

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING OF JANUARY 22, 2008
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters.
 - a. Badge Pinning Of Reserve Officer Don Hutchins.
7. Items from the Public - Non-Agenda Items.
8. Consent Calendar
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants.
 - c. Approval Of Minutes Of The January 8, 2008 Regular Meeting.
9. Public Hearings
 - a. Adopt Resolution No. 2008- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4 .
 - b. Introduction Of Ordinance No. 2008- , An Ordinance Approving Zone Change No. 2007-02.
10. Regular Business
 - a. Presentation Of Schematic Design For Aquatic Center Project - NTD-Stichler.
 - b. First Reading And Introduction Of Ordinance No. 2008- , Amending Title 7, Of The Newman City Code - Fire Code - Incorporating The 2007 California Fire Code.
 - c. Public Works Sewer Machine Purchase Report And Bid Award.
 - d. Adopt Resolution No. 2008- , A Resolution Reviewing And Approving Budget Adjustments As Proposed In The Annual Mid-Year Budget Report.

- e. Report On Stanislaus County CDBG Consortium - Review And Approve A List Of 2008/2009 CDBG Projects.

11. Items From The City Manager And Staff.

12. Items From City Council Members.

13. Adjournment.

Calendar of Events

January 17 - Planning Commission - 7:00 p.m.

January 21 - City Council - 7:00 p.m.

January 28 - Two On Two Meeting With The School Board

January 28 - Two On Two Meeting With The City Of Patterson - 6:00 p.m.

February 4 - NCLUSD Board Meeting - 7:15 p.m.

February 7 - West Side Healthcare Taskforce

February 13 - Baseball Board Meeting - 7:00 p.m.

February 14 - Recreation Commission - 7:00 p.m.

February 21 - Planning Commission - 7:00 p.m.

February 26 - City Council - 7:00 p.m..

February 28 - Stanislaus County/West Park Land Use Meeting - 5:30 - 7:00 p.m.

Date.: Jan 2008
 Time.: 12:08 pm
 Run by: EMILY M. FARIA

CITY OF NEWMAN
 CASH DISBURSEMENTS REPORT

Page.: 1
 List.: NEWI
 Group: PYCPDP

CK #	Check Date	CK Amount	Vendor Name	Description
003417	01/18/08	.00		VOIDED CHECK
003418	01/18/08	.00		VOIDED CHECK
003419	01/18/08	4785.38	ABBOTT & KINDERMANN, LLP	PROFESSIONAL SERVICES THRU 12/20/07/SHERMAN RANCH
003420	01/18/08	339.09	ABS PRESORT, INC	BALANCE ON PRODP 218 MAILING
003421	01/18/08	6.43	ARROWHEAD MOUNTAIN SPRING	WATER COOLER RENT/TEEN CENTER
003421	01/18/08	96.02	ARROWHEAD MOUNTAIN SPRING	BOTTLED WATER/DEC 2007
003422	01/18/08	5000.00	ASI ADMINISTRATIVE SOLUT	PRE-PAID FSA DEPOSIT
003423	01/18/08	549.29	BASIC CHEMICAL SOL./INC.	250 GALS SODIUM HYPOCHLORITE/WELLS
003424	01/18/08	150.00	JAMES BELL (NT)	EMPLOYEE SERVICE AWARD/J. BELL
003425	01/18/08	11008.00	BLUE CROSS OF CA	HEALTH INSURANCE PREMIUM/FEB 2008
003426	01/18/08	4465.00	BOYLE ENGINEERING CORPORATION	DRAINAGE MASTER PLAN PROFESSIONAL SERVICES
003426	01/18/08	1934.82	BOYLE ENGINEERING CORPORATION	GENERAL UTILITIES ON UG DISTRICT #5
003426	01/18/08	594.27	BOYLE ENGINEERING CORPORATION	LOT LINE ADJ/SHERMAN RANCH
003426	01/18/08	121.50	BOYLE ENGINEERING CORPORATION	NEWMAN CITY TOW GRADING & DRAINAGE PLANS
003427	01/18/08	4096.01	W.H. BRESHEARS, INC.	GAS/DIESEL PURCHASES FOR DEC 2007
003428	01/18/08	1038.11	BUSH,ACKLEY,MILICH,HALLIN	LODGING/LCC CITY CLERKS/GRANT WRITING REGISTRATION
003428	01/18/08	1750.00	BUSH,ACKLEY,MILICH,HALLIN	LEGAL RETAINER/JAN 2008/HALLINAN
003429	01/18/08	347.10	BUSINESS CARD	SUP EMPLOYEE DINNER/MAGELLAN EXPLORIST/MEALS
003430	01/18/08	247.00	CRA (ADMIN FEES)	DENTAL-VISION ADMIN FEES/JAN 2007
003431	01/18/08	193.28	CDW GOVERNMENT, INC	12 ANTI-VIRUS LICENSES
003432	01/18/08	96.29	CHEVRON	GAS PURCHASES/PO
003433	01/18/08	210.00	CITY OF OAKDALE	STAN CNTY PLNG COMM WORKSHOP REGIST
003434	01/18/08	8050.00	CLENDENIN BIRD & CO LLP	FINAL PROGRESS BILL FOR 6/30/07 AUDIT

Date.: Jan 1 008
 Time.: 12:08
 Run by: EMILY M. FARIA

CITY OF NEWMAN
 CASH DISBURSEMENTS REPORT

Page.: 2
 List.: NEW1
 Group: PYCPDP

CK #	Check Date	CK Amount	Vendor Name	Description
003435	01/18/08	3101.26	SPORT SUPPLY GROUP, INC	PO #08-50
003436	01/18/08	27.02	CONNELL STATIONARY	4 DESK PAD CALENDARS
003437	01/18/08	77.39	CRESCENT SUPPLY CO. #1	NAME BAR/TROUSER/BELT/EXPLORER
003438	01/18/08	30082.00	CSJVRMA	LIABILITY INS/WORKER'S COMP/3RD QTR 2007/2008
003439	01/18/08	704.41	DEPART. OF CONSERVATION	4TH QUARTER SMOG FEES/OCT-DEC 2007
003440	01/18/08	50.00	FRANK DUARTE	EMPLOYEE SERVICE AWARD/F. DUARTE
003441	01/18/08	205.86	ECONOMIC TIRE SHOP	TIRE REPAIRS/NEW TIRE
003442	01/18/08	34081.75	ECO:LOGIC, INC	STORAGE BASIN DESIGN/COLLECTION /TREATMNT MAST PLN
003443	01/18/08	344.00	ENERPOWER	ELECTRIC ENERGY SERVICES/10/11/07 TO 11/13/07
003444	01/18/08	632.33	EMILY FARIA (NT)	AFLAC REIMBURSEMENT/JRM/FARIA
003445	01/18/08	350.00	HARRY FELIX	PLANS FOR NEW STORAGE BUILDING
003446	01/18/08	10.00	FIRECOWIRE, INC	EMAIL FOR LIFE SERVICES 1/10/08 TO 1/10/09
003447	01/18/08	25.00	FLEX ONE/AFLAC	ADMIN FEE/UNREIMBURSED MEDICAL EXPENSE/DEC 2007
003448	01/18/08	200.00	ERNIE GARZA (NT)	EMPLOYEE SERVICE AWARD/E. GARZA
003449	01/18/08	1383.60	GEOANALYTICAL LAB, INC.	800/SUSPENDED SOLIDS/QRTRLY WELLS/BACTI
003450	01/18/08	100.99	GOLDEN STATE IRRIGATION	PVC COUPLINGS/RAIN SUITS/SAFETY GLASSES/GLOVES
003451	01/18/08	612.82	GRANDFLOW	20,000 UTILITY BILLING FORMS
003452	01/18/08	122.41	GROENIGER & CO.	METRIC NUT WRENCH
003453	01/18/08	500.00	HUTCHINS INVESTIGATIVE SERVICE	HAZARDOUS MATERIAL RESPONDER TRAINING/PD
003454	01/18/08	400.06	IKON OFFICE SOLUTIONS	COPIER LEASE/12/29/07-1/28/08/PD
003455	01/18/08	163.20	JOBBS AVAILABLE, INC.	CHIEF OF POLICE AD
003456	01/18/08	1480.00	KOFF & ASSOCIATES, INC	COMPENSATION STUDY/KICKOFF/BENCHMARKS/DETERMIMATE
003457	01/18/08	1102.62	MALLARD EXPRESS AUTO	BRAKES/TIRE ROTATE/BALL JOINTS/BRAKE PADS

CITY OF NEWMAN
 CASH DISBURSEMENTS REPORT

Chk. #	Check Date	CK Amount	Vendor Name	Description
003458	01/18/08	56.70	LEXISNEXIS MATTHEW BENDER	CA PENAL CODE 2008 EDITION/PD
003459	01/18/08	200.00	DOUG MUTOZA (NT)	EMPLOYEE SERVICE AWARD/D. MUTOZA
003460	01/18/08	1966.33	NBS	ADMIN FEES/1/1/08 THRU 3/31/08 LIGHTING & LANDSCAP
003460	01/18/08	6000.00	NBS	PROP 218 MAILING SERVICE/LIGHTING AND LANDSCAPE
003461	01/18/08	35.00	NEWMAN CITY TOW SERVICE	JUMP START/PD
003462	01/18/08	342.77	NEWMAN GGG AUTO PARTS	WASHER FLUID/GLOVES/BATTERY/SPARK PLUG/FILTERS
003463	01/18/08	857.99	NEXTEL COMMUNICATIONS	CELL PHONE USAGE/DEC 2007
003464	01/18/08	118.69	NOB HILL	SUPPLIES FOR AQUATIC MEETING
003465	01/18/08	1530.00	OLMSTEAD INVESTIGATIONS	BACKGROUND INVESTIGATIONS/HUTCHINS/ALCANTAR
003466	01/18/08	1439.00	OPERATING ENGINEERS/	HEALTH INSURANCE PREMIUM/FEB 2008
003467	01/18/08	667.18	PATTERSON AUTO CARE, INC	MOUNT 5 NEW TIRES/BALANCE/PD
003468	01/18/08	1802.40	CITY OF PATTERSON	FIRE CONSOLIDATION ANALYSIS/VIDEO REIM/JAN 2008
003469	01/18/08	152.47	PATTERSON RENTALS	1 YARD CONCRETE DELIVERED
003470	01/18/08	200.00	LANCE PERRY (NT)	EMPLOYEE SERVICE AWARD/L PERRY
003471	01/18/08	.00	VOIDED CHECK	
003472	01/18/08	37653.27	P G & E	GAS AND ELECTRIC 11/07/07 TO 12/18/07
003473	01/18/08	33512.43	PRECISION INSPECTION, INC	Bldg Reg Inspec BLDG REGU
003474	01/18/08	200.00	TERI RAMOS	REFUND MEM BLDG DEPOSIT/T. RAMOS
003475	01/18/08	167.98	ROJ SPECIALTIES, INC.	1000 LOLLIPOPS/BLACK CUSTOM IMPRINT/PD
003476	01/18/08	235.15	RICHARD & CHAMBERS	PENS/GREEN BAR PAPER/CASH REGISTER TAPE/RECEIPT B
003477	01/18/08	641.22	SELF HELP ENTERPRISES	ADMIN FEES/DEC 2007
003478	01/18/08	3820.37	SHAPE INCORPORATED	PO #08-47
003479	01/18/08	5259.25	SIERRA INSTALLATIONS, INC	HOLIDAY LIGHTING SERVICES/2007

CK #	Check Date	CK Amount	Vendor Name	Description
003480	01/18/08	150.39	SIRCHIE	FIBERGLASS BRUSH/LIFT TAPE/NINHYDRIN/FINGERPRINTIN
003481	01/18/08	5500.00	SOLECON, INC	CENTRAL HEAT AND AIR UNIT/PO
003482	01/18/08	48218.00	STANISLAUS COUNTY	EMERGENCY DISPATCH OCT-DEC 2007
003482	01/18/08	86253.63	STANISLAUS COUNTY	4TH QTR IMPACT FEES/OCT-DEC 2007
003483	01/18/08	638.00	STANISLAUS COUNTY DEPT	BUS TICKET SALES THRU 1/15/08
003484	01/18/08	80.00	STATE WATER RESOURCES	GRADE I WASTEWATER TRMNT CERTIFICATION/SOUTHARD
003485	01/18/08	120.00	BARBARA J. TOSTA	YOUNG @ HEART INSTRUCTOR/DEC 2007
003486	01/18/08	150.00	TURLOCK HOUSE MOVERS	RETURN OF HOUSE MOVER'S DEPOSIT/TURLOCK HOUSE
003487	01/18/08	748.47	UNIFIRST CORPORATION	UNIFORM CLEANING/MAT RENTAL/DEC 2007
003488	01/18/08	42.02	USA MOBILITY WIRELESS, INC	PAGER AND TEXT MESSAGE SERVICE 1/8/08-2/7/08/PW
003489	01/18/08	495.78	VALLEY PARTS SERVICE	ANTIFREEZE/HAND CLEANER/TAILGATE/HANDLE/BATTERY
003490	01/18/08	6081.88	WESTERN FARM SERVICE, INC	252360 LBS GYPSUM/WWT
003491	01/18/08	150.00	JOE WINTERS	EMPLOYEE SERVICE AWARD/J. WINTERS
003492	01/18/08	112.75	Y-NOT NEWMAN FLORAL	KATEM SYMPATHY/KATEM GET WELL
003493	01/18/08	44.63	YANCEY LUMBER COMPANY	PAINT/PAINT EDGER/CANE BLACK BOLTS
003493	01/18/08	240.51	YANCEY LUMBER COMPANY	GLAV ELBOWS & PIPE/FAUCET/GLOVES/PAINT/ROLLERS
003410	01/09/08	75.00	JOHN FANTAZIA (NT)	PER DIEM/MAYOR & COUNCIL CONFERENCE/FANTAZIA
003411	01/09/08	225.00	TED KELLY	PER DIEM/MAYOR & COUNCIL CONF/KELLY
003412	01/09/08	225.00	ED KATEM (NT)	PER DIEM/MAYOR & COUNCIL CONF/KATEM
003413	01/11/08	2255.00	IVAN O. MENDEZ	CONSTRUCTION SERVICES/STORAGE SHED 1/7/08-1/11/08
003414	01/11/08	279.30	HARD DRIVE GRAPHICS	BALANCE ON ORDER FOR COACH SHIRTS/BASKETBALL
003415	01/15/08	440.62	TERRY HEIBERGER (NT)	REIMBURSE FOR SUPPLIES/EMPLOYEE DINNER/HEIBERGER
003416	01/16/08	1485.00	IVAN O. MENDEZ	BALANCE ON CONSTRUCTION OF STORAGE SHED

Sub-Total: 372103.49

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CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 5
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Grn Total: 372103.49

Count: 92

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING OF JANUARY 8, 2008
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** – Mayor Fantazia 7:03 p.m.
2. **Pledge Of Allegiance.**
3. **Invocation** – Council Member Kelly
4. **Roll Call PRESENT:** Katen, Kelly, Crinklaw, Martina and Mayor Fantazia
ABSENT: None
5. **Declaration Of Conflicts Of Interest** – None
6. **Ceremonial Matters.**
 - a. **Badge Pinning Of Officer Robert Alcantar**
Chief Ulibarri Introduced And Performed The Swearing In Of New Police Robert Alcantar.
7. **Items from the Public - Non-Agenda Items**

Vicki Felber, 1120 R Street, Explained To The Council That Her Father Had Purchased 3 Parcels From The City In 1989. Felber Told The Council That Harter Bruch (The City Planner) Gave Her Father A Letter Stating That The Park Fees Would Be Waived For Said Parcels. Felber Went On To Explain That When The Two Previous Parcels Were Built Upon No Fees Were Charged. She Asked The Council To Consider Waiving The Fees For Third And Final Parcel; Where Her Son Plans To Build His Home.

LaRoy McDonald, 224 Northampton Way, Told The Council That He Was Saddened By The Attacks That Had Been Levied On Supervisor Jim DeMartini. McDonald Went On To Say That Gerry Kamilos And Mike Lynch Are Very Credible People.

8. **Consent Calendar**
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants.
 - c. Approval Of Minutes Of The December 11, 2007 Regular Meeting.

ACTION: On Motion By Katen Seconded By Kelly And Unanimously Carried, The Consent Calendar Was Approved.

9. **Public Hearings**
 - a. Adopt Resolution No. 2008-1, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4 .

Mayor Fantazia Opened The Public Hearing At 7:21 P.M.
There Being No Public Comment The Hearing Was Declared Closed At 7:22 P.M.

ACTION: On Motion By Katen Seconded By Crinklaw And Unanimously Carried, Resolution #2008-1, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted.

10. Regular Business

- a. Presentation By Doug Sweetland Regarding The Benefits Of An Enterprise Zone.

Doug Sweetland Informed The Council About The Benefits Of An Enterprise Zone. He Explained That The Name Zone 40 Came From The Fact That This Is The 40th Enterprise Zone In California. Sweetland Explained That 13 Of The Original 15 Years Are Left, For Area Businesses To Take Advantage Of The Tremendous Benefits. Sweetland Urged The Council To Move Forward With The Enterprise Zone Expansion.

ACTION: The Council Directed Staff To Prepare The Necessary Documents For Proceeding Forward With The Enterprise Zone.

Accountant Robert Kehl Reviewed The Financial Documents And Explained That The City Had Received The Highest Grade Possible.

- b. Adopt Resolution No. 2008-2, A Resolution Receiving And Accepting The General Purpose Financial Statement, Newman Redevelopment Agency, And Transportation Development Act Funds Audit For The Fiscal Year Ending June 30, 2007.

ACTION: On Motion By Crinklaw Seconded By Martina And Unanimously Carried, Resolution No. 2008-2 Was Adopted, A Resolution Receiving And Accepting The General Purpose Financial Statements, The Newman Redevelopment Agency And Transportation Development Funds.

- c. Adopt Resolution No. 2008-3, A Resolution Amending The StanCOG Joint Powers Agreement.

ACTION: On Motion By Martina Seconded By Kelly And Unanimously Carried, Resolution No. 2008-3 Was Adopted, A Resolution Amending The StanCOG Joint Powers Agreement.

- d. Letter Of Support For County Grant Application - Countywide Growth Management Plan.

ACTION: On Motion By Katen Seconded By Crinklaw And Unanimously Carried, The Council Agreed To Send A Letter Of Support For The County Grant Application Pertaining To Countywide Growth Management Plan.

- e. Report On Relocation Of Waterline For Underground Utility District No. 5.

ACTION: On Motion By Crinklaw Seconded By Kelly And Unanimously Carried, The Council Approved The Relocation Of The Waterline For Underground Utility District No. 5. And A Budget Augmentation Of \$100,000.00.

11. Items From The City Manager And Staff.

Supervisor DeMartini Asked The Council To Create A List Of Projects For The Economic Development Action Committee; Prior To The Committee's January 31st Meeting.

City Manager Holland Informed The Council That The Two On Two Meeting With The School Board Had Been Rescheduled To January 28th. Holland Explained To The Council That Staff Was Going To Recommend That The Low Income Sewer Discount Be Continued As Rates Increase. Holland Told The Council That Cal PERS Had Granted The City's Request For An Employment Extension Of Chief Ulibarri. Holland Reminded The Council That The County And West Park Would Be Conducting A Meeting In Newman Regarding Land Uses For The Crows Landing Air Base Sometime In February.

Chief Ulibarri Reminded The Council That He Was Hosting A Senior Luncheon On January 17th. Ulibarri Explained To The Council That He Had Looked Into The Allegations Of Poor Police Response And Had Met With The Resident Who Had Originally Made Those Allegations. Ulibarri Reported That The Calls For Service For The Pervious Year Were Very Limited And That The Department Had Responded To All The Calls For Service That Were Reported.

Public Works Director Garza Informed The Council That The Recent Stormy Weather Produced Two And A Half Inches Over The Weekend. He Explained That The City Had To Contend With Clogged Drains, A Few Failed Pumps, But No Street Closures Were Necessary And The City Was Back To Normal By Saturday.

Recreation Supervisor Heiberger Informed The Council That The Basketball Season Was Starting And That The Teen Center Had Recently Purchased An Air Hockey And Foosball Tables.

12. Items From City Council Members.

Council Member Crinklaw Thanked Staff For Resurrecting The Radar Trailer And Supervisor DeMartini For The Safety Barriers On Eastin, Jorgenson , And Bell Roads.

Council Member Martina Stated That The Results Of The Audit And The Fact That The City Is In Good Financial Standing Made Him Happy.

Council Member Kelly Congratulated The Staff On The Audit Results And Thanked Staff For Their Response The Recent Flooding. Kelly Also Asked Staff To Check Into A Fence That Was Down On Canyon Brook.

Council Member Katen Asked Staff To Investigate Clean Debris From Under The Rail Road Crossing At Orestimba Creek.

13. Adjournment.

ACTION: On Motion By Crinklaw Seconded By Katen And Unanimously Carried, The Meeting Was Adjourned At 9:47 P.M.

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of January 22, 2008

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

Adopt Resolution No. 2008-XX, Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

BACKGROUND:

Abatement notices for property maintenance were sent to several properties in accordance with Ordinance 95-4, Chapter 2, Title 8-2-3.

ANALYSIS:

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Tuesday, January 22, 2008. A list and pictures of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

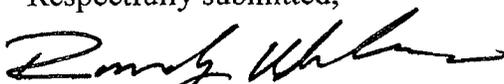
FISCAL IMPACT:

None

CONCLUSION:

This staff report is submitted for City Council consideration and possible future action.

Respectfully submitted,



Randy Ulbarri
Chief of Police

REVIEWED/CONCUR:



Michael E. Holland
City Manager

**City of Newman
January 22, 2008 Abatement List**

Location	APN	Owner Information	Mailing Address	Violation	Notice Sent
1619 P St.	128-008-024	Donna C. Gonzalez	2520 Woodvale Drive, Modesto, CA 95355	Cabinet with wooden scraps in it on front yard.bucket full of debris, pieces of pipe, and metal scraps on side yard.	12/11/2007
1420 T St.	128-003-047	Mike & Carla Perez	1420 T Street, Newman, CA 95360	Refrigerator, stack of pallets, pallet of boxes, gas can, and other misc. objects on driveway.	12/28/2007
1550 Inyo Ave.	128-026-008	Henry & Carol Castaneda	1550 Inyo Avenue, Newman, CA 95360	Wood, containers w/ misc. items and debris on porch, side yard and driveway. Boat on front lawn.	12/28/2007
1562 P St.	128-009-092	Fernando Rivas	1562 P Street, Newman, CA 95360	2 couches and kids plastic picnic table on front lawn.	1/9/2008
1940 Leslie Ave.	128-050-012	Heirs of Arnulfo L. Mendez C/O Maria L. Mendez	1940 Leslie Avenue, Newman, CA 95360	2 Lawn mowers, water softners, junk, debris, and boxes w/ misc. items in carport.	1/9/2008
1276 Duck Blind Cir.	049-049-011	Michael M. & Gabrielle C. Capaz	1276 Duck Blind Cirircle, Newman, CA 95360	Tall grass throughout front lawn.	1/9/2008
1941 Leslie Ave.	128-055-041	Jerry L. & Malda M. Trimble	1941 Leslie Avenue, Newman, CA 95360	Truck and van on front lawn. 2 roto tillers, folding chairs, pices of metal and wood, ice chests, car batteries, and other misc. items on front and side yard.	1/9/2008
1915 Leslie Ave.	128-055-038	Thomas C. & Laverne R. Vargas	1915 Leslie Avenue, Newman, CA 95360	Trailer parked on side yard.	1/9/2008

**City of Newman
January 22, 2008 Abatement List**

Location	APN	Owner Information	Mailing Address	Violation	Notice Sent
1967 Leslie Ave.	128-055-044	Baldomar Santana	1967 Leslie Avenue, Newman, CA 95360	Truck, tunneau cover, ladder, pieces of fencing and wood, plastic buckets, and fishing equip. on side yard.	1/9/2008
1977 Leslie Ave.	128-055-045	Rafael & Katherine Anaya	1977 Leslie Avenue, Newman, CA 95360	Van, tires, buckest and boxes w/ junk, debris and misc. objects on side yard.	1/9/2008
1321 L St.	128-019-014	Elisa Jimenez Bernier	1321 L Street, Newman, CA 95360	2 cars, a truck, pile of lumber, air conditioner, lawn mower, ans other misc. items throughout front yard.	1/9/2008

RESOLUTION NO. 2008

**A RESOLUTION DECLARING THE EXISTENCE OF A PUBLIC NUISANCE UNDER
ORDINANCE NO. 95-4**

WHEREAS, the Chief of Police has reported a nuisance as outlined in Section 8-2-2 of the Newman Municipal Code located and existing upon property in the City of Newman in violation of Ordinance No. 95-4 of the City of Newman, a description of said property being attached hereto and made a part of this resolution by this reference; and,

WHEREAS, the Chief of Police caused notice to be mailed to the respective owners of the subject properties as in said Ordinance provided, said notice giving notice to abate said nuisance and setting a time and place for hearing objections to the proposed abatement; and,

WHEREAS, said hearing was held on January 22, 2008 at 7:00 p.m., as in said notice provided; and,

WHEREAS, no objections to the proposed abatement were received at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that said City Council of the City of Newman finds that a condition exists with regard to the properties in said City which is dangerous to life, limb and property, and to the public health, safety and morals, in that weeds, rubbish, dirt and rank growth are growing, located and existing upon said property in violation of the provisions of Ordinance No. 95-4 of the City of Newman, which endangers and may injure neighboring property and endangers and injures the welfare of residents in the vicinity of said property, and which is a fire hazard; that a description of said properties is attached hereto and made a part of this resolution by this reference.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 22nd day of January 2008 by _____, who moved its adoption, which motion was duly seconded and it was upon roll call vote adopted.

