

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING OF MARCH 25, 2008
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order.**
2. **Pledge Of Allegiance.**
3. **Invocation.**
4. **Roll Call.**
5. **Declaration Of Conflicts Of Interest.**
6. **Ceremonial Matters.**
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 March 11, 2008 Regular Meeting And March 18, 2008 Special Meeting.
9. **Public Hearings**
 - a. Second Reading And Adoption Of Ordinance No. 2008- , An Ordinance Establishing New Water And Wastewater Rates.
 - b. Consider For Approval The Stanislaus County Annual Action Plan (Fiscal Year 08-09) And Close The 30 Day Public Comment Period.
 - c. Introduction Of Ordinance No. 2008- , An Ordinance Approving Zone Change No. 2007-02 (Hardin Road).
10. **Regular Business**
 - a. Report On New Role For Council Members In The Audit Process.
 - b. Report On The City Council Travel Budget.
 - c. Approve Request From Newman Fun Run Committee To Hold Fund Raising Event Report On Newman Fun Run.

11. Items From The City Manager And Staff.

12. Items From City Council Members.

13. Adjourn To Closed Session

- a. Public Employment Chief Of Police (G.C. 54957).
- b. Return To Open Session

14. Adjournment.

Calendar of Events

March 25- City Council - 7:00 p.m.

March 27 - League Of California Cities Quarterly Meeting - Modesto - 6:00 p.m.

April 3 - Fire Study Meeting - Patterson - 6:00 p.m.

April 8 - City Council - 7:00 p.m.

April 9 - Baseball Board Meeting - 7:00 p.m.

April 10 - Recreation Commission - 7:00 p.m.

April 14 - NCLUSD Board Meeting - 7:15 p.m.

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

April 21 - Two On Two Meeting With The School Board 4:30 p.m.

April 22- City Council - 7:00 p.m.

May 8 - Recreation Commission - 7:00 p.m.

May 12 - NCLUSD Board Meeting - 7:15 p.m.

May 13 - City Council - 7:00 p.m..

May 14 - Baseball Board Meeting - 7:00 p.m.

May 15 - Planning Commission - 7:00 p.m.

May 25 - Fun Run

May 27 - City Council - 7:00 p.m.

Date...: Mar 21, 2008
 Time...: 10:23 am
 Run by: EMILY M. FARIA

CITY OF NEUMAN
 CASH DISBURSEMENTS REPORT

Page..: 2
 List.: NEW1
 Group: PYCPDP

Chk #	Check Date	CK Amount	Vendor Name	Description
033779	03/21/08	198.60	JEREMY COOKSEY	REIMBURSEMENT FOR UNIFORM SUPPLIES/IMAGE UNIFORMS
033780	03/21/08	590.00	CROWN AWARDS	PO #08-65
033781	03/21/08	352.00	JAIIME CRUZ	YOUTH BASKETBALL REF AND SCOREKEEPER/CRUZ
033782	03/21/08	141.96	CURTIS & SONS	26 BUMPER STICKERS "NEWMAN FIRE DEPT"
033783	03/21/08	3310.68	DATAMATIC, Ltd.	ANNUAL MAINTENANCE 4/1/08-3/31/09/METER READING
033784	03/21/08	521.73	DAVE PIRES	PLUMBING WORK AT POLICE DEPT AND THEATER
033785	03/21/08	257.50	E&M ELECTRIC, INC.	PUMP REPAIRS LIFT STAT/PARKING LOT LIGHT REPAIRS
033786	03/21/08	2475.00	EMC PLANNING GROUP, INC	SOUZA INDUSTRIAL SUB CEQA
033787	03/21/08	260.00	ENERPOWER	ELECTRIC ENERGY SERVICES/JAN-FEB 2008
033788	03/21/08	8477.26	FERGUSON WATERWORKS	PO #08-64
033789	03/21/08	200.00	ALFREDO FIGUEROA	REFUND MEMORIAL BLDG DEPOSIT/FIGUEROA/GARCIA
033790	03/21/08	34.95	FIRETOIRE, INC	WEB HOSTING 3/17/08-4/17/08
033791	03/21/08	25.00	FLEX ONE/AFLAC	ADMIN FEE/UNREIMBURSED MED EXPENSE/FEB 2008
033792	03/21/08	730.25	GEOANALYTICAL LAB, INC.	WEEKLY BACTI'S/WELL #5/BOD/SUSPENDED SOLIDS TESTIN
033793	03/21/08	1267.50	HALCYON CREEK	MONTHLY IT SERVICES/APRIL 2008
033794	03/21/08	205.53	HARD DRIVE GRAPHICS	BALANCE DUE ON ADULT BAKETBALL T-SHIRTS
033795	03/21/08	649.00	HOLIDAY INN	LODGING/DUI CLASS/MARRIOTT & VERA
033796	03/21/08	325.36	IKON OFFICE SOLUTIONS	COPIER LEASE/PD/02/25/08-3/24/08
033797	03/21/08	7960.00	JOE'S LANDSCAPING &	LIGHTING & LANDSCAPE DISTRICT SERVICES/FEB 2008
033797	03/21/08	987.50	JOE'S LANDSCAPING &	CLEANUP OF 1221 GOLDEN EYE/2237 SPRING CT/YOSEMITE
033798	03/21/08	581.00	KAISER PERMANENTE	HEALTH INSURANCE PREMIUM/LEMUS/APRIL 2008
033799	03/21/08	1575.00	KOFF & ASSOCIATES, INC	DATA COLLECTION/ANALYSIS ON COMPENSATION STUDY
033800	03/21/08	296.00	GINA LANE-LESSEL	YOUTH BASKETBALL REF AND SCOREBOARD/LESSEL

Date... Mar 21, 2008
 Time... 10:23 am
 Run by: EMILY M. FARIA

CITY OF NEWMAN
 CASH DISBURSEMENTS REPORT

Page.: 3
 List.: NEW1
 Group: PYCPDP

CK #	Check Date	CK Amount	Vendor Name	Description
033801	03/21/08	41.41	MIKE MAIER (NT)	MILEAGE REIMBURSEMENT/TRAVEL & TOURISM/MAIER
033802	03/21/08	184.01	MALLARD EXPRESS AUTO	OIL & FILTER CHANGE/BATTERY REPLACEMENT
033803	03/21/08	422.20	JOHN E. MARRIOTT	PER DIEM/DUI CLASS/APRIL 7-11TH/MARRIOTT
033804	03/21/08	416.00	CHRIS MESSER	YOUTH BASKETBALL REF/SCOREBOARD/MESSER
033805	03/21/08	312.00	KRISTEN MOORE	YOUTH BASKETBALL SCOREBOARD KEEPER/MOORE
033806	03/21/08	432.58	NATIONAL BUSINESS FURNITURE-LA 2	DRAWER 36" LATERAL FILE/PD
033807	03/21/08	905.58	NEWMAN G&G AUTO PARTS	DOOR HINGE/PMR STEERING HOSE/AIR FILTER/AMWTP/
033808	03/21/08	70.00	STEPHANIE OCASIO	PER DIEM/PLANNERS CONFERENCE/OCASIO
033809	03/21/08	1439.00	OPERATING ENGINEERS/	HEALTH INSURANCE PREMIUM/APRIL 2008
033810	03/21/08	291.88	PATTERSON AUTO CARE, INC	TIRE REPAIRS/MOUNT AND BALANCE NEW TIRES/PD
033811	03/21/08	3008.36	CITY OF PATTERSON	CITYGATE/FIRE DEPT/VIDEO REIMB/MARCH 2008
033812	03/21/08	22257.00	PERMA-GREEN HYDROSEEDING	COMPLETION OF 25% CONCRETE BLOCK RESTROOM/PIONEER
033813	03/21/08	284.75	P G & E	NATURAL GAS 2/6/08-3/10/08/LIGHTING LANDSCAPING
033814	03/21/08	468.60	PHILATELIC FULFILLMENT SE	2 BOXES WINDOW ENVELOPES/CITY HALL
033815	03/21/08	337.50	PRECISION INSPECTION, INC	PUBLIC WORKS INSPECTIONS/PIONEER PARK/JAN & FEB 08
033816	03/21/08	560.00	RANDHAWA MEDICAL GRP, IN	TB SKIN TESTS/HEPITITIS SHOTS/FIRE DEPT
033817	03/21/08	48.00	STEPHANIE RAPOZA	YOUTH BASKETBALL REF AND SCOREKEEPER/RAPOZA
033818	03/21/08	1337.72	RAY'S RADIO SHOP	INSTALLED 8 BATTERIES/REPLACED FRAME/GASKET/PD
033819	03/21/08	396.00	FRANK RIVAS	YOUTH BASKETBALL REF/RIVAS
033820	03/21/08	224.00	JOSEPH SANDERS	YOUTH BASKETBALL REF/SCOREKEEPER/SANDERS
033821	03/21/08	1652.39	SELF HELP ENTERPRISES	ADMINISTRATION FEES/FEBRUARY 2008
033822	03/21/08	352.00	SHANE SEQUEIRA	YOUTH BASKETBALL REF/S. SEQUEIRA
033823	03/21/08	141.40	BRETT SHORT (NT)	MILEAGE REIMBURSEMENT/PATROL RIFLE COURSE/SHORT

