

Special Meeting Agenda

Joint Meeting of Turlock City Council and Planning Commission

MARCH 29, 2011

6:00 p.m.

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



Mayor
John S. Lazar

Council Members

William DeHart, Jr.
Forrest White

Mary Jackson
Amy Bublak
Vice Mayor

City Manager
Roy W. Wasden
City Clerk
Rhonda Greenlee
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. **CALL TO ORDER**
 - A. City Council
 - B. Planning Commission

2. **PUBLIC PARTICIPATION – LIMITED TO ITEMS DESCRIBED IN THE NOTICE FOR THIS MEETING**

This is the time set aside for citizens to address the City Council concerning any item that has been described in the notice for the meeting before or during consideration of that item. 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.

3. **DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

4. **CONSENT CALENDAR:** None

5. SCHEDULED MATTERS

A. GENERAL PLAN UPDATE: DISCOUNT SUPERSTORES, EIR ALTERNATIVES AND REVISED THEMES

Follow-up to the March 1, 2011 Joint Turlock City Council-Planning Commission special meeting to discuss a potential change in the "Preferred Land Use Plan" as well as the range of alternatives to be evaluated in the Turlock General Plan Update Environmental Impact Report. If the Turlock City Council decides to modify the Preferred Land Use Plan for the Turlock General Plan Update, the current agreement and contract with Dyett and Bhatia, Urban and Regional Planners would need to be amended. RDA tax increment funds are proposed as the funding source to cover the additional cost of special services in an amount not to exceed \$40,232.00. (*Whitmore*)

Recommended Action:

OPTION 1: NO CHANGE IN PREFERRED LAND USE PLAN

Motion: Directing staff to evaluate two alternatives to the Preferred Land Use Plan approved by the City Council on August 23, 2010 in the Environmental Impact Report: 1) the Southeast Area including Southeast Master Plans 1 thru 5; and 2) the Phase 1 development including Southeast Master Plans 1, 2 and 3

OPTION 2: MODIFY PREFERRED LAND USE PLAN

Motion: Directing staff to modify the Preferred Land Use Plan to include the Southeast Area only (Southeast Master Plans 1 thru 5)

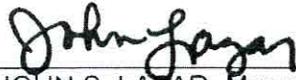
Motion: Directing staff to evaluate two alternatives to the new Preferred Land Use Plan in the Environmental Impact Report: 1) Southeast Master Plans 1 and 2; and 2) the Southeast Phase 1 development including Southeast Master Plans 1, 2 and 3.

Resolution: Approving an amendment to the FY 2010-11 Budget to appropriate \$40,232.00 to 305-40-442.43270 "General Plan Update" funded by the transfer of RDA Tax Increment Funds from 601-10-165.48001_112 "Transfer to Fund 305 CFF-General Plan Update" to 305-40-442.38001_112 "Transfer from Fund 601 RDA-General Plan Update" for additional costs of Special Services required to modify the Preferred Land Use Plan for the Turlock General Plan Update

Motion: Approving Amendment No. 1 to the Special Services Agreement with Dyett and Bhatia, Urban and Regional Planners to extend the current termination date from June 30, 2011 to December 31, 2012, and to provide an additional amount of \$40,232.00 to modify the Preferred Land Use Plan for the Turlock General Plan Update

6. **ADJOURNMENT**
A. Planning Commission
B. City Council

The foregoing meeting is hereby called by Mayor John S. Lazar at the above mentioned date and time pursuant to California Government Code §54956.



JOHN S. LAZAR, Mayor



**Council-Planning Commission
Synopsis**

March 29, 2011

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

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

Agendized by: Roy W. Wasden, City Manager

1. ACTION RECOMMENDED:
(The Planning Commission action is to precede the City Council action.)

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Motion: Directing staff to evaluate two alternatives to the Preferred Land Use Plan approved by the City Council on August 23, 2010 in the Environmental Impact Report: 1) the Southeast Area including Southeast Master Plans 1 thru 5; and 2) the Phase 1 development including Southeast Master Plans 1, 2 and 3

OPTION 2: MODIFY PREFERRED LAND USE PLAN

Motion: Directing staff to modify the Preferred Land Use Plan to include the Southeast Area only (Southeast Master Plans 1 thru 5)

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Motion: Approving Amendment No. 1 to the Special Services Agreement with Dyett and Bhatia, Urban and Regional Planners to extend the

current termination date from June 30, 2011 to December 31, 2012, and to provide an additional amount of \$40,232.00 to modify the Preferred Land Use Plan for the Turlock General Plan Update

2. DISCUSSION OF ISSUE:

This is a follow-up to the March 1, 2011, special meeting. The purpose of the meeting is to provide direction to staff and the consultant on the land use diagrams that will serve as the Preferred Land Use Plan as well as the range of alternatives to the Preferred Land Use Plan that will be evaluated in the Environmental Impact Report (EIR).