AYES:
NOES:
ABSENT:

ATTEST:

APPROVED:

Deputy City Clerk

Mayor

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9. b.**
City Council Meeting
of January 22, 2007

REPORT ON ORDINANCE APPROVING ZONE CHANGE #07-02

RECOMMENDATION:

1. Open Public Hearing
2. Conduct First Reading of Ordinance #2008-XX Approving Zone Change #07-02.

BACKGROUND:

On January 17, 2008, the Planning Commission held a public hearing, approved the Site Plan Review with amendments and reviewed and recommended the proposed Zone Change to the Council. Staff received one public comment.

The Planning Commission approved the Site Plan Review (with amendments) and recommended approval of the Zone Change with a roll call vote of 4 – 1; with Commissioners Allen, Applegate, Vandervort and Chairperson Wallace supporting and Commissioner Candea opposing.

ANALYSIS:

The applicant (Corporation for Better Housing) has applied for a Site Plan Review and Zone Change (from R-1 to R-3, to conform with the Newman 2030 General Plan) for a 72 unit multi-family apartment project. The project's units will range from one to three bedrooms in size. The proposed project will be located on Driskell Avenue; approximately 150 feet north from Kern Street, more specifically described as Assessor's Parcel Numbers 128-020-001, 128-020-002 and 128-020-003; this site is in our redevelopment project area. This site is currently vacant and is designated at High Density by our General Plan.

Upon review by staff, CEQA attorneys and environmental consultants, the proposed project has been determined to be exempt with no exceptions under Chapter 3, Article 12.5 Sections 15192 (Affordable Housing/Residential Infill) and 15194 (Affordable Housing) of CEQA; the CEQA administrative findings are currently on file for this project.

Project review and findings are available the Planning Commission staff report for your review.

FISCAL IMPACT:

None

CONCLUSION:

The proposed project is compatible with and will not have a negative impact upon the immediate neighborhood. The project design has been approved by the Architectural Review Committee and been recommended for approval by the Planning Commission. It will provide much needed affordable housing for the community and be an asset to the surrounding area.

Agenda Item: **9. b.**

ATTACHMENTS:

1. Exhibit A – Planning Commission Staff Report
2. Exhibit B – Public Comment Received
3. Exhibit C – Amended Resolution as per Planning Commission
4. Exhibit D – Ordinance #2008-XX

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael Holland
City Manager

CITY OF NEWMAN COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

PLANNING COMMISSION MEETING DATE: January 17, 2008

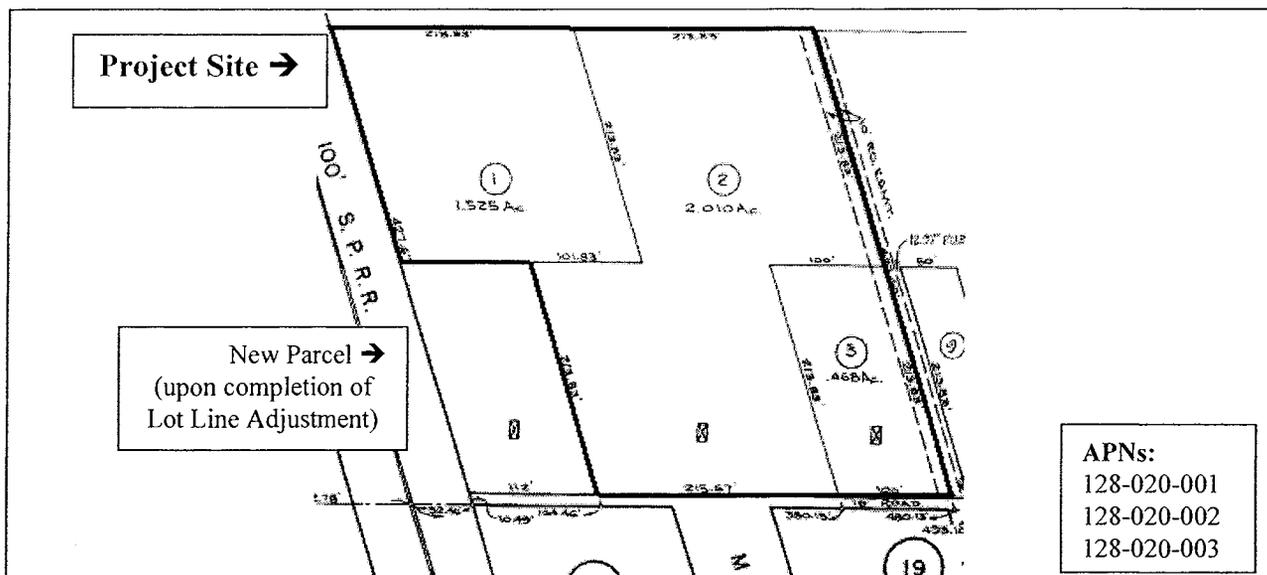
AGENDA ITEM: 7a

CZ	#07-02	SPR	#07-01
APN	128-020-001, 002 & 003	Applicant:	Corporation for Better Housing
CEQA	Exempt Under §15192 and §15194		

REQUEST: Change an R-1 (single family residential) site to R-3 (multiple residential district) to conform with the Newman 2030 General Plan and conduct a Site Plan Review for a 72 unit apartment project.

LOCATION: The subject properties are located at the terminus of M Street, approximately 150 feet north from Kern Street.

ENVIRONMENTAL ASSESSMENT: Pursuant to the California Environmental Quality Act (CEQA) and the City of Newman Environmental Quality Guidelines, it has been determined that this project is exempt with no exceptions under Chapter 3, Article 12.5 Sections 15192 (Affordable Housing/Residential Infill) and 15194 (Affordable Housing) of CEQA.



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Subject Site	Vacant	R-1	HD
North	Residential	R-1	LD
South	Commercial/Residential	I/R-3	CC/HD
East	Residential	P-D	HD
West	Commercial	C-2	DC

R-1 = Single Family Residential
R-3 = Multiple Residential
P-D = Planned Development
C-2 = General Service Commercial
I = Controlled Manufacturing

LD = Low Density Residential
HD = High Density Residential
CC = Community Commercial
DC = Downtown Commercial

SIZE OF PROPERTY: 3.5 acres

ACCESS: M Street

ORDINANCES:

NMC 5.02: Establishment and Designation of Zoning Districts
NMC 5.25.040: Architectural and Site Plan Review
NMC 5.26.020: Amendment Procedure

PROJECT DESCRIPTION:

The submitted site plan and accompanying statement propose the construction of a 72 unit multi-family apartment project located north of Kern Street at the termination of M Street. The proposed development will provide 32 one-bedroom units, 16 two-bedroom units and 24 three-bedroom units. The site plan provides 128 parking spaces (72 of them covered) and 4 trash enclosures. Surrounding the perimeter of the development will be a wrought iron fence in keeping with the proposed architectural design. Proposed access to the development will be through M Street.

The proposed project will have a community room that will include a common television area and kitchen, a community computer lab where computers and various classes and services are available free of charge, a tot-lot, barbeque area and onsite laundry amenities for its residents. The units will be equipped with name brand appliances and include granite countertops and backsplashes. A material sample sheet is attached as an exhibit for your reference.

Per State law, the City of Newman may grant development concessions for affordable housing projects to increase their feasibility. The applicants are requesting a concession to allow smaller unit sizes for their one and two bedroom units (differing from the NMC § 5.05.050 requirement of 650 and 800 square feet respectively). They have requested that

the City allow their one and two bedroom units to measure 572 and 767 square feet respectively.

BACKGROUND:

Corporation for Better Housing submitted a Zone Change and Site Plan Review application for a 72 unit workforce housing project in October 2007.

The proposed project underwent Architectural Review Committee meetings on November 29, December 13 and 20. The color palette, materials, final elevations, design and fencing were approved at the December 20th Architectural Review Committee meeting. As requested by the Architectural Review Committee, the previously proposed elevations and the final approved elevations have been attached for your review.

On December 20, 2007, the applicant also applied for a Lot Line Adjustment (LLA 07-03) to assemble the necessary land for the project. That application has been routed out to the appropriate parties and is currently processing.

PROJECT ANALYSIS:

Land Use: The subject site and immediate northern, eastern and southern parcels are zoned R-1, P-D and R-3 respectively (all residential). The western parcels are zoned C-2. The proposed use is consistent with the Newman 2030 General Plan and will be consistent with the zoning district upon approval of the proposed zone change.

Building Location: The site will have five two-story buildings. Each building is setback a minimum of 55 feet from side and rear property lines and a minimum of 20 feet apart from one another; this assists in maintaining privacy and provides an adequate buffer for adjacent property owners. These locations meet the minimum setback requirements identified in the municipal code.

Landscaping/Open Space: The submitted site plan identifies preliminary landscaping. Each unit is required to have a minimum of 100 square feet of open space (totaling 7,200 square feet minimum); the project has adequate open space (roughly 22,000 square feet); meeting municipal code requirements.

Parking: NMC §5.17.030 requires “1 garage or carport per dwelling unit, plus 1 uncovered parking space per 2 units. Furthermore, 1 additional parking space shall be provided for every 5 dwelling units and specifically reserved for guest parking”; with this formula, the proposed project will require 123 spaces. The submitted site plan identifies 128 spaces (72 covered); meeting municipal code requirements.

Access: The applicant is proposing access from the northern and southern termini of M Street through controlled gate access. Improvements to the southern M Street access area are necessary to allow ingress and egress into to the development; these improvements

are necessary on the eastern portion of M Street between the site and the intersection of M and Kern Streets. Improvements shall include street overlay, the installation of sidewalks, full curb and gutter.

Architectural Review Committee: During its three meetings, the Architectural Review Committee reviewed and approved the project with revisions. Those revisions included: four-sided architecture, fifty year composition roof materials, an increased pitch in the roof and raised gables to add dimensional aesthetics to the roofline and a craftsman inspired appearance.

Environmental Review: The project is an affordable housing infill project that meets the requirements set forth by Chapter 3, Article 12.5 Sections 15192 (Affordable Housing/Residential Infill) and 15194 (Affordable Housing) of CEQA.

FINDINGS:

1. Does the architectural and general appearance of the structures and grounds have architectural unity and are in keeping with the character of the neighborhood as not to be detrimental to the orderly and harmonious development of the City, or to the desirability of investment or occupation in the neighborhood?

Pro: The architectural and general appearance of the proposed structures and grounds are in keeping with the neighborhood and are not detrimental to the community. In keeping with the City's historically influenced architecture and design standards, the proposed project will have steep rooflines, raised gables that protrude above the roofline and four-sided architecture. The project has utilized craftsman inspired architecture and has received approval from the Architectural Review Committee.

Con: None

2. Is the site plan consistent with all adopted City plans, documents, ordinances, included but not limited to the Newman Municipal Code, any applicable specific and/or master plans, any adopted development standards and design guidelines, and the general plan?

Pro: The site plan is consistent with all adopted City plans and documents and will conform with the zone district upon approval of the zone change application and City concession.

Con: The project site is currently zoned R-1, the proposed use does not conform with this zone district.

3. Is public health, safety or welfare affected by the zone change? If so, does public necessity, convenience and general welfare permit it?

Pro: Given that the Zone Change has been analyzed under the General Plan and accompanying EIR and all potential impacts will be mitigated through payment of appropriate fees; the finding is that public health and safety are not affected by the zone change.

Con: None

Public Comment

A Public Notice was published on January 3, 2008 and Public Notices were mailed out to surrounding property owners within a 300' radius on January 4, 2008. As of this date, (1-10-08) no comments have been received.

A public informational meeting was held by the applicant on January 10, 2008 at 6:00pm at the Louis J. Newman building to answer any questions community members may have.

CONCLUSION:

The proposed project is to change the existing parcels from an R-1 zone to R-3 to conform with the Newman 2030 General Plan and build a 72 unit multi-family apartment project. The proposed project is compatible with and will not have a negative impact upon the immediate neighborhood. The project will acquire services from surrounding water and sewer lines. The project design has been approved by the Architectural Review Committee and will provide much needed affordable housing for the community.

Staff recommends that the Commission recommend approval of the zone change to the Council and impose any conditions considered necessary for the Site Plan Review of the proposed project. Staff has provided the Commission findings supporting both approval and denial of the project.

CONDITIONS OF APPROVAL:

Community Development

1. The following number of units shall be made available to lower income households that qualify under HUD mandated income levels:
 - a) Twenty-four (24) of the one-bedroom units shall be set aside for very-low income households.
 - b) Eight (8) of the one-bedroom units shall be set aside for low income households.
 - c) Twelve (12) of the two-bedroom units shall be set aside for very-low income households.
 - d) Four (4) of the two-bedroom units shall be set aside for low income households.
 - e) Nineteen (19) of the three-bedroom units shall be set aside for very-low income households.
 - f) Four (4) of the three-bedroom units shall be set aside for low income households.
2. The multi-family apartment project shall adopt an affordability period not less than 55 years.
3. It is the developer's responsibility that the proposed development complies with handicap and Americans with Disabilities Act (ADA) requirements in the design and maintenance of this project.
4. Trash enclosures shall be built to City specifications.

5. The developer shall develop the site in accordance with the site plan and all changes required by the Planning Commission.
6. The developer shall utilize the following conditions as set forth by the Architectural review Committee:
 - a) Fifty-year composition roofing materials
 - b) Four-sided architecture
 - c) Steep rooflines
 - d) Raised gables
7. The developer shall submit a landscaping and irrigation plan for City review and approval
8. The developer shall submit a sign plan for City review and approval
9. The developer shall submit an improvement/grading plan for City review and approval. Required improvements shall include the following:
 - a) Street Overlay
 - b) Installation of Sidewalks
 - c) Full curb and gutter
10. The developer shall comply with the adopted street tree ordinance.
11. Any proposed modifications of a significant and/or permanent nature to the approved site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require approval of a new site plan review application.

Public Works

1. The developer shall provide the following for the approval of the Public Works Director:
 - a) A potable water system plan identifying fire hydrant locations, fire hydrant specifications and shut-off valves.
 - b) Backflow prevention devices, sizes, types and locations.
 - c) A storm drain system plan identifying types of pipe, pipe sizes, drain inlets and locations
 - d) A sanitary sewer collection system identifying types of pipe, pipe sizes, cleanouts and manhole locations with invert and rim elevations
 - e) Proposed refuse enclosure design

Fire

1. Address numbers shall be internally or externally illuminated and contrast to the building to which they are attached. The numbers shall not be obscured by vegetation, parked vehicles, etc.
2. The developer shall install "Blue Dot" fire hydrant locators.
3. The developer shall provide the following for the approval of the Fire Department/Stanslaus County Fire Marshall:
 - a. A building fire suppression system

Standard Conditions

1. This application shall become null and void if the project is not initiated within one year from the date of approval.
2. All electrical, plumbing and mechanical equipment shall be screened. There shall be no new above-ground utility lines placed, or exposed conduits installed as a result of the project.
3. The applicant and/or property owner shall comply with, and be responsible for obtaining encroachment permits from the City of Newman for work performed within the City's right-of-way.
4. All plans shall be consistent with the site plan, reflecting amendments as approved.
5. Any proposed modifications of a significant and/or permanent nature to the approved site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require approval of a new site plan review application.
6. All night lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic.
7. It shall be the responsibility of the developer to convey copies of the conditions of approval to all contractors and sub-contractors.
8. During Construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean-up on a daily basis.
9. For safety purposes, the construction area shall be fenced off with a chain link or another type of acceptable fencing as determined by the planning department.
10. All contractors performing work relative to this project shall obtain City of Newman Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State and Professions Code.
11. The site shall be kept in a dust-free condition during construction in compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD).

ATTACHMENTS:

1. Exhibit A, Site Plan
2. Exhibit B, Assessors Map
3. Exhibit C, Operational/Environmental Statement
4. Exhibit D, Preliminary Elevations
5. Exhibit E, Final Elevations
6. Exhibit F, Color Palette and Material(s) sample
7. Exhibit G, Resolution Approving the Project

NEWMAN FAMILY APARTMENTS

1/4 COR. SEC. 18
 T. 9 E., FOUND. 4
 PLATE IN 8' CONC.
 P (A/B)

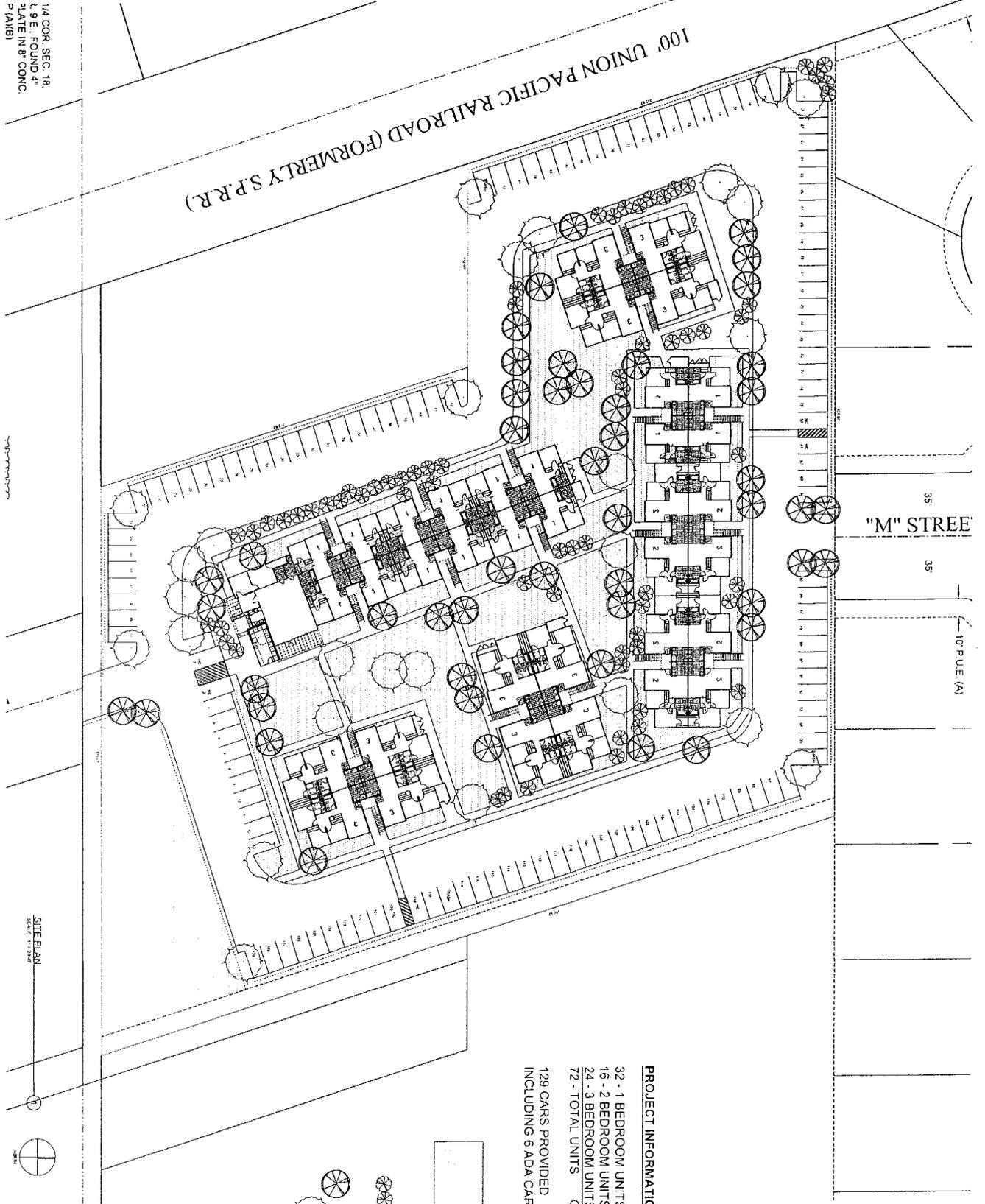
100' UNION PACIFIC RAILROAD (FORMERLY S.P.R.R.)

"M" STREET

35

35

10' P.U.E. (A)



SITE PLAN
 SCALE: 1" = 20'



TREES

SHRUBS

GRASS AREA

PROJECT INFORMATION
 32 - 1 BEDROOM UNITS @ 1.0 CARS = 32
 16 - 2 BEDROOM UNITS @ 1.5 CARS = 24
 24 - 3 BEDROOM UNITS @ 2.0 CARS = 48
 72 - TOTAL UNITS CARS REQ'D = 104
 129 CARS PROVIDED
 INCLUDING 6 ADA CARS

The Project Information, including the Project Name, Location, and other details, is provided for informational purposes only. It is not intended to constitute an offer or a contract. The Project Information is subject to change without notice. The Project Information is provided as a service to the client and is not intended to be used for any other purpose. The Project Information is provided as a service to the client and is not intended to be used for any other purpose.

JOHN COTTON ARCHITECTS
 3018 MAIN STREET, SUITE 200, CALIFORNIA 90231
 TEL: (310) 441-1111
 FAX: (310) 441-1112
 WWW.JCOTTONARCHITECTS.COM

NEWMAN FAMILY APARTMENTS
 3018 MAIN STREET, SUITE 200, CALIFORNIA 90231
 TEL: (310) 441-1111
 FAX: (310) 441-1112
 WWW.JCOTTONARCHITECTS.COM

NO. OF SHEETS	DATE
1	06-11-2007
1	06-11-2007
1	06-11-2007

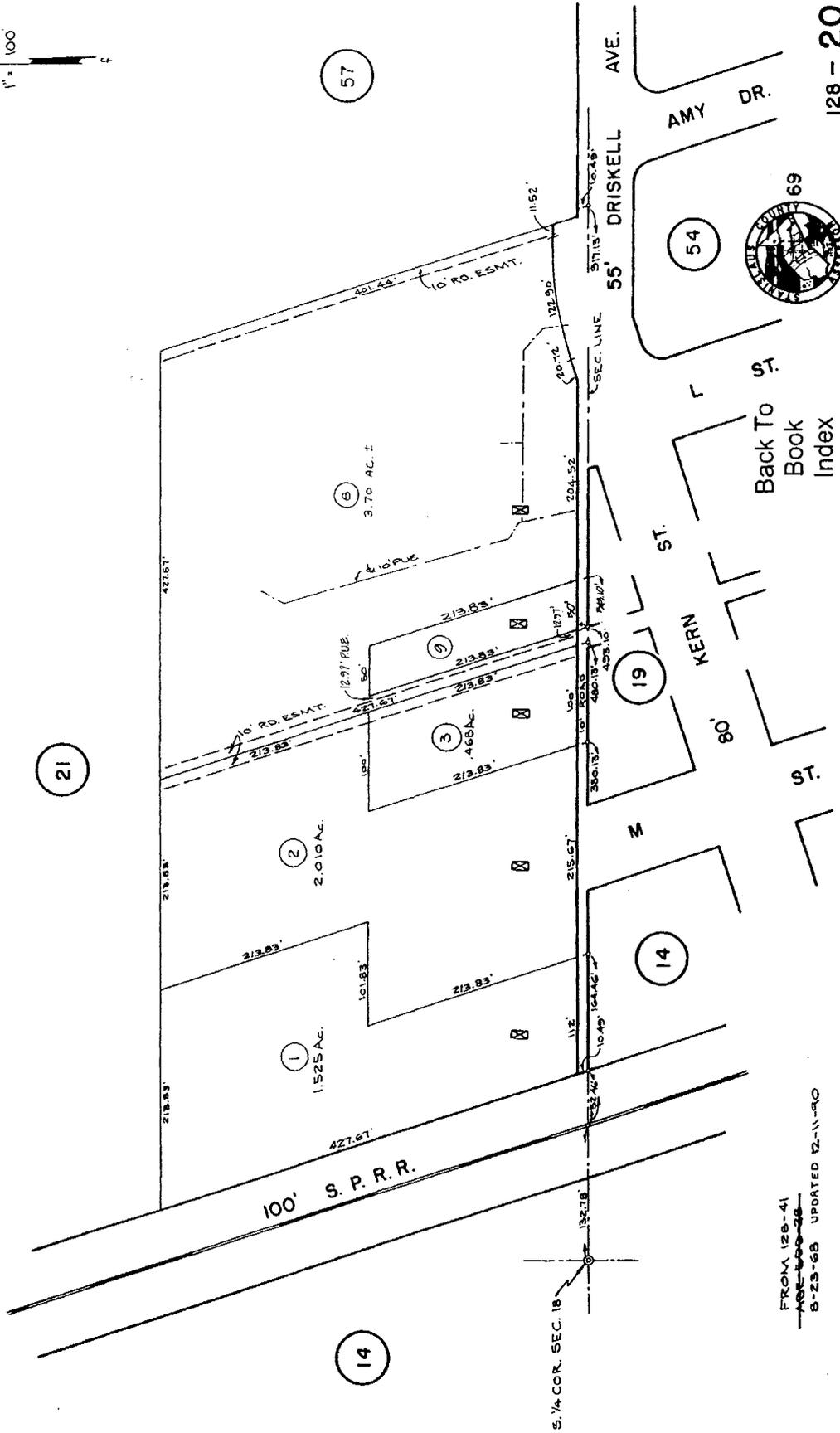
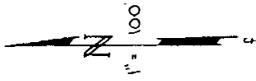
DATE	06-11-2007
SCALE	1" = 20'
PROJECT	NEWMAN FAMILY APARTMENTS
LOCATION	3018 MAIN STREET, SUITE 200, CALIFORNIA 90231
CLIENT	NEWMAN FAMILY APARTMENTS
ARCHITECT	JOHN COTTON ARCHITECTS
DATE	06-11-2007



PORTION SE 1/4 SECTION 18 T.7S. R.9E. M. D. B. & M.

