

AGENDA
NEWMAN CITY COUNCIL, SPECIAL MEETING
FEBRUARY 12, 2008
6:30 P.M.
CITY HALL CONFERENCE ROOM
1162 MAIN STREET

1. Call To Order.
2. Roll Call.
3. Items From The Public.
4. Adjourn To Closed Session
 - a. Public Employment - Police Chief - G.C. 54957.
 - b. Return To Regular Session
5. Adjournment.

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING OF FEBRUARY 12, 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. **Special Presentations And Ceremonial Matters**
 - a. Presentation Of The Stanislaus County Police K9 Program.
 - b. Presentation Of The One-Hundred Year Landfill Study.
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 22, 2008 Regular Meeting.
 - d. Adopt Resolution No. 2008- , Rejecting The Claim Of Rebecca Hodson
 - e. Review And Approval Of The Annual Inflation Adjustment For Capital Facility And Impact Fees.
9. **Public Hearings**
 - a. Second Reading And Adoption Of Ordinance No. 2008- , Amending Title 7, Of The Newman City Code - Fire Code - Incorporating The 2007 California Fire Code.
 - b. Adopt Resolution No. 2008- , A Resolution Of The City Council Of The City Of Newman, California, Declaring The Results Of A Noticed Protest Proceeding And Approving Certain Actions For Rates, Fees And Charges For Water And Sewer Service(s).
 - c. Second Reading And Adoption Of Ordinance No. 2008- , Approving Zone Change No. 2007-02.
 - d. Adopt Resolution No. 2008- , A Resolution Establishing The Fee For A Site Plan Review Application.

10. Regular Business

- a. Adopt Resolution No. 2008- , A Resolution Approving A Reimbursement And Settlement Agreement Between The City Of Newman Can SCM Hearthstone LLC.
- b. Adopt Resolution No. 2008- , A Resolution Urging The California Air Resources Board To Increase The District's Share Of Proposition 1B Funding.
- c. Adopt Resolution No. 2008- , A Resolution Approving In Concept A Countywide Transportation Financial Expenditure Plan.
- d. Consider For Approval The Stanislaus County Annual Action Plan (FY 08-09) And Open 30 Day Public Comment Period.
- e. Award Bid For Outsourcing Utility Bill Printing.
- f. Review And Approve The Comparator Cities For The Classification And Compensation Study.

11. Items From The City Manager And Staff.

12. Items From City Council Members.

13. Adjournment.

Calendar of Events

- February 4 - NCLUSD Board Meeting - 7:15 p.m.
- February 6 - Baseball Board Meeting - 7:00 p.m.
- February 7 - West Side Healthcare Taskforce
- February 13 - Baseball Board Meeting - 7:00 p.m.
- February 14 - Recreation Commission - Canceled
- February 21 - Fire Study Meeting - Patterson - 6:00 p.m.
- February 21 - Planning Commission - 7:00 p.m.
- February 25 - Two On Two Meeting With The School Board 4:30 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.

- March 10 - NCLUSD Board Meeting - 7:15 p.m.
- March 11 - City Council - 7:00 p.m..
- March 12 - Baseball Board Meeting - 7:00 p.m.
- March 13 - Recreation Commission - 7:00 p.m.
- March 17 - Two On Two Meeting With The City Of Patterson - 6:00 p.m.
- March 20 - Planning Commission - 7:00 p.m.
- March 25- City Council - 7:00 p.m..

Date.: Jan 30, 2008
 Time.: 4:35 pm
 Run by: EMILY M. FARIA

CITY OF NEWMAN
 CASH DISBURSEMENTS REPORT

Page.: 1
 List.: NEW1
 Group: PYCPDP

Chk #	Check Date	CK Amount	Vendor Name	Description
003428	01/30/08	-1038.11	BUSH,ACKLEY,MILICH,HALLIN	CK# 003428 Reversed
003428	01/30/08	-1750.00	BUSH,ACKLEY,MILICH,HALLIN	CK# 003428 Reversed
003467	01/30/08	-667.18	PATTERSON AUTO CARE, INC	CK# 003467 Reversed
003479	01/30/08	-5259.25	SIERRA INSTALLATIONS, INC	CK# 003479 Reversed
033494	01/18/08	1038.11	BUSINESS CARD	REGIST GRANT WRITING/L006ING LCC CITY CLERKS CONF
033495	01/18/08	1750.00	BUSH,ACKLEY,MILICH,HALLIN	LEGAL RETAINER/JAN 2008
033496	01/18/08	125.00	MIKE BOWEN	DJ SERVICES FOR EMPLOYEE APPRECIATION DINNER
033497	01/23/08	40.00	SECRETARY OF STATE	EXAM FEE/NOTARY SEMINAR/TORRES
033498	01/23/08	528.54	STAN BOMMARITO	CATERING SERVICES/EMPLOYEE APPRECIATION DINNER
033499	01/23/08	528.54	BOB DAL PORTO	CATERING SERVICES/EMPLOYEE APPRECIATIO DINNER
033500	01/23/08	528.54	JANA BOMMARITO	CATERING SERVICES/EMPLOYEE APPRECIATION DINNER
033501	01/23/08	203.95	TERRY HEIBERGER (NT)	REIMBURSE SUPPLIES/EMPLOYEE APPRE DINNER/HEIBERGER
033502	01/23/08	911.88	TERRY HEIBERGER (NT)	REIMBURSE FOOD SUPPLIES/EMPLOYEE APPREC DINNER/HEI
033503	01/24/08	900.00	MALDO'S PAINTING & DRYMAL	TAPE SHEET ROCK, PUTTY NAIL HOLES/STORAGE SHED
033504	01/25/08	688.31	UNITED STATES POSTMASTER	MAILING DF UTILITY BILLS/JAN 2008
033505	01/29/08	50.00	INTERNATIONAL ASSOC PROP	2008 ANNUAL MEMBERSHIP DUES/EVIDENCE CLERK/BELL

Sub-Total: -1421.67

Grn-Total: -1421.67
 Count: 16

Date...: Feb 08
 Time...: 8:11
 Run by: EMILY M. FARIA

CITY OF NEWMAN
 CASH DISBURSEMENTS REPORT

Page.: 1
 List.: NEW1
 Group: PYCPOP

CK #	Check Date	CK Amount	Vendor Name	Description
033506	02/01/08	225.00	MICHAEL HOLLAND (NT)	PER DIEM/LCC CITY MANAGERS CONF/HOLLAND
033507	02/01/08	100.00	BRETT SHORT (NT)	PER DIEM/LESS-LETHAL-INSTRUCTOR-TRNG/SHORT
033508	02/01/08	277.00	NATIONAL TRAINING CONCEPTS	REGISTRATION/LESS LETHAL INSTRUCTOR/SHORT
033509	02/08/08	.00	VOIDED CHECK	
033510	02/08/08	.00	VOIDED CHECK	
033511	02/08/08	5601.87	ABBOTT & KINDERMANN, LLP	LEGAL FEES/SHERMAN RANCH/THRU 1/20/08
033511	02/08/08	1052.31	ABBOTT & KINDERMANN, LLP	PROFESSIONAL SERVICES/NEWMAN FAMILY APARTMENTS
033512	02/08/08	200.00	JUAN ALFARO	REFUND MEMORIAL-BLDG-DEPOSIT/ARREGUIN
033513	02/08/08	294.00	ASCAP	ASCAP LICENSE RENEWAL JAN-DEC 2008
033514	02/08/08	31.49	ARMOR HOLDINGS FORENSICS, INC	NIK TEST 6 BOX OF 10 TESTS/PO
033515	02/08/08	144.03	AT&T	TELEMETRY-LINE/PO-1/7/08-2/c/08
033516	02/08/08	591.10	AT&T/MCI	TELEPHONE SERVICE/DEC 2007
033517	02/08/08	26.32	AT&T LONG DISTANCE	LONG DISTANCE/DEC 2007
033518	02/08/08	1130.72	BERTOLOTTI DISPOSAL	LANDFILL FEES/JAN-2008
033519	02/08/08	440.00	BJ'S CONSUMER'S CHOICE IN	PEST CONTROL SERVICES/ALL LOCATIONS
033520	02/08/08	1558.00	BLACK HILLS AMMUNITION	PO #08-55
033521	02/08/08	225.00	BORGE'S GLASS & MIRROR	INSTALL WINDSHIELD-2004-FORD-CROWN-VIC
033522	02/08/08	6496.00	BOYLE ENGINEERING CORPORATION	DRAINAGE MASTER PLAN/DEC 2007
033522	02/08/08	2532.60	BOYLE ENGINEERING CORPORATION	PROFESSIONAL SERVICES RENDERED/DEC 2007
033523	02/08/08	714.00	CAL-WEST CONCRETE CUTTING	CORE DRILL-28-FLAG-POLE-HOLES-DOWNTOWN
033524	02/08/08	199.00	CA DEBT & INVESTMENT	SEMINAR REGISTRATION/MECHANICS OF BOND SALE/SILVA
033525	02/08/08	100.00	JEFF CARTER	PARKING LOT RENT/FEB 2008
033526	02/08/08	69.78	SANTIAGO CASTILLO	REIMBURSE-ADUET-BASKETBALL-SUPPLIES-CASTILLO

Ck #	Check Date	CK Amount	Vendor Name	Description
033527	02/08/08	122.13	CASEY BARNETT LOCKSMITH	SERVICE CALL/LOCKS/PD
033528	02/08/08	208.00	CBA (ADMIN FEES)	DENTAL-VISION ADMIN FEES/FEB 2008
033529	02/08/08	447.33	CENTRAL SANITARY SUPPLY	DEO BLOCKS/PAPER TOWELS/CANLINERS/TP
033530	02/08/08	50.00	CARL J. COELHO (CHUCK)	Veh Operation FIRE/FEB-2008
033531	02/08/08	778.38	CORBIN WILLITS SYS, INC.	SERVICE & ENHANCEMENT FEES/FEB 2008
033532	02/08/08	14794.75	ECO:LOGIC, INC	NEWMAN WATER SYSTEM MASTER PLAN/NOV-DEC 2007
033533	02/08/08	3782.61	EMC PLANNING GROUP, INC	SOUZA INDUSTRIAL SUB/ON=CALL-CEQA
033534	02/08/08	548.00	ENERPOWER	ELECTRIC ENERGY SERVICES/11/8/07-12/07/07
033535	02/08/08	248.00	JOHN FANTAZIA (NT)	MILEAGE AND PARKING REIMBURSEMENT/FANTAZIA
033536	02/08/08	44.95	FIRETOIRE, INC	EMAIL/FD/ WEB HOSTING-1/17/08-2/17/08
033537	02/08/08	25.00	FLEX ONE/AFLAC	ADMIN FEE/UNREIMBURSED MEDICAL EXPENSE/JAN 2008
033538	02/08/08	5.05	GARTON TRACTOR	FORD TRACTOR FUEL LINE O-RINGS
033539	02/08/08	39.08	GOLDEN STATE IRRIGATION	COVER-ALLS/MISC-PLUMBING/WATER-DEPT
033540	02/08/08	1803.61	GROENIGER & CO.	PO #08-53
033540	02/08/08	1395.88	GROENIGER & CO.	PO #08-60
033541	02/08/08	2535.00	HALCYON CREEK	MONTHLY IT SERVICES/JAN & FEB-2008
033542	02/08/08	1916.00	HARTFORD INS CO OF THE MIDWEST	FLOOD INSURANCE FOR WMTP
033543	02/08/08	239.13	IDEXX LABORATORIES, INC.	GAMMA IRRAD COLLERT 100ML PAK/WATER DEPT
033544	02/08/08	7635.00	JOE'S LANDSCAPING &	LIGHTING & LANDSCAPE-DISTRICT LANDSCAPING/DEC-2007
033545	02/08/08	231.88	JORGENSEN & COMPANY	SEMI ANNUAL SERVICE/ANSUL SYSTEM/FD/MEM BLDG
033546	02/08/08	1162.00	KAISER PERMANENTE	HEALTH INSURANCE FEB/MARCH 2008/LEMUS
033547	02/08/08	75.11	LC ACTION POLICE SUPPLY	BLACK BATON FOAM GRIP/PD
033548	02/08/08	103.53	MIKE MAIER (NT)	LCC ADMIN SERVICE COMM MTG MILEAGE REIMBURSE/MAIER