Date.: Mar 21, 2008
 Time.: 10:23 am
 Run by: EMILY M. FARIA

CITY OF NEWMAN
 CASH DISBURSEMENTS REPORT

Page.: 4
 List.: NEW1
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Ck #	Check Date	CK Amount	Vendor Name	Description
033824	03/21/08	473.69	SONYA SILVA	MILEAGE REIM/CSMFO CONF/MECHANICS BOND SALE/SILVA
033825	03/21/08	117.36	GORDON B. FORD	ASSESSMENTS FOR HIL AND MCBRIDE PROPERTIES
033826	03/21/08	4959.79	STANISLAUS COUNTY FLEET SERVIC	RE-INSTALL TOUCH SCREEN/INSTALLED EQUIP/2006 DODGE
033827	03/21/08	1431.84	TEL STAR INSTRUMENTS, INC	INSTALL CHART RECORDER/CHART RECORDER REPAIRS/WMTP
033828	03/21/08	5750.00	RANDAL M. ULIBARRI	CONTRACT SERV/INTERIM CHIEF 3/1/08-3/15/08/ULIBARR
033829	03/21/08	639.43	UNIFIRST CORPORATION	UNIFORM CLEANING/TOWELS/MAT RENTALS
033830	03/21/08	94.61	USA MOBILITY WIRELESS, INC	TEXT MESSAGING/PW/3/8/08-4/07/08
033831	03/21/08	104.00	UNITED STATES POSTMASTER	ANNUAL POST OFFICE BOX RENTAL
033832	03/21/08	225.00	JEFF VANDERVORT	PER DIEM/LCC PLANNING CONFERENCE/VANDERVORT
033833	03/21/08	225.00	PAUL WALLACE (NT)	PER DIEM/LCC PLANNERS CONFERENCE/3/26-3/28/08/WALL
033834	03/21/08	656.45	MATTOS NEWSPAPERS, INC.	CSO AD/LEGAL AD AMEND TITLE 11/BUS CARDS/TITLE 7
033835	03/21/08	550.00	WEST SIDE AERIAL APPLICAT	AERIAL APPLICATION/40 ACRES OATS/WMTP
033836	03/21/08	352.00	RACHEL WISEMAN	YOUTH BASKETBALL SCOREKEEPER/WISEMAN
033837	03/21/08	.00	VOIDED CHECK	
033838	03/21/08	3457.50	YANCEY LUMBER COMPANY	BLDG SUPPLIES/PAINTING SUPPLIES/SAND/LOCKSET/
033838	03/21/08	-3457.50	YANCEY LUMBER COMPANY	Ck# 033838 Reversed
033838	03/21/08	2263.65	YANCEY LUMBER COMPANY	PO #08-52
033838	03/21/08	-2263.65	YANCEY LUMBER COMPANY	Ck# 033838 Reversed

Sub-Total: 180550.91

Grn-Total: 180550.91
 Count: 87

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING OF MARCH 11, 2008
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** – Mayor Pro Tem Martina 7:01 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** – Council Member Martina
4. **Roll Call PRESENT:** Katen, Kelly, Crinklaw and Martina
ABSENT: Mayor Fantazia (Excused)
5. **Declaration Of Conflicts Of Interest-** None
6. **Ceremonial Matters**
 - a. Proclamation - Portuguese Immigrant Week

Mayor Pro Tem Martina Presented The Portuguese Immigrant Week Proclamation.

- b. Legislative Update By Steven Qualls Of The League Of California Cities.

Steven Qualls Of The League Of California Cities Introduced Himself As The New League Representative For The City Of Newman And Gave The Council A Series Of California Legislative Updates. He Implored The City To Apply For Proposition 1B Money And To Attend League Functions.

- c. Introduction Of New K9 Officers

Chief Ulibarri Introduced Officer Jason Hutchins And Officer Chad Earl Along With Their K9s Arco And Jackson Respectively. Ulibarri Informed The Council That The Officers And Their K9s Will Receive Training From The Stanislaus County Sheriff's Department. Ulibarri Also Mentioned The Police Department Will Be Hosting A Crab Feed On April 26th At The FDES Hall In Newman To Raise Funds For The K9 Program.

7. Items from the Public - Non-Agenda Items -

Tiffany Schaffer, 204 Northampton Way, Informed The Council That She And Her Neighbors Are Working With The Police Department To Establish A Neighborhood Watch Program In Her Neighborhood. She Stated This Was In Response To Recent Break-Ins, Scam Artists, And Door To Door Sales. Schaffer Mentioned That The Police Department Has Been Doing A Wonderful Job, But That They Need Help And That The Citizens Need More Of A Police Presence. Schaffer Invited The Council To Next Watch Meeting On The March 16th At 4:00 P.M. 203 Tower Way.

Kirk Jensen, 2237 Spring Court, Questioned How The City Was Able To Remove Items Such As Paint, Oil, Bicycles, Shovels, And Other Yard Tools From The Side Of His House. Jensen Estimated That The Items That Were Removed Had A Total Worth Of About \$400.00. Jensen Stated That He Wanted To Know What Gave The City The Right To Look Over His Fence And Into His Backyard. Jensen Agreed To Meet With The Chief Of Police To Discuss This Matter.

8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The February 26, 2008 Regular Meeting And March 4, 2008 Special Meeting.
- d. Adopt Resolution No. 2008- 12, A Resolution Authorizing The City Manager To Execute All Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements And/Or Any Amendments Thereto With The California Department Of Transportation.

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

9. Public Hearings

- a. Adopt Resolution No. 2008-13, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 281 (Mistletoe Abatement).

Public Works Director Garza Reported That Of The Original 43 Properties Only 23 Did Not Comply.

Mayor Pro Tem Martina Opened The Public Hearing At 7:29 P.M.

Kirk Jensen, 2237 Spring Court, Inquired As To Why Some Trees Were Initially Called City Trees And Then Later The City Declared That Those Same Trees Belong To Each Individual Homeowner.

There Being No Further Public Comment The Hearing Was Declared Closed At 7:31 P.M.

ACTION: On Motion By Crinklaw And Unanimously Carried, Resolution No.2008-13, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 281 (Mistletoe Abatement).

10. Regular Business

- a. Report On The Water Master Plan.

Mario Guadamuz, Eco:Logic, Presented And Reviewed The Water System Master Plan, Provided Analysis Of The System, And Made Recommendations For The Future.

ACTION: No Action Was Taken.

- b. First Reading And Introduction Of Ordinance No. 2008- , An Ordinance Establishing New Water And Wastewater Rates.

ACTION: Ordinance No. 2008-_____, An Ordinance Amending Title 11 Establishing New Water And Wastewater Rates Was Introduced By Council Member Crinklaw Seconded by Katen. Ordinance Had Its First Reading By Title Only.

- c. Adopt Resolution No. 2008-14, A Resolution Adopting Fees For Parking, Municipal Code, And Vehicle Violations (New Bail Schedule).

ACTION: On Motion By Katen Seconded By Kelly And Unanimously Carried, Resolution No. 2008-14, A Resolution Adopting Fees For Parking, Municipal Code, And Vehicle Violations (New Bail Schedule).

- d. Adopt Resolution No. 2008-15, A Resolution Certifying That The Wastewater Treatment Plant Storage Plant Basin Project Is Categorically Exemption Per Section 15301 Of The CEQA Guidelines.

ACTION: On Motion By Katen Seconded By Crinklaw And Unanimously Carried, Resolution No. 2008-15, A Resolution Certifying That The Wastewater Treatment Plant Storage Plant Basin Project Is Categorically Exemption Per Section 15301 Of The CEQA Guidelines.

11. Items From The City Manager And Staff.

Supervisor DeMartini Informed The Council that Crows Landing Air Base Steering Committee Meeting Will Meet For A Fourth Quarter Review On March 12, 2008. DeMartini also reminded the Council that the Next West Side Health Care Taskforce Meeting Will Be In Newman On March 13, 2008.

City Manager Holland Mentioned What A Great Accomplishment The Development Of The K9 Program Has Been For The City. Holland Noted That The New Full-Time Police Department Clerical Position Would Be Filled By The Beginning Of April. He Reminded The Council That They Had A Special Closed Session Meeting Scheduled For March 18th At 7:00 P.M. Holland Asked The Council To RSVP By Friday March 14th For The League Of California Cities Quarterly Meeting In Modesto. Holland Explained The City Had Extended Community Services Officer Recruiting Period Until Friday March 14, 2008. Holland Also Informed The Council That After The Current Meeting Airs On Local Television A Short Video Titled The Day In The Life Of Newman's Code Enforcement Officer Would Also Air. Holland Mentioned That The Next City Video Would Be About The K9 New Program.

Chief Ulibarri Explained That The Newman Police Department Joined Stanislaus County Crime Stoppers, And That Crime Stoppers Program Actually Led Someone To Turn Himself In. Ulibarri Informed The Council That The Police Department Evidence Clerk Attended A Conference And Returned With A Wealth Of Information Regarding The Bar Coding Of Evidence. Ulibarri Reported That Officer Flores And C.S.O. Lopez Would Be Attending Child Restraint Systems Training. Ulibarri Thanked Officer Miguel Villalobos For Initiating A Neighborhood Watch Program. Ulibarri

Informed The Council That He Had A Meeting Scheduled With Newman Rotary To Consider Sponsorship Of The K9 Program.

Public Works Director Garza Informed The Council That The Restrooms At Pioneer Park Will Be Completed Soon, And Presented Pictures Of The Progress. Garza Mentioned That The Water Line Relocation For Plaza Project Had Gone Out To Bid And That Monitoring Well At The Waste Water Treatment Plant Would Soon Be Installed.