THIS MAP FOR ASSESSMENT PURPOSES ONLY

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FROM 128-41
REVISED
8-23-68 UPDATED 12-11-90

City of Newman
Operational / Environmental Statement

1. APN # 128-020-001, 002 & 003 (parcel 001 will be a 1 acre portion)
Applicant: Corporation for Better Housing
Applicant Contact: Charles Brumbaugh
Address: 15303 Ventura Blvd. Suite 1100, Sherman Oaks, CA 91403
Phone: 818-905-2430

2. Corporation for Better Housing seeks to develop an 80 unit, multi-family apartment community on a site located at 751 Driskell Avenue and a one acre portion of 825 Driskell Avenue. The site consists of approximately 3.5 acres with an existing residence and various out buildings. The Newman General Plan designates this property as High Density Residential allowing up to 30 units to the acre. The goal of the development is to provide workforce housing to families in the community earning no more than 60% of the Area Median Income (AMI).

3. Residential.

4. N/A

5. N/A

6. N/A

7. N/A

8. There will be 2 employees - an on-site live in manager and a maintenance employee.

9. N/A

10. N/A

11. There will be 134 parking spaces for residence and visitors. The parking surface will be concrete.

12. Access will be provided on the north by "M" Street and on the south by "M" Street.

13. 480 ADT, based on 6 trips per multi family unit.

14. N/A

15. The multi-family development will include the following physical amenities:

- Seven garden style walk up buildings consisting of 16 – one bedroom units, 36 – two bedroom units, 28 – three bedroom units and a managers unit.
- Perimeter Security Fencing and controlled gate access
- Community room
- Community computer lab
- Tot-lot
- BBQ area

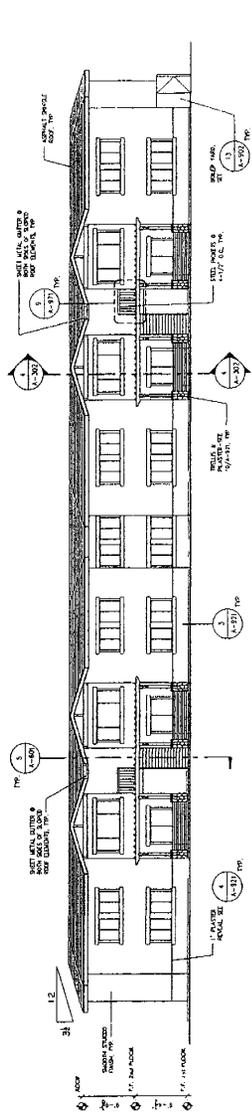
In addition, the multi-family improvements will include the following design characteristics:

- Attractive stucco facades
- Whirlpool appliances
- Granite countertops and backsplash

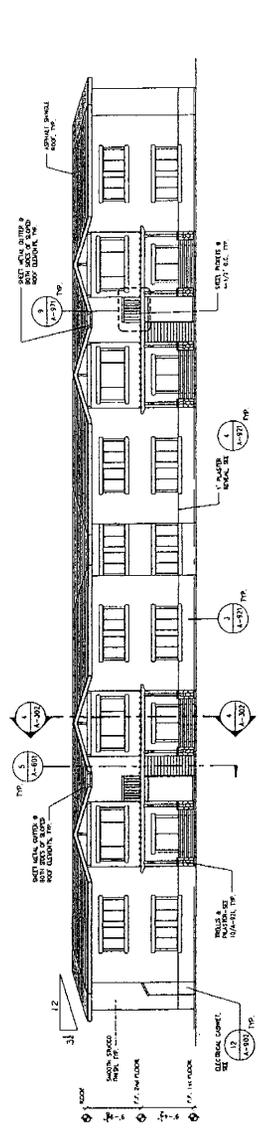
Please see attached site plans, elevations and floor plans

16. Landscaping and perimeter fencing will be included. Please see attached plans.
17. Surrounding land uses:
 - North: Single Family Residential
 - East: Multi-Family Residential
 - South: Single Family Residential and Industrial
 - West: Single Family Residential and Industrial
18. No
19. 29,996 gallons per day based on 267gpd/1 bedroom, 300gpd/2 bedroom unit and 533gpd/3 bedroom.
20. 16,000 gallons per day based on 200gpd/unit.
21. 589.6 pounds per day based on 7.37 lbs/day/unit.
22. Grading will occur on site to construct the dual use park/basin, cut access roads and construct building pads. Existing vacant structures on site will be removed.
23. No
24. None
25. See Plans
26. No
27. Yes

28. This development will benefit the surrounding area by helping to alleviate over crowding conditions and providing a quality living environment for members of the work force earning below 60% of Area Median Income. The physical presence of a new multi-family development on this parcel will help to buffer the low intensity R-1 development to the north from the higher intensity industrial uses to the south.
29. This development should have minimal impact to schools and parks because the residents who will occupy these units typically already live in the community. Police protection should be benefited by the increase in funds being generated through impact fees. Professional on-site management will enhance public safety and support police protection with an involved and knowledgeable advocate should a problem arise. The impact to the fire department will be minimal as the site layout will adhere to all local fire standards. Additionally, any impacts will be offset by the development impact fee.
30. N/A



BUILDING B
TYPICAL ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING B
TYPICAL ELEVATION
SCALE: 1/8" = 1'-0"



NEWMAN FAMILY APARTMENTS

DATE: 08-11-2022
SCALE: AS NOTED
JOB NO: 10000
SHEET NO: A-201

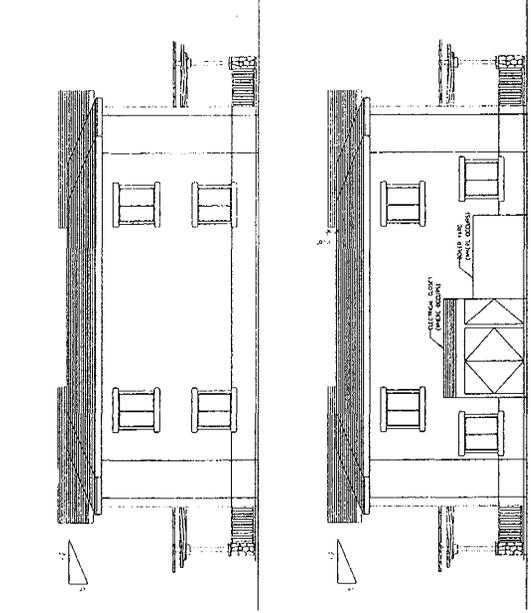
JOHN COTTON ARCHITECTS
10000 UNIVERSITY BLVD, SUITE 1000
FORT LAUDERDALE, FL 33304
TEL: 954-575-1100
WWW.JOHN-COTTON.COM

SHEET NO: A-201

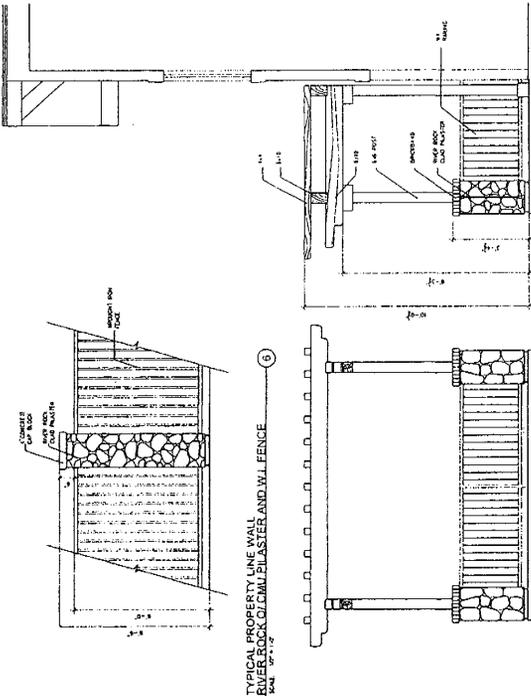
A-201

BUILDING 1 TYPICAL ELEVATION

NEWMAN FAMILY APARTMENTS
10000 UNIVERSITY BLVD, SUITE 1000
FORT LAUDERDALE, FL 33304
TEL: 954-575-1100
WWW.JOHN-COTTON.COM

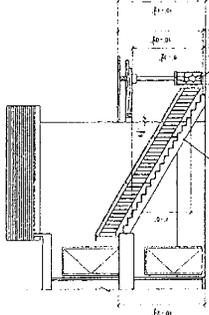


TYPICAL 2-STORY WALK UP
SIDE - BUILDING ELEVATION
SCALE: 1/8" = 1'-0"

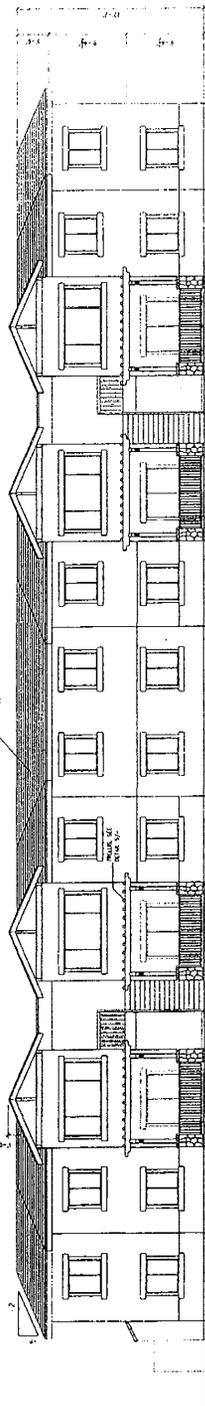


TYPICAL PROPERTY LINE WALL
@ RIVER ROCK, CEMENT PLASTER AND W/ FENCE
SCALE: 1/4" = 1'-0"

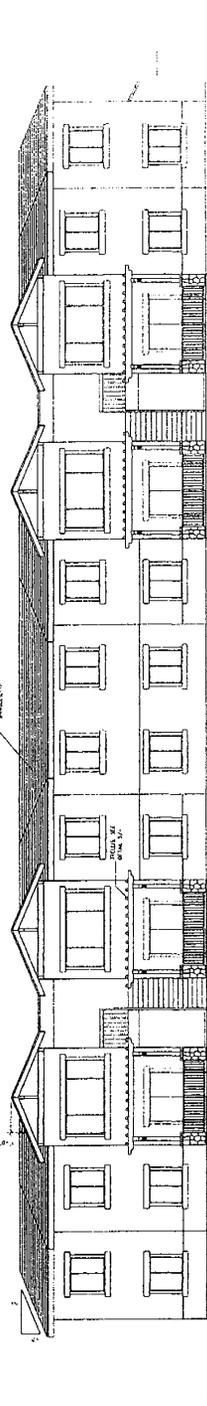
TYPICAL SECTION
@ TRELLIS
SCALE: 1/4" = 1'-0"



TYPICAL SECTION
ALONG STAIR
SCALE: 1/4" = 1'-0"



TYPICAL 2-STORY WALK UP
FRONT AND REAR - BUILDING ELEVATION
SCALE: 1/8" = 1'-0"



TYPICAL 2-STORY WALK UP
FRONT AND REAR - BUILDING ELEVATION
SCALE: 1/8" = 1'-0"



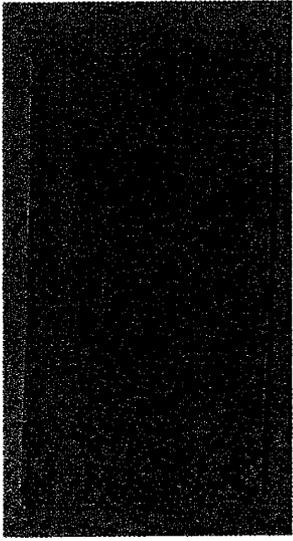
NEWMAN FAMILY APARTMENTS

JOHN COTTON ARCHITECTS
38 E MAIN STREET, CALVER CITY, MD 20740
TEL: 301-278-1100 FAX: 301-278-1101
WWW.JOHN-COTTON.COM

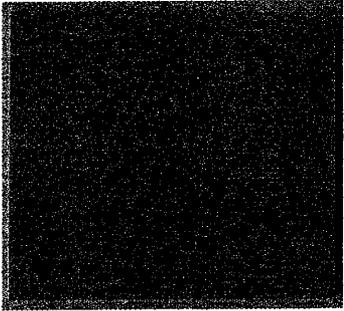
PROFESSIONAL ARCHITECTS
PROFESSIONAL ENGINEERS
PROFESSIONAL LANDSCAPE ARCHITECTS
PROFESSIONAL CIVIL ENGINEERS
PROFESSIONAL ELECTRICAL ENGINEERS
PROFESSIONAL MECHANICAL ENGINEERS
PROFESSIONAL CHEMICAL ENGINEERS

NO. 44290	STATE OF MARYLAND
DATE	ISSUED
REVISED	BY
APPROVED	BY

Newman Family Apartments Typical Interior Finishes



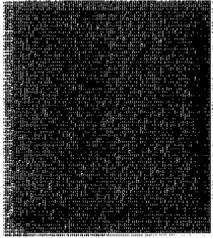
Armstrong Vinyl
(entry, utility closet, kitchen and
bathroom floors)



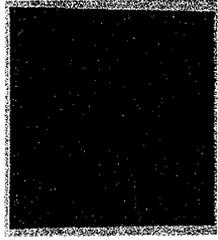
Contempo Melamine
(Kitchen and Bathroom
Cabinets)

These are examples reflecting the type and quality of the interior finishes but colors and textures of the final finishes may change.

Newman Family Apartments Exterior Color Scheme 245

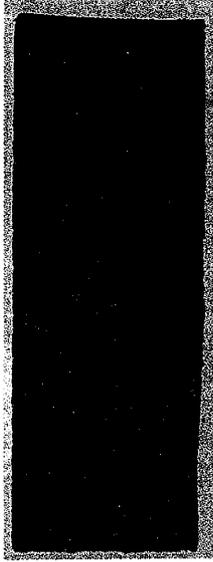


Pecan
(Stucco)



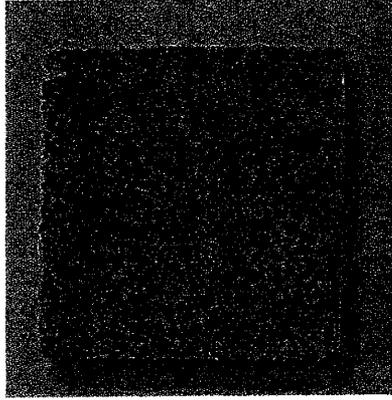
Wandering Road
(Accent Paint)

Swiss Coffee
(Major Trim)

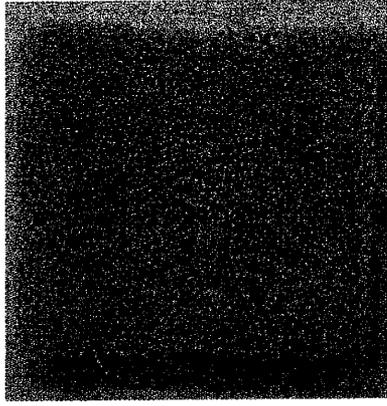


Heather Blend
(Asphalt Comp Shingles)

Newman Family Apartments Typical Interior Finishes



Granite
(Kitchen Countertops)



Hopsack
(Carpeting)

These are examples reflecting the quality of the interior finishes but colors and textures of the final finishes may change.

RESOLUTION #2008-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWMAN APPROVING SITE PLAN REVIEW #07-01 AND RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR ZONE CHANGE #07-02

PROJECT NAME: Newman Family Apartments

PROPOSAL DESCRIPTION:

Change an R-1 (single family residential) site to R-3 (multiple residential district) to conform with the Newman 2030 General Plan and conduct a Site Plan Review for a 72 unit apartment project.

PROJECT APPLICANT: Corporation for Better Housing

WHEREAS, the City Planning Commission having reviewed the proposal and having reviewed any written or verbal comments received prior to the public hearing, including the recommendations of City Staff and having heard oral comments received during the Planning Commission public hearing, does hereby find and declare that the proposal will not have a significant effect on the environment and has approved Site Plan Review #07-01 and recommends approval of Zone Change #07-02 to the City Council based on the following findings and conditions of approval:

FINDINGS FOR APPROVAL:

1. The proposed site plan is consistent with all adopted City plans, documents, ordinances, included but not limited to the Newman Municipal Code, any applicable specific and/or master plans, any adopted development standards and design guidelines, and the general plan.
2. The project does not affect public health and safety given that the Zone Change has been analyzed under the General Plan and accompanying EIR and all potential impacts will be mitigated through payment of appropriate fees.
3. That the proposed project's architectural and general appearance of the proposed structures and grounds are in keeping with the neighborhood and are not detrimental to the community.

CONDITIONS OF APPROVAL

Community Development

1. The following number of units shall be made available to lower income households that qualify under HUD mandated income levels:
 - a) Twenty-four (24) of the one-bedroom units shall be set aside for very-low income households.
 - b) Eight (8) of the one-bedroom units shall be set aside for low income households.
 - c) Twelve (12) of the two-bedroom units shall be set aside for very-low income households.

- d) Four (4) of the two-bedroom units shall be set aside for low income households.
- e) Nineteen (19) of the three-bedroom units shall be set aside for very-low income households.
- f) Four (4) of the three-bedroom units shall be set aside for low income households.
2. The multi-family apartment project shall adopt an affordability period not less than 55 years.
3. It is the developer's responsibility that the proposed development complies with handicap and Americans with Disabilities Act (ADA) requirements in the design and maintenance of this project.
4. Trash enclosures shall be built to City specifications.
5. The developer shall develop the site in accordance with the site plan and all changes required by the Planning Commission.
6. The developer shall utilize the following conditions as set forth by the Architectural review Committee:
 - a) Fifty-year composition roofing materials
 - b) Four-sided architecture
 - c) Steep rooflines
 - d) Raised gables
7. The developer shall submit a landscaping and irrigation plan for City review and approval
8. The developer shall submit a sign plan for City review and approval
9. The developer shall submit an improvement/grading plan for City review and approval. Required improvements shall include the following:
 - a) Street Overlay
 - b) Installation of Sidewalks
 - c) Full curb and gutter
10. The developer shall comply with the adopted street tree ordinance.
11. Any proposed modifications of a significant and/or permanent nature to the approved site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require approval of a new site plan review application.

Public Works

1. The developer shall provide the following for the approval of the Public Works Director:
 - a) A potable water system plan identifying fire hydrant locations, fire hydrant specifications and shut-off valves.
 - b) Backflow prevention devices, sizes, types and locations.
 - c) A storm drain system plan identifying types of pipe, pipe sizes, drain inlets and locations
 - d) A sanitary sewer collection system identifying types of pipe, pipe sizes, cleanouts and manhole locations with invert and rim elevations
 - e) Proposed refuse enclosure design

Fire

1. Address numbers shall be internally or externally illuminated and contrast to the building to which they are attached. The numbers shall not be obscured by vegetation, parked vehicles, etc.

2. The developer shall install "Blue Dot" fire hydrant locators.
3. The developer shall provide the following for the approval of the Fire Department/Stanslaus County Fire Marshall:
 - a. A building fire suppression system

Standard Conditions

1. This application shall become null and void if the project is not initiated within one year from the date of approval.
2. All electrical, plumbing and mechanical equipment shall be screened. There shall be no new above-ground utility lines placed, or exposed conduits installed as a result of the project.
3. The applicant and/or property owner shall comply with, and be responsible for obtaining encroachment permits from the City of Newman for work performed within the City's right-of-way.
4. All plans shall be consistent with the site plan, reflecting amendments as approved.
5. Any proposed modifications of a significant and/or permanent nature to the approved site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require approval of a new site plan review application.
6. All night lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic.
7. It shall be the responsibility of the developer to convey copies of the conditions of approval to all contractors and sub-contractors.
8. During Construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean-up on a daily basis.
9. For safety purposes, the construction area shall be fenced off with a chain link or another type of acceptable fencing as determined by the planning department.
10. All contractors performing work relative to this project shall obtain City of Newman Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State and Professions Code.
11. The site shall be kept in a dust-free condition during construction in compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Newman held on the 17th day of January, 2008, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____, and the Resolution adopted by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

APPROVED:

Planning Commission Chairman

ATTEST:

Planning Commission Secretary

I HEREBY CERTIFY THAT THE FOREGOING IS A FULL, CORRECT, AND TRUE COPY OF RESOLUTION NO. 2008-XX AS ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF NEWMAN, A MUNICIPAL CORPORATION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, AT A REGULAR MEETING HELD ON JANUARY 17, 2008, AND TO FURTHER CERTIFY THAT SAID RESOLUTION HAS NEVER BEEN RESCINDED OR MODIFIED.

Planning Commission Secretary

DATED

January 14, 2008

City Hall of Newman
1162 Main Street
Newman, Ca 95360

The City Council,

The intent of this letter is to voice my objection to the zone site change #07-02, from R-1 to a R-3.

I oppose any such proposal plan that will add a 72 - Unit Apartment project in this allotted Single Family Residential Sub Division.

This will be a breeding ground for Drugs and Crime! The additional 200 more residents and their vehicles in a small area will greatly increase the traffic congestion on Kern Street and Foxglove Avenue. More children and adults will be walking the Union Pacific Railroad more often then they do now.

This Housing Project needs to be located in an area that is not adjacent to Single Family Homes.

Your consideration in this matter would be greatly appreciated.

Sincerely,

Ronald Jorstad
Marlene Jorstad

Ronald and Marlene Jorstad
818 Foxglove Ct.
Newman, CA 95360
Phone: 862-0374

RECEIVED JAN 14 2008

RESOLUTION #2008-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWMAN
APPROVING SITE PLAN REVIEW #07-01 AND RECOMMENDING APPROVAL TO
THE CITY COUNCIL FOR ZONE CHANGE #07-02**

PROJECT NAME: Newman Family Apartments

PROPOSAL DESCRIPTION:

Change an R-1 (single family residential) site to R-3 (multiple residential district) to conform with the Newman 2030 General Plan and conduct a Site Plan Review for a 72 unit apartment project.

PROJECT APPLICANT: Corporation for Better Housing

WHEREAS, the City Planning Commission having reviewed the proposal and having reviewed any written or verbal comments received prior to the public hearing, including the recommendations of City Staff and having heard oral comments received during the Planning Commission public hearing, does hereby find and declare that the proposal will not have a significant effect on the environment and has approved Site Plan Review #07-01 and recommends approval of Zone Change #07-02 to the City Council based on the following findings and conditions of approval:

FINDINGS FOR APPROVAL:

1. The proposed site plan is consistent with all adopted City plans, documents, ordinances, included but not limited to the Newman Municipal Code, any applicable specific and/or master plans, any adopted development standards and design guidelines, and the general plan.
2. The project does not affect public health and safety given that the Zone Change has been analyzed under the General Plan and accompanying EIR and all potential impacts will be mitigated through payment of appropriate fees.
3. That the proposed project's architectural and general appearance of the proposed structures and grounds are in keeping with the neighborhood and are not detrimental to the community.