CITY OF NEWMAN
 CASH DISBURSEMENTS REPORT

Chk #	Check Date	CK Amount	Vendor Name	Description
033549	02/08/08	531.46	MALLARD EXPRESS AUTO	BATTERY/OIL CHANGES/BRAKES/PO
033550	02/08/08	88.82	FRANK B. MARKS & SON, INC	100 LBS CONCRETE SAND
033551	02/08/08	675.00	MARTIN CARVER, AICP	NEWMAN PLAZA NEPA
033552	02/08/08	71.22	PERFECTO MILLAN (NT)	REIMBURSE PERFECTO MILLAN FOR CLASS BOOKS
033553	02/08/08	15.50	NEWMAN MINI MART	SUPPLIES/PO
033554	02/08/08	.00	VOIDED CHECK	
033555	02/08/08	511.29	CITY OF NEWMAN-PETTY CASH	REIMBURSE-PETTY CASH/JAN-2008
033556	02/08/08	19431.59	NEWMAN FIREFIGHTERS, INC.	REIMBURSE FIRE DEPT FOR JAWS OF LIFE AND EQUIPMENT
033557	02/08/08	75.00	NEWMAN FFA ORESTIMBA H.S.	REFUND MEMORIAL BLOG DEPOSIT/NEWMAN FFA
033558	02/08/08	.00	VOIDED CHECK	
033559	02/08/08	1095.83	NEWMAN ACE HARDWARE/JACT, INC	BATTERIES/SURGE PROTECT/BULBS/GLOVES/SCOOP
033560	02/08/08	823.17	NEXTEL COMMUNICATIONS	CELL PHONE USE/12/27/07 THRY 1/26/08
033561	02/08/08	71.13	N08 HILL	SUPPLIES FOR AQUATIC MT6/COFFEE/CREAMER/SUGAR
033562	02/08/08	6225.00	NTDSTICHLER ARCHITECTURE	PROFESSIONAL SERVICE/DEC 2007/AQUATIC CENTER
033563	02/08/08	734.60	OMEGA INDUSTRIAL SUPPLY	PO #08-58
033564	02/08/08	1439.00	OPERATING ENGINEERS/	HEALTH INSURANCE/MARCH-2008
033565	02/08/08	752.32	PACIFIC WATER RESOURCES	VACUUM PUMP KIT/RELAY/VOLUTE GASKET/SWITCH
033566	02/08/08	568.16	PATTERSON AUTO CARE, INC	MOUNT & BALANCE 4 TIRES/ALIGNMENT/PO
033567	02/08/08	1102.92	CITY OF PATTERSON	FIRE CONSOLIDATION-ANALYSIS
033568	02/08/08	.00	VOIDED CHECK	
033569	02/08/08	.00	VOIDED CHECK	
033570	02/08/08	370.59	P G & E	SHERMAN PARKWAY ELECTRICITY/NATURAL GAS/PW
033570	02/08/08	38122.28	P G & E	GAS AND ELECTRIC 12/6/07 TO 01/17/08

CITY OF NEWMAN
 CASH DISBURSEMENTS REPORT

Ck #	Check Date	CK Amount	Vendor Name	Description
033571	02/08/08	272.75	PIONEER PRODUCTS, INC.	HAND-TURBO-TOWELS/PD
033572	02/08/08	198.25	PIZZA PLUS	PIZZA DELIVERY FOR OPERATION "AH"/PD
033573	02/08/08	266.75	R&S ERECTION TRI COUNTY	REPAIRS TO ELECTRICAL GATE/PD
033574	02/08/08	370.00	RANDHAWA MEDICAL GRP, IN	PRE-EMPLOYMENT-PHYSICAL/DON-HUGHENS
033575	02/08/08	55.27	RELIABLE	HP COMBO INK PACKAGE/WJTP
033576	02/08/08	2343.75	JOCELYN ROLAND, Ph.D.	PROFESSIONAL SERVICES/JAN 2008
033577	02/08/08	4157.74	RRM DESIGN GROUP, INC.	PROFESSIONAL-SERVICES/DOWNTOWN PLAZA/DEC-2007
033578	02/08/08	1072.68	SEEGER'S PRINTING	6000 RECYCLING BROCHURES
033579	02/08/08	3563.61	SELF HELP ENTERPRISES	04HOME-0748/04STBG-1919/02STBG-1715
033580	02/08/08	123.08	SONYA SILVA	TRAVEL REIMBURSEE/REVENUE & TAXATIO SEMINAR/SILVA
033581	02/08/08	47.43	SIRCHIE	LATENT PRINT TECH KIT/FINGERPRINGING/PD
033582	02/08/08	413.84	STAPLES CREDIT PLAN	80X FILES/HP INK/PENS/CORKBOARD/COPY PAPER
033583	02/08/08	145.00	STANISLAUS COUNTY DEPT	CORRECTIONS TO TICKET-SALES TO REC DEPT
033584	02/08/08	12.00	STANISLAUS COUNTY SUPERIOR COU	EPO PACKETS/PD
033585	02/08/08	311.46	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL/SERVICE JAN 2008
033586	02/08/08	830.00	SURCB ACCOUNTING OFFICE	ANNUAL-FEE FOR STORM WATER PERMIT/2008
033587	02/08/08	75.00	TEAMSTERS LOCAL 386	REFUND MEMORIAL BUILDING DEPOSIT/TEAMSTERS 386
033588	02/08/08	68.12	ALICIA TORRES (NT)	REIMBURSE MEALS/TRAVEL/NOTARY CASE/TORRES
033589	02/08/08	180.00	BARBARA J. TOSTA	YOUNG @ HEART INSTRUMENTS/JAN-2008
033590	02/08/08	11500.00	RANDAL M. ULIBARRI	CONTRACT SERVICES/JAN 2008/INTERIM POLICE CHIEF
033591	02/08/08	203.47	RANDY ULIBARRI (NT)	REIMBURSE MEALS/R ULIBARRI
033592	02/08/08	304.24	USA BLUEBOOK	REDDINGTON HOUR METER 120VAC/WJTP
033593	02/08/08	40.68	VALLEY PARTS SERVICE	WINDSHIELD WIPERS/SEWER MACHINE REPAIRS/BARS LEAK

CK #	Check Date	CK Amount	Vendor Name	Description
033594	02/08/08	50.00	GEORGE VARGAS	MONTHLY GAS ALLOWANCE/JAN-2008/VARGAS
033595	02/08/08	574.64	MATTOS NEWSPAPERS, INC.	LEGAL ADS/MAILING LABELS/POLICE BROCHURES
033596	02/08/08	2.50	GANAC, CHERYL	MQ CUSTOMER REFUND FOR GAN0001
033597	02/08/08	10.60	NURN, MICHELLE	MQ CUSTOMER REFUND FOR NUN0021
033598	02/08/08	11.80	SANCHEZ, ERNIE	MQ CUSTOMER REFUND FOR SAN0094
Sub-Total:		160118.18		
Grn-Total:		160118.18		
Count:		97		

MINUTES
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 – Mayor Fantazia 7:03 p.m.
2. Pledge Of Allegiance.
3. Invocation – Council Member Katen.
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 Reserve Officer Don Hutchins
Chief Ulibarri Introduced And Performed The Swearing In Of New Reserve Officer Don Hutchins.
7. Items from the Public - Non-Agenda Items

Mark Trinta, C.F.O. With SCM Homes, Addressed The Council Regarding The Sherman Ranch-SCM Homes Reimbursement Agreement; Trinta Told The Council That He Believed That SCM And The City Had Reached An Accord On Final Terms of the Agreement On January 3, 2008. Trina Stated That He Is Frustrated Because After Two Years The Agreement Was Still Not Finalized And That SCM Would Like The Agreement Finalized As Soon As Possible.

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.

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

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

ACTION: No Action Was Taken; All The Nuisances Were Abated Prior To The Council Meeting.

- b. Introduction Of Ordinance No. 2008- , An Ordinance Approving Zone Change No. 2007-02.

Assistant Planner Ocasio Reviewed The Staff Report And Answered Council Questions.

Mayor Fantazia Opened The Public Hearing At 7:22 P.M.

Tim Miller, Miller Planning & Design Group. Inc., Spoke To The Council Regarding The Proposed Development . He Specifically Addressed The Traffic Concerns And Told The Council That The General Plan Does Take In To Account That A High Density Project Would Be Placed At This Particular Location. Miller Went On To Point Out That The Current Land Use Designation Would Allow Up To Twenty-Nine Units Per Acre, But That This Project Is Twenty-Five To Thirty Percent Less Than Allowed.

Ben Lingo, Corporation For Better Housing, Showed The Council A Power Point Presentation Of The Proposed Development. Lingo Gave The Council Information About The Corporation For Better Housing And The Proposed Project.

Ronald Jorstad, 818 Foxglove Ct, Stated That His Concern Is The Traffic That Will Be Generated By This Project. Jorstad Requested A Professional Traffic Study And A Cal Trans Study Before This Project Is Approved. Jorstad Also Asked To Have Input On Final Approval.

There Being No Further Public Comment The Hearing Was Declared Closed At 7:41 P.M.

ACTION: Ordinance No. 2008- , An Ordinance Approving Zone Change No. 2007-02 Was Introduced By Council Member Crinklaw. Ordinance Had Its First Reading By Title Only.

10. Regular Business

- a. Presentation Of Schematic Design For Aquatic Center Project – NTD-Stichler.

Tal Lewis (NTD-Stichler) And Trish Soto (Councilman-Hunsaker) Aquatic Consultants, Informed The Council That The Schematic Design Phase Is Now Complete. Lewis Explained That The Schematic Design Phase Establishes Basic Plan, Configuration, Architectural Style, And Materials. Lewis And Soto Reviewed The Project And The Different Aspects Of The Schematic Design.

ACTION: Council Authorized The City Manager Holland To Proceed With The Next Phase Of The Project.

- 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.

Ken Slamon, Fire Marshal, Presented The New California Fire Code And Highlighted The Proposed Ordinance Changes.

ACTION: Ordinance No. 2008- , An Ordinance Amending Title 7, Of The Newman City Code – Fire Code - Incorporating The 2007 California Fire Code Was Introduced By Council Member Crinklaw. Ordinance Had Its First Reading By Title Only.

- c. Public Works Sewer Machine Purchase Report And Bid Award.

Director Of Public Works Ernie Garza Reported That Current Sewer Machine Is Used Often, But Is Worn Out. Garza Informed The Council That The City Only Received One Bid, But That It Was Within The Budgeted Amount And That The New Machine Would Offer Many Improved Features.

ACTION: On Motion By Katen Seconded By Kelly And Unanimously Carried, Council Awarded The Bid To Weco Industries In The Amount Of \$39,995.35.

- d. Adopt Resolution No. 2008-4, A Resolution Reviewing And Approving Budget Adjustments As Proposed In The Annual Mid-Year Budget Report.

ACTION: On Motion By Katen Seconded Kelly By And Unanimously Carried, Resolution No. 2008-4, A Resolution Reviewing And Approving Budget Adjustments As Proposed In The Annual Mid-Year Budget Report Was Adopted.

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

ACTION: On Motion By Council Member Crinklaw Seconded By Martina And Unanimously Carried Council Directed Staff To Proceed With The Proposed Project List.

11. Items From The City Manager And Staff.

Supervisor DeMartini Reminded The Council About The EDAC Meeting On Jan 31, 2008 And Encouraged The City To Submit A Project List. DeMartini Also Reminded The Council That The Next Westside Health Care Taskforce Would Be In Gustine On February 7, 2008. DeMartini Showed The Council A Sample Of The Westside Health Care Brochure That Will Be Presented At The Next Westside Health Care Meeting.

City Manager Holland Reminded The Council That The Two 2 On 2 Committees Would Be Meeting Next On Monday January 28th. Holland Told The Council That The School District Committee Would Be Meeting At 4:30 P.M. And The City Of Patterson Committee At 6:00 P.M.. Holland Informed The Council That They Would Be Considering A Resolution For The Air Resources Board At The Next Council Meeting, As Requested By Supervisor O'Brien. Holland Explained That The City Was Considering A Highway 33 Precise Plan And A Sales Tax Study As Potential EDAC Projects. Holland Reminded The Council And The Community That The Deadline To Apply For Commission Vacancies Had Been Extended To February 6, 2008 and That West Park Has Scheduled A Land Use Meeting On February 28th At The Memorial Building. Holland Noted That The County Is Moving Forward With A Half-Cent Sales Tax And That The Council Would See This As An Item On Their Next Agenda. Holland Informed The Council That The Final Payment Had Been Made On The Hill Property, And That The Felber Fee Issue Will Be Handled At Staff Level. Holland Also Mentioned That The SCM Homes Agreement Will Be On The Next Council Agenda

Chief Ulibarri Informed The Council That The Senior Lunch Was A Success With About Ninety Participants And That They Handed Out Magnets With Phone Numbers For Services And Emergencies. Ulibarri Explained That An Abandoned Stolen Vehicle With Stolen Plates Led Officers

To Discover An Operational Meth Lab, Which Led To An Arrest On Seven Felony Counts. Ulibarri Commented That The Work Of Volunteers Led To The Breakup Of An Underage Drinking Party And The First Violation Of The New Social Host Ordinance. Ulibarri Stated That He Was Happy To Report That There Were No Abatements And That Everyone Had Complied Prior To The Meeting.

Public Works Director Garza Notified The Council That His Staff Had Been Removing Mistletoe From Street Trees And That Storage Building At Water Works Had Been Completed.

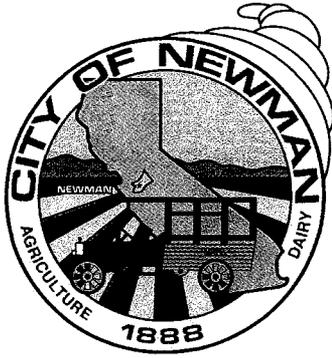
12. Items From City Council Members.

