the Response to Comments Document.

III. THE RECORD

The record, upon which all Findings and determinations related to the approval of the Project are based, includes the following:

- The EIR and all documents referenced in or relied upon by the EIR.
- All testimony, documentary evidence and all correspondence submitted to or delivered to the City of Turlock in connection with the project.
- All staff reports, memoranda, maps, slides, letters, minutes of public meetings and other documents relied upon or prepared by City staff or consultants relating to this project.
- These Findings and the Statement of Overriding Considerations adopted in connection with this project.
- The Mitigation Monitoring and Report Program adopted in connection with this project.
- All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

IV. CUSTODIAN OF DOCUMENTS

The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the City of Turlock Planning Division. Such documents and other material are located at City of Turlock, Planning Division, 156 S. Broadway, Suite 120, Turlock, CA 95380.

V. FINDINGS AND STATEMENT OF FACTS SUPPORTING THE FINDINGS

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 and 15093, no public agency shall approve a project for which a certified EIR identifies one or more significant environmental effects unless the agency makes findings regarding each effect. These findings can show that significant environmental effects can be avoided or substantially lessened by changes required in or incorporated into the project or by changes that are within the responsibility or jurisdiction of another public agency and that can or should be adopted. The Turlock City Council voted to select the environmental superior alternative, Alternative 1, presented in Chapter 4 of the Draft EIR thereby, reducing the impacts of the Project as originally proposed. However, as described in the Final EIR, this alternative would not affect the conclusion drawn regarding the significance of the impacts identified or the City's ability to mitigate those effects as presented in the Final EIR. The Turlock City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the new General Plan.

Findings can also be made of specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers that make the mitigation measures or project alternatives infeasible. In addition, findings are required if specific economic, legal, social, technological or other benefits of a proposed project outweigh the unavoidable adverse environmental

effects. In such a situation, the adverse environmental effects may be considered “acceptable” and the project approved.

A. Findings Regarding Significant and Unavoidable Impacts from the Project

The significant and unavoidable impacts of the projects as determined by the City are listed below. Also, the findings and facts supporting the findings in connection therewith are listed.

Agriculture and Soil Resources

- a. Impact 3.1-1 Buildout of the proposed General Plan would convert substantial amounts of Important Farmland to non-agricultural use, and would conflict with existing zoning for agricultural use or Williamson Act contracts.

Mitigation Measures

No feasible mitigation measures have been identified that would reduce the impacts on agricultural land conversion. Development of the Turlock General Plan will result in the loss of 1,015 acres of farmland. Conversion of agricultural land to urban use is not directly mitigable, aside from preventing development altogether. As the land within the General Plan area and the Study Area as well as that immediately adjacent to the Study Area is classified as farmland, establishing an agricultural easement outside the proposed General Plan buildout area would not create any new farmland. Therefore, the loss of farmland would not be replaced or substituted.

Policies

Multiple policies are identified in the proposed General Plan to prevent excessive agricultural land conversion, including prioritizing infill development within the existing city limits, clear phasing of growth, compact development in new growth areas, and the continuation of most agricultural activities in the Study Area. The following proposed policies in the Turlock General Plan are specifically targeted at reducing the potential impacts of agricultural land conversion:

Conservation Element Policies

- 7.2-a **Preserve Farmland.** Promote the preservation and economic viability of agricultural land adjacent to the City of Turlock.
- 7.2-b **Limit Urban Expansion.** Retain Turlock’s agricultural setting by limiting urban expansion to designated areas and minimizing conflicts between agriculture and urban activities.
- 7.2-c **Protect Soil and Water.** Work to protect and restore natural resources essential for agricultural production.
- 7.2-e **Require Compact Development.** Require development at densities higher than typical in recent years in order to limit conversion of agricultural land and minimize the urban/agricultural interface.
- 7.2-f **Annex Land As Needed.** Annex land to the City only as it is needed for development of designated growth areas, consistent with policies in Chapter 3 of the General Plan and with the

City's Annexation Policy. Do not annex agricultural land unless urban development consistent with the General Plan has been approved.

- 7.2-g **Participation in Countywide Agricultural Mitigation Program.** Continue to work collaboratively with Stanislaus County and jurisdictions within the county on the development of a countywide agricultural mitigation program, which would mitigate the loss of Important Farmland to urban development through the required purchase of agricultural easements or other similar measures.
- 7.2-h **Allow Agricultural Uses to Continue.** Where agriculture exists within City limits, allow uses to continue until urban development occurs on these properties.
- 7.2-i **Support Participation in Williamson Act Program.** Support participation in the Williamson Act program by Study Area landowners.
- 7.2-l **Support Agricultural Industry.** Support agricultural industry within the city, while discouraging industrial uses in the unincorporated portions of the Study Area.

Growth Management and Infrastructure Element Policies

- 3.1-a **Proactively manage growth.** Proactively manage and plan for growth in an orderly, sequential, and contiguous fashion.
- 3.1-c **Promote good design in new growth areas.** Design new growth and development so that it is compact; preserves natural, environmental, and economic resources; and provides the efficient and timely delivery of infrastructure, public facilities, and services to new residents and businesses.
- 3.1-e **Continue rezoning.** Continue to promote orderly expansion of the City's boundaries through rezoning territory prior to annexation.
- 3.1-g **Master Plan Areas.** Plan for growth in phases and discreet master plan areas, so that neighborhoods are fully planned and at least 70 percent of building permits issued prior to the construction of the next master plan area.
- 3.2-f **Minimum average densities established for master plan areas.** Each master plan, or portion of a master plan, must be built to achieve the minimum average residential density specified on the Land Use Diagram and may go up to an overall average density that is 20 percent higher. (If the developer of a master plan area wishes to build to a higher density than 20 percent above the minimum, then a General Plan amendment and an analysis of environmental impacts would be required.)The minimum density calculation does not apply to land that is to be used for public parks, schools, or other non-residential uses.

Findings

Based upon the EIR and the entire record before this City, the City finds that there are no feasible mitigation measures that have been identified that would reduce the impacts on Important Farmland. The City finds a certain amount of growth to occur in the Study Area necessitates conversion of farmland to urban uses. The proposed Plan includes growth management policies to prevent the premature conversion of farmland, by

encouraging infill development, by requiring new development to be built at considerably higher densities than Turlock has traditionally seen, and by phasing of new master planned growth areas. These policies are intended to offset the impact to agricultural land conversion to the greatest degree possible. The City finds there are no feasible mitigation measures to agricultural land conversion that would also fulfill the objectives of and implement the General Plan as proposed. Although there are policies in the proposed General Plan to reduce this impact, the City finds the potential conversion of agricultural land—which will affect some agricultural activities and prime agricultural soils—is significant and unavoidable.

Transportation

- b. **Impact 3.3-1** The proposed General Plan would conflict with an applicable plan, congestion management program, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. Specifically, several local roadways would operate below LOS D (measured at the average daily traffic level) and all segments of SR 99 in the Study Area would operate below LOS C at General Plan buildout after all identified, feasible improvements were implemented.

Mitigation Measures

There are no mitigation measures that would reduce or eliminate the significant impacts to local and regional roads in the Study Area. Several roadways are identified as operating at LOS E or F at General Plan buildout. Congestion will occur in the vicinity of SR 99, notably between SR 99 and Golden State Boulevard.

For local roads, in development of the proposed Circulation Diagram, every segment projected to operate below LOS D at buildout was examined individually to determine whether an improvement would be feasible. Where improvements were feasible, they have been incorporated into the proposed plan, and the roadways are no longer shown to operate below LOS D at buildout. However, in some locations, widening roadways to accommodate traffic projections would conflict with competing General Plan policies to provide a balanced transportation system. Intersections and roadways along these segments will likely experience delays during peak periods. Other intersections not on these corridors may also experience moments of delays during peak commute periods. The proposed General Plan acknowledges some vehicular congestion in exchange for balanced improvement projects cognizant of all travel modes; however, the impact is considered significant and unavoidable relative to the defined threshold.

For regional roads, there are no feasible mitigation measures that the City of Turlock can perform independently. To mitigate the impact to SR 99, the freeway would have to be widened in each direction, a substantial undertaking involving planning, funding, and coordination at the state and regional level. StanCOG's Regional Transportation Plan (RTP), the document that identifies and prioritizes roadway improvements in the county, does not identify widening SR 99 in the Study Area as a Tier I project with a high priority with funding identified. In the absence of this, the necessary improvement will not occur. While growth in the City of Turlock will contribute to the facility's future congestion, it is not feasible for the City to mitigate this impact. Thus, the City of Turlock is neither responsible for nor capable of mitigating the impact on its own, so it is considered significant and unavoidable.

Policies

The General Plan includes several policies that will reduce the impact of new traffic generated by buildout of the proposed General Plan, while fostering cooperation and collaboration between jurisdictional partner agencies in order to plan, finance, and construct improvements outside the City's purview. These are included below:

- 5.2-a **A safe and efficient roadway system.** Promote a safe and efficient roadway system for the movement of both people and goods.
- 5.2-b **Implement planned roadway improvements.** Use Figure 5-2: Circulation System, and Table B-1 in Appendix B, Major Circulation Improvements, to identify, schedule, and implement roadway improvements as development occurs in the future; evaluate future development and roadway improvement plans against standards for the classifications as set forth in Tables 5-4, 5-5, and 5-6 [of the General Plan].
- 5.2-c **Complete Streets.** Maintain and update street standards that provide for the design, construction, and maintenance of "Complete Streets." Turlock's Complete Streets shall enable safe, comfortable, and attractive access for all users: pedestrians, motorists, bicyclists, and transit riders of all ages and abilities, in a form that is compatible with and complementary to adjacent land uses, and promotes connectivity between uses and areas.
- 5.2-d **Design for street improvements.** The roadway facility classifications indicated on the General Plan circulation diagram (Figure 5-2) shall be the standard to which roads needing improvements are built. The circulation diagram depicts the facility types that represent the maximum standards to which a road segment or intersection shall be improved to support traffic generated by General Plan 2030 land use buildout. LOS is *not* used as a standard for determining the ultimate design of roadway facilities.
- 5.2-e **Use of existing facilities.** Make efficient use of existing transportation facilities, and improve these facilities as necessary in accordance with the circulation diagram.
- 5.2-h **Circulation System Enhancements.** Maintain projected levels of service where possible, and ensure that future development and the circulation system are in balance. Improve the circulation system as necessary, in accordance with the circulation diagram and spacing/access standards, to support multimodal travel of all users and goods.
- 5.2-j **Work with Caltrans on freeway improvements.** Continue to work with the California Department of Transportation (Caltrans) to achieve timely construction of programmed freeway and interchange improvements.
- 5.2-k **Coordinate standards.** Continue to coordinate the City's design standards for regional roadways with the standards of other agencies.
- 5.2-l **New southeast interchange.** Continue to work with Caltrans, Stanislaus County, Merced County and other partner entities to implement a new interchange on State Route 99 at Youngstown Road for the potential realignment of Highway 165 as approved in the Project Study Report (PDS).

- 5.2-m **Amend Regional Expressway Study.** Seek to amend Stanislaus County’s Regional Expressway Study (most recently updated in 2010) to add the Waring/Verduga expressway. The precise alignment shall be determined by the Roadway Circulation Study (see Policy 5.2-tt)
- 5.2-n **Use of Congestion Management Process.** Utilize the StanCOG Congestion Management Process (CMP) to determine the timing and degree of regional roadway facility improvements in accordance with region-wide plans.
- 5.2-o **Off-Site roadway mitigation.** If an annexed area will utilize County roads, developers shall be required to fund improvements of affected County roads that connect to the citywide system to meet County standards.
- 5.2-p **Area of Influence fee.** In order to ensure that all development affecting Turlock’s transportation infrastructure contributes to its expansion and maintenance, the City will work with County to expand the current SOI fee into adjacent unincorporated areas where nexus can be established. The SOI fee is to be maintained until the new Area of Influence (AOI) fee is in place.
- 5.2-q **Regional fair-share fee program.** Work with Caltrans, Stanislaus County, and other jurisdictions to establish a fair-share fee program for improvements to regional routes and state highways. This fee should reflect traffic generated by individual municipalities/unincorporated communities as well as pass-through traffic.
- 5.2-r **Follow circulation plan diagram.** Locate freeways, expressways, and arterials according to the general alignment shown in the Circulation Plan Diagram. Slight variation from the depicted alignments for collectors will not require a General Plan amendment.
- 5.2-s **Trigger for Improvements.** Require improvements to be constructed where adequate ROW is available and impacts to adjacent land uses can be avoided or adequately mitigated to GP standards when LOS is projected to drop below LOS D (on an average daily trips basis).
- 5.2-t **Follow adopted City standards.** Build freeways, expressways, arterials, and collector streets in accordance with adopted city standards. Where these standards deviate from those set forth in the General Plan, amend the city standards to be consistent with the General Plan.
- 5.2-u **Roundabouts.** Roundabouts may be used in place of signalized intersections on any roadway facility or intersection type. Roundabouts are particularly encouraged at the intersection of two collector streets.
- 5.2-v **Maintain standards through ongoing improvements.** Ensure improvements to the circulation system required to maintain standards as set forth in Section 5.2. Improvements shall take place in accord with the City’s Capital Improvement Program.
- 5.2-w **Expressway access from private property.** In general, access from individual private properties onto expressways is not permitted. An exception may be granted by the City Engineer if it is determined that the conditions listed below are met. In these cases, one access point may be provided onto future expressways to a parcel in existence at the date of adoption of the General Plan. The City may allow access from a private parcel onto an expressway if:

- The applicant has satisfactorily demonstrated to the city that there are either no or only highly restrictive alternative access solutions available to that particular parcel;
 - The applicant agrees to take full financial responsibility for constructing the access point, including any reconstruction of the expressway that may be necessary; and
 - A properly designed access solution is approved by the City Engineer.
- 5.2-x **CFF and Capital Improvement Program.** As part of the 20-year Capital Facilities Fee Program (CFF), annually update a five-year Capital Improvement Program (CIP) of projects required to construct and/or update circulation facilities. The analysis should identify the type of facility, length of the project, right-of-way requirements, physical improvements required and estimated cost.
- 5.2-x **Streets in County Islands.** Coordinate with Stanislaus County to evaluate the condition of existing streets in unincorporated areas and explore cooperative funding mechanisms to improve existing substandard streets and install sidewalks, curbs, gutters, and street lighting as a condition of incorporation.
- 5.2-ab **Downtown exempted from LOS standards.** Exempt Downtown from LOS trigger in order to encourage infill development, the creation of a pedestrian friendly urban design character, and the densities and intensities of development necessary to support transit and local business development. Development decisions Downtown should be based on community design and livability goals, rather than traffic LOS. Downtown is defined by the Downtown designation on the Land Use Diagram (Figure 2-2).
- 5.2-ac **Impacts of new development.** No new development will be approved unless it can show that required service standards (accessibility, spacing and capacity in the circulation diagram and in Section 5.2) are provided on the affected roadways.
- 5.2-ai **Utilize outside funding sources.** Link improvement projects to the most current estimates of available funding from County, State, and federal sources. Continue to participate in the effort to develop and coordinate a financing mechanism for major regional transportation improvements.

Findings

The City finds widening all local and regional roadways to achieve a specific LOS is unfeasible and unavoidable. The policies of this General Plan are designed to balance improvement projects such that access to other travel modes including bicycles, pedestrian, and transit is improved. Widening all City roadways to achieve vehicular LOS D could dissuade use of alternative transportation modes by promoting vehicular service above all. The City finds that further improvements beyond those identified in the General Plan Circulation Diagram would be economically or technically infeasible, and would conflict with City policies that promote “Complete Street” concepts.

Additionally, SR 99 is a State Highway outside the City’s sphere of influence and facilities under Caltrans purview. It will operate below LOS C upon General Plan buildout and will constitute significant and unavoidable impacts per each agency’s significance criteria. The City of Turlock is neither responsible for nor capable of mitigating the impact on its own, so it is considered significant and unavoidable. The City has adopted policies to coordinate local and regional actions by participating in the development of the Regional Transportation Plan and Regional Expressway Study. The City finds this impact is unavoidable because there

are no feasible mitigation measures that the City of Turlock can undertake independently. Thus, overall the City finds that certain local roadways, and SR 99 at LOS C and D and higher level impacts, are significant and unavoidable.

Air Quality

- c. **Impact 3.4-2** Implementation of the proposed Turlock General Plan would result in a cumulatively considerable net increase of criteria pollutants which may conflict with or violate an applicable air quality standard or contribute substantially to an existing or projected air quality violation.

Mitigation Measures

No feasible mitigation measures are currently available to reduce this air quality impact to a less-than-significant level.

Policies

The proposed General Plan features a wide range of policies that will help reduce potential air quality impacts associated with criteria air pollutant emissions:

Air Quality and Greenhouse Gases Element: Air Quality

- 8.1-a **Prioritize Air Quality in Local Planning.** Continue efforts to improve air quality in Turlock by integrating air quality analysis and mitigation in land use and transportation planning, environmental review, public facilities and operations, and special programs.
- 8.1-b **Participate in Regional Efforts.** Cooperate with the San Joaquin Valley Air Pollution Control District and Stanislaus Council of Governments in developing and implementing air quality regulations and incentives.
- 8.1-c **Coordination with Other Agencies.** Work with neighboring jurisdictions and affected agencies to address cross-jurisdictional and regional transportation and air quality issues.
- 8.1-d **Transportation and Residential Density.** Designate residential land uses to be higher density than in the past in order to meet population demand and reduce total vehicle miles travelled.
- 8.1-e **Establish Land Use Pattern That Supports Trip Reduction.** Establish land use pattern that enables alternatives to automobile use and reduces trip lengths, including transit-oriented, mixed use development and neighborhood commercial areas.
- 8.1-f **Plant and Maintain Trees in Streets and Parks.** Adopt a comprehensive tree-planting and maintenance program that recognizes the effect of air pollutants on trees and the role trees can play in removing particulate matter and gaseous pollutants. Provide a viable financing program, particularly in older neighborhoods that are not in a landscape and lighting assessment district.
- 8.1-g **Reduce Roadway Dust.** Improve City roads to reduce dust to the greatest extent feasible by planting shoulders and medians. Dust from roadways contributes to PM10 pollution.

- 8.1-j **Support Indirect Source Review Program.** Support the San Joaquin Valley Air Pollution Control District in implementing its Indirect Source Review program to reduce emissions of NO_x and PM₁₀ from new development projects. Under ISR, projects will be required to estimate off-site emissions and to pay a fee to the District to mitigate these emissions. Other General Plan policies encourage or require new development to have qualities that mitigate air quality impacts and consequently lower Indirect Source fees. These include bicycle lanes, mixed uses, cleaner construction vehicles, and superior energy efficiency.
- 8.1-k **Air Quality Improvement Fee.** In the Capital Facilities Fee (CFF) program, establish a fund to collect a fee to be paid by all new development to assist in the funding of local projects that contribute to the enhancement of air quality.
- 8.1-l **Use Air District Guidance in Environmental Review.** Continue to use the San Joaquin Valley Air Pollution Control District's Guide for Assessing and Mitigating Air Quality Impacts for determining and mitigating project air quality impacts and related thresholds of significance for use in environmental documents. Coordinate with the Air District, project applicants, and other interested parties, during pre-development consultation and negotiation over CEQA preparation.
- 8.1-m **Minimize Roadway Dust.** Require all access roads, driveways, and parking areas serving new development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of use. To balance the goals of dust reduction and water infiltration, encourage the use of permeable paving or well-maintained gravel for parking spaces.
- 8.1-n **Construction-Related Air Emissions Impacts.** Continue to require mitigation measures as a condition of obtaining permits to minimize dust and air emissions impacts from construction. Require contractors to implement dust suppression measures during excavation, grading, and site preparation activities. Techniques may include, but are not limited to:
- Site watering or application of dust suppressants;
 - Phasing or extension of grading operations;
 - Covering of stockpiles;
 - Suspension of grading activities during high wind periods (typically winds greater than 25 miles per hour); and
 - Revegetation of graded areas.
- 8.1-o **Reduce Trips by City Government.** Take the lead in implementing a trip-reduction program for City employees. The program may include carpooling and ridesharing; reimbursement of transit costs; encouragement of flexible work schedules, telecommuting, and teleconferencing.
- 8.1-p **Transition to Clean City Fleet.** Ensure through its long-range capital expenditure plans that the City deploys cutting-edge technologies and available incentives to minimize emissions from the City's fleet.
- 8.1-q **Institute Green Contracting.** Using the Air District's model ordinance as a guide, establish and follow a "green contracting" rule, awarding points in the bidding process to companies that use low-emission vehicles and equipment.