CONDITIONS OF APPROVAL

Community Development

1. ~~The following number of units shall be made available to lower income households that qualify under HUD mandated income levels:~~
 - a) ~~Twenty-four (24) of the one bedroom units shall be set aside for very low income households.~~
 - b) ~~Eight (8) of the one bedroom units shall be set aside for low income households.~~
 - e) ~~Twelve (12) of the two bedroom units shall be set aside for very low income households.~~

- ~~d) Four (4) of the two bedroom units shall be set aside for low income households.~~
- ~~e) Nineteen (19) of the three bedroom units shall be set aside for very low income households.~~
- ~~f) Four (4) of the three bedroom units shall be set aside for low income households.~~
- ~~2. The multi-family apartment project shall adopt an affordability period not less than 55 years.~~
- 3. It is the developer's responsibility that the proposed development complies with handicap and Americans with Disabilities Act (ADA) requirements in the design and maintenance of this project.
- 4. Trash enclosures shall be built to City specifications.
- 5. The developer shall develop the site in accordance with the site plan and all changes required by the Planning Commission.
- 6. The developer shall utilize the following conditions as set forth by the Architectural review Committee:
 - a) Fifty-year composition roofing materials
 - b) Four-sided architecture
 - c) Steep rooflines
 - d) Raised gables
- 7. The developer shall submit a landscaping and irrigation plan for City review and approval
- 8. The developer shall submit a sign plan for City review and approval
- 9. The developer shall submit an improvement/grading plan for City review and approval. Required improvements shall include the following:
 - a) Street Overlay
 - b) Installation of Sidewalks
 - c) Full curb and gutter
- 10. The developer shall comply with the adopted street tree ordinance.
- 11. Any proposed modifications of a significant and/or permanent nature to the approved site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require approval of a new site plan review application.

Comment [SO1]: These conditions will be relocated to the DDA/Loan Agreement for the project.

Public Works

- 1. The developer shall provide the following for the approval of the Public Works Director:
 - a) A potable water system plan identifying fire hydrant locations, fire hydrant specifications and shut-off valves.
 - b) Backflow prevention devices, sizes, types and locations.
 - c) A storm drain system plan identifying types of pipe, pipe sizes, drain inlets and locations
 - d) A sanitary sewer collection system identifying types of pipe, pipe sizes, cleanouts and manhole locations with invert and rim elevations
 - e) Proposed refuse enclosure design

Fire

- 1. Address numbers shall be internally or externally illuminated and contrast to the building to which they are attached. The numbers shall not be obscured by vegetation, parked vehicles, etc.

2. The developer shall install "Blue Dot" fire hydrant locators.
3. The developer shall provide the following for the approval of the Fire Department/Stanislaus County Fire Marshall:
 - a. A building fire suppression system

Police

The developer shall provide the following for the approval of staff and Police Chief:

1. Proposed plans for the perimeter fence, including entry method, height, design and materials

Comment [S02]: New Condition as approved by Planning Commission

Standard Conditions

1. This application shall become null and void if the project is not initiated within one year from the date of approval.
2. All electrical, plumbing and mechanical equipment shall be screened. There shall be no new above-ground utility lines placed, or exposed conduits installed as a result of the project.
3. The applicant and/or property owner shall comply with, and be responsible for obtaining encroachment permits from the City of Newman for work performed within the City's right-of-way.
4. All plans shall be consistent with the site plan, reflecting amendments as approved.
5. Any proposed modifications of a significant and/or permanent nature to the approved site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require approval of a new site plan review application.
6. All night lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic.
7. It shall be the responsibility of the developer to convey copies of the conditions of approval to all contractors and sub-contractors.
8. During Construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean-up on a daily basis.
9. For safety purposes, the construction area shall be fenced off with a chain link or another type of acceptable fencing as determined by the planning department.
10. All contractors performing work relative to this project shall obtain City of Newman Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State and Professions Code.
11. The site shall be kept in a dust-free condition during construction in compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD).
12. The applicant shall indemnify, defend, and hold City harmless from any third party action to set aside or annul, or void any approval of the project.

Comment [S03]: Added per legal recommendation and Planning Commission Approval

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Newman held on the 17th day of January, 2008, by Commissioner Allen, who moved its adoption, which motion was duly seconded by Commissioner Applegate, and the Resolution adopted by the following vote:

AYES: Allen, Applegate, Vandervort and Chairperson Wallace

NOES: Candea
ABSENT: None

APPROVED:

Planning Commission Chairman

ATTEST:

Planning Commission Secretary

I HEREBY CERTIFY THAT THE FOREGOING IS A FULL, CORRECT, AND TRUE COPY OF RESOLUTION NO. 2008-XX AS ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF NEWMAN, A MUNICIPAL CORPORATION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, AT A REGULAR MEETING HELD ON JANUARY 17, 2008, AND TO FURTHER CERTIFY THAT SAID RESOLUTION HAS NEVER BEEN RESCINDED OR MODIFIED.

Planning Commission Secretary

DATED

ORDINANCE NO. 2008-XX

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING ZONING MAPS OF THE CITY OF NEWMAN.

WHEREAS, the Newman 2030 General Plan was adopted on April 10, 2007 designating the project site as High Density Residential; and

WHEREAS, the Planning Commission has recommended approval of a zone change in a certain territory known as Assessors Parcel Numbers 128-020-001, 128-020-002 and 128-020-003; and

WHEREAS, it is the desire to rezone the said territory from R-1 to R-3 in order to conform to the Newman 2030 General Plan; and

WHEREAS, the Planning Commission has conducted a public hearing on the proposed zone change and recommended approval of the proposed Zone Change (CZ #07-02); and

WHEREAS, it has been determined that the zone change will not have a significant adverse environmental effect.

Section 2.

This ordinance shall be published in full by one insertion in the West Side Index the official newspaper of the City of Newman and shall take effect and be in full force and operation from and after 30 days after its passage.

Introduced at a regular meeting of the City Council of the City of Newman held on the 22nd day of January, 2008 by Councilmember _____, and adopted at a regular meeting of said City Council held on the 12th day of February, 2008 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk

CORPORATION FOR BETTER HOUSING

“The primary objective of the Corporation for Better Housing is to eradicate poor and unsafe living conditions through the creation of vibrant communities designed to empower and enhance the lives of our residents.”

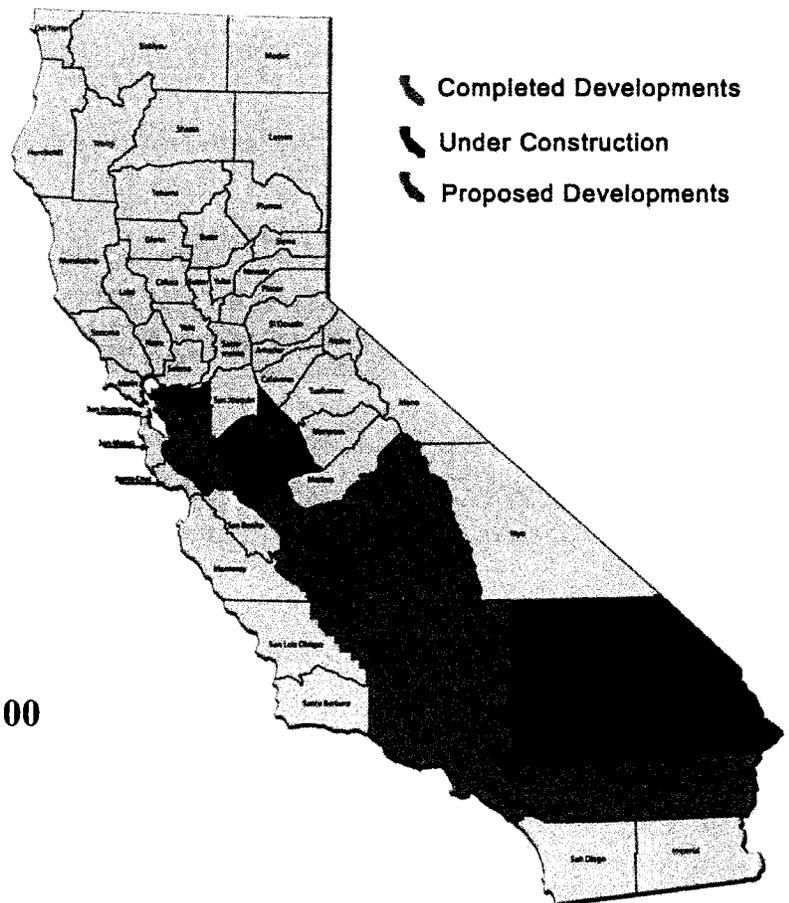
About CBH

Corporation for Better Housing, a 501(c)(3) non-profit organization, was established in 1995 with the purpose of fulfilling its mission to provide low to moderate income seniors and families with safe, quality affordable housing, coordinated access to enhanced social service programs, and the dignity and peace of mind which create a better living environment. The primary objective of Corporation for Better Housing is to abolish poor and unsafe living conditions and to create communities intent on uplifting and changing peoples' lives. Since its founding, Corporation for Better Housing has completed twenty-six projects totaling 1552 units, with another 676 units currently under construction and an additional 626 units slated for construction within the year. Corporation for Better Housing believes that community action changes people's lives, embodies the spirit of hope, improves communities and makes neighborhoods a better place to live.

Corporation for Better Housing
15303 Ventura Boulevard, Suite 1100
Sherman Oaks, CA 91403
Phone: (818) 905-2430
www.corpforbetterhousing.com

CBH Partners

The development of quality affordable family and senior housing has allowed Corporation for Better Housing to forge strong, lasting ventures and partnerships with many recognized leaders in the affordable housing industry. Lynx Realty and Management, LLC has provided provides its expertise in real estate development and property management for a substantial number of the projects developed by Corporation for Better Housing, while BLH Construction Company has served as general contractor for all of Corporation for Better Housing's Development since 2001.



CORPORATION HOUSING FOR BETTER

List of Developments

Completed Projects	City	Description	# of Units	Year Completed
Casa Bella Apartments	Santa Paula, CA	Family	41	2007
Tuolumne Village	Parlier, CA	Senior and Family	106	2006
Wood Ranch Senior Condos	Simi Valley, CA	Senior/Mixed Income	58	2006
Cottonwood Gardens	Bakersfield, CA	Family	91	2006
Poplar Village	Wasco, CA	Family	66	2005
Cottonwood Court Apartments	Bakersfield, CA	Family	86	2005
Cottonwood Terrace	Bakersfield, CA	Senior	21	2005
Cottonwood Village Apartments	Bakersfield, CA	Family	86	2005
Westminster Senior Apartments	Westminster, CA	Senior	92	2004
P Street Family Apartments	Bakersfield, CA	Family	21	2004
Hood Street Family Apartments	Arvin, CA	Family	27	2004
Pujol Street Senior Apartments	Temecula, CA	Senior	66	2004
Parlier Family Apartments	Parlier, CA	Family	62	2004
Porterville Family Apartments	Porterville, CA	Family	78	2003
Bakersfield Family Apartments	Bakersfield, CA	Family	78	2003
Bellflower Terrace	Bellflower, CA	Senior	180	2003
San Jose Lutheran Senior Housing	San Jose, CA	Senior	63	2002
Arvin Family Apartments	Arvin, CA	Family	43	2002
ve Oak Gardens	Cudahy, CA	Family	40	2000
The Don Hotel	Los Angeles, CA	Senior	58	1999
Clara Court	Cudahy, CA	Senior	36	1998
Gatewood Commons	Oakland, CA	Family	126	1998
Elizabeth Court	Cudahy, CA	Family	27	1997

Total Completed Projects **1552**

Apartments

Blue Mountain Senior Villas & Community Ctr	Grand Terrace, CA	Senior/Mixed Income	120	Under Const.
Oakley Apartments	Oakley, CA	Senior and Family	208	Under Const.
Oak Place Senior Apartments	Oakley, CA	Senior	54	Under Const.
Edison Village Apts.	Bakersfield, CA	Family	81	Under Const.

Subtotal Apartments Under Construction **463**

Rosamond Family Apartments	Rosamond, CA	Family	81	
Woodlake Apartments	Woodlake, CA	Family	68	
Oak Grove Terrace	Oakley, CA	Senior	54	
Los Banos Apartments	Los Banos, CA	Family	105	
Descanso Place	Bakersfield, CA	Family	54	

Total Units Recently Funded **362**

TOTAL UNITS IN OPERATION OR UNDER CONSTRUCTION **2,377**

Corporation for Better Housing

15303 Ventura Boulevard, Suite 1100

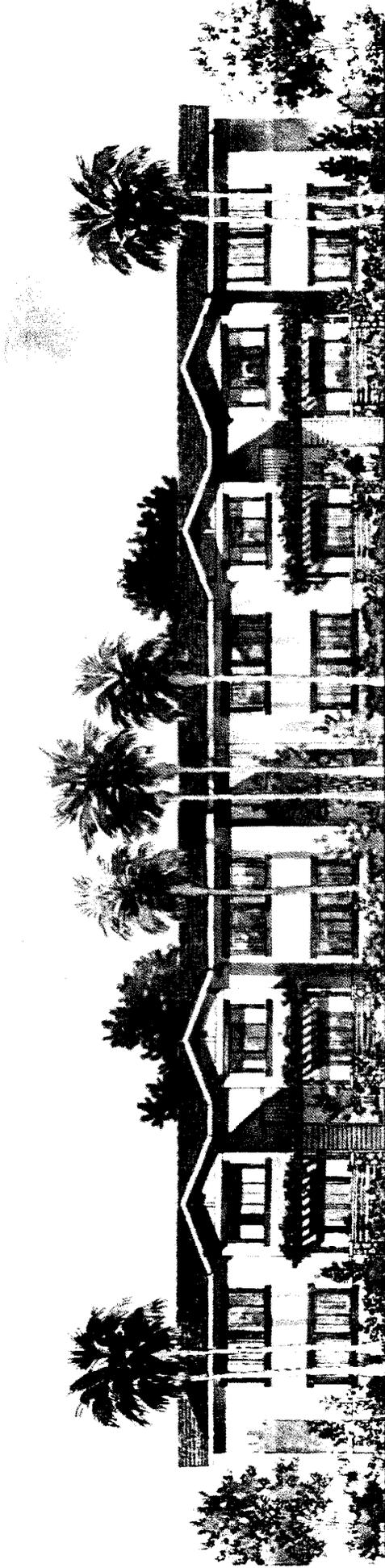
Sherman Oaks, CA 91403

Phone: (818) 905-2430

www.corpforbetterhousing.com

CORPORATION HOUSING FOR BETTER

“The primary objective of the Corporation for Better Housing is to eradicate poor and unsafe living conditions through the creation of vibrant communities designed to empower and enhance the lives of our residents.”



Newman Family Apartments, situated on 3.5 acres, will provide 72 units of quality workforce housing. These two-story walk-up apartments will include amenities such as energy efficient appliances, granite countertops, premium carpeting and central air conditioning. The development will also include a 1,500 square foot community room that will provide residents with a computer lab and study areas for after school programs. The development will also provide ample open space with a tot-lot, outdoor barbeque and picnic areas.

Corporation for Better Housing
15303 Ventura Boulevard, Suite 1100
Sherman Oaks, CA 91403
Phone: (818) 905-2430
www.corpforbetterhousing.com

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10. a.**
City Council Meeting
of January 22, 2008

**PRESENTATION OF SCHEMATIC DESIGN FOR AQUATIC CENTER
PROJECT**

RECOMMENDATION:

Provide design committee, architects and staff comment(s) and direction regarding schematic design phase.

BACKGROUND:

In April 2007, the City entered into a contract with NTD Stichler to provide aquatic design and architectural services. In August 2007, the City Council review and approved conceptual plans for the aquatic center and park setting. Over the past several months, the design committee worked with the architects to refine the floor plans for the proposed buildings and master park plan and develop an architectural theme for the project.

ANALYSIS:

The design committee has worked to refine the conceptual plans and develop an architectural theme for the complex. Analyzing architectural styles found within the City, the committee ultimately selected a Craftsman style theme. NTD Stichler will be in attendance to walk the Council through the recommended plan and style.

FISCAL IMPACT:

None

CONCLUSION:

Staff, consultants and members of the design committee will be on hand to answer questions starting at 6:30pm and to take comment from the public. In addition, the consultants will make a full presentation to the Council during meeting. Upon completion of the presentation, members of the public will be afforded the opportunity to address the Council regarding the schematic plans. Ultimately, staff requests comment/direction from the Council in order to move forward with the project. Should the Council elect to move forward, staff will schedule the next phase of the project for Council approval on February 12th.

Respectfully submitted,



Michael Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of January 22, 2008

REPORT ON PROPOSED FIRE CODE CHANGES

RECOMMENDATION:

Introduce Ordinance #2008-XX adopting the 2007 Edition of the California Fire Code and adding it to Newman Municipal Code.

BACKGROUND:

On January 1, 2008, the State of California enacted a new Fire Code. The timing corresponds with the adoption of the new Building Codes. Consistent with adoption of the new International Building Code, cities throughout the state will be adopting the International Fire Code.

ANALYSIS:

The single biggest change to the code is the requirement of fire suppression systems in building larger than 5,000 square feet. This change includes commercial, industrial, and residential structures. Stanislaus County Fire Marshall will be in attendance to answer all Council questions.

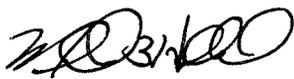
FISCAL IMPACT:

None

CONCLUSION:

Since the State of California adopted the new International Fire Code, development within cities and counties will be required to meet the new standards. The County Fire Authority, consisting of Fire Chiefs from each of the cities, has reviewed the changes and is recommending its adoption as submitted.

Respectfully submitted,



Michael Holland
City Manager

ATTACHMENT "A"

Title 7

FIRE REGULATIONS

Chapters:

- 7.01 Fire Department
- 7.02 Fire Regulations
- 7.03 Explosives
- 7.04 Fire Zones
- 7.05 Fire Code

Chapter 7.01

FIRE DEPARTMENT

Sections:

- 7.01.010 Members – Appointments.
- 7.01.020 Oath of office.
- 7.01.030 Fire chief – Powers and duties.
- 7.01.040 Obedience to orders.
- 7.01.050 Compensation of Department members.
- 7.01.060 Badge of officer.
- 7.01.070 Powers and duties of Department.
- 7.01.080 Violation, penalty.

7.01.010 Members – Appointments.

The Fire Department of the City shall consist of a Fire Chief, a First and Second Assistant Fire Chief, and active firemen, all of whom shall be appointed by the City Manager pursuant to the provisions of Chapter 1.06 NCC. (Ord. 77-10, 4-12-1977)

7.01.020 Oath of office.

The Fire Chief, his assistants and all firemen, before entering upon the duties of their offices, shall take an oath or affirmation to well and truly perform the duties of the same. (Ord. 151, 11-13-1945)

7.01.030 Fire chief – Powers and duties.

The powers and duties of the Fire Chief shall be as follows:

- A. In all cases of fire he shall have control of all the members of the Fire Department and of all engines and apparatus belonging thereto or connected with the same, and he shall adopt such measures as he shall deem necessary for the effectual extinguishment of fires and for the prevention of their spreading.
- B. He shall have the general charge of all the property of the City connected with the Fire Department and shall preserve and keep the same in complete repair and in the best order for immediate use.
- C. He shall submit to the City Manager at the end of each quarter, i.e., on or before the first meeting of the City Council following the close of each calendar quarter, a full and complete report of the activities of the Fire Department during the quarter. Said report shall indicate the number, location and condition of the hydrants, the condition of the fire apparatus and all property of the City in keeping of the Fire Department, and of all fires and the cause thereof, if known, and the number and description of the buildings destroyed or injured and the estimated loss of the same, and the names of the firemen

reporting to each fire and/or regularly called drill, and such other information as he may deem proper or which the City Manager shall from time to time direct him to include in such report.

D. He shall perform such other duties pertaining to his office as may from time to time be prescribed by the City Manager.

Whenever the Fire Chief shall be absent from the City or unable to attend to his duties, the First Assistant shall perform the duties of the Chief, and in case of his absence, the Second Assistant shall perform said duties. (Ord. 77-10, 4-12-1977)

7.01.040 Obedience to orders.

It shall be unlawful for any member of the Fire Department to disobey any order or direction given by the Fire Chief or either of the Assistant Chiefs at a drill, alarm of fire or while on duty, and they may be dismissed by the Fire Chief from the Department for infraction of any duty or the rules thereof.

(Ord. 151, 11-13-1945)

7.01.050 Compensation of Department members.

The compensation of members of the Fire Department with the exception of the Fire Chief shall be an amount recommended by the Fire Chief and approved by the City Council at the time the budget for each fiscal year is approved by the City Council. The Fire Chief shall report to the City Council at its last meeting in June each year, the amount of compensation due each member of the Department for that particular year, and thereupon warrants shall be drawn for the said amounts in favor of the Secretary of the said Department, who shall immediately distribute to each member the compensation due him.

7.01.060 Badge of officer.

The City shall supply to the Fire Chief, First Assistant Fire Chief, Second Assistant Fire Chief, and each fireman, upon assuming his office, a suitable badge, indicative of his membership and rank. Such badges shall remain the property of the City and shall be returned to the City upon the member's retirement or separation from the Department. (Ord. 77-10, 4-12-1977)

7.01.070 Powers and duties of Department.

A. Engage Aid of Residents. The Fire Chief or any Assistant Chief, or the Chief of Police, in case of fire, may command the service of any or all residents of the City to assist in extinguishing the same, and it shall be unlawful for any person to refuse to render reasonable assistance in extinguishing a fire when directed to do so by the Fire Chief, an Assistant Chief or Chief of Police.

B. Police Powers. Every fireman, during the time of any fire, shall have the powers of a policeman, and may, with or without complaint, arrest, any disorderly person or any person attempting to steal any property. (Ord. 151, 11-13-1945)

7.01.080 Violation, penalty.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor. (Ord. 77-5, 2-22-1977; Ord. 151, 11-13-1945)

Chapter 7.02

FIRE REGULATIONS

Sections:

7.02.010 Storage of combustible materials.

7.02.020 Use of water during fire.

7.02.030 Condition of premises, fire hazards.

7.02.010 Storage of combustible materials.

It shall be unlawful for any person to place, keep or maintain any stack or unbaled hay or straw or any pile or stack of other inflammable materials without being enclosed in a proper house or barn, within the fire limits of the City as set out under the Building Code of the City2. (Ord. 270, 1-21-1973; Ord. 69, 8-10-1915)

7.02.020 Use of water during fire.

A. No person shall use or draw water from the mains or pipes of the City waterworks from the time an alarm of fire is given until the fire is extinguished, except for the purpose of extinguishing said fire, or for necessary household purposes. Nor shall any person drive or haul, or cause to be driven or hauled, any automobile, wagon or other vehicle or thing, over or upon any fire hose in use at any fire, or ride, drive or cause any horse or other animal or thing to be ridden or driven or moved over or upon said hose.

B. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$25.00, or by imprisonment in the City jail not exceeding 25 days, or by both such fine and imprisonment. (Ord. 70, 9-28-1915)

7.02.030 Condition of premises, fire hazards.

As a protection against fire all yards or vacant land on any premises in the City must be kept clean of all trash, rubbish, paper, paper boxes, excelsior or other highly inflammable materials of like character. All of said materials must be either promptly destroyed or removed at once; provided, however, that such a quantity of said materials as can be enclosed in a box or other receptacle and properly covered to the satisfaction of the Chief Engineer, may remain on any premises for such time as the Chief Engineer may permit. (Ord. 50, 11-29-1910)

Chapter 7.03

EXPLOSIVES

Sections:

- 7.03.010 Liquids prohibited by storage temperatures.
- 7.03.020 Storage quantities enumerated.
- 7.03.030 Storage tank regulations.
- 7.03.040 Permit required – Fees.
- 7.03.050 Certain substances prohibited.
- 7.03.060 Enforcement.

7.03.010 Liquids prohibited by storage temperatures.

It shall be unlawful for any person or the agent or manager thereof to keep or store or permit the keeping or storing, within the City limits any gasoline, benzene, naphtha or distillate, without regard to the degree of heat Fahrenheit or other test at which it will flash or emit an inflammable vapor, or any other product of petroleum or hydrocarbon liquid which will so flash or emit an inflammable vapor at a temperature lower than 110 degrees Fahrenheit, in any building or in any manner, except as hereinafter provided.

7.03.020 Storage quantities enumerated.

A.1. A quantity not exceeding one gallon, of any of the liquids or articles mentioned in NCC 7.03.010 may be kept or stored inside the walls of any building in the City; provided, the same be kept or stored in closed cans, bottles or other vessels; provided, however, that this subsection shall not apply to public

or private garages or to engine rooms where the aforesaid articles or liquids are kept or stored in the tanks of automobiles or gas engines; and provided further, that this subsection shall not apply to merchants dealing in said articles or liquids where the same are kept or stored in metal cans or tanks, as hereinafter provided.

Retail automobile filling stations, which term shall also include public garages selling gasoline at retail, shall be permitted to have maximum storage facilities for gasoline of 10,000 gallons, at any one location, providing the storage facilities shall comply with the requirements of subsection (A)(3) of this section, and that no single storage tank on said premises shall have a maximum storage capacity of over 6,000 gallons.

2. In addition to the quantity of the articles or liquids mentioned in NCC 7.03.010, no more than five gallons of any such articles or liquids mentioned in said section shall be kept or stored on any one premises in the City, except as hereinafter provided, and the said additional five gallons or less must be kept or stored in closed metal cans or tanks, outside the walls of any building.

