



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

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters.
  - a. Introduction Of Chief Of Police Adam McGill.
  - b. Presentation By Doris Scanlon Of The League Of Women Voters Of Stanislaus County.
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 April 8, 2008 Regular Meeting.
9. Public Hearings.
10. Regular Business
  - a. Report On Tractor/Backhoe Purchase And Bid Award.
  - b. Consider For Approval The Newman Downtown Plaza Final Initial Study And Negative Declaration.
  - c. Consider For Approval The (2008-2009) CDBG Allocation Agreement.
  - d. Adopt Resolution No. 2008- , A Resolution Approving Redevelopment Agency Loan And Affordable Housing Agreement And Authorizing The Executive Director To Execute Said Agreement.
11. Items From The City Manager And Staff.

**12. Items From City Council Members.**

**13. Adjourn To Closed Session**

- a. Public Employee Personnel Evaluation (City Manager) G.C. 54957.
- b. Return To Open Session.

**14. Adjournment.**

## Calendar of Events

April 21 - Two On Two Meeting With The School Board 4:30 p.m.  
April 22 - Swearing-In Ceremony For Chief Adam McGill - 3:00 p.m.  
April 22- City Council - 7:00 p.m.  
April 24 - 2007 Officer Of The Year Luncheon - Modesto - 12:00 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.

June 8 - City Softball Game  
June 9 - NCLUSD Board Meeting - 7:15 p.m.  
June 10 - City Council - 7:00 p.m..  
June 11 - Baseball Board Meeting - 7:00 p.m.  
June 12 - Recreation Commission - 7:00 p.m.  
June 19 - Planning Commission - 7:00 p.m.  
June 24 - City Council - 7:00 p.m.

Date.: Apr 18, 2008  
 Time.: 11:09 am  
 Run by: EMILY M. FARIA

CITY OF NEWMAN  
 CASH-DISBURSEMENTS-REPORT

Page.: 1  
 List.: NEW1  
 Group: PYCPDP

CK #	Check-Date	CK Amount	Vendor Name	Description
033920	04/09/08	10597.50	CNE-CERTIFIED-MAINTENANCE CO	50% DEPOSIT ON WHEEL CHAIR. LIFT/MUSEUM
033921	04/15/08	523.00	ADAM MCGILL	UNIFORM ALLOWANCE/ADAM MCGILL
033922	04/18/08	.00	VOIDED CHECK	
033923	04/18/08	.00	VOIDED-CHECK	
033924	04/18/08	100.00	LILIA ALVAREZ	REFUND PARTIAL DEPOSIT/LILIA ALVAREZ
033925	04/18/08	60.35	ARROWHEAD MOUNTAIN SPRING	BOTTLED WATER/MARCH 2008
033926	04/18/08	979.90	BASIC-CHEMICAL SOL./INC.	450 GALLONS SODIUM HYPOCHLORITE/WELLS
033927	04/18/08	15020.00	BLUE CROSS OF CA	HEALTH INSURANCE PREMIUM/MAY 2008
033928	04/18/08	637.07	BOETHING TREELAND FARMS, INC	19 BLOODGOOD TREES/2 BRADFORD PEAR TREES
033929	04/18/08	4482.70	W.H. BRESHEARS, INC.	GAS-DIESEL/MARCH 2008
033930	04/18/08	1750.00	BUSH, ACKLEY, MILICH, HALLIN	LEGAL FEE RETAINER/APRIL 2008
033931	04/18/08	4290.87	BUSINESS CARD	LODGING/MOVIES/CANDY/TIRES/MEALS/REGISTRATION
033932	04/18/08	400.00	CALIF-CITY-MANAGEMENT-FOUNDATI	MEMBERSHIP DUES-FISCAL 08/09/CITY MANAGER
033933	04/18/08	407.00	AMY CASTILLO	ADULT BASKETBALL REF/A. CASTILLO
033934	04/18/08	906.50	SANTIAGO CASTILLO	ADULT BASKETBALL REF/S. CASTILLO
033935	04/18/08	240.50	CBA (ADMIN-FEES)	DENTAL-VISION-ADMIN-FEES/APRIL 2008
033936	04/18/08	576.00	CDW GOVERNMENT, INC	PO #08-73
033936	04/18/08	21.20	CDW GOVERNMENT, INC	ADD ACROBAT PRO 8 WIN MED
033937	04/18/08	683.15	CENTRAL SANITARY SUPPLY	MOP HANDLE/TOWELS/CANLINERS/HANDSOAP
033938	04/18/08	236.12	DAVE PIRES	DRAIN CLEANING/URINAL REPAIRS/THEATER
033939	04/18/08	881.51	DEPART. OF CONSERVATION	1ST QTR SNOT FEES/JAN-MAR 2008
033940	04/18/08	300.00	DIABLO GRANDE/GOLF.	DEPOSIT ON GOLF TOURNEY/PO
033941	04/18/08	2520.12	EGM ELECTRIC, INC.	MOTOR REWIND/PUMP REPAIRS/STREET LIGHT REPAIRS