LEGAL REQUIREMENTS FOR THE GENERAL PLAN

In order to prepare the new General Plan Document and the supporting Environmental Impact Report, the City must select a Preferred Land Use Plan that represents the City's initial thoughts about the magnitude and the location of new growth for the City, now through the year 2030 (the planning horizon for this General Plan Update). The Preferred Land Use Plan was selected by the Turlock City Council in August 2010 (see Attachment #1). Since that time, staff has been working with the consultant to develop the policy document and perform a number of key technical studies for the backbone infrastructure system. The administrative draft of all ten chapters has been provided to staff for review.

The California Environmental Quality Act (CEQA) requires that the City evaluate alternatives to the Preferred Land Use Plan in the EIR and each alternative must satisfy the following criteria:

1. The alternative must avoid or substantially lessen any significant effects of the proposed project; and
2. The alternative must be a reasonable option to the project.

Lessening Significant Effects

To satisfy this requirement, the alternative must reduce one or more potentially significant effects. The significant effects that have been raised by the public on the Notice of Preparation include increased congestion and traffic, loss of prime agricultural land, increased air pollution, and adequacy of groundwater.

A Reasonable Option

To satisfy this requirement, the alternative must be an option that is feasible and could reasonably be selected by the City Council instead of the Preferred Land Use Plan. The alternative needs to meet most, if not all, of the General Plan

Themes and must be able to accommodate future growth of the City. The alternative does not necessarily have to accommodate the same amount of growth or area as the Preferred Land Use Plan.

It must be emphasized that the Preferred Land Use Plan and the alternatives are merely a starting point for the public discussion on the General Plan. CEQA requires that the decision-making body consider all of the technical analysis and testimony provided through the CEQA review process BEFORE it makes a final decision on "the project" (in this case, the amount, direction, and nature of the future growth of the City). That being said, we have to start somewhere. The Preferred Land Use Plan is the growth alternative that the City wishes to analyze and to obtain input from the public.

A COMMENT ON THE NUMBER OF ALTERNATIVES

Staff has consulted with Dyett and Bhatia, and the City Attorney on this issue. Both staff and the consultant feel that a minimum of two alternatives should be studied for two reasons. First, the cost to analyze a second alternative is very low and has already been included in the approved budget for the project. Because each alternative is studied at a very high, qualitative level, deleting one of the two alternatives will only save about \$1,500 to \$2,000. Second, staff feels strongly that eliminating an alternative would weaken the environmental document and leave it open to legal challenge. Because the alternatives are intended to demonstrate how alternatives to the project can reduce the environmental impacts, and there are several areas of the environment that have been raised as a concern, it is beneficial to provide at least two alternatives to the project that demonstrate a reduction in environmental effects. In this project's case, the "no project" (or, the current General Plan) does not meet that test as it is much lower density, does not accommodate the future population growth of the City, and would consume prime farmland at a much faster rate.

PREFERRED LAND USE PLAN OPTIONS

Each of the options described below give the City Council the latitude to select any of three potential land use plan options, once the environmental review process has been completed. If the Council decides to select a new Preferred Land Use Plan, the General Plan document would have to be amended, whether that is done today or later in the environmental review process. The CEQA process is intended to provide decision-making bodies with the information they need to properly scope a project, including a policy document as extensive as the General Plan. The goal of the CEQA process is to ensure that environmental impacts are addressed either through mitigation measures or changes to the project itself. If the Council ultimately adopts one of the "scaled down" alternatives instead of the initial Preferred Land Use Plan, then the goals of the

CEQA review process will have been achieved as these alternatives reduce potentially significant environmental effects.

OPTION 1: NO CHANGE IN THE PREFERRED LAND USE PLAN

If the Council decides to continue to support the currently approved Preferred Land Use Plan, staff believes that the following two alternatives would satisfy the CEQA requirements, listed above:

Alternative 1: Southeast Area – In this alternative, the Northwest Master Plan area would not be included. This alternative consists of Southeast Master Plans 1 thru 5, infill development, and annexation of the County islands, as depicted in Attachment #1. This alternative represents approximately 15,000 new housing units at roughly 8.0 units/acre for a total build-out population of approximately 115,000. This alternative reduces traffic, air quality, agriculture and water impacts by reducing the amount of land developed and eliminating the Northwest Master Plan on the west side of SR 99.