3. Any of the articles or liquids mentioned in NCC 7.03.010 may be kept or stored in bulk in quantities of not more than 12,000 gallons on any one premises in addition to the quantity thereof mentioned in subsections (A)(1) and (2) of this section, if the same be kept or stored in tanks installed pursuant to rules and regulations as found in the ~~Uniform~~ **California** Fire Code and any Federal, State, County or Municipal Code, ordinance, law or regulation pertaining to storage of such substances.

4. In addition to the quantity of the article or liquid mentioned in NCC 7.03.010, hereinbefore permitted to be kept or stored within the walls of any building by the provisions of subsection (A)(2) of this section, merchants dealing in such articles or liquids may keep or store a quantity thereof, not exceeding 100 gallons, if the same be kept or stored in the original package, to be only disposed of in unbroken packages, said original packages to be kept or stored within the walls of a warehouse hereinafter in subsection (B) of this section described and provided for, for the keeping or storing of ordinary commercial coal oil or kerosene.

B. The article or liquid known and described ordinarily in commerce as coal oil or kerosene may be kept or stored in metal tanks or in metal cans, properly closed, in quantities of not to exceed 500 gallons, on any one premises in the City, provided the same shall be kept or stored in a warehouse, which shall be properly closed and ventilated, and constructed of brick, stone, concrete or a combination of these materials, or if the said warehouse is erected at least 30 feet from any other structure, it may be built of corrugated iron; in warehouses constructed of corrugated iron the floor shall be either earth or cement concrete. Said warehouse, of whatever material constructed, shall be provided with doors either of iron or wood covered with iron, and the roof shall be composed of some fire-resisting substance, and the said building shall in every respect be as nearly fireproof as possible, and be constructed to the satisfaction of the Chief Engineer, hereinafter mentioned.

C.1. In that portion of the City lying west of the west line of N Street or its extension, no more than 15,000 gallons of the article or liquid commonly known as fuel oil shall be kept or stored on any one premises, and the same shall be kept or stored in tanks sunk in the ground, which shall be properly covered and vented so as to prevent ignition of the contents, to the satisfaction of the Chief Engineer of the Fire Department.

After the effective date of the ordinance codified in this chapter no new tanks for the aforementioned purposes shall be constructed in that portion of the City abovementioned, except on the written permission of the City Council first had and obtained, which permission shall be signed by the Mayor and countersigned by the City Clerk and the Chief Engineer.

2. The article or liquid mentioned in the preceding subsection may be kept or stored in quantities of not more than 50,000 gallons on any one premises in that portion of the City which lies east of the east line of N Street or its extension, but the same must be so kept or stored in tanks sunk in the ground, which tanks must be constructed and maintained in a safe condition and to the satisfaction of the Chief Engineer. And after the effective date of the ordinance codified in this chapter no new tanks for the

aforementioned purpose shall be constructed in that portion of the City, in this subsection mentioned, except on the written permission of the City Council first had and obtained, which permission shall be signed and countersigned as in the preceding subsection provided.

3. When such article of liquid commonly known as fuel oil is used as a fuel in stoves, furnaces or ovens in the City, the same shall be kept or stored and used from a tank not exceeding 200 gallons in capacity. Said tank shall not be placed nearer than 10 feet to any building or structure or any part thereof. The feed pipe from said tank to the burner shall not exceed one-fourth inch in diameter inside, and shall be fitted with an automatic control or shut-off at the burner, and a shut-off at or near the tank. Said tank may be installed either above or below ground in tanks installed pursuant to rules and regulations as found in the ~~Uniform~~ **California** Fire Code and any Federal, State, County or Municipal Code, ordinance, law or regulation pertaining to storage of such substances. Providing, however, that no such fuel oil may be kept, stored or used for fuel as herein provided, until after the system, plant, device or apparatus has been inspected by the Fire Chief of the City, and a permit issued therefore by said Fire Chief. (Ord. 87-8, 7-14-1987; Ord. 156, 11-12-1946; Ord. 50, 11-29-1910)

7.03.030 Storage tank regulations.

The storage tank, herein provided for, shall not be covered with earth until the same and its connections have been inspected by the Chief Engineer, who shall have the authority to condemn all work under this chapter, including the warehouse provided for herein, from whose order of condemnation the person aggrieved may appeal to the City Council, whose decision shall be final.

7.03.040 Permit required – Fees.

Upon the completion and inspection of work hereunder, the Chief Engineer shall issue a permit allowing the maintenance of the tank or other thing requiring his permission and sign the same and deliver it to the Chief of Police, who shall countersign the said permit and deliver the same to the person for whom it is intended, collecting the sum of \$1.00 as a fee for the same, which shall be paid to the City Treasurer as other moneys of the City are paid by the Chief of Police. Upon the delivery of said permit, and not before the permittee shall be authorized to do or maintain the thing named in said permit.

7.03.050 Certain substances prohibited.

No person or agent thereof shall keep, store or maintain dynamite, nitroglycerine or giant powder in any quantity within the City without the permission of the Council first being had and obtained; nor shall any person keep in any one building or place more than 100 pounds of ordinary commercial explosive powder, which said powder shall be kept only in a box which shall have on the outside the word "Powder" in large letters, painted thereon so the same can be easily seen, the said box to be provided with handholds or handles so that the same can be easily removed in case of danger. Nor shall any such person keep any quantity of phosphorus, unless the same be enclosed in glass jars, or metal cans, which must be filled with water and properly closed.

7.03.060 Enforcement.

It is made the duty of the Chief Engineer to enforce the provisions of this chapter, and for that purpose he shall have authority to enter upon any premises in the City, at any reasonable hour of the day, for the purpose of inspecting the same or any of the structures, tanks and appliances herein mentioned. (Ord. 50, 11-29-1910)

Chapter 7.04

FIRE ZONES

Sections:

7.04.010 Established and designated.

7.04.010 Established and designated.

A. All that portion of the City included in the:

C-N District or "Neighborhood Commercial District"

C-1 District or "Retail Business District"

C-2 District or "General and Service Commercial District"

C-8 District or "Highway Commercial District"

"M" District or "Industrial District"

"I" District or "Controlled Manufacturing District"

B. As said designations, locations and boundaries are delineated upon the map entitled zoning map for the City, is established and declared as Fire Zone 2 of the City. All other lands and premises situated within the corporate limits of the City is established and declared as Fire Zone 3 of the City.

C. Provided, however, that any uses regularly permitted in the areas designated as Fire Zone 2, which may be permitted in Fire Zone 3, by reason of a regularly issued conditional use permit or variance, shall nevertheless be subject to the rules and regulations of Fire Zone 2. (Ord. 79-1, 12-26-1979)

Chapter 7.05

FIRE CODE

Sections:

7.05.010 Adoption.

7.05.020 Deletions.

7.05.030 Amendments.

7.05.040 Violation.

7.05.010 Adoption.

~~That certain document in book form entitled "Uniform Fire Code," 1982 Edition, including the appendices thereof, as approved and copyrighted by the International Conference of Building Officials and by the Western Fire Chiefs Association, 5360 South Workman Mill Road, Whittier, California 90601, three copies of which documents are now on file in the office of the City Clerk, except as portions thereof are herein specifically amended, deleted and added to, is hereby adopted by reference as the "Fire Code of the City of Newman," and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of the City.~~

That a certain document, three (3) copies of which is on file in the office of the Stanislaus County Fire Prevention Bureau, being marked and designated as the California Fire Code, 2007 edition, including Appendix Chapters 1 and 4, Appendices A, B, C, D, E, F, G, and H as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Newman, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Newman are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertion, deletions and changes, if any.

7.05.020 Deletions.

~~There are deleted from the Uniform Fire Code the following sections:~~

- A. 11.203(a), 24.102, 25.101, 26.102, 27.102, 28.102, 29.102, 30.101, 31.102, 32.101, 33.102, 34.101, 36.102, 45.102, 46.102, 47.102, 48.102, 50.103, 63.103, 74.103, 76.102, 77.104, 78.102, 79.103, 79.1002, 79.1102, 79.1201, 79.1803, 80.102, 81.103, 82.102, 83.101, sections relating to permits for special use.
- B. Section 11.101(a) relating to open burning and incinerators.
- C. Section 11.105(a), (b), (c), (d), (e) relating to open burning in incinerators.
- D. Sections 11.107 through 11.113 relating to open burning and incinerators.
- E. Section 11.115 relating to attendants for fires.
- F. Section 34.104 relating to burning of autos, junk and waste materials.
- G. Section 77.101 through 77.306 relating to explosives and blasting agents.
- H. Sections 78.101 through 78.106 relating to fireworks.
- I. Appendix VI B, relating to model citation program.

There are deleted from the California Fire Code the following Sections:

Appendix Chapter 1 Sections 105.6.15, 105.6.19, 105.6.30 related to permits.

7.05.030 Amendments.

Article 2 of the Uniform Fire Code is hereby amended to add thereto Section 2.110 as follows:

Section 2.110. ~~The Fire Chief, and his duly authorized agents, shall have the authority to call upon able-bodied male persons between the ages of nineteen (19) years and fifty (50) years in the City of Newman for assistance in putting out fires, and it shall be the duty of such persons to obey such summons.~~

Section 2.302 of the Uniform Fire Code is hereby amended to read as follows:

Section 2.302. ~~In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of the provisions of the Uniform Fire Code as amended by this Chapter, there shall be, and is hereby created, a Board of Appeals consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to the Fire Code, and related documents, and one public member. The City Manager shall be an ex officio member and shall act as secretary of the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigation and shall render all decisions and findings in writing to the City Manager with a duplicate copy to the appellant and may recommend to the City Council such new legislation as is consistent therewith.~~

Section 3.101 of the Uniform Fire Code is hereby amended to read as follows:

Section 3.101. ~~Any person operating or maintaining any occupancy, premises or vehicle subject to this Code who shall permit any fire hazard to exist on premises under his control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the Chief or his duly authorized representative shall be guilty of an infraction; provided, however, that violation of any of the following sections of the Uniform Fire Code shall be a misdemeanor; section 2.107, 10.102, 11.103, 11.104, 11.301, 11.302, 11.401, 11.402, and all sections of articles 25, 77 and 78.~~

Section 3.101 of the Uniform Fire Code is hereby amended to read as follows:

Section 3.101. ~~Any person operating or maintaining any occupancy, premises or vehicle subject to this Code shall permit any fire hazard to exist on premises under his control or who shall fail to take immediate action to obey a fire hazard when ordered or notified to do so by the Fire Chief or his duly authorized representative shall be guilty of a misdemeanor.~~

The Chief may order the operation or use stopped, or the evacuation, of any premises, building or vehicle or portion thereof which has or is a fire hazard.

Article 4 of the Uniform Fire Code is hereby amended to add thereto Section 4.108 as follows:

Section 4.108. The Building Official shall not issue any building permit for construction without the approval of the Fire Chief; provided, however, a building permit may be issued for a building intended for Group R occupancy or Group M occupancy without the review by the Fire Chief.

Article 4 of the Uniform Fire Code is hereby amended to add thereto Section 4.109 as follows:

Section 4.109. The Building Official shall not issue a final clearance or allow occupancy of any building without the clearance of the Fire Chief or his duly appointed agents.

Section 10.301(c) of the Uniform Fire Code is hereby amended to read as follows:

Section 10.301(c). An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed. When any portion of the building protected is in excess of one hundred fifty feet (150') from a water supply on a public street, there shall be provided on-site fire hydrants and mains capable of supplying required fire flow. In areas where no water system is available and the total water supply required for fire protection exceeds four thousand (4,000) gallons static reserve, water supply shall be provided on-site.

Water supply may consist of reservoirs, pressure tanks, elevator tanks, water mains or other fixed systems capable of supplying their required fire flow. In setting the requirements for fire flow, the Chief shall be guided by the standard establishment by the Fire Safety Department for required fire flow, and the National Fire Protection Association Standard No. 1231 "Water Supplies for Rural and Suburban Fire Fighting."

Section 10.306 of the Uniform Fire Code is hereby amended to read as follows:

Section 10.306. All mobile home and recreational vehicle parks shall provide and maintain hydrants and access roads in accordance with section 10.207 and 10.301.

EXCEPTION: Recreational vehicle parks located in remote areas shall be provided with protection per NFPA No. 1231 and access roads in accordance with section 10.207.

Section 10.307(a) of the Uniform Fire Code is hereby amended to read as follows:

Section 10.307(a). Every apartment house three (3) stories or more in height and containing more than fifteen (15) apartments, and every hotel two (2) stories or more in height containing twenty (20) or more guest rooms shall have installed therein an approved automatic or manually operated fire alarm system designed to warn the occupants of the building in the event of fire. Such fire alarm system shall be so designed that all occupants of the building may be warned simultaneously.

Section 10.307 of the Uniform Fire Code is amended to add thereto subsection (e) as follows:

Section 10.307(e). All day care centers that provide sleeping area shall have an approved product of combustion detector fire alarm device installed and placed as to location of such unit, or units as required by the Fire Chief.

Section 11.201 of the Uniform Fire Code is hereby amended to add subsection (d) as follows:

Section 11.201(d). Commercial dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within five feet (5') of combustible walls, openings, or combustible roof eave lines. Dumpsters shall not be stored in any type of building.

EXCEPTION: Areas containing dumpsters or containers protected by an approved automatic sprinkler system.

Section 11.201 of the Uniform Fire Code is hereby amended to add subsection (e) as follows:

Section 11.201(e). Every building or portion of a building governed by these regulations shall be maintained in a neat orderly manner, free from any condition that would create a fire or life hazard or conditions which would add to or contribute to the rapid spread of fire.

Section 11.403(a) of the Uniform Fire Code is hereby amended to read as follows:

Section 11.403(a). It shall be unlawful to transport, or permit to be transported, or towed, any asphalt kettle beneath which is maintained any open fire, heated coals, or ashes, or which has fuel lines connected to the kettle, over any highway, road, or street. Asphalt kettles shall not be used inside of any building, or under, or on the roof of any building. There shall be at least one approved fire extinguisher or a minimum 20-B:C classification within 30 feet (30') of each asphalt kettle during the period such kettle is in use, and one additional 20-B:C classification fire extinguisher on the roof being covered.

Section 12.104(b) of the Uniform Fire Code is hereby amended to read as follows:

Section 12.104(b). Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort.

EXCEPTIONS: 1. This requirement shall not apply to exterior exit doors in Group B occupancy if there is a readily visible, durable sign on or adjacent to the door, stating "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS." The sign shall be in letters not less than one inch (1") high on a contrasting background. The locking device must be of a type that will be readily distinguishable as locked. The use of this exception may be revoked by the Fire Official or the Fire Chief for due cause.

2. Exit doors for buildings or rooms having an occupant load of ten (10) or less may be provided with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key, special knowledge or effort and mounted at a height not to exceed forty eight inches (48") above the finished floor.

Manually operated edge or surface mounted flush bolts and surface bolts are prohibited. When exit doors are used in pairs and approved automatic flush bolts are used, the door leaf having the automatic flush bolts are used, the door leaf having the automatic flush bolts shall have no door knob or surface mounted hardware. The unlatching of any leaf shall not require more than one operation.

Section 25.106(b)2 is amended to add an EXCEPTION thereto as follows:

Section 25.106(b)2. Group A, Division 4. In Group A, Division 4, occupancies having an occupant load of more than one hundred (100), exit doors shall not be provided with a latch or lock unless it is panic hardware. Panic hardware may be waived on gates surrounding stadiums, when the gates are under constant immediate supervision while the public is present and provided safe dispersal areas based upon three square feet per occupant are located between the stadium and the fence. The required dispersal areas shall be located not less than fifty feet (50') from the stadium.

EXCEPTION: In Group A, Division 2.1 and 3 Occupancies, such as restaurants, bars, bowling alleys, auditoriums and similar commercial uses, and in churches, panic hardware may be omitted from the main exit when the main exit consists of a single door. A key locking device may be used in place of the panic hardware, provided there is a readily visible metallic sign adjacent to the doorway stating "THIS DOOR MUST REMAIN UNLOCKED DURING BUSINESS HOURS." The sign shall be in letters not less than one inch (1") on a contrasting background. When unlocked, a single door must be free to swing without operation of any latching device. Flush, edge or surface bolts or any other type of device that may be used to close or restrain the doors other than by operation of the locking device are prohibited.

Section 35.102(A)(4) of the Uniform Fire Code is hereby amended to read as follows:

Section 35.102(A)(4). Kept free from all combustible waste and be kept broomswept clean.

Unoccupied tenant spaces shall have the sprinkler system complete prior to occupancy of the wall.

Section 49.107(m) of the Uniform Fire Code is hereby amended to read as follows:

Section 49.107(m). A 5B:C fire extinguisher shall be mounted on all portable welding and cutting carts.

Section 79.903(b) of the Uniform Fire Code is hereby amended to read as follows:

Section 79.903(b). The dispensing of Classes I and II liquids into the fuel tank of a vehicle or into a container shall at all times be under the supervision of a qualified attendant. Service stations not open

to the public do not require an attendant or supervisor. Such stations may be used by commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business. The attendant's primary function shall be to supervise, observe and control the dispensing of Classes I and II liquids while said liquids are being dispensed. It shall be the responsibility of the attendant to prevent the dispensing of Classes I and II liquids into portable containers not in compliance with section 79.902(e), control sources of ignition, and to immediately handle accidental spills and fire extinguishers, if needed. If the dispensing of Classes I and II liquids at a service station, available and open to the public is to be done by a person other than the service station attendant, the nozzle shall be a listed automatic closing type, without a latch open device.

Section 79-1206(a) of the Uniform Fire Code is hereby amended to read as follows:

Section 79-1206(a). No person shall have a tank vehicle unattended on any street, highway, avenue or alley, except that this shall not prevent:

1. Stops for meals during the day or night, if the street is well lighted at the point of parking.
2. When, in the case of accident or other emergency, the operator must leave to obtain assistance.

(b) No person shall park a tank vehicle at any one point for longer than one hour except:

1. Inside a bulk plant and twenty five feet (25') from the property line or within a building approved for such use.
2. At other approved locations not less than fifty feet (50') from any building except those approved for the storage or servicing of such vehicle.
3. When, in the case of breakdown or other emergency, the operator must leave the vehicle to take necessary action to correct the emergency.

(c) Tank vehicles shall not be parked or garaged in any building other than those specifically approved for such use by the Chief.

(d) Tank vehicles used for flammable and combustible liquids shall be repaired only in locations approved by the Chief.

Section 79.1204 of the Uniform Fire Code is hereby amended to add subsection (n) as follows:

Section 79.1204(n). Tank vehicles shall be parked on private property while being unloaded. It shall be unlawful to unload any tank vehicle while it is parked on any street, highway, avenue, alley, or other public right of way. While a tank vehicle is being unloaded, it shall not be parked in such a manner as to be endangered by other traffic.

The following sections of the California Fire Code, 2007 Edition, are amended to read as follows:

Appeals

Section 108.1 of the 2007 California Fire Code, Appendix Chapter 1- Administration is hereby amended to read as follows:

Applicant may appeal the decision of the Chief to the City of Newman within thirty (30) days from the date of the decision being appealed whenever the Chief:

1. Disapproves an application for use of alternate materials, methods and/or types of construction,
2. Disapproves an application for permit or refuses to grant a permit applied for,
3. When it is claimed that the provisions of the code do not apply, or
4. That the true intent and meaning of the code have been misconstrued or wrongly interpreted.

Compliance with Orders, Notices and Tags

Section 109.2.2 of the 2007 California Fire Code Appendix Chapter 1 - Administration is hereby amended to read as follows:

Criminal Violations. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall constitute a misdemeanor; except that notwithstanding any other provision of this code, any such violation constituting a misdemeanor under this code may, in the discretion of the City of Newman Attorney, be charged and prosecuted as an infraction. Any person convicted of a misdemeanor under the provisions of this chapter, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than six (6) months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this code, unless provision is otherwise herein made, shall be punishable by a fine only as follows: Upon a first conviction, by a fine of not exceeding two hundred fifty dollars (\$250.00) and for a second conviction or any subsequent conviction within a period of one year, by a fine of not exceeding five hundred dollars (\$500.00).

Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly.

Administrative Penalties

In addition to any other remedies set forth in this chapter, administrative penalties may be imposed against any person, as defined in Section 109.3 of this Code, for violating any of the requirements set forth in this chapter. Any administrative penalties assessed shall be as follows:

- (a) For violations of this Code, Possession, Sale, Use or Discharge of Dangerous Fireworks, the administrative penalty shall be five hundred dollars (\$500.00) for each specific act found to be in violation of that section.
- (b) For all violations of this chapter, Possession, Sale, Use or Discharge of Dangerous Fireworks, the amount of the administrative penalty shall be one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for a second violation within any twelve (12) month period and five hundred dollars (\$500.00) for any subsequent violations within any twelve (12) month period.

Fees

- (a) **Permit Fee.** The Board of the City of Newman may, by resolution adopted from time to time, a fee for any permit issued pursuant to the Fire Code.
- (b) **Plan Check Fee.** When a plan is required to be submitted the plan-checking fee shall be paid at the time of submitting plans and specifications for checking. Where plans are incomplete, or changed so as to require an additional plan check, an

additional plan-check fee shall be charged at a rate shown in a schedule setting forth fees as adopted from time to time by resolution of the City of Newman.

Water Supplies and Fire Hydrants

Section 508.5.1 of the 2007 California Fire Code is hereby amended to read as follows: Required Water Supply for fire protection. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in excess of 150 feet (45 720 mm) from a water supply on a public street, as measured by an approved route around the exterior of the faculty or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief.

Fire hydrants shall be located on the supply side of the fire suppression system check valve.

Fire hydrants shall be accessible to the Fire Department apparatus by roads meeting the requirements of Section 503.1.

Fire Extinguishing Systems Chapter 9 is amended as follows

903.2.1.1 (A-1 Occupancy) Amend as follows:

1. The building exceeds 5,000 square feet (465 m²).

903.2.1.2 (A-2 Occupancy) Amend as follows:

1. The building exceeds 5,000 square feet (465 m²).

903.2.1.3 (A-3 Occupancy) Amend as follows:

1. The building exceeds 5,000 square feet (465 m²).

903.2.1.4 (A-4 Occupancy) Amend as follows:

1. The building exceeds 5,000 square feet (465 m²).

903.2.2 (E Occupancy) Amend as follows:

1. The building exceeds 5,000 square feet (465 m²).

903.2.3 (F-1 Occupancy) Amend as follows:

1. The building exceeds 5,000 square feet (465 m²).

903.2.6 (M Occupancy) Amend as follows:

1. The building exceeds 5,000 square feet (465 m²).

903.2.7 (R Occupancy) Amend as follows:

1. The building exceeds 5,000 square feet (465 m²).
2. All residential structures containing 5 or more dwelling units under a single roof.
3. For buildings and structures classified as R-3 occupancies, the square footage of the structures shall include garages and all other enclosed spaces under one roof. Garages that share at least one common wall, roof or attic with the dwelling shall be considered under the same roof as the dwelling and shall be provided with automatic fire sprinklers when required by this chapter.

903.2.7.1 (R Occupancy) Amend to read as follows:

Buildings 30 feet or 3 stories in height. An automatic fire sprinkler system shall be installed throughout buildings with a floor level that is located 30 feet (9.144 m) or more above the lowest level of fire department vehicle access or 3 or more stories in height.

903.2.7.2 (R Occupancy) Add to read:

Cluster homes will be defined as a community of three or more buildings or structures over 120 square feet (11 m²) in area, with a single point of fire truck access, when the access is less than 30 feet (9 m) in width. Constructed of lightweight building materials spaced ten feet or less apart. The construction is Type 5, in which walls, beams, girders, trusses and roofs are made of dimensional lumber. They have narrow travel lanes separating each occupancy.

903.2.7.3. (R Occupancy) Add to read:

Any building on plot sizes less than 5000 square feet.

903.2.8 (S-1 Occupancy) Amend as follows:

1. The building exceeds 5,000 square feet (465 m²).

903.2.8.1 (Repair Garages) Amend as follows:

1. The building exceeds 5,000 square feet (465 m²).

903.2.10.4(B Occupancy). Add to read:

An automatic fire sprinkler system shall be installed throughout all buildings:

1. The building exceeds 5,000 square feet (465 m²).

903.2.19 (U Occupancy). Amend as follows:

1. The building exceeds 5,000 square feet (465 m²).

EXCEPTION:

1. Non-residential buildings and unoccupied structures that are located in Agricultural zones and permitted by the Planning Department under Stanislaus County Code Section 21.20.020(A)

903.2.18 Existing Buildings and Structures. An approved automatic fire sprinkler system shall be installed in all existing buildings and structures when additions, alterations, or repairs are made within any twelve-month period that exceed fifty (50) percent of the total value (current county assessed valuation or valuation determined by a certified real estate appraiser) of an existing building or structure that exceeds five thousand (5,000) square feet (total floor area under roof) or which result in said building or structure exceeding five thousand (5,000) square feet (total floor area under roof).