Recreation Supervisor Heiberger Explained That The Of Basketball Season Winding Down. Heiberger Also Mentioned That She Had Attended A Meeting Regarding The Development Of A Tennis Program For Children Up To 8th Grade.

12. Items From City Council Members.

Council Member Crinklaw Reiterated That Future Of The City's Water System Is Going To Be An Expensive Challenge And Mentioned That The K9 Unit Has Been Met With Great Enthusiasm By The Community.

Council Member Martina Thanked Eco:Logic For Their Presentation Regarding The City's Water System.

13. Adjournment.

ACTION: On Motion By Katen Seconded By Crinklaw And Unanimously Carried, The Meeting Was Adjourned At 8:43 P.M.

MINUTES
MARCH 18, 2008
7:00 P.M.
CITY HALL CONFERENCE ROOM
1162 MAIN STREET

1. **Call To Order-** Mayor Fantazia 7:01 P.M.
2. **Roll Call PRESENT:** Katen, Kelly, Crinklaw, Martina and Mayor Fantazia
ABSENT: None
3. **Items From The Public** - None
4. **Adjourn To Closed Session** - 7:04 P.M.
 - a. Public Employment Chief Of Police (G.C. 54957).
 - b. Return To Regular Session - 8:35 P.M.

No Reportable Action Was Taken.

5. **Adjournment.**

ACTION: On Motion By Katen Seconded By Kelly And Unanimously Carried, The Meeting Was Adjourned At 8:40 P.M.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9. a.**
City Council Meeting
of March 25, 2008

REPORT ON ORDINANCE AMENDMENT TO IMPLEMENT RATE INCREASE

RECOMMENDATION:

1. Conduct Public Hearing regarding proposed Ordinance changes to Title 11.
2. Conduct Second Reading And Adoption Of Ordinance No. 2008-xx, An Ordinance Of The City Council Of The City Of Newman Amending Title 11 Public Ways And Property, Of The Newman City Code, Setting Water And Sewer Rates, Fees And Related Service Charges Effective May 1, 2008

BACKGROUND:

During the February 12th City Council meeting, the City completed the protest vote required by Proposition 218 for water and sewer rate adjustments. Proposition 218 requires a majority vote for a protest to exist. Of the almost three-thousand (3,000) utility customers, only one-hundred twenty-one (121) protests were received; that is roughly four percent of voters and far short of the required simple majority. As part of the water and sewer rate analysis, staff found that the Newman Municipal Code required all rate increases to be codified through an Ordinance Amendment process. While the City anticipates modifying the Municipal Code to allow the Council to adopt a resolution for rate adjustments following a Proposition 218 procedure, the State of California must first clean-up their conflicting sections of the California Government Code.

ANALYSIS:

The City of Newman has completed all necessary procedures under Proposition 218 for adjustment of water and sewer utility rates. The final step is adoption of a local ordinance to enact the proposed rates. Adoption of this Ordinance Amendment will codify the rates. The new rates will be implemented during the May billing cycle.

FISCAL IMPACT:

Positive.

CONCLUSION:

Recently, California Supreme Court ruled that utility rate increases are subject to Proposition 218 requirements. The Cities are now required to hold elections when they are contemplating rate increases for water and sewer service. The City has completed this process and a majority protest did not occur. As a result, staff is recommending the above-mentioned code modifications.

Respectfully submitted,



Michael Holland
City Manager

ORDINANCE NO. 2008-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 11 PUBLIC WAYS AND PROPERTY - OF THE NEWMAN CITY CODE - SETTING
WATER AND SEWER RATES, FEES AND RELATED SERVICE CHARGES EFFECTIVE
MAY 1, 2008**

WHEREAS, the City of Newman, in compliance with Article XIID of the California State Constitution and the Proposition 218 Omnibus Implementation Act, notified all affected property owners and rate payers of the proposed Water and Wastewater Rate Increases; and

WHEREAS, the City of Newman held a Public Hearing on February 12, 2008 as noticed, to allow the City Council to hear and consider all protests and objections concerning the proposed Water and Wastewater Rate Increases; and

WHEREAS, the City of Newman determined a majority protest did not occur; and

WHEREAS, the City Council of the City of Newman adopted Resolution No. 2008-6 accepting the results of the 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 does hereby ordain as follows:

SECTION 1

Monthly water and sewer service charges for residential users, commercial users, industrial users, schools and churches, both inside and outside the City, and all other users, shall be in accordance with the following rates in Attachment "A" amending Title 11, Section 11.05.040 Water Rates and Section 11.06.080.2a Establishment of Rates.

SECTION 2

All other sections and provisions of Title 11 shall remain in full force and effect.

SECTION 3

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 11th day of March, 2008 by Councilmember _____, and adopted at a regular meeting of said City Council held on the 25th day of March, 2008 by the following vote:

AYES:
NOES:
ABSENT:

ATTEST:

APPROVED:

Deputy City Clerk

Mayor

Attachment "A"

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
<u>Residential</u>						
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	30.58	N/A	Per Unit	19.55	N/A
MF Low Income	09	27.62	N/A	Per Unit	17.43	N/A
House + 1 Apt	23	58.09	N/A	Per Unit	46.22	N/A
<u>Schools</u>						
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
<u>Commercial</u>						
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
<u>Commercial Res/Food Processing</u>						
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
<u>Industrial</u>						
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 wastewater rates are effective as of May 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.

Attachment "A"

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
1" Meter with 4" Meter	02	06	Per Unit + Usage	0.00	0.55	Each 100 cu ft above 0	0.00	0.41
3" 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 water rates are effective as of May 1, 2008.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9. b.**
City Council Meeting
of March 25, 2008

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

RECOMMENDATION:

1. Conduct a public hearing regarding the Draft Annual Action Plan (FY 2008-2009).
2. Approval of the Draft Annual Action Plan (FY 2008-2009).
3. Close required 30 day public comment period.

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 in achieving 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. The 2008 median area income in Stanislaus County for one person is \$31,650.00. 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:

The Stanislaus County CDBG Consortium is anticipating the following allocations:

- \$2,463,579 Community Development Block Grant (CDBG) Award
- \$109,694 Emergency Shelter Grant (ESG) Award

Agenda Item: **9. b.**

In order to receive these 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 approval of the Stanislaus County Draft Annual Action Plan.

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

Reviewed by,



Michael Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9. c.**
City Council Meeting
of March 25, 2008

REPORT ON ORDINANCE APPROVING ZONE CHANGE #07-02

RECOMMENDATION:

1. Open Public Hearing
2. Conduct First Reading of Ordinance #2008-XX Approving Zone Change #07-03.

BACKGROUND:

On March 20, 2008, the Planning Commission held a public hearing, approved the Vesting Tentative Tract Map with amended conditions of approval and reviewed and recommended the proposed Zone Change to the Council. One public comment was received during the public hearing.

The Planning Commission approved the Vesting Tentative Tract Map (with amendments) with a roll call vote of 3 – 1; with Commissioners Allan, Vandervort and Chairperson Wallace supporting and Commissioner Candea opposing.

The Planning Commission recommended approval of the Zone Change with a roll call vote of 4 – 0; with Commissioners Allan, Candea, Vandervort and Chairperson Wallace supporting.

ANALYSIS:

The applicant (Valley Oaks Properties) has applied for a Vesting Tentative Tract Map and Zone Change (from R-2 to P-D) for a 23 unit duplex/townhouse project. The project's units will be three bedrooms in size. The proposed project will be located on the east side of Hardin Road, approximately 60 feet south of Stephens Avenue, more specifically described as Assessor's Parcel Number 026-041-060. This site is currently under construction and is designated at Medium Density by our General Plan.

Upon review by staff, the proposed project has been determined to be categorically exempt under Class 32, Article 19 of CEQA.

The attached Planning Commission staff report provides project analysis and findings for your review.

FISCAL IMPACT:

None

CONCLUSION:

The proposed project is compatible with and will not have a negative impact upon the immediate neighborhood. The project design has been approved by the Architectural Review Committee and been recommended for approval by the Planning Commission. In addition to providing

market-rate housing, it will also provide three units of much needed affordable housing for the community.