Date.: Apr 18, 2008  
 Time.: 11:09 am  
 Run by: EMILY M. FARIA

CITY OF NEWMAN  
 CASH DISBURSEMENTS REPORT

Page.: 2  
 List.: NEW1  
 Group: PYCPDP

CK #	Check Date	CK Amount	Vendor Name	Description
033942	04/18/08	53.20	ECONOMIC TIRE SHOP	2 TIRE REPAIRS/I USED TIRE/PW
033943	04/18/08	201.57	ENTENMANN-ROVIN CO.	NEWMAN PD DOME BADGE
033944	04/18/08	150.00	ERNIE-GARZA (NT)	PER DIM/AMMA CONF 4/21/08-4/24/08/GARZA
033945	04/18/08	13330.00	GDR ENGINEERING, INC.	PROFESSIONAL SERVICES/5 SEWER LINE REPLACEMENTS
033946	04/18/08	857.85	GEANALYTICAL LAB, INC.	WEEKLY BACTI'S/QUARTLY WELL/BOD/NITRATES/SOLIDS
033947	04/18/08	2819.99	GROENIGER & CO.	PO.#08-69
033947	04/18/08	316.76	GROENIGER & CO.	AVK PARTS/WATER DEPT
033948	04/18/08	150.00	CITY OF GUSTINE	SWIM PASSES FOR FIELD TRIPS
033949	04/18/08	75.00	GUSTINE-NEWMAN-SOROPTOMIS	REFUND MEM BLOG DEPOSIT/SOROPTIMIST
033950	04/18/08	59.00	HOGUE, FENTON, JONES & APPEL, I	PROFESSIONAL SERVICES/MARCH 2008
033951	04/18/08	9670.00	JOE'S LANDSCAPING &	MISTLETOE ABATHMENT/LANDSCAPE SERVICES/MARCH 2008
033952	04/18/08	525.40	LC ACTION POLICE SUPPLY	PO #08-70
033953	04/18/08	315.43	MALLARD EXPRESS AUTO	REPLACE HIGH PRESURE OIL COOLER/AIR CLEANER/PD
033954	04/18/08	286.27	FRANK B. MARKS & SON, INC	3/4 CRUSHED ROCK/WWTP
033955	04/18/08	1500.17	MARTIN CARVER, AICP	NEWMAN PLAZA NEPA SERVICES/MARCH 2008
033956	04/18/08	32.00	CHRIS MESSER	ADULT BASKETBALL SCOREKEEPER/CHRIS MESSER
033957	04/18/08	18.50	CHARLES MESSER	ADULT BASKETBALL REF/CHARLES MESSER
033958	04/18/08	149.97	MIDWAY USA	SURESHLL-SHDTHELL AMMUNITION/12-GUAGE/PD
033959	04/18/08	360.00	KRISTEN MOORE	ADULT BASKETBALL SCOREKEEPER/K. MOORE
033960	04/18/08	400.00	CORAL MUNOZ	ADULT BASKETBALL SCOREKEEPER/MUNOZ
033961	04/18/08	1267.50	NETWORK BUILDERS-IT	MONTHLY IT SERVICES/MAY 2008
033962	04/18/08	300.00	CITY OF NEWMAN ACCTS RECEIVABL	HYDRANT PERMIT REFUND/FAGUNDES & SON
033963	04/18/08	150.27	NEWMAN G&G AUTO PARTS	BELT/ELECTRONIC CLEANER/BATTERY/

Date.: Apr 10, 2008  
 Time.: 11:09 am  
 Run by: EMILY M. FARRA

CITY OF NEWMAN  
 CASH DISBURSEMENTS REPORT

Page.: 3  
 List.: NEW1  
 Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
033964	04/18/08	57868.20	PERMA-GREEN HYDROSEEDING	COMPLETION OF 65% IF CIBCRETE RESTROOM/PIONEER PK
033965	04/18/08	306.76	P G & E	NATURAL GAS/SHERMAN RANCH LLD LIGHTING
033966	04/18/08	2.52	PIONEER-DRUG	ZIP-LOCK BAGS/WATER DEPT
033967	04/18/08	5374.17	PRECISION INSPECTION, INC	PUBLIC WORKS INSPECTIONS/HARDIN ROAD APARTMENTS
033968	04/18/08	37.50	LYDIA RENTERIA	CANCELLED MEM BLDG USE/PARTIAL REFUND/MANZANO
033969	04/18/08	884.24	RRM-DESIGN-GROUP, INC.	PROFESSIONAL-SERVICES/DOWNTOWN-PLAZA/MARCH 2008
033970	04/18/08	8171.00	STANISLAUS COUNTY	EMERGENCY DISPATCH OPERATIONS/JAN-MAR 2008
033970	04/18/08	163856.37	STANISLAUS COUNTY	1ST QTR IMPACT FEES/JAN-MARCH 2008
033971	04/18/08	250.00	STEVE'S QUALITY CLEANING	STRIP/WAX AND BUFF ENTRANCE TO CITY HALL
033972	04/18/08	311.46	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL/SERVICE
033973	04/18/08	320.80	TEL STAR INSTRUMENTS, INC	10 PKS RED CHART PENS/JMTP
033974	04/18/08	5750.00	RANDAL-M. ULIBARRI	CONTRACT-SERVICES/INTERIM POLICE CHIEF/THRU 3/31
033975	04/18/08	709.60	UNITED RENTALS, INC	RENTAL OF STUMP GRINDER
033976	04/18/08	465.39	UNIFIRST CORPORATION	UNIFORM CLEANING/MAT RENTAL/TOWELS/MARCH 2008
033977	04/18/08	167.02	USA BLUEBOOK	WELL MONITOR PLUG/SUPPLIES/JMTP
033978	04/18/08	39995.35	WECO INDUSTRIES	PO #08-59
033979	04/18/08	1146.33	MATTOS NEWSPAPERS, INC.	LETTERHEAD/BUSINESS CARDS/AD TO BIDS/LEGAL ADS
033980	04/18/08	287.27	YANCEY-LUMBER COMPANY	TIRE FOAM/TAPE/SAND/CONCRETE/URINAL/LUMBER/

Sub-Total: 364522.35

Grn-Total: 364522.35  
 Count: 64

**MINUTES**  
**NEWMAN CITY COUNCIL, SPECIAL MEETING**  
**APRIL 8, 2008**  
**6:30 P.M.**  
**CITY HALL CONFERENCE ROOM**  
**1162 MAIN STREET**

1. **Call To Order** Mayor Fantazia - 6:37 P.M
2. **Roll Call PRESENT:** Katen, Kelly, Martina and Mayor Fantazia  
**ABSENT:** Crinklaw
3. **Items From The Public** - None
4. **Adjourn To Closed Session** - 6:41P.M.
  - a. Public Employment - Police Chief - G.C. 54957.
  - b. Return To Regular Session - 6:51P.M.

Mayor John Fantazia Reported That Former Modesto Police Department Lieutenant Adam McGill Had Been Hired As Newman's New Chief Of Police, And That He Would Be Starting With The City Of Newman On April 22<sup>nd</sup> 2008.