EXCEPTION:

1. Non-residential buildings and structures that are located in Agricultural zones and permitted by the Planning Department under Stanislaus County Code Section 21.20.020(A)
2. All buildings and structures classifies as R-3 or U occupancies.
3. Each portion of an existing building or structure separated by one or more area separation walls, constructed in accordance with the current adopted edition of the Building Code, when each portion does not exceed five thousand (5,000) square feet.
4. Existing buildings or structures and their addition(s) are exempt from automatic sprinklers when the cost of the remodel of the existing building(s) or structures(s) is less than fifty (50) percent of the value (current county assessed valuation for improvements) of the buildings or structures, and sprinklers are permitted to be omitted from the addition(s), due to type of construction, use, or other special situations, by the California Fire Code or National Fire Protection Association Standard 13.

903.2.18.1 For isolated buildings or groups of buildings (meeting the requirements of subsection 6 or 7 in rural area where no water is available from a municipal water system, a fire sprinkler system meeting all of the following criteria shall be considered as an alternative to systems that are in full compliance with the applicable NFPA Standard.

1. Sprinklers will be designed and installed per the applicable NFPA Standards

2. The required sprinkler demand (not including hose stream allowance) shall be provided by a hydro pneumatic tank for a minimum duration of 15 minutes. The Tank may be pressurized by the domestic well pump and may serve both the fire supply and domestic supply for the building. The tank must have a capacity equal to or greater than the calculated sprinkler demand. Calculations shall be provided to determine the actual size of tank required for each project.

3. A separate storage tank or other water source acceptable to the chief shall be provided to accommodate sprinkler and hose demand for an additional 30 minutes beyond the storage required in 8(b).

4. An Approved sprinkler system monitoring alarm as defined in section 1003.3.1 of the Stanislaus County Fire Code shall be provided.

EXCEPTION: Buildings and structures classified as R-3 are exempt from the storage tank requirements of 8(c).

Fire Alarm Systems

Section 907.1.5 of the 2007 California Fire Code is hereby amended by adding the following:

A certificate from Underwriters Laboratories (UL) shall be required on all commercial fire alarm systems installed after the effective date of this ordinance. UL certification is required to be maintained for commercial fire alarm systems throughout the life of the alarmed building.

Open Burning

Section 307.1 of the 2007 California Fire Code is hereby amended by adding the following:

Open burning. No person shall kindle, conduct, or maintain any burning of grass, weeds, agricultural trimmings, or other combustibles or authorize any such fire to be kindled, conducted, or maintained without a permit as required by the San Joaquin Valley Unified Air Pollution Control District and compliance with all safeguards pursuant thereto. Any such permitted burning shall be restricted to agricultural purposes and confined to areas of the City of Newman in which agricultural uses are lawful.

Type of Lock or Latch for Premises Where Gold or Bullion is Traded *(NOTE: Building Code)*

Section 1008.1 of the 2007 California Fire Code is amended to add subsection 10 as follows:

Special Latching Devices An exit door from a business which has as its primary commercial activity the sale, resale, exchange, or trade of gold or silver coin, bullion, or metal ore may be equipped with a locking mechanism which is not able open from inside without the use of a key or which requires special knowledge or effort so long as

all of the following conditions are met during all times that the business is open to the public:

1. The locking mechanism is connected to a smoke detector system in such a manner that activation or malfunction of the smoke detector system results in automatically unlocking the exit door;
2. The locking mechanism is connected to the electrical power supply for the building in such a manner that any loss of electrical power to the building results in automatically unlocking the exit door;
3. Two (2) employees must be within the area of the premises used for retail purposes, including adjacent service and utility rooms, at all times; and
4. A sign is permanently posted upon the premises so as to be readily seen by any person or persons entering the business stating that the management electronically controls ingress and egress.

False Alarms

Section 405.10 of the 2007 California Fire Code is hereby amended to read as follows: False alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted. The City of Newman may adopt by resolution reasonable fees to recover the costs associated with responses to building or structures that have excessive false alarms.

Hot Works

Section 2604.2.6 of the 2007 California Fire Code is hereby amended to add the following:

When required by the Chief a minimum 2-A: 20B: C-rated fire extinguisher shall be mounted to each portable welding cart.

Fireworks

See Stanislaus County Code Chapter 9.84 Fireworks

Restricted Locations of Flammable and Combustible Liquids in Tanks

Section 3404.2.9.5.1 of the 2007 California Fire Code is hereby amended to read as follows:

Storage of Class I and II Liquids in aboveground tanks outside of buildings is prohibited, with the exception of protected tanks designed, installed and maintained in accordance with the 2007 California Fire Code. The provisions of this section shall not apply to facilities for the production, generation, or transmission of electric energy that provide power to entities furnishing retail electrical services to the general public within the City of Newman.

Operating Heating, Lighting, and Cooking Appliances Prohibited

Section 3405.3.3 of the 2007 California Fire Code is hereby amended to include the following:

Class II and III Liquids

Location of Bulk Plants for Storage of Flammable and Combustible Liquids

Section 3406.4 of the 2007 California Fire Code is hereby amended to read as follows: The construction of new bulk plants for storage of flammable or combustible liquids is restricted to areas of the City of Newman zoned Heavy Industrial Zones. All existing nonconforming bulk plants for storage of flammable or combustible liquids, which substantially comply with the requirements of this Code, may be continued in use if the Chief grants a permit.

Transfer Operations

Section 3406.5.1.1 of the 2007 California Fire Code is hereby amended by adding to the following:

Tank vehicles and tank cars shall be unloaded as soon as possible after arrival at point of delivery and shall not be used as storage tanks. Unless otherwise approved, a tank car shall not be allowed to remain on a siding at the point of delivery for more than twenty-four (24) hours while connected for transfer operations.

Hazardous Materials Permits

Subsection 3 is added to Section 2701.5 of the 2007 California Fire Code: Key Box. When required by the Chief, an approved key box, sized to contain emergency information, shall be provided.

Deposits of Hazardous Materials; Cleanup, Abatement, or Mitigation Required; Liability for Costs

Section 2703.3.1.4 of the 2007 California Fire Code is hereby amended to read as follows:

Responsibility for cleanup. The person, firm or corporation responsible for an unauthorized discharge shall institute and complete all actions necessary to remedy the effects of such unauthorized discharge, whether sudden or gradual, at no cost to the jurisdiction. When deemed necessary by the Chief, cleanup may be initiated by the Fire Department or by an authorized individual or firm. Costs associated with such cleanup shall be born by the owner, operator or other person responsible for the unauthorized discharge. The remedy provided by this section shall be in addition to any other remedies provided by law.

For purposes of this section, costs incurred by the City of Newman shall include, but shall not necessarily be limited to, the following: actual labor costs of City of Newman

personnel, including worker's compensation benefits, fringe benefits, administrative overhead; cost of equipment operation; cost of materials obtained directly by the City of Newman; and cost of any contract labor and materials. The authority to recover costs under this section shall not include actual fire suppression services that are normally or usually provided by the Fire Department.

General Safety Precautions

Section 312.2 of the 2007 California Fire Code is hereby amended to read as follows:

Protection from vehicles: Guard posts or other approved means shall be provided to protect storage tanks and connected piping, valves and fittings; dispensing areas; and use areas subject to vehicular damage. When guard posts are installed, the posts shall be:

1. Constructed of steel not less than six (6) inches in diameter and concrete filled,
2. Spaced not more than four (4) feet between posts on center,
3. Set not less than three (3) feet deep in a concrete footing of not less than a fifteen (15) inch diameter,
4. Set with the top of the posts not less than three (3) feet above ground, and
5. Located not less than five (5) feet from the tank.

Outside Storage and Use of Liquefied Petroleum Gases

Section 3804.2 of the 2007 California Fire Code is amended as follows:

The outside storage of liquefied petroleum gas (LP-gas) shall conform to the provisions of Stanislaus County zoning ordinances. The outside storage and use of liquefied petroleum gases is restricted as specified in this section.

1. Storage and dispensing of LP-gas for resale purposes, into approved containers and vehicles, is restricted to those areas of the Stanislaus County zoned as Commercial-Light Industrial, Heavy Industrial, and, in addition thereto, to other commercially zoned properties used as automotive service stations. Only qualified persons shall perform dispensing.
2. Dispensing of LP-gas for private use is restricted to those zones identified in subsection 1, and when approved by the Chief, may be permitted in those areas of the Stanislaus County zoned General Commercial. Only qualified persons shall perform dispensing.
3. For cooking, lighting, or heating in a building, only on a property that does not have natural gas service existing on a boundary line of said property or when prohibition of such storage would cause undue hardship.
4. For temporary use on construction sites, when authorized by the Chief.
5. For use as an alternative fuel supply for an emergency standby generator, when authorized by the Chief.
6. For use with certain mobile vending and certain commercial barbecue equipment and other specific uses when authorized by the Chief.
7. For use by Artisans in pursuit of their trade, when authorized by the Chief.
8. Storage of portable containers awaiting exchange may be permitted in commercially zoned areas of the Stanislaus County, including those zoned Neighborhood

Commercial, when approved by the Chief and stored in accordance with Section 3809. Such storage shall be located a minimum of twenty (20) feet from any fuel dispenser.
9. Containers that exceed 2,000 gallons shall comply with procedure FPB 82-01

Permits and Plans for Liquefied Petroleum Gases

Section 3801.2 of the 2007 California Fire Code is hereby amended to read as follows: Permits. Permits shall be required as set forth in Appendix Chapter1, Sections 105.6 and 105.7

EXCEPTION:

1. Containers not exceeding five (5) gallon water capacity, used for “barbecue” cooking, when used and stored outside of buildings.
2. Approved containers not exceeding sixteen and four-tenths (16.4) ounces when displayed for sale in mercantile occupancies.
3. Factory installed containers for recreational vehicles not exceeding ten (10) gallon water capacity.
4. Factory installed tanks that are permanently attached to recreational vehicles.

Distributors shall not fill an LP-gas container for which a permit is required unless the fire code official has issued a permit for installation for that location.

Supervision and Communication System

Section 907.2.1.4 of the 2007 California Fire Code is hereby added to read as follows: Supervision. Places of assembly shall be under the constant supervision of a competent adult on the premises during the time that the premises are open to the public. Communications. When required by the chief, places of assembly shall be provided with a method for notifying the fire department in the event of an emergency. Such method can consist of a telephone, an alarm system connected to the fire department or other approved agency, or other approved means. Methods of notifying the fire department shall be readily available to the public.

Powered Industrial Truck Operation

Section 309.7 of the 2007 California Fire Code is hereby amended to read as follows: Powered Industrial trucks shall be listed and labeled for use in the environment intended and shall be in accordance with nationally recognized standards.

Maintenance of Protected Aboveground Tanks

Section 3404.2.7.3.5.4 of the 2007 California Fire Code is hereby added to read as follows: Protected aboveground tanks and connected piping shall be maintained in a safe operating condition. Protected aboveground tanks shall be maintained in accordance with their listings. Damage to protected aboveground tanks shall be repaired using material having equal or greater strength and fire resistance or the protected aboveground tank shall be replaced or taken out of service.

Fire Apparatus Access Roads (Appendix D)

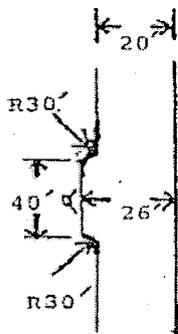
Appendix D Table D103.4 is amended as follows:

Requirements for Dead-End Fire Apparatus Access Roads

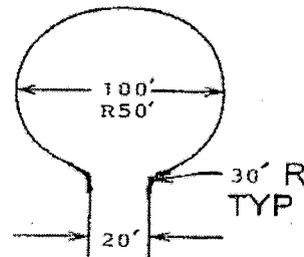
Length (feet)	Width (feet)	Turnarounds Required
0-150	20	None Required
151-500	20	100-foot hammerhead or 100 foot cul-de-sac
501-750	26	100-foot hammerhead or 100 foot cul-de-sac
Over 750		Special Approval Required

Appendix D Figure D103.1 is amended as follows:

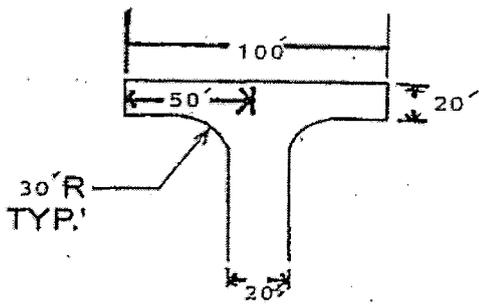
Dead-End Fire Apparatus Access Road Turnaround



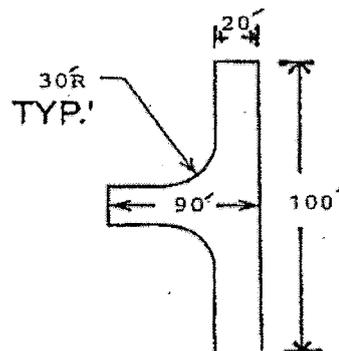
MINIMUM CLEARANCE AROUND A FIRE HYDRANT



100' DIAMETER CUL-DE-SAC



100' HAMMERHEAD



ACCEPTABLE ALTERNATIVE TO 100' HAMMERHEAD

Note: Drawing not to scale.

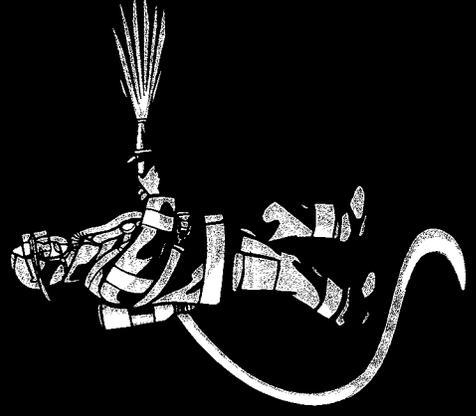
7.05.040 Violation.

It shall be unlawful for any person to violate any of the provisions of this Code, or violate or fail to comply with any order made there under or to build in violation of any detailed statement of

specifications or plans submitted and approved there under, or violate any of the provisions of a certificate or permit issued there under. Said person, for each and every violation and noncompliance respectively, shall be guilty of a misdemeanor, ~~(except as noted in Section 3.301 of the Uniform Fire Code)~~ punishable by a fine of not more than \$300.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment. (Ord. 84-2, 1-24-1984)



2007 California Fire Code Adoption



Reasons for Adopting a New Ordinance

- New California Code (International Code)
 - New California Code less restrictive than Old California Code.
- Default to 2007 California Fire Code without any amendments.
- Findings of Fact
 - Geological, Climate, and Topographical Conditions require local ordinance for adoption.

Reasons for Adopting a New Ordinance

- Regional Fire Authority agreed to make a common code that is county wide.

Other Cities/Districts with an Adopted Sprinkler Ordinance

- 4000 Sq ft. Ordinance

- Turlock

- 5000 Sq ft Ordinance

- Patterson

- West Stanislaus

- Modesto

- Ceres

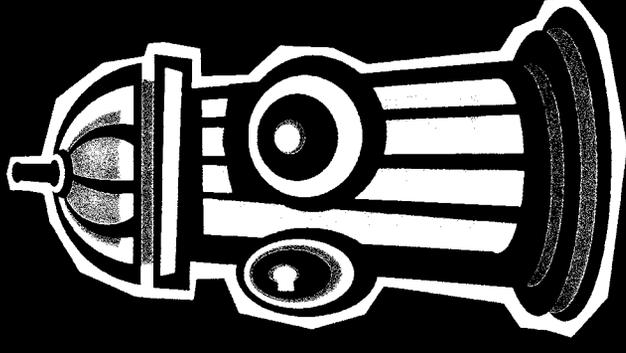
- Riverbank

Adoption of Appendix and Appendices

- Chapters 1, 4, A, B, C, D, E, F, G, H

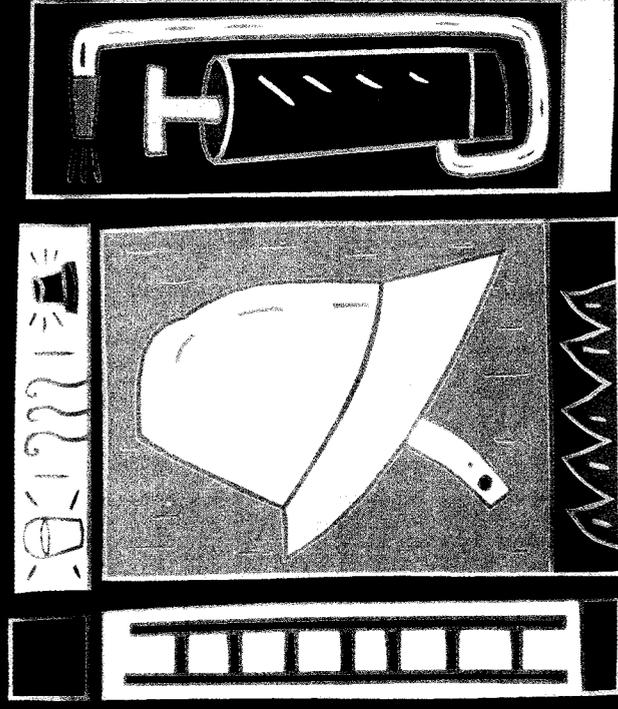
Water Supplies and Fire Hydrants

- Found in Appendix B and C



Fire Extinguishing Systems (Fire Sprinklers)

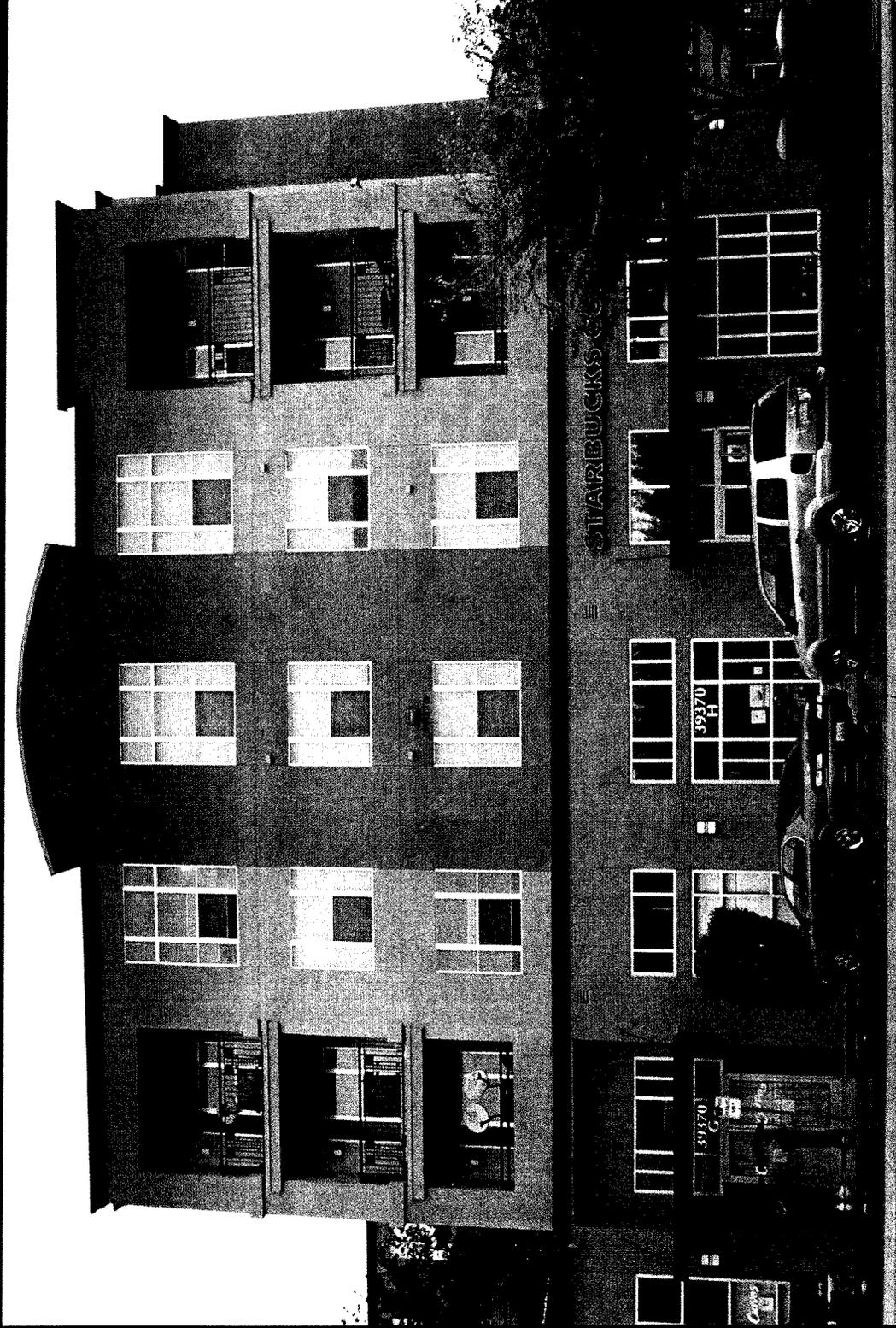
- Chapter 9 has been amended
- Buildings that exceed 5,000 square feet (465 m²) in all occupancies.



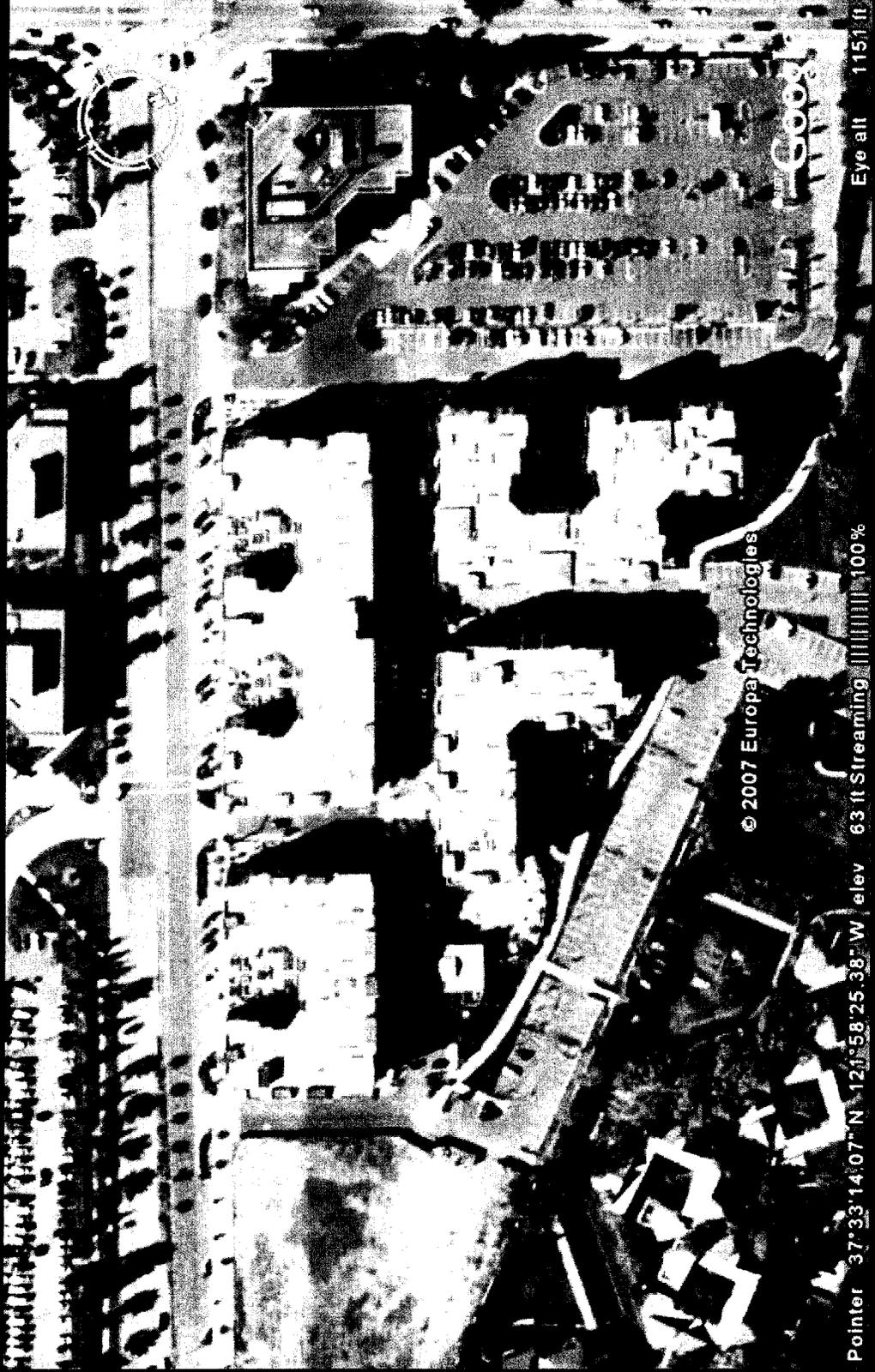
Fire Sprinkler Systems Continued

- Row Houses
- Multi-occupancy Buildings
- Cluster Homes (3 or more homes sharing a single access point)
- Buildings 30 feet or 3 stories in height