ATTACHMENTS:

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

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael Holland
City Manager

**CITY OF NEWMAN
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

PLANNING COMMISSION MEETING DATE: March 20, 2008

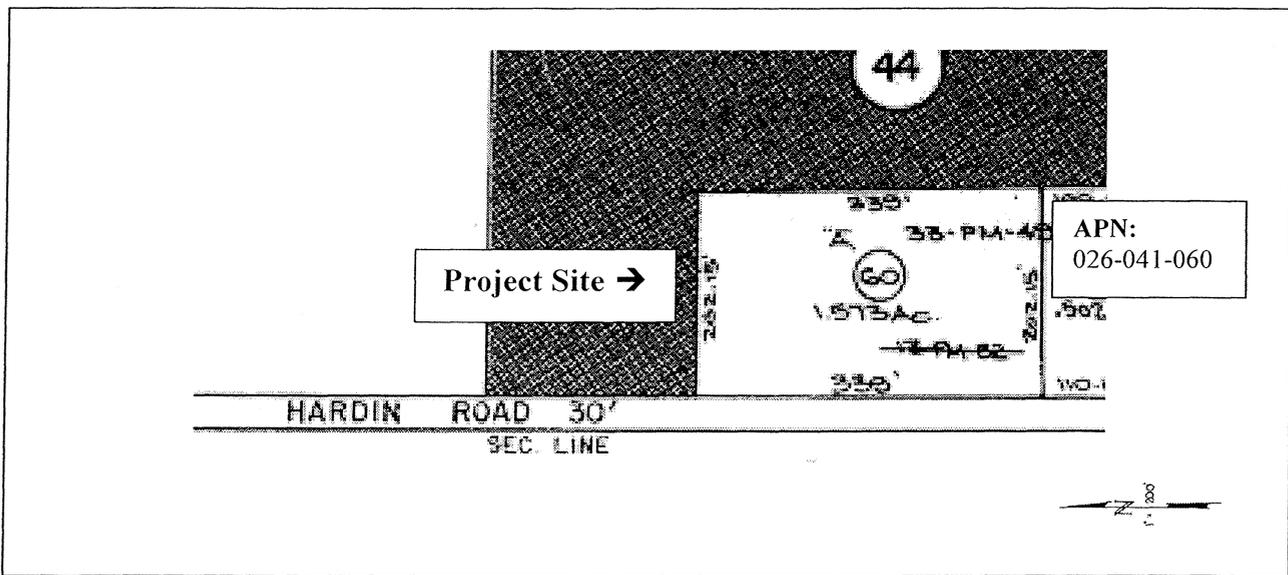
AGENDA ITEM: 8a

CZ	#07-03	VTTM	#07-02
APN:	026-041-060	Applicant:	Valley Oaks Properties
CEQA	Exempt		

REQUESTS: (1) Rezone 1.573 acres from R-2 (duplex residential) to P-D (planned development) and (2) subdivide the project site into 23 lots for a townhouse/duplex project.

LOCATION: The subject property is located on the east side of Hardin Road, approximately 60 feet south of Stephens Avenue.

ENVIRONMENTAL ASSESSMENT: Pursuant to the California Environmental Quality Act (CEQA) and the City of Newman Environmental Quality Guidelines, staff has determined that this proposal will not result in a direct or reasonably foreseeable indirect physical change in the environment and therefore is categorically exempt under Class 32, Article 19 of CEQA.



LAND USE:

<u>Property</u>	<u>Land Use</u>	<u>Zone</u>	<u>General Plan</u>
Subject Site	Vacant	R-2	MD
North	Residential	R-1	LD
South	Residential	R-1	MD
East	Residential	R-1	LD
West	Public/Quasi Public	PQP	PQP

R-1 = Single Family Residential

R-2 = Duplex Residential

PQP = Public/Quasi Public

LD = Low Density Residential

MD = Medium Density Residential

SIZE OF PROPERTY: 1.573 acres

ACCESS: Hardin Road

ORDINANCES:

NMC 5.02: Establishment and Designation of Zoning Districts

NMC 6.02: General Subdivision Regulations and Design

NMC 6.03: Filing of Tentative Maps

PROJECT DESCRIPTION:

The applicant is proposing to rezone 1.573 acres from R-2 to P-D and to subdivide the parcel into 23 lots. The submitted vesting tentative tract map and accompanying statement propose the development of a 23 unit townhouse/duplex project located on Hardin Road, south of Stephens Avenue. The proposed development will provide 23 three-bedroom units with three different elevations. Of those 23 units, 12 will be two-story. The tentative map provides 48 parking spaces (23 of them covered). Proposed access to the development will be through Hardin Road.

Per State law, the City of Newman may grant development concessions for affordable housing projects to increase their feasibility. The applicant is requesting a concession to allow smaller lot sizes for the project (differing from the NMC § 5.04.050 requirement of a minimum of 6,000 square feet for each single-family dwelling or duplex and 3,000 square feet for each halfplex unit) and increased density (differing from the General Plan requirement of 6 to 12 units per acre for medium density) in exchange for designating fifteen percent (15%) of the total project units as affordable. They have requested that the City allow their lots to vary in size from 2,539 to 5,170 square feet and a density of 11.44 units per acre.

BACKGROUND:

On August 14, 2003, the applicant underwent Architectural Review and the item was continued pending revisions.

On November 4, 2004, the item was returned to Architectural Review and was conditionally approved.

On January 14, 2008, Valley Oaks Properties Zone Change and Vesting Tentative Tract Map applications for a 23 unit duplex/townhouse housing project were deemed complete by City staff and the completed application was routed out to the appropriate parties for comment and review.

PROJECT ANALYSIS:

Land Use: The subject site is zoned R-2, the immediate northern and eastern parcels are zoned R-1, while the neighboring parcels to the west and south are zoned PQP and R-3 respectively. The Newman 2030 General Plan requires that medium density residential areas be in the range of 6 to 12 units per gross acre. The project site is currently proposing a density of 11.44 units for gross acre, (as per state law, bonus units are not counted in density calculations). The applicant's proposed use is consistent with the Newman 2030 General Plan and City zoning district. To include additional units in the project area, the developer has proposed a reduction in lot sizes; the developer has requested that the project site be rezoned to P-D in order to allow said variations in lot size.

Policy LU-4.3 of the General Plan mandates that the City shall seek to maintain an overall mix of 75 percent single-family detached units and 25 percent multi-family units in its housing stock. Multi-family units are defined as being either ownership or rental units and include single family attached, units in a duplex or triplex and units in buildings consisting of four or more attached units. The applicant's proposal will assist in the City meeting this General Plan requirement.

Building Location: The project consists of four rows of duplex/halfplex units. The site will have one halfplex and eleven duplex buildings; of those, six duplex units are two-story (approximately 22 feet in height) and the remaining 5 duplex and one halfplex units are one-story (approximately 13 feet in height). All units to the back perimeter of the project (and abutting existing low density areas) are one-story, this was done to maintain privacy for adjacent property owners. The northern and southern rows are set back a minimum 15 feet from the front, rear and side property lines. The two central rows are 20 feet apart (for open space purposes), have a minimum setback of 25 feet from the northern and southern rows (to allow for traffic ingress and egress) and are 15 feet from the rear and front property lines. These locations meet the minimum setback and height requirements identified in the municipal code for zone R-2.

Landscaping/Open Space: The submitted tentative map identifies preliminary landscaping areas. Each unit is required to have a minimum of 200 square feet of open space (totaling 4,600 square feet minimum); the project has adequate open space (roughly 12,150 square feet); meeting and exceeding municipal code requirements.

Parking: NMC §5.17.030 requires “2 spaces per dwelling unit, 1 of which shall be covered”; with this formula, the proposed project will require 46 spaces. The submitted site plan identifies 48 spaces (23 covered); meeting municipal code requirements.

Access: The applicant is proposing access from Hardin Road. The Hardin Road right-of-way width is 60 feet. Hardin Road is classified as a major collector in the Newman 2030 General Plan. Ingress and egress have been approved by Public Safety personnel.

Architectural Review Committee: In 2004 the Architectural Review Committee reviewed and approved the project with the following conditions:

- a. Include stucco fence at the front of the development
- b. Each unit shall have a tile roof
- c. All exterior windows visible from the right-of-way shall have a border/trim
- d. A decorative band shall be constructed between the first and second floors to give an attractive facade to the two-story units.

Environmental Review: All potentially significant effects have been analyzed adequately in the Newman 2030 General Plan EIR. Pursuant to applicable standards, the California Environmental Quality Act (CEQA) and the City of Newman Environmental Quality Guidelines, it has been determined that this project is categorically exempt under Class 32, Article 19.

FINDINGS:

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

Pro: The site plan will be consistent with all adopted City plans, documents and zoning district upon approval of the zone change application, vesting tentative tract map application and City concessions.

Con: The project site is currently zoned R-2 and designated as MD in the General Plan, the proposed use does not conform with the existing zone district and General Plan designation.

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

Pro: Given that the Zone Change has been analyzed under the General Plan and accompanying EIR and all potential impacts will be mitigated through payment of

appropriate fees; the finding is that public health and safety are not affected by the zone change.

Con: None

Public Comment

A Public Notice was published on March 6, 2008 and Public Notices were mailed out to surrounding property owners within a 300' radius on March 5, 2008. As of this date, (3-14-08) one telephone call has been received inquiring about the project - no additional comments have been received.

CONCLUSION:

The applicant is requesting a zone change from R-2 to P-D to allow for smaller lot sizes. In addition, a density bonus will increase the amount of affordable housing stock within the City. The proposed project is compatible with and will not have a negative impact upon the immediate neighborhood. The project will acquire services from surrounding water and sewer lines. The project design has been approved by the Architectural Review Committee and will provide much needed affordable housing for the community.

Staff recommends that the Commission approve the vesting tentative tract map and recommend approval of the zone change to the Council. Staff has provided the Commission findings supporting both approval and denial of the project.