5. **Adjournment.**

**ACTION:** On Motion By Martina Seconded By Katen And Unanimously Carried, The Meeting Was Adjourned At 6:55 P.M.

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

1. **Call To Order** - Mayor Fantazia - 7:03 p.m.
2. **Pledge Of Allegiance.**
3. **Invocation-** Council Member Kelly
4. **Roll Call PRESENT:** Katen, Kelly, Martina and Mayor Fantazia  
**ABSENT:** Crinklaw
5. **Declaration Of Conflicts Of Interest**

Mayor Fantazia Informed That He Has A Conflict Of Interest With Item 10 b. Because He Lives Near The Project Site.

6. **Ceremonial Matters** - None
7. **Items from the Public - Non-Agenda Items-**

Kent Madenwald, 612 Waxwing Lane, Stated That He Would Like The Photos At City Hall, Of The Mayor And Council Members Updated.

Elizaldo Gutierrez, 1041 Grackle Court, Spoke To The Council Regarding Community Service Officer And The Abatement Process. Gutierrez Stated That The City Removed All Of His Recyclables From His Backyard. He 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 March 25, 2008 Regular Meeting.

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

9. **Public Hearings**
  - a. Adopt Resolution No. 2008-16, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4. (Public Works).

Mayor Fantazia Opened The Public Hearing At 7:08 P.M.

There Being No Public Comment, The Hearing Was Declared Closed At 7:09 P.M.

**ACTION:** On Motion By Martina Seconded By Katen And Unanimously Carried, Resolution No. 2008-16, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted.

## 10. Regular Business

- a. Report On Relocation Of Waterline For Underground Utility District No. 5 And Bid Award.

**ACTION:** On Motion By Kelly Seconded By Martina And Unanimously Carried, Council Awarded The Bid To Mid Cal Pipeline And Utilities Incorporated In The Amount Of \$66,500.00.

- b. Second Reading And Adoption Of Ordinance No. 2008-4, An Ordinance Approving Zone Change No. 2007-02 (Hardin Road).

Mayor Fantazia Stepped Down From The Dais And Left The Room.

**ACTION:** Ordinance No. 2008-4, Had Its Second Reading By Title Only. A Motion By Katen Seconded By Kelly Dispensed With Further Reading Of Said Ordinance. Ordinance Was Adopted By The Following Roll Call Vote. AYES: Katen, Kelly, Martina; NOES: None; ABSENT: Crinklaw; NOT PARTICIPATING: Fantazia.

Mayor Fantazia Returned To The Dais.

- c. Bid Award For Elevator At The City Of Newman Museum.

Mary Moore Expressed That Elder Residents Are Having A Hard Time Climbing Stairs Of The Museum, And That The Elevator Will Make It Accessible To Everyone.

**ACTION:** On Motion By Kelly Seconded By Katen And Unanimously Carried, Council Awarded The Bid To CNE Certified Maintenance Company In The Amount Of \$21,195.00.

- d. Adopt Resolution No. 2008-17, A Resolution A Resolution Reserving And Setting Aside RDA Housing Funds.

**ACTION:** On Motion By Martina Seconded By Katen And Unanimously Carried, Resolution No. 2008-17, A Resolution Reserving And Setting Aside RDA Housing Funds Was Approved.

- e. Report On Proposed Projects Within StanCOG Transportation Tax Expenditure Plan.

**ACTION:** The Council Approved The Proposed Projects Within The StanCOG Transportation Tax Expenditure Plan.

## **11. Items From The City Manager And Staff.**

Supervisor DeMartini Informed The Council That Stanislaus County Completed A Needs Assessment Of The Animal Shelter And That Newman's Share Would Be About 1.3% Of The Total Cost. DeMartini Mentioned That The Board Would Soon Be Choosing One Of The Options For The New Shelter And Move Forward With The Bid Process.

City Manager Holland Notified The Council That He Had Attended A Meeting Hosted By California Governor Arnold Schwarzenegger Regarding The State Budget. Holland Reported That The Final C.S.O. Interviews Would Be Taking Place April 9, 2008 And That The Police Department Is Hiring For One Police Officer Position. Holland Also Commented That The New Slides Regarding City Services Are Now Being Aired On The Local Cable Channel.

Chief Ulibarri Thanked The Community For Their Generosity And Donations To The K9 Program. Ulibarri Invited Everyone To Attend The Crab Feed On April 26, 2008, To Benefit The New K9 Program. Ulibarri Also Mentioned That The K9 Training Program Would Be Starting Soon And That The Department Plans To Deploy The New K9s By The Beginning Of May.

Public Works Director Garza Reported That The City Will Be Soliciting Sealed Bids To Remove The Existing House From The Hill Property.

Recreation Supervisor Heiberger Handed Out Samples Of The ABC Books That Were Created For The Mommy And Me Class. Heiberger Also Mentioned That The Tennis Program Is Moving Forward.

## **12. Items From City Council Members.**

Council Member Katen Mentioned That Western City Magazine Recently Had An Article Featuring The City Of Lompoc's New Aquatic Center.

## **13. Adjourn To Closed Session**

- a. Public Employee Personnel Evaluation (City Manager) G.C. 54957.
- b. Return To Open Session

The Council Did Not A Adjourn To Closed Session. The Lone Closed Session Item Was Continued To The April 22, 2008 Regular Meeting.

## **14. Adjournment**

**ACTION:** On Motion By Martina Seconded By Katen And Unanimously Carried, The Meeting Was Adjourned At 8:49P.M.

Honorable Mayor and Members  
of the Newman City Council

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

**AWARD BID FOR TRACTOR/BACKHOE TO GARTON TRACTOR, INC.**

**RECOMMENDATION:**

It is recommended that the Newman City Council:

Award bid for a New Holland LB75 Tractor-Loader-Backhoe to Garton Tractor, Inc. for \$62,814.38.

**BACKGROUND:**

The public works department has a 1965 Ford Model 555 tractor/backhoe that the City of Newman bought in used condition in the late 1970's. This backhoe is worn out and needs replacing. In an effort to keep from buying a new backhoe due to high purchase prices during the last twenty plus years, this backhoe has gone through extensive repairs including the replacement of the engine in the year 2000 for \$6000.00. During the last seven or eight years, repairs costs are estimated at \$17K to \$18K.