- 8.1-r **Promote Public Awareness.** Support the Air District’s efforts to promote public awareness about air pollution and its relationship to land use and transportation.
- 8.1-s **Expand Spare-the-Air Efforts.** Be an active partner with the Air District in its “Spare the Air” program. Encourage businesses and residents to avoid pollution-producing activities such as the use of fireplaces and wood stoves, charcoal lighter fluid, pesticides, aerosol products, oil-based paints, and automobiles and other gasoline engines on days when high ozone levels are expected, and promote low-emission vehicles and alternatives to driving.
- 8.1-t **Implement REMOVE II Program.** Support the Air District in implementing its REMOVE II incentive program to reduce mobile source emissions. Seek funding for City projects, publicize the availability of incentive funding, and identify potentially eligible projects. As defined by the Air District, the following projects may be eligible:
- Public transportation and commuter vanpool passenger subsidies;
 - Telecommunications, including videoconferencing, distance learning, and internet-based business transactions;
 - Bike path construction;
 - Alternative-fuel mechanic training.
- 8.1-u **Support Employer-Based Trip Reduction.** Support the Air District’s requirement that companies and organizations with 100 or more employees establish ride-sharing programs, and provide incentives to companies with 25 to 100 employees that do the same. Ridesharing programs may include market-based incentives such as cash for ridesharing, preferential parking for carpools, transit subsidies, cash allowances in lieu of parking spaces, telecommuting and flexible work schedules.

Air Quality and Greenhouse Gases Element: Energy and Climate Change

- 8.2-b **Decrease Vehicle-Miles Travelled.** Promote a broad range of transportation, land use, and site design measures that result in a decrease in the number of automobile trips and vehicle-miles travelled.
- 8.2-d **Promote Energy Conservation.** Support understanding of the relationship between energy consumption, air quality, and greenhouse gases, and promote energy-saving practices.
- 8.2-g **Develop Circulation System That Facilitates Alternative Transportation Modes.** Promote alternatives to automobile use by establishing a Circulation Plan and street design standards that enable safe, comfortable, and attractive access and travel for pedestrians, bicyclists, motorists, and transit users of all ages and abilities. Plan Elements include a citywide bike network and traffic calming street design. See Chapter 5, Circulation.
- 8.2-h **Establish Connective Street Network to Minimize Trip Length.** Minimize vehicle-miles travelled by establishing a connective circulation network providing multiple, direct paths. See Chapter 5, Circulation.

- 8.2-i **Provide Bicycle Facilities.** Require minimum bike parking for multi-family residential and commercial development, and encourage provision of additional end-of-trip facilities.
- 8.2-j **Minimize Parking.** Encourage the provision of minimum parking required to support uses.
- 8.2-l **Establish Land Use Pattern That Supports Trip Reduction.** Establish a land-use pattern that enables alternatives to automobile use and reduces trip-lengths, including increased residential density, transit-oriented and mixed-use development, neighborhood commercial areas, and pedestrian realm enhancements.
- 8.2-m **Pedestrian-Oriented Site Design.** Orient development to encourage pedestrian and transit accessibility. Strategies include locating buildings and primary entrances adjacent to public streets; placing parking at the rear of sites or in structures above retail; and providing clear and direct pedestrian paths across parking areas.
- 8.2-n **Wastewater and Water System Efficiency.** Maximize the efficiency of City-operated wastewater treatment, water treatment, pumping, and distribution equipment. This measure may be part of the GHG Emissions Reduction Plan described in 8.2-f.
- 8.2-p **Improve Energy Efficiency in Public Buildings.** Prepare and implement a plan to increase energy efficiency in public buildings, as part of the GHG Emissions Reduction Plan described in 8.2-f. Measures may include but not be limited to the following:
- Conduct energy audits for all municipal facilities;
 - Retrofit municipal facilities for energy efficiency where feasible and when remodeling or replacing components, including increased insulation, installing green or reflective roofs, installing automated lighting controls, and retrofitting heating and cooling systems.
 - Require that any newly constructed, purchased, or leased municipal space meet minimum standards, such as exceeding Title 24 energy efficiency by 20 percent;
 - Educate employees on energy conservation.
- 8.2-o **Outdoor Lighting.** Establish outdoor lighting standards to minimize energy use while ensuring appropriate light levels. Standards could include:
- Photocells or astronomical time switches;
 - Directional and shielded LED lights
 - Security lights with motion detectors;
 - Prohibition against continuous all-night outdoor lighting unless required for security reasons.
- New outdoor lighting standards should apply to municipal operations, including traffic signals, as well as to new private development.*
- 8.2-q **Promote Energy Conservation Programs.** Promote and support State and TID energy conservation programs for housing construction and rehabilitation, including energy audits, weatherization assistance, and energy rebates for energy-efficient appliances and lighting, ventilation, and other systems.

- For participants in the Home Rehabilitation Loan program, provide information and technical support regarding available rebate and incentive programs (through TID and PG&E) for energy efficient appliances and weatherization tools.
 - Require Energy Star electrical appliances when replacing appliances in City-funded Home Rehabilitation projects.
- 8.2-r **Encourage Greater Energy Efficiency in New Development.** For new Master Plan Areas, seek to expedite permit processing for new buildings to meet or exceed the Tier 1 optional standards in the 2010 California Green Building Standards Code.
- 8.2-s **Require Energy Efficiency for Projects Receiving Public Assistance.** Require that projects receiving assistance from the City of Turlock, including but not limited to infrastructure projects and affordable housing, include energy efficiency measures beyond the minimum standards of Title 24.
- 8.2-t **Encourage Solar Power Generation.** Encourage the use of passive and active solar devices such as solar collectors, solar cells, and solar heating systems into the design of buildings and parking areas by participating in existing incentive programs and considering new incentives for Turlock property owners.
- 8.2-u **Encourage Other Onsite Renewable Energy Systems.** Encourage the installation of other renewable energy systems in new or existing development. Renewable power generation may count toward the Air District’s proposed BPS for projects with systems capable of generating at least 2.5 percent of their energy need.
- 8.2-v **Methane Capture.** Produce energy through methane capture at the Regional Water Quality Control Facility. Explore opportunities to enhance waste-to-energy generation if feasible.

Circulation Element: Roadway Network, Standards, and Improvements

- 5.2-c **Complete Streets.** Maintain and update street standards that provide for the design, construction, and maintenance of “Complete Streets.” Turlock’s Complete Streets shall enable safe, comfortable, and attractive access for all users: pedestrians, motorists, bicyclists, and transit riders of all ages and abilities, in a form that is compatible with and complementary to adjacent land uses, and promotes connectivity between uses and areas.
- 5.2-av **General transit and pedestrian access.** In reviewing designs of proposed developments, ensure that provision is made for access to current and future public transit services. In particular, pedestrian access to arterial and collector streets from subdivisions should not be impeded by continuous segments of sound walls.

Circulation Element: Pedestrian and Bicycle Circulation

- 5.3-a **Promote walking and bicycling.** Promote walking and bike riding for transportation, recreation, and improvement of public and environmental health.
- 5.3-c **Develop a safe and efficient non-motorized circulation system.** Provide safe and direct pedestrian routes and bikeways between places.

- 5.3-d **Integration of land use planning.** Implement land use policies designed to create a pattern of activity that makes it easy to shop, play, visit friends, and conduct personal business without driving.

The neighborhoods described in the Land Use and City Design elements are designed to promote non-motorized transportation and to make it easy for those people who cannot or choose not to drive to be independent.

- 5.3-e **Provision of bicycle facilities.** Facilities for bicycle travel (Class I bike/multiuse paths, Class II bike lanes, and Class III bike routes) shall be provided as shown on Figure 5-3. Bike lane width shall follow the standards in tables 5-4 and 5-5. In cases where existing right of way constraints limit development of Class II facilities, Class III signage and demarcation may be permitted at the discretion of the City Engineer. Deviations from these standards and from the routing shown on the diagram shall only be permitted at the discretion of the City Engineer.

- 5.3-f **Street trees for shade and comfort.** Ensure that planting plans for street trees take into consideration shade and comfort for pedestrians and bicyclists.

Particular attention should be paid to places frequented by pedestrians, such as Main Street and other areas in Downtown and City Hall. Detailed measures relating to street trees are prescribed in policies in Section 6-8, Urban Design.

- 5.3-g **Children's access to schools.** Work with the Turlock Unified School District to promote drawing of school attendance areas so as to minimize crossings of major arterial streets.

- 5.3-i **Air quality funding for bikeways plan.** Continue using the Air Quality Trust Fund (and other grants and outside funding sources) to assist in the funding of implementation of the Bikeways plan depicted in Figure 5-3. Update the CFF to expand this program citywide to fund these improvements.

- 5.3-k **Bicycle Master Plan.** Prepare a Bicycle Master Plan consistent with the requirements in the Streets and Highways Code in order to be eligible for further funding for improvements from the State, such as the Bicycle Lane Account funds.

- 5.3-l **Reduced fees for Downtown and Pedestrian Priority Areas.** In recognition of its reduced impact on demand for new infrastructure due to its central/infill location, development projects located in Downtown Turlock and in designated Pedestrian Priority Areas will be granted a reduction in capital facilities fees owed. Reduced fees aim to encourage infill development, the creation of a pedestrian friendly urban design character, and the densities and intensities of development necessary to support transit and local business development. Downtown and other Pedestrian Priority Areas are defined on Figure 5-4.

- 5.3-m **Street trees in Capital Improvement Program.** Include street trees as part of Capital Improvement Program programming and implementation.

- 5.3-n **Bicycle use by City employees.** Establish a program to encourage bicycle use among City employees.

Bike storage facilities and shower and locker rooms should be provided where feasible. Funding shall be provided through these facilities' incorporation into the CFF.

- 5.3-o **Bicycling access to parks.** Provide safe bicycle access to and parking facilities at all community parks.
- 5.3-p **Bicycle safety.** Increase the safety of those traveling by bicycle by:
- Sweeping and repairing bicycle paths and lanes on a regular basis;
 - Ensuring that bikeways are delineated and signed according to Caltrans or City standards, and that lighting is provided where needed;
 - Providing bicycle paths and lanes on bridges and overpasses;
 - Ensuring that all new and improved streets have bicycle-safe drainage grates and are free of hazards such as uneven pavement or gravel;
 - Providing adequate signage and markings warning vehicular traffic of the existence of merging or crossing bicycle traffic where bike routes and paths make transitions into or across roadways; and
 - Work with the Turlock Unified School District to promote classes on bicycle safety in the schools.
- 5.3-q **Demarcation of Class III Bikeways.** In order to increase awareness of bicyclists sharing the roadway with motorized vehicles, demarcate Class III bicycle facilities by painting “sharrows” on streets. Because of high maintenance costs associated with sharrows, their use should be prioritized on areas with higher frequency of bicycle conflicts or where the bikeway may be obscured by traffic or geometrics. This shall apply only to Class III facilities shown on Figure 5-4, and not on local streets.
- 5.3-r **Improved bikeway visibility.** Use visual cues, such as brightly-colored paint on bike lanes or a one-foot painted buffer strip, along bicycle routes to provide a visual signal to drivers to watch out for bicyclists and nurture a “share the lane” ethic. Start with areas of town where automobile-bicycle collisions have occurred in the past, based on data from the Statewide Integrated Traffic Records System maintained by the California Highway Patrol.
- 5.3-s **Pedestrian access to shopping centers.** Install clearly marked crosswalks at intersections near all neighborhood commercial centers, as well as clearly marked pedestrian paths within parking areas. Crosswalks and signage indicating pedestrian activity should also be installed at mid-block entrances where existing shopping centers are adjacent to other high-intensity uses, such as parks and schools where necessary for safety; however, mid-block crossings are discouraged in new development.
- 5.3-t **Pedestrian connections at employment centers.** Encourage the development of a network of continuous walkways within new office parks, commercial areas, or industrial areas to improve workers’ ability to walk safely around and from their workplaces.
- 5.3-u **Bikeway improvements in infill areas.** To address the Priority Infill Bikeway Improvement Areas indicated on Figure 5-3, complete a feasibility study that identifies planned improvements and analyzes the cost and process associated with implementing those improvements. The feasibility study shall evaluate the identified areas for safety concerns and identify the minimum improvements necessary to address safety and usability issues.

The feasibility study may identify a range of possible improvements to the targeted areas that can be implemented incrementally as funding becomes available. Low-cost enhancements that render some immediate safety improvements may be implemented first. The appropriateness of each type of improvement will be related to the constraints of each individual site. Possible improvements include, but are not limited to:

- Signage improvements
- Painting or re-painting of lanes and/or sharrows
- Installation of “soft-hit” posts or other removable barriers that separate bike lanes from motorized traffic
- Changes to intersection signalization or timing

The feasibility study shall also identify and list possible funding sources.

Circulation Element: Public Transportation

- 5.4-a **Promote safe, efficient, and convenient public transportation.** Promote the use of public transportation for daily trips, including to schools and workplaces, as well as other purposes.
- 5.4-b **Work with multiple agencies and jurisdictions.** Continue to cooperate with other agencies and jurisdictions to promote local and regional public transit serving Turlock.
- 5.4-c **Improve local transit operations.** Continue the present course of expanding its fixed route service and improving operations.
- 5.4-d **Improvements to Demand-Responsive transit.** Improve the City’s dial-a-ride system. Aggressively pursue transit grant funds in order to continue funding operations.
- 5.4-h **Funding for transit services.** Continue to pursue federal funds to cover capital and operating costs associated with Turlock’s transit operation. (Currently, federal funding is sufficient to cover these costs.) If federal funds are reduced and capital needs are not being met, transit may be added to the Capital Facilities Fee (CFF) through a Nexus Study.
- 5.4-i **Transit usability.** Situate transit stops at locations that are convenient for transit users, and promote increased transit ridership through the provision of shelters, benches, bike racks on buses, and other amenities.
- 5.4-j **Transit services marketing.** Encourage ridership on public transit systems through marketing and promotional efforts. Provide information to residents and employees on transit services available for local and regional trips.
- 5.4-k **Transit for seniors.** Require new community care facilities and senior housing projects with over 25 beds to provide accessible transportation services for the convenience of residents.
- 5.4-l **Development that supports transit.** Ensure that new development is designed to make transit a viable transportation choice for residents. Design options include:
 - Have neighborhood centers or focal points with sheltered bus stops;

- Locate medium and high density development on or near streets served by transit wherever feasible; and
 - Link neighborhoods to bus stops by continuous sidewalks or pedestrian paths.
- 5.4-n **Correspondence between local and regional transit.** As Turlock's local transit system continues to be developed, services should be oriented to link with potential future commuter and/or high-speed rail.
- 5.4-o **Regional rail.** Support regional efforts to provide regional passenger train services, via commuter rail and/or High Speed Rail. As necessary, engage in Station Area planning efforts to examine and coordinate land uses surrounding a future train station in Turlock.
- 5.4-p **Support existing regional transit services.** Continue to support the MT Stage service provided by Stanislaus County and THE BUS service provided by Merced County.
- 5.4-r **Regional Transit Agency.** Support efforts to improve the coordination and efficiency of bus service on a regional level and, if appropriate, the regionalization of transit service delivery.

Other Elements

Policies in the Land Use, Infrastructure and New Growth Areas, and City Design Elements will also contribute to an overall land use and development pattern that supports decreasing vehicle-miles-travelled per capita and more trips being made by walking, biking, and transit.

Findings

The City finds that total emissions associated with development of the proposed General Plan would still exceed San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds for PM10 and PM2.5. The SJVAPCD has developed and the State and EPA have reviewed and adopted a series of air quality plans for ozone and particulate matter. The plans feature strict rules for stationary sources, and rely on State and federal actions concerning vehicle tailpipe standards, inspections, and other Reasonably Available Control Measures (RACM) to reduce emissions from mobile sources. The proposed General Plan would not conflict with the policies in these plans or the ability of relevant agencies to carry them out. However, new development under the Plan is projected to result in emissions that exceed significance thresholds for certain criteria pollutants.

The proposed General Plan would result in an increase in criteria pollutant emissions primarily due to local and regional vehicle emissions and vehicle travel generated by future population growth associated with buildout of the proposed Plan. The proposed General Plan is being offered despite these significant impacts because the City is in need of an updated land use plan that can thoughtfully and creatively accommodate projected population growth, as well as provide for jobs and economic development over the next 20 years. Full buildout of the proposed General Plan would result in a significant, unavoidable, and cumulatively considerable increase of criteria pollutants, which significantly impact air quality. The City finds no additional feasible mitigation measures are currently available to reduce this impact to a less-than-significant level.

- d. **Impact 3.4-3** Implementation of the proposed Turlock General Plan would expose sensitive receptors to substantial pollutant concentrations.

Mitigation Measures

This impact remains significant and unavoidable, given the uncertainty as to whether future air quality impacts associated with the potential exposure of sensitive receptors to substantial pollutant concentrations could be adequately mitigated. No feasible mitigation measures are currently available to reduce this air quality impact relating to criteria pollutants to a less-than-significant level.

Policies

Policies listed below help to reduce air quality Impact 3.4-3:

New Growth Areas and Infrastructure Policies

- 3.3-ae **Encourage Use of Less Toxic Agricultural Chemicals.** In cooperation with the Stanislaus County Agricultural Center, provide education and incentives to encourage the use of less toxic forms of pesticides, insecticides, herbicides, or other chemical substances by households and farmers.

Air Quality and Greenhouse Gases Policies

- 8.1-f **Plant and Maintain Trees in Streets and Parks.** Adopt a comprehensive tree-planting and maintenance program that recognizes the effect of air pollutants on trees and the role trees can play in removing particulate matter and gaseous pollutants. Provide a viable financing program, particularly in older neighborhoods that are not in a landscape and lighting assessment district.

See also policies in Sections 5.2: Roadway Network, Standards and Improvements and 6.3: Street Design and Connectivity relating to street trees.

Studies have shown that immediately adjacent to arterial streets, the lead content of air can be about 15 times as high as "normal." Hardy trees, or those adapted to such conditions, are likely to do much better over time with less care than trees that are unsuited.

Rows of trees planted close together and selected and spaced to provide a buffer between the streets and the surrounding areas (such as by a combination of low and high branching trees planted in alternate rows) can be effective in filtering fumes and particulate matter.

The update of the street tree ordinance should also consider reducing existing spacing standards between trees. Spacing standards vary from 40 to 60 feet for all streets on the list; in older areas, such as along Sycamore Street, tall trees are planted as close as 20 feet apart.

Shade trees also reduce radiation heating (the "heat island effect,") helping to cool the urban environment and reduce peak energy use, and consequently reduce both ozone formation and greenhouse gas production.

- 8.1-h **Protect Sensitive Receptors from Toxic Air Emissions.** For all new development, maintain a minimum 300-foot overlay zone with an overall goal of 500 feet on either side of Highway 99 within the Study Area to protect sensitive receptors from toxic air emissions. Within this overlay, avoid approval of new sensitive land uses, and for those projects permitted, require site-specific project design improvements (such as higher-performance windows and HVAC systems) in order to reduce public health risks associated with poor air quality in these locations.

Sensitive receptors are those segments of the population most susceptible to poor air quality, such as children, the elderly, and those with pre-existing serious health problems affected by air quality. Land uses where sensitive receptors are most likely to spend time include, but are not limited to, hospitals and other medical facilities, schools and school yards, senior centers, child care centers, parks and playgrounds, and residential communities. In traffic related studies, additional non-cancer health risk attributable to proximity was seen within 1,000 feet and was strongest within 300 feet. California freeway studies show about a 70 percent drop-off in particulate pollution levels at 500 feet.

Findings

Full buildout of the proposed General Plan would result in a significant, unavoidable, and cumulatively considerable impact on sensitive receptors by exposure to significant pollutant concentrations. The current General Plan is no longer practical for Turlock because stronger growth management is necessary and the current Plan does not offer adequate, concrete policies in accordance with recent State laws to promote walkability, bikeability, and minimize the impacts of growth. The proposed General Plan is consistent with regional and Statewide smart growth and Sustainable Communities Strategy goals in which urban development is directed toward existing urban infill sites near transit corridors in order to avoid the loss of open space. The densities of the seven growth areas are significantly higher than existing densities, and contain more medium-density and high-density housing. The Downtown Area density has also been increased. The significant impacts related to the proposed General Plan would not be considerably different under any other likely growth scenario for Turlock that accommodates the anticipated residential and non-residential growth projected for the city. The City finds no feasible mitigation measures are currently available to reduce this impact to a less-than-significant level.