CONDITIONS OF APPROVAL:

Community Development

1. The following number of units shall be made available to lower income households that qualify under HUD mandated income levels:
 - a) 2 of the units shall be set aside for very-low income households.
 - b) 1 of the units shall be set aside for low income households
2. Units designated as affordable shall adopt an affordability period not less than 55 years.
3. Prior to the construction of the 5 density bonus units, the developer shall enter in a regulatory agreement with the City regarding affordability requirements. The developer shall be responsible for all costs incurred in the creation of said agreement.
4. It is the developer's responsibility that the proposed development complies with handicap and Americans with Disabilities Act (ADA) requirements in the design and maintenance of this project.
5. The vesting tentative tract map shall be revised to include the following:
 - a) Name and address of records owner(s)
 - b) Location of water meters and lines
 - c) Identify which easements are existing versus proposed
6. Trash enclosures shall be built to City specifications.
7. The developer shall utilize the following conditions as set forth by the Architectural review Committee:

- a) Include stucco fence at the front of the development
 - b) The entire development shall have a tile roof
 - c) All exterior windows visible from the right-of-way shall have a border/trim
 - d) A decorative band shall be constructed between the first and second floors to give an attractive facade to the two-story units.
8. The developer shall submit a landscaping and irrigation plan for City review and approval
 9. The developer shall submit a sign plan for City review and approval
 10. The developer shall comply with the adopted street tree ordinance.
 11. Any proposed modifications of a significant and/or permanent nature to the approved elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require additional Architectural Review Committee approval.

Public Works

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

Fire

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

Standard Conditions

1. This application shall become null and void if the project is not initiated within one year from the date of approval.
2. All electrical, plumbing and mechanical equipment shall be screened. There shall be no new above-ground utility lines placed, or exposed conduits installed as a result of the project.
3. The applicant and/or property owner shall comply with, and be responsible for obtaining encroachment permits from the City of Newman for work performed within the City's right-of-way.

4. All plans shall be consistent with the site plan, reflecting amendments as approved.
5. All night lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic.
6. It shall be the responsibility of the developer to convey copies of the conditions of approval to all contractors and sub-contractors.
7. During Construction, and for safety purposes, the developer and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean-up on a daily basis.
8. For safety purposes, the construction area shall be fenced off with a chain link or another type of acceptable fencing as determined by the planning department.
9. The developer shall be responsible for making the necessary arrangements with utility companies for the installation of telephone or telegraph service, electrical distribution or transmission service, cable television service or community television distribution and transmission facilities.
10. All contractors performing work relative to this project shall obtain City of Newman Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State and Professions Code.
11. The site shall be kept in a dust-free condition during construction in compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD).

ATTACHMENTS:

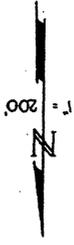
1. Exhibit A, Vesting Tentative Tract Map
2. Exhibit B, Assessors Map
3. Exhibit C, General Plan Map
4. Exhibit D, Operational/Environmental Statement
5. Exhibit E, Final Elevations
6. Exhibit F, Resolution Approving the Project

Por. W1/2 of SW1/4 Sec.18, T.7S., R.9E. M.D.B. & M.
 POR. OF NORTHERN ADD.

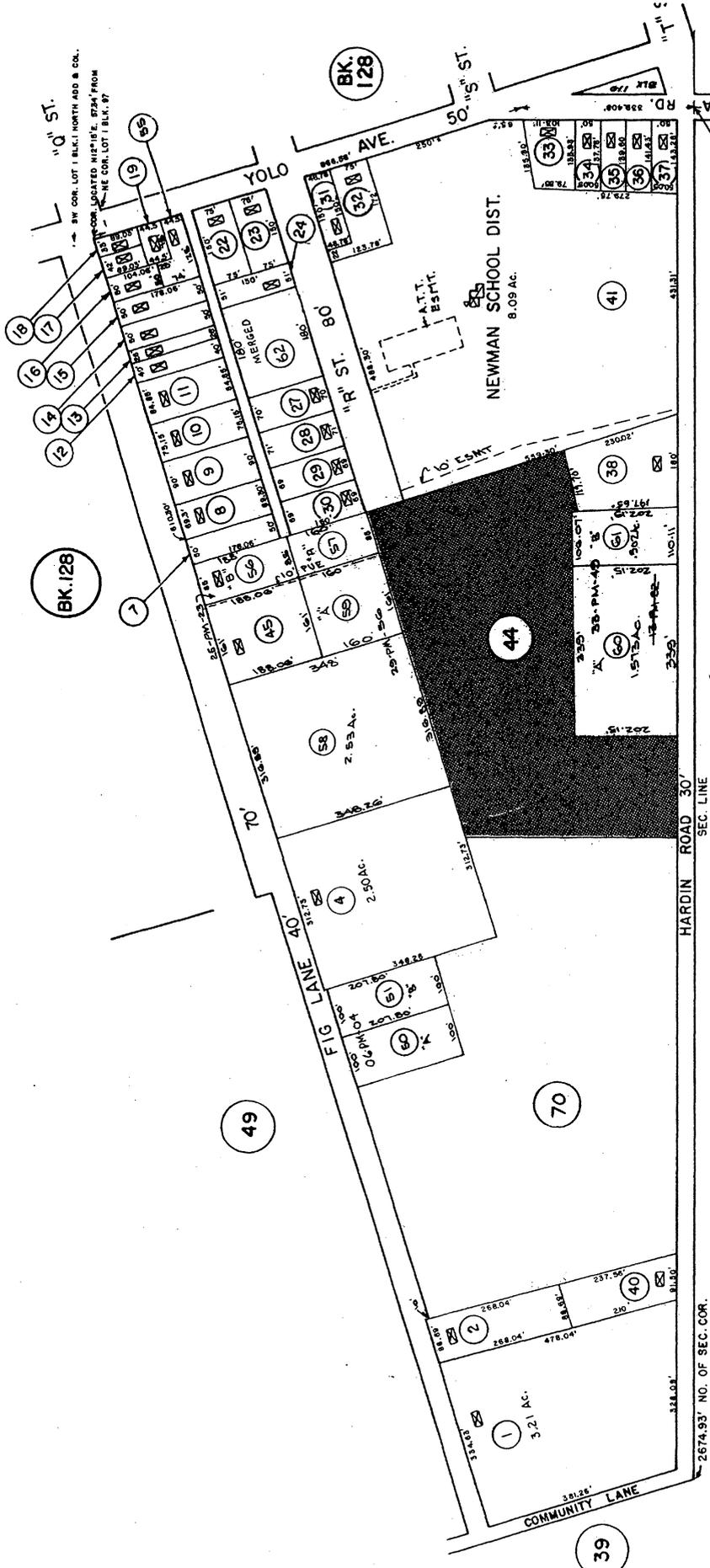
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26-41



THIS MAP FOR
 ASSESSMENT PURPOSES ONLY



R.S. Vol. I Pg. 11
 From J/59 & 128-44
 REV. 8-23-72
 UPDATED 12-14-82, 1-20-06 DH, 4-23-07 DH, 10-15-07 MF

34

Back To
 Book
 Index

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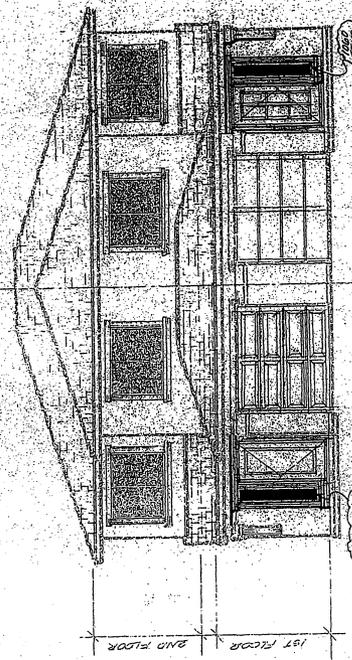
CITY OF NEWMAN

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

It is important that the operational/environmental statement provides a ~~complete and detailed description of your proposal~~. Your operational/environmental statement must be typed or written in a legible manner on a separate sheet(s) of paper. **DO NOT SUBMIT THIS CHECKLIST AS YOUR STATEMENT.**

1. Please provide the following information:
Assessor's Parcel Number 026-041-060
Applicant(s) Name Valley Oaks Properties/ Joe Rocha
Address 575 Southside Dr., Suite C. Gilroy, CA 95020
Phone Number (408) 842-4188
2. Describe the nature of your proposal/operation (please be specific).
Conversion of 23 Apartments to 23 Townhouses
3. What is the existing use of the property?
Apartments
4. What products will be produced by the operation? Will they be produced on-site or at some other location? Will these products be sold on site? Explain. N/A
5. What are the proposed operational time limits? N/A
Months (if seasonal)
Days per week:
Hours (from _____ to _____)
Total hours per day:
6. Will there be any special activities or events? N/A
Frequency:
Hours:
Are these activities indoors or outdoors?
7. How many customers or visitors are expected? N/A
Average number per day:
Maximum number per day:
What hours will customers/visitors be there?
8. How many employees will there be? N/A
Current:
Future:
Hours they work:
Do any live on-site? If so, in what capacity (i.e. caretaker)?
9. What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures. N/A
10. Will there be any service and delivery vehicles? N/A
Number:
Type:
Frequency:
11. Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area. N/A