Multiple Occupancy Building



Multiple Occupancy Building



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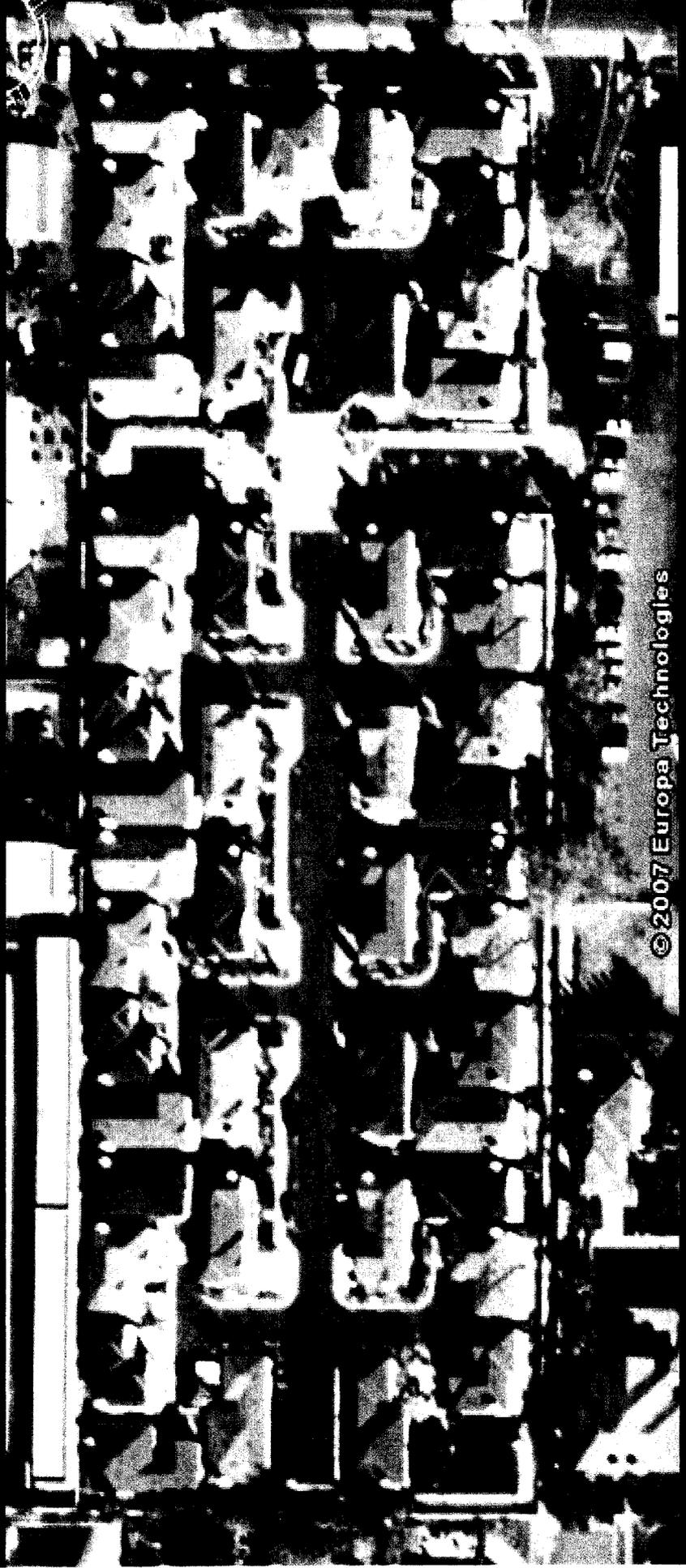
Pointer 37°33'14.07"N 121°58'25.38"W elev 63 ft Streaming 100%

Eye alt 1151 ft

Cluster Homes



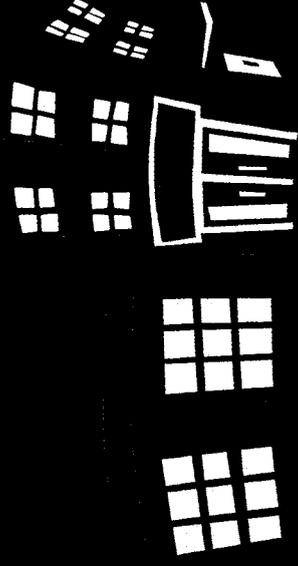
Cluster Homes



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Fire Sprinkler Systems Continued

- Any building on plot sizes less than 5000 square feet.

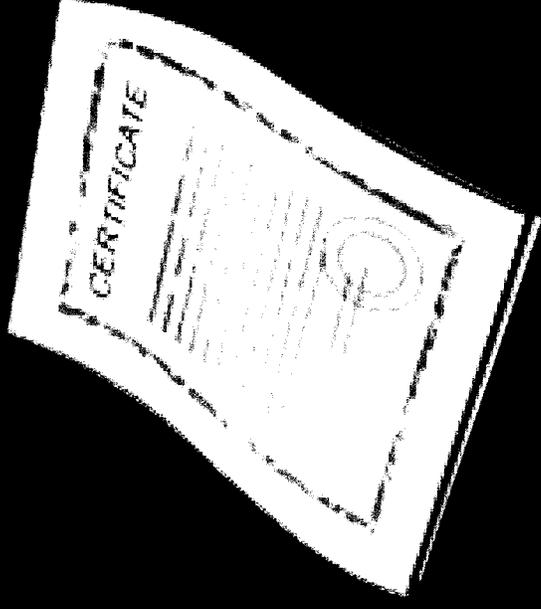


Fire Sprinkler Systems Continued

- Existing Buildings and Structures.
 - An approved automatic fire sprinkler system shall be installed in all existing buildings and structures when additions, alterations, or repairs are
 - Greater or equal to 50 percent of the total assessed value, and/or
 - Structures exceeding 5,000 square feet (total floor area under roof).

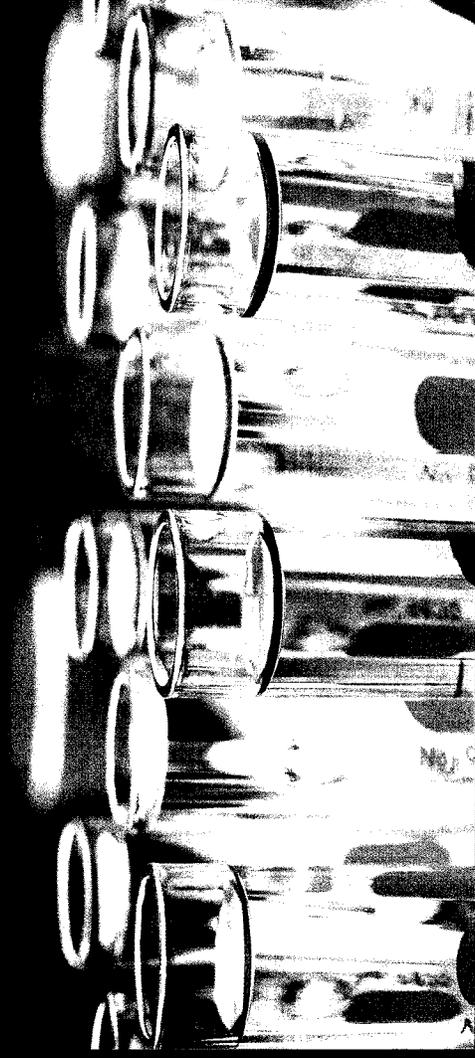
Fire Alarm Systems

- UL commercial fire alarm certification is required throughout the life of the alarmed building. Applies only to work after adoption of this code (Grandfather).



Hazardous Materials Permits

- Key Box. When required by the Chief, an approved key box, sized to contain emergency information, shall be provided.



Liquefied Petroleum Gas (LP)

- Outside Storage

- Use

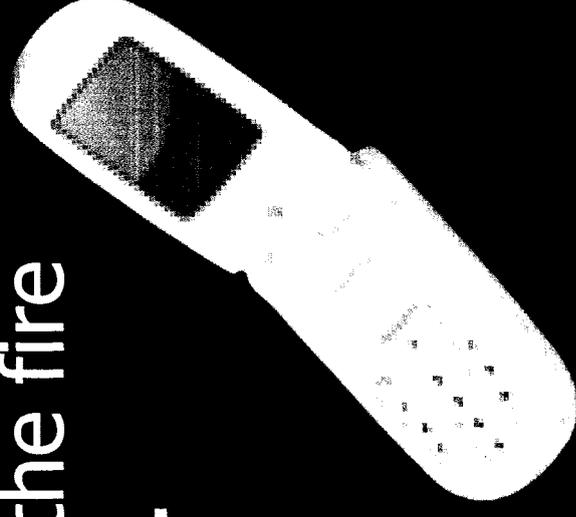
- Permits

- Plans



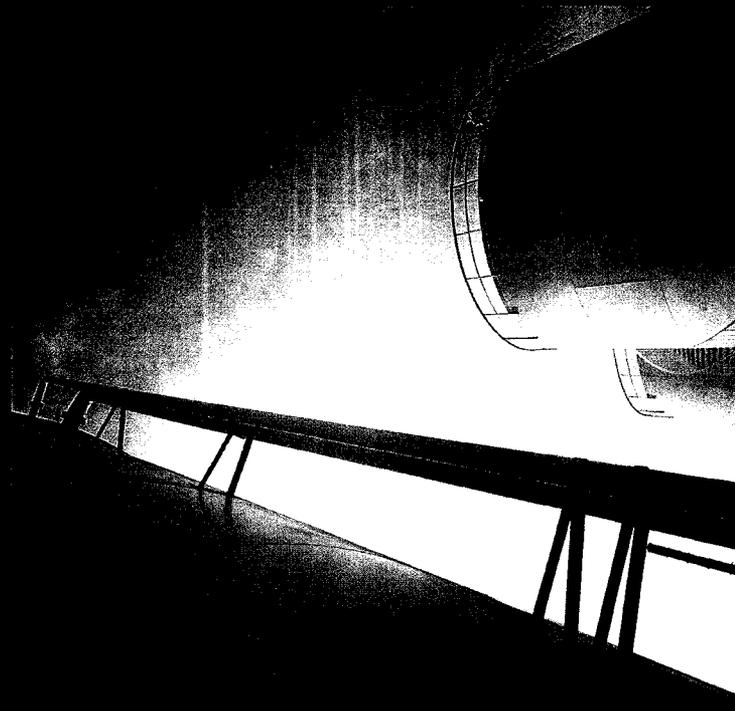
Supervision and Communication Assembly

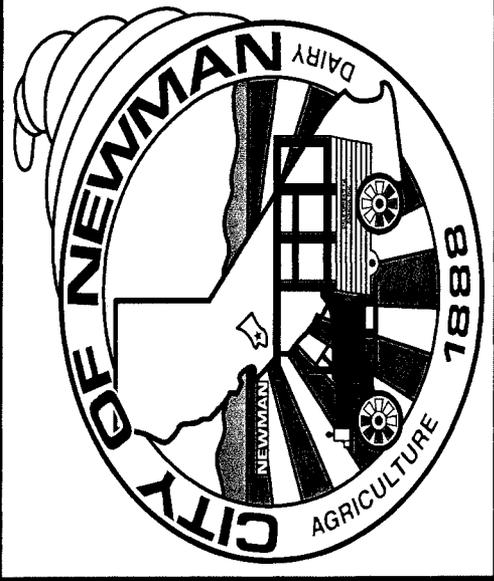
- Supervision shall be a competent adult on the premises while open to the public.
- Communications- When required by the chief, a method for notifying the fire department shall be available.



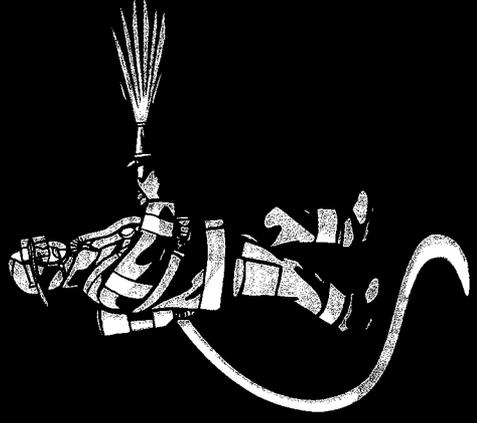
Maintenance of Protected Aboveground Tanks

- Protected aboveground tanks and connected piping shall be maintained in a safe operating condition.





2007 California Fire Code Adoption



Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10. c.**
City Council Meeting
of January 22, 2008

PUBLIC WORKS SEWER MACHINE PURCHASE REPORT

RECOMMENDATION:

It is recommended that the City Council:

1. Approve the purchase and award the bid of a trailer mounted sewer line cleaning machine to WECO Industries for \$39,995.35.

BACKGROUND:

One of the most important tasks and responsibilities of the public works department is to ensure that the sewer collection system functions effectively and efficiently. With the old and antiquated sewer lines that tend to clog up on a frequent basis, public works employees need reliable and dependable equipment to respond and resolve these emergencies. Storm drain siphons and pipelines also tend to fill up with dirt and debris that needs to be flushed out periodically to ensure maximum drainage.

The public works department has a Sreco trailer mounted high velocity pipe cleaner that was purchased in 1986. This machine is pretty much worn out by the many repairs and replacement of water tanks. The water tank is leaking severely and needs replacement.

ANALYSIS:

The public works department solicited sealed bids for a trailer mounted sewer line cleaning and received one bid. The machine quoted by WECO meets all bid specifications as advertised. The quotation for the machine and the bid specifications are attached to this report for your review.

FISCAL IMPACT:

\$40,000 budgeted for FY07/08

CONCLUSION:

Staff recommends that the Council approve and award the bid proposal for the purchase of a Trailer Mounted Sewer Line Cleaning Machine to WECO Industries, 630 Eubanks Court Suite K, Vacaville, CA 95688.



Ernie Garza
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager



Quote No. 122807

630 EUBANKS COURT SUITE K (800) 677-6661 Fax: (707) 644-2632
 VACAVILLE CA 95688

QUOTATION

Customer

Contact DOUG MUTOZA
 Company CITY OF NEWMAN
 Address 712 FRESNO STREET

Date 12/28/2007
 Expiration BID
 Salesman Gordon White
 Terms Net 30 Days
 Delivery TBD
 FOB IL

City NEWMAN State CA Zip 95360
 Phone 209-678-0351 Fax 209-862-3199

Item	Qty	U/M	Part No.	Description	Unit Price	TOTAL
1	1	ea	WE-545	Trailer Flusher w/Rotating Hose Reel	\$ 32,995.00	
2	1	ea		60 HP Water Cooled CAT Diesel Engine		
3	1	ea		Tandem Axle Trailer w/ ICC Lighting Pkg.		
4	1	ea		Tachometer and Hour Meter	\$360.00	
5	1	ea		40 GPM @ 2,000 Water Pump FE Meyers		
6	1	ea		Sewer Hose, 3/4" x 600' x 2,000 Psi	\$1,704.00	
7	1	ea		700 Gallon Black Super Poly Water Tank		
8	1	ea		Lighted Control Panel Reel Mounted		
9	1	ea		25' x 3/4" Leader Hose		
10	1	ea		Tiger Tail and Nozzle Extension		
11	1	ea		(1) 15 Degree, (1) 35 Degree, 3/4 Nozzle"		
12	1	ea		Upstream Pully Guide		
13	1	ea		Steel Toolbox		
14	1	ea		Auto Shutdown System, Oil & Water	\$425.00	
15	1	ea		Electric Trailer Brakes		
16	1	ea		2-5/16" Ball Hitch		
17	1	ea		Footage Meter, Level Wind Mounted	\$546.00	
18	1	ea		Water Site Gauge		
19	1	ea		Rotating Hose Reel, 800' Capacity		
20	1	ea		Safety Warning Strobe Light	\$366.00	
21	1	ea		15 Gallon Hyd. Reservoir		
22	1	ea		Air Purge & Recirculation System		
23	1	ea		2" Water Fill System		
24	1	ea		Owners Manual		
25	1	ea		On Site Training		
SUBTOTAL					\$ 36,396.00	
Sale Price:					\$ 34,920.00	
Sales Tax @ 7.375%					\$ 2,575.35	
Freight					\$ 2,500.00	
Total Price Delivered					\$ 39,995.35	

Tom Johnson
 WECO INDUSTRIES

Weco

Offering Complete Solutions
 For Our Municipal and Contractor Customers
 Visit our web site- <http://www.wecoind.com>

Subtotal	
Shipping & Handling	
Taxes	
Other	
TOTAL	

TRAILER MOUNTED SEWER CLEANER

YES NO PLEASE CHECK "YES" OR "NO" FOR EACH ITEM BELOW. ITEMS CHECKED "YES" MUST MEET SPECIFICATIONS EXACTLY. FOR ALL ITEMS CHECKED "NO", PLEASE CLEARLY NOTE DIFFERENCES ON A SEPARATE SHEET OF PAPER. THE CITY RESERVES THE RIGHT TO REVIEW EXCEPTIONS AND JUDGE THE POSSIBILITY OF THEIR ACCEPTABILITY. FAILURE TO NOTE EXCEPTIONS WILL CAUSE REJECTION OF SAID BID.

A. GENERAL:

1. It is the intent of these specifications to describe the minimum requirements for a new High Pressure Water Jet designed for the removal of sand, dirt, grease, detergents, and other materials normally found in storm, drain and sanitary pipes. The machine described will be designed to deliver high performance capabilities and provide maximum operator safety and convenience. All parts not specifically mentioned which are required for a complete unit shall conform in design, strength, quality of material, and workmanship to the highest standards of engineering practice.

B. WATER TANKS SYSTEM:

1. Shall be minimum 700-gallon total capacity.
2. The tank system shall be constructed of 1/2" thick polyethylene.
3. Polyethylene material shall be U.V. stabilized for protection against damaging ultraviolet rays. Tank color shall be black.
4. The tank system will be vented and have a tank top porthole to permit inspection and cleaning of the tank.

C. FILL SYSTEM:

1. An overhead type tank filling assembly with a 2-1/2" fire hydrant fitting shall be located on the curbside.
2. A positive air gap anti-siphon system shall be incorporated to protect the potable water supply.
3. A tank top strainer will also be supplied to filter water supply.
4. A water level sight gauge shall be provided and the machine will have a quick dumping valve so that the system may be drained by gravity.
5. A suction line strainer with removable screen shall be provided.

D. WATER PUMP:

1. Pump shall be Fe Meyers positive displacement, heavy duty, and single acting triplex type having a capacity of at least 40 GPM at 2000 PSI.
2. The high-pressure pump and hose will be protected from freezing with an air purge valve.
3. As standard equipment, the unit will have a recirculating valve that allows the operator to run water through the entire jetting system during cold weather operation.
4. Pump suction to be constructed of corrosion resistant PVC piping with integral "Y" strainer for protecting the pump suction.

E. SAFETY HOSE REEL AND CONTROLS:

- ✓ 1. The hose reel will be constructed of 1/4" steel, designed to withstand maximum working pressure without distortion.
- ✓ 2. The narrow designed reel shall be self-leveling type for operator safety.
- ✓ 3. Capacity of reel shall be a minimum of 800' x 3/4" high-pressure sewer hose.
- ✓ 4. Reel flanges shall be 1-1/4" and shall be designed to prevent hose damage from contact during all normal working conditions.
- ✓ 5. The reel shall be driven with hydraulic power in both directions, either with or without the water pump in operation. The hydraulic drive shall have sufficient power to retract the hose when fully extended into the pipe with the cleaning nozzle in operation.
- ✓ 6. The safety reel will rotate a full 190 degrees providing easy access to manholes.
- ✓ 7. The 190-degree rotation will enable the operator to position the machine out of the traffic pattern and provide protection for himself while operating the machine.
- ✓ 8. The rotating ability of the hose reel allows the operator to manipulate the hose reel into various positions depending on location of manhole. This allows for proper positioning of the hose reel without backing up or repositioning sewer machine.
- ✓ 9. The hose reel is mounted on an industrial swivel bearing that is sealed and eliminates contamination from dirt.
- ✓ 10. The industrial swivel bearing shall have minimum requirements of 7.88 I.D., 14" O.D., and 2" thickness.
- ✓ 11. The industrial swivel bearing shall have a minimum load bearing weight of 5,000 Ft.-lbs.
- ✓ 12. The bearing design shall have no wear points except the greasable ball bearings and the braces, which are constructed, of hardened steel to minimize wear.
- ✓ 13. The bearing design minimizes any friction for easy pivoting.
- ✓ 14. Rotating reels using plastic material for swivel action will not be accepted.
- ✓ 15. A single, right hand side control panel mounted on the rotating hose reel shall provide access to all necessary operating controls. The control panel shall rotate with the hose reel.
- ✓ 16. Controls mounted on the rotating hose reel control panel will consist of:
Engine throttle control, starter with key lock starting switch, volt meter, oil pressure gauge, water pressure gauge tachometer, hour meter, 12-volt plug for spotlight, light switches and low water warning light.
- ✓ 17. The hydraulic controls for the rotating hose reel will consist of; a variable speed control and a forward, neutral, reverse directional control.
- ✓ 18. The rotating hose reel will lock into position using a spring-loaded safety pin at 2" intervals.

F. SEWER HOSE:

- ✓ 1. Hose will be 3/4" ID by 600' with an operating pressure of 2,000 PSI and a minimum burst pressure of 5,000 PSI.

G. HYDRAULIC SYSTEM:

- ✓ 1. The hydraulic power system for driving the units systems shall consist of a pump directly driven by an auxiliary engine
- ✓ 2. The hydraulic pump shall have a minimum operating capacity of at least 8 GPM and a tank with a strainer that can be cleaned or replaced as well as an inspection port.

H. PIPING:

- ✓ _____ 1. All piping systems subjected to high pressure shall use zinc chromate plated steel fittings with minimum burst pressure of 4 times the system pressure. Hoses working pressure ratings shall exceed the maximum system pressure.
- ✓ _____ 2. A strainer with a minimum of 40-mesh screen shall be installed in the suction line at a location accessible for cleaning.
- ✓ _____ 3. All piping shall be installed to drain by gravity through suitable openings equipped with plugs, drain cocks, or ball valves.
- ✓ _____ 4. Pressure to the cleaning nozzle, shall be regulated by an overload relief valve.
- ✓ _____ 5. To control water flow from water pump, a single lever control shall regulate direction of water either to hose reel or back to tank utilizing a high-pressure valve assembly. This single lever control shall control a 3-way valve.
- ✓ _____ 6. The recirculation ability of this system allows for use of unit in sub-freezing temperatures.
- ✓ _____ 7. Water delivery to hose reel shall pass through a single 90-degree swivel rotary coupling.

I. ENGINE:

- ✓ _____ 1. The engine shall be diesel powered, water-cooled, four cylinder type with industrial type governor, air cleaner and muffler. Horsepower rating: 60.
- ✓ _____ 2. The required engine accessories shall be furnished, including, but not limited to:
 - 12-volt ignition system with alternator and battery
 - Vernier throttle control
 - Starter with key lock starting switch
 - Replaceable cartridge type oil filter
 - Positive crankcase ventilation system
 - Tachometer and hour meter
 - Voltmeter, oil pressure gauge, and water temperature gauge
 - Auto shutdown for low oil pressure and high water temperature
- ✓ _____ 3. The engine shall be equipped with an over-center type clutch power take-off to permit operating the engine and hose reel with out operating the pump.
- ✓ _____ 4. Power band belt, from engine sheave to pump sheave, is adjustable by movement of water pump.
- ✓ _____ 5. The engine fuel tank will have a capacity of 16 gallons and will be mounted below the frame for safety.
- ✓ _____ 6. There shall be a Two (2) year warranty on engine.

J. ENGINE SHROUD:

- ✓ _____ 1. There shall be only a top cover over engine to allow for complete, unobstructed access to the pump, engine and hydraulic components.
- ✓ _____ 2. Units that do not allow complete, unobstructed access will not be accepted.

K. TRAILER:

- _____ 1. The frame shall be heavy gauge steel tubing construction. The outer frame being of a 2" x 6" construction with a 2"x 4" "spine" running beneath the reel and water tank areas.
- _____ 2. Unit will be equipped with dual spring style axles, 7,000 lb. capacity per axle.
- _____ 3. Unit will be equipped with four (4) radial tires.
- _____ 4. Trailer unit will be equipped with heavy-duty fenders, 2-5/16" ball type hitch, and electric brakes with breakaway switch.
- _____ 5. Unit will be equipped with complete ICC light group, reflectors, license plate holder and safety chains.
- _____ 6. The frame shall utilize a modular design (Vari-Flex or equal) approach such that the unit will accept any alteration of hose reel assembly or pump and engine combination without

ANY welding. All future product upgrades for hose reel and/or pump and engine combinations MUST bolt in to the existing unit for purposes of easy upgradeability.