This piece of equipment is constantly in use, needs to be in good working order and readily available. It is used extensively in the water department for repair of broken water mains and water service lines. It is also used as a crane to lift and place fire hydrants and water valves. It is used in the sewer collection system to excavate and repair sewer lines and cleanouts. It is also used in the street department for removal and replacement of broken sidewalks, curbs and gutters. It is also used for loading and unloading construction materials used in the street department.

**ANALYSIS:**

Sealed bids were solicited for a tractor/backhoe and only one bid was received from Newman Garton Tractor, Inc. for \$62,814.38. The backhoe specifications and the bid quote are attached to this staff report for your information and review.

**FISCAL IMPACT:**

\$80,000.00 budgeted for FY 07/08

**CONCLUSION:**

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

Respectfully submitted,

  
Ernie Garza  
Director of Public Works

**REVIEWED/CONCUR:**

  
Michael E. Holland  
City Manager

## **Loader Backhoe Specifications**

Bid specifications for one used Backhoe Loader with less than 250 hours with the following features:

- 4 Cylinder, Diesel, 90 Horse Powered Engine
- Pilot Controls with Extendable Dipper
- Air Conditioned Cab
- 4-Wheel Drive
- Front Loader with Auxiliary Hydraulics
- Centrifugal Pre-Cleaner
- 4 In 1 Multi Purpose Bucket
- 24-Inch Backhoe Bucket
- 12-Inch Backhoe Bucket
- Quick Release for Backhoe Bucket
- Bucket Forks
- Tires – 14 X 17.5 and 21 X 24 R-4

1. All quotes shall include delivery and estimated date of delivery.
2. Total quotation is to include CA state sales tax.
3. Deviations from the specifications listed will be considered, provided such deviations are fully listed, quoted and explained.
4. The City reserves the right to waive any irregularities, additions or deletions, and/or to accept or reject any or all quotations.
5. Dealer is responsible for clearly specifying conditions under which the quotations are being offered and represented.



PO BOX 1849  
 Turlock, CA 95381  
 209-632-3931

Quote No. LB75.b-1

Email: [Falvarez@garton-tractor.com](mailto:Falvarez@garton-tractor.com)

<b>Customer</b>				
Name	City of Newman			
Address				
City	Newman	State	CA	ZIP 95360
Phone				

<b>Misc</b>	
Date	4/7/2007
Order No.	
Rep	Fredy Alvarez
FOB	

Qty	Description	Unit Price	TOTAL
1	<b>New Holland LB75 Tractor - Loader- Backhoe: s/n 31054569</b> Pilot Controls - with Extendable Dipper (HED) Air Condition Cab 4 wheel drive Front Loader with Auxiliary Hydraulics Centrifugal Pre-Cleaner 6 in 1 Multi-Purpose Bucket with forks Tires: 14 x17.5 and 21x 24 R4 24 Inch Wayn-Ray quick Attach Bucket 12 Inch Wayn-Ray quick Attach Bucket  <b>Warranty: Factory 1 Year and 3 year powertrain warranty</b>	\$ 58,500.00	\$ 58,500.00

SubTotal	\$ 58,500.00
Doc Fee	
Tax Rate(s) 7.38%	\$ 4,314.38
Trade-in	
<b>TOTAL</b>	<b>\$ 62,814.38</b>

<b>Payment</b>	Other
Comments	

Tax Rate(s)

*WE Appreciate Your Business!*

**Turlock-Newman-Stockton-Tulare-Santa Rosa-Modesto**

**800-286-0490**

Unless otherwise specified, Quote are good for ten days.

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.b.**  
City Council Meeting  
of April 22, 2008

**APPROVE THE NEWMAN DOWNTOWN PLAZA FINAL INITIAL STUDY AND  
NEGATIVE DECLARATION**

**RECOMMENDATION:**

1. Approve the Final Initial Study
2. Approve the Mitigated Negative Declaration

**BACKGROUND:**

In an effort to create additional economic base, tourism, and foot traffic into the community; the City has been planning the Historic Newman Downtown Plaza Project. This project has been designed to be an integral part of the downtown district as per the City's Downtown Revitalization Plan. As per required CEQA guidelines, the City has prepared an Initial Study and Mitigated Negative Declaration.

**ANALYSIS:**

The Downtown Plaza Project involves the reuse, reconfiguration, and expansion of three existing lots (a total of approximately 62,000 square feet) into a public plaza.

The City of Newman has received funds from the Federal Highway Administration (FHWA) for the project. As required, the City is now undertaking environmental review pursuant to the California Environmental Quality Act and the National Environmental Policy Act. Per these guidelines, an Initial Study and Mitigated Negative Declaration have been prepared.

The purposes of an Initial Study are to:

1. Provide the Lead Agency with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration (ND).
2. Enable a Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a ND.
3. Assist in the preparation of an EIR, if one is required.
4. Facilitate environmental assessment early in the design of a project.
5. Provide documentation of the factual basis for the finding in a ND that a project will not have a significant effect on the environment.
6. Eliminate unnecessary EIRs.
7. Determine whether a previously prepared EIR could be used with the project. [Per CEQA Guidelines Section 15063(c)]

According to CEQA Guidelines Section 15070, a Negative Declaration or a Mitigated Negative Declaration shall be prepared when:

1. The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or;
2. The initial study identifies potentially significant effects, but:

**Agenda Item: 10.b.**

- a. Revisions in the project plans made before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and;
- b. There is no substantial evidence, in light of the whole record before the agency, that the project as described may have a significant effect on the environment.

**FISCAL IMPACT:**

None

**CONCLUSION:**

As required by CEQA, an initial study and mitigated Negative Declaration were prepared for the project. Staff recommends approval of the Initial Study and Negative Declaration.

