

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

1. Call To Order.
2. Roll Call.
3. Items From The Public.
4. Adjourn To Closed Session
 - a. Conference With Labor Negotiator - Operating Engineers Local #3 Miscellaneous Employees- G.C. 54957.6
 - b. Conference With Legal Council - Potential Litigation - One Case - G.C. 54956.9.
 - c. Public Employment - Director Of Public Works - G.C. 54957.
 - d. Return To Regular Session.
5. Adjournment.

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING OF AUGUST 12, 2008
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters.
 - a. Introduction Of New Code Enforcement Officer William Davis.
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 July 22, 2008 Regular Meeting.
 - d. Adopt Resolution No. 2008- , Approving The Plaza Waterline Replacement Project And Authorizing John Fantazia As Mayor, And Michael E. Holland, As City Clerk To Record A Notice Of Completion
9. Public Hearings
10. Regular Business
 - a. Adopt Resolution No. 2008- , Declaring Certain Personal Property Surplus Property And Authorizing Disposal, or Sale Of Property.
 - b. Report On The Fall Festival.

- c. Adopt Resolution No. 2008- , Approving A Three (3) Year Lease Agreement With Newman Co-Op Nursery School And Authorizing The City Manager To Execute Said Lease For The Property Located At 1147 "R" Street.
- d. Report On The Wastewater Treatment Plant Expansion And Disposal Master Plan And Open Comment Period.
- e. Report On Orestimba Creek Flood Control Feasibility Study.
- f. Report On Yancey Building Design Options.
- g. Adopt Resolution No. 2008- , Approving The Expansion Of The Stanislaus County Enterprise Zone.
- h. Report On Funding Request From "Ready, Set, Learn" Campaign

11. Items From The City Manager And Staff.

12. Items From City Council Members.

13. Adjournment.

Calendar of Events

August 8 - The Last Day To Secure And File Election Nomination Papers - 8:00 A.M. To 5:00 P.M.

August 11 - NCLUSD Board Meeting - 7:15 P.M.

August 12 - City Council - 7:00 P.M..

August 13 - The Last Day To Secure And File Election Nomination Papers In The Event The Current Officeholder Did Not File Nomination Papers - 8:00 A.M. To 5:00 P.M.

August 13 - Baseball Board Meeting - 7:00 P.M.

August 14 - Randomized Alphabet Drawing By Secretary Of State To Determine The Order In Which The Candidates Will Appear On The Election Ballot.

August 14 - Recreation Commission - Canceled

August 14 - Chamber of Commerce Merchants Only Mixer - Council Chambers - 6:00 P.M.

August 19 - NCLUSD First Day Of School

August 19 - Citywide Neighborhood Watch Meeting-L. J. Newman Memorial Building- 6:00 P.M.

August 21 - Planning Commission - 7:00 P.M.

August 26 - City Council - 7:00 P.M.

August 29-31 - Fall Festival

September 1 - Labor Day

September 8 - NCLUSD Board Meeting - 7:15 P.M.

September 9 - City Council - 7:00 P.M..

September 10 - Baseball Board Meeting - 7:00 P.M.

September 11 - Recreation Commission - 7:00 P.M.

September 15 - Two On Two Meeting With The School Board - 4:30 p.m.

September 17 - Orestimba Flood Control Meeting - 1:00 P.M.

September 18 - Planning Commission - 7:00 P.M.

September 23 - City Council - 7:00 P.M.

September 24-27 - League of California Cities Annual Conference - Sacramento

October 3 - NCLUSD Homecoming

October 8 - Baseball Board Meeting - 7:00 P.M.

October 9 - Recreation Commission - 7:00 P.M.

October 13 - Columbus Day

October 13 - NCLUSD Board Meeting - 7:15 P.M.

October 14 - City Council - 7:00 P.M..

October 16 - Planning Commission - 7:00 P.M.

October 28 - City Council - 7:00 P.M.

Date.: J 9, 2008
Time.: 4 pm
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 |
|------------|------------|-----------|--------------------------------|--|
| 034425 | 07/30/08 | 619.77 | BUSINESS CARD | MEALS/LOCKER RM STORAGE/TOOL RACK/SHOP VAC/BATTERY |
| 034426 | 07/30/08 | 20.00 | CHURCH OF LATTER DAY SAINTS/CL | REFUND PIONEER PARK DEPOSIT/5/24/08/CHURCH LATTER |
| 034427 | 07/30/08 | 375.00 | L.N. CURTIS & SONS | CURTIS SERVICE HURST HASW OF LIFE/FD |
| 034428 | 07/30/08 | 198.21 | DESIGN,COMMUNITY,ENVIRONM | SERVICES 9/1/07 TO 1/31/08/GENERAL PLAN & EIR |
| 034429 | 07/30/08 | 4400.00 | E&M ELECTRIC, INC. | INSTALLED 4 STREET LIGHTS/MAIN ST CIRCLE |
| 034430 | 07/30/08 | 25.00 | FIRST BAPTIST CHURCH | REFUND FIREWORKS BOOTH DEPOSIT/FIRST BAPTIST CHURC |
| 034431 | 07/30/08 | 1445.50 | HOBG, FENTON, JONES & APPEL, I | PROFESSIONAL SERVICES/JUNE 2008 |
| 034432 | 07/30/08 | 34.95 | CRYSTAL GARCIA | SMOG 1996 CAPRICE/FIRE DEPT |
| 034433 | 07/30/08 | 25.00 | NEWMAN-CROWS LANDING FIRE AUXI | REFUND FIREWORKS BOOTH DEPOSIT/NCL FIRE AUXILIARY |
| 034434 | 07/30/08 | 136.78 | NORMAC, INC. | FALCON ROTOR/PARKS |
| 034435 | 07/30/08 | 25.00 | OHS BAND BOOSTERS | REFUND FIREWORKS BOOTH DEPOSIT/BAND BOOSTERS |
| 034436 | 07/30/08 | 334.88 | P G & E | NATURAL GAS PURCHASES/6/06/08 TO 7/9/08 |
| 034437 | 07/30/08 | 577.86 | PUBLIC SAFETY CENTER, INC | 12 BATTERIES FOR RADIOS/FIRE DEPT |
| 034438 | 07/30/08 | 1585.83 | SELF HELP ENTERPRISES | NEWMAN ADMIN LOAN SERVICING/JUNE 2008 |
| 034439 | 07/30/08 | 473.47 | SOLECON, INC | INSTALL R/A & S/A REGISTER/PD |
| 034440 | 07/30/08 | 35.00 | STATE OF CALIFORNIA | 11550 H&S ANALYSES/JUNE 2008 |
| 034441 | 07/30/08 | 2625.00 | U.S. BANK | 1999 REFUNDING CERTS OF PARTICIPATION/LEASE PAY FU |
| 034441 | 07/30/08 | 2887.50 | U.S. BANK | 1997 TAX ALLOCATION PROJ & HOUSING BONDS/INT ACCT |
| 034442 | 07/30/08 | 14770.00 | LARRY J. VIVEIROS | PD #08-82 |
| 034443 | 07/30/08 | 25.00 | WESTSIDE NINERS INC. | REFUND FIREWORKS BOOTH DEPOSIT/NINERS |
| 034444 | 07/30/08 | 2070.00 | WESTERN FARM SERVICE, INC | 3450 LBS SUDAN PIPER CERTIFIED/WWTP |
| Sub-Total: | | 32689.75 | | |
| Grn-Total: | | 32689.75 | | |
| Count: | 21 | | | |