Alternative 2: Phase 1 Area– In this alternative, only the Phase 1 of the Southeast area (i.e., Southeast Master Plans 1 thru 3), infill development, and annexation of the County islands would be included. This alternative represents approximately 9,700 new units at roughly 8.7 units/acre for a total build-out population of approximately 100,000. This alternative will further reduce traffic, air quality, agriculture and water by eliminating two Southeast Master Plans.

OPTION 2: MODIFY PREFERRED LAND USE PLAN

If the Council decides to select the Southeast Area (or some other “smaller” scenario) as its Preferred Land Use Plan, the range of alternatives would also change. The cost and scope of services to modify the documents and technical studies that have been underway since August 2010 are described in the attached contract amendment and will add \$40,232.00 to the cost of preparing the General Plan Update. Staff proposes to utilize RDA tax increment funds to pay for this additional work, if this option is selected by the City Council.

Because the discussion at the last meeting revolved around using the Southeast Area as the Preferred Land Use Plan, staff has created this second option. If the Preferred Land Use Plan includes only Southeast Master Plans 1 thru 5, the two alternatives to the project that address potential significant environmental effects would be:

Alternative 1: Southeast Phase 1 Area– In this alternative, only the Phase 1 of the Southeast area (i.e., Southeast Master Plans 1 thru 3), infill development, and annexation of the County islands, as depicted in Attachment #1, would be included. This alternative represents approximately 9,700 new units at roughly 8.7 units/acre for a total build-out population of approximately 100,000. This alternative will reduce traffic, air quality, agriculture and water by eliminating two Southeast Master Plans.

Alternative 2: Southeast Area Master Plans 1 and 2 Only –This alternative consists of Southeast Master Plans 1 and 2, infill development, and annexation of the County islands. This alternative represents approximately 6,120 new housing units at roughly 9.1 units/acre for a total build-out population of approximately 89,000. This alternative further reduces traffic, air quality, agriculture and water impacts by reducing the amount of land developed and represents the point at which groundwater supplies would be exceeded unless more stringent conservation practices or new water sources are developed.

If Option 2 is selected, the Council could not select the current Preferred Land Use Plan without starting an entirely new CEQA process (and environmental document) as its footprint, and corresponding impacts, would be greater.

3. BASIS FOR RECOMMENDATION:

The General Plan provides the overall policy framework and implementation program that will guide growth of the City over the next twenty years. In order to properly analyze the impacts of the proposed plan and adequately evaluate potential strategies to avoid and minimize environmental effects, the City must first adequately describe the project to ensure that all potential environmental impacts are adequately quantified. Then, the City must evaluate alternatives to the project that, in themselves, could avoid or substantially reduce environmental impacts.

4. FISCAL IMPACT / BUDGET AMENDMENT:

Fiscal Impact: The project is currently on schedule and within budget. If the City Council decides to select a new Preferred Land Use Plan, a budget amendment would be required to transfer RDA funds to the Capital Facility Fee Program to cover the additional consultant costs of up to \$40,232.00. The current cost to update the General Plan and Housing Element, including its Environmental Impact Report and the Capital Facility Fee Program, is \$1,242,470.

5. CITY MANAGER'S COMMENTS:

Recommend approval.

6. ENVIRONMENTAL DETERMINATION:

An environmental impact report is being prepared to support the proposed changes in the Turlock General Plan.

7. ALTERNATIVES:

The City Council may choose one of the two options, or develop another option.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF APPROVING AN } RESOLUTION NO. 2011-
AMENDMENT TO THE FY 2010-11 BUDGET TO }
APPROPRIATE \$40,232.00 TO 305-40-442.43270 }
"GENERAL PLAN UPDATE" FUNDED BY THE }
TRANSFER OF RDA TAX INCREMENT }
FUNDS FROM 601-10-165.48001_112 "TRANSFER }
TO FUND 305 CFF-GENERAL PLAN UPDATE" TO }
305-40-442.38001_112 "TRANSFER FROM FUND }
601 RDA-GENERAL PLAN UPDATE" FOR }
ADDITIONAL COSTS OF SPECIAL SERVICES }
REQUIRED TO MODIFY THE PREFERRED }
LAND USE PLAN FOR THE TURLOCK GENERAL }
PLAN UPDATE }
_____ }

WHEREAS, State Law requires that the City of Turlock maintain and update a General Plan which contains policies and plans to preserve the quality of life for its residents and to manage the growth and development of the City; and

WHEREAS, the City of Turlock is in the process of updating its General Plan;