Climate Change and Greenhouse Gases

- e. **Impact 3.5-1** Implementation of the proposed General Plan, combined with regional growth, would result in annual greenhouse gas emissions in the Study Area in an amount greater than 6.6 metric tons of carbon dioxide equivalent (MTCO_{2e}) gases per service population in 2020, or greater than 3.8 MTCO_{2e} in 2030.
- f. **Impact 3.5-2** Buildout of the proposed General Plan, combined with regional growth, could result in the generation of GHG emissions from passenger vehicles in an amount greater than 3.53 metric tons per capita by 2020 or 3.47 metric tons per capita by 2030, not accounting for State mandates.

Mitigation Measures

It is not feasible to meet the standards for MTCO_{2e} or for GHG emissions given the large amount of growth projected in Turlock, or reduce this impact to a less than significant level.

Policies

Policies relating to meeting the AB 32 GHG reduction goal and to undertake a strategic plan for GHG emissions reductions are listed below:

Energy and Climate Change Policies

- 8.2-a **Reduce Greenhouse Gas Emissions.** Reduce greenhouse gas emissions to support statewide GHG reduction goals under the California Global Warming Solutions Act (AB 32).

8.2-f **GHG Emissions Reduction Implementation.** Within three years of General Plan adoption, prepare a strategic plan for reducing greenhouse gas emissions, focusing on technically and financially feasible implementation measures that can be taken by the City. The Plan will guide the City to lower emissions from its buildings, fleet, and operations.

A Stanislaus County greenhouse gas inventory will be funded by a Proposition 84 grant from the State. The next Regional Transportation Plan is due in 2013 and will include a Sustainable Communities Strategy to meet the requirements of Senate Bill 375. Data and programs from these sources will be incorporated in the GHG Emissions Reduction Plan.

Additional Policies

Plan policies seek to reduce GHG emission and reduce per capita energy consumption, establish a balanced and mixed use land use pattern, restrict sprawl, promote sustainable development practices, promote walkability, and reduce VMT. In June 2009, the California Air Pollution Control Officers Association (CAPCOA) published its “Model Policies for Greenhouse Gases in General Plans,” which includes over 350 policy suggestions, and provides a list of ten over-arching strategies that are recommended to be the core focus for local government action on climate change. In Draft EIR Table 3.5-4 are the top ten strategies identified by CAPCOA and corresponding proposed General Plan policies which aim to reduce GHG with a holistic approach, for example promote smart growth, jobs/housing balance, transit oriented development, infill development, transit and bicycle use, pedestrian friendly and walkability, green building, renewable energy, energy efficiency, urban forestry, and regional cooperation in GHG reduction, see Draft EIR Chapter 3.5: Climate Change.

Findings

The City finds that despite policies in the proposed General Plan, the proposed General Plan would result in a significant and unavoidable impact. Implementation of the proposed General Plan would result in development of new housing and non-residential land uses supporting a larger population and more jobs. This development is projected to result in increased GHG emissions, thereby contributing to global climate change, including regional climate impacts. The City finds this increase in emissions under the proposed General Plan is outweighed by potential housing and job growth. Policies included in the proposed General Plan are expected to substantially reduce GHG emissions. The City finds that in order to be on track to reach the State’s emissions reduction goal for 2050, and still accommodate growth, action at the regional or State level will be necessary.

Noise

- g. **Impact 3.6-1** New development under the proposed General Plan could result in a substantial permanent increase in ambient noise levels.

Mitigation Measures

Given the uncertainty as to whether future noise impacts could be adequately mitigated for all individual projects, potential impacts related to substantial permanent increases in ambient noise related to traffic, railroads, and stationary sources are considered significant and unavoidable.

Policies

The following proposed policies would reduce Noise Impact 3.6-1:

- 9.4-a **Land Use Compatibility.** Ensure that new development is compatible with the noise environment, by continuing to use potential noise exposure as a criterion in land use planning.
- 9.4-b **Prevent Degradation of Noise Environment.** Protect public health and welfare by eliminating existing noise problems where feasible, maintaining an acceptable indoor and outdoor acoustic environment, and preventing significant degradation of the acoustic environment.

Decreasing noise magnitude at the source and limiting the times certain types and volumes of noise can occur are two of the approaches to noise attenuation taken in the City's Noise Control Ordinance.

- 9.4-c **Protect Residential Areas and Sensitive Uses.** Minimize excessive noise exposure in residential areas and in the vicinity of such uses as schools, hospitals, and senior care facilities.
- 9.4-d **Required Noise Analysis.** Use the noise and land use compatibility matrix (Table 9-1) and Future Noise Contours map (Figure 9-2) as review criteria for all new development. For proposed development located where projected noise exposure would be other than “normally acceptable,” and which require discretionary review, require that a noise analysis be conducted.

A required noise analysis should:

- Be prepared by a certified noise consultant or acoustical engineer;
 - Be funded by the applicant;
 - Include a representative, on-site day and night sound level measurement;
 - Include a delineation of current (measured) and projected (10 years) noise contours with and without the proposed project, ranging from 55 to 75 dBA (L_{dn}) within the proposed development site; and
 - Include a description of adequate and appropriate noise abatement measures where sound measurements exceed Table 9-1 standards for the proposed use.
- 9.4-e **Noise-Attenuating Features.** For all projects that have noise exposure levels other than “normally acceptable” and which require discretionary review, require site planning and architecture to incorporate noise-attenuating features. With mitigation, development should meet allowable outdoor and indoor noise exposure standards in Table 9-2. In particular, new residential, transient lodging, school, library, church, hospital, and convalescent home development should be designed to provide a suitable interior noise environment of no greater than 45 dB CNEL or L_{dn} .

Site planning measures include setbacks, building placement in relation to topography, and orientation of sensitive indoor and outdoor activity areas away from noise sources.

Building measures may include:

- Façades constructed substantial weight and insulation;
- Sound-rated windows and doors;

- Active cancellation;
- Acoustic baffling of vents for chimneys, fans, and gable ends;
- Ventilation system affording comfort under closed-window conditions;
- Double doors and heavy roofs with ceilings of two layers of gypsum board on resilient channels.

9.4-g **Noise-Sensitive Uses—Required Mitigation.** Do not allow new development of noise-sensitive uses where the noise level due to non-transportation noise sources will exceed the noise level standards of Table 9-3, as measured immediately within the property line of the new development, unless effective noise mitigation measures have been incorporated into the development design to achieve the standards specified in the table.

9.4-h **Non-Transportation Noise Sources—Required Mitigation.** Require mitigation of noise created by new proposed non-transportation noise sources so that it does not exceed the noise level standards of Table 9-3 as measured immediately within the property line of lands designated for noise-sensitive uses. Appropriate mitigation measures include:

- Dampen or actively cancel noise sources;
- Increase setbacks for noise sources from adjacent dwellings;
- Use soundproofing materials and double-glazed windows;
- Screen and control noise sources, such as parking and loading facilities, outdoor activities, and mechanical equipment;
- Use open space, building orientation and design, landscaping and running water to mask sounds; and
- Control hours of operation, including deliveries and trash pickup.

This policy does not apply to noise sources associated with agricultural operations on lands zoned for agricultural uses.

9.4-i **Noise Ordinance.** Continue to enforce the City Noise Control Ordinance and update as necessary.

The City's ordinance addresses a wide range of noise-generating activities, establishing community standards and providing a basis for enforcement.

9.4-j **Transportation Noise Buffers.** Where feasible, develop and implement noise reduction measures when undertaking improvements, extensions, or design changes to City streets. Measures may involve some combination of setbacks, earth berms, solid noise walls, placement of non-occupancy accessory structures or windowless building sites towards the noise source, and building insulation techniques.

Mitigation through the design and construction of a noise barrier (wall, berm, or combination wall/berm) is the most common way of alleviating traffic noise impacts. Noise barriers often have the disadvantage of unsightliness; however, properly landscaped berms or walls shielded with climbing vines can, over time, become visual assets. The use of noise barriers should be minimized.

Findings

The City finds that noise resulting from vehicles, trains, and stationary operations are expected to increase as a result of the proposed General Plan. Increases are expected to occur both along existing roadways in developed areas and along new roadways in future growth areas, and in the vicinity of new stationary operations, particularly industrial uses. The City finds that additional vehicles traveling along local roadways outweighs potential impacts on existing and future land use resulting from noise. The actual level of impact will depend on the presence and location of existing or proposed land uses or barriers in relation to the noise source. The City will continue to implement its Noise Ordinance. In addition, the City will ensure that noise analysis and mitigation be conducted for individual projects (with project-specific data) that will, if possible, mitigate potential noise impacts to a less-than-significant level. However, given the uncertainty as to whether future noise impacts could be adequately mitigated for all individual projects, the City finds that potential impacts related to substantial permanent increases in ambient noise related to traffic, railroads, and stationary sources are considered significant and unavoidable.

B. Findings Regarding Impacts Reduced to a Less Than Significant Level

As authorized by California Public Resources Code Section 21081 and Sections 15091, 15092 and 15093 of Title 14 of the California Code of Regulations, the City finds that changes or alterations have been required in, or incorporated into, the Project, which mitigate or avoid certain significant environmental impacts.

Policies have been included in the General Plan to avoid or reduce to a level of insignificance those impacts that can be avoided or reduced. Based upon the Final EIR and the entire record before this City, the City finds that the mitigation measures identified in the Final EIR and proposed General Plan policies are feasible and hereby incorporated into the proposed General Plan. The mitigation measures will reduce these impacts to a less than significant level.

C. Findings Regarding Significant and Irreversible Changes

CEQA Guidelines require the EIR to consider whether “uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely” (CEQA Guidelines Section 15126.2(c)). “Nonrenewable resource” refers to the physical features of the natural environment, for example land and waterways. Irretrievable commitments of non-renewable resources associated with the proposed Turlock General Plan include:

Air Quality

Increases in vehicle trips and traffic resulting from implementation of the proposed General Plan would potentially contribute to long-term degradation of air quality and atmospheric conditions in the region, other parts of California, and the Western United States. However, technological improvements in automobiles, as well as commercial and industrial machinery, may lower the rate of air quality degradation in the coming decades.

Agricultural Land and Open Space

Development under the proposed General Plan could result in the permanent conversion of approximately 1,020 acres of farmland to urban uses, 57 percent of which is classified as Prime Farmland. This conversion has a wide array of impacts, ranging from habitat modifications to visual disruptions to new noise sources and stormwater drainage constraints. Overall, this represents a significant and irreversible environmental change.

Water Consumption

New development under the proposed General Plan will increase the demand for public water. It would place a greater demand on the city's Municipal Services Department, which derives its water from groundwater sources in the Turlock Sub-Basin of the San Joaquin Groundwater Basin, to increase its water capacity. After the city grows to a population that requires more than the annual sustainable rate of groundwater supply (approximately 24,550 acre-feet), anticipated to occur around 2019, the City will have to implement a new water supply system either involving surface water or treated shallow groundwater. This increased demand for public water represents an irreversible environmental change.

Energy sources

New development under the proposed General Plan would result in increased energy use, in the form of new buildings and transportation. Both residential and nonresidential development use electricity, natural gas, and petroleum products for power, lighting, heating, and other indoor and outdoor services; cars use both oil and gasoline. Use of these types of energy for new development would result in the overall increased use of nonrenewable energy resources. This represents an irreversible environmental change.

Construction related impacts

Irreversible environmental changes could also occur during the course of constructing development projects made possible by the proposed General Plan. New construction would result in the consumption of building materials, such as lumber, sand and gravel for construction. Some of these resources are already being depleted worldwide.

D. Findings Regarding Growth Inducing Impacts

The EIR must examine the potential growth-inducing impacts of the proposed General Plan. More specifically, CEQA Guidelines require that the EIR "discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly" (CEQA Guidelines Section 15126.2(d)). This analysis must also consider the removal of obstacles to population growth, such as improvements in the regional transportation system.

Population

The General Plan Alternative 1 will accommodate a maximum population of approximately 104,300 people at buildout, an increase of about 47 percent over the 2010 estimated population of 71,000. This represents an average annual growth rate of 1.9 percent, which is lower than the rate of 2.6 percent experienced in the city over the last 20 years. The selected General Plan, Alternative 1, accommodates approximately 3,000 more residents as than the No Project scenario, which allows for a population of 101,600 people. Growth projections for Turlock range from around 104,000 total residents to 126,800 total residents (midpoint of 115,000) by 2030, meaning that the selected Plan alternative accommodates the low end of the projection. A draft projection prepared by the Stanislaus Council of Governments shows that the City of Turlock would grow to a population of 97,000 by 2030. The decision to create a General Plan that can accommodate the lower level of projected growth is policy-based; it is quite possible that Turlock will experience a lower or higher rate of growth, and that therefore the full extent of urban development permitted under the proposed Plan would not be needed or the Plan may need to be updated sooner. The master planning and phasing policies included in the Plan allow for less population to be accommodated while still ensuring that new development areas are well-planned, cohesive, and compact.

Housing Units

Turlock currently contains some 24,400 housing units. Approximately 1,400 housing units have recently been approved or are under construction. The proposed General Plan accommodates 10,400 new residential units, beyond those in the pipeline. Together, this results in the potential for 36,200 housing units, an increase of 48 percent above existing and approved units. Approximately 61 percent of the housing units will be low-density single-family detached, 12 percent single family attached (low/medium density townhouses and duplexes), and the remaining 27 percent higher density multifamily and mixed-use residential.

Employment

Turlock currently has approximately 28,260 jobs. Total additional employment accommodated in the General Plan by new commercial, office, industrial, and mixed-use land designations could allow for approximately 25,540 new jobs in Turlock. In sum, Turlock could accommodate up to 53,800 jobs under the General Plan, an increase of 90 percent. Similarly, the proposed General Plan accommodates 10 percent more jobs than the No Project scenario, which could support 49,130 jobs.

Jobs/Employment Balance

A city's jobs/employment ratio (jobs to employed residents) would be 1:1 if the number of jobs in the city equaled the number of employed residents. In theory, such a balance would eliminate the need for commuting. More realistically, a balance means that in-commuting and out-commuting are matched, leading to efficient use of the transportation system, particularly during peak hours. The current jobs/employment ratio in Turlock is 1.06, which is already very balanced. The selected General Plan alternative, Alternative 1, will add more jobs than population. By 2030, the jobs/employment ratio should improve to 1.29, with the potential for reducing out-commuting for work.

Indirect growth-inducing impacts such as those associated with job increases that might affect housing and retail demand in other jurisdictions over an extended time period are difficult to assess with precision, since future economic trends may be influenced by unforeseeable events, such as natural disasters and business and development cycles. Moreover, long-term changes in economic and population growth are often regional in scope; they are not influenced solely by changes or policies in Turlock.

Increase in Regional Housing Demand

As the employment base in Turlock increases, more people may be drawn to Turlock and surrounding areas, thereby increasing housing demand in both Turlock and other adjacent areas that are within commuting distance. Proposed new employment would primarily be located in central Turlock and in the Turlock Regional Industrial Park (TRIP), easily accessible from major transportation routes. Service to Turlock via regional bus service and potential future regional rail connections would also provide access to new jobs from other cities. In addition, the proposed General Plan has the potential to result in development of over 11,000 new housing units by the year 2030 at its maximum, which will help meet much of the increased housing need. Turlock's updated Housing Element, which addresses housing programs and how Turlock will accommodate its regional housing needs allocation, is part of the proposed General Plan. The Housing Element includes programs to address regional housing needs in the near term, and subsequent revisions will extend, modify, or add to these programs as needed to continue to respond to the City's "fair share" of regional housing needs, as required by law.

Growth Management

While Stanislaus County does not have a regional growth management policy in place, Turlock's proposed General Plan provides for the managed and orderly expansion of the city through its master planning system. With the delineation of master plans and phasing, and the policy that a subsequent master plan cannot proceed until 70 percent of building permits have been issued for the preceding one, the proposed General Plan seeks to ensure that new neighborhoods and employment centers are developed with the complete range of amenities, infrastructure, and land use mix to serve new residents and employees in a sustainable fashion. The master planning approach also helps prevent the premature conversion of farmland to urban uses and ensures that extension of services and utilities can be provided and financed.

While policies to regulate the location, pace, and timing of growth are included in the proposed General Plan, these will not restrict Turlock's ability to meet its housing need obligations or long-range growth projections by regional agencies. These policies are designed to trigger the planning work necessary to respond to the pace of housing and employment growth and demand. Key policies and strategies are described in Chapter 2: Project Description and Section 3.2: Land Use and Housing.

E. Findings Regarding Cumulative Impacts

CEQA requires that the EIR examine cumulative impacts. As discussed in CEQA Guidelines Section 15130(a)(1), a cumulative impact "consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." Furthermore, the analysis of cumulative impacts need not provide the level of detail required of the analysis of impacts from the project itself, but shall "reflect the severity of the impacts and their likelihood of occurrence" (CEQA Guidelines Section 15130(b)).

In order to assess cumulative impacts, the EIR must analyze either a list of past, present, and probable future projects or a summary of projections contained in an adopted general plan or related planning document. It is important to note that the proposed General Plan is essentially a set of projects, representing the cumulative development scenario for the reasonably foreseeable future in the Turlock Study Area. This future scenario incorporates the likely effects of surrounding regional growth.

By their nature, the air quality, transportation, noise, and greenhouse gas (GHG) emissions analyses presented in Chapter 3: Settings, Impacts, and Mitigation Measures represent a cumulative analysis of the Study Area as a whole. As a result of adding the proposed General Plan to the regional land use and transportation baseline, the travel demand, level of service operations, and associated air quality and GHG emissions produced by the proposed project is the cumulative condition for CEQA purposes. Some cumulative impacts on agricultural resources, transportation, and noise are found to be significant; in addition, the cumulative effects on GHG emissions and air quality are found to be cumulatively significant, and the project's contribution cumulatively considerable.

Cumulative Effects on Water Quality

The proposed Project, in combination with regional growth and development, could increase impervious surfaces resulting in a greater chance of flood and potential impacts to water quality. However, due to the built-out nature of the Study Area, and the extensive Plan policies designed to improve stormwater management and reduce stormwater pollution, the proposed Project's contribution to this potentially significant cumulative impact is not cumulatively considerable.

Cumulative Effects on Birds and Animals

Increased noise, light, and habitat disturbance resulting from urban development both within the Study Area as well as in adjacent unincorporated areas could adversely affect biological resources such as migratory birds and other wildlife species. However, with applicable policies in place as described in the direct impact analysis in Chapter 3, the project's contribution to this potentially significant cumulative impact is not cumulatively considerable.

Cumulative Increases in Hazardous Materials

The increase in local population and employment could result in the increased use of hazardous household, commercial, and industrial materials, as well as a cumulative increase in exposure to risk associated with accidental release of hazardous materials into the environment. However, City, State, and federal regulations, such as those that control the production, use, and transportation of hazardous materials would apply to development countywide; therefore, the project's contribution to this potential cumulative impact is not cumulatively considerable.

Cumulative Effects on Historical Resources.

The accommodation of future growth also constitutes a (very low) likelihood that future development will encounter challenges associated with known and unknown historic resources. However, there is the possibility of cumulative impacts to historical resources in the future in the context of regional growth and development. The City of Turlock cannot be sure that all cumulative impacts on such historical resources can be mitigated to less than significant levels. Consequently, the proposed General Plan may have the potential to contribute to cumulative impacts to these historic resources. However, with implementation of proposed General Plan policies and state and federal law, the proposed Project's contribution to this significant cumulative impact is not cumulatively considerable.

F. Findings Regarding Alternatives to the Project

CEQA requires that an EIR describe a range of reasonable alternatives to the Project or to the location of the Project that could feasibly attain the basic objectives of the Project and to evaluate the comparative merits of the alternatives. Section 15126.6 (b) of the State CEQA Guidelines states that the "discussion of alternatives shall focus on alternatives to the project or to its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternative would impede to some degree the attainment of the project objectives, or would be more costly." As more particularly set forth in the Final EIR, the Project was compared to the following alternatives:

- Alternative 1: Infill and development of master plan areas Southeast 1, 2, and 3 only;
- Alternative 2: Infill and development of master plan areas Southeast 1 through 5 only; and
- Alternative 3: No Project (1993 General Plan, partially updated in 2002)

Alternative 1, also identified as the environmentally superior alternative, has been selected by the Turlock City Council as the new General Plan. This alternative meets the goals and objectives of the proposed General Plan and meets Turlock's low-end population projection for 2030 of 104,000 residents.