Date.: Aug 1, 2008
 Time.: 3:44 pm
 Run by: EMILY M. FARIA

CITY OF NEWMAN
 CASH DISBURSEMENTS REPORT

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| Ck # | Check Date | CK Amount | Vendor Name | Description |
|--------|------------|-----------|-----------------------------|--|
| 29484 | 07/30/08 | -2133.14 | CBA (ADMIN FEES) | Ck# 029484 Reversed |
| 29488 | 07/30/08 | -2852.03 | OPERATING ENGINEERS | Ck# 029488 Reversed |
| 034419 | 07/22/08 | 439.00 | PRINCIPAL LIFE INSURANCE CO | ANNUAL LIFE INSURANCE PREMIUM/M. HOLLAND |
| 034420 | 07/29/08 | 14700.00 | BIGELOW CHEVROLET, INC | BUICK LACROSSE/PD CHIEF'S CAR |
| 034421 | 07/30/08 | 553.50 | BUSINESS CARD | CAR WASH/NEWMAN PD PATCHES/PD |
| 034445 | 07/31/08 | 1750.00 | DON HUTCHINS | CONTRACT SERVICES/INTERIM LT HUTCHINS/7/16-7/31/08 |

Sub-Total: 12457.33

Grr-Total: 12457.33

Count: 6

Date.: Aug 8, 2008
Time.: 12:59 pm
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 1
List.: NEW1
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| Ck # | Check Date | CK Amount | Vendor Name | Description |
|--------|------------|-----------|--------------------------------|--|
| 034446 | 08/08/08 | 4082.43 | ABBOTT & KINDERMANN, LLP | PROFESSIONAL SERVICES/JULY 2008 |
| 034447 | 08/08/08 | 3564.85 | ACS GOVERNMENT SYSTEMS | PO #09-02 |
| 034448 | 08/08/08 | 350.00 | AMERICAN PLANNING ASSOC | APA MEMBERSHIP 10/1/08 TO 09/30/09/HOLLAND |
| 034449 | 08/08/08 | 143.96 | AT&T | EMERGENCY LINE/PD/07/07/08 TO 08/06/08 |
| 034450 | 08/08/08 | 649.82 | AT&T/MCI | TELEPHONE SERVICE/07/01/08 TO 07/30/08 |
| 034451 | 08/08/08 | 1072.02 | BASIC CHEMICAL SOL./INC. | 430 GALLONS SODIUM HYPOCHLORITE/WELLS |
| 034452 | 08/08/08 | 48649.53 | BERTOLOTTI DISPOSAL | GARBAGE SERVICE/JULY 2008 |
| 034453 | 08/08/08 | 1253.78 | BERTOLOTTI DISPOSAL | LANDFILL FEES/JULY 2008 |
| 034454 | 08/08/08 | 14.04 | BIGELOW CHEVROLET, INC | NEW AC BELT/UBE,OIL, FILTER CHANGES |
| 034455 | 08/08/08 | 320.00 | BILL'S SAFE & LOCK SECURITY CE | INSTALLED TRILOGY LOCKS/PIONEER & SHERMAN PARKS |
| 034456 | 08/08/08 | 440.00 | BJ'S CONSUMER'S CHOICE IN | PEST CONTROL SERVICES/JULY 2008 |
| 034457 | 08/08/08 | 1408.50 | BLACK HILLS AMMUNITION | AMMUNITION/PD |
| 034458 | 08/08/08 | 12200.85 | W.H. BRESHEARS, INC. | GAS AND DIESEL/JULY 2008 |
| 034459 | 08/08/08 | 1528.68 | BURTON'S FIRE, INC | PUMP TESTS ON UNTIS 25,26,27,28/ADDED STEPS #28 |
| 034460 | 08/08/08 | 100.00 | JEFF CARTER | PARKING LOT RENT/AUGUST 2008 |
| 034461 | 08/08/08 | 247.00 | CBA (ADMIN FEES) | DENTAL-VISION ADMIN FEES/AUGUST 2008 |
| 034462 | 08/08/08 | 1276.66 | CDW GOVERNMENT, INC | PO #09-16 |
| 034462 | 08/08/08 | 3504.03 | CDW GOVERNMENT, INC | PO #09-18 |
| 034462 | 08/08/08 | 1490.00 | CDW GOVERNMENT, INC | PO #09-17 |
| 034463 | 08/08/08 | 598.96 | CENTRAL SANITARY SUPPLY | ANTIBAC SOAP/TOWEL ROLLS/CANLINERS/GLOVES/CLEANERS |
| 034464 | 08/08/08 | 20.00 | CENTRAL SIERRA POLICE CHIEF'S | DUES/CENTRAL SIERRA POLICE CHIEF'S ASSOC |
| 034465 | 08/08/08 | 306.15 | CHEVRON | GASOLINE PURCHASES/PD/JULY 2008 |
| 034466 | 08/08/08 | 50.00 | CARL J. COELHO (CHUCK) | Veh Operation FIRE/AUGUST 2008 |
| 034467 | 08/08/08 | 30.70 | ELAINE COLLISON (NT) | REIMBURSE BOTTLED WATER/COLLISON |
| 034468 | 08/08/08 | 778.38 | CORBIN WILLITS SYS, INC. | SERVICE AND ENHANCEMENT FEE/AUGUST 2008 |