**ATTACHMENTS:**

1. Exhibit A – Initial Study Excerpt
2. Exhibit B – Draft Mitigated Negative Declaration

Respectfully submitted,



Stephanie Ocasio  
Assistant Planner

**REVIEWED/CONCUR**



Michael Holland  
City Manager



City of Newman  
Downtown Plaza Project  
Initial Study

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Final  
April 3, 2008

Prepared for:  
City of Newman

Prepared by:  
Coastplans

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# Table of Contents

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TABLE OF CONTENTS .....	I
LIST OF FIGURES.....	III
SECTION I. BACKGROUND.....	I-1
A. BACKGROUND.....	1
B. PROJECT OVERVIEW .....	2
1. <i>Summary Description</i> .....	2
C. PURPOSE OF INITIAL STUDY .....	2
SECTION II. PROJECT DESCRIPTION .....	II-1
A. PROJECT LOCATION.....	1
B. ENVIRONMENTAL SETTING .....	2
1. <i>Urban Redevelopment Location</i> .....	2
2. <i>Surrounding Uses</i> .....	3
3. <i>Adjacent Transportation Facilities</i> .....	4
C. PROJECT DESCRIPTION .....	6
1. <i>Project Purpose and Need</i> .....	6
2. <i>Project Characteristics</i> .....	6
3. <i>Description of Construction Activities</i> .....	6
SECTION III. ENVIRONMENTAL CHECKLIST .....	III-1
A. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED.....	1
B. ENVIRONMENTAL CHECKLIST .....	1
C. CHECKLIST DISCUSSION .....	13
1. <i>Aesthetics</i> .....	13
2. <i>Agricultural Resources</i> .....	14
3. <i>Air Quality</i> .....	14
4. <i>Biological Resources</i> .....	17
5. <i>Cultural Resources</i> .....	19
6. <i>Geology and Soils</i> .....	23
7. <i>Hazards and Hazardous Materials</i> .....	23
8. <i>Hydrology and Water Quality</i> .....	24
9. <i>Land Use and Planning</i> .....	28
10. <i>Mineral Resources</i> .....	28
11. <i>Noise</i> .....	29
12. <i>Population and Housing</i> .....	29
13. <i>Public Services</i> .....	29
14. <i>Recreation</i> .....	30

15. Transportation/Traffic .....	30
16. Utilities and Service Systems .....	31
17. Mandatory Findings of Significance .....	33
SECTION IV. ENVIRONMENTAL DETERMINATION .....	IV-1
A. DETERMINATION .....	1
SECTION V. MITIGATION MONITORING PLAN .....	V-1
A. MONITORING PROGRAM .....	1
1. Pre-Construction Surveys .....	1
2. Construction Specifications .....	1
3. Construction Monitoring .....	2
B. SUMMARY OF MITIGATION MEASURES .....	3
SECTION VI. REFERENCES .....	VI-1
A. REPORT PREPARATION .....	1
B. PERSONS CONTACTED .....	1
C. REFERENCES .....	1
APPENDIX A – HISTORIC PROPERTY SURVEY REPORT .....	A-1
APPENDIX B – CENTRAL CALIFORNIA INFORMATION CENTER LETTER .....	B-1
APPENDIX C – HAZARDOUS MATERIALS STUDY .....	C-1
APPENDIX D – NEWMAN PLAZA PROJECT TRAFFIC REPORT .....	D-1
APPENDIX E – RESPONSE TO COMMENTS .....	E-1

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## List of Figures

---

FIGURE 1: LOCATION MAP.....	1
FIGURE 2: PHOTOS OF PROJECT SITE .....	2
FIGURE 3: SURROUNDING USES .....	3
FIGURE 4: STATE ROUTE 33 .....	4
FIGURE 5: FRESNO STREET .....	5
FIGURE 6: TULARE STREET .....	5
FIGURE 7: SITE PLAN AND PHASING .....	7
FIGURE 8: VEGETATION AFFECT BY THE PROPOSED PROJECT .....	18
FIGURE 9: EXISTING DRAINAGE FACILITIES .....	26
FIGURE 10: 100-YEAR FLOOD MAP.....	27
FIGURE 11: AREA WITH NEW IMPERVIOUS SURFACE .....	32

## Section I. Background

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### A. BACKGROUND

1. Project Title: Newman Downtown Plaza Project
2. Lead Agency Name and Address:  
City of Newman  
1162 Main Street  
Newman, California 95360
3. Contact Persons and Phone Numbers:

Michael Holland	Martin Carver, AICP, Principal
City Manager	Coastplans
City of Newman	244 Plateau Avenue
(209) 862-3725	Santa Cruz, CA 95060
<a href="mailto:mholland@cityofnewman.com">mholland@cityofnewman.com</a>	831/426-4557
	<a href="mailto:mcarver@coastplans.com">mcarver@coastplans.com</a>
4. Project Location:  
State Route 33, between Fresno and Tulare Streets  
Newman, California 95360  
APNs 128-010-13, 14, 20, 29, and 63 (Stanislaus County)
5. Project Applicant's/Sponsor's Name and Address:  
City of Newman  
Michael Holland  
1162 Main Street  
Newman, California 95360  
(209) 862-3725
6. General Plan Designation: Downtown Commercial
7. Zoning: C-1, Retail Business District
8. Other public agencies whose approval is required: The proposed project requires a Use Permit from the City of Newman, an Encroachment Permit from Caltrans, and building permits (including electrical and mechanical permits) by the City of Newman. No other approvals are required.

## **B. PROJECT OVERVIEW**

### **1. Summary Description**

The Downtown Plaza Project involves the reuse, reconfiguration, and expansion of an existing city parking lot and two adjacent lots (one vacant and one containing a small auto service station) into a public plaza with a visitor center, small bandstand, parking, pedestrian facilities, and landscape amenities. The improvements are expected to draw highway travelers into Downtown Newman thereby fulfilling a need for increased economic activity to sustain businesses in Downtown Newman. The project will include the following features: a multi-use plaza consisting of visitor center (reuse of McBride Building), hardscape and turfed landscaped areas, tree colonnade, seating, fountain, bandstand, public restrooms, transit stop, kiosk/clock, flags, parking, and lighting. The project site consists of four parcels, plus alleyways, which combined are approximately 1.42 acres (62,000 square feet) in size.

The City of Newman has received funds from the Federal Highway Administration (FHWA) for the project. City of Newman is now undertaking environmental review pursuant to the California Environmental Quality Act and the National Environmental Policy Act.