12. How will access be provided to the property/project? (street name) Access is existing - Hardin Rd.
13. Estimate the number and type (i.e. cars, trucks) of vehicle trips per day that will be generated by the proposed development. 5-10 trips per day x 23 units = 115 - 230 trips
14. Describe any proposed advertising including size, appearance and placement. N/A
15. Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) of will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations.
Buildings are under construction
16. Is there any landscaping or fencing proposed? Describe type and location.
yes- see landscaping plan submitted with apartment application.
17. What are the surrounding land uses to the north, south, east and west boundaries of the property.
Residential
- If box is checked, complete #18 through #29 (for environmental review). Otherwise, skip to #30.
18. Will this operation, or equipment used therein, generate noise above or in excess of neighboring parcels.
19. On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water to be supplied to the proposed development? (please be specific).
20. On a daily or weekly basis, how much wastewater will be generated by the proposed project and how will it be disposed?
21. On a daily or weekly basis, how much solid waste (garbage) will be generated by the proposed project and how will it be disposed of?
22. Will there be any grading? tree removal? (please state the purpose, i.e. for roads, building pads, drainage, etc.)
23. Are there any archeological or historically significant sites located on this property? If so, describe and show location on site plan.
24. Locate and show all bodies of water on application plot plan or attached map.
25. Show all existing ditches, gullies, ravines, and natural drainage courses on the plot plan.
26. Will hazardous materials or waste be generated or used as part of this project? If so, what is it and how will it be shipped and/or disposed?
27. Will your proposal require use of any public services or facilities? (i.e. schools, parks, fire and police protection or special districts?).
28. How do you see this development impacting the surrounding area?
29. How do you see this development impacting schools, parks, fire and police protection or special districts?
30. If your proposal is for commercial or industrial development, please complete the following:
Proposed Use(s)
Square Feet or Building Area(s)
Total Number of Employees
Building Height(s)



TYPICAL TWO STORY UNIT FRONT ELEVATION

FRONT ELEVATION

Asphalt Shingles
 Asphalt shingles shall be installed in accordance with the manufacturer's instructions. The roof shall be finished with a minimum of two layers of asphalt shingles. The roof shall be finished with a minimum of two layers of asphalt shingles. The roof shall be finished with a minimum of two layers of asphalt shingles.

Exits
 Exits shall be provided in accordance with the applicable code requirements. Exits shall be provided in accordance with the applicable code requirements. Exits shall be provided in accordance with the applicable code requirements.

Drop Landings
 Drop landings shall be provided in accordance with the applicable code requirements. Drop landings shall be provided in accordance with the applicable code requirements. Drop landings shall be provided in accordance with the applicable code requirements.

Weather Protection
 Weather protection shall be provided in accordance with the applicable code requirements. Weather protection shall be provided in accordance with the applicable code requirements. Weather protection shall be provided in accordance with the applicable code requirements.

Plastering
 Plastering shall be provided in accordance with the applicable code requirements. Plastering shall be provided in accordance with the applicable code requirements. Plastering shall be provided in accordance with the applicable code requirements.

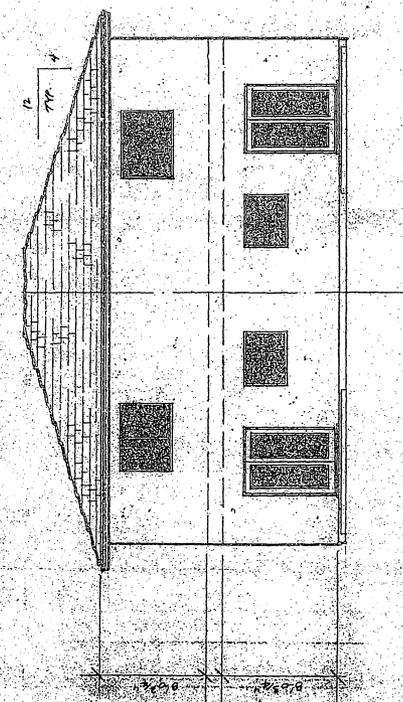
Exterior
 Exterior finishes shall be provided in accordance with the applicable code requirements. Exterior finishes shall be provided in accordance with the applicable code requirements. Exterior finishes shall be provided in accordance with the applicable code requirements.

Weather Protection
 Weather protection shall be provided in accordance with the applicable code requirements. Weather protection shall be provided in accordance with the applicable code requirements. Weather protection shall be provided in accordance with the applicable code requirements.

Weather Protection
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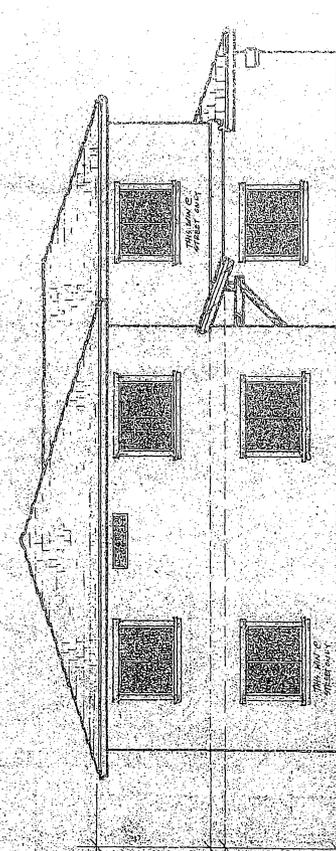
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REAR ELEVATION

EXTERIOR COVERINGS
 COMPOSITION ROOFING
 STUCCO EXTERIOR
 TRIM & FRONT DOOR (W.D.M.)



SIDE ELEVATION - 2 STORY

Plastering
 Plastering shall be provided in accordance with the applicable code requirements. Plastering shall be provided in accordance with the applicable code requirements. Plastering shall be provided in accordance with the applicable code requirements.

Exterior
 Exterior finishes shall be provided in accordance with the applicable code requirements. Exterior finishes shall be provided in accordance with the applicable code requirements. Exterior finishes shall be provided in accordance with the applicable code requirements.

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RIGHT ELEVATION

LEFT ELEVATION

PLANS REVIEWED BY
 PROFESSIONAL SEAL
 JON COULTER
 ARCHITECT

RESOLUTION #2008-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWMAN APPROVING VESTING TENTATIVE TRACT MAP #07-02 AND RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR ZONE CHANGE #07-03

PROJECT NAME: Valley Oaks Apartments

PROPOSAL DESCRIPTION:

Rezone 1.57 acres from R-2 (duplex residential) to P-D (planned development) and subdivide said acreage into 23 lots for a townhouse/duplex project.

PROJECT APPLICANT: Valley Oaks Properties

WHEREAS, the City Planning Commission having reviewed the proposal and having reviewed any written or verbal comments received prior to the public hearing, including the recommendations of City Staff and having heard oral comments received during the Planning Commission public hearing, does hereby find and declare that the proposal will not have a significant effect on the environment and has approved Vesting Tentative Tract Map #07-02 and recommends approval of Zone Change #07-03 to the City Council based on the following findings and conditions of approval:

FINDINGS FOR APPROVAL:

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

CONDITIONS OF APPROVAL

Community Development

1. The following number of units shall be made available to lower income households that qualify under HUD mandated income levels:
 - a) 2 of the units shall be set aside for very-low income households.
 - b) 1 of the units shall be set aside for low income households
2. Units designated as affordable shall adopt an affordability period not less than 55 years.
3. Prior to the construction of the 5 density bonus units, the developer shall enter in a regulatory agreement with the City regarding affordability requirements. The developer shall be responsible for all costs incurred in the creation of said agreement.

4. It is the developer's responsibility that the proposed development complies with handicap and Americans with Disabilities Act (ADA) requirements in the design and maintenance of this project.
5. The vesting tentative tract map shall be revised to include the following:
 - a) Name and address of records owner(s)
 - b) Location of water meters and lines
 - c) Identify which easements are existing versus proposed
6. Trash enclosures shall be built to City specifications.
7. The developer shall utilize the following conditions as set forth by the Architectural review Committee:
 - a) Include stucco fence at the front of the development
 - b) The entire development shall have a tile roof
 - c) All exterior windows visible from the right-of-way shall have a border/trim
 - d) A decorative band shall be constructed between the first and second floors to give an attractive facade to the two-story units.
8. The developer shall submit a landscaping and irrigation plan for City review and approval
9. The developer shall submit a sign plan for City review and approval
10. The developer shall comply with the adopted street tree ordinance.
11. Any proposed modifications of a significant and/or permanent nature to the approved elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require additional Architectural Review Committee approval.

Public Works

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

Fire

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

Standard Conditions

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

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Newman held on the 20th day of March, 2008, by Commissioner _____, who moved its adoption, which motion was duly seconded by Commissioner _____, and the Resolution adopted by the following vote:

AYES: _____
NOES: _____
ABSENT: _____

APPROVED:

Planning Commission Chairman

ATTEST:

Planning Commission Secretary

I HEREBY CERTIFY THAT THE FOREGOING IS A FULL, CORRECT, AND TRUE COPY OF RESOLUTION NO. 2008-XX AS ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF NEWMAN, A MUNICIPAL CORPORATION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, AT A REGULAR MEETING HELD ON MARCH 20, 2008, AND TO FURTHER CERTIFY THAT SAID RESOLUTION HAS NEVER BEEN RESCINDED OR MODIFIED.

Planning Commission Secretary

DATED

RESOLUTION #2008-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWMAN
RECOMMENDING APPROVAL TO THE CITY COUNCIL
FOR ZONE CHANGE #07-03**

PROJECT NAME: Valley Oaks Apartments

PROPOSAL DESCRIPTION:

Rezone 1.57 acres from R-2 (duplex residential) to P-D (planned development)

PROJECT APPLICANT: Valley Oaks Properties

WHEREAS, the City Planning Commission having reviewed the proposal and having reviewed any written or verbal comments received prior to the public hearing, including the recommendations of City Staff and having heard oral comments received during the Planning Commission public hearing, does hereby find and declare that the proposal will not have a significant effect on the environment and has recommended approval of Zone Change #07-03 to the City Council based on the following findings and conditions of approval:

FINDINGS FOR APPROVAL:

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

CONDITIONS OF APPROVAL

Community Development

1. The following number of units shall be made available to lower income households that qualify under HUD mandated income levels:
 - a) 2 of the units shall be set aside for very-low income households.
 - b) 1 of the units shall be set aside for low income households
2. Units designated as affordable shall adopt an affordability period not less than 55 years.
3. Prior to the construction of the 5 density bonus units, the developer shall enter in a regulatory agreement with the City regarding affordability requirements. The developer shall be responsible for all costs incurred in the creation of said agreement.
4. It is the developer's responsibility that the proposed development complies with handicap and Americans with Disabilities Act (ADA) requirements in the design and maintenance of this project.