Date... 08/08/2008
Time... 12:59 pm
Run by: EMILY M. FARIA

CITY OF NEWTON
CASH DISBURSEMENT REPORT

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| Ck # | Check Date | CK Amount | Vendor Name | Description |
|--------|------------|-----------|--------------------------------|--|
| 034469 | 08/08/08 | 37.55 | CRESCENT SUPPLY CO. #1 | REPLACE HASH MARKS/ADD BRAID/MCGILL UNIFORM |
| 034470 | 08/08/08 | 1665.90 | CRUZER AIR | REPAIR COMPRESSOR WIRE/FILTER CHANGES/CLEANING |
| 034471 | 08/08/08 | 65189.00 | CSJVRMA | 1ST QTR AUTO/PROPERTY/ADMIN/EMP ASSIST/LIABILITY |
| 034472 | 08/08/08 | 144.47 | DIVERSIFIED RISK/HUB INTERNATI | LIABILITY INS PREMIUM/OLGA ROMO |
| 034473 | 08/08/08 | 1444.23 | ENTENMANN-ROVIN CO. | BADGES/NEW PD/LIEUTENANT/SERGEANT/DETECTIVE/CSO |
| 034474 | 08/08/08 | 75.00 | JOE EVANS | REFUND MEM BLDG DEPOSIT/EVANS-FIRST BAPTIST |
| 034475 | 08/08/08 | 115.78 | EMILY FARIA (NT) | AFLAC REIMBURSEMENT/URM/E. FARIA |
| 034476 | 08/08/08 | 34.95 | FIRELOWIRE, INC | WEB HOSTING 8/17/08 TO 9/17/08 |
| 034477 | 08/08/08 | 7270.00 | GDR ENGINEERING, INC. | SEWER LINE REPLACEMENTS/FRESNO STREET |
| 034478 | 08/08/08 | 226.62 | GOLDEN STATE IRRIGATION | GLOVES/SPRAY HEAD/COUPLINGS/GLASSES/SAW BLADE |
| 034479 | 08/08/08 | 200.00 | ANTONIO GONZALEZ | REFUND MEM BLDG DEPOSIT/ANTONIO GONZALEZ |
| 034480 | 08/08/08 | 400.46 | GRANDFLOW | 5000 PAYROLL CHECKS |
| 034480 | 08/08/08 | 410.43 | GRANDFLOW | 5000 ACCOUNTS PAYABLE CHECKS |
| 034481 | 08/08/08 | 6235.48 | GROENIGER & CO. | 2) 4" COMPOUND METER/WATER METERS/CURB STOPS/COUP |
| 034482 | 08/08/08 | 40.17 | TERRY HEIBERGER (NT) | REIMBURSE SUPPLIES SOCCER CAMP/HEIBERGER |
| 034483 | 08/08/08 | 1750.00 | DON HUTCHINS | CONTRACT SUPPLIES/INTERIM LT/8/1/08-8/15/08/HUTCHI |
| 034484 | 08/08/08 | 318.90 | IKON OFFICE SOLUTIONS | COPIER LEASE/CITY HALL 7/10/08 TO 8/09/08 |
| 034485 | 08/08/08 | 1338.93 | INFOSEND, INC | LATE NOTICE/UTILITY BILL MAILING/JULY 2008 |
| 034486 | 08/08/08 | 35.00 | J L ANALYTICAL SERVICES, INC | IRON SAMPLING/WELL #5 |
| 034487 | 08/08/08 | 183.60 | JOBS AVAILABLE, INC. | LINE AD/DIRECTOR OF PUBLIC WORKS |
| 034488 | 08/08/08 | 835.00 | JOE'S LANDSCAPING & | 1 GATE VALVES/5 VALVES REPLACED/FIRE DEPT |
| 034488 | 08/08/08 | 9985.00 | JOE'S LANDSCAPING & | LIGHTING & LANDSCAPE DIST SERVICES/JULY 2008 |
| 034489 | 08/08/08 | 90.00 | JOHNSON BROTHERS | CLEANED FUEL FILTER/STREET SWEEPER |
| 034490 | 08/08/08 | 581.00 | KAISER PERMANENTE | HEALTH INSURANCE PREMIUM/SEPT 2008 |
| 034491 | 08/08/08 | 11500.00 | KLEINFELDER, INC. | PROFESSIONAL SERVICES/AQUATICS CENTER/JULY 2008 |

Date... ug 8, 2008
Time... 12:59 pm
Run by: EMILY M. FARIA

CITY OF NE J
CASH DISBURSEMENT REPORT

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| Ck # | Check Date | CK Amount | Vendor Name | Description |
|--------|------------|-----------|-------------------------------|---|
| 034492 | 08/08/08 | 15.99 | KATHY LepRE | REIMBURSE SUPPLIES/K. LEPRE |
| 034493 | 08/08/08 | 200.00 | GINA LANE-LESSEL | SOCCER CAMP INSTRUCTOR/G. LESSEL |
| 034493 | 08/08/08 | 175.00 | GINA LANE-LESSEL | BASKETBALL CAMP INSTRUCTOR/G. LESSEL |
| 034494 | 08/08/08 | 1346.57 | MALLARD EXPRESS AUTO | OIL, FILTER CHANGES/SHOCKS/ALIGNMENT/ |
| 034495 | 08/08/08 | 61.17 | FRANK B. MARKS & SON, INC | 4.89 TONS CONCRETE SAND |
| 034496 | 08/08/08 | 200.00 | SERAFIN MERCADO | REFUND MEMORIAL BLDG DEPOSIT/S. MERCADO |
| 034497 | 08/08/08 | 175.00 | CHRIS MESSER | YOUTH BASKETBALL INSTRUCTOR/C. MESSER |
| 034498 | 08/08/08 | 27849.80 | MID CAL PIPELINE & UTILITIES, | PROGRESS PAYMENT #2/PLAZA WATERLINE/LS BACTERIA |
| 034499 | 08/08/08 | 127.40 | MODESTO BEE | 52 WEEKS SUBSCRIPTION/MODESTO BEE/PD |
| 034500 | 08/08/08 | 5.00 | CORAL MUNOZ | REFUND OVERPAYMENT OF BASKETBALL REGIST/MUNOZ |
| 034501 | 08/08/08 | 69.90 | CRYSTAL GARCIA | SMOG CHECK/2002 CROWN VIC/2000 CROWN VIC/PD |
| 034502 | 08/08/08 | 644.25 | NEWMAN G&G AUTO PARTS | PO #09-09 |
| 034502 | 08/08/08 | 86.50 | NEWMAN G&G AUTO PARTS | PRIMARY WIRE/CONNECTOR/ADAPTER/CLAMP/GREASE GUN |
| 034503 | 08/08/08 | 997.32 | NEXTEL COMMUNICATIONS | CELL PHONE USE/JULY 2008 |
| 034504 | 08/08/08 | 856.31 | NORMAC, INC. | TIME CLOCK-CARLSON PK/SPRINKLER PARTS/PARKS |
| 034505 | 08/08/08 | 1439.00 | OPERATING ENGINEERS/ | HEALTH INSURANCE PREMIUM/SEPT 2008 |
| 034506 | 08/08/08 | 660.00 | CITY OF PATTERSON | VIDEO REIMBURSEMENT/JULY 2008 |
| 034507 | 08/08/08 | 4.34 | P G & E | LIFT STATION @ JENSEN & FIG LN/MARQUEZ MANOR |
| 034508 | 08/08/08 | 32.38 | PIONEER DRUG | COFFEE FILTERS/CUPS/BINDER/FIRST AID SUPPLIES |
| 034509 | 08/08/08 | 135.00 | PRECISION INSPECTION, INC | HOURLY BLDG OFFICAL SERVICES/PIONEER PARK |
| 034509 | 08/08/08 | 14013.78 | PRECISION INSPECTION, INC | Bldg Reg Inspec BLDG REGU |
| 034510 | 08/08/08 | 350.00 | PVI ATT: JOHN MELO | FURNITURE FOR POLICE DEPT |
| 034511 | 08/08/08 | 151.96 | R-SAFE SPECIALTY | SAFETY VBSTS/HEWA WITH BOOTS |
| 034512 | 08/08/08 | 60.00 | LOLLY RAFFO | REFUND BASKETBALL CAM REGIST/ANGELO & MARIO RAFFO |
| 034513 | 08/08/08 | 249.64 | SAFE-T-LITE | FOAM EAR PLUGS/STREET SIGNS/ |