L. TOOL STORAGE:

- 1. Unit will be equipped with a fender mounted, heavy-duty 16-gauge toolbox with keyed lock system for storage of nozzles and valuable hydraulic root cutting tools.
- 2. Toolbox will measure 12-3/4" high, 32-7/16" wide and 11-1/4" deep.
- 3. Weather stripping will protect toolbox from intrusion of water.

M. PAINTING:

- 1. Before painting, all metal shall be cleaned and etched with a phosphoric wash to insure permanent bond of primer and paint.
- 2. All components of the unit whether purchased or manufactured shall be BOTH primed and painted prior to assembly in order to assure maximum resistance to corrosion. Painting after the assembly process is NOT acceptable.
- 3. The unit shall have the trailer frame and hose reel painted.

N. ELECTRICAL:

- 1. All switches and/or engine controls shall be housed in a NEMA 4 enclosure to insure maximum protections against the elements.
- 2. All electrical connections shall be made via water- tight NEMA 4 equivalent splices.
- 3. Taillights shall be recessed in the trailer frame for maximum protection from damage as well as resistance to road vibration. Taillights mounted to fenders or protruding from the face of the trailer frame are NOT acceptable.
- 4. The main power supply shall have circuit protection and come direct from the unit's battery. All functions shall de-energize when the ignition switch is turned off. The ignition switch shall be used to energize various relays but not as a main power source.
- 5. A dedicated ground shall be supplied to the control panel to assure a positive ground for all devices. Local grounding of the devices is not acceptable.
- 6. Safety Warning Strobe Light

O. ACCESSORIES:

- 1. Footage Meter, Level Wind Mounted
- 2. Finned style nozzle extension
- 3. 15° standard nozzle
- 4. 35° standard nozzle
- 5. BB hose guide
- 6. Upstream pulley guide
- 7. 25 foot x 3/4" leader hose
- 8. Operator's manual

End of Specifications

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10. d.**
City Council Meeting
of January 22, 2008

REVIEW OF THE 2007-2008 ANNUAL BUDGET AT MID YEAR

RECOMMENDATION:

It is recommended that the Newman City Council:

1. Review and Approve budget adjustments as proposed in the report

BACKGROUND:

It is standard for Municipalities to review their original revenue and expenditure projections at midyear. December 31 is the mid way point of our fiscal year.

ANALYSIS:

Shown in attachments A and B are the revenue and expenditure budgets compared to actual amounts received and paid through December 31, 2007 or 50% of the completed year. These reports allow staff to analyze the projected balances for the remainder of the year, and determine whether the account will fall in line or need to be adjusted. Attachment A shows that the total general fund revenues collected are at 34%, and 29% city wide. While these amounts are under 50%, we are not alarmed as a large portion of our sales tax and supplemental tax (major general fund revenues) are expected to be received in future months and will substantially improve the percentages. Also our original revenue budget projections for developer impact fees were over estimated. Due to the significant decline in the housing market a 50% reduction across the board is necessary. These adjustments will also bring our percentages more in line.

Attachment B shows General Fund Expenditures are 41% spent and 41% city wide. To prepare the proposed adjustments I analyzed the revenue and expenditure line items and also discussed the budget with the various department heads and their staffs.

Attachments C & D are the proposed revenue and expenditure budget adjustments by line item. The Cities Funds are in good financial condition; therefore the City Manager is recommending that we appropriate funds for a Full Time Office Clerk position in the Police Department, while eliminating the current Part Time Position. The increase in the current year budget reflects a 4 month time period. As expected the 2008-09 budget year will be impacted by a full years cost. The City Manager is also recommending that an evidence bar code system be implemented in the Police Department this fiscal year. The one time cost of the system is \$10,000. The current system is outdated and in need of replacement. It is also recommended that the budget be increased to allow for the replacement of the poles and lights in Patchett Circle, for a total cost of \$10,000.

FISCAL IMPACT:

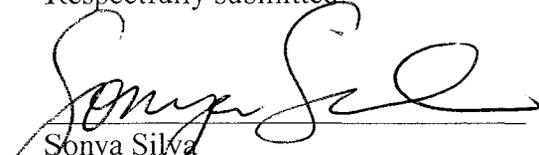
Attachment C shows the detail of the revenue budget adjustments totaling a net decrease of \$1,918,836 across all funds. As discussed above, the decreases are in the development fee revenues.

Attachment D shows the detail of the expenditure budget adjustments totaling a net increase of \$74,900 for all funds. Some of these adjustments include implementing a full time position at the Police Department, building improvements, increasing landscape contract fees, and increasing the budget to replace the poles and lights in Patchett Circle.

CONCLUSION:

Attachment E is a projection of the ending fund balances for all funds. As Council can see, the funds remain in good financial condition. It is staffs recommendation that all adjustments be adopted.

Respectfully submitted:



Sonya Silva
Accountant

Reviewed/Concur



Michael E. Holland
City Manager

RESOLUTION NO. 2008-

**A RESOLUTION AUTHORIZIN MID YEAR BUDGET REVIEW AND ADJUSTMENTS
FOR THE FISCAL YEAR 2007-2008**

WHEREAS, the City Council of the City of Newman has adopted the final budget for 2007-2008 and has reviewed it status as of December 31, 2007; and

WHEREAS, all expenditures are required to have authorization within the accepted budget; and

WHEREAS, a Mid Year Review has revealed budget adjustments that are necessary to facilitate city operations;

THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that budget adjustments as presented be made.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 22nd day of January 2008 by Council Member _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk

CITY OF NEWMAN
 REVENUE ANALYSIS BY FUND
 FISCAL YEAR JULY 2007-JUNE 2008
 BALANCES AS OF DECEMBER 31, 2007
 50% OF YEAR COMPLETE

Attachment "A"

		BUDGET	ACTUAL	REMAINING BUDGET	% Of Budget Collected
General Fund					
10 5010	Property Taxes	\$ 701,000	\$ 418,554	\$ 282,446	60%
10 5070	Sales Tax	\$ 500,000	\$ 165,312	\$ 334,688	33%
10 5095	Business License Taxes	\$ 30,000	\$ 25,566	\$ 4,434	85%
10 5000's	Other Taxes	\$ 186,000	\$ 47,236	\$ 138,764	25%
10 5300's	License & Permits	\$ 253,700	\$ 110,428	\$ 143,272	44%
10 5400's	Fines & Forfeitures	\$ 57,000	\$ 9,598	\$ 47,402	17%
10 5500's	Use of Assets	\$ 168,000	\$ 66,244	\$ 101,756	39%
10 5600's	Intergovernmental Revenues	\$ 968,800	\$ 48,532	\$ 920,268	5%
10 5700's	Charges for Current Services	\$ 869,150	\$ 403,915	\$ 465,235	46%
10 5800's	Miscellaneous Revenue	\$ 220,052	\$ 118,708	\$ 101,344	54%
10 5900	Transfers In	\$ 234,346	\$ -	\$ 234,346	0%
Total General Fund Revenues		\$ 4,188,048	\$ 1,414,093	\$ 2,773,955	34%
Special Revenue Funds					
15	Grant Program Income	\$ 27,100	\$ 9,231	\$ 17,869	34%
18	Grants Federal	\$ 420,285	\$ -	\$ 420,285	0%
19	Housing Grants	\$ 79,500	\$ 336,024	\$ (256,524)	423%
20	County CDBG Consortium	\$ 461,426	\$ 60,991	\$ 400,435	13%
21	Gas Tax	\$ 178,000	\$ 84,672	\$ 93,328	48%
24	Local Transportation Fund	\$ 126,000	\$ 77,726	\$ 48,274	62%
30	Asset Forfeiture	\$ 35	\$ 10	\$ 25	29%
62	Lift Station	\$ 90,600	\$ 43,282	\$ 47,318	48%
68	Business License Surcharge	\$ 13,700	\$ 10,809	\$ 2,891	79%
69	Power/Lighting Assessments	\$ 192,000	\$ 74,064	\$ 117,936	39%
70	Contingency Fund	\$ 8,000	\$ 2,166	\$ 5,834	27%
71	Capital Repair & Replacement	\$ 181,510	\$ 10,523	\$ 170,987	6%
73	Redevelopment	\$ 824,386	\$ 86,382	\$ 738,004	10%
74	Housing Administration	\$ 191,000	\$ 9,435	\$ 181,565	5%
Total Special Fund Revenues		\$ 2,793,542	\$ 805,315	\$ 1,988,227	29%
Enterprise Funds					
60	WWTP/Sewer Fund	\$ 1,657,250	\$ 697,928	\$ 959,322	42%
63	Water Fund	\$ 671,000	\$ 371,106	\$ 299,894	55%
Total Enterprise Fund Revenues		\$ 2,328,250	\$ 1,069,034	\$ 1,259,216	46%
Capital Projects					
16	Parks Facility Fee	\$ 692,500	\$ 15,369	\$ 677,131	2%
40	Public Facility Fee	\$ 1,106,300	\$ 153,688	\$ 952,612	14%
41	Supplemental Impact Fees	\$ 518,600	\$ 49,930	\$ 468,670	10%
42	Storm Drain	\$ 175,700	\$ 8,314	\$ 167,386	5%
61	Sewer Capital	\$ 711,650	\$ 122,009	\$ 589,641	17%
64	Water Capital	\$ 430,200	\$ 60,458	\$ 369,742	14%
Total Capital Project Fund Revenues		\$ 3,634,950	\$ 409,768	\$ 3,225,182	11%
All City Grand Total Revenues		\$ 12,944,790	\$ 3,698,210	\$ 9,246,580	29%

CITY OF NEWMAN
EXPENDITURE ANALYSIS BY FUND
FISCAL YEAR JULY 2007 - JUNE 2008
BALANCES AS OF DECEMBER 31, 2007
50% OF YEAR COMPLETE

Attachment "B"

		BUDGET	ACTUAL	REMAINING BUDGET	% Of Budget Spent
General Fund					
10 01	City Council	\$ 52,434	\$ 20,969	\$ 31,465	40%
10 02	City Manager	\$ 157,131	\$ 70,472	\$ 86,659	45%
10 03	City Clerk	\$ 36,716	\$ 16,059	\$ 20,657	44%
10 06	Planning	\$ 140,198	\$ 56,625	\$ 83,573	40%
10 07	Government Building	\$ 80,027	\$ 22,263	\$ 57,764	28%
10 14	Finance	\$ 136,199	\$ 60,952	\$ 75,247	45%
10 15	Government Auxiliary	\$ 184,300	\$ 33,653	\$ 150,647	18%
10 21	Police	\$ 1,826,096	\$ 809,707	\$ 1,016,389	44%
10 22	Fire	\$ 117,753	\$ 22,202	\$ 95,551	19%
10 23	Building Regulation	\$ 260,442	\$ 91,576	\$ 168,866	35%
10 31	Engineering	\$ 25,000	\$ 9,076	\$ 15,924	36%
10 33	Street Maintenance	\$ 268,693	\$ 124,528	\$ 144,165	46%
10 36	Storm Drains	\$ -	\$ 40	\$ (40)	0%
10 41	Refuse Collection	\$ 592,200	\$ 245,331	\$ 346,869	41%
10 44	Parks	\$ 178,244	\$ 85,325	\$ 92,919	48%
10 45	Recreation Services	\$ 140,242	\$ 65,691	\$ 74,551	47%
10 46	Corporation Yard	\$ 4,300	\$ 1,645	\$ 2,655	38%
Total General Fund Expenditures		\$ 4,199,975	\$ 1,736,114	\$ 2,463,861	41%
Special Revenue Funds					
15	Grant Program Income	\$ 20,400	\$ 2,637	\$ 17,763	13%
18	Grants Federal	\$ 420,285	\$ 68,725	\$ 351,560	16%
19	Housing Grants	\$ 79,000	\$ 33,573	\$ 45,427	42%
20	County CDBG Consortium	\$ 310,823	\$ 379,880	\$ (69,057)	122%
21	Gas Tax	\$ 178,000	\$ -	\$ 178,000	0%
24	Local Transportation Fund	\$ 486,500	\$ 325,079	\$ 161,421	67%
30	Asset Forfeiture	\$ -	\$ -	\$ -	0%
62	Lift Station	\$ 70,888	\$ 26,225	\$ 44,663	37%
68	Business License Surcharge	\$ 27,783	\$ 12,695	\$ 15,088	46%
69	Power/Lighting Assessments	\$ 216,361	\$ 74,443	\$ 141,918	34%
70	Contingency Fund	\$ -	\$ -	\$ -	0%
71	Capital Repair & Replacement	\$ 223,904	\$ 84,481	\$ 139,423	38%
73	Redevelopment	\$ 1,931,281	\$ 668,121	\$ 1,263,160	35%
74	Housing Administration	\$ 136,065	\$ 50,327	\$ 85,738	37%
Total Special Revenue Expenditures		\$ 4,101,290	\$ 1,726,186	\$ 2,375,104	42%
Enterprise Funds					
60	WWTP/Sewer Fund	\$ 1,656,379	\$ 771,728	\$ 884,651	47%
63	Water Fund	\$ 895,964	\$ 498,516	\$ 397,448	56%
Total Enterprise Fund Expenditures		\$ 2,552,343	\$ 1,270,244	\$ 1,282,099	50%
Capital Projects					
16	Parks Facility Fee	\$ 225,000	\$ 25,136	\$ 199,864	11%
40	Public Facility Fee	\$ 50,000	\$ -	\$ 50,000	0%
41	Supplemental Impact Fees	\$ 53,457	\$ -	\$ 53,457	0%
42	Storm Drain	\$ 100,000	\$ 42,638	\$ 57,362	43%
61	Sewer Capital	\$ 835,515	\$ 143,350	\$ 692,165	17%
64	Water Capital	\$ 185,236	\$ 39,074	\$ 146,162	21%
Total Capital Project Expenditures		\$ 1,449,208	\$ 250,198	\$ 1,199,010	17%
All City Grand Total		\$ 12,302,816	\$ 4,982,742	\$ 7,320,074	41%

CITY OF NEWMAN
MID-YEAR BUDGET REVIEW
2007-08

			Amount	Total by Fund	Explanation
REVENUES					
Fund Description Department					
10	5430	Other Code Fines	\$ (30,000)		Based on trend of actual receipts
10	5510	Memorial Building Rental	\$ 3,000		Based on trend of actual receipts
10	5521	Rental - Parks	\$ 3,500		Based on trend of actual receipts
TOTAL GENERAL FUND				\$ (23,500.00)	
16	5102	Dev Fee-Park Facility	\$ (533,250)		Less Development than originally projected
PARK FACILITY FEE				\$ (533,250.00)	
40	5103	Dev Fee-Police Dept	\$ (53,000)		Less Development than originally projected
40	5110	Dev Fee-Fire Dept	\$ (56,500)		Less Development than originally projected
40	5115	Dev Fee-City Hall	\$ (67,000)		Less Development than originally projected
40	5120	Dev Fee-General Plan	\$ (18,250)		Less Development than originally projected
40	5125	Dev Fee-Community Bldg	\$ (22,000)		Less Development than originally projected
40	5130	Dev Fee-Corporation Yard	\$ (12,000)		Less Development than originally projected
40	5135	Dev Fee-Wildlife Habitat	\$ (4,400)		Less Development than originally projected
40	5145	Dev Fee-Traffic	\$ (245,000)		Less Development than originally projected
PUBLIC FACILITY FEES				\$ (478,150.00)	
41	5141	Dev Fee-Sewer Supplemental	\$ (200,000)		Less Development than originally projected
41	5142	General Plan Fee	\$ (22,500)		Less Development than originally projected
41	5147	Downtown Plaza Fee	\$ (34,500)		Less Development than originally projected
SUPPLEMENTAL IMPACT FEES				\$ (257,000.00)	
42	5140	Dev Fee Storm Drain	\$ (83,500)		Less Development than originally projected
STORM DRAINS				\$ (83,500.00)	
61	5165	Dev Fee-Capital Sewer Connectic	\$ (264,500)		Less Development than originally projected
61	5166	Sewer Impact Fees	\$ (46,825)		Less Development than originally projected
SEWER/WASTEWATER CAPITAL				\$ (311,325.00)	
64	5165	Dev Fee-Capital Water Connectic	\$ (117,500)		Less Development than originally projected
64	5166	Water Impact Fees	\$ (68,600)		Less Development than originally projected
CAPITAL WATER FEE				\$ (186,100.00)	
73	5020	Property Taxes	\$ (46,011)		Per Stanislaus County 2002/2003 Adjustment
TOTAL REVENUE ADJUSTMENTS			\$ (1,918,836)	\$ (1,918,836)	

**Y OF NEWMAN
MID-YEAR BUDGET REVIEW
2007-08**

			Amount	Total by Fund	Explanation
EXPENSES					
Fund	Description	Department			
10	6635	01 Dues and Publications	\$ 2,200		United Way of Stanislaus Area 2-1-1 not included in original budget
10	6020	21 Part-Time Personnel	\$ 1,000		Increase Police Department Employee Pay Rate
10	6010	21 Regular Personnel	\$ 10,000		Create Full Time Office Assistant Position (4 month)
	TOTAL GENERAL FUND			\$ 13,200.00	
69	6200	47 Contract Services	\$ 30,000		Hired new landscaper fee increase
69	6300	47 Supplies	\$ 3,000		Lucas Ranch Landscape
69	6200	47 Contract Services	\$ 10,000		Replace Poles and Lights at Patchett Circle
	LIGHTING AND LANDSCAPE			\$ 43,000.00	
71	7105	21 Police Equipment	\$ 10,000		Evidence Barcode System
71	7505	21 Police Building Improvements	\$ 7,000		Locker Room/Break Room Improvements
	CAPITAL REPAIR AND REPLACEMENT			\$ 17,000.00	
73	7726	70 Façade Program	\$ 1,700		Approval of Façade Improvement Grant
	REDEVELOPMENT AGENCY			\$ 1,700.00	
	TOTAL EXPENDITURE ADJUSTMENTS		\$ 74,900	\$ 74,900	

**CITY OF NEWMAN
FUND BALANCE ANALYSIS**

	Unreserved Fund		Unreserved Fund Balance @ 7/1/07 Per Preliminary Audit	Change in Beginning Balance from Original Budget	Revenues		Budget Adjustments Revenues	Budget Adjustments Expenses	Estimated Fund Balance @ 6/30/08 After Audit
	Balance @ 7/1/07 Per Original Budget	Per Preliminary Audit			Less Expenses Per Budget 07/08	Budget Adjustments Revenues			
10 General Fund	\$ 2,509,022	\$ 2,950,909	\$ 441,887	\$ 9,022	\$ (23,500)	\$ 13,200	\$ 2,923,231		
15 Program Income Grant	\$ 385,700	\$ -	\$ (385,700)	\$ 6,700	\$ -	\$ -	\$ 6,700		
16 Park Facility Fee	\$ 1,027,500	\$ 402,348	\$ (625,152)	\$ 467,500	\$ (533,250)	\$ -	\$ 336,598		
18 Grants-Federal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		
19 Grants-Housing	\$ 500	\$ -	\$ (500)	\$ 500	\$ -	\$ -	\$ 500		
20 County CDBG Consortium	\$ 350,603	\$ 367,972	\$ 17,369	\$ 15,603	\$ -	\$ -	\$ 383,575		
21 Gas Tax	\$ -	\$ 14,900	\$ 14,900	\$ -	\$ -	\$ -	\$ 14,900		
24 Local Transportation Fund	\$ 24,500	\$ 505,494	\$ 480,994	\$ (360,500)	\$ -	\$ -	\$ 144,994		
30 Asset Forfeiture	\$ 895	\$ 923	\$ 28	\$ 35	\$ -	\$ -	\$ 958		
40 Public Facility Improvements	\$ 4,556,300	\$ 3,574,597	\$ (981,703)	\$ 1,056,300	\$ (478,150)	\$ -	\$ 4,152,747		
41 Supplemental Impact Fees	\$ 599,143	\$ 190,950	\$ (408,193)	\$ 465,143	\$ (257,000)	\$ -	\$ 399,093		
42 Storm Drain	\$ 275,700	\$ (593,084)	\$ (868,784)	\$ 75,700	\$ (83,500)	\$ -	\$ (600,884)		
60 Sewer Fund	\$ 2,912,170	\$ 3,001,390	\$ 89,220	\$ 212,170	\$ -	\$ -	\$ 3,213,560		
61 Sewer Wastewater Capital	\$ 2,146,135	\$ 2,419,579	\$ 273,444	\$ (123,865)	\$ (311,325)	\$ -	\$ 1,984,389		
62 Lift Station Surcharge	\$ 233,712	\$ 222,619	\$ (11,093)	\$ 19,712	\$ -	\$ -	\$ 242,331		
63 Water Fund	\$ 168,036	\$ 512,870	\$ 344,834	\$ (221,964)	\$ -	\$ -	\$ 290,906		
64 Capital Water Fee	\$ 1,589,964	\$ 2,607,481	\$ 1,017,517	\$ 244,964	\$ (186,100)	\$ -	\$ 2,666,345		
68 Business License Surcharge	\$ 29,917	\$ 18,945	\$ (10,972)	\$ (4,083)	\$ -	\$ -	\$ 14,862		
69 Power/Lighting Assessment	\$ 109,639	\$ 192,314	\$ 82,675	\$ (24,361)	\$ -	\$ 43,000	\$ 124,953		
70 Contingency Fund	\$ 194,000	\$ 186,640	\$ (7,360)	\$ 8,000	\$ -	\$ -	\$ 194,640		
71 Capital Repair & Replacement	\$ 606,606	\$ 530,826	\$ (75,780)	\$ (20,394)	\$ -	\$ 17,000	\$ 493,432		
73 Redevelopment	\$ 1,402,105	\$ 2,122,486	\$ 720,381	\$ 111,105	\$ (46,011)	\$ 1,700	\$ 2,185,881		
74 RDA-Housing	\$ 559,935	\$ 539,582	\$ (20,353)	\$ 54,935	\$ -	\$ -	\$ 594,517		
Total All Funds	\$ 19,682,082	\$ 19,769,741	\$ 87,659	\$ 1,992,222	\$ (1,918,836)	\$ 74,900	\$ 19,768,228		

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10. e.**
City Council Meeting
of January 22, 2008

REPORT ON STANISLAUS COUNTY CDBG CONSORTIUM

RECOMMENDATION:

Review and approve a list of 2008/2009 CDBG projects.

BACKGROUND:

In June 2004, the City of Newman executed a cooperative agreement with Stanislaus County to participate in its Community Development Block Grant (CDBG) Entitlement program. This agreement entitles the City of Newman to receive an annual allotment of HOME funds on an annual basis without having to prepare competitive grant applications.

ANALYSIS:

As part a member City within the CDBG Entitlement Program, the City of Newman receives a fair share allocation of the CDBG grant monies received by the consortium. Based upon a rollover of funds and our current allocation, the City has approximately \$570,000. Staff has assembled a list of potential projects for the Council to review and approve. The list combines infrastructure improves that the public will directly benefit (i.e. new curb, gutter and sidewalks) and indirectly benefit (replace antiquated sewer lines).

FISCAL IMPACT:

Positive. The City will receive up to \$570,000 to fund projects which fall within CDBG guidelines.

CONCLUSION:

Each year member cities are provided an allocation from the CDBG Entitlement Program. While some cities struggle to find projects, the City of Newman continues to expend our funds and remain in good standing. During the 08\09 year, the City must expend \$270,000 or risk returning the funds. The City is prepared (engineering is complete) to move forward with the replacement of antiquated sewer lines this summer. This project would expend approximately \$250,000.

Respectfully submitted,



Michael E. Holland
City Manager

Fiscal Year 2008/09

Remove and replace archaic water lines, sewer lines, and outdated fire hydrants and refurbish old manholes: Remove and replace antiquated and archaic water lines, sewer lines, refurbish old manholes, and replace non-conforming fire hydrants. The project area includes all streets within the following area: Highway 33 to the east, Inyo Avenue to the south, T Street to the west and Yolo Street to the North, plus the R Street extension to Stephens Avenue. **\$250,000**

Install curb, gutter and Sidewalk along Fresno Street: Fresno Street stretching from R Street to T Street lacks basic infrastructure such as curb, gutter and sidewalk. This project would engineer a project and install curb, gutter and sidewalk along Fresno Street from R Street to T Street. **\$200,000**

Rehab Pioneer Park Picnic Shelter, Upgrade Irrigation System & Hardscape: This project would continue the rehabilitation of Pioneer Park, located within one of Newman's two target areas. The picnic shelter is archaic and needs to be reconstructed. Installation of a modernize irrigation system and new hardscape. **\$100,000**

Initiate a program that sponsors youth participation in recreation programs: Will provide seed money to initiate a program that provides recreational opportunities for income-based families through sponsorships of program fees and the loaning of essential equipment. **\$5,000**

Sponsor a community based community training program: Through a grant received by Stanislaus County, a computer learning curriculum has been developed. This curriculum teaches residents computer skills that will assist them with finding a job and/or progressing within the employment field. **\$10,000**