5. The vesting tentative tract map shall be revised to include the following:
 - a) Name and address of records owner(s)
 - b) Location of water meters and lines
 - c) Identify which easements are existing versus proposed
6. Trash enclosures shall be built to City specifications.
7. The developer shall utilize the following conditions as set forth by the Architectural review Committee:
 - a) Include stucco fence at the front of the development
 - b) The entire development shall have a tile roof
 - c) All exterior windows visible from the right-of-way shall have a border/trim
 - d) A decorative band shall be constructed between the first and second floors to give an attractive facade to the two-story units.
8. The developer shall submit a landscaping and irrigation plan for City review and approval
9. The developer shall submit a sign plan for City review and approval
10. The developer shall comply with the adopted street tree ordinance.
11. Any proposed modifications of a significant and/or permanent nature to the approved elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require additional Architectural Review Committee approval.
12. *The developer shall create and submit a Home Owners Association for the project in its entirety. Said Home Owners Association shall be subject to approval by City staff.*

Public Works

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

Fire

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

Standard Conditions

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

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Newman held on the 20th day of March, 2008, by Commissioner Vandervort, who moved its adoption, which motion was duly seconded by Commissioner Allan, and the Resolution adopted by the following vote:

AYES: Allan, Vandervort, Candea, Chairperson Wallace
NOES: None
ABSENT: Applegate

APPROVED:

Planning Commission Chairman

ATTEST:

Planning Commission Secretary

I HEREBY CERTIFY THAT THE FOREGOING IS A FULL, CORRECT, AND TRUE COPY OF RESOLUTION NO. 2008-XX AS ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF NEWMAN, A MUNICIPAL CORPORATION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, AT A REGULAR MEETING HELD ON MARCH 20, 2008, AND TO FURTHER CERTIFY THAT SAID RESOLUTION HAS NEVER BEEN RESCINDED OR MODIFIED.

Planning Commission Secretary

DATED

ORDINANCE NO. 2008-XX

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

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

WHEREAS, the Planning Commission has recommended approval of a zone change in a certain territory known as Assessors Parcel Number 026-041-060; and

WHEREAS, it is the desire to rezone the said territory from R-2 to P-D; and

WHEREAS, the Planning Commission has conducted a public hearing on the proposed zone change and recommended approval of the proposed Zone Change (CZ #07-03); 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-2 Duplex Residential to P-D Planned Development.

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 25th day of March, 2008 by Councilmember _____, and adopted at a regular meeting of said City Council held on the 8th day of April, 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: **10. a.**
City Council Meeting
of March 25, 2008

REPORT ON NEW ROLE FOR COUNCIL MEMBERS IN THE AUDIT PROCESS

RECOMMENDATION:

It is recommended that the Newman City Council:

1. Review and Select one Council Member to oversee the audit process.

BACKGROUND:

Beginning Fiscal Year 2007-08, auditors must comply with the new Statement on Auditing Standards (SAS) No. 114 requirements issued by the American Institute of Certified Public Accountants (AICPA). SAS No. 114 establishes a requirement for the auditor to communicate with "those charged with governance" certain significant matters related to the audit. In a California city, the city council members are "those charged with governance". Attachment "A" is an article written by Michael Moreland discussing Council Members new role in the audit process.

FISCAL IMPACT:

There is no cost associated with this process.

CONCLUSION:

Staff recommends that the Council select one Council Member to oversee the auditing process.

Respectfully submitted:


Sonya Silva
Accountant

Reviewed/Concur


Michael E. Holland
City Manager

2007-11-15

The New Role for Council Members in the Audit Process

November 2007

by Michael Moreland and Dennis Kneier

Michael Moreland is managing partner of Moreland & Associates, Inc., a statewide accounting firm specializing in serving public agencies, and can be reached at MMoreland@moreland-assoc.com. Dennis Kneier is a council member for the City of San Marino and a certified public accountant and can be reached at dkneier@socal.rr.com.

Beginning in FY 2007-08, auditors of California cities must comply with the requirements of the Statement on Auditing Standards No. 114, "The Auditor's Communication With Those Charged With Governance." Statements on Auditing Standards (SASs) are issued by the American Institute of Certified Public Accountants (AICPA) and apply to all industries in connection with a financial statement audit. SAS No. 114 is one of a series of statements intended to improve the auditing process as a result of perceived audit failures in connection with companies such as Enron. The statements are also an attempt to narrow the "expectation gap" between the CPAs' understanding of the services they provide and the public's expectation of those services.

Understanding the Distinction Between Governance And Management

SAS No. 114 distinguishes between those charged with governance versus management. Those charged with governance are the people responsible for overseeing the strategic direction of the entity and its obligations related to accountability, including overseeing the financial reporting process. Management includes the people responsible for achieving the objectives of the entity, with the authority to establish policies and make decisions by which those objectives are to be pursued. Management is responsible for the financial statements, including designing, implementing and maintaining effective internal control over financial reporting.

In large companies, such as General Motors, there is a big distinction between those charged with governance and those responsible for management. As defined here, members of the board of directors oversee the strategic direction of the company including the financial reporting process. Appointment to the General Motors board of directors is reserved for individuals who bring specific talents that have been identified as necessary to carry out the board's responsibilities. In smaller businesses, such as a restaurant or an insurance agency, those charged with governance and management are frequently the same person or small group of people.

In a California city, the city council members are "those charged with governance," and the city manager and his or her management group are "management." They are always two separate groups. To be elected to the city council, the candidate must meet residency and age requirements and receive the most votes. While many city council members possess the skills necessary to oversee the financial reporting process, there is no requirement for them or the city council as a group to have that skill set. On the other hand, the city council requires management to have the skills necessary to achieve the goals of the city, including designing, implementing and maintaining effective internal control over financial reporting.

Understanding the Auditing Process

Because governance is a collective responsibility, a subgroup of the city council, such as an audit committee or even an individual, may be charged with specific tasks to help the city council meet its financial reporting oversight responsibilities. Each city council hires a CPA firm to perform the annual audit. If a city council does not have the necessary skills to carry out its oversight responsibilities, the council may hire a second CPA firm to assist them in meeting their SAS No. 114 responsibilities. They cannot use the same CPA firm for both duties.

Although city council members are not required to have the skills necessary to oversee the financial reporting process in order to get elected, the city council nevertheless must have these skills to carry out the responsibilities of those charged with governance. Therefore, the city council's choices are to hire a second CPA firm to assist them or to identify someone on the council who can be trained to fulfill these responsibilities. Most city councils are likely to choose the latter option.

As indicated previously, the auditor has a responsibility under SAS No. 114 to report to those charged with governance in connection with the annual audit of the city's financial statements and:

- Communicate the responsibilities of the auditor in relation to the financial statement audit and provide an overview of the scope and timing of the audit;
- Obtain information relevant to the audit from those charged with governance; and
- Provide the city council with timely observations arising from the audit that are relevant to their responsibilities in overseeing the financial reporting process.

- SAS No. 114 focuses primarily on communications from the auditor to those charged with governance. However, effective two-way communication is also very important in assisting:
- The auditor and those charged with governance in understanding matters related to the audit in context and in developing a constructive working relationship;
- The auditor in obtaining information relevant to the audit from those charged with governance; and
- Those charged with governance in fulfilling their responsibility to oversee the financial reporting process, thereby improving their understanding of the city's financial position and reducing the risks of material misstatement of the financial statements.

If the auditor believes that the two-way communications with the city council are inadequate, he or she may modify the auditor's opinion on the basis of a scope limitation or even withdraw from the engagement. Neither of these options is acceptable in the public sector.

Therefore, it is important for council members to understand the new requirements of their auditors imposed by SAS No. 114. It is also important for city councils to identify those members with the skills necessary to provide the required two-way communication with their auditors.

League Training Provides Needed Skills

A practical way to gain the skills necessary to meet these responsibilities is to sign up for League-sponsored training that prepares city council members to more effectively oversee the financial reporting process and establish good two-way communications with their auditors. This training will be offered as part of the New Mayors and Council Members Academy, Jan. 16-18, 2008, at the Hyatt Regency in Sacramento (online registration is available at www.cacities.org/events).

The League training addresses such questions as:

- What are the requirements for an annual audit?
- What is included in the annual audit process?
- How does the city council evaluate the results of the annual audit?
- What are the city council's responsibilities in connection with the annual audit?
- How does the city council carry out its responsibilities in connection with the annual audit process?
- How does the city council oversee the financial reporting process?
- Why can't the city council's responsibilities be delegated to management?
- How does the city council evaluate management's performance in designing, implementing and maintaining effective internal control over financial reporting?
- What types of services provided by the independent auditor may lead to a lack of independence or the appearance of a lack of independence?

These are the same issues the city council will need to discuss with their auditors on an annual basis.