Date: Aug 8, 2008
Time: 12:59 pm
Run by: EMILY M. FARIA

CITY OF NIEN
CASH DISBURSEMENT REPORT

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| Ck # | Check Date | CK Amount | Vendor Name | Description |
|------------|------------|-----------|---------------------------|---|
| 034514 | 08/08/08 | 665.00 | SAN JOAQUIN VALLEY | PERMIT FEES FOR GENERATORS/WELL #8 AND WELL #1R |
| 034515 | 08/08/08 | 200.00 | SANDRA SANCHEZ | CANCELLED MEMORIA BLDG USE/S. SANCHEZ/9/20/08 |
| 034516 | 08/08/08 | 160.00 | JOANA SOUSA | SOCCER CAMP INSTRUCTOR/J. SOUSA |
| 034517 | 08/08/08 | 249.75 | GORDON B. FORD | PROPERTY TAX 26-26-18/648 W. MARIPOSA |
| 034518 | 08/08/08 | 752.65 | STAPLES CREDIT PLAN | TONERS/PAPER/WALLBOARD/TYPEWRITER/TOOL KIT/ |
| 034519 | 08/08/08 | 311.46 | TRAVIS BORRELLI | PORTABLE RESTROOM RENTAL/SERVICE/JULY 2008 |
| 034520 | 08/08/08 | 240.00 | THE TINT SHOP | TINTED WINDOWS OF BUICK LACROSS/PD |
| 034521 | 08/08/08 | 180.00 | BARBARA J. TOSTA | YOUNG AT HEART INSTRUCTOR/JULY 2008 |
| 034522 | 08/08/08 | 184.26 | UNDERGRND SERV ALERT, INC | ANNUAL MEMBERSHIP/BILLABLE MESSAGES |
| 034523 | 08/08/08 | 430.81 | UNIFIRST CORPORATION | MAT RENTALS/TOWELS/UNIFORM CLEANING/JULY 2008 |
| 034524 | 08/08/08 | 31.78 | VALLEY BUSINESS CENTER | PLATEN KNOW FOR TYPEWRITER/PD |
| 034525 | 08/08/08 | 244.29 | VALLEY PARTS SERVICE | ANTIFREEZE/ALTERNATOR |
| 034526 | 08/08/08 | 50.00 | GEORGE VARGAS | VEH OPERATION FIRE/AUGUST 2008 |
| 034527 | 08/08/08 | 200.00 | ERIKA VELASQUEZ | SOCCER CAMP INSTRUCTOR/E. VELASQUEZ |
| 034528 | 08/08/08 | 887.02 | YANCEY LUMBER COMPANY | CONCRETE/DRILL & SAW KIT/WRENCH/HAMMER/SOCKET KIT |
| 034529 | 08/08/08 | 57.31 | GOSSLIN, TAMMI | MQ CUSTOMER REFUND FOR GOS0006 |
| 034530 | 08/08/08 | 24.90 | HARMONY HOMES, | MQ CUSTOMER REFUND FOR HAR0049 |
| 034531 | 08/08/08 | 5.49 | MARTELL, LUIS | MQ CUSTOMER REFUND FOR MAR0117 |
| 034532 | 08/08/08 | 57.11 | ROMERO, TERESA | MQ CUSTOMER REFUND FOR ROM0020 |
| Sub-Total: | | 249025.95 | | |
| Grn-Total: | | 249025.95 | | |
| Count: | 94 | | | |

Date.: Aug 12, 2008
Time.: 4:38 pm
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

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| Ck # | Check Date | CK Amount | Vendor Name | Description |
|------------|------------|-----------|--------------------------------|--|
| 034422 | 08/12/08 | .00 | VOIDED CHECK | |
| 034423 | 08/12/08 | .00 | VOIDED CHECK | |
| 034424 | 08/12/08 | .00 | VOIDED CHECK | |
| 034533 | 08/12/08 | 32.74 | AT&T LONG DISTANCE | LONG DISTANCE SERVICE/JUNE 2008 |
| 034534 | 08/12/08 | 5.37 | E&M ELECTRIC, INC. | PSI GAGE/WATER DEPT |
| 034535 | 08/12/08 | 3625.00 | ECO:LOGIC, INC | PROFESSIONAL SERVICES/STORAGE BASIN DESIGN/#14 |
| 034536 | 08/12/08 | 504.59 | HINDERLITER, DELLAMAS & ASSOCI | AUDIT SERVICES/SALES TAX/JAN-MAR 2008 |
| 034537 | 08/12/08 | 661.96 | IKON OFFICE SOLUTIONS | COPIER LEASE/6/10/08-07/09/08/ADDITIONAL COPIES |
| 034538 | 08/12/08 | 239.57 | IDEXX LABORATORIES, INC. | GAMMA IRRAD COLILERT 100ML 20 PAK/WATER DEPT |
| 034539 | 08/12/08 | 1440.68 | INFOSEND, INC | MAILING MAY 2008 UTILITY BILLS/RECYCLING INSERTS |
| 034540 | 08/12/08 | 28881.00 | STANISLAUS COUNTY | EMERGENCY DISPATCH APR-JUNE 2008 |
| 034541 | 08/12/08 | 24535.78 | STANISLAUS COUNTY OFFICE | TAX INCREMENT PASS THRU FISCAL 07/08 |
| 034542 | 08/12/08 | 602.96 | STANISLAUS CNTY SHERIFF'S | AT&T REIMBURSEMENT/06/08/LIVESCAN PRINTS/APR & MAY |
| 034543 | 08/12/08 | 222.27 | T.H.E. OFFICE CITY | 2-DOOR CABINET/CITY HALL |
| 034544 | 08/12/08 | 21.48 | TOP STITCHES | EMBROIDERED CHIEF BADGE/ULIBARRI |
| 034545 | 08/12/08 | 19582.00 | LARRY J. VIVEIROS | PO #08-81 |
| 034546 | 08/12/08 | 31478.08 | YOSEMITE COMM COLLEGE DIS | TAX INCREMENT PASS THRU/FISCAL 07/08 |
| Sub-Total: | | 111833.48 | | |
| Grn-Total: | | 111833.48 | | |
| Count: | 17 | | | |