Alternative 1: Infill and development of master plan areas Southeast 1, 2, and 3 only

Alternative 1 fills in growth on infill sites and in master plan areas Southeast 1 (Morgan Ranch), Southeast 2, and Southeast 3 only—the equivalent of “Phase 1” of development of the Public Review Draft General Plan. This is roughly the amount of new development that could take place before necessitating the construction of a new S.R. 99 interchange around Youngstown Road, in the southeast corner of the Study Area, and realignment of Highway 165.

Alternative 1 could support a total of some 104,300 residents and 53,800 jobs, leading to a jobs/employed residents ratio of 1.29. The population that this alternative could support essentially meets Turlock’s low-end population projection for 2030 of 104,000 residents. This alternative produces the fewest number of housing units, new residents, and jobs compared with the proposed project and Alternative 2, but more than the No Project alternative. The City finds that Alternative 1 is selected because it accommodates Turlock’s growth needs while minimizing environmental impacts as it is the environmentally superior alternative identified in the Final EIR.

Alternative 2: Infill and development of master plan areas Southeast 1 through 5 only

Alternative 2 fills in growth on infill sites and in master plan areas Southeast 1 (Morgan Ranch), Southeast 2, Southeast 3, Southeast 4, and Southeast 5, filling out the Study Area boundary in the southeast. With the development of areas Southeast 4 and 5, a new freeway interchange at Youngstown Road, in the southeast corner of the Study Area, would be required, as would major upgrades to the potable water system. This alternative represents the maximum amount of residential development that could take place in Turlock under proposed density/intensity standards without moving west of S.R. 99.

Alternative 2 could support a total of approximately 114,700 residents and 57,700 jobs, leading to a jobs/employed residents ratio of 1.26. This alternative produces the greatest number of housing units, new residents, and jobs compared with the other alternatives, but less than the Draft General Plan. This alternative would support the mid-point population projection for the city of 115,000 residents. The City finds that Alternative 2 is rejected as an alternative because it would result in greater impacts than Alternative 1.

Alternative 3: No Project (1993 General Plan, partially updated in 2002)

The No Project Alternative assumes continuation of land development under the existing General Plan and the current Zoning Ordinance (which implements the General Plan). Similar to Alternative 2, this alternative would result in development of the full southeast quadrant of the Study Area, but with a different development pattern and lower overall densities and intensities. Even though it covers the same land area as Alternative 2, the No Project alternative would actually add the fewest number of new housing units and jobs of any alternative due to its lower overall density and intensity of development. Buildout under the No Project alternative would support 36,100 housing units, approximately 101,600 residents, and 49,100 jobs (a jobs/employed residents ratio of 1.21). Residential development under the No Project alternative falls short of meeting even the low end population projection for the City of 106,000 residents by 2030. The City finds that Alternative 3 is rejected as an alternative would result in greater impacts and accommodate less population than Alternative 1.

Environmentally Superior Alternative

CEQA Guidelines require the identification of an environmentally superior Alternative among the alternatives analyzed in an EIR. Alternative 1 has been selected as the environmentally superior alternative. Alternative 1 has the least impact, relative to the Public Review Draft General Plan, Alternative 2, and the No Project Alternative in five of the six environmental areas that have significant impacts: Traffic and Circulation, Agricultural Resources, Hydrology, Air Quality, and Noise.

The No Project Alternative results in the lowest amount of population growth, but due to its lower overall density and intensity of development, its larger urban development footprint results in greater development of agricultural land and the highest VMT and carbon emissions per service population of any of the alternatives. It also does not include many of the policies that would ensure development of Complete Streets, greater energy efficiency and sustainable site design for new development, or others that reduce air pollution and carbon emissions.

Alternative 1 has the lowest environmental impact overall, and the lowest amount of significant impacts, making it the environmentally superior alternative. This alternative accommodates the low end of Turlock’s projected population growth of 104,300 residents and a recently released draft projection prepared by the Stanislaus Council of Governments. By accommodating the lowest amount of growth, it may be necessary to update the Turlock General Plan sooner should growth rates increase over the planning period.

Alternative 2 accommodates the projected midpoint of the city’s population growth forecasts at approximately 114,700 residents. Largely because it accommodates more population and jobs—resulting in more agricultural land converted and more vehicle miles traveled—Alternative 2 has a greater impact on the environment than Alternative 1, but not as high as the Project. This alternative represents a “middle ground” between accommodating more growth and minimizing impacts on the environment, but it is not environmentally superior.

The Public Review Draft General Plan (the Project in the Draft EIR) would fully accommodate the maximum projected population and job growth in Turlock of 126,800 residents, and plans for its orderly, sequential development through a master planning process. The key difference between the proposed Plan and Alternatives 1 and 2 is the amount of population growth accommodated, manifested in where and how much land is urbanized. Specifically, the Project includes a residential master plan area on the west side of SR 99. The inclusion of this master plan area represents a policy decision to allow growth to potentially take place in that area during this General Plan time period (in Phase II) versus leaving it for consideration in the next General Plan. The Project achieves the plan objectives while establishing policies to reduce environmental impacts, but overall it would have greater impacts on the environment than the other alternatives due directly to its larger buildout population.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS AND BENEFITS OF THE PROPOSED PROJECT

A. Overriding Considerations

Pursuant to Public Resources Code § 21081, the City Council hereby finds that specific, overriding economic, legal, social, technological and other benefits of the Project outweigh significant effects on the environment as set forth in the Record. The significant, unavoidable impacts of General Plan Alternative 1 are determined to be “acceptable” in light of the important benefits of the project as described below. The General Plan

Alternative 1 benefits set forth herein would outweigh each and all of its adverse, significant and unavoidable impacts. The City Council hereby adopts the following Statement of Overriding Considerations that explains why approval of General Plan Alternative 1 is warranted despite the six, previously described significant, adverse and unavoidable impacts.

B. Advancing Local Plans

A Statement of Overriding Considerations is warranted because General Plan Alternative 1 establishes and advances new community goals and policies to create a health vibrant city.

The State of California mandates that cities and counties in California adopt a comprehensive, long-term general plan for the physical development of the jurisdiction (Government Code 65300) and that it be periodically reviewed, and revised to be kept current (65103).

City Council Resolution 2009-063, passed and adopted on April 23, 2009, established the following vision statement for the General Plan:

“Turlock will grow sensibly and compactly, maintaining its small-town feel, while enhancing quality of life, meeting housing needs, and providing high quality jobs and recreation opportunities for its diverse population.”

The City Council and community vision is further articulated by eight General Plan Themes:

1. Establish limits to urban growth that will maintain Turlock as a freestanding city surrounded by productive agricultural land.

The City’s identity, history, and economy derive from its site in the center of one of the richest agricultural regions in the country. Preserving farmland and maintaining Turlock as a free-standing community surrounded by farmland emerged as high priorities for residents. At the same time, new neighborhoods are needed to support the city’s growing population and the Westside Industrial Specific Plan adopted in 2002 as a 2,500-acre industrial job area. The General Plan balances these needs by both promoting infill development and planning for compact, mixed use neighborhoods that offer a high quality of life to new residents and are logical extensions of the current city limits. These two development strategies together can minimize conversion of prime agricultural land, one of the city’s greatest assets.

2. Maintain an economically and socially diverse population by promoting a greater variety of housing types citywide and a localized mix of housing types in some areas.

Numerous factors contribute to the need for Turlock to provide a wide variety of housing choices: changing demographics, an aging population, increasingly diverse family types, and the continued high cost of housing in California. Turlock residents come from many different household structures, circumstances, and income groups, and the General Plan calls for a more diverse housing stock to allow opportunities for all. Elderly persons, students, single-parent households, adults sharing housing, multifamily households and multigenerational households are household types that evolve from economic need or personal preference. Turlock’s economically and socially diverse population deserves a wide range of housing options.

3. Attract new businesses to Turlock to create well-paying jobs and maintain a good jobs/housing balance.

Population and economic growth in Turlock are intertwined. The city seeks to attract new industries and create jobs in order to boost revenue, remain competitive, attract new residents and provide opportunities for existing ones. The growing resident population demands increased goods and services, which in turn fuel economic growth. The General Plan takes a multi-pronged approach to economic development in order to achieve these goals: supporting the buildout of the Turlock Regional Industrial Park (TRIP) area, drawing new businesses Downtown, identifying new industries to target, and building on existing assets such as California State University, Stanislaus.

4. Improve the local and regional circulation system to serve businesses and new residential development.

In order to foster balanced, sensible growth, it is critical that land use and transportation planning proceed hand in hand. Turlock's General Plan defines a comprehensive transportation network, emphasizing connectivity, logical spacing, multimodal service, and "right-sizing" of roads to match the travel demand generated by new homes and businesses in the city. Additionally, the plan identifies and responds to potential regional transportation developments, such as commuter and high speed rail, ensuring that Turlock residents can take full advantage of connections to the rest of the region and beyond.

5. Implement sustainable development and green building principles in City projects and new development projects. Foster development that encourages alternatives to auto use, especially for non-commute trips.

Issues of sustainability are addressed in elements throughout the General Plan: in Land Use, City Design, Circulation, Conservation, and more. By enabling alternatives to automobile travel and encouraging green building construction and sustainable site design, General Plan policies help achieve the increasingly important goals of protecting the natural environment and reducing greenhouse gas emissions. Turlock's level topography makes it ideal for pedestrians and bicyclists. However, many destinations, such as shops, services, parks, and schools, are difficult or inconvenient to access from existing neighborhoods without a car. General Plan policies counter these trends by calling for the renewed use of traditional neighborhood street patterns and more provisions for bicycle use, including extension of the bicycle route system throughout the whole city. Related policies call for mixed use neighborhood centers, where services and amenities are easily accessible.

6. **Revitalize and enhance older areas of Turlock. Create an economic and social balance among different city sectors. Enhance the County islands within the City limits, and annex them into the City if feasible.**

While the General Plan expects Turlock's rapidly increasing population to require the development of new neighborhoods outside current city limits, it is an equal priority for current residents to maintain and improve Turlock's older neighborhoods and the Downtown. Numerous infill sites—including those in currently unincorporated County Islands—spread throughout the city's existing urban fabric offer opportunities to enhance the streetscape, raise property values, improve public services, and add housing and jobs close to where current residents live. Public realm improvements also help reduce crime and raise residents' quality of life, bringing greater socioeconomic balance to Turlock's various neighborhoods. Promoting infill development will also improve the economic viability of Downtown by increasing the number of residents who can walk there to enjoy central Turlock's historic charm and small-town ambiance.

7. **Manage growth using the Master Planning process to implement General Plan policies and enhance Turlock's quality of life.**

Growth management has been a key component of planning in Turlock since the early 1990s. The City's proactive approach to master planning, phasing, and service and infrastructure provision to new development areas has distinguished it amongst Central Valley cities. The General Plan continues this planning tradition and strengthens it with a New Growth Areas and Infrastructure Element, which supports the City's area-wide planning, rezoning, and annexation policies. New master plan development areas are defined, with minimum and maximum densities, and the phasing of growth is established. This ensures that city services, public investment, and infrastructure can keep pace with development while still maintaining high standards for the existing urban area.

8. **Provide a wide variety of recreation and cultural activities for all ages.**

A key component of the General Plan is the enhancement of Turlock's park system and network of community and cultural facilities. While the City has built successful new parks in recent years, including popular sports facilities, the amount of projected population growth necessitates a new community park to serve the southeastern area of town. Turlock's existing parks will also be augmented by a system of multiuse linear parks and trails, linking new housing to neighborhood schools, parks, and shopping centers, providing space for walking/jogging for health and time with neighbors, and serving additional purposes of storm drainage and agricultural buffering.

C. Providing for Housing

A Statement of Overriding Considerations is warranted because General Plan Alternative 1 will accommodate approximately 11,800 new housing units to provide for community growth over the next 20 years, see DEIR Table 4.2-1: Comparison of Alternatives.

D. Providing for Jobs

A Statement of Overriding Considerations is warranted because the Project could potentially provide nearly 25,500 new job opportunities over the next 20 years, see DEIR Table 4.2-1: Comparison of Alternatives.

E. Providing for Economic Development

A Statement of Overriding Considerations is warranted because General Plan Alternative 1 establishes a balanced land use pattern that will support revenue-generating uses to strengthen the local economy.

F. Minimizing Environmental Effects

A Statement of Overriding Consideration is warranted because General Plan Alternative 1 is the environmental superior alternative. Alternative 1 has the least impact, relative to the Public Review Draft General Plan, Alternative 2, and the No Project Alternative in five of the six environmental areas that have significant impacts: Traffic and Circulation, Agricultural Resources, Hydrology, Air Quality, and Noise.

VII. CONCLUSION

The Turlock City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The Turlock City Council finds that the benefits of General Plan Alternative 1 outweigh the unavoidable adverse environmental impacts identified in the EIR and, therefore, finds those impacts to be acceptable.

Exhibit B

City of Turlock General Plan

Mitigation Monitoring and Reporting Program

Where a CEQA document has identified significant environmental effects, Public Resources Code Section 21081.6 requires adoption of a “reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment.” This Environmental Mitigation Monitoring and Reporting Program (MMRP) has been prepared to provide for the monitoring of mitigation measures required of the Turlock General Plan. The City of Turlock is the Lead Agency that must adopt the MMRP for development and operation of the project.

In accordance with CEQA Guidelines Section 15097(d), “each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.” The Turlock General Plan and EIR were drafted in tandem as a part of a single cohesive, consistent, and mutually supportive process. As a part of the policy development of the Turlock General Plan, the City explicitly considered narrative policy, actions, and diagrammatic policies that could reduce environmental impacts associated with General Plan buildout. The City has, to the extent feasible, created a self-mitigating plan – one where the very design of the plan itself serves to reduce potential environmental impacts. Policies that would reduce or avoid environmental impacts are built into the General Plan and will be implemented and enforced through the application of the Turlock General Plan in land use and planning decisions. The monitoring plan for policies in the General Plan that would reduce or avoid impacts is the General Plan itself. The reporting program for these mitigating implementation policies is the City’s annual General Plan reporting process (see CEQA Guidelines Section 15097 (b)).

In addition, the EIR also identifies General Plan policy mitigation measures, in which the policy specifies working with or participating in the efforts of regional, state, and other regulatory agencies. In these circumstances, since the policy is included and addressed in the General Plan and thus becomes self-mitigating, the reporting program for these implementing policies is also the City’s annual General Plan reporting process. For example, for climate change Impact 3.5-2, mitigating policies include Policy 8.2-f, which points to participating in County efforts to update the Regional Transportation Plan and develop a Sustainable Communities Strategy. In this circumstance, it is not feasible for Turlock to meet the GHG reduction goal independently. However Policy 8.2-f specifically states that the City will complete the guide to lowering GHG emissions, and will participate with County and CARB efforts. Thus the impact is self-mitigating, and will also utilize the annual General Plan reporting process.

Therefore, as provided by CEQA, this document addresses only the mitigation measure that is separately identified in the EIR. Accordingly, this MMRP addresses a mitigation measure for hydrology Impact 3.12-1, the only impact that requires mitigation measures that extend beyond the General Plan implementing policies and are separately identified in the EIR. The City will coordinate monitoring and documenting

the implementation of this mitigation measure. Applicants of projects accommodated under the General Plan will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. This report identifies both the responsible party for implementing the measure and the party responsible for monitoring the measure. The City is responsible for administration of the MMRP and for verifying that City staff members, applicants, or contractors have completed the necessary actions for each measure. This report will be kept on file with the City of Turlock's Planning Division.

All other mitigating implementation policies will be discussed annually in the General Plan reporting process.

1. Hydrology

A. **Impact 3.12-1** Buildout of the proposed General Plan will lead to a water demand that exceeds the currently available and sustainable groundwater supply. (*Significant, Mitigable*)

B. **Proposed General Plan Policies that Reduce the Impact**

General Plan Policies 3.3-h through 3.3-q all improve the likelihood that the Regional Surface Water Supply Project (RSWSP) or other water supplies will be implemented before the time that groundwater demands exceeds 24,550 ac-ft per year (estimated to be the year 2019). However, because availability of water supplies is not completely assured, this impact is considered significant. The following policies shall be implemented to reduce Impact 3.12-1:

- 3.1-f Provide adequate public services. Ensure the adequacy of public services and facilities for all residents.**
- 3.3-h Water System Master Plan.** As needed, update the City's water master plan to estimate future water demands, identify an adequate supply of water to meet future demands, and identify how best to treat the water supply.
- 3.3-i Pursue Surface Water and Other Alternative Water Supply Sources.** Continue to pursue the use of treated surface water as a long term supply for municipal use, and evaluate other future water supply alternatives, including verifying the future water demands and evaluating the water supply strategies and funding strategies discussed above. (See conclusions in the section: Conclusions - Supply and Demand, under Water Demands, Supplies, and Distribution.) The RSWSP or some other methods should supply about 17,000 to 22,000 acre-feet per year of the City's estimated 2030 water demand of 32,360 acre-feet per year, and the ultimate buildout, including the entire TRIP, demand of 36,930 acre-feet per year. Surface water supplies (or other sources) will probably be needed by about the year 2019. Develop a new water supply project prior to construction of new development that generates a City-wide water demand above 24,550 acre feet per year from City wells, estimated to be the sustainable yield from the aquifer.
- 3.3-k Rate and Fee Studies.** Supplement the water system master plan with rate and fee studies to ensure adequate funds are collected through the City's water rates and development impact fees. Implement rate and fee increases as needed.
- 3.3-l Infrastructure Construction.** Design and construct water system infrastructure as needed to meet current and future water demands and system requirements.
- 3.3-m Conservation.** Continue to implement the comprehensive water conservation program for both new development and existing residences and businesses. Revise and improve the program as needed. Continue water conservation efforts, including the watering schedule, monitoring by Municipal Services staff, and advisory notices to households and businesses in violation of water

conservation standards. Continue to reduce per capita consumption through ongoing education and outreach efforts.

- 3.3-n **Recycled Water.** Continue and expand the use of recycled water from the Turlock Regional Water Quality Control Facility for non-potable purposes, including power plant cooling, landscape irrigation, agricultural irrigation, and other uses, including for use by the City of Turlock. Plan, design, and construct infrastructure needed to increase the use of recycled water.
- 3.3-o **Optimize Groundwater Recharge.** Establish requirements for appropriate BMPs in site planning of new development, so that natural drainage systems or groundwater recharge features are incorporated into developments. Participate in regional efforts to protect groundwater supplies and optimize groundwater recharge on a basin-wide basis.
- 3.3-p **Groundwater Related Coordination.** Support and cooperate with Regional (Turlock Groundwater Basin Management Association), County and State programs to protect valuable groundwater resources and facilitate groundwater recharge.
- 3.3-q **Reuse of Stormwater.** Continue to expand the use of storm water collected in detention basins for irrigation of public parks, street trees, and landscaping.

C. **Mitigation Measures**

The following measures shall be implemented, in addition to the Turlock General Plan policies listed above, to reduce significant impacts to the groundwater supply:

- Successfully implement the RSWSP by the time the groundwater demands exceeds 24,550 ac-ft per year (estimated to be the year 2019).
- Successfully identify and implement other potable water supply options by the time the groundwater demands exceeds 24,550 ac-ft per year (estimated to be the year 2019).
- Implement increased water conservation and/or increased use of recycled/nonpotable water within the City to reduce groundwater use and delay.

D. **Implementation and Monitoring Responsibility:**

- City of Turlock
- Project applicant
- Contractors

E. **Schedule**

- Plan approved by City prior to approval of discretionary development projects.
- Ongoing reporting, as appropriate.