WHEREAS, on August 23, 2010, the Turlock City Council provided direction to staff on the Preferred Land Use Plan and substantial work has been done to prepare an administrative draft general plan document based upon the Preferred Land Use Plan; and

WHEREAS, on March 29, 2011, at properly noticed public meeting, the City Council decided to revise the preferred land use plan and reviewed the scope of services and budget proposed by Dyett and Bhatia, Urban and Regional Planners to perform the necessary work; and

WHEREAS, the Redevelopment Law requires conformity between the Redevelopment Plan and the General Plan of a jurisdiction and a primary objective of the Redevelopment Plan is to create a more cohesive and better functioning community through development of adequate public services and infrastructure; and

WHEREAS, funding exists in the budget for consultant services to enable adequate and consistent planning.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby appropriate \$40,232.00 to 305-40-442.43270 "General Plan Update" funded by the transfer of RDA Tax Increment Funds from 601-10-165.48001_112 "Transfer to Fund 305 CFF-General Plan Update" to 305-40-442.38001_112 "Transfer from Fund 601 RDA-Genral Plan Update" for additional costs of Special Services required to modify the Preferred Land Use Plan for the Turlock General Plan Update.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Turlock this 29th day of March, 2011, by the following vote.

AYES:
NOES:
ABSTAIN:
NOT PARTICIPATING:
ABSENT:

ATTEST:

Rhonda Greenlee, CMC
City Clerk, City of Turlock, County
of Stanislaus, State of California



AMENDMENT NO. 1
to
AGREEMENT FOR SPECIAL SERVICES
among
THE CITY OF TURLOCK,
TURLOCK REDEVELOPMENT AGENCY,
and
DYETT & BHATIA, URBAN AND REGIONAL PLANNERS

THIS AMENDMENT, dated March 29, 2011, is entered into by and between the **CITY OF TURLOCK**, a municipal corporation (hereinafter "CITY"), **TURLOCK REDEVELOPMENT AGENCY**, a public body, corporate and politic hereinafter "AGENCY", and **DYETT & BHATIA, URBAN AND REGIONAL PLANNERS**, (hereinafter "CONTRACTOR").

WHEREAS, the CITY hereto previously entered into an Agreement dated September 24, 2008, whereby CONTRACTOR will perform an update to the Turlock General Plan, Housing Element, Capital Facility Fee Nexus Study, and Environmental Impact Report (hereinafter the "Agreement"); and

WHEREAS, the AGENCY will provide the funding for additional work to complete the Turlock General Plan Update.

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

1. CONSULTANT'S scope of work for the Agreement is amended to reflect the additional work required to revise the administrative draft General Plan document and associated studies necessary to revise the preferred land use plan originally approved by the City Council on August 24, 2010, as revised by the Turlock City Council on March 29, 2011, as described in Exhibits A, B, and C.
2. For services rendered under this Amendment No. 1, CITY agrees to pay CONSULTANT a total additional sum not to exceed \$40,232, as described in Exhibit A, for a total compensation amount of \$1,282,702, under paragraph 4 of the Agreement. The additional sum of \$40,232 shall be paid by the AGENCY.
3. Paragraph 3 of the Agreement is amended to read as follows:

"3. TERM OF AGREEMENT: This agreement shall become effective upon execution and shall continue in full force and effect until December 31, 2012."

OK for Agency
DM

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

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

CITY OF TURLOCK, a municipal corporation

DYETT & BHATIA, URBAN AND REGIONAL PLANNERS

By: _____
Roy W. Wasden, City Manager

By: _____

APPROVED AS TO SUFFICIENCY:

Print Name: _____

BY: _____
Debra A. Whitmore, Deputy Director
of Development Services/Planning

Title: _____

Date: _____

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, City Attorney

ATTEST:

By: _____
Rhonda Greenlee, MMC, City Clerk

**TURLOCK REDEVELOPMENT AGENCY,
a public body, corporate and politic**

By: _____
Roy W. Wasden, Executive Director

APPROVED AS TO FORM:

By: _____
Phaedra A. Norton, Agency Counsel

ATTEST:

By: _____
Rhonda Greenlee, MMC, City Clerk

DYETT & BHATIA
Urban and Regional Planners

M E M O R A N D U M

To: Debbie Whitmore, City of Turlock
 From: Leslie Gould, Sophie Martin
 Re: Time and Budget Estimate for Extra General Plan Work
 Date: March 10, 2011

Dear Debbie:

The following table summarizes our estimate of Dyett & Bhatia's additional time and fee required to complete additional work for the Turlock General Plan, should the City Council decide to amend the Preferred Plan to reduce the total amount of development.