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

1. **Call To Order** - Mayor Fantazia 7:06 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Mayor Fantazia
4. **Roll Call PRESENT:** Katen, Kelly, Crinklaw, Martina and Mayor Fantazia
ABSENT: None
5. **Declaration Of Conflicts Of Interest** -None
6. **Ceremonial Matters** - None.
7. **Items from the Public - Non-Agenda Items** -None
8. **Consent Calendar**
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants.
 - c. Approval Of Minutes Of The July 8, 2008 Regular Meeting.

ACTION: On Motion By Katen Seconded By Kelly And Unanimously Carried, The Consent Calendar Was Approved Minus Warrant No. 34999

ACTION: On Motion By Katen Seconded By Kelly And Carried By The Following Roll Call Vote Warrant No. 34999 Was Approved AYES: Katen, Kelly, Martina And Fantazia; NOES: None; Absent: None; NOT PARTICIPATING: Crinklaw.

9. **Public Hearings** - None

10. **Regular Business**

- a. Report On Recreation Program Fee Increases.

Recreation Supervisor Heiberger Reported That Recreation Program Fees Had Not Been Increased Since 2003. Heiberger Explained That Costs Have Increased Over The Last Five Years And That This Proposed Increase Is A Means Of Recovering The Increase Costs.

ACTION: On Motion By Katen Seconded By Martina And Unanimously Carried, The Council Adopted The New Recreation Program Fees.

b. Report On Sidewalk Infill Project And Bid Award.

ACTION: On Motion By Crinklaw Seconded By Kelly And Unanimously Carried, The Council Awarded The Bid For The Sidewalk Infill Project To BDS Construction In The Amount Of \$81,562.50.

c. Report On Handicapped Parking Request In Front Of 1248 Main Street.

Kent Madenwald, 612 Waxwing Lane, Expressed Concern About The Lack Of Disabled Parking For Dr. Canga's Patrons.

ACTION: The Council Directed Staff To Contact Dr. Canga About Possible Solutions.

d. Consider For Approval The Newman Family Apartments Environmental Assessment And Finding Of No Significant Impact.

ACTION: On Motion By Kelly Seconded By Katen And Unanimously Carried, The Council Approved The Newman Family Apartments Environmental Assessment And The Finding Of No Significant Impact.

11. Items From The City Manager And Staff.

Supervisor DeMartini Reported That The Mosquito Abatement Is Continuing To Manage The Issue Of Standing Water In Swimming Pools At Vacant Properties. DeMartini Mentioned That The Animal Shelter Project Is Moving Forward As The County's Only Capital Project This Year. DeMartini Informed The Council That The July 21st Orestimba Flood Control Meeting Had Been Productive. He Reminded Everyone And That The Next The Orestimba Flood Control Meeting Will Be On September 17th And The Next West Side Task Force Meeting Will Be On August 7th In Newman.

City Manager Holland Commented That The City Is Working On A New Lease Agreement With The Newman Co-Op Nursery School And That It Will Be Presented To The Council In August. He Also Informed The Council That The City Had Received \$400,000.00 In Prop 1B Monies. Holland Reminded The Council Maintenance Worker Application-Filling Period Would Be Ending July 29th. He Mentioned That The Plaza Committee Had Meet Earlier In The Day And That He Will Be Bringing A Recommendation To The Council At Their Next Regular Meeting. Holland Announced That The Veterans Administration Would Be Hosting A Meeting On Saturday July 26th For Veterans And Their Family Members. Holland Explained To The Council That SCM Saga Is Continuing And That If The State Goes Ahead With A Proposal To Take Proposition 1A Money, The City May Lose \$110,000.00.

Chief McGill Informed The Council That A Child Restraint Program Had Been Held In Newman On The Previous Saturday. He Gave The Council An Update On The K9 Unit And Explained That The Dogs Should Be Certified Within A Week. He Commented That At Least One Dog Should Be On The Streets By The First Week Of August. He Reminded The Council That The Neighborhood Watch Program Meeting Will Be Held On August 19th At 6:00 P.M. At The Memorial Building. McGill Mentioned That The Police Department Webpage Had Been Updated And That Livescan Was Now

Up And Running. He Also Announced That The New Community Services Officer Will Begin On July 29th And Notified The Council That The Police Department Has A Reward Program For Tips Leading To The Arrest Of Criminals.

Public Works Director Garza Informed The Council That The Water Line For The Plaza Project Is Complete And A Notice Of Completion Is Forthcoming. Garza Explained To The Council That October 31st, 2008 Would Be His Last Day With The City.

12. Items From City Council Members.

Council Member Crinklaw Congratulated Garza And Thanked Him For His Work. Crinklaw Mentioned The Flier That He Received Regarding The Half-Cent Sales Tax And Talked About How The Tax Would Benefit Newman.

Council Member Martina Commented That The Portion Of Canal School Road South Of The City Limits Is Being Repaired And Mentioned That He Would Like To See The Northern Portion Repaved As Well.

Council Member Kelly Requested An Update On The Banner For The High School Softball Team And Pointed Out That The City Should Recognize Local Top Athletes.

Council Member Katen Thanked The Staff For Cleaning The Smog And Lube Building And Mentioned That The Local Blue Print Process Meeting Provided A Good Presentation But Was Not Well Attended.

Mayor Fantazia Notified The Council That The Better Roads Safer Streets Campaign Would Be Holding A Meeting In The Future. Fantazia Reminded Everyone That The Next Fall Festival Meeting Would Be On August 6th And The Chamber Dinner Dance Would Be On August 9th.

13. Adjournment.

ACTION: On Motion By Crinklaw Seconded By Katen And Unanimously Carried, The Meeting Was Adjourned At 8:26 P.M.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **8.d.**
City Council Meeting
of August 12, 2008

**ADOPT RESOLUTION NO. 2008-XX, APPROVING THE PLAZA WATERLINE
REPLACEMENT PROJECT AND AUTHORIZING JOHN FANTAZIA AS
MAYOR, AND MICHAEL E. HOLLAND, AS CITY CLERK TO RECORD A
NOTICE OF COMPLETION**

RECOMMENDATION:

It is recommended that the Newman City Council approve Resolution No. 2008-XX.