## **C. PURPOSE OF INITIAL STUDY**

This Initial Study (IS) has been prepared pursuant to the California Environmental Quality Act (CEQA). The purposes of an IS are to:

1. Provide the Lead Agency with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration (ND).
2. Enable a Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a ND.
3. Assist in the preparation of an EIR, if one is required.
4. Facilitate environmental assessment early in the design of a project.
5. Provide documentation of the factual basis for the finding in a ND that a project will not have a significant effect on the environment.
6. Eliminate unnecessary EIRs.

7. Determine whether a previously prepared EIR could be used with the project. [Per CEQA Guidelines Section 15063(c)]:

According to CEQA Guidelines Section 15070, a public agency shall prepare a Negative Declaration or a Mitigated Negative Declaration when:

1. The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or
2. The initial study identifies potentially significant effects, but:
  - a. Revisions in the project plans made before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
  - b. There is no substantial evidence, in light of the whole record before the agency, that the project as described may have a significant effect on the environment.

**CITY OF NEWMAN**  
**Draft Mitigated Negative Declaration**

The City of Newman has prepared this draft Mitigated Negative Declaration for the following described project:

**Project/Location:** Historic Downtown Plaza, State Route 33, between Fresno and Tulare Streets, Newman, California 95360, APN 128-10-13, 14, 20, 29, and 63 (Stanislaus County)

**Project Description:** The Downtown Plaza Project involves the reuse, reconfiguration, and expansion of an existing city parking lot and two adjacent lots (one vacant and one containing a small auto service station) into a public plaza. The plaza will include the following features: a visitor center (approximately 1,000 square feet in size—reuse of McBride Building), hardscape and turfed landscaped areas, tree colonnade, seating, fountain, bandstand, public restrooms, transit stop, kiosk/clock, flags, parking, and lighting. The project site consists of three parcels, plus alleyways, which combined are approximately 1.42 acres (62,000 square feet) in size.

**Applicant:** City of Newman

**Applicant Address:** 1162 Main Street,  
Newman, California 95360

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The City of Newman has reviewed the proposed project and has determined that the project, based on the Initial Study attached hereto, will not have a significant effect on the environment. An Environmental Impact Report is not required pursuant to the California Environmental Quality Act of 1970, and as amended. This environmental review process and Mitigated Negative Declaration is done in accordance with the State CEQA Guidelines.

The following mitigation measures are required to ensure that potential environmental impacts will not be significant:

**Mitigation Measure No. 1 – Construction-Related Air Quality Measures**

The City of Newman shall include the following measures as requirements in final construction drawings for the Newman Plaza Project:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

- Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

**Mitigation Measure No. 2 – Hazardous Materials Testing Prior to Demolition**

The City of Newman shall have the existing structure at 1361 N Street tested for hazardous materials prior to demolition by a qualified expert, and should hazardous materials be discovered, comply with Air District and other regulations governing the handling of such materials during building demolition.

**Mitigation Measure No. 3 – Archaeological Resources and Human Remains**

The City shall hire a qualified archaeologist to monitor grading and excavation on the project site. If during the course of excavation on the project site, archaeological resources are discovered, all activity that could damage or destroy these resources will be temporarily suspended until the monitor has evaluated the find. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented. If human remains are discovered during the project construction, the City of Newman and/or its employees shall notify the Stanislaus County Coroner's Office immediately. Upon determination by the County Coroner that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and the County Coordinator of Indian Affairs and appropriate Native American consultation shall be conducted, as outlined by PRC 5097.98.

**Mitigation Measure No. 4 – Soil Contamination Monitoring During Grading**

The City of Newman shall closely monitor grading activities at the at 1361 N Street for soil contamination by oil and other contaminants, and should such contamination be found, take appropriate steps to remove and dispose of all contaminated soil in manner acceptable to the Stanislaus County Hazardous Materials Division.

**Mitigation Measure No. 5 – Install Oil and Grease Filters in Parking Lot Drainage Systems**

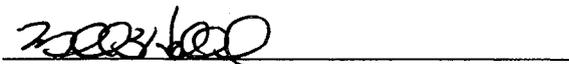
The City of Newman shall incorporate into project plans the installation of a Stormceptor® filtration (or similar) device in all drainage inlets designed to receive stormwater from the project's parking lots. Ongoing property management shall include annual cleanout and inspection of the filtration systems in early October (prior to October 15<sup>th</sup>) to ensure proper function.

**Mitigation Measure No. 6 – Redesign of Project Entrance at SR 33**

Either redesign the project to have one encroachment onto SR 33, or alternatively, retain both encroachments but limit the southernmost encroachment to right-in/right-out only. This latter approach could be accomplished through median channelization (e.g., construction of a raised curb to block access to the southernmost encroachment) and signage.

**Mitigation Measure No. 7 – Provide Bicycle Parking**

The City of Newman shall incorporate into project plans improved parking spaces for five (5) bicycles.



Mr. Michael Holland, City Manager, City of Newman

1-29-08

Date

Honorable Mayor and Members  
of the Newman City Council

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

**APPROVAL OF 2008-2009 CDBG ALLOCATION AGREEMENT**

**RECOMMENDATION:**

Approval of the 2008-2009 CDBG Allocation Agreement

**BACKGROUND:**

The City of Newman has been a part of the Stanislaus County CDBG consortium since 2005. In these past three years, the City of Newman has been allocated nearly one-million dollars in CDBG funding. This funding has allowed to City to partake in projects such as the Teen Center Computer Lab, the Pioneer Park Rehabilitation and Yolo Street Infrastructure projects.

**ANALYSIS:**

The attached agreement allows Stanislaus County to receive entitlement funds as an “urban county” and disperse said funds to the CDBG Consortium in accordance with required population and poverty calculations. As a member of the Stanislaus County CDBG Consortium, the City of Newman is eligible to receive approximately \$250,000.00 this upcoming fiscal year. The City will be utilizing these funds for projects such as additional rehabilitation of Pioneer Park, community computer training and further infrastructure improvements within the designated CDBG project area.

**FISCAL IMPACT:**

The 2008-2009 allocation will be approximately \$250,000.00.