F. Verifying Responsibility

- City of Turlock, Planning Division

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ADOPTING A NEW	}	RESOLUTION NO. 2012-
GENERAL PLAN FOR THE CITY OF	}	
TURLOCK (GPA 2012-03) WITH THE	}	
ALTERNATIVE 1 LAND USE DIAGRAM	}	
DESCRIBED IN THE DRAFT	}	
ENVIRONMENTAL IMPACT REPORT,	}	
AMENDING GUIDING POLICY 3.1-G AND	}	
IMPLEMENTATION POLICY 3.1-P, AND	}	
DIRECTING STAFF TO REVISE THE PUBLIC	}	
REVIEW DRAFT GENERAL PLAN IN	}	
ACCORDANCE WITH THE ALTERNATIVE 1	}	
LAND USE DIAGRAM, AS RECOMMENDED	}	
BY THE PLANNING COMMISSION	}	
<hr style="width: 100%;"/>	}	

WHEREAS, in Summer 2008 the City Council passed a Resolution affirming its intent to update the Turlock General Plan; and

WHEREAS, in October 2008 the City Council initiated the General Plan Update and the Environmental Impact Report to guide the effort; and

WHEREAS, in October 2008, the City entered into a Professional Services Agreement with Dyett and Bhatia, Urban and Regional Planners, to prepare an update of the Turlock General Plan and the Environmental Impact Report; and

WHEREAS, the General Plan Update effort has involved an extensive public participation and outreach program, including stakeholder interviews, five community meetings, meetings with special groups, and regular review by the Planning Commission and City Council to review data, reports, and options; and

WHEREAS, a draft General Plan was published in October 2011 for public review and comment; and

WHEREAS, on October 20, 2011, a public open house was held to receive community feedback; and

WHEREAS, the City staff and consultants considered numerous comments received on the draft General Plan, approved revisions to the draft General Plan, and forwarded the draft General Plan, as revised, to the Planning Commission and City Council for adoption; and

WHEREAS, the new General Plan meets legal adequacy requirements pursuant to California Government Code §§65300 – 65302; and

WHEREAS, a Draft Environmental Impact Report (EIR) on the new General Plan

was published on June 5, 2012 for a 45-day public review and comment period ending on July 20, 2012; and

WHEREAS, a Final EIR was published in August 23, 2012; and

WHEREAS, revisions to the General Plan were published in August 2012 in a Public Review Draft General Plan Errata, to ensure consistency with the Final EIR for Planning Commission and City Council consideration; and

WHEREAS, the EIR evaluated the potential environmental impacts that could result from the approval of the Project, alternatives to the Project, and the self-mitigating General Plan implementing policies designed to mitigate or avoid the potentially significant impacts of the Project; and

WHEREAS, policies that would reduce or avoid environmental impacts are built into the General Plan and will be implemented and enforced through the application of the Turlock General Plan in land use and planning decisions. The monitoring plan for policies in the General Plan that would reduce or avoid impacts is the General Plan itself. The reporting program for these mitigating implementation policies is the City's annual General Plan reporting process; and

WHEREAS, for mitigation measures that extend beyond the General Plan implementing policies and are separately identified in the EIR, a Mitigation Monitoring and Reporting Program has been developed in accordance with CEQA Guidelines §15097, and will be administered by the City; and

WHEREAS, after holding a public hearing on September 6, 2012, the Planning Commission recommended that the City Council adopt the new Turlock General Plan with the Alternative 1 Land Use Diagram described in the Draft Environmental Impact Report and provided its written recommendation to the Turlock City Council as transmitted in the City Council staff report; and

WHEREAS, on September 11, 2012 the City Council held a duly and properly noticed public hearing on the proposed new General Plan; and

WHEREAS, on September 11, 2012, the Turlock City Council approved Council Resolution No. 2012-156 certifying the Final Environmental Impact Report for the new General Plan; and

WHEREAS, the Turlock City Council voted to continue the agenda item to the September 25, 2012, regular meeting of the Turlock City Council to allow staff time to prepare the necessary documents for Alternative B, the Planning Commission recommendation; and

WHEREAS, on September 25, 2012, the City Council adopted the "Findings of Fact and Statement of Overriding Considerations" and "Mitigation Monitoring and

Reporting Program” in accordance with CEQA Guidelines §§15091, 15093, and 15097;
and

WHEREAS, on September 25, 2012, the City Council voted to modify Guiding Policy 3.1-g and Implementation Policy 3.1-p by adding the following language: *“Prior to proceeding with the planning, annexation and development of Southeast Master Plan 2, 70 percent of the building permits shall be issued for the Northeast Master Plan, East Tuolumne Master Plan, and Southeast Master Plan 1, calculated on a cumulative basis;*
and

WHEREAS, the City Council has considered the staff report, all public comments, and the proposed General Plan as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Turlock as follows:

1. The City Council hereby adopts the new Turlock General Plan with the Alternative 1 Land Use Diagram described in the Draft Environmental Impact Report and directing staff to revise the Public Review Draft General Plan in accordance with the Alternative 1 Land Use Diagram, as recommended by the Planning Commission.
2. The City Council hereby adopts all amendments for the development of the City shown in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 25th day of September 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

Exhibit A

**GPA 2012-02, REZONE 2012-03
LIST OF PROPERTIES WITHIN THE CITY OF TURLOCK THAT ARE AFFECTED
BY THE PROPOSED GENERAL PLAN UPDATE AND CITYWIDE REZONE ACTION**

ASSESSOR'S PARCEL NUMBER	NAME OF PROPERTY OWNER	PROPERTY ADDRESS	CURRENT GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN LAND USE	CURRENT ZONING	PROPOSED ZONING
042001006000	38TH DIST AGRIC ASSOC	801 N SODERQUIST	LDR/HDR	PUB	R-L/R-H	P/S
042001007000	TURLOCK IRRIGATION DISTRICT	1601 W CANAL	LDR	PUB	R-L	P/S
042004016000	MC DONALD PAULINE H TR	71 ALMOND	MDR	HDR	R-M	R-H
042004022000	HENDRICKSON CLYDE	177 ALMOND	MDR	HDR	R-M	R-H
042004023000	HENDRICKSON ELEANOR	191 ALMOND	MDR	HDR	R-M	R-H
042004042000	LOPES RICHARD W TR	123 ALMOND	MDR	HDR	R-M	R-H
042005055000	PHILLIP CARNES	333 ALMOND	MDR	HDR	R-M	R-H
042010003000	CITY OF TURLOCK	1418 N GOLDEN STATE	CC	PUB	C-C	P/S
042010013000	YOUHANA EI ESTHER	1250 N GOLDEN STATE	HC	CC	C-H	C-C
042010014000	GULMON GARY & GULMON MARCELLA	600 20TH CENTURY	HC	CC	C-H	C-C
042010023000	CITY OF TURLOCK	1418 N GOLDEN STATE	CC	PUB	C-C	P/S
042011008000	GIANNELL ALFRED TRS & GIANNELL MARILYN M	141 20TH CENTURY	MDR	HDR	R-M	R-H
042011040000	GIANNELL ALFRED TRS & GIANNELL MARILYN M	145 20TH CENTURY	MDR	HDR	R-M	R-H
042027003000	WATCHOUS DOUGLAS D & WATCHOUS JOSETTE	1208 COLORADO	LDR	MDR/O	R-L	R-M/O
042027004000	VIERRA RHONDA DARLENE	1204 COLORADO	LDR	MDR/O	R-L	R-M/O
042027005000	STAVRIANOU DAKIS JOHN	1128 COLORADO	LDR	MDR/O	R-L	R-M/O
042028002000	CUAN MARTHA L	1104 COLORADO	LDR	HDR	R-L	R-H
043016004000	CLEMENTS MARCUS D & DANIELLE	1201 FIFTH	LDR	HDR	R-L	R-H
043016005000	PERRY JOSEPH D ET AL TRS	1233 FIFTH	LDR	HDR	R-L	R-H
043059001000	BORN CLINTON P TRS & BORN CATHY D	1137 FIFTH	PARK	MDR	R-L	R-M
043060023000	SUNVISTA LLC	1309 FIFTH	LDR	MDR	R-L	R-M
043060024000	SUNVISTA LLC	1325 FIFTH	LDR	MDR	R-L	R-M
044008003000	TREJO OSCAR JIMENEZ	117 S TULLY	I	HC	I	C-H
044008004000	BANK OF NEW YORK MELLON TRUSTEE	125 S TULLY	I	HC	I	C-H
044008005000	RAM AJAI & SURIYA TRS	133 S TULLY	I	HC	I	C-H
044008009000	2925 E WHITMORE AVE LLC	309 S TULLY	I	HC	I	C-H
044008010000	WIDDOWSON RICHARD B	317 S TULLY	I	HC	I	C-H
044008011000	BROWN BRADLEY R	319 S TULLY	I	HC	I	C-H
044008012000	BROWN BRADLEY R	325 S TULLY	I	HC	I	C-H
044008013000	BROWN BRADLEY R	333 S TULLY	I	HC	I	C-H
044008030000	BROWN BRADLEY R	441 S TULLY	I	HC	I	C-H
044008032000	GARCIA ANALICIA	449 S TULLY	I	HC	I	C-H
050002016000	BARRON CONCEPCION E	1014 HIGH	LDR	MDR	R-L	R-M
050002017000	LAO SCOTT	1036 HIGH	LDR	MDR	R-L	R-M
050002018000	MENDEZ PEDRO A & VIRGINIA TRS	413 DAVIS	LDR	MDR	R-L	R-M
050002019000	DIAZ RAMON BARAJAS	405 DAVIS	LDR	MDR	R-L	R-M

**GPA 2012-02, REZONE 2012-03
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ASSESSOR'S PARCEL NUMBER	NAME OF PROPERTY OWNER	PROPERTY ADDRESS	CURRENT GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN LAND USE	CURRENT ZONING	PROPOSED ZONING
050002020000	PAYNE JOHN G & PATSY J TRS	1074 HIGH	LDR	MDR	R-L	R-M
050002021000	ESTRADA JOHN A & CARMEN B TRS	1086 HIGH	LDR	MDR	R-L	R-M
050002022000	POLANCO IGNACIO & DE POLANCO MARIA MOLIN	1104 HIGH	LDR	MDR	R-L	R-M
050002048000	GUTIERREZ ANTONIO & DE GUTIERREZ MARGAR	418 S SODERQUIST	LDR	MDR	R-L	R-M
050002049000	BAJWA BALDEV KAUR	430 S SODERQUIST	LDR	MDR	R-L	R-M
050002050000	BAJWA SARDOOL SINGH & BALDEV KUAR	1108 HIGH	LDR	MDR	R-L	R-M
050002053000	LO JERRY & ELIZABETH	410 S SODERQUIST	LDR	MDR	R-L	R-M
050002055000	SAHAGUN ELENA & ELIAS	1112 HIGH	LDR	MDR	R-L	R-M
050002056000	AGUILERA JOSE R ET AL	1106 HIGH	LDR	MDR	R-L	R-M
050002057000	ESCOBAR CARLOS ESCRIBA & ESCRIBA MARIA A	414 S SODERQUIST	LDR	MDR	R-L	R-M
050003028000	ORTIZ ANGELINA	992 HIGH	LDR	MDR	R-L	R-M
050003029000	COLEMAN FRIEDA N	986 HIGH	LDR	MDR	R-L	R-M
050003030000	CHAHAL GURPARTAP & SATINDER	942 HIGH	LDR	MDR	R-L	R-M
050003031000	MIRANDA BEATRICE A	0 HIGH	LDR	MDR	R-L	R-M
050003032000	MICHAELS DAVID & DIANA	914 HIGH	LDR	MDR	R-L	R-M
050003041000	ESQUER ROSA ET AL	327 WEST	LDR	MDR	R-L	R-M
050003042000	STANISLAUS COUNTY AFFORDABLE HOUSING CO	337 WEST	LDR	MDR	R-L	R-M
050018038000	FOSTER FRED A & FOSTER LUCRETIA J	1291 LANDER	LDR&HC	HC	R-L/C-H	C-H
050018039000	PRICKETT PHILIP & PRICKETT TRUDY	1341 LANDER	LDR&HC	HC	R-L/C-H	C-H
050018046000	BALLARD SHIRLEY A ET AL TRS	1241 LANDER	LDR&HC	HC	R-L/C-H	C-H
050018061000	ESQUIVEL JAIME & ELIZABETH G	1261 LANDER	LDR&HC	HC	R-L/C-H	C-H
050031064000	UTILITY SERVICE & ELECTRIC INC	711 LANDER	HDR&CC	HC	R-L/C-H	C-H
071005003000	CA STATE UNIVERSITY STANISLAUS	890 ZEERING	HDR/CO	HDR	R-H/C-O	R-H
071006014000	PHOENIX FAMILY LP	900 MONTE VISTA	MDR	CC	R-M	C-C
071009034000	SNIDER SCOTT P TRS ET AL	105 MINNESOTA	MDR	CC	R-M	C-C
071014005000	MIN LYN INVESTMENT LLC	811 HAWKEYE	HC	CC	C-H	C-C
071014011000	M & B BRUNO FAMILY L.P.	1828 DIVANIAN	HC	CC	C-H	C-C
071014012000	M & B BRUNO FAMILY L.P.	1814 DIVANIAN	HC	CC	C-H	C-C
071014013000	ROACH DENNIS JAMES	1810 DIVANIAN	HC	CC	C-H	C-C
071015009000	CARVALHO ALBERT D ET AL TRS	100 PEDRAS	MDR	HDR	R-M	R-H
071015013000	CLS INVESTMENTS	1701 GEER	O/HDR	O/HDR	R-H	C-O/R-H
071015020000	HAMLOW RANCHES INC	1901 GEER	O	HDR	C-O	R-H
071066067000	SNIDER ROBIN COLETTE ET AL	4131 GEER	CC/O	HDR/CC	C-C/O	R-H/C-C
072010004000	BAL SUKHIBIR	200 MONTE VISTA	LDR	CC	R-L	C-C
072010005000	RON SEKHON	206 MONTE VISTA	LDR	CC	R-L	C-C
072010006000	RON SEKHON	212 MONTE VISTA	LDR	CC	R-L	C-C

Exhibit A
**GPA 2012-02, REZONE 2012-03
 LIST OF PROPERTIES WITHIN THE CITY OF TURLOCK THAT ARE AFFECTED
 BY THE PROPOSED GENERAL PLAN UPDATE AND CITYWIDE REZONE ACTION**

ASSESSOR'S PARCEL NUMBER	NAME OF PROPERTY OWNER	PROPERTY ADDRESS	CURRENT GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN LAND USE	CURRENT ZONING	PROPOSED ZONING
072010007000	RON SEKHON	218 E MONTE VISTA	LDR	CC	R-L	C-C
072010050000	MOBASHERPOUR SAEED & LISA	107 HEDSTROM	LDR	O	R-L	C-O
072010051000	ALAHVERDI EDWARD & SWIDLANA	101 HEDSTROM	LDR	O	R-L	C-O
088007004000	ASSYRIAN AMERICAN CIVIC CLUB	2700 N GOLDEN STATE	HC	CC	C-H	C-C
088007005000	ASSYRIAN AMER CIV CLUB OF TURL	2618 N GOLDEN STATE	HC	CC	C-H	C-C
088007024000	ASSYRIAN AMER CIV CLUB OF TURL	2618 N GOLDEN STATE	HC	CC	C-H	C-C
088007025000	SANDHU KARNAIL S ET AL	2500 N GOLDEN STATE	HC	CC	C-H	C-C
089013011000	SUPHERB FARMS	400 DIANNE	PARK	I	IBP	I
089013020000	SUPHERB FARMS	300 DIANNE	BP	I	IBP (PD-135)	I (PD-135)
089015001000	TURLOCK CEMETERY ASSN	700 N TULLY	LDR	PUB	R-L	P/S
089018001000	MOUNTAIN VIEW DEVELOPMENT INC	300 N TULLY	CC	O	C-C (PD-234)	C-O
089018003000	WHITAKER RONALD & SANDRA	200 N TULLY	CC	LDR	C-C (PD-234)	R-L
089018030000	MOUNTAIN VIEW DEVELOPMENT INC	200 N TULLY	CC	O	C-C	C-O
089019006000	LILY M OSSO	1331 DIANNE	O&CC	CC	C-O&C-C	C-C

WHEREAS, a Final EIR was published on August 23, 2012; and

WHEREAS, revisions to the General Plan were published in August 23, 2012 in a Public Review Draft General Plan Errata, to ensure consistency with the Final EIR for Planning Commission and City Council consideration; and

WHEREAS, the EIR evaluated the potential environmental impacts that could result from the approval of the Project, alternatives to the Project, and the self-mitigating General Plan implementing policies designed to mitigate or avoid the potentially significant impacts of the Project; and

WHEREAS, policies that would reduce or avoid environmental impacts are built into the General Plan and will be implemented and enforced through the application of the Turlock General Plan in land use and planning decisions. The monitoring plan for policies in the General Plan that would reduce or avoid impacts is the General Plan itself. The reporting program for these mitigating implementation policies is the City's annual General Plan reporting process; and

WHEREAS, for mitigation measures that extend beyond the General Plan implementing policies and are separately identified in the EIR, a Mitigation Monitoring and Reporting Program has been developed in accordance with CEQA Guidelines §15097, and will be administered by the City; and

WHEREAS, on September 6, 2012, the Planning Commission recommended to the City Council that the Final EIR for the new Turlock General Plan be certified, and recommended adoption of the "Findings of Fact and Statement of Overriding Considerations" and "Mitigation Monitoring and Reporting Program" in accordance with CEQA Guidelines §§15091, 15093, and 15097; and

WHEREAS, on September 6, 2012, the Planning Commission recommended the City Council adopt the new Turlock General Plan with the Alternative 1 Land Use Diagram and recommended modifying the timing policy for master plans; and

WHEREAS, on September 6, 2012, the Planning Commission recommended the City Council amend the Zoning Map attached to Title 9 of the Turlock Municipal Code in accordance with Rezone 2012-03 (Turlock General Plan Update – Citywide Rezone) as described in Exhibit A of the proposed ordinance; and

WHEREAS, on September 11, 2012 the City Council held a duly and properly noticed public hearing on the proposed new General Plan; and

WHEREAS, on September 11, 2012, the Turlock City Council approved Council Resolution No. 2012-156 certifying the Final Environmental Impact Report for the new General Plan; and

WHEREAS, on September 11, 2012, the Turlock City Council voted to continue the agenda item to the September 25, 2012, regular meeting of the Turlock City Council to allow staff time to prepare the necessary documents for Alternative B, the Planning Commission recommendation; and

WHEREAS, on September 25, 2012, the Turlock City Council adopted the "Findings of Fact and Statement of Overriding Considerations" and "Mitigation Monitoring and Reporting Program" in accordance with CEQA Guidelines §§15091, 15093, and 15097; and

WHEREAS, on September 25, 2012, the City Council adopted the new Turlock General Plan; and

WHEREAS, State Law requires consistency between the General Plan designation and Zoning designation for properties within its jurisdiction; and

WHEREAS, the properties that would need to be rezoned to bring the Zoning Map into consistency with the new General Plan are identified in Exhibit A; and

WHEREAS, California Government Code §65863(b) states that no city shall reduce the residential density for any parcel to a lower residential density unless the city makes written findings supported by substantial evidence of both of the following:

- (1) The reduction is consistent with the adopted general plan, including the housing element; and
- (2) The remaining sites identified in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to §65584; and

WHEREAS, the rezoning action would accommodate approximately 184 more units than assumed in the currently adopted and certified City of Turlock 2007-14 Housing Element; and

WHEREAS, on September 11, 2012, the City Council held a duly and properly noticed public hearing on the proposed new General Plan (GPA 2012-03) and Citywide Rezone 2012-03; and

WHEREAS, the City Council has considered the staff report, all public comments, and the proposed General Plan (GPA 2012-03) and Citywide Rezone 2012-03 as set forth in this Resolution; and

WHEREAS, the City Council found and determined as follows:

1. That the proposed rezoning is consistent with the new General Plan.
2. That the proposed site is suitable for the type of potential development.
3. That the site is suitable for the intensity of the proposed use.

4. That the proposed rezoning will not cause substantial environmental damage.
5. That the public necessity, convenience and general welfare require the proposed amendment.

BE IT ORDAINED by the City Council of the City of Turlock as follows:

SECTION 1. HOUSING ELEMENT FINDINGS: The Turlock City Council hereby finds that the proposed Citywide Rezone 2012-03:

- (1) is consistent with the proposed new Turlock General Plan, including the adopted and certified City of Turlock 2007-14 Housing Element; and
- (2) will not reduce the number of units identified in the adopted and certified City of Turlock 2007-14 Housing Element; therefore, there are adequate sites to accommodate the jurisdiction's share of the regional housing need pursuant to §65584.

SECTION 2. CHANGE TO ZONING MAP. The Zoning Map of the City of Turlock is hereby amended to rezone multiple parcels as identified in Exhibit A.

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. This ordinance shall become effective and be in full force on and after thirty (30) days of its passage and adoption. 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 25th day of September, 2012, by the following vote:

AYES:
NOES:
NOT PARTICIPATING:
ABSENT:

Signed and approved this ____ day of September, 2012.