Many city council members may be concerned about how to address these issues because they do not believe they have the necessary background or education. That is why the League training is so important. Serving on a city council has the same responsibilities as serving on the board of directors of a company. It is critical for the city council to identify those members who, with additional training, are capable of addressing all of these issues on behalf of the entire council.

After one or more members of the city council complete the training program, the entire city council will be much more comfortable dealing with their independent auditors. Future changes in the audit process or changes in the responsibilities of the city council can be provided by the city's independent auditors.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10. b.**
City Council Meeting
of March 25, 2008

REPORT ON THE CITY COUNCIL TRAVEL BUDGET

RECOMMENDATION:

It is recommended that the Newman City Council:

1. Provide Staff direction regarding City Council Travel Budget

BACKGROUND:

Currently the Travel Expenses for the City Council is over budget by \$711.00. The City Council has upcoming conferences and events that Council Members have acknowledged that they would like to attend. The cost of the League of California Mayors & Council Members Executive Forum event is approximately \$1800 per person. The cost of Legislative Action Days is approximately \$400 per person. In order to attend these or other events Council will need to increase the budget.

FISCAL IMPACT:

The fiscal impact would depend on the number of Council Members attending the previously mentioned events.

CONCLUSION:

Staff recommends that Council provide direction regarding the City Council Travel Budget

Respectfully submitted:



Michael E. Holland
City Manager

NEWMAN FUN RUN 2008

RECOMMENDATION: Approve request from Newman Fun Run Committee to hold fund-raising event.

BACKGROUND: The Newman Fun Run Committee is requesting to hold its 11th Annual Newman Fun Run. This year, the organizers are requesting a return to the traditional day during the Memorial Day Weekend; Sunday, May 25h. Last year the date was changed to coincide with Modesto's Graffiti Night . Over the years this fund-raising event has raised thousands of dollars which has been donated to local charities and community-based causes. Last year's proceeds benefited the family of Bailey Rocha. This year the proceeds will benefit the Newman Police Department's K9 program.

The event date has no conflicts with other community events. The organizer's requests are in line with last year's successful event. The event organizers are seeking council approval for this year's event.

ANALYSIS:

At the October 10, 2006, City Council adopted a policy of guidelines for the use of the downtown area. They are as follows:

- The guidelines state that all events shall be on Sunday for single day events.
- Three (3) million dollars of liability insurance is required. The organizer has agreed to this and will have it in place.
- Organizers shall deposit funds with the city for one-half of the estimated cost of police services.
- Guidelines state that the organizer shall provide information as to how funds raised will be spent. The Newman Police Department K9 Program is earmarked as this years' recipient. City Council must be advised of the disbursement of funds raised.
- Organizers must abide by the notification of downtown businesses requirements.
- Organizers request the \$1,000.00 Clean-up Deposit be waived. This was approved for last year's event and there were no clean-up issues requiring city resources.

Event Requirements

1. Obtain a \$ 3,000,000.00 liability insurance policy naming the City of Newman as an additional insured.
2. The Fun Run Committee will verify that all vendors or service organizations selling or serving alcohol have obtained the required sales permit from the California Alcohol Beverage Control Board.
3. All alcoholic beverages will be served in paper or plastic cups (no glass cups or bottles).
4. Alcoholic beverages sold inside any bar establishment can not be consumed within the street closures.
5. The Fun Run Committee will provide at least 10 portable restrooms.

6. Consumption of any alcoholic beverage is permitted only in the street closure area.
7. Everyone purchasing alcohol must be checked for proof of age. A system must be in place to ensure age verification.
8. There is to be a 20-foot clear area in the center of all streets within the closure to accommodate emergency vehicles such as police, fire, and ambulance. At each end of the street closure, a 20-foot clear space will be maintained for the same purpose.
9. The Fun Run Committee shall verify that all out-of-town vendors/businesses conducting sales of goods or services shall have a business license with the City of Newman prior to participating in the event.
10. The event will be shut down by the police department with the assistance of the Fun Run Committee if in the opinion of the Chief of Police or his designee that public safety may be at risk.
11. The Newman Fun Run Committee sponsoring the Newman Fun Run event shall indemnify, defend, and hold harmless the City of Newman and/or its officers, officials, employees and volunteers from and against any and all liability, loss, damage, expense, costs (including without limitation, costs and fees of litigation) of every nature arising out of or in connection with this event or its failure to comply with any of its obligations contained in this agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of the City of Newman.
12. The street closure be approved for Main Street from Kern to Merced Street, Fresno Street from “N” Street to Main Street, and Tulare Street from “N” Street to Main Street from 4:00 AM to 7:00 PM on May, 25, 2008..
13. The Fun Run Committee has exclusive use of closure of the city parking lot located across from the West Side Theatre.
This includes the temporary parking lot to the rear of the main parking lot. This will be used as overflow parking on an as needed basis. The Fun Run Committee will have exclusive use of the city parking lot located between the Tank Bar & Grille and the barber shop from 4:00 am to 7:00 pm.
14. All clean-up of sidewalks and streets within the street closure is the responsibility of the Fun Run Committee.
15. Any other requirements that the City Council may deem necessary.

The City will provide use of electrical power from plugs on downtown streetlights. The Fun Run Committee will make arrangements with the City’s contract provider for additional garbage cans and the collecting of these garbage cans after the event.

The police department will staff the event with most officers on a “pay back” status. Two officers will be on overtime basis and three reserve officers will be paid a stipend rate of pay. Police Volunteers and Explorers will staff the event at no additional cost. The total cost for police services is estimated at \$1,500.00; to be reimbursed by the event.

Public Works Director, Ernie Garza, stated his department will be meeting the requests of the event during regular work hours with no overtime impact. Additional barricades will be needed at a rental cost of

\$150.00. That cost will be passed on to the Newman Fun Run Committee. Public Works does not anticipate spending additional funds to meet the requests of the event.

Requests from Newman Fun Run Committee

1. The closure of Main Street from Merced Street to Kern Street, and the closure of Tulare Street from "N" Street to Main Street, and the closure of Fresno Street from "N" Street to Main Street from 4:00 AM to 7:00 PM.
2. The City to provide use of City barricades, no parking signs, and electricity.
3. The Council approves the use of the street closure area for a beer garden and waives the City Ordinance prohibiting public consumption of alcohol on public streets.
4. The City to provide police officers and other personnel for security purposes on a reimbursement basis.
6. The Council waives the \$ 1,000.00 cleaning deposit as this event has a history of diligently cleaning the downtown area for all past events.

FISCAL IMPACT:

The costs involved are overtime \$1,500.00 and the additional barricades at a cost of \$150. Estimated costs incurred by the City will be \$1,650.00. No funds are budgeted for this event.

CONCLUSION:

Staff recommends approval of requests from the Newman Fun Run Committee to hold this fund raising event.

Attachment: Fun Run Permit

Respectfully submitted,



Randy Ulibarri
Chief of Police

REVIEWED/CONCUR:



Michael Holland
City Manager



City of Newman Special Event Permit

The Newman Police Department hereby grants a permit to the Newman Fun Run Committee to hold a fundraising event. That this event is called the Newman Fun Run and will be held on May 25, 2008, between 6 A.M. to 7 P.M. under the following conditions.

1. That \$ 3,000,000.00 liability insurance naming the City of Newman as an additional insured is obtained.
2. The Newman Fun Run Committee agrees to pay for all direct cost for expenses incurred by the City of Newman. The committee will be billed for these expenses.
3. That it is the fundraiser responsibility to make sure vendors obtain an on sale one-day permit from the California Alcohol Beverage Control Board (commonly known as ABC).
4. That the alcohol be served in paper or plastic cups (no glass cups or bottles).
5. That no alcohol sold inside any establishment can be consumed in the street closure.
6. That the fundraisers provide at least 10 portable restrooms to handle the additional crowd.
7. Clean up of the sidewalk and street within the street closure is the responsibility of the fundraiser group.
8. That consumption of beer or alcohol is only to be permitted in the street closure area.
9. That everyone purchasing any alcoholic beverage will be checked for proof of age.
10. There is to be a 20-foot clear area in the center of all streets within the closure to accommodate emergency vehicles such as police, fire, and ambulance. At each end of the street closure a 20-foot space will be maintained for this same purpose.
11. That any stages, platforms or any other object which will be used on Main Street in this event will be permitted to be on the street from 6 A.M. and removed no later than 7 P.M. or when declared ended by the Chief of Police or his designee.

**Special Event Permit
Page Two**

12. That the event will be shut down by the police department with the assistance of the fundraiser group in the event, in the opinion of the Chief of Police or his designee, public safety may be at risk.
13. That the overflow parking lot be well marked and that manned security be provided by the fundraiser.
14. The Newman Fun Run Committee (fundraiser) sponsoring the Newman Fun Run event shall indemnify, defend, and hold harmless the City of Newman and its officers, officials, employees and volunteers from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with this event or its failure to comply with any of its obligations contained in this agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of the City of Newman.
15. That the street closure be approved for Main Street from Kern to Merced Streets, Fresno between N and Main, and Tulare between N and Main.
16. The exclusive use and closure of the City parking lot across from the West Side Theatre and closure of the alley behind this lot between Fresno Street and Tulare Street. In addition, the use of the city parking lot between Foster's Bar and the barber shop.

As the representative of the fundraiser I agree to the above-mentioned conditions.

John Fantazia
Chairman
Newman Fun Run Committee

Issued by: _____
Randy Ulibarri
Chief of Police

cc: City Manager
City Attorney