BACKGROUND:

Due to conflicts with the Rule 20A utility underground construction work for the Plaza Project, the City of Newman had to relocate the waterline and abandon the old one in place. At the regular council meeting of April 8, 2008, the City Council approved and awarded the waterline relocation bid to Mid-Cal Pipelines & Utilities of Merced for \$66,500.00.

ANALYSIS:

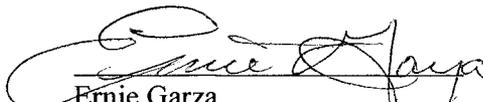
A final walk-thru inspection of the project was performed by our city engineer and public works staff members. Everything was completed and in compliance with plans and specifications. Attach to this report, please find a letter from city engineer Gary Rogers recommending that the project be accepted and that a Notice of Completion be executed and filed.

FISCAL IMPACT:

Final costs well below the budgeted \$100,000.00.

CONCLUSION:

It is recommended that the city council approve the Plaza Waterline Replacement resolution.


Ernie Garza
Director of Public Works

REVIEWED/CONCUR:


Michael E. Holland
City Manager

1120 West "I" Street, Suite C
Los Banos, CA 93635
TEL: (209)826-5155
FAX: (209)826-3307
www.boyleengineering.com

Employee Owned

CITY OF NEWMAN
1162 Main Street
Post Office Box 787
Newman, California 95360

July 21, 2008
21440.02-0001

Plaza Waterline Replacement

Gentlemen:

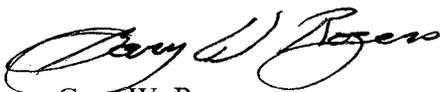
Final inspection has been performed on the above referenced project and the work has been found to be in compliance with the plans and specifications. We recommend the project be accepted and a Notice of Completion be executed and recorded with Stanislaus County.

Retention in the amount of \$8,851.20 should be paid to Mid Cal Pipeline & Utilities, Inc., 35 days following recording of the Notice of Completion.

A completed Notice of Completion is enclosed herewith.

Very truly yours,

Boyle Engineering Corporation



Gary W. Rogers
Managing Engineer/Principal

Enclosures: Notice of Completion

Copy to: Mid Cal Pipeline & Utilities, Inc.

RESOLUTION NO. 2008-

**A RESOLUTION APPROVING THE PLAZA WATERLINE REPLACEMENT PROJECT
AND AUTHORIZING JOHN FANTAZIA AS MAYOR, AND MICHAEL E. HOLLAND, AS
CITY CLERK TO RECORD A NOTICE OF COMPLETION**

WHEREAS, on the 11th day of April, 2008, agreements were entered into between the CITY OF NEWMAN, hereinafter referred to as "CITY", and Mid-Cal Pipelines & Utilities, Inc., hereinafter referred to as "CONTRACTOR" for the making of certain improvements in the City of Newman, County of Stanislaus, State of California, known as the PLAZA WATERLINE REPLACEMENT PROJECT; and

WHEREAS, the improvement security referred to in said agreement was duly executed and filed by Contractor;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman as follows:

1. That the improvements referred to in said agreement and the maps and other matters referred to therein be, and the same hereby are, approved and accepted.
2. That John Fantazia, as Mayor and Michael E. Holland as City Clerk, are hereby authorized and directed to execute and record a Notice Of Completion of said improvements.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of August 2008 by Council Member _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

John G. Fantazia, Mayor

ATTEST:

Michael E. Holland, City Clerk

RECORDING REQUESTED BY:

City Clerk
City of Newman

WHEN RECORDED RETURN TO:

CITY OF NEWMAN
1162 Main Street
P.O. Box 787
Newman, California 95360

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN:

1. That the interest of estate stated in paragraph 3 below in the real property hereinafter described is owned by the following:

| NAME | STREET AND NO. | CITY | STATE |
|----------------|-------------------|---------|------------|
| City of Newman | 1162 Main Street, | Newman, | California |

(If more than one owner of the interest stated, the name and address of each must be inserted.)

2. That the full name and address of the owner of said interest or estate, if there is only one owner, and the full names and addresses of all the co-owners who own said interest or estate as joint tenants, as tenants in common or otherwise, if there is more than one owner, are set forth in the preceding paragraph.

3. That the nature of the title of said owner, or if more than one, then of said owner and co-owner is: In Fee.

4. That on the 16th day of July 2008, a work of improvement on the real property hereinafter described was completed.

5. That the name of the original contractor, if any, for such work of improvement was _____

MID CAL PIPELINE & UTILITIES, INC.

(If no contractor for work of improvement as a whole, insert "No Contractor.")

6. That the WORK herein referred to is located in the City of Newman, County of Stanislaus, State of California, and is described as follows:

PLAZA WATERLINE REPLACEMENT:

The major WORK consists of furnishing and installing approximately 700 linear feet of 10-inch water line, 19 water services and valves for two existing fire hydrants in the City of Newman.

All WORK is located within a portion of the northwestern ¼ of Section 19, Township 7 South, Range 9 East Mount Diablo Base and Meridian.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____ CITY OF NEWMAN
Owner

Place: _____ By: _____

JURAT

STATE OF CALIFORNIA

COUNTY OF STANISLAUS

Subscribed and sworn to (or affirmed) before me on this ____ day of _____, 20__ by,

_____, personally known to me (or proved on the basis of satisfactory

evidence to be the person(s) who appeared before me.

WITNESS my hand and official seal.

(seal)

Notary's Signature _____

Honorable Mayor and Members
of the Newman City Council

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

DECLARE CERTAIN PROPERTY AS SURPLUS AND APPROVE OF ITS DISPOSAL

RECOMMENDATION:

Staff recommends the City Council:

Adopt Resolution No. 2008-_____, approving the request of City Departments to surplus obsolete, un-repairable, or otherwise unneeded City property.

BACKGROUND:

City Departments from time to time have property that becomes obsolete, is not repairable, has been replaced or the city has no use for the property. In order for the City to legally dispose of this property, it must be declared surplus by the City Council. A recent assessment of the Police Department, Finance Department, and Recreation Department has identified several items ready to be declared surplus.

ANALYSIS:

The identified items are specifically identified in Attachments A, B, and C. Based on the condition and type of item staff will make every effort to sell the items in an effort to recover some costs. In the event the item cannot be sold or the expense to sell it exceeds its value the item will be properly disposed of.

FISCAL IMPACT:

There may be some minor costs associated with the sale or disposal of the items. This cost may be offset by the sale of the surplus items. Any excess funds generated will be placed in the City's General Fund.