Council Member Kelly Thanked Staff For The Employee Dinner.

Council Member Katen Thanked Terri And Staff For Great Employee Dinner And Thanked Chief For Hosting The Luncheon And For Disseminating Information To Seniors. Katen Also Mentioned The Letter From Mr. De La Tore And Asked Staff to Look Into The Issue.

13. Adjournment

ACTION: On Motion By Katen Seconded By Crinklaw And Unanimously Carried, The Meeting Was Adjourned At 9:58 P.M.



**City of Newman
City Manager's Office
Memorandum**

Date: February 1, 2008

To: City Council

From: Michael E. Holland *MEH*

Subject: Rejection of claim.

A claim against the City of Newman was filed by Rebecca Hodson on January 8, 2008. Based upon the recommendation of our insurance provider, Staff recommends the Council reject said claim.

RESOLUTION NO. 2008-

A RESOLUTION REJECTING THE CLAIM OF REBECCA HODSON

WHEREAS, a claim for damages in the amount within the Superior Court jurisdiction was filed against the City of Newman by REBECCA HODSON, on January 8, 2008 for alleged damages.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that it hereby rejects the said claim for alleged damages in the amount of within the Superior Court jurisdiction against the City of Newman for alleged damages.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of February, 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: None

ABSENT: None

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **8. e.**
City Council Meeting
of February 12, 2008

**REVIEW OF THE AUTOMATIC ANNUAL INFLATION ADJUSTMENT FOR
CAPITAL FACILITY AND IMPACT FEES FOR THE PERIOD MARCH 1, 2008
THROUGH FEBRUARY 28, 2009**

RECOMMENDATION:

It is recommended that the Newman City Council:

- Review the automatic adjustment to the City's Capital Facility and Impact Fees.

BACKGROUND:

In April 2002, the City Council adopted Resolution 2002-22 approving the comprehensive update of Capital Facility and Impact Fees. The resolution provides for the automatic adjustment of the fees based on the Engineering News Record (ENR) Index. The following information is presented to the Council for review only. No action is needed.

ANALYSIS:

The ENR inflation index for the San Francisco region as of December 31, 2007 is 2.3%. This percentage increase has been applied to the Capital Facility and Impact Fees to derive at new rates for the period covering March 1, 2008 through February 28, 2009. The attachment, E exhibit "A", includes the new adjustment fees as well as the old fees.

FISCAL IMPACT:

The effect of the change is an increase in development fees for a previous vested single-family residential lot/home from \$8,988.99 to \$9195.74. The cost for new single-family residential lot/home increases from \$13,285.27 to \$13590.83.

CONCLUSION:

Fees will commence March 1, 2008. Notices will be forwarded to local developers/investors, and the BIA.

Respectfully submitted,


Sonya Silva
Accountant

REVIEWED/CONCUR:



Michael E. Holland
City Manager

EXHIBIT A

City of Newnan - Development Fees 2008-2009

Inflation Factor - 3.9% (As of December 31, 2006)

Fees for Vested Maps - 03/01/08 through 02/28/09

	IMPACT FEES						PARKS						MUNICIPAL FACILITY FEES												TOTALS		
	Water		Traffic		Storm		Sewer		Park		Com Bldg		Police		Fire		Govt Bldg		Corp Yard		Wildlife		Gen Admin		PER UNIT		
	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	
Residential Land Use																											
Low Density	938.28	959.86	2,017.03	2,063.42	1,012.83	1,036.12	637.41	652.07	2,350.51	2,404.57	334.17	341.86	326.85	334.37	605.33	619.25	375.22	383.85	181.74	185.92	42.51	43.48	167.11	170.96	8,988.99	9,195.74	
Medium Density	443.43	453.83	1,643.03	1,680.82	494.47	505.84	311.19	318.35	1,880.40	1,923.65	300.48	307.39	294.62	301.40	545.24	557.78	337.12	344.88	164.16	167.94	38.11	38.99	149.51	152.95	6,501.77	6,753.62	
High Density	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Non-Residential Land Use																											
Downtown Commercial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
General Commercial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Light Industrial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Service Industrial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Heavy Industrial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Business Park	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

Fees for New Development - 03/01/08 through 02/28/09

	IMPACT FEES						PARKS						MUNICIPAL FACILITY FEES												TOTALS		
	Water		Traffic		Storm		Sewer		Park		Com Bldg		Police		Fire		Govt Bldg		Corp Yard		Wildlife		Gen Admin		PER UNIT		
	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	
Residential Land Use																											
Low Density	938.28	959.86	3,402.66	3,460.92	1,559.80	1,595.67	637.41	652.07	4,378.97	4,479.69	N/A	N/A	750.13	767.38	394.00	403.06	1,008.30	1,031.49	N/A	N/A	42.51	43.48	173.22	177.21	13,285.27	13,590.83	
Medium Density	458.06	468.60	3,031.25	3,100.97	761.51	779.03	311.19	318.35	4,326.11	4,425.61	N/A	N/A	741.09	758.13	389.24	398.19	996.14	1,019.05	N/A	N/A	38.11	38.99	171.11	175.05	11,223.82	11,481.97	
High Density	286.30	292.88	2,393.10	2,448.14	475.95	486.89	194.50	198.97	3,932.83	4,023.29	N/A	N/A	673.70	689.19	353.86	362.00	905.57	926.40	N/A	N/A	33.72	34.49	155.57	159.15	9,405.09	9,621.41	
Non-Residential Land Use																											
Downtown Commercial	512.12	523.90	N/A	N/A	611.90	625.97	196.00	200.50	N/A	N/A	N/A	N/A	242.54	248.12	127.38	130.31	326.01	333.51	N/A	N/A	N/A	N/A	56.00	57.29	2,071.95	2,119.61	
General Commercial	512.12	523.90	2,694.46	2,756.43	611.90	625.97	196.00	200.50	N/A	N/A	N/A	N/A	242.54	248.12	127.38	130.31	326.01	333.51	N/A	N/A	N/A	N/A	56.00	57.29	4,765.41	4,876.04	
Light Industrial	512.12	523.90	1,364.86	1,396.35	611.90	625.97	196.00	200.50	N/A	N/A	N/A	N/A	161.69	165.41	84.93	86.88	217.34	222.34	N/A	N/A	N/A	N/A	37.33	38.19	3,185.26	3,259.54	
Service Industrial	512.12	523.90	833.16	852.33	611.90	625.97	196.00	200.50	N/A	N/A	N/A	N/A	161.69	165.41	84.93	86.88	217.34	222.34	N/A	N/A	N/A	N/A	37.33	38.19	2,715.52	2,788.57	
Heavy Industrial	512.12	523.90	567.26	580.31	611.90	625.97	196.00	200.50	N/A	N/A	N/A	N/A	161.69	165.41	84.93	86.88	217.34	222.34	N/A	N/A	N/A	N/A	37.33	38.19	2,388.57	2,443.50	
Business Park	512.12	523.90	1,364.86	1,396.35	611.90	625.97	196.00	200.50	N/A	N/A	N/A	N/A	242.54	248.12	127.38	130.31	326.01	333.51	N/A	N/A	N/A	N/A	56.00	57.29	3,436.91	3,515.86	

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9. a.**
City Council Meeting
of February 12, 2008

REPORT ON PROPOSED FIRE CODE CHANGES

RECOMMENDATION:

1. Conduct Public Hearing regarding proposed changes to the Fire Code.
2. Conduct Second Reading And Adoption Of Ordinance No. 2008-xx, An Ordinance Amending Title 7, Fire Regulations, Of The Newman City Code

BACKGROUND:

On January 22, 2008, the City Council heard a presentation by Stanislaus County Fire Marshall. The proposed changes are necessary to bring the Municipal Code into compliance with the 2007 California Fire Code.

ANALYSIS:

During the previous presentation, the Fire Marshall identified the proposed changes that occur under the new Fire Code. The most noticeable impact will be associated with the installation of fire suppression systems in buildings larger than 5,000 square feet and residential units on lots small than 5,000 square feet. The Fire Marshall will be on hand to answer questions from the Council and Public.

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

ORDINANCE NO. 2008-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING TITLE
7 FIRE REGULATIONS - OF THE NEWMAN CITY CODE**

The City Council of the City of Newman does ordain as follows:

Section 1.

That Title 7 of the Newman City Code be amended as stated in Attachment "A", attached hereto and made a part hereof by this reference.

Section 2.

All other sections and provisions of Title 7 shall remain in full force and effect.

Section 3.

That a duly noticed public hearing was held by the City Council on February 12, 2008.

Section 4.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the West Side Index, a newspaper of general circulation, published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 22nd day of January, 2008 by Councilmember Crinklaw, 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

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 misdemeanor¹. (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 Chapter 1, 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)

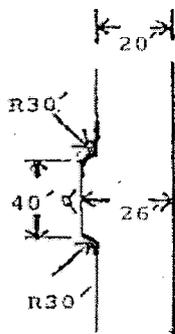
Appendix D Table D103.4 is amended as follows:

Requirements for Dead-End Fire Apparatus Access Roads

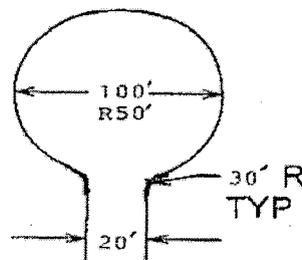
Length (feet)	Width (feet)	Turnarounds Required
0-150	20	None Required
151-500	20	100-foot hammerhead or 100 foot cul-de-sac
501-750	26	100-foot hammerhead or 100 foot cul-de-sac
Over 750		Special Approval Required

Appendix D Figure D103.1 is amended as follows:

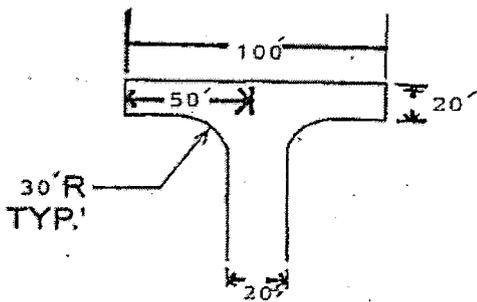
Dead-End Fire Apparatus Access Road Turnaround



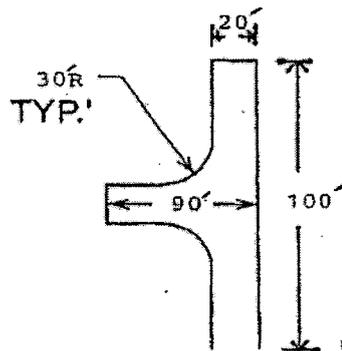
MINIMUM CLEARANCE
AROUND A FIRE
HYDRANT



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)

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9. b.**
City Council Meeting
of February 1, 2008

**DECLARE THE RESULTS OF A NOTICED PROTEST AND PROCEEDING AND APPROVING
CERTAIN ACTIONS FOR RATES, FEES, AND CHARGES FOR WATER AND SEWER
SERVICES**

RECOMMENDATION:

It is recommended that the City Council:

1. Declare the results of a noticed protest and proceeding and approving certain actions for rates, fees, and charges for water and sewer services.

BACKGROUND:

Earlier this year Ecologic completed a comprehensive sewer and water rate study, the intent of the study was to independently assess and evaluate the City's existing sewer and water rates and provide recommendations. The objective of the study was to adequately fund water and sewer utility operations, capital costs, and bonded debt while minimizing rates to the greatest degree possible. The study was based on a comprehensive review of the City's sewer/water funds and budgets, customer classes, usage data, future planned growth pursuant to the General Plan, and other information deemed necessary. Upon completion and presentation of the Sewer and Water Rate Study, The City Council passed a resolution No. 2007-59, on November 13, 2007 authorizing the initiation of proposition 218 proceedings.

ANALYSIS:

Proposition 218 requires that the City send written notice by mail of the proposed fee or charge to the record owner of each identified parcel as well as to the rate payer. The written notice will need to include the amount of the rates, the reason for the fee or charge, and the date, time and location of a public hearing. The public hearing will need to be conducted not less than 45 days after mailing the notices. If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge. This process will serve to validate the rates.

In order to meet the Prop 218 requirements, staff contracted the services of NBS Local Government Solutions to assist with the validation process. The special notice proceeding on the proposition consisted of a mailed notice (see attached) distributed to the property owners and rate payers of record within the City and established a date and time to hold a public hearing to consider all protests against the proposed rates, fee and charges. To date we have received 84 written protest (as of 02/04/08), an up to date count will be present at the council meeting including any received that night.

FISCAL IMPACT:

There is no cost associated with this item.

CONCLUSION:

Staff recommends that we declare the results of a noticed protest and proceeding and approving certain actions for rates, fees, and charges for water and sewer services.