Table 1: Dyett & Bhatia Cost Estimate for Extra General Plan Work

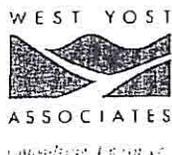
	<i>Affected Content</i>	<i>Hours</i>	<i>Fee¹</i>
Chapter 1	Regional Location, Planning Boundaries	8	\$800
Chapter 2	Development Potential, some policies, maps	20	\$2,000
Chapter 3	Strategy; map edits, <i>Infrastructure below (WY)</i>	20	\$2,000
Chapter 4	Park needs, schools, maps	20	\$2,000
Chapter 5	Corresponding text and maps adjustments <i>New Run and Text for Reduced Numbers (OM)</i>	40	\$4,000
Chapter 6	Illustrations	4	\$400
Chapter 7	Farmland calculations	8	\$800
Chapter 8	Greenhouse gas calculations	16	\$1,600
Chapter 9	Mapping Noise Reduction	8	\$800
Chapter 10	Fire/police section, maps	16	\$1,600
<i>Subtotal, staff time</i>		<i>160</i>	<i>\$16,000</i>
Leslie's Review		24	\$4,560
Additional Printing			\$2,000
Additional Direct Costs			\$500
Total		184	\$23,060

1. Planner, Associate, and GIS staff time is billed at \$100/hr. Principal review time is billed at \$190/hr.

Omni Means' fee estimate for the required work is **\$15,232**; which is attached.

West Yost Associates' estimate is **\$2,000**.

Combined, the total fee would be **\$40,292**.



March 8, 2011

Project No.: 295-00-08-03

Ms. Leslie Gould, Principal
Dyett & Bhatia
Urban and Regional Planners
755 Sansome Street, Suite 400
San Francisco CA 94111

SUBJECT: Request for Contract Amendment

Dear Ms. Gould:

We understand that the Turlock City Council has requested that the land use plan be revised to eliminate the residential development west of Highway 99. This land use change will result in the need for us to revise the following previously completed work tasks:

- Calculate the buildout water demand.
- Estimate the timing and associated population at which the surface water project (or other water supplies) will be needed.
- Calculate the buildout wastewater flow.
- Update the potable water and wastewater figures.
- Update the associated text in the Policies document.

The cost associated with this additional work will be \$2,000. Please call if you have any questions or comments.

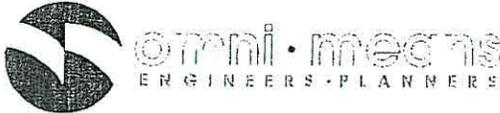
Sincerely,

WEST YOST ASSOCIATES

A handwritten signature in black ink, appearing to read "Douglas T. Moore", is written over the typed name.

Douglas T. Moore
Engineering Manager
R.C.E. #C58122

DTM:np



EXTRA WORK AUTHORIZATION

Attn.: Leslie Gould **Date:** February, 2011 **Contract** October, 2008
Date:
Address: Dyett and Bhatia **Project:** Turlock General Plan Update
755 Sansome Street, Suite 400 **Job No.:** 25-2818-03
San Francisco, CA 94111 **File No.:** M1342EWA001
Project Manager Martin Inouye

Type: Task Authorization Additional Work Change of Scope

THE FOLLOWING WORK WILL BE PERFORMED UNDER THE SAME TERMS AND CONDITIONS AS IN THE ORIGINAL AGREEMENT UNLESS OTHERWISE STATED.

DESCRIPTION OF ADDITIONAL SERVICES	COMPENSATION
Tasks 7 Preferred General Plan – Modification – OMNI-MEANS, based on direction from City Council, will evaluate a new Preferred Plan that was previously adopted for finalization. New traffic forecasts from the Citywide Traffic Model will be conducted and the new circulation improvement requirements of this revised Preferred Plan will be determined along with potential traffic impacts that may not mitigated. Revise Traffic Model Principal 24hrs@\\$194=\\$4656, Traffic Engineer 80hrs@\\$94=\\$7520	\$12176.00
Additional Communication and Meetings (1) to refine Circulation Plan Map and supporting TIAR. With City and Consultant 8 hrs @\\$194= \\$1552, Traffic Engineer 16hrs@\\$94=\\$1504	\$3056.00
Update Improvement Cost Estimates – No additional Cost, Task not fully initiated	\$0.00
	\$0.00
TOTAL	\$15232.00

Consultant:

OMNI-MEANS, LTD.

Date

Client:

Company / Agency

Signature (Owner Authorized Representative)

Date.

Please sign and return this original for OMNI-MEANS, Ltd. files.