ATTACHMENTS:

Attachments: A= Police Department
B= Finance Department
C= Recreation Department

CONCLUSION:

This staff report is submitted for City Council consideration and action. Staff recommends adoption of Resolution # 2008- _____, a resolution declaring certain property as surplus property.

Respectfully submitted,



Adam McGill
Chief of Police

REVIEWED/CONCUR:



Michael Holland
City Manager

RESOLUTION NO. 2008-

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS PROPERTY
AND AUTHORIZING THE DISPOSAL OR SALE OF PROPERTY**

WHEREAS, the City Manager of the City of Newman has recommended that certain items of personal property are no longer needed by the City and should be declared surplus and sold; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman and in accordance with the recommendations of the City Manager those certain items more particularly described in Attachments A, B, and C and made a part hereof, are hereby declared surplus and in the public interest should be disposed by a host of legal remedies such as sale, auction, donation, destruction or taken to a refuse site and that found property held over the legal time limits and no owner located be declared property of the City.

BE IT FURTHER RESOLVED that the City Manager is authorized to sell said items of surplus property to the highest responsible bidder.

BE IT FURTHER RESOLVED that the City Council reserves the right to reject any and all bids.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of August 2008 by Council Member _____, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman

ATTACHMENT A

Police Department

Item #1

California license plate: E1024348 VIN: 2FAFP71W2XX105576, 1999 Ford Crown Victoria

Item #2

Miscellaneous office furniture, some with City of Newman Asset Tags, others without marking

Asset Tags: 0215, 0255, 0062, 0208, 0200, 0204, 0250

Item #3

Miscellaneous vehicle parts, tires, police radios, police lights, police sirens, etc

Item #4

Miscellaneous computer software, parts, equipment, CPU's, monitors, keyboards, printers, some with asset tags most without

Asset tags: 0355, 0357, 0488, 0356, 0499, 0473, 0498, 0472, 0466, 0493, 0467, 0492, 0480, 0486, 0485, 0503, 0483, 0496

ATTACHMENT B
Finance Department

Item #1

Oakidata Microline 395 24 Pin PrinterCalifornia - Asset Tag No. 0296

Item #2

IBM Wheelwriter 10 Series II Typewriter - Asset Tag No. 00006

ATTACHMENT C
Recreation Department

Item #1

1 Halex Air Hockey Table (model# 22199 no property tag) – Item out of order

Items #2

1 Ping Pong Table (no # and no property tag) – Item is in poor condition

Honorable Mayor and Members
of the Newman City Council

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

REPORT ON NEWMAN FALL FESTIVAL 2008

RECOMMENDATION:

Staff recommends the City Council approve the annual Fall Festival.

BACKGROUND:

The Fall Festival is a well established annual community event. Staff has been working with the Fall Festival Committee in organizing this year's event.

ANALYSIS:

As of the date and time of the preparation of this staff report, the organizing committee is the final stages of planning this year's event. Any subsequent changes will be reported out by staff during the presentation of this report.

Routine street closures and parade street closure as in previous years are as follows:

- ❖ "R" Street – Will be closed between Fresno and Tulare Streets from Wednesday, August 27, at 5am to Monday, September 01, at noon. The carnival will be set up on this street.
- ❖ Fresno Street – Will be closed between "R" and "Q" Street from Saturday, August 30,
❖ at 5am to Sunday, August 31 at 9 pm.
- ❖ Tulare Street – Will be closed between "R" and "Q" Streets, Sunday, August 31, from 7am to 7pm.
- ❖ "Q" Street - Will be closed to through traffic on Sunday, August 31, from 11am to 2pm. Parking will be allowed on this street during the entire event.
- ❖ Fall Festival Parade Street Closure 9am to 2pm on Sunday, August 31, Main Street will be closed from Mariposa to Merced, Merced Street from Main to "P" Street, "P" Street from Merced to Fresno, and Fresno Street from "P" to "Q" Streets, and "S" Street from Kern to Mariposa Street for the parade horse staging area.

The Fall Festival Committee will have the \$1,000,000.00 insurance and liability policy with the city as an additional insured in place before the event. The organizing committee is requesting city services as has been provided in past years and is aware that any costs not covered by City Council action will be the responsibility of the Fall Festival Committee. The committee is also working with the Public Works Director on the required number of portable restrooms, trash receptacles, and barricades as well as other needs in the park. There are no changes in this area as well as these are the same requests as were approved by the City Council last year. I have attached a copy of their request for City services.

Other requests not covered by the Committees request are:

1. Waive Business License fees for vendors in the park

Agenda Item: **10.b.**

2. Exclusive use of City Park
3. Waive permit to have alcohol in the park.
4. Authorize the use of the entire City Park as a Beer Garden. (This has been approved by ABC in previous years.)

The Police Department has been working with the Fall Festival Committee to assess police coverage. Previous security issues for this event indicate usual calls for police service have been to handle minor incidents such as disturbances and public intoxication.

ATTACHMENTS:

Request for city services from Fall Festival Committee

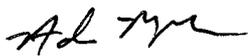
FISCAL IMPACT:

\$ 3,000.00 (\$ 1,000.00 of which is budgeted specifically for the Fall Festival event)

The police department coverage is estimated at \$ 2500.00, and overtime for public works staff is estimated at \$500.00. The City has budgeted \$ 1,000.00 for this event. This means there is an anticipated shortfall of \$2,000.00. It is staff's recommendation that any cost over the amount budgeted be invoiced to the Fall Festival Committee.

CONCLUSION: This staff report is submitted for City Council consideration and action. Staff recommends the City Council approve the 2008 Fall Festival. Staff also recommends that any additional costs over the budgeted amount be invoiced to the Fall Festival Committee.

Respectfully submitted,



Adam McGill
Chief of Police
City of Newman

REVIEWED/CONCUR:



Michael Holland
City Manager
City of Newman

NOTED FOR FISCAL IMPACT:

I have reviewed the expenditures as proposed in this staff report and, unless otherwise noted find that there is sufficient funding and that the proposed expenditures are within the approved budget.

SOURCE OF FUNDING:

10-6644-01 Community Promotion/Fall Festival
\$1,000.00 budgeted.