Respectfully Submitted:



Michael E. Holland
City Manager

Proposed Wastewater Rates

Customer Category	Class	Proposed Monthly Rate	Proposed Excess Usage Charge 100 cubic feet	Basis of Charge	Current Monthly Rates	Current Excess Usage Charge 100 Cubic Feet
Residential						
Single Family (SF)	01	\$30.58	N/A	Per Unit	\$24.43	N/A
Multi-Family	02	27.52	N/A	Per Unit	21.79	N/A
SF Low Income	08	24.46	N/A	Per Unit	19.55	N/A
MF Low Income	09	22.02	N/A	Per Unit	17.43	N/A
House + 1 Apt	23	58.09	N/A	Per Unit	46.22	N/A
Schools						
Yolo Schools	04	1.27	N/A	Per Student	1.11	N/A
Von Renner	05	1.27	N/A	Per Student	1.11	N/A
Other	06	1.27	N/A	Per Student	1.11	N/A
Commercial						
1 Com + 1 SF	19	61.15	N/A	Per Account	48.86	N/A
Commercial (Com)	20	30.58	N/A	Per Account	24.43	N/A
Commercial	21	30.58	2.74	Per Account + each 100 cu ft above 1,000 cu ft	24.43	2.41
Com + 1 Apt	22	58.09	2.74	Per Account + each 100 cu ft above 2,000 cu ft	46.22	2.41
Com + 1 SF	24	61.15	2.74	Per Account + each 100 cu ft above 2,000 cu ft	48.86	2.41
Com + 3 Apt	25	113.13	2.74	Per Account + each 100 cu ft above 4,000 cu ft	89.80	2.41
3 Com + 1 SF	26	122.30	2.74	Per Account + each 100 cu ft above 4,000 cu ft	97.72	2.41
2 Com + 1 SF	27	91.73	2.74	Per Account + each 100 cu ft above 3,000 cu ft	73.29	2.41
3 Com	28	91.73	2.74	Per Account + each 100 cu ft above 3,000 cu ft	73.29	2.41
4 Com	30	122.30	2.74	Per Account + each 100 cu ft above 4,000 cu ft	97.72	2.41
2 Com	31	61.15	2.74	Per Account + each 100 cu ft above 4,000 cu ft	48.86	2.41
2 SF	32	61.15	N/A	Per Account	48.86	N/A
1 Com + 2 Apt	33	85.61	2.74	Per Account + each 100 cu ft above 3,000 cu ft	68.01	2.41
Com to 7,000 CF	70	214.03	2.74	Per Account + each 100 cu ft above 7,000 cu ft	171.01	2.41
1 SF + 2 Apt	71	116.19	N/A	Per Account	68.01	N/A
Commercial Res/Food Processing						
Res/Food Proc	07	54.05	5.17	Per Account + each 100 cu ft above 1,000 cu ft	43.70	2.61
Restaurant (Res)	10	54.05	5.17	Per Account	43.70	N/A
Com + Res	29	84.63	5.17	Per Account + each 100 cu ft above 2,000 cu ft	68.13	2.61
4 Com + 2 Res	35	230.41	5.17	Per Account + each 100 cu ft above 7,000 cu ft	185.12	2.61
Industrial						
F&A Dairy	Flow	21,332.50	0.01799	Base Rate for 265,000 gal/day + Average gal/day	18,550.00	0.00524
F&A Dairy	BOD	6,436.05	2.55	Base Rate for 4,010 lbs/day + Average lbs/day	4,290.70	1.85
Hi-West Foods		70.35	2.31	Per Account	43.70	N/A
DiMare - 1		70.35	2.31	Per Account + each 100 cu ft above 1,000 cu ft	43.70	2.61
DiMare - 2		70.35	2.31	Per Account + each 100 cu ft above 1,000 cu ft	43.70	2.61
Foster Farms		70.35	2.31	Per Account + each 100 cu ft above 1,000 cu ft	43.70	2.6

The proposed wastewater rates are proposed to be effective as of March 1, 2008. These rates would increase by 15% on July 1, 2009. They would increase by another 3% on July 1, 2010 and by another 3% on July 1, 2011.

Proposed Water Rates

Customer Category	Class	Size	Basis of Charge	Proposed Base Rates	Proposed Usage Rates	Basis of Usage Rate	Current Base Rates	Proposed Usage Rates
<u>Residential</u>								
1" Meter	01	01	Per Unit + Usage	\$10.90	\$0.55	Each 100 cu ft above 400	\$8.65	\$0.41
2" Meter	01	02	Per Unit + Usage	30.62	0.55	Each 100 cu ft above 1,100	24.30	0.41
3/4" Meter	01	34	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
5/8" Meter	01	58	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
5/8" Meter x 2 connections (con)	01	59	Per Unit + Usage	21.80	0.55	Each 100 cu ft above 400	17.30	0.41
5/8" Meter x 3 con	01	65	Per Unit + Usage	32.70	0.55	Each 100 cu ft above 400	25.95	0.41
<u>Multiple Dwelling</u>								
1" Meter	01	01	Per Unit	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
2" Meter	04	02	Per Unit	30.62	0.55	Each 100 cu ft above 1,100	24.30	0.41
1" Meter x 2 con	04	05	Per Unit	51.80	0.55	Each 100 cu ft above 400	17.30	0.41
6" up to 2,700 units	04	12	Per Unit	294.27	0.55	Each 100 cu ft above 6,000	233.55	0.41
1 1/2" Meter	04	15	Per Unit	20.41	0.55	Each 100 cu ft above 400	16.20	0.41
5/8" Meter	04	58	Per Unit	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
5/8" Meter x 2 con	04	59	Per Unit	21.80	0.55	Each 100 cu ft above 400	17.30	0.41
5/8" Meter x 4 Apts	04	61	Per Unit	43.60	0.55	Each 100 cu ft above 500	34.60	0.41
5/8" Meter x 3 con	04	65	Per Unit	32.70	0.55	Each 100 cu ft above 800	25.95	0.41
<u>Commercial</u>								
1" Meter	02	01	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
2" Meter	02	02	Per Unit + Usage	30.62	0.55	Each 100 cu ft above 1,100	24.30	0.41
5/8" Meter min	02	03	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
4" Meter	02	04	Per Unit + Usage	65.65	0.55	Each 100 cu ft above 3,000	52.10	0.41
1" Meter x 2 con	02	05	Per Unit + Usage	21.80	0.55	Each 100 cu ft above 400	17.30	0.41
3/4" Meter with 4" Meter	02	06	Per Unit + Usage	0.00	0.55	Each 100 cu ft above 0	0.00	0.41
1" Meter	02	07	Per Unit + Usage	43.72	0.55	Each 100 cu ft above 3,000	34.70	0.41
1" Meter x 4 con	02	10	Per Unit + Usage	43.60	0.55	Each 100 cu ft above 400	34.60	0.41
6" Meter up to 2,700 units	02	12	Per Unit + Usage	294.27	0.55	Each 100 cu ft above 6,000	233.55	0.41
1 1/2" Meter	02	15	Per Unit + Usage	20.41	0.55	Each 100 cu ft above 400	16.20	0.41
3/4" Meter	02	34	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
5/8" Meter	02	58	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
5/8" Meter x 2 con	02	59	Per Unit + Usage	21.80	0.55	Each 100 cu ft above 400	17.30	0.41
5/8" Meter x 3 con	02	65	Per Unit + Usage	32.70	0.55	Each 100 cu ft above 800	25.95	0.41
5/8" Meter up to 7,000 cu ft	02	70	Per Unit + Usage	76.29	0.55	Each 100 cu ft above 400	60.55	0.41
<u>Industrial</u>								
1" Meter	03	01	Per Unit + Usage	10.90	0.55	Each 100 cu ft above 400	8.65	0.41
2" Meter	03	02	Per Unit + Usage	30.62	0.55	Each 100 cu ft above 1,100	24.30	0.41
4" Meter	03	04	Per Unit + Usage	65.65	0.55	Each 100 cu ft above 3,000	52.10	0.41
3/4" Meter with 4" Meter	03	06	Per Unit + Usage	0.00	0.55	Each 100 cu ft above 0	0.00	0.41
5/8" Meter x 2 con	03	59	Per Unit + Usage	21.80	0.55	Each 100 cu ft above 400	17.30	0.41

The proposed water rates are proposed to be effective as of March 1, 2008.

CITY OF NEWMAN NOTICE OF PUBLIC HEARING

Notice of Public Hearing on Water and Wastewater Rate Increases

February 12, 2008 at 7:00 PM
Council Chambers, 1200 Main Street, Newman

Notice of Public Hearing in conformance with Article XIID of the California State Constitution and the Proposition 218 Omnibus Implementation Act

In compliance with Article XIID of the California State Constitution and the Proposition 218 Omnibus Implementation Act, the City of Newman is hereby notifying all affected property owners and rate payers of the proposed Water and Wastewater Rate Increases.

Public Hearing Information

A Public Hearing will be held on February 12, 2008 at 7:00 PM at the City of Newman Council Chambers located at 1200 Main Street in Newman. The City Council will conduct the public hearing on the proposed rate increases. At the time of the Public Hearing, the City Council will hear and consider all protests and objections concerning these matters and will consider and may adopt the increased rates and charges.

If you oppose the proposed rate increases, your protest must be submitted in writing, contain a description of the property you own, be signed by the property owner/rate payer and be received prior to the close of the Public Hearing to be considered. If written protests are submitted by a majority of the affected property owners/rate payers, the proposed rate increases may not be imposed. Please mail your written protest to City Clerk, City of Newman, PO Box 787, Newman, CA 95360 or deliver your written protest to City Clerk, City of Newman, 1162 Main Street, Newman, CA 95360.

Explanation of Rate Increases

The City of Newman has reviewed its water and wastewater rates and charges. This review was performed to assess the adequacy of the revenues to maintain the physical integrity of these systems, to comply with all health standards, to provide adequate water storage and flows for fire suppression purposes, to provide adequate quality of wastewater treatment, and to provide adequate levels of maintenance, upgrade and expansion of the water and wastewater facilities. Due to increasing operational costs related to these facilities and services as detailed in the Wastewater and Water Rate Study prepared by ECO:LOGIC Engineering dated September 2007, the following rate increases are proposed at this time.

Who Should I Call With Questions?

If you have questions regarding the proposed water and wastewater rate increases, please call Mike Maier, Deputy City Clerk, with the City of Newman at (209) 862-3725.

RESOLUTION NO. 2008-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA, DECLARING THE RESULTS OF A NOTICED PROTEST PROCEEDING AND APPROVING CERTAIN ACTIONS FOR RATES, FEES AND CHARGES FOR WATER AND SEWER SERVICE(S)

The City Council of the City of Newman (hereafter referred to as the "City Council") does resolve as follows:

WHEREAS, the City Council called and duly held a noticed protest proceeding for the purpose of presenting to the qualified property owners and rate payers the proposition of increasing rates, fees and charges for water and sewer service(s) pursuant to Section 6, of Article XII D of the California Constitution; and,

WHEREAS, a mailed notice was distributed to the property owners and rate payers of record within the City as of the County's last equalized roll and the City latest rate payer database. The property owners and rate payers as of the close of the Public Hearing held on February 12, 2008 consented to the increase of rates, fees and charges for water and sewer service(s); and,

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE CITY, AS FOLLOWS:

Section 1 The above recitals are true and correct.

Section 2 The canvass of the written protests cast at the noticed protest proceeding held on February 12, 2008, is hereby approved and confirmed.

Section 3 The proposition, presented to qualified property owners and rate payers for receipt by the City Clerk on February 12, 2008, each has received a notice. Of the qualified property owners and rate payers filing written protests at said noticed protest proceeding, the proposition has carried. The City Council is hereby authorized to take the necessary steps to effect the increased rates, fees and charges for water and sewer services(s) as authorized by the proposition.

Section 4 The City Clerk is hereby directed to enter this Resolution on the minutes of the City Council which shall constitute the official declaration of the result of such noticed protest proceeding.

Section 5 This Resolution shall become effective immediately upon its adoption.

Section 6 The City Clerk shall certify the adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of February 2008 by Councilmember _____, 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

I, _____ City Clerk of the City of Newman, County of Stanislaus, State of California do hereby certify that the foregoing Resolution No. _____ is a full, correct, and true copy of a resolution passed by the City Council of said City of Newman, a Municipal Corporation of the County of Stanislaus, State of California, at a regular meeting held on the _____ day of _____, 2008 and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED:

Deputy City Clerk
City of Newman

Honorable Mayor and Members
of the Newman City Council

Agenda Item: 9. c.
City Council Meeting
of February 12, 2008

REPORT ON ORDINANCE APPROVING ZONE CHANGE #07-02

RECOMMENDATION:

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

BACKGROUND:

On January 22, 2008, a public hearing and the first reading of Ordinance #2008-XX was held by the City Council. Due to a typographical error in the public notice, an additional public hearing has been scheduled for the February 12, 2008 meeting to ensure that those within the project area have an opportunity to comment.

ANALYSIS:

The applicant (Corporation for Better Housing) applied for a Zone Change (from R-1 to R-3, to conform with the Newman 2030 General Plan) for a multi-family apartment project. 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. The purpose of this zone change is to bring the subject properties into conformance with the Newman 2030 General Plan; approval of this zone change will result in the above mentioned area being consistent with the High Density designation as mandated by our General Plan.