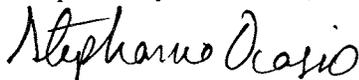
**CONCLUSION:**

Staff recommends the Council approve the attached CDBG allocation agreement.

**ATTACHMENTS:**

1. Exhibit A - 2008/2009 Allocation Agreement
2. Exhibit B - CDBG Project Area Map

Respectfully submitted,



Stephanie Ocasio  
Assistant Planner

**REVIEWED/CONCUR**



Michael Holland  
City Manager

## ALLOCATION AGREEMENT

This Allocation Agreement ("Agreement") is made by and between the County of Stanislaus (the "County") and the Cities of Ceres, Newman, Oakdale, Patterson and Waterford (the "City" individually or "Cities" collectively) on July 1, 2008.

### Introduction

A. Stanislaus County applied for and is qualified to receive an entitlement grant under the Community Development Block Grant ("CDBG") program for FY 2008-2009 in the amount \$2,463,579.00 as an "Urban County" as set forth under Title I of the Housing and Community Development Act of 1974, and Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended by the Housing and Community Development Act of 1992; and

B. The parties desire that CDBG entitlement funds received by the County as an "urban county" be shared equitably among the parties; and

NOW, THEREFORE, each party agrees as follows:

1. The County and each City shall receive \$25,000.00 as its base share of the FY 2008-2009 CDBG entitlement funds, plus an additional allocation based on a respective population and poverty calculation as set forth below:

Jurisdiction	Base Allocation	Poverty & Population	Total
Stanislaus County	\$ 25,000.00	\$ 587,659.00	\$ 612,659.00
Ceres	\$ 25,000.00	\$ 242,376.00	\$ 267,376.00
Newman	\$ 25,000.00	\$ 227,742.00	\$ 252,742.00
Oakdale	\$ 25,000.00	\$ 184,855.00	\$ 209,855.00
Patterson	\$ 25,000.00	\$ 196,285.00	\$ 221,285.00
Waterford	\$ 25,000.00	\$ 215,027.00	\$ 240,027.00

2. The County shall also receive an amount not to exceed twenty percent of the total FY 2008-2009 CDBG entitlement funds for general administrative services, which amount shall be set aside prior to any allocation of funds to the County and Cities under Section 1 of this Agreement.

3. An amount not to exceed fifteen percent of the total FY 2008-2009 CDBG entitlement funds shall be allocated for public services and related projects under the CDBG Public Service Grant Program.

4. An amount not to exceed \$40,000 shall be allocated for Consortia Fair Housing activities, an amount not to exceed \$20,000 shall be allocated for Consortia Workforce Development related activities, and an amount not to exceed \$13,000 for Analysis of Impediments to Fair Housing.

5. Upon notification of a City's intent to apply for grants available to "urban counties" under applicable law, the County, as lead agency, shall apply for such grants on behalf of that City.

6. Activities proposed by the Cities insofar as they are consistent with applicable statutes and regulations, shall be processed for inclusion by County in the Consolidated Plan and Annual Action Plan.

7. Each party has the responsibility to ensure its activities comply with the grant program. No party, or any of its officers or employees, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by any other party under or in connection with any work delegated to that party under this Agreement. The parties further agree, pursuant to Government Code section 895.4, that each party shall fully indemnify and hold harmless every other party and its agents,

officers, employees and contractors from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any work delegated to or action taken or omitted to be taken by such party under this Agreement.

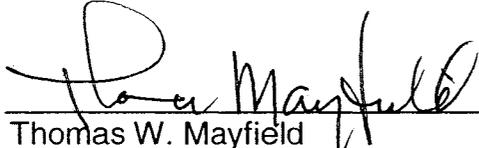
8. Pursuant to Government Code section 6505, each party shall be strictly accountable for all CDBG entitlement funds allocated to that party.

9. This Agreement may be signed in counterparts and shall bind each signatory to the Agreement.

IN WITNESS WHEREOF, the parties have executed the above instrument on the day and year first hereinabove written.

– Signatures on following pages –

**COUNTY OF STANISLAUS**

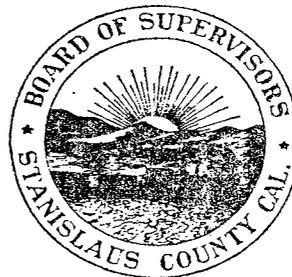
By   
Thomas W. Mayfield  
Chairman of the Board of Supervisors

APR 10 2008

\_\_\_\_\_  
Dated

ATTEST: Christine Ferraro-Tallman  
Clerk of the Board of Supervisors  
of the County of Stanislaus, State of California

By   
Suzi Seibert  
Deputy Clerk



APPROVED AS TO CONTENT:  
Kirk Ford, Interim Director  
Planning and Community Development Department

By \_\_\_\_\_  
Nancy Brown  
Deputy Director

APPROVED AS TO FORM:

By  \_\_\_\_\_  
John P. Doering  
County Counsel

**CITY OF NEWMAN**

By \_\_\_\_\_  
John Fantazia  
Mayor

\_\_\_\_\_ Dated

**ATTEST:**

By \_\_\_\_\_  
Mike Maier  
Deputy City Clerk

**APPROVED AS TO CONTENT:**

By \_\_\_\_\_  
Michael E. Holland  
City Manager

**APPROVED AS TO FORM:**

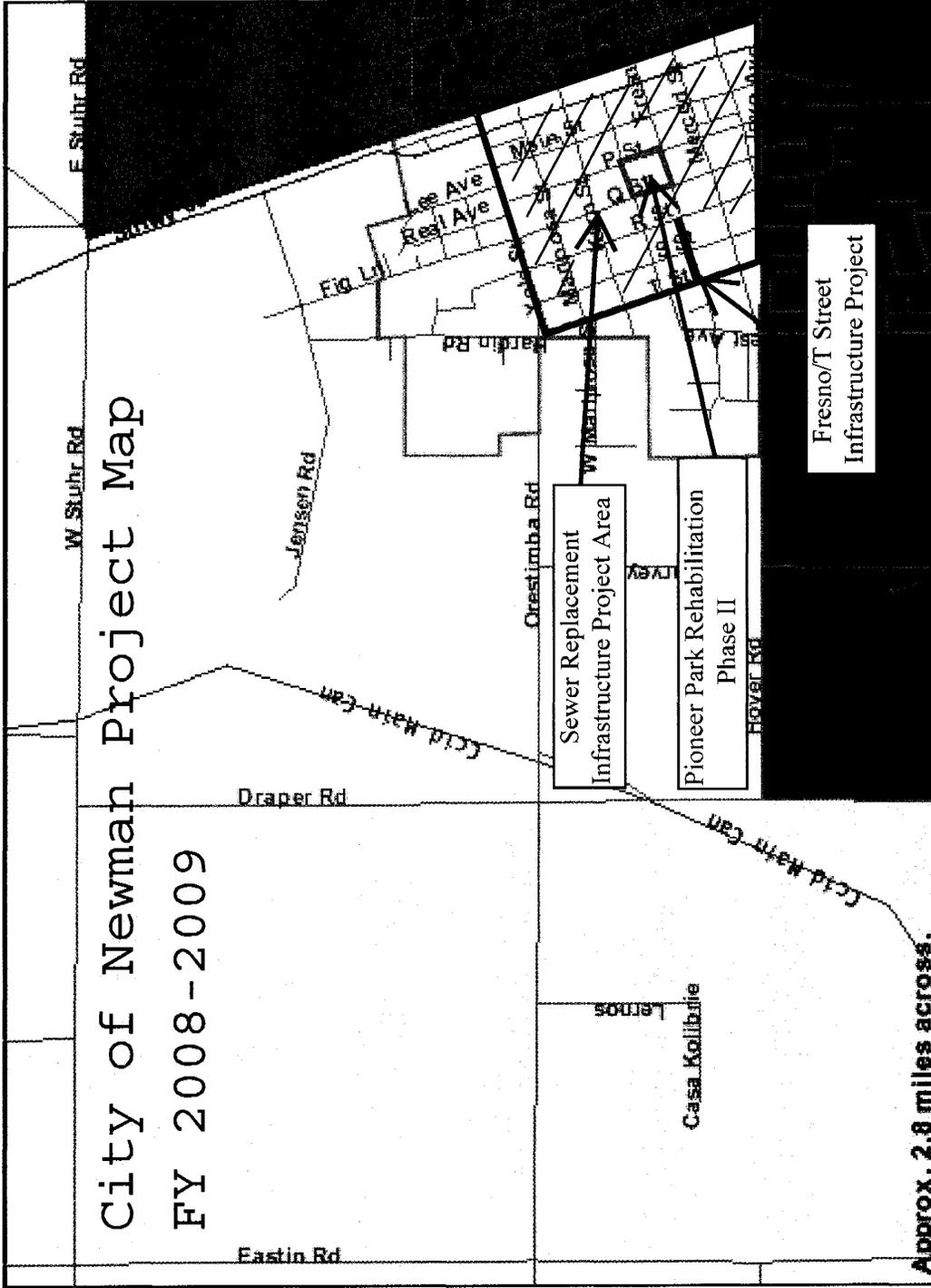
By \_\_\_\_\_  
Tom Hallinan  
City Attorney

**Data Classes**

Dollars
33667 - 33667
40833 - 40833
42112 - 42112
46471 - 46471

**Features**

- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody



Honorable Chair and Members  
of the Newman Redevelopment Agency

Agenda Item: **10.d.**  
Redevelopment Agency Meeting  
of April 22, 2008

**RESOLUTION APPROVING RDA LOAN AND AFFORDABLE HOUSING  
AGREEMENT**

**RECOMMENDATION:**

Approve Resolution #2008-XX approving a Loan and Affordable Housing Agreement and authorizing the Executive Director to execute said agreement.

**BACKGROUND:**

In September 2007, the Newman Redevelopment Agency approved the Implementation Plan 2007-2012. The Plan includes Newman's housing requirement according to California Redevelopment Law. In addition, CA Redevelopment Law requires agencies to set aside 20% of the revenues to assist with development of affordable housing.

**ANALYSIS:**

The attached agreement has been drafted by Agency attorneys to ensure the appropriate protections are placed within the document. The agreement sets forth the Agency will loan \$300,000 to 751 Driskell Ave., L.P., a CA limited partnership. The terms of the agreement include a 55-year payback and 3% interest rate. The duration and rate is below market terms due to the type of project, the need to meet the Agency's low and moderate housing requirement and the 55-year affordability covenant.

**FISCAL IMPACT:**

\$300,000. Funds have been set aside by a previous RDA action.

**CONCLUSION:**

Staff recommends the Agency approve the Loan and Affordable Housing Agreement and authorize the Executive Director to execute the necessary documents.

Respectfully submitted,



Michael Holland  
Executive Director

**REDEVELOPMENT AGENCY**

**RESOLUTION NO. 2008-**  
**RESOLUTION 2008-**

**A RESOLUTION APPROVING REDEVELOPMENT AGENCY LOAN AND AFFORDABLE HOUSING AGREEMENT AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE SAID AGREEMENT.**

WHEREAS, On September 25, 2007, the Newman Redevelopment Agency approved the Implementation Plan 2007-2012, and

WHEREAS, The Plan includes Newman's housing requirement according to California Redevelopment Law. In addition, CA Redevelopment Law requires agencies to set aside 20% of the revenues to assist with development of affordable housing, and

WHEREAS, On January 17, 2008 the City of Newman Planning Commission approved an application Corporation for Better Housing (751 Driskell Ave., L.P., a California limited partnership) to build a residential housing project consisting of seventy-two (72) units, of which thirty-five (35) units will be restricted to individuals and families qualifying as Low Income and Very Low Income Households, and

WHEREAS, The Newman Redevelopment Agency and 751 Driskell Ave., L.P. have finalized a Secured Loan and Affordable Housing Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of Newman that The Newman Redevelopment Agency hereby approves the Loan and Affordable Housing Agreement and authorizes the Executive Director to execute said agreement.

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Newman held on the 22ne day of April 2008, by Board Member \_\_\_\_\_, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Chairperson of the Newman RDA

ATTEST:

\_\_\_\_\_  
Executive Director\Secretary