JOHN S. LAZAR, Mayor

ATTEST:

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

Exhibit A
**GPA 2012-02, REZONE 2012-03
 LIST OF PROPERTIES WITHIN THE CITY OF TURLOCK THAT ARE AFFECTED
 BY THE PROPOSED GENERAL PLAN UPDATE AND CITYWIDE REZONE ACTION**

ASSESSOR'S PARCEL NUMBER	NAME OF PROPERTY OWNER	PROPERTY ADDRESS	CURRENT GENERAL PLAN LAND USE DESIGNATION	PROPOSED GENERAL PLAN LAND USE	CURRENT ZONING	PROPOSED ZONING
042001006000	38TH DIST AGRIC ASSOC	801 N SODERQUIST	LDR/HDR	PUB	R-L/R-H	P/S
042001007000	TURLOCK IRRIGATION DISTRICT	1601 W CANAL	LDR	PUB	R-L	P/S
042004016000	MC DONALD PAULINE H TR	71 ALMOND	MDR	HDR	R-M	R-H
042004022000	HENDRICKSON CLYDE	177 ALMOND	MDR	HDR	R-M	R-H
042004023000	HENDRICKSON ELEANOR	191 ALMOND	MDR	HDR	R-M	R-H
042004042000	LOPES RICHARD W TR	123 ALMOND	MDR	HDR	R-M	R-H
042005055000	PHILLIP CARNES	333 ALMOND	MDR	HDR	R-M	R-H
042010003000	CITY OF TURLOCK	1418 N GOLDEN STATE	CC	PUB	C-C	P/S
042010013000	YOUHANAEL ESTHER	1250 N GOLDEN STATE	HC	CC	C-H	C-C
042010014000	GULMON GARY & GULMON MARCELLA	600 20TH CENTURY	HC	CC	C-H	C-C
042010023000	CITY OF TURLOCK	1418 N GOLDEN STATE	CC	PUB	C-C	P/S
042011008000	GIANNELL ALFRED TRS & GIANNELL MARILYN M	141 20TH CENTURY	MDR	HDR	R-M	R-H
042011040000	GIANNELL ALFRED TRS & GIANNELL MARILYN M	145 20TH CENTURY	MDR	HDR	R-M	R-H
042027003000	WATCHOUS DOUGLAS D & WATCHOUS JOSETTE	1208 COLORADO	LDR	MDR/O	R-L	R-M/O
042027004000	VIERRA RHONDA DARLENE	1204 COLORADO	LDR	MDR/O	R-L	R-M/O
042027005000	STAVRIANOUDAKIS JOHN	1128 COLORADO	LDR	MDR/O	R-L	R-M/O
042028002000	CUAN MARTHA L	1104 COLORADO	LDR	HDR	R-L	R-H
043016004000	CLEMENTS MARCUS D & DANIELLE	1201 FIFTH	LDR	HDR	R-L	R-H
043016005000	PERRY JOSEPH D ET AL TRS	1233 FIFTH	LDR	HDR	R-L	R-H
043059001000	BORN CLINTON P TRS & BORN CATHY D	1137 FIFTH	PARK	MDR	R-L	R-M
043060023000	SUNVISTA LLC	1309 FIFTH	LDR	MDR	R-L	R-M
043060024000	SUNVISTA LLC	1325 FIFTH	LDR	MDR	R-L	R-M
044008003000	TREJO OSCAR JIMENEZ	117 S TULLY	I	HC	I	C-H
044008004000	BANK OF NEW YORK MELLON TRUSTEE	125 S TULLY	I	HC	I	C-H
044008005000	RAM AJAI & SURIYA TRS	133 S TULLY	I	HC	I	C-H
044008009000	2925 E WHITMORE AVE LLC	309 S TULLY	I	HC	I	C-H
044008010000	WIDDOWSON RICHARD B	317 S TULLY	I	HC	I	C-H
044008011000	BROWN BRADLEY R	319 S TULLY	I	HC	I	C-H
044008012000	BROWN BRADLEY R	325 S TULLY	I	HC	I	C-H
044008013000	BROWN BRADLEY R	333 S TULLY	I	HC	I	C-H
044008030000	BROWN BRADLEY R	441 S TULLY	I	HC	I	C-H
044008032000	GARCIA ANALICIA	449 S TULLY	I	HC	I	C-H
050002016000	BARRON CONCEPCION E	1014 HIGH	LDR	MDR	R-L	R-M
050002017000	LAO SCOTT	1036 HIGH	LDR	MDR	R-L	R-M
050002018000	MENDEZ PEDRO A & VIRGINIA TRS	413 DAVIS	LDR	MDR	R-L	R-M
050002019000	DIAZ RAMON BARAJAS	405 DAVIS	LDR	MDR	R-L	R-M

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050002020000	PAYNE JOHN G & PATSY J TRS	1074 HIGH	LDR	MDR	R-L	R-M
050002021000	ESTRADA JOHN A & CARMEN B TRS	1086 HIGH	LDR	MDR	R-L	R-M
050002022000	POLANCO IGNACIO & DE POLANCO MARIA MOLIN	1104 HIGH	LDR	MDR	R-L	R-M
050002048000	GUTIERREZ ANTONIO & DE GUTIERREZ MARGAR	418 S SODERQUIST	LDR	MDR	R-L	R-M
050002049000	BAJWA BALDEV KAUR	430 S SODERQUIST	LDR	MDR	R-L	R-M
050002050000	BAJWA SARDOOL SINGH & BALDEV KUAR	1108 HIGH	LDR	MDR	R-L	R-M
050002053000	LO JERRY & ELIZABETH	410 S SODERQUIST	LDR	MDR	R-L	R-M
050002055000	SAHAGUN ELENA & ELIAS	1112 HIGH	LDR	MDR	R-L	R-M
050002056000	AGUILERA JOSE R ET AL	1106 HIGH	LDR	MDR	R-L	R-M
050002057000	ESCOBAR CARLOS ESCRIBA & ESCRIBA MARIA A	414 S SODERQUIST	LDR	MDR	R-L	R-M
050003028000	ORTIZ ANGELINA	992 HIGH	LDR	MDR	R-L	R-M
050003029000	COLEMAN FRIEDA N	986 HIGH	LDR	MDR	R-L	R-M
050003030000	CHAHAL GURPARTAP & SATINDER	942 HIGH	LDR	MDR	R-L	R-M
050003031000	MIRANDA BEATRICE A	0 HIGH	LDR	MDR	R-L	R-M
050003032000	MICHAELS DAVID & DIANA	914 HIGH	LDR	MDR	R-L	R-M
050003041000	ESQUER ROSA ET AL	327 WEST	LDR	MDR	R-L	R-M
050003042000	STANISLAUS COUNTY AFFORDABLE HOUSING CO	337 WEST	LDR	MDR	R-L	R-M
050018038000	FOSTER FRED A & FOSTER LUCRETIA J	1291 LANDER	LDR&HC	HC	R-L/C-H	C-H
050018039000	PRICKETT PHILIP & PRICKETT TRUDY	1341 LANDER	LDR&HC	HC	R-L/C-H	C-H
050018046000	BALLARD SHIRLEY A ET AL TRS	1241 LANDER	LDR&HC	HC	R-L/C-H	C-H
050018061000	ESQUIVEL JAIME & ELIZABETH G	1261 LANDER	LDR&HC	HC	R-L/C-H	C-H
050031064000	UTILITY SERVICE & ELECTRIC INC	711 LANDER	HDR&CC	HC	R-L/C-H	C-H
071005003000	CA STATE UNIVERSITY STANISLAUS	890 ZEERING	HDR/CO	HDR	R-H/C-O	R-H
071006014000	PHOENIX FAMILY LP	900 W MONTE VISTA	MDR	CC	R-M	C-C
071009034000	SNIDER SCOTT P TRS ET AL	105 W MINNESOTA	MDR	CC	R-M	C-C
071014005000	MIN LYN INVESTMENT LLC	811 W HAWKEYE	HC	CC	C-H	C-C
071014011000	M & B BRUNO FAMILY L.P.	1828 DIVANIAN	HC	CC	C-H	C-C
071014012000	M & B BRUNO FAMILY L.P.	1814 DIVANIAN	HC	CC	C-H	C-C
071014013000	ROACH DENNIS JAMES	1810 DIVANIAN	HC	CC	C-H	C-C
071015009000	CARVALHO ALBERT D ET AL TRS	100 PEDRAS	MDR	HDR	R-M	R-H
071015013000	CLS INVESTMENTS	1701 GEER	O/HDR	O/HDR	R-H	C-O/R-H
071015020000	HAMLOW RANCHES INC	1901 GEER	O	HDR	C-O	R-H
071066067000	SNIDER ROBIN COLETTE ET AL	4131 GEER	CC/O	HDR/CC	C-C/C-O	R-H/C-C
072010004000	BAL SUKHBIR	200 E MONTE VISTA	LDR	CC	R-L	C-C
072010005000	RON SEKHON	206 E MONTE VISTA	LDR	CC	R-L	C-C
072010006000	RON SEKHON	212 E MONTE VISTA	LDR	CC	R-L	C-C

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072010007000	RON SEKHON	218 E MONTE VISTA	LDR	CC	R-L	C-C
072010050000	MOBASHERPOUR SAEED & LISA	107 HEDSTROM	LDR	O	R-L	C-O
072010051000	ALAHVERDI EDWARD & SWIDLANA	101 HEDSTROM	LDR	O	R-L	C-O
088007004000	ASSYRIAN AMERICAN CIVIC CLUB	2700 N GOLDEN STATE	HC	CC	C-H	C-C
088007005000	ASSYRIAN AMER CIV CLUB OF TURL	2618 N GOLDEN STATE	HC	CC	C-H	C-C
088007024000	ASSYRIAN AMER CIV CLUB OF TURL	2618 N GOLDEN STATE	HC	CC	C-H	C-C
088007025000	SANDHU KARNAIL S ET AL	2500 N GOLDEN STATE	HC	CC	C-H	C-C
089013011000	SUPHERB FARMS	400 DIANNE	PARK	I	IBP	I
089013020000	SUPHERB FARMS	300 DIANNE	BP	I	IBP (PD-135)	I (PD-135)
089015001000	TURLOCK CEMETERY ASSN	700 TULLY	LDR	PUB	R-L	P/S
089018001000	MOUNTAIN VIEW DEVELOPMENT INC	300 TULLY	CC	O	C-C (PD-234)	C-O
089018003000	WHITAKER RONALD & SANDRA	200 TULLY	CC	LDR	C-C (PD-234)	R-L
089018030000	MOUNTAIN VIEW DEVELOPMENT INC	200 TULLY	CC	O	C-C	C-O
089019006000	LILY M OSSO	1331 DIANNE	O&CC	CC	C-O&C-C	C-C



Council Synopsis

September 25, 2012

8A

From: Dan Madden, Municipal Services Director

Prepared by: Dan Madden, Municipal Services Director

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:

Motion: Adopting a Strategic Plan for the City of Turlock Municipal Services Department for a period of three (3) years, 2012-2014

2. DISCUSSION OF ISSUE:

One of the goals contained in the City Council's Strategic Plan was the development of a Municipal Services Strategic Plan. Over the past year, the Municipal Service Department has developed a Strategic Plan to assist in achieving effective planning for the future.

The attached three (3) year Strategic Plan for the Municipal Services Department outlines five (5) main components: Municipal Infrastructure, Budgetary Outlook, Regional Cooperation, Staffing, and Budget Picture. Each of the components is defined in detail and contains specific short-term and long-term goals and objectives that support the implementation of this plan.

In the future, Municipal Services will provide updates to the Council on the implementation of the Strategic Plan as well as other topics of concern such as: major projects, budgetary outlook, regulatory challenges, staffing, etc.

3. BASIS FOR RECOMMENDATION:

- A. Adoption and effective implementation of the Strategic Plan is intended to enhance the City's stewardship of its infrastructure, improve performance in critical areas, and respond to current and future challenges.
- B. Adoption of the Strategic Plan helps support the City's mission of being a successful 21st century provider of water and wastewater services.

Strategic Plan Initiative: D) Policy Initiative – MUNICIPAL INFRASTRUCTURE

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

- i) Water
- ii) Wastewater
- iii) Storm Water

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: N/A

Budget Amendment: N/A

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

None

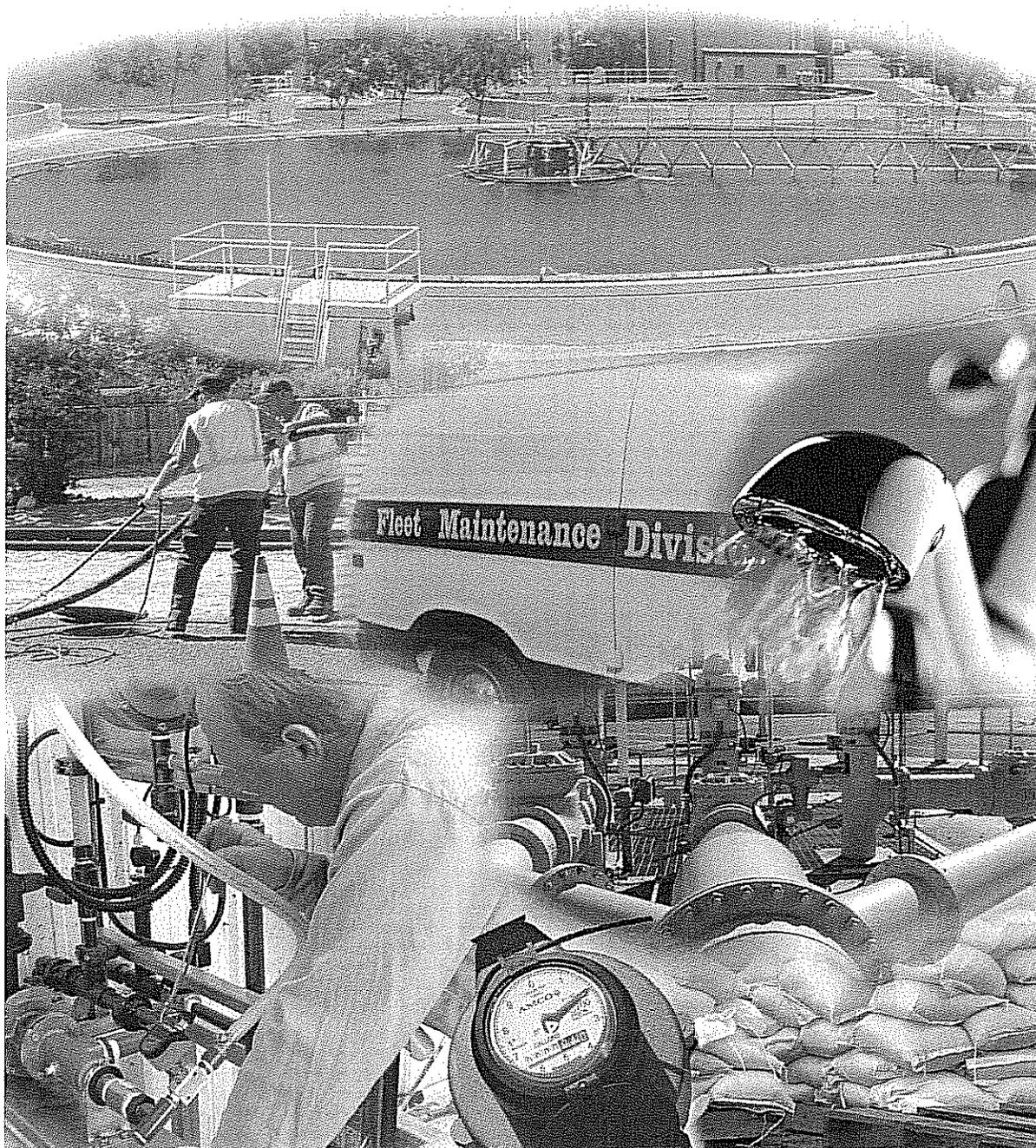
7. ALTERNATIVES:

- A. If the attached Strategic Plan does not accurately reflect the goals and/or priorities of the City Council, the Council can elect to amend the plan or provide other input.

CITY OF TURLOCK, MUNICIPAL SERVICES

City of Turlock, Municipal Services Department

STRATEGIC PLAN



September, 2012

156 SOUTH BROADWAY, STE. 270
TURLOCK, CA 95380

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City of Turlock, Municipal Services Department
STRATEGIC PLAN

MUNICIPAL INFRASTRUCTURE

The City of Turlock's Municipal Services Department proudly provides a variety of important services essential to the community and the local economy. The Municipal Services Department oversees the operation and maintenance of the following critical infrastructure: potable water, stormwater, sanitary sewer, wastewater treatment, fleet maintenance, traffic signals, and street light maintenance. The department prides itself on providing high quality service, in an efficient and cost-effective manner. Furthermore, working with the City Manager and elected decision-makers, Municipal Services plans strategically and invests wisely to ensure that Turlock's essential infrastructure remains a critical economic asset to the City and the region. This Strategic Plan outlines some of the challenges and opportunities facing Turlock's municipal infrastructure in the near and longer term.

Like most other water and wastewater utilities across the country, the City of Turlock is facing many challenges, including: rising costs, stagnating revenues, aging infrastructure, increasingly stringent regulatory requirements, population changes, and a rapidly changing workforce. This Strategic Plan helps support the City's mission of being a successful 21st century water and sewer service provider.

Effective strategic planning is intended to enhance the City's stewardship of its infrastructure, improve performance in many critical areas, and respond to current and future challenges. Addressing these challenges also requires ongoing collaboration between various government agencies, industry, elected officials, and other stakeholders.

POTABLE WATER SYSTEM

The City's Water Master Plan (WMP) was completed in August of 2003 and updated in 2009. The WMP identified deficiencies as well as solutions for a number of issues facing the City's potable water system. Since 2003, the City has constructed infrastructure to meet the WMP's recommendations as modified by actual conditions.

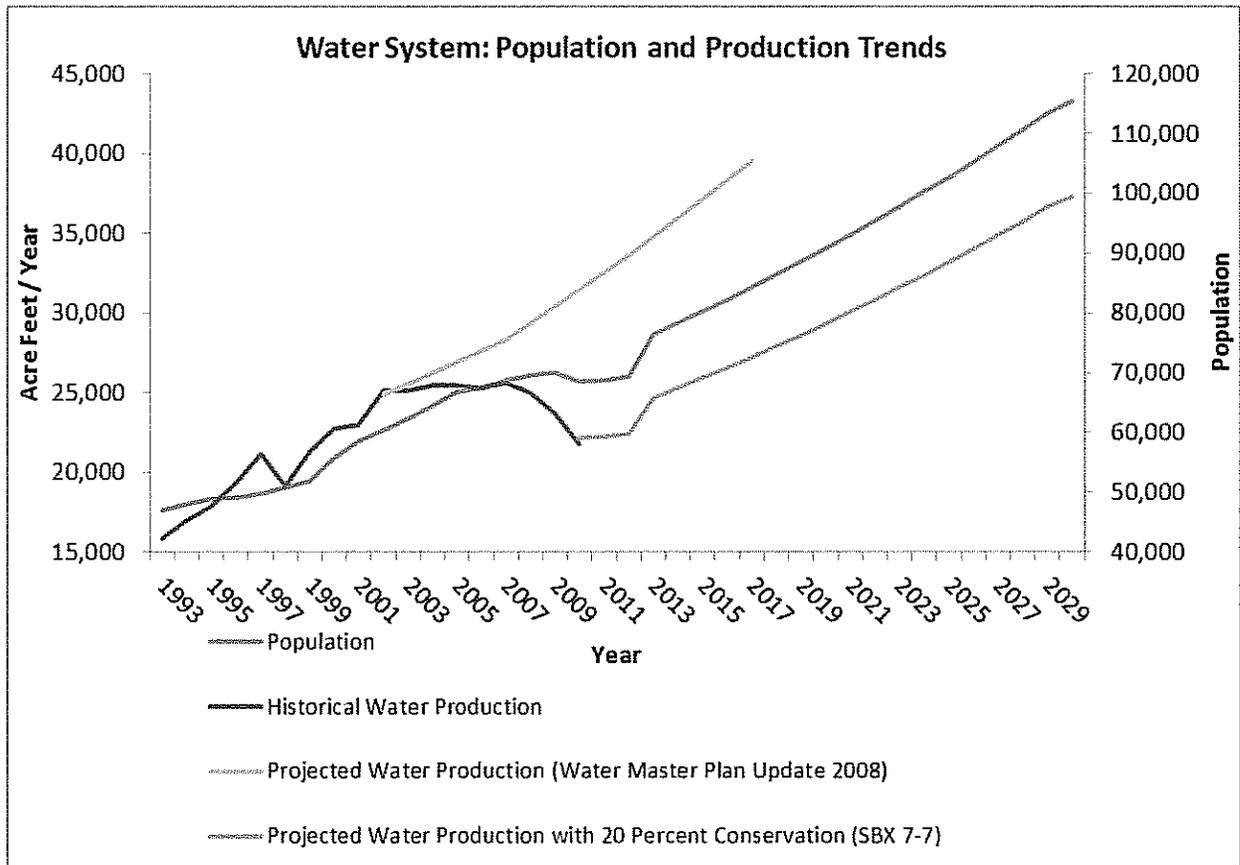
Implementation of the WMP to-date includes:

- Construction of four (4) new wells – #37, #38, #39, and #40
- Evaluation of a fifth new well
- Construction of two (2) one million gallon water storage reservoirs (tanks)
- Design of a third one million gallon water storage reservoir with completion in 2013

The Water Master Plan identified a number of issues that needed to be addressed, including:

What quantity of groundwater is required to meet expected future demands through the year 2025?