FISCAL IMPACT:

None

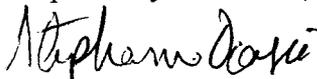
CONCLUSION:

The proposed project is compatible with and will not have a negative impact upon the immediate neighborhood. It will provide affordable housing (as mandated by the State) and be an asset to the surrounding area.

ATTACHMENTS:

1. Exhibit A – Ordinance #2008-XX

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael Holland
City Manager

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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWMAN DOES ORDAIN
AS FOLLOWS:

Section 1.

That certain real property situate in the City of Newman, County of Stanislaus, State of California, more articulately described above, is hereby changed and rezoned from R-1 Single Family Residential to R-3 Multiple Residential.

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 Crinklaw, 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

Honorable Mayor and Members
of the Newman City Council

Agenda Item: 9. d.
City Council Meeting
of February 12, 2008

REPORT ON SITE PLAN REVIEW FEE

RECOMMENDATION:

Adopt Resolution #2008-XX establishing the fee for a Site Plan Review application.

BACKGROUND:

On November 15, 2007 the Planning Commission reviewed and recommended Ordinance #2007-12 Amending Title 5.25.040 – Architectural and Site Plan Review. On November 27, 2007 the proposed ordinance was presented to Council for review and first reading. On December 11, 2007 the second reading was held by council and the proposed title amendment was approved.

As referenced to Council during the first and second readings, staff had determined that an application fee in the amount of \$340.00 is appropriate for this type of application given the amount of staff time that is required.

ANALYSIS:

The Site Plan Review process involves multiple people and can span out to many agencies. A typical application is routed out to the City Engineer, Department Heads and any applicable agencies for review. Any agency or jurisdiction that may be affected by the proposed project must be notified and given an opportunity to provide comments. An average application takes between 8 to 15 hours of staff time. An example of that time span is below:

Interior Review

Building Department	1 hour minimum
City Engineer	2 hours minimum
Fire Department	1 hour
Planning Department	5 hours (routing/comments/meetings) 2 hours (correspondence/mailings/notices) 2 hours (research/review/staff reports)
Police Department	1 hour
Public Works Department	1 hour

Exterior Review (usually a 3 week turnaround for comments)

California Department of Transportation
California Northern Railroad
Central Valley Regional Water Quality Control Board
Native American Heritage Commission
Newman-Crows Landing Unified School District
San Joaquin Valley Air Pollution Control District
And any other applicable agency

Agenda Item: 9. d.

The proposed fee of \$340.00 is a baseline amount; any additional costs incurred by the proposal and/or larger projects that require more time shall be required to be paid in full by the applicant prior to advancing to the Planning Commission.

FISCAL IMPACT:

Positive

CONCLUSION:

With the implementation of the proposed fee, staff time and processing costs will be recovered. At this present time, no fees are collected for a Site Plan Review Application; costs such as staff time, postage and supplies have all been absorbed by the City. Through adopting a Site Plan Review application fee, these costs will be compensated for and the City will be able to conserve funds on what was previously spent on Site Plan Review applications. The adoption of this fee will allow the City to recoup the expenses that are acquired throughout the Site Plan Review process.

ATTACHMENT:

1. Exhibit A – Resolution #2008-XX

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10. a.**
City Council Meeting
of February 12, 2008

**CONSIDER ADOPTION OF SUBSTITUTE REIMBURSEMENT AND
SETTLEMENT AGREEMENT**

RECOMMENDATION:

Adopt Resolution #2008-xx approving a substitute Reimbursement and Settlement Agreement between the City of Newman and SCM Hearthstone, LLC

BACKGROUND:

In 2003, the City approved the *First Amendment Subdivision Improvement Agreement Hearthstone Ranch*. Said agreement contained a paragraph pertaining to reimbursements and an exhibit identifying the improvements and costs to be reimbursed. In 2004, the City approved the *Sherman Ranch Development Agreement*. This agreement included a similar paragraph and exhibit. However, the exhibit in the Sherman Ranch Development Agreement did not contain quantities, unit costs and dollar amounts. It was anticipated that the information would be quantified and approved by the developer and staff at a later date.

ANALYSIS:

During the December 11th City Council meeting, staff requested the Council allow staff one last opportunity to negotiate and finalize a reimbursement agreement with SCM Hearthstone. The proposed new agreement will consolidate the reimbursement sections of the two previously approved agreements into one final and comprehensive agreement.

The following are some of the terms of the agreement:

- The duration of the agreement is seven (7) years and will be dated May 1, 2007.
- All impacts fees shall continue to be subject to an annual escalation factor.
- The amount not reimbursed to the developer through fee credits will be subject to the same escalation factor.
- To ensure accounting accuracy, fee credits will be fixed and the builder will be required to pay the escalation amount as part of the building permit.
- The City has agreed to provide the developer with water and sewer connection fee credits. In return, the developer has agreed to pay the City a 3% administration fee.
- Future fees collected from the area defined in Exhibit B shall be split between the City and developer on a 50/50 basis.
- The City shall be entitled to a 5% administration fee associated with the collection and re-distribution of fees collected from future development.
- The City has agreed to make cash payments for outstanding park fees, traffic fees and water and sewer connection fees collected after May 1, 2007.
- Lastly, the developer shall reimburse the City for all outside costs and expenses incurred by City in connection with the negotiations leading up to, and the preparation of, this agreement.

FISCAL IMPACT:

Neutral. All costs associated with reimbursement will be borne from future development utilizing the infrastructure. City costs associated with administration of the agreement will be reimbursement through the administration fees identified within the agreement.

CONCLUSION:

While the process of negotiating a substitute reimbursement and settlement agreement was long and, at times, challenging, the final product is a fair and equitable agreement for both parties. The City will recover costs associated with negotiating and preparing the agreement and costs associated with administering the agreement. The agreement set ups a mechanism for easily tracking developer credits and sets forth a disbursement schedule for fees collected from future development with a defined area. Overall, the substitute reimbursement and settlement agreement serves to consolidate reimbursement sections from two separate agreements into a single agreement and clearly defines the terms of the reimbursement.

Respectfully submitted,



Michael E. Holland
City Manager

RESOLUTION NO. 2008-

**A RESOLUTION APPROVING A REIMBURSEMENT AND SETTLEMENT AGREEMENT
BETWEEN THE CITY OF NEWMAN AND SCM HEARTHSTONE LLC**

WHEREAS, existing City policy expressly limits credits against fees payable to the particular category of improvement involved and then only up to the total amount of the fee liability of the development in that category, except upon an express finding of "*community-wide value*" by the Council ("**Resolution 02-22**");

WHEREAS, the Council has made no such finding of "*community-wide value*" with respect to the facilities and improvements constructed by Developer related to either Hearthstone Ranch or Sherman Ranch; and

WHEREAS, Section 17 of the First Amendment contemplates that Developer will "*be reimbursed for up-front construction costs of "Backbone Infrastructure" improvements, beyond Developer's pro rata fair share*" constructed for Hearthstone Ranch; and

WHEREAS, the Hearthstone Reimbursement Schedule provides an itemized category and dollar amount breakdown of the Hearthstone Reimbursable Costs and a projected total of such "*Probable Reimburseables*" (sic) for Hearthstone Ranch; and

WHEREAS, Section 6.10 of the Development Agreement contemplates that Developer will "*be reimbursed for up-front construction costs of "Backbone Infrastructure" improvements, beyond Developer's pro rata fair share*" constructed for Sherman Ranch (the "**Sherman Ranch Reimbursable Costs**"); and

WHEREAS, the Sherman Ranch Reimbursement Schedule similarly provides an itemized category breakdown of the Sherman Ranch Reimbursable Costs, however, the quantity, unit cost, and dollar amounts listed under each of the enumerated categories and the corresponding "*Probable Reimburseables*" (sic) total is zero (0); and

WHEREAS, the Sherman Ranch Reimbursement Schedule provides that it is "*a conceptual schedule only*", with the actual quantity, unit cost, and dollar amount figures to be later inserted into the categories reflecting zeros once development of Sherman Ranch progresses to the point that accurate dollar figures can be "*quantified by Developer and City Staff and approved at a later date by City Staff*"; and

WHEREAS, the City and the Developer desire to instead enter into a substitute reimbursement agreement that will supersede all outstanding prior reimbursement agreements and obligations related to the Projects, including, without limitation, the Hearthstone Reimbursement Schedule and the Sherman Ranch Reimbursement Schedule, and provide the character, methods, and probable reimbursables for conclusive satisfaction of any and all outstanding Hearthstone Reimbursable Costs, Sherman Ranch Reimbursable Costs and any and all other outstanding reimbursement obligations of City due to Developer in relation to the Projects (collectively, the "**Reimbursable Improvement Costs**"); and

WHEREAS, Developer and City further desire to conclusively settle and resolve any and all actual and potential claims and disputes arising out of or concerning the reimbursement of the Reimbursable Improvement Costs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that the Reimbursement And Settlement Agreement between the City of Newman and SCM Hearthstone LLC is approved.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of February, 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:

John Fantazia, Mayor

ATTEST:

Deputy City Clerk

I hereby certify that the foregoing resolution is a full, correct and true copy of a resolution passed by the City Council of the City of Newman, a municipal corporation of the County of Stanislaus, State of California, at a regular meeting held on February 12, 2008 and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED:

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10. b.**
City Council Meeting
of February 12, 2008

REPORT ON AIR RESOURCES BOARD

RECOMMENDATION:

Adopt Resolution #2008-XX urging the California Air Resources Board to increase the District's share of Proposition 1B funding.

BACKGROUND:

In November 2006, California voters approved Proposition 1B authorizing \$1 Billion in funding to reduce air pollution and health risk along California priority trade corridors. It is anticipated that a majority of the funding will be distributed in 2008.

ANALYSIS:

In January 2008, an Air Resources Board staff report recommended that the funding be disproportionately appropriated to Southern California. While the Central Valley is impacted by 45% of the goods movement from diesel trucks, our area would only receive 25% of the funds. This action is contrary to previous Board actions which emphasize the importance of clean air in the San Joaquin Valley.

FISCAL IMPACT:

Positive

CONCLUSION:

Support of the attached resolution will provide notice to the California Air Resources Board that the Central Valley should not be ignored. If the Board is serious about air pollution within the Central Valley, they should take the appropriate action to ensure that appropriate funding reach this area and address the issue.

Respectfully submitted,



Michael Holland
City Manager



BOARD OF SUPERVISORS

William O'Brien
District One1010 10TH Street, Suite 6500, Modesto, CA 95354
Phone: 209.525.4440 Fax: 209.525.4410

January 18, 2008

Mayor John Fantazia
City of Newman
1162 Main Street
P.O. Box 787
Newman, CA 95360

Dear Mayor Fantazia,

As a member of the San Joaquin Valley Air Pollution Control District Board of Directors and Supervisor of District One in Stanislaus County, I am concerned about the Staff Proposal of the Air Resources Board that will directly impact our battle to improve air quality in the Central Valley.

The Air Resources Board staff recently reported the proposed allocation of Prop. 1B funding for the "Goods Movement Emission Reduction Plan." Although the Central Valley is well-known for having the worst air quality in the nation, the Air Resources Board plans to distribute the funding disproportionately to Southern California. The Central Valley is impacted by 45% of the goods movement from diesel truck emissions in the four corridors eligible for Prop. 1B funding, yet may receive only 25% of Prop. 1B funds. The Air Resources Board previously emphasized the importance of clean air in the San Joaquin Valley by establishing a task force to attain better air quality in the Valley more quickly, yet now they stop short of their commitment by proposing such meager allocation.

Each community can help the Central Valley receive its fair share of funding by submitting a resolution of support to the Air Resources Board as well as my office. It is essential to submit the resolution quickly, before the Air Resources Board votes to set this in stone. I have attached a sample resolution for your convenience. Proposals should be sent to:

Mary Nichols
Air Resources Board
California Air Resources Board
1001 "I" Street
P.O. Box 2815
Sacramento, CA 95812William O'Brien
Supervisor, District One
1010 10th Street Ste. 6500
Modesto, CA 95354

Let's work together to ensure that the underserved Valley receives the resources it needs from the Air Resources Board to combat this very real and critical issue that we face.

Sincerely,

William O'Brien
Supervisor, District One
Board of Directors, San Joaquin Valley Air Pollution Control District

RESOLUTION NO. 2008-

**A RESOLUTION OF THE CITY OF NEWMAN URGING THE CALIFORNIA AIR
RESOURCES BOARD (ARB) TO INCREASE THE DISTRICT'S SHARE OF
PROPOSITION 1B AIR QUALITY MITIGATION FUNDING**

WHEREAS, the San Joaquin Valley Unified Air Pollution Control District (District) is a duly constituted unified district, as provided in California Health and Safety Code (CH&SC) Sections 401.50 to 401.61; and

WHEREAS, in November of 2006, California voters approved Proposition 1B authorizing \$1 billion in bond funding to reduce air pollution and health risk along California's priority trade corridors; and

WHEREAS, in the January 3, 2008 ARB staff report on the Proposition 1B Emissions Reduction Incentive Program, ARB staff proposed to allocate only 25% of the Proposition 1B air quality mitigation funding to the entire Central Valley trade corridor, which includes both the San Joaquin Valley Air Pollution Control District and the Sacramento Metropolitan Air Quality Management District; and

WHEREAS, in the above-mentioned proposal for allocating the Proposition 1B funding, ARB staff relies on goods movement emission inventory figures that have not been officially sanctioned, lack technical justification, and are not consistent with numbers used in State Implementation Plans; and

WHEREAS, in the above-mentioned proposal for allocating the Proposition 1B funding, ARB staff ignores the San Joaquin Valley's need for expedited attainment of the federal 8-hour ozone standard by 2017, even though State Officials, including ARI3 members and Governor Schwarzenegger, have expressed their commitment to attaining the federal 8-hour ozone standard in the Valley by 2017; and

WHEREAS, in the above-mentioned proposal for allocating the Proposition 1B funding, ARB staff relies on population figures without considering per capita population exposure to air pollution; and

WHEREAS, the District's 2007 Ozone Plan identifies substantial new emission - reductions that are needed to attain the health-based ambient air quality standards for 8-hr ozone and also for particulate matter less than 2.5 microns in diameter (PM2.5) implemented by the United States Environmental Protection Agency (EPA); and

WHEREAS, the District's 2007 Ozone Plan shows that regulatory programs alone will not provide the emission reductions needed to meet federal Clean Air Act requirements for the federal 8-hr ozone and PM2.5 standards; and

WHEREAS, heavy-duty diesel trucks used for goods movement in the San Joaquin Valley are by far the Valley's largest single source of smog-forming oxides of nitrogen; and

WHEREAS, emissions from heavy-duty trucks are under the primary regulatory jurisdiction of the state and federal governments, not the District; and

WHEREAS, the San Joaquin Valley north-south trade corridor comprised of Highway 99 and Highway 5 carries more heavy-duty truck traffic than any other goods movement corridor in the state, 45.9 percent of the total vehicle miles traveled (VMT) for the four major goods movement corridors; and

WHEREAS, the San Joaquin Valley, due to its topography and meteorology, faces a greater challenge in improving air quality than any other area of California; and

WHEREAS, a higher level of goods movement air quality mitigation funding than proposed by ARB staff would help serve the needs of the Valley's diverse low-income population by reducing exposure to air pollution from goods movement; and

WHEREAS, the District has an outstanding track record of effectively using incentive funding to achieve meaningful emissions reductions;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The District urges the ARB to:

1. Use officially sanctioned heavy-duty truck emissions inventories in calculating goods movement air quality mitigation funding allocations; and Consider the San Joaquin Valley's need for expedited attainment of the federal 8-hour ozone standard by 2017 in developing goods movement funding allocations; and
2. Consider the San Joaquin Valley population's exposure to air pollution, and not just the population numbers, in the formula for establishing goods movement funding allocations; and
3. Reaffirm their commitment to eliminating violations of health-based air quality standards in the San Joaquin Valley by allocating at least 37% of the total Proposition 1B goods movement air quality mitigation funding to the Central Valley.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of February 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: **10. c.**
City Council Meeting
of February 12, 2008

**REPORT ON COUNTY WIDE TRANSPORTATION FINANCIAL
EXPENDITURE PLAN**

RECOMMENDATION:

Adopt Resolution #2008-XX approving a conceptual Countywide Transportation Financial Expenditure Plan.

BACKGROUND:

In November 2006, a countywide ½ cent transportation sales tax program was placed on the ballot. The measure required 66 2/3% majority approval in order to pass. Unfortunately, the measure only received 58% voter approval. The 2006 Plan was 30 years in length and estimated to produce nearly One Billion Dollars.

ANALYSIS:

In December 2007, the StanCOG Policy Board directed Director Vince Harris to meet with the nine City Managers and the County CEO to develop a consensus based framework for a new Transportation Expenditure Plan. In January 2008, the city managers and County CEO, with the assistance of Director Harris and Bill Bassitt (Alliance CEO), developed a framework that reduces the length of the measure to twenty years and focus of two types of projects.

The proposed twenty year measure is estimated to generate approximately \$700 million. Half of the proceeds would be earmarked for local communities and allocated based upon a population basis. Since two cities would generate more revenue than they would receive income, a modified base line methodology has been created to ensure each City would receive their fair share.

The second component to the expenditure plan is projects with regional impacts. The Capital Corridor Improvement component would also receive 50% of the funding. Projects within this component are segregated to three corridors; Northern, Central and Southern. Specific projects within the corridors are identified in Table 5 of the attached memorandum from Vince Harris. One main point cities felt was important to include states that 50% of all revenues generated above estimated amount (\$700 million) must be split equally amongst the three corridors. The remaining 50% would be split amongst the nine cities and Stanislaus County.

There remains significant work to be done to prepare this measure for the 2008 November ballot. However, the first step is build countywide support from each of the nine cities and Stanislaus County. The measure, as proposed, would ensure that each agency receive a fair share to be used for local projects.

FISCAL IMPACT:

Positive

CONCLUSION:

Based upon 2005 Board of Equalization figures, the City of Newman generates approximately 0.61% of the sales tax in Stanislaus County. However, the City of Newman accounts for approximately 1.98% of the population. The proposed formula is net positive for the City and would generate approximately \$338,000 annually for local transportation projects, or \$6.775 Million over twenty years. The City would retain discretion over the use of those transportation funds.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "MHolland", written over a horizontal line.

Michael Holland
City Manager

TO: Policy Board

Staff Memorandum
INFORMATION

FROM: Vince Harris, Executive Director

DATE: January 25, 2008

SUBJECT: 2008 Transportation Sales Tax Program—Status Update

Background

At the January 9, 2008 Policy Board meeting, during my Executive Director's Report, I presented to Policy Board Members a recap of the December 12, 2007 Strategic Planning Workshop. As a part of that workshop, Members discussed the need and possibility of pursuing a 2008 Transportation Sales Measure. After completion of my Director's report, Members directed staff to proceed with the following activities:

- a. By the February 13th Policy Board meeting, provide a consensus based framework for a new Transportation Expenditure Plan.
- b. Create a budget for the development and outreach of a new Transportation Expenditure Plan.
- c. Prepare a milestone schedule to complete all public sector work.

Status of Activities

In order to achieve the directed worked activities, staff has proceeded as follows:

1. An informational email memorandum was sent to all City Managers, the County CEO and the Alliance CEO regarding the proposed Transportation Expenditure Plan. The memo explained the Policy Board's interest and requested that all attend a half day working meeting to discuss the issue.
2. The working meeting was held Friday January 18th at the City of Ceres Council Chambers. The following were in attendance:

Rick Robinson, County CEO
Matt Machado, County Public Works Director
Bill Bassitt, Alliance CEO
Brad Kilger, Ceres City Manager
Michael Brinton, Ceres
Kenneth Craig, Ceres
Sarah Ragsdale, Ceres
Joe Donabed, Hughson City Manager
David Chase, Hughson Public Works Director
Jim Niskanen, Modesto Acting City Manager
Judith Ray, Modesto Deputy City Manager
Michael Holland, Newman City Manager
Steve Hallam, Oakdale City Manager
Cleve Morris, Patterson City Manager
Bryan Whitemeyer, Patterson Deputy City Manager
Rich Holmer, Riverbank City Manager
David Melilli, Riverbank Public Works Director
Tim Kerr, Turlock City Manager
Chuck Deschenenes, Waterford City Manager
StanCOG staff: Vince Harris, Vince Canales, Carlos Yamzon & Lark Downs

The intent of the meeting was to reach agreement with all City Managers and the County on the following:

1. The duration of a propose Transportation Sales Tax Program
2. Projected sales tax to be collected
3. Elements of a 2008 Transportation Expenditure Plan

As a process of attempting to reach agreement, the previous 2006 Transportation Expenditure Plan was reviewed. The 2006 Plan was a comprehensive plan of transportation expenditures for the next 30 years in Stanislaus County. The 2006 Expenditure Plan components are summarized in the following Table 1.

Table 1 – 2006 Expenditure Plan Summary

	%	2006 Dollars (\$)
1. State Highway Corridors	44.2%	\$450 million
2. State Highway Interchanges (will require local, state and federal funds match)	15.7%	\$160 million
3. Local Transportation Improvements	9.8%	\$100 million
4. Matching funds for Federal funds	3.9%	\$ 40 million
5. Pavement Management Program (for pothole repair and curb to curb pavement overlays on existing city streets and county roads)	24.4%	\$250 million
6. Commuter Rail Transit	1.0%	\$10 million
7. Paratransit for Seniors and Disabled Persons	1.0%	\$10 million
TOTAL	100%	\$1,02 billion

Under existing state law, the proposed half cent sales tax measure required a 66 2/3% majority approval in order to pass; and, the Stanislaus County Clerk Recorder’s office indicted the 2006 Sales Tax Program received a 57.92% voter approval. As a point of reference, during this discussion the Alliance CEO provided a summary overview of election results by precinct and offered some insight into where the Measure was successful and where it was perceived to be weak amongst the voters. This information was used as a reference to frame the continued discussion about the possible components of a 2008 Transportation Sales Tax Program.

The combined group reached agreement that the new sales tax program should be proposed at 20 years; and that the projected sales tax revenues should be based on the 2006 revenue projections less the 10 years of revenue collection. Based on these assumptions, the 20 year sales tax projection is assumed at \$700,000,000.

The last task was to reach agreement on the elements of the sales tax program. As noted above, the 2006 Expenditure Plan was composed of seven different elements. Based on discussions with policy Board Members, and persons and groups opposing the previous Measure; the group agreed that a new Expenditure Plan should only include the following two components: (1) a “Local Traffic Improvement and Road Maintenance Program”, and (2) Dedicated Capital Corridor Improvements.

The group agreed that the two programs should share equally in the projected sales tax revenues. Therefore, each program would receive 50% of expected revenues, or \$350 million dollars for distribution. The “Local Traffic Improvement and Road Maintenance Program” discussion revolved around the equitable distribution of these funds to each City and the unincorporated area of the County. The discussion focused on the following two formulas:

1. Funds allocated (as a floor) based on 70% of Sales Tax, 20% Road Miles & 10% Population
2. Funds distributed based on 100% of Population

Tables 2 and 3 below summarize these formulas:

**Table 2- 70%, 20%, 10% Allocation
 Local Traffic Improvement and Road Maintenance Program**

Jurisdiction	Sales Tax Collection %	Sales Tax Collection \$	Population %	Population \$	Road Miles %	Road Miles \$	Jurisdiction Total \$
Ceres	5.85%	14,332,500	8.05%	2,818,600	4.23%	2,961,000	20,112,100
Hughson	0.72%	1,764,000	1.17%	408,190	0.87%	609,000	2,781,190
Modesto	37.72%	92,414,000	40.11%	14,038,604	20.02%	14,014,000	120,466,604
Newman	0.61%	1,494,500	1.98%	691,413	1.01%	707,000	2,892,913
Oakdale	4.28%	10,486,000	3.57%	1,250,209	2.49%	1,743,000	13,479,209
Patterson	1.42%	3,479,000	4.00%	1,401,015	1.61%	1,127,000	6,007,015
Riverbank	1.76%	4,312,000	4.12%	1,442,424	2.07%	1,449,000	7,203,424
Turlock	14.06%	34,447,000	13.29%	4,652,443	8.13%	5,691,000	44,790,443
Waterford	0.42%	1,029,000	1.65	576,513	0.83%	581,000	2,186,513
County	33.16%	81,242,000	22.06	7,720,581	58.74%	41,118,000	130,080,581
TOTALS	100.00%	245,000,000	100.00%	35,000,000	100.00%	70,000,000	350,000,000

**Table 3- 100% Population Distribution
 Local Traffic Improvement and Road Maintenance Program**

Jurisdiction	Sales Tax Collection %	Sales Tax Collection \$	Population %	Population \$	Road Miles %	Road Miles \$	Jurisdiction Total \$
Ceres	5.85%	0	8.05%	28,186,000	4.23%	0	28,186,000
Hughson	0.72%	0	1.17%	4,081,903	0.87%	0	4,081,903
Modesto	37.72%	0	40.11%	140,386,042	20.02%	0	140,386,042
Newman	0.61%	0	1.98%	6,914,134	1.01%	0	6,914,134
Oakdale	4.28%	0	3.57%	12,502,085	2.49%	0	12,502,085
Patterson	1.42%	0	4.00%	14,010,148	1.61%	0	14,010,148
Riverbank	1.76%	0	4.12%	14,424,244	2.07%	0	14,424,244
Turlock	14.06%	0	13.29%	46,524,429	8.13%	0	46,524,429
Waterford	0.42%	0	1.65	5,765,134	0.83%	0	5,765,134
County	33.16%	0	22.06	77,205,813	58.74%	0	77,205,813
TOTALS	100.00%	0	100.00%	350,000,000	100.00%	0	350,000,000

Based on these formulas it was determined that the County and the City of Oakdale would receive less funds if the 100% Population formula was the basis of distribution. Therefore, subsequent to the January 18th meeting, Cities and County staff proposed the following solution as shown in Table 4 below:

**Table 4- 98% Cities Population Basis
 Local Traffic Improvement and Road Maintenance Program**

Jurisdiction	Sales Tax Share (%)	Allocation Based On Sales Tax Only (\$)	Population Share (%)	Allocation Based On Population Only (\$)	Base Funding to Cities Established Using 98% of the Greater of Sales Tax or Population Percentages (\$)	Annual Base Funding Using 98% of the Greater of Sales Tax or Population Percentages (\$)	Agency Share Annual Growth at 3% based on Sales Tax % (\$)	Agency Share Annual Growth at 3% based on Pop. % (\$)	Allocation 50% Pop. & 50% Sales Tax
Ceres	5.85%	20,475,000	8.05%	28,186,000	27,622,347	1,381,117	30,713	42,263	36,488
Hughson	0.72%	2,520,000	1.17%	4,081,903	4,000,265	200,013	3,780	6,143	4,961
Modesto	37.72%	132,020,000	40.11%	140,386,042	137,578,322	6,878,916	198,030	210,578	204,304
Newman	0.61%	2,135,000	1.98%	6,914,134	6,775,851	338,793	3,203	10,395	6,799
Oakdale	4.28%	14,980,000	3.57%	12,502,085	14,680,400	734,020	22,470	18,743	20,606
Patterson	1.42%	4,970,000	4.00%	14,010,148	13,729,945	686,497	7,455	21,000	14,228
Riverbank	1.76%	6,160,000	4.12%	14,424,244	14,135,759	706,788	9,240	21,630	15,435
Turlock	14.06%	49,210,000	13.29%	46,524,429	48,225,800	2,411,290	73,815	69,773	71,794
Waterford	0.42%	1,470,000	1.65	5,765,134	5,649,831	282,492	2,205	8,663	5,434
Subtotal Cities					272,398,519	13,619,926	350,910	409,185	380,048
County	33.16%	116,060,000	22.06%	77,205,813	77,601,481	3,880,074	174,090	115,815	144,953
TOTALS	100.00%	350,000,000	100.00%	350,000,000	350,000,000	17,500,000	525,000	525,000	525,000

The above proposal assumes distribution of sales tax revenues, 50% to local jurisdictions and 50% to regional projects. Growth in local shares is proposed to be allocated based on 50% population and 50% sales tax percentages.

The remainder of the January 18th meeting focused on capital improvements for regional projects. This activity distributed the remaining \$350 million in projected sales tax revenues. The discussion delineated the following three regional corridors: northern, central and southern. Table 5 below indicates the projects proposed for these corridors.

Table 5 – Proposed Capital Corridor Improvements

<i>Project</i>	<i>Improvements</i>	<i>Estimated Project Cost**</i>	<i>Proposed Sales Tax Allocation</i>	<i>PSR Status</i>	<i>Construction Award Schedule</i>
Northern Corridor	North County Corridor: New 2 to 4 Lane Expressway, Dale Rd to east of City of Oakdale	TBD	\$116.67 million	Complete by April 2008	TBD
Central Corridor	SR99 @ Mitchell Rd./Service Rd. I/C Reconstruction	\$80 million	\$31 million	Complete	TBD
Central Corridor	SR132 Widening from I-580 to SR99: widen from 2 to 4 lanes. Widen and provide Operational Improvements from SR99 to Waterford Includes SR99 @ SR132 Connectivity Improvements	TBD	\$85.66 million	TBD	TBD
Southern Corridor	W. Main Improvements: Widen and provide Operational Improvements from Turlock to I-5	TBD	\$116.67 million	TBD	TBD
TOTALS		TBD	\$350 million		

The above corridor projects were discussed extensively by the group. The following are conditions associated with these proposed regional projects:

1. Any revenue growth in the overall Transportation Sales Tax program will be prorated across all three Capital Corridors.
2. It is anticipated that these projects will leverage both State and Federal funds as has been historically experienced by other "Self Help Counties" who have Transportation Sales Tax programs.
3. It is understood that projected Transportation Sales Tax revenues associated with each of these corridors will not change existing funding protocols to compete for other State or Federal transportation funds. Additionally, these existing transportation funding programs remain separate and distinct from the proposed Transportation Sales Tax program.
4. It is understood that the projects identified in each corridor must remain through the duration of the proposed Transportation Sales Tax Program; and must be delivered in a timely manner by each project sponsor based on agreed-to milestone schedules.

Funding For Public Sector Work Activities

StanCOG staff reminded the group of the need to fund the public sector work activities through an amended FY07/08 StanCOG Operating Budget revision. The budget amendment is proposed at \$400,000; and would fund the following activities:

- a. Consultant fees for public polling
- b. Staff time to re-write the Expenditure Plan based on polling results and other data.
- c. Consultant fees to update the corresponding Environmental Impact Report.
- d. Consultant fees to provide public education and outreach services.
- e. Staff time to gain Local Jurisdiction and Board of Supervisors concurrence of the updated Expenditure Plan.

Staff proposed that the budget be achieved through the use Transportation Development Act (TDA) funds under the Transit Cost Sharing Step 3 Local Transportation Funds (LTF) process. Staff proposed to prorate (based on population) all Local Jurisdictions and Stanislaus County's FY07/08 LTF Road Fund shares to achieve the proposed \$400,000 Expenditure Plan budget. The group agreed with this proposed approach.

RESOLUTION NO. 2008-

**A RESOLUTION OF THE CITY OF NEWMAN CITY COUNCIL
APPROVING IN CONCEPT A COUNTYWIDE TRANSPORTATION FINANCIAL
EXPENDITURE PLAN**

WHEREAS, the Stanislaus Council of Governments (StanCOG) is designated the Stanislaus County Local Transportation Authority, pursuant to the provisions of Public Utilities Code Section I, Division 19 commencing with Section 180000; and,

WHEREAS, pursuant to the provisions of Public Utilities Code a retail transactions and use tax ordinance applicable in the incorporated and unincorporated territory of a county may be imposed by the Authority if the tax ordinance is adopted by a two-thirds vote of the Authority and imposition of the tax is subsequently approved by a two-thirds vote of the electors voting on the measure at an election called for that purpose by the Board of Supervisors, at the request of the Authority, and a county transportation expenditure plan (the Plan) is adopted; and,

WHEREAS, pursuant to the provisions of Public Utilities Code the Plan which supports the tax ordinance must be approved by the Board of Supervisors and the City Councils representing both a majority of the cities in the county and a majority of the population residing in the incorporated areas of the County; and,

WHEREAS, the intent of the Plan is to remedy the existing and future deficiency in transportation funding in Stanislaus County while promoting reduced traffic congestion and improved air quality; and,

WHEREAS, the Plan calls for pavement management, street repairs, safety and operational improvements on local streets and roads, and projects to reduce congestion on streets and highways; and,

WHEREAS, the Stanislaus Council of Governments' Board at their meeting of January 9, 2008 directed their Executive Director to meet with representatives of the nine cities and the County to develop a draft Plan to be presented to the Board for their consideration at their February 13th Policy Board meeting, including creating a budget for the development and outreach of a new Plan and prepare a milestone schedule to complete all public sector work; and,

WHEREAS, two meetings were held by the City Managers of the nine cities and the County Chief Executive Officers that resulted in the development of a proposed 20 year, \$700 million Plan as set forth in the attached memorandum from the StanCOG Executive Director, dated January 25, 2008 and included herein as Exhibit A; and,

WHEREAS, the StanCOG Board has requested that the governing bodies of the nine cities and the County provide comments on the draft Plan and indicate their support, non-support or support with amendments for the Board's consideration at their February 13th meeting; and,

WHEREAS, the StanCOG Board will consider at their February 13th meeting the collective comments of the nine cities and the County on the draft Plan and make a determination on whether sufficient support exists to proceed with placing a Transportation Tax on the November 2008 ballot; and,

WHEREAS, if the StanCOG Board determines sufficient support exists for a Transportation Tax, the Board will prepare a final draft Plan, which will be forwarded to the elected bodies of the nine cities and the County for approval;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the **CITY COUNCIL OF NEWMAN** hereby approves in concept the \$700 million, 20 year Expenditure Plan set forth in Exhibit A.

BE IT FURTHER RESOLVED that the **CITY COUNCIL OF THE CITY OF NEWMAN** hereby declares that final draft of the Plan shall contain at a minimum the following provisions.

1. The Plan will consist of two funding components: (a) a Local Traffic Improvement and Road Maintenance Program, and (b) Dedicated Capital Corridor Improvements Program.
2. Each program will receive 50% of expected revenues, or \$350 million dollars for distribution to the Local Traffic Improvement and Road Maintenance Program and \$350 million to the Dedicated Capital Corridor Improvements Program.
3. Funds for Local Traffic Improvement and Road Maintenance Program component of the Transportation Tax will be distributed to the City of Newman based on the 98% Cities Population Basis formula.
4. The dedicated capital corridor improvement program for the south county regional corridor shall specifically designate a minimum of \$116.667 million for the south county transportation corridor project and at no time can these funds be reallocated to another regional project.
5. Furthermore the following principles will govern the allocation and use of the funds for the Dedicated Capital Corridor Improvement Program:
 - a) Any revenue growth in the overall Transportation Sales Tax program will be prorated across all three Capital Corridors.
 - b) It is anticipated that these projects will leverage both state and federal funds as has been historically experienced by other "self help counties" who have transportation sales tax programs.
 - c) It is understood that projected transportation sales tax revenues associated with each of these corridors will not change existing funding protocols to compete for other state or federal transportation funds. Additionally, these existing transportation funding programs remain separate and distinct from the proposed transportation sales tax program.
 - d) It is understood that the projects identified in each corridor must remain through the duration of the proposed transportation sales tax program; and must be delivered in a timely manner by each project sponsor based on agreed-to milestone schedules.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of February 2008 by Council Member _____, 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: **10. d.**
City Council Meeting
of February 12, 2008

**CONSIDER FOR APPROVAL THE STANISLAUS COUNTY ANNUAL ACTION
PLAN (FY 08-09) AND OPEN 30 DAY PUBLIC COMMENT PERIOD**

RECOMMENDATION:

1. Release draft plan for the required 30 day public comment period
2. Set public hearing for March 25, 2008 at 7:00 pm or thereafter to close public comment period and consider approval of the Draft Annual Action Plan.

BACKGROUND:

The City of Newman is part of a six-member CDBG/ESG consortium that is lead by Stanislaus County.

The Federal Community Development Block Grant (CDBG) encompasses the following three specific goals:

1. Provide decent housing
2. Provide a suitable living environment
3. Expand economic opportunities

The general goal of the CDBG program is to strengthen partnerships among all levels of government and the private sector, including for/non-profit organizations, to enable them to provide decent housing, establish and maintain a suitable living environment, and expand economic opportunities for every American, particularly those with incomes below fifty percent (very low) and eighty percent (low) of the area's median income, respectively.

The Annual Action Plan has been developed to aid the consortium achieve these goals. The overriding consideration required by the CDBG and ESG programs is to benefit those members of the population that meet the definition of "Targeted Income". A person under this definition is one who earns 80% or less of the median area income. Furthermore, if a project benefits a neighborhood or community, at least 51% of the population within that geographic boundary must be within the Targeted Income Group.

ANALYSIS:

In order to receive funds, the CDBG Consortium is required to prepare an Annual Action Plan outlining its goals and projects for the upcoming fiscal year. Each member of the consortia must adopt the plan in order for the lead agency (Stanislaus County) to prepare and finalize the AAP and submit it to the Department of Housing and Urban Development (HUD).

FISCAL IMPACT:

None

CONCLUSION:

Staff recommends that the Council release the draft plan for the required 30 day comment period and set the public hearing for March 25, 2008 at 7:00 pm or thereafter to close public comment period and consider approval of the Draft Annual Action Plan.

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR:



Michael Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of February 1, 2008

AWARD BID FOR UTILITY BILL OUTSOURCING

RECOMMENDATION:

It is recommended that the City Council:

1. Award bid for utility bill print and mail services to InfoSend.

BACKGROUND:

The City generates and mails outdated post cards for utility services to over 3,000 customers each month. The City is currently using outdated materials and equipment to produce the utility bills. Staff has looked into updating the utility bills but the costs for new materials, equipment and increased employee time is excessive. Staff thought it timely and prudent to explore the marketplace for a less expensive print and mail option. Outsourcing these services will not only be cost effective but will allow the finance department to utilize existing staff more efficiently with other work duties.

ANALYSIS:

Staff solicited bids for bill print and mail services and received three responses including ABS, DataProse and InfoSend. Proposals were evaluated on the vendors' ability to meet the specifications, prices for services, corporate stability, customer service, and experience with MOM Software. InfoSend revealed themselves to have the superior product and customer service. Their references proved them to be a stable, reliable vendor and their proposal stood out from the other vendors. The costs of the vendors were very competitive, and lower than in-house printing and mailing.

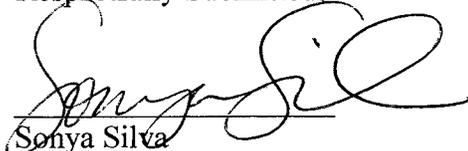
FISCAL IMPACT:

By awarding the bid to InfoSend, the fiscal impact would be approximately .49 per utility bill, saving the City both time and money.