Based upon figures at the time (2003), average annual water demand was 22 million gallons per day (MGD) and a projected amount of 35 MGD by 2017, based upon 3.4 percent annual growth. However, water demand has slowed drastically since this report was completed and per capita water use has dropped significantly. The 2011 average annual water demand was 18.75 (MGD). At this time, it appears a growth rate of 2.0% or less for water demand appears more likely.



In order to address the projected 2025 water demand (25-29 million gallons per day which is equivalent to 9 - 10.5 billion gallons per year), two scenarios were considered: groundwater only and a combination of groundwater and surface water.

Groundwater Only

- Install three (3) wells and/or an additional storage reservoir
- Estimated capital cost \$6,000,000 (2010 dollars)

Surface Water

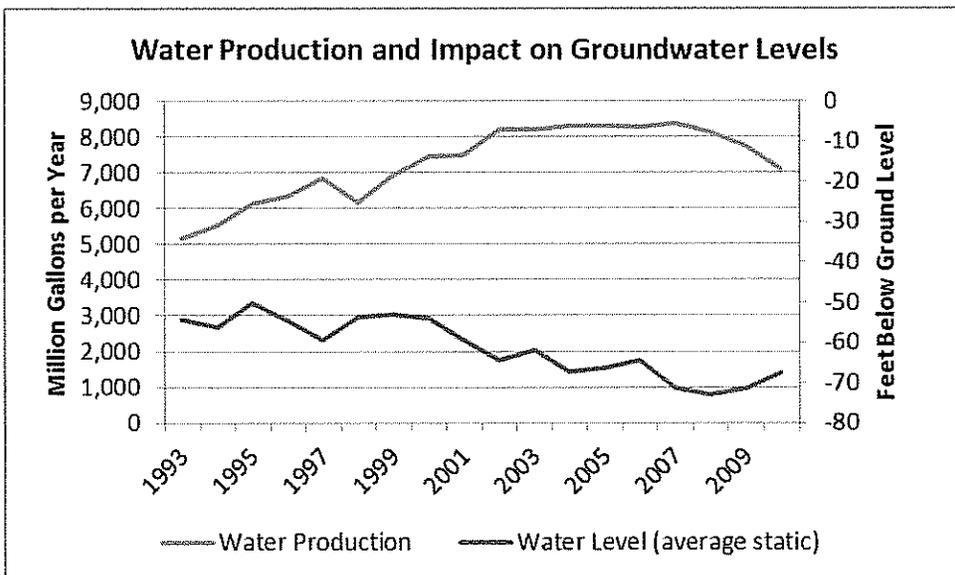
Historical data indicates the groundwater supply will support annual production of up to eight (8) billion gallons per year. Groundwater pumping in excess of eight (8) billion gallons results in the depletion (overdraft) of the groundwater table (aquifer). Because it is not sustainable to overdraft the groundwater over a long period, an additional supply of water will be needed in future years. The City of Turlock is a member of the Stanislaus Regional Water Authority (SRWA) which would purchase water from the Turlock Irrigation District, treat such water in an SRWA-owned and operated water treatment plant, and make the treated water available at cost to the members of the SRWA. Treated surface water could be available by 2016.

The timing of this overdraft situation is uncertain due to a number of factors - most importantly the rate of population growth, industrial expansion, agricultural pumping, and efforts to conserve water. Nevertheless, the following forecasts illustrate the limitations of the City relying entirely on groundwater for its water supply:

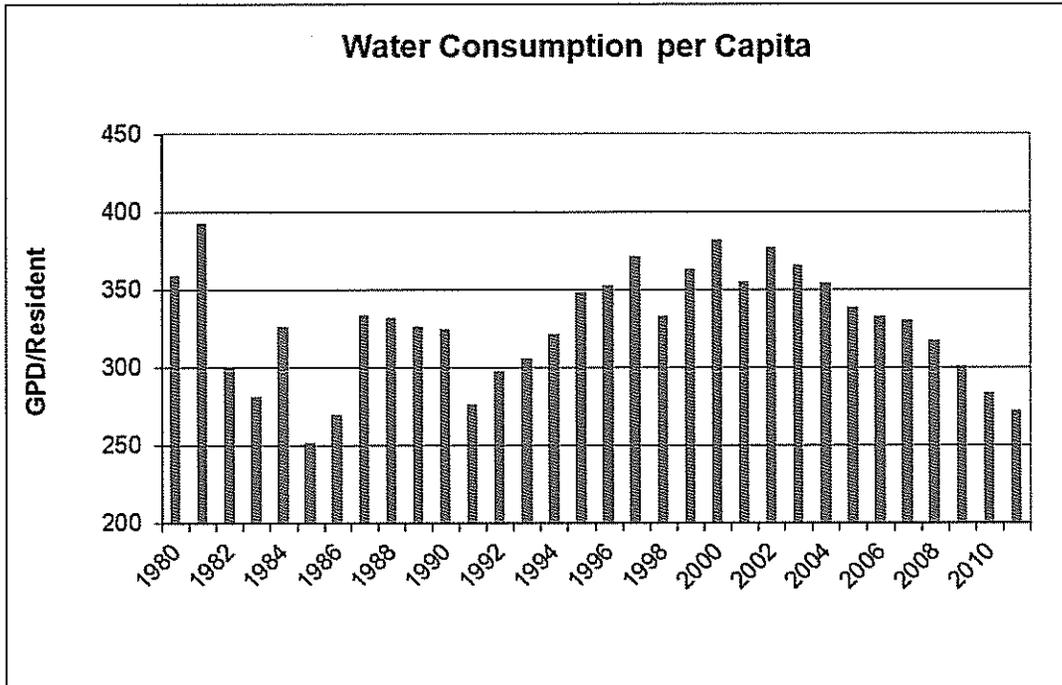
	3% growth	2.5% growth	2% growth
Year Overdraft Starts	2016	2017	2019
Population	84,994	84,612	85,068
Annual Water Use ¹	8,065,915,086	8,029,663,676	8,072,942,204

¹ Assumes 260 gallons per capita per day - a 5% reduction from the 2010 per capita use of 273 gallons per day

- The need for additional water supply to supplement the current groundwater wells is much greater as the rate of growth increases. The total capital cost for fifteen (15) MGD of surface water is estimated to be \$85,000,000 or more (2010 dollars).



Water use in the City started to level off in the early 2000's with the peak per capita consumption occurring in 2000. As of the end of 2011, overall water use (6.85 billion gallons) has declined by over 18% from the high in 2007 (8.359 billion gallons) and per capita consumption has dropped by more than 29% (from 382 gallons per day in 2000 to 272 gallons per day in 2011). With this decline in water use, the groundwater levels have stabilized and it appears that current water production levels groundwater can reliably meet current demand. Starting in 2011, all customers have been billed based on metered water use which has sustained the ongoing trend of declining water consumption.



While groundwater can currently meet all of the City's needs for the next few years, it likely will not be able to supply a sufficient quantity of water for long term growth. Water conservation programs have helped reduce the amount of water used but even with aggressive programs in place, additional water supplies will be needed for the long term.

Will the quality of the City's groundwater be adequate to comply with existing and future regulations?

Current monitoring data indicates that the City is reliably maintaining compliance with existing regulations. Any regulated maximum contaminant level (MCL) can be changed at the regulatory agency's discretion (California Department of Public Health, USEPA). This possibility does place the City's water system in some degree of risk. Over the years the City has had to close seven wells due to contamination. The overall quality of the City's groundwater supply is good. However, we are seeing an upward trend in nitrates and Total Dissolved Solids in all of our wells, with the highest nitrate levels in the northeast portion of the City. Further, two wells have

exceeded the MCL for arsenic. Should groundwater levels decline due to increased pumping in the future, this lower water level condition creates a low pressure zone that increases the likelihood of contamination from deep saline aquifers or from the shallow aquifers that overlie our drinking water strata.

How will the current water rates have to change to finance the improvements that will likely be needed to secure a safe and reliable water supply for the City's customers? In the long-term, wellhead treatment is not cost effective. Surface water would be a reliable supply and cost effective in the long term.

A 2009 Water Rate Study recommended that the City Council adopt a new water rate structure. The recommended rate structure was intended to ensure that revenues were maintained at current levels once meter-based billing went into effect in January 2011. The City Council, however, chose to delay any changes to the rate structure until the actual revenue impacts of meter-based billing were known. Given the Water Fund's balance, this approach is reasonable. However, the Rate Study projected a decline in revenues of up to \$965,000 per year; therefore, the revenue situation will be monitored quarterly to prevent an over-reliance on the use of reserves to offset reduced revenues.

- In 2010, the City estimated that the implementation of meter-based billing would reduce revenues by up to \$965,000 per year.
- Data from the preparation of the 2012-13 budget indicates that water sales revenues are down \$1.5 million per year since the implementation of meter-based billing.
- Expenses have been reduced in the Fund 420 (Water); however, in the 2012-13 budget, operational expenses are projected to exceed revenues by \$780,000.
- Rates may need to be adjusted so that meter-based revenue covers all expenses, meets debt service coverage requirements, and prevents the reliance on reserves to balance the budget.

How would the proposed Regional Surface Water Supply Project affect the need for additional wells and improvements to the distribution system as the City grows?

As a member of the Stanislaus Regional Water Authority (SRWA), the City of Turlock is pursuing the development of a Regional Surface Water Supply Project (RSWSP) that would supply treated

Tuolumne River water from Turlock Irrigation District (TID). The RSWSP has formally created a Joint Powers Authority (JPA), the Stanislaus Regional Water Authority (SRWA), consisting of the cities of Turlock, Modesto, and Ceres. The SRWA will pursue funding for various phases of the project. The SRWA is developing an agreement with TID for the provision of the drinking water. TID has already adopted an EIR for the project. Extensive planning work has been performed for the RSWSP, but additional work is still needed to update some aspects of the environmental review of the RSWSP. By being a member of the JPA, Turlock continues to be committed to the project. The RSWSP would initially provide up to 16,800 acre-feet per year (15 million gallons per day, mgd) of potable water to the City of Turlock, but could ultimately provide up to 22,400 acre-feet per year (20 mgd). The RSWSP facilities would include a surface water treatment plant and water transmission mains. The total cost of the RSWSP is estimated to be in the range of \$180 million to \$200 million. The City of Turlock's share of this cost is estimated to be about \$65 million. The City would also have to construct a water storage reservoir (an enclosed water tank), a booster pump station, and water distribution pipelines at a cost of about \$20 million. This potential surface water supply would provide over half of the City's future water needs.

At this time water rates have not been adjusted to reflect the additional revenue needed for this project; indeed current rates do not provide adequate revenue to cover existing operations and capital costs.

POTABLE WATER SYSTEM STRATEGIC GOALS

1. Continue participation in the Stanislaus Regional Water Authority (SRWA) with the Cities of Ceres and Modesto to consider various options for constructing, financing, and operating the Regional Surface Water Supply Project.
2. Update water rates to ensure that the City complies with the 1.2 debt coverage ratio specified in the City's existing water bond covenants.
3. In the short-term construct additional groundwater wells so that water production capacity meets or exceeds state minimum standards.

SANITARY SEWER

The City currently maintains approximately 220 miles of sanitary sewer lines. Annually, monies are spent in the replacement of equipment, older, and smaller lines throughout the community based upon our Capital Improvement Program (CIP). During the course of each year, 30% of the City sanitary sewer collection system is cleaned and 14% is inspected. This O/M practice identifies areas needing attention for future CIP planning and reduces sanitary sewer overflows (SSOs). All SSOs have been reported electronically to the State since 2007, pursuant to the Statewide General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems, Water Quality Order No. 2006-0003 (Sanitary Sewer Order).

In 2003, the City of Turlock had 24 sanitary sewer overflows. By 2011, SSOs had been reduced to just four (4) all of which were minor incidents. The City's proactive approach to sewer

operation and maintenance means that SSOs in Turlock are infrequent and that Turlock exceeds the performance standard adopted by the State of California.

During fiscal year 2006-07 an evaluation was completed on a portion of the sewer trunk lines feeding the City's Regional Water Quality Control Facility (RWQCF). This evaluation revealed a number of bottle necks in the system that will need to be addressed within the next five (5) years. This is especially true of a portion of the major trunk line leading to the RWQCF.

SANITARY SEWER COLLECTION SYSTEM STRATEGIC GOALS

1. Complete a Sewer Master Plan once the General Plan has been adopted (2012). The Sewer Master Plan will identify the wastewater-related infrastructure necessary to serve future growth and development and assist in the formulation of capital facilities and development impact fees.
2. Continue aggressive sewer line preventive maintenance program to ensure compliance with State Water Resources Control Board's Sanitary Sewer Order of May 2, 2006 to reduce the incidence of SSOs in Turlock.

STORM WATER SYSTEM

The City's storm water system consists of a series of basins, pump stations, and a collection system that transports storm water either into a TID owned canal (pending permission) and/or to a City owned pipeline directly to TID Lateral #5 Drain. Operation and maintenance of this system is funded by sewer user fees. Expansion of the system is funded by development impact fees as calculated by a schedule developed in the City's storm water master plan written in 1995.

Issues currently being addressed and anticipated for the future are federally mandated storm water rules. As a Phase II agency, current requirements are not a particular problem. However, at some point in the future staff anticipates that conventional treatment may be required of the City's storm water. In anticipation of this possibility, steps have already been taken to transport collected storm water to a point adjacent to the RWQCF for treatment should the need arise. This scenario will require additional improvements at the RWQCF; however, the extent of those improvements has not yet been determined.

Storm water regulations are becoming increasingly stringent. Non-point source pollution is the single biggest contributor of water pollution in the USA. So far most of the City's storm water regulations are focused on construction sites. The City may have to take a more aggressive enforcement stance on storm water regulation in the future.

In the future, new development may have to include on-site treatment of storm water before it is discharged into the storm drain system – filters in catch basins, grassy swales, etc. Similarly, the use of porous concrete and asphalt is being required in some jurisdictions to reduce discharge to the storm drain system.

The City has prepared a Facilities Pollution Prevention Plan, as well as a RWQCB approved Storm Water Pollution Prevention Plan to address storm water contamination from the overall storm water system as well as City operations at the corporation yard. These Plans may have to be expanded to ensure that all City operations employ Best Management Practices to reduce the storm water impacts of City operations – this will affect streets, parks, and utilities maintenance.

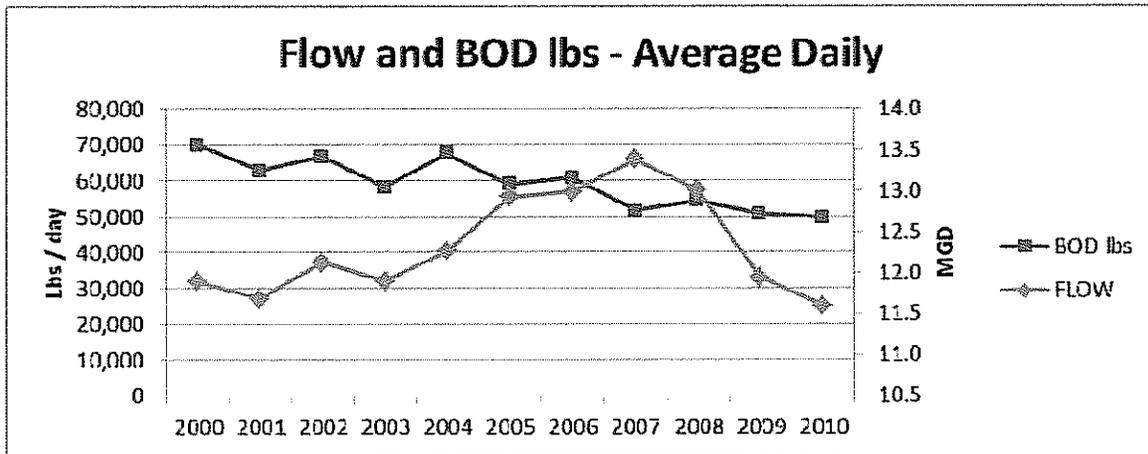
STORM WATER SYSTEM STRATEGIC GOALS

1. Complete a Stormwater Master Plan once the General Plan has been adopted (2012). The Stormwater Master Plan will identify the stormwater-related infrastructure necessary to serve future growth and development and assist in the formulation of capital facilities / development impact fees.
2. As part of the Stormwater Master Plan Update, review the costs and benefits of modifying City standards and specifications to increase the capacity of the storm drain system. If the City wishes to accommodate the run-off associated with larger storm events and prevent localized flooding, the capacity of the storm drain system will have to be increased.
3. Implement new stormwater regulations applicable to small municipalities (Small MS4s) promulgated by the State Water Resources Control Board in 2011 and amend the Turlock Municipal Code as appropriate.

WASTEWATER TREATMENT

The Turlock Regional Water Quality Control Facility (RWQCF) provides tertiary treatment of wastewater from the City of Turlock and the Community Service Districts of Keyes and Denair. Furthermore, the Turlock RWQCF processes one (1) million gallons per day of primary treated wastewater from the City of Ceres. Results of a capacity assessment in 2007 determined a need to expand the treatment capacity for organics at the RWQCF. In 2010, City Council authorized an increase in sewer user fees to cover the cost of debt service for a construction bond.

In 2012, a low-interest \$24 million State Clean Water Revolving Fund was authorized by the State Water Resources Control Board to fund an upgrade and expansion of the RWQCF. Construction of the project will commence in the fall of 2012.



The design for the RWQCF upgrade and expansion includes provisions to meet probable new discharge requirements as well as treatment processes that would carry a lower capital cost; however, these anticipated requirements were not incorporated into the new permit.

With these regulatory and economic changes, the short term improvements to the RWQCF have been staged into phases to better address the short and mid term needs of the facility.

Over the next 1-5 years, planned improvements at the RWQCF will include:

- a rehabilitated sewer trunk line
- new influent headworks
- new center columns on two primary flotators
- two new aeration basins
- one new secondary clarifier
- a new disinfection system
- additional blowers
- a new digester cover

With these improvements, the City will have the excess treatment capacity necessary to continue to attract additional industrial, commercial, and residential development. However, the cost of these improvements may impact rates; although, near term rate stability is forecast due to the prudent accumulation of reserves, low interest financing from the CWSRF, and lower than anticipated construction costs.

Finally, while not strictly capacity-related, an alternative means of disinfection (other than chlorination) will have to be implemented at the RWQCF to comply with State Waste Discharge Requirements.

Industrial Pre-treatment

The City has prided itself on a cooperative working relationship with its major industries, helping them work through wastewater discharge issues. Changes in federal regulations and communications from the EPA indicate that the EPA would prefer the City take a more stringent approach. The City may have to require more pre-treatment of industrial wastewater which will

increase operational costs for Turlock's industries. Further, the Regional Board has requested that the City develop a more aggressive enforcement program for industries that violate the terms of their permits.

The Harding Drain Bypass (HDBP)

The Harding Drain Bypass Pipeline project is moving forward with a construction start date of summer 2012. Once completed, this project will enable the City to more reliably meet the Waste Discharge Requirements adopted in 2010 by the Regional Water Quality Control Board (Regional Board). The Regional Board adopted Waste Discharge Requirements for the RWQCF that included different requirements for the concentration of disinfection byproducts (DBP) depending upon whether the City discharges its wastewater into the Harding Drain or directly into the San Joaquin River. In essence, when discharging to the San Joaquin River the City receives some credit for the dilutive effect of the greater flows in the river.

In addition, it is anticipated that this pipeline will become an integral part of the greater North Valley Regional Recycled Water Program. This project, as explained further in this plan, will provide recycled water to a water district on the west side of the valley as well as a long term revenue stream back to the City through the sale of this water.