CONCLUSION:

Staff recommends that the Council award the bid to InfoSend.

Respectfully Submitted,

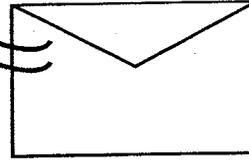

Sonya Silva
Accountant

REVIEWED/CONCUR:


Michael E. Holland
City Manager

InfoSend, Inc.

Bill Print & Mail • e-Billing • e-Correspondence



Cost of Print & Mail Services

> **Approximate Volume: 3,000 per month**

InfoSend's Fees – Print & Mail Services		
Transaction Fees – Letters	\$0.128*	Per document fee includes file transfer, processing, #9 single window return envelope, #10 double window outgoing envelope, and handling. Includes black printing onto color preprinted form with static backer. No minimum run fees. Sales tax inclusive (all materials paid for).
Setup Fee	\$0.00	One time fee waived.
Professional Services		
Programming Fee	\$150.00	Per hour. For customizations made to document processing program after go-live. Examples: you change export file format 12 months after go-live.

*Postage not included.

Optional Services		
Electronic Address Updates – NCOALink or ACS	\$0.50	Per reported change. InfoSend electronically reports the addresses it received in your data that need to be updated because the customer filed a Change of Address Report with the USPS.
Drop-Shipped Inserts	\$0.01	Clients can print and fold inserts and ship them to InfoSend to be mailed with the statements. If folding is required add another \$0.01 to the fee. InfoSend-printed inserts are quoted upon request.

The information in this proposal is confidential and is not to be used or disclosed except to the recipient's employees, officers and agents engaged in evaluating this proposal.
This proposal is valid for 90 days after the date of submittal.

Overview | This pricing has been developed with the City of Newman specific requirements in mind. Please review these numbers carefully and let us know if you have any questions.

PaperBill	<p>Data processing 2-color Laser Imaging 8.5x11 white paper with perforation #10 double window security envelope #9 single window security reply envelope Fold, Insert, bar-coding, presort and deliver to USPS</p> <p>Minimum Daily Download Fee is \$150.00 or the per piece charge, whichever is greatest, for those specific days that you download data to Dataprose.</p> <p>The minimum monthly charge is \$500.00 or the total including options and/or additional charges for other services, not including postage, whichever is greatest.</p>	<p>Approximate Monthly Volume = 3,000 – 5,000 regular = 200 past due notices</p> <p>\$0.115 each (1-sided)</p>
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Postage	<p>Unlike some other services, DataProse does the presorting of your mail in-house and never sends it out to a third party for presorting or bar coding. DataProse controls your job from start to finish. Actual Postage Will Apply.....</p>	<p>Estimated First-Class Postage Effective May 2007 per USPS (Less than one ounce)</p> <p>\$0.312 to \$0.341</p>
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Options Charges	<p>Search & ViewBill - Data Processing, PDF file creation, search & access capabilities, hosting of PDF files on our servers for 90 days</p> <p>Additional Impressions (2nd, 3rd, 4th page) Additional Inserts (supplied by client/folded) Insert-1/3 page simplex printed and inserted Insert- 8.5"x11" simplex printed & inserted Insert- 8.5"x11" duplex printed and inserted "New Bill" Insert (custom designed, printed & inserted w/ 1st mailing)</p> <p><u>NetBill</u> (EBBP) presentment & payment online. Initial setup cost Credit processing setup ACH processing setup NetBill monthly maintenance fee Credit Card Transaction fee ACH Transaction fee</p>	<p>\$0.02 per bill</p> <p>\$0.05 per Impression \$0.015 per insert \$0.04 per insert \$0.08 per insert \$0.12 per insert \$0.12 per insert</p> <p>\$3,000.00 setup \$1,000.00 setup \$1,000.00 setup \$ 400.00 per month \$ 0.35 per transaction \$ 0.60 or 1.25% of transaction (which ever is greatest)</p>
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- DataProse, Inc does not charge a set-up fee for print and mail services.
- Conditional Logic or Special Programming (after initial set-up) billed at \$185.00/hour.
- Overweight and foreign mail billed at the amount of excess.

Pricing information is considered confidential and is to be shared with those required within the organization for evaluation purposes only. This proposal is valid for ninety days



4724 Enterprise Way
 Modesto, CA 95356
 Phone: (209) 545-6090
 Fax: (209) 545-6095
 www.abspresort.com

Order Acknowledgment

Mike Maier
CITY OF NEWMAN
 1162 MAIN STREET
 PO BOX 787
 NEWMAN, CA 95360
Ph: 209-862-3725

Fax: 209-862-3199

Proposal 22661.
Date December 4, 2007

Project

STATEMENTS/PRINTING

Does not include the initial programming. Once I receive more info and sample data from client, I will provide an estimate for the programming.

Components

STATEMENT, #9 ENV, #10 ENV

Quantity of 3,000

Services	Quantity	Setup	Rate	per	Price
**Material - STATEMENT	3,000				\$51.00
**Material - #9 ENV	3,000				\$60.00
**Material - #10 ENV	3,000				\$60.00
PRINT W/BLK INK SMPLX 8.5X11 <i>Print statements, simplex, black ink only on ABS 24# white perf paper.</i>	3,000	\$32.50			\$184.00
FOLD/INSERT 2 INTO #10	3,000	\$10.00			\$70.00
SEALING - INLINE	3,000				\$30.00
METER IN LINE	3,000				\$22.50
MLOCR SORT FIRST CLASS AUTO	3,000	\$10.00			\$101.50
DELIVER MATERIAL	1				\$5.00

Total Cost for Services **\$584.00**

Estimated Postage	Pieces	Rate	Postage
1st Class/Mixed AADC Postage range .36-.41 depending on address qualification.	3,000	0.3600	\$1,080.00
Total Estimated Postage			<u>\$1,080.00</u>

Total Estimated Project Cost **\$1,664.00**

Thank you for the opportunity to quote on this project. All pricing is based on a 5% cash discount.
 Your project WILL NOT MAIL until payment for estimated postage has been received.

Submitted By:

Accepted By: _____

Lori Barbee
 Customer Service Representative

Print Name: _____

Date: _____

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10. f.**
City Council Meeting
of February 5, 2007

**REVIEW AND APPROVE THE COMPARATOR CITIES FOR THE CLASSIFICATION
AND COMPENSATION STUDY**

RECOMMENDATION:

It is recommended that the City Council:

1. Approve the Comparator Cities for the Classification and Compensation Study

BACKGROUND:

In October 2007, the City Council awarded the Classification and Compensation Study Bid to Koff and Associates. The Staff at Koff and Associates are currently working on the development of job descriptions and are ready to begin gathering data for the Compensation survey. Prior to beginning this phase, Koff and Associates have requested that the City provide a list of comparator cities and staff believes that approval from the Council is important to the overall success of this project.

ANALYSIS:

When selecting Cities it is important that the relevant comparators are selected objectively, while also acknowledging the geographical factors the City faces in its recruitment efforts. Our City is significantly smaller, making it difficult to match with other cities. Amongst other aspects, staff took into consideration the following: population, location and total budget.

Staff recommends the following agencies be included in the survey:

Atwater	Gustine	Livingston	Oakdale
Ceres	Hughson	Los Banos	Patterson
Dos Palos			

Input from the City's Labor Associations were solicited and went unanswered.

FISCAL IMPACT:

There are no costs associated with this item.

CONCLUSION:

Staff recommends that the City use the above proposed cities as comparators for the classification and compensation study.

Respectfully Submitted:



Michael E. Holland
City Manager

**City of N .man
Proposed Comparator Agencies
December 2007**

Agency	Miles from Client	FTE	Total Budget	Median Household Income (2007)	Median Home Price (2007)	Population	% above / below U.S Cost of Living Average (2007)	Services Provided
City of Atwater	26	waiting for response	waiting for response	\$42,885	\$315,000	27,152	7.36%	Recreation, Police, Fire, Parks, Sewage, Sanitation, Water, Street, Storm Drains, Road Maintenance, Development, Housing
City of Ceres ¹	24	187	\$53,246,757	\$46,107	\$305,300	45,245	7.11%	Community Development (Planning, Building, Engineering), Emergency Services, Police, Water, Sewer, Streets, Recreation
City of Dos Palos	50	22	\$4,700,000	\$33,046	\$279,000	4,919	3.72%	Parks, Recreation, Streetsweeping, Public Works, Police, Code Enforcement, Building/Planning, Water/Wastewater, Refuse, and Police Dispatch contracted out.
City of Dixon	123	waiting for response	\$14,991,000	\$64,975	\$490,000	17,652	31.63%	Community Development, Economic Development, Engineering, Fire, Police, Public Works (Recycling, Equipment & Building maintenance, Storm Drains, Parks, WW, Streets), Recreation and Community Services, Transit Services
City of Galt	79	150	\$57,000,000	\$54,426	\$359,000	23,396	14.21%	Building/Code Enforcement, Parks & Rec., Planning, Police, Public Works (Engineering, Stormwater, Street, WW, Water, Transit)
City of Gustine	5	22	\$5,576,669	\$45,586	\$357,900	5,180	12.32%	Community Development (Building, Econ. Development, Planning, Redevelopment), Parks & Rec., Police, Fire, Public Works (Building/Park Maintenance, Sewer, Water, WW, Solid Waste, Storm Water)
City of Hughson	29	32	\$11,670,273	\$46,519	\$389,000	6,351	13.79%	Community Development (Economic Development, Housing, Redevelopment), Public Works (Building, Park, and Street Maintenance, Sewer, Water, WW, Solid Waste, Storm Water), Building (Inspection and code enforcement), Parks & Recreation
City of Lathrop	46	147	\$8,700,000	\$61,878	\$465,300	14,924	26.03%	Economic Development, Community Development, Public Works (Utilities, CIP, Solid Waste & Recycling, Operations & Maintenance, Transportation & Traffic), Parks & Rec., Animal Services, Police, Fire
City of Livingston	21	71	\$41,322,230	\$35,828	\$310,000	12,906	7.06%	Police, Community Development, Public Works (Engineering, Water, WW, Storm Drains, Parks, Streets, and Roads, Buildings and Facilities), Recreation, Development
City of Los Banos	33	188	\$70,317,213	\$51,100	\$385,000	34,717	15.37%	Building, Community Development, Fire, Police, Public Works (Airport, Parks, Streets, Trees), Recreation

**City of Newman
Proposed Comparator Agencies
December 2007**

Agency	Miles from Client	FTE	Total Budget	Median Household Income (2007)	Median Home Price (2007)	Population	% above / below U.S. Cost of Living Average (2007)	Services Provided
City of Manteca	48	403	\$102,359,052	\$53,114	\$425,300	63,709	21.51%	Animal Shelter, Economic Development, Engineering, Fire, Golf Course, Transit, Parks & Rec., Police, Solid Waste
City of Merced	34	569	\$266,150,626	\$33,862	\$299,100	76,313	5.64%	Airport, Development, Fire, Parks & Community Services, Police, Public Works (Solid Waste, Fleet, Water & Sewer), Redevelopment, Storm Water
City of Newman	0	39	\$10,867,322	\$45,482	\$349,900	9,951	11.98%	Public Safety (Police, Fire, Disaster Preparedness, & Building Inspection), Construction and Maintenance of Highways and Streets, Economic Development, Recreation, Water, Refuse, Sewer, Redevelopment Agency
City of Oakdale	42	waiting for response	waiting for response	\$46,205	\$475,000	19,296	26.15%	Community Development, Fire, Parks & Rec., Police, Public Works (Engineering, Street & Traffic, Water, Stormwater, Sewer, WW Treatment, Airport)
City of Patterson	12	85	\$50,330,990	\$52,154	\$459,000	18,404	24.20%	Community Development, Parks & Rec., Public Works (Water, Streets, Collection, WW, Fleet, Urban Forestry, Building Maintenance, Engineering & Construction, Storm Water, Recycling, Conservation), Police, Fire
City of Ripon	36	99	\$35,800,000	\$62,378	\$517,000	14,047	31.41%	Engineering, Planning, Recreation, Public Works (Gas, Garbage, Sewer, Water), Police, Recycling, Community Services
City of Riverbank	37	waiting for response	waiting for response	\$50,359	\$359,900	20,346	13.36%	Animal Services, Community Development, Fire, Housing & Economic Development, Police, Public Works (Landscaping & Lighting, Sewer, Streets, Water, Recycling), Recreation
City of Sonora ²	77	47	\$4,722,300	\$31,674	\$449,000	4,648	21.28%	Community Development, Fire, Police, Redevelopment
City of Turlock	22	375	\$160,520,794	\$44,200	\$349,700	68,492	11.99%	Fire, Animal Control, Municipal Services (equipment, vehicles, buildings, parks, streets, water, sewer, storm systems), Community Development, Police, Engineering, Recreation

* Highlighted agencies were included in the City of Oakdale study.

1 City of Ceres' FTE and Total Budget are from FY 2006-2007 budget. Current FY budget is not complete.

2 City of Sonora FTE represents the number of Full-Time EEs ; Total Budget figure represents the number for General Fund revenues only (City could not provide FTE amount and Total Budget)