WASTEWATER TREATMENT SYSTEM STRATEGIC GOALS

1. As a core economic development strategy, continually maintain adequate wastewater treatment capacity at the RWQCF to retain existing industries, foster expansion, and attract further industrial expansion in Turlock.
2. Ensure adequate funding for wastewater-related projects. Sewer revenues have not met projections. Nevertheless, a number of wastewater-related capital projects can be completed without the need to raise sewer rates. However, rising operational costs, the need for capital investment to comply with State standards, and future expansions to meet increases wastewater capacity demands may necessitate future rate increases.
3. Continually review rates to ensure adequate funding.
4. Pursue outside sources of funds (state, federal, etc.) to lessen the impact of upgrades and expansions on existing rate-payers.
5. To comply with the terms of the City's waste discharge requirements issued by the Regional Water Quality Control Board, construct facilities to implement an alternative means of disinfection (other than chlorination) at the RWQCF.
6. Continue participation in the North Valley Regional Recycled Water Project and find beneficial uses (irrigation, habitat, industrial cooling, etc.) for the City's recycled water as an alternative to discharging recycled water to the San Joaquin River.

AIR POLLUTION

Air pollution remains a significant problem in the San Joaquin Valley. The California Air Resources Board and the San Joaquin Valley Air Pollution Control District (SJVAPCD) regulate industry, including government, to reduce emissions.

AIR POLLUTION STRATEGIC GOALS

1. Retrofit or replace heavy duty diesel engines for on-road and off-road vehicles as required by state law. While the City currently complies with existing regulations, a further tightening of diesel regulations is anticipated. Vehicles that cannot be retrofitted must be replaced.
2. Replace older portable equipment as required by state law.
3. Comply with the Air Pollution Control District’s regulations pertaining to co-composting operations.
4. Implement clear air technologies to reduce Greenhouse Gas Emissions in all City operations where feasible and cost effective.

FLEET MAINTENANCE

In 2012, the City of Turlock’s fleet includes the following vehicles and pieces of equipment:

Emergency Vehicles	80
Heavy Duty Vehicles	68
Light Trucks and Automobiles	127
Small Equipment	437
CNG Vehicles	40
Pumps, Trailers, etc.	91
TOTAL	843

Apart from a few vehicles, like fire trucks, and some specialized pieces of equipment, the City’s entire fleet is maintained in-house by the City’s Fleet Services area. Over the past three (3) years, the Fleet Services area has significantly increased efficiency and productivity – two (2) full-time positions have been eliminated and yet the number of completed work orders has increased to over 4,500 per year.

FLEET MAINTENANCE BUDGET						
Year	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Total Budget	\$1,594,901	\$1,268,657	\$1,353,024	\$ 543,857	\$ 453,050	\$470,732

FLEET MAINTENANCE BUDGET			
Year	2010-11	2011-12	2012-13
Total Budget	\$ 543,857	\$ 453,050	\$470,732

In January 2011, the City Council rejected a proposal to privatize some or all parts of the City’s fleet maintenance operation. Overall, it was found to be more cost effective to keep fleet maintenance services in-house. For instance, only one company submitted an “on-site” bid where contract employees would work out of the existing fleet maintenance shop. The contract

services would cost at least \$163,077 more than if city staff continued to perform the work. Similarly, there were minimal costs savings associated with contracting for some “off-site” maintenance services.

FLEET MAINTENANCE STRATEGIC GOALS

1. Continue to monitor the costs of providing fleet maintenance services in-house and ensure that all work orders are completed efficiently and cost effectively.

PUBLIC EDUCATION/OUTREACH

State regulations often compel the City to conduct public outreach to educate the public on various environmental issues that are of a statewide concern. Examples include, but are not limited to:

- Water Conservation
- Stormwater Pollution Prevention
- Recycling and Waste Diversion
- Proper disposal of E-waste, U-waste, and Hazardous waste
- Sanitary Sewer Overflow Prevention
- Environmental Compliance

The Municipal Services Department uses the typical range of media to reach the public on a variety of environmental issues. Further, the Municipal Services Department has developed the “Go Green” program, which includes “Go Green Week” a school-based environmental awareness program. As time and resources allow, the department will continue to expand its environmental outreach programs. All of the City’s public education and outreach services are intended to promote environmental stewardship that serves to reduce City operational costs and conserve resources.

- Print Materials
- Direct Mailing- Door Hangers/Utility Billing
- Outdoor Advertising- Signage
- Broadcast Media- TV/Radio
- Print Advertisements
- School Programs
- Recycling Programs
- Events- Tradeshows
- Online/Interactive Educational Tools
- Presentations- Service Club, Businesses

STREETLIGHTS

The City of Turlock owns and operates approximately 4,200 streetlights. Approximately, 1,700 streetlights are located in landscape and lighting assessment districts which, in the vast majority of cases, fully fund the operation and maintenance of the lights. Approximately, 2,500 streetlights are funded as part of the street maintenance budget paid for by the Local Transportation Fund (LTF) whose revenues are derived from the sales tax on gasoline. As sales tax revenues have declined, so has revenue in the LTF. Since 2010-2011, the City Council has been forced to supplement streetlight operations with transfers from the General Fund to offset the reduction in LTF. This is a non-sustainable solution to streetlight operation and maintenance.

In 2009, the City was awarded \$643,100 in American Recovery and Reinvestment Act (ARRA) stimulus funds to replace 1,800 streetlights with energy efficient induction lamps. The operational savings from installing induction lamps will reduce monthly electrical bills by approximately 38% (\$85,000 per year). Further, the City received a one-time rebate by TID in the form of a billing credit for installing the energy-efficient street lights. From a long-term maintenance standpoint, induction lamps have the advantage of a rated life of 10 years, rather than 2-3 years for more traditional high pressure sodium lamps.

In January 2011, the City Council entered into a loan agreement with the California Energy Commission (CEC) for a low-interest (3%) Energy Conservation Act Loan. The loan would allow the City to retrofit approximately 2,000 streetlights to energy-saving induction lamps to reduce streetlight operations and maintenance costs. The proposed CEC loan is in addition to the grant of \$643,100 that the City received from the ARRA.

While the induction lamps are calculated to reduce energy use by 54%, TID has proposed to reduce the City's bills by only 38%. The City has requested that the TID implement a revised rate schedule, similar to the one adopted by Modesto Irrigation District, that would allow the City to fully realize the cost savings of its investment (48% reduction in monthly bills). TID has indicated that changes in the rate schedule may not include a reduced rate for energy-efficient street lighting. By not implementing the lower rate, the "pay-back" on the project stretches from eight years to 10 years – approximately the same as the lifecycle of the lamps. In conclusion, the new lamps funded with the CEC loan will reduce energy consumption and reduce maintenance costs but are neutral in terms of monthly utility savings.

STREETLIGHT STRATEGIC GOALS

1. Implement technologies that reduce streetlight power consumption
2. Ensure there is an appropriate return on investment for any streetlight retrofit project
3. Encourage Turlock Irrigation District to establish a rate structure for streetlights and other municipal lighting that reflects the power savings associated with newer technologies

EMERGENCY RESPONSE

The City's water and wastewater infrastructure is critical to public health. Therefore, the City undertakes significant planning to ensure that it is secure from risk of upset or terrorist attack. In cooperation with local, state, and federal agencies, the City prepares vulnerability assessments and emergency response plans to prevent catastrophic failure and to ensure that the City responds appropriately during an emergency. Further, Municipal Services staff at all levels has been trained in NIMS/SIMS, as appropriate.

EMERGENCY PREPAREDNESS STRATEGIC GOALS

1. Continue cooperative efforts with Turlock Fire Services, the Turlock Police Department, and other regional agencies in disaster preparedness and vulnerability assessments.
2. Conduct periodic table top emergency response exercises to assess the strengths and weaknesses in the City's response plans.

SOLID WASTE

The City of Turlock contracts with Turlock Scavenger for solid waste collection. Since 1992, Turlock Scavenger has operated a three-can curbside collection program that ensures all yard waste and recyclables are diverted from landfills. This ensures that the City of Turlock complies with the provisions of AB 939 (1989) that mandated local jurisdictions meet solid waste diversion goals of 25 percent by 1995 and 50 percent by 2000. Furthermore, the City partners with Stanislaus County to divert other materials from landfills, including: electronic waste (e-waste), universal waste (u-waste), hazardous waste, used motor oil, and vehicle tires. The City of Turlock is a member of the Stanislaus County Solid Waste Management Local Task Force (LTF) and the Stanislaus County Regional Solid Waste Planning Agency (Regional Agency).

The California Integrated Waste Management Board (CIWMB) has been reorganized and is now named the California Department of Resources Recycling and Recovery (CalRecycle). A number of solid waste-related laws have been passed over the past few years to move California toward the ultimate objective of being a "zero waste" society. With that in mind, the City faces a number of challenges in the solid waste arena.

SOLID WASTE STRATEGIC GOALS

1. Ensure rates are adequate so that Turlock Scavenger can maintain its successful three-can collection system that is essential for the City to comply with the diversion requirements of state law
2. Continue and expand special programs that encourage the proper disposal of hazardous and semi-hazardous materials
3. Implement additional waste diversion programs as necessary to comply with the State of California's adopted solid waste diversion rate of 75%

4. Implement a mandatory commercial and multi-family residential recycling program as mandated by 2006 California Global Warming Solutions Act (AB 32)
5. Continue annual Take Pride in Turlock Day to prevent illegal dumping
6. Investigate and evaluate alternatives to continued participation in the Stanislaus Regional Solid Waste Planning Agency

BUDGETARY OUTLOOK

Financial planning is critical to facilitate the proper funding and management of the City's utility systems, ensuring that revenues align with expenses for operations and maintenance, capital improvements, and debt service. Critically, financial planning ensures the long-term viability of the City's utilities and allows the City to maintain a high bond rating thereby reducing the cost of long-term debt.

A core component of financial planning is establishing predictable rates. The City is obligated to establish rates that ensure revenues are adequate to recover costs, provide for reserves, maintain support from bond rating agencies as well as plan and invest for future needs. Nevertheless, rates must also be consistent with community expectations and acceptability.

Water

In 2004, a series of five (5) water rate increases were adopted to fund a number of improvements to the City's potable water-related infrastructure, including: water meter installation and the development of an automatic meter reading system (AMR), new wells, and two (2) one million gallon water storage reservoirs (tanks). Since July 1, 2008, water rates have not changed. A 2009 proposal to adjust water rates to ensure that revenues were not adversely impacted by a transition to meter-based billing was not adopted.

Nevertheless, the Water Fund has built up reserves which are being used as a hedge against declining revenues as well as for funding for capital projects. The reserves increased due to the lag time between increasing rates and selling municipal bonds to make a number of capacity and operational improvements to the City water utility.

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Total Operating Revenues	\$9,675,571	\$9,810,527	\$9,229,601	\$7,736,308	\$6,129,330	\$6,843,805
Total Operating Expenses	\$4,910,148	\$5,060,032	\$4,134,523	\$6,051,381	\$4,548,167	\$5,595,290
Debt Payment	\$4,764,423	\$2,088,024	\$2,026,955	\$2,027,550	\$2,028,550	\$2,028,550
Net Income	\$2,529,979	\$2,518,015	\$3,068,123	\$(342,623)	\$(447,387)	\$(780,035)
Minor Capital	\$2,683,849	\$2,246,768	\$1,978,474	\$558,939	\$797,592	\$897,858
Total Fund Balance	\$19,513,636	\$23,564,538	\$18,228,768	\$21,296,891	\$21,112,827	

Wastewater

A series of four (4) sewer rate increases were implemented in 2002-2005 to fund an upgrade to the RWQCF mandated by the RWQCB to meet new discharge requirements (nitrification and tertiary treatment) and to construct the Harding Drain Bypass. The increases were: 19%, 19%, 19%, and 13%. Further, in 2008 the City Council adopted a multi-year rate schedule that included a series of six (6) sewer rate increases for the period 2008-2013. The rate schedule includes the following rate increases: 7%, 4%, 4%, 3%, 2%, and 2%. The purpose of these rate increases was to fund the expansion of unit processes at the RWQCF so that the capacity to process organics matches the RWQCF's hydraulic capacity of 20 MGD.

Two (2) major capital projects have been planned for some time. First, the construction of a 5.5-mile outfall pipeline which will allow the City's effluent to bypass TID's Harding Drain and discharge directly to the San Joaquin River. The Harding Drain Bypass will result in more favorable effluent limits for the City's wastewater discharge. Second, an expansion to the RWQCF to construct a new headworks and increase the RWQCF's capacity to process organics. These projects will commence construction in the summer of 2012 and were financed in part by low-interest loans from the State of California through the Clean Water State Revolving Fund (SRF). As compared to conventional municipal bond financing, the SRF loans will save \$15 million over the life of the loans.

In adopting the 2010-11 budget, the Turlock City Council established a policy for minimum reserves in Fund 129 (Water Quality Control), specifically:

Operating Reserve: \$4,000,000 (25% of expenditures)
 Capital Reserve: \$1,500,000
 Debt Service Reserve: \$4,420,356
 Total: \$9,887,356

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Total Operating Revenues	\$14,789,018	\$16,326,134	\$17,019,164	\$16,466,447	\$15,368,703	\$17,469,475
Total Operating Expenses	\$13,304,887	\$14,958,843	\$15,834,751	\$15,866,177	\$13,678,470	\$17,108,169
Debt Payment	\$4,762,128	\$4,758,327	\$4,775,434	\$4,769,703	\$4,777,015	\$4,769,140
Net Income	\$1,484,131	\$1,367,291	\$1,184,413	\$600,270	\$1,690,233	\$361,306
Total Fund Balance	\$16,803,821	\$12,091,641	\$4,672,858	\$7,605,815	\$9,293,639	\$8,479,887

Because flows to the RWQCF have declined during the recession, rate increases implemented in 2008 have not realized the projected revenues.

STAFFING / SUCCESSION PLANNING

In 2012, the Municipal Services Department totaled 76 full-time employees with two (2) additional positions created in the 2012-2013 budget year. In the spring of 2011, three (3) long-term vacancies in the Utilities Division were filled by employees transferring from the Public Facilities Maintenance Division. The transfers were a win-win for the City, allowing qualified employees to move from General Fund supported areas to fill vacant positions in the Utilities Division.

The Municipal Services anticipates adding more staff over the next few years as the City grows and the size and complexity of its infrastructure increases. Future staffing needs are outlined below:

Fleet Services

In the 2006-07 fiscal year, there were six (6) positions in the Fleet Services. Two (2) positions were eliminated and the division now has only four (4) full-time employees. A part-time employee was added in 2011-12.

Utilities Division

In the 2006-07 fiscal year, there were 11 positions funded by the Wastewater Utility and nine (9) positions funded by the water utility for a total of 20 positions (including the Utilities Manager). During the 2007-2011 fiscal year, three (3) of these positions became vacant and were held vacant due to a citywide hiring freeze. In the spring of 2011, three (3) of these vacant positions were filled internally by moving qualified personnel from General Fund supported areas to the Utilities Division. In the 2011-2012 fiscal year, one (1) new position was created in the Utilities Division to assist with the implementation of meter-based water billing and to expand the City's water conservation efforts.

Electrical Mechanical

There are nine (9) electrical mechanical technicians, one (1) technical services supervisor, and one (1) electrical instrumentation technician funded by the City's wastewater and water utilities. In the 2011-2012 fiscal year, an additional electrical instrumentation technician position was funded by the wastewater enterprise fund.

Water Quality

There are 17 positions funded that report to the City's Water Quality Control Division Manager, including two Laboratory Analysts (one of who is funded by the City's water utility). A Wastewater Plant Operator is vacant due to the retirement of a long-term employee. The Municipal Services Director is also accounted for in the Water Quality Control Division.

Administration / Regulatory Affairs

There are seven (7) employees in the City's Administration / Regulatory Affairs Division including the Purchasing Coordinator and Regulatory Affairs Manager.

Finance Division

There are eight (8) employees in the City's finance Division that are funded by the City's wastewater and water utilities. These employees report to the City Manager or designee.

Public Facilities Maintenance (Storm Drain Basins)

The wastewater utility funds eight (8) positions in the City's Public Facilities Maintenance Division. These workers duties are to maintain the landscaping in the City's 97 acres of storm drain basins.

STAFFING SUMMARY				
Division	2006-07	2011-12	2012-13 (or next 5 years)	Comments
Fleet	6	4.5	5.5	1 FT parts clerk / mechanic
Utilities	20	22	24	2 Utilities Workers
Electrical Mechanical	11	12	13	1 Electrical Mechanical
Water Quality	19	17	20.5	2 Sr Operators 1 PT Env Compliance Insp 1 Lab Analyst
Administration	7	7	8	Stormwater Program Analyst
Finance	8	8	8	
Public Facilities Maintenance (storm)	8	7	7	
Total	79	77.5	85	

REGIONAL COOPERATION

The City is currently involved in a number of regional efforts to ensure the stewardship of local resources, particularly water.

Integrated Regional Water Management Plan (IRWMP)

An Integrated Regional Water Management Plan (IRWMP) is a voluntary and comprehensive non-regulatory planning document prepared on a region-wide scale that identifies broadly-supported priority water resources projects and programs with multiple benefits. The adoption of an IRWMP is essential to be eligible for state funding for water-related projects.

North Valley Regional Recycled Water Program (NVRWP)

This is a proposed recycled water project to deliver up to 53,000 acre-feet per year of Title 22 recycled water to the drought-impacted west side of Stanislaus County, principally the Del Puerto Water District. This quantity of water would be available from the combined Cities of Modesto-Turlock-Ceres effluents and could irrigate 15,600 acres of land per year (at two acre-feet per acre of applied water). An additional 15,682 acre-feet per year of recycled water could be made available by upgrading the City of Modesto's treatment system to process secondary-treated wastewater that is currently being disposed of by land application to tertiary levels. At the above-described build-out scenario, a total of 53,000 acre-feet per year of recycled water would be available for unrestricted farmland irrigation.

Regional Surface Water Supply Project (RSWSP)

As a member of the Stanislaus Regional Water Authority (SRWA), the City of Turlock is pursuing the development of a Regional Surface Water Supply Project (RSWSP) that would supply treated Tuolumne River water from the Turlock Irrigation District (TID). The RSWSP has formally created a Joint Powers Authority (JPA), the Stanislaus Regional Water Authority (SRWA), consisting of the cities of Turlock, Modesto, and Ceres.

The SRWA will pursue funding for various phases of the project. The SRWA is developing an agreement with TID for the provision of the drinking water. TID has already adopted EIR for the project. Extensive planning work has been performed for the RSWSP, but some additional work is still needed to update some aspects of the environmental review of the RSWSP. By being a member of the JPA, Turlock continues to be committed to the project. The RSWSP would initially provide up to 16,800 acre-feet per year (15 million gallons per day, mgd) of potable water to the City of Turlock, but could ultimately provide up to 22,400 acre-feet per year (20 mgd).

The RSWSP facilities would include a surface water treatment plant and water transmission mains. The total cost of the RSWSP is estimated to be in the range of \$180 million to \$200 million. The City of Turlock's share of this cost is estimated to be about \$65 million. The City would also have to construct a water storage reservoir (an enclosed water tank), a booster pump station, and water distribution pipelines at a cost of about \$20 million. This potential surface water supply would provide over half of the City's future water needs

BUDGET PICTURE

The Municipal Services Department does not operate in isolation from the rest of the City organization. While revenues for the City's sewer and water utilities have remained relatively stable despite the economic downturn, the Municipal Services Department has implemented the same cost savings measures as those departments affected by declining revenues. However, unlike most other departments which are labor intensive operations, utilities are capital intensive operations. For instance, in the Water Fund, labor-related expenses equate to 31% of total costs; in the Wastewater Fund labor-related expenses equate to 35% of total costs. Therefore, reductions in labor and benefit costs realize a smaller cost savings in the Municipal Services Department compared to other departments which tend to be more labor intensive.

Because other departments provide services to the Municipal Services Department, the water and sewer enterprise funds must, in proportion to the cost of providing the service, reimburse those departments for those costs.

	Water Fund	Sewer Fund	Total
General Fund Administration	\$ 144,125	\$ 399,695	\$ 514,740
Public Safety Services	\$ 173,655	\$ 307,638	\$ 481,293
Total	\$ 317,780	\$ 707,333	\$ 1,025,113

BUDGETARY STRATEGIC GOALS

1. Continue to implement cost savings measures to reduce the costs of operations and pass those savings onto customers in the form of lower or fewer future rate increases.
2. Review staffing levels in relation to work demands, particularly as responsibilities for operations and maintenance increase, such as: the addition of 18,500 water meters, an automatic meter reading system, two water storage tanks, and the Harding Drain Bypass.
3. Continually review the impact of the City's water and sewer utilities on the General Fund and reimburse the General Fund as allowed by law.