NEWMAN FALL FESTIVAL

**Request for City Services
August 29th to September 1st**

1. **The carnival** should be arriving in town on Wednesday afternoon.
 - a. Barricades, parking, streets blocked
 - b. Potable toilets and hand wash units will be in place for them Thursday.
 - c. Friday, Saturday and Sunday, Night hours till Midnight
 - d. Walk-around security

2. **Parade**
 - a. Line up on PQR and S streets from Yolo to Kern
 - b. Horses on Kern Street for pre-judging
 - c. Parade to start on Mariposa to Main, south to Merced, west to Q Street, north to Fresno west to park, end of parade
 - d. Parade will dismantle at the FDES Hall.
 - e. Trailers for announcing and VIP at Tulare “(1 trailer) and Q and Fresno (1 trailer), VIP seating under awnings on opposite (south) side.
 - f. Posting of signs, barricade control and parade monitoring.
 - g. Begin the paraded (P.D.)
 - h. Power to sound systems at West Tulare and Fresno Streets
 - i. Portable stairs at Fresno Street trailer for officials (north side)

3. **Security**
 - a. All night in the park to protect booths on Saturday night only
 - b. Additional security at the Beer and Margarita Booths.
 - c. Carnival Security

4. **Block Streets around the park, certain days, no parking** (specific vehicle will have parking permits as in the past).
 - a. Children’s games (Saturday morning) Fresno. Keep closed both days, 30th & 31st for 3-on-3, Games, Parade, Races. Etc.
 - b. Car Show (Sunday Morning) Tulare between R & Q Streets
 - c. Carnival (Wed.-Sun.) on (R) Street

Agenda Item: **10.b.**

5. Park Facilities

- a. Waste-wheelers throughout the park
- b. Lighting throughout the park
- c. Close off the old fountain
- d. Lighting at he portable toilets
- e. Gazebo lighting and electricity
- f. Bleachers (Cerutti Bros and School Dist. and Stan. Co. Fair)
- g. Ice trailer electricity
- h. Recycle bins in park
- i. Temporary electricity pole at Tulare & Q Street

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.c.**
City Council Meeting
of July 8, 2008

**AUTHORIZE THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT
WITH NEWMAN CO-OP NURSERY SCHOOL FOR THE PROPERTY
LOCATED AT 1147 "R" STREET**

RECOMMENDATION:

Adopt Resolution No. 2008-_____, approving the attached three (3) year lease agreement and authorizing the City manager to execute said lease with Newman Co-Op Nursery School for the property located at 1147 "R" Street.

BACKGROUND:

In 2000, the Newman Co-Op Nursery School relocated from the Teen Center to the Old Orestimba School House which was relocated to 1147 "R" Street. At that time, they signed a five (5) year lease establishing the rent at \$200.00 per month. To date, the City and Nursery School have continued to operate under the original lease, even though the lease has since expired.

ANALYSIS:

Staff has met with representatives from the Nursery School and discussed the terms of the proposed lease agreement. Staff used the original lease as a foundation for the new three (3) year lease and has made some minor changes.

The primary changes are as follows:

- The Nursery School will be responsible for all costs associated with PG&E, and phone service, but the City will continue to absorb the cost of the water, sewer, garbage, and recycling costs.
- The Nursery School will be responsible for providing cleaning and sanitary supplies.
- The Nursery School will be responsible for minor maintenance and the cleaning of the premises.
- The City is proposing the rent for the summer months of June, July and August be \$100.00 per month and the rent for the remaining nine (9) months will be at the rate of \$200.00 per month.
- The new lease is for a three (3) year term rather than a five (5) year term.

In addition to providing water, sewer, garbage, and recycling services the City will continue to assume responsibility for the maintenance of all structural issues, the air-conditioning unit, the lawn and grounds, the landscape sprinkler system, the fence, the playground bark and sand, any major plumbing or electrical issues, as well as the repair and/or removal of vandalism.

Staff has worked diligently to provide a lease agreement that is fair to both parties. Staff has met additional requests by the Nursery School such as providing recycling service free of charge and continuing to maintain certain plumbing issues. The minor adjustments to the lease will help the City in its continual effort to strive for fiscal responsibility. This lease will be evaluated again at conclusion of the three (3) year term. Staff has presented the attached lease to the tenants for consideration.

FISCAL IMPACT:

Positive: Utilities and supplies cost savings.

CONCLUSION:

The City appreciates the services that the Newman Co-Op Nursery School provides to the community. However, the City will continue to evaluate all agreements upon renewal. In an ongoing effort of fairness, the City has agreed to continue providing affordable rent to the Nursery School. Staff believes this lease agreement is equitable and recommends approval of the lease agreement as submitted.

Respectfully submitted,



Michael Holland
City Manager

RESOLUTION NO. 2008-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE (3) YEAR LEASE WITH THE NEWMAN CO-OP NURSERY SCHOOL FOR THE PROPERTY LOCATED AT 1147 "R" STREET.

WHEREAS, the City of Newman is the owner of a certain parcel of real property, located at 1147 "R" Street; and

WHEREAS, the Newman Co-Op Nursery School has leased the aforementioned property since 2000; and

WHEREAS, the City appreciates the services that the Newman Co-Op Nursery School provides to the community; and

WHEREAS, in an ongoing effort of fairness, the City has agreed to continue providing affordable rent to the Newman Co-Op Nursery School; and

WHEREAS, the City wishes to renew the lease for a term of three (3) years commencing the first day of September, 2008 and subject to the terms and conditions set forth in the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman and in accordance with the recommendations of the City Manager authorizes the City Manager to execute a Three (3) Year Lease Agreement (Attachment "A") with The Newman Co-Op Nursery School for the property located at 1147 "R" Street.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of August 2008 by Council Member _____, who moved its adoption, which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

ATTEST:

Mayor

Deputy City Clerk

Attachment "A"

LEASE

THIS LEASE is entered into on _____ 2008, between the CITY OF NEWMAN, ("Landlord"); and the NEWMAN CO-OP NURSERY SCHOOL, ("Tenant").

1. Description of Premises. Landlord agrees to rent to Tenant the premises commonly known as the Old Orestimba School House, to be located in Densmore Park, North of the Stanislaus County Library, on "R" Street, in the City of Newman, California ("the premises").
2. Rent. Tenant will pay the sum of \$200.00 per month for the months of January, February, March, April, May, September, October, November and December and \$100.000 per month for the months of June, July and August. Rent is due in advance, to Landlord, by or before the 1st day of each month.
3. Term. The term of this Lease will commence on the 1st day of the month following the completion of the building; its installation on the lot; its passing an inspection to be occupied and used as a pre-school according the Building and Safety Codes mandated by the State of California; and as otherwise ready for occupancy; and shall continue for three (3) years thereafter.
4. Reservation. Landlord reserves an area to be designated by the parties' agreement at the rear of the building for a meeting room.
5. Indemnification of Landlord. Tenant agrees to indemnify Landlord for any liability arising before termination of this Lease, for personal injuries or property damage caused by the negligent, willful or intentional conduct of Tenant and/or their guests or invitees. This indemnification does not waive Landlord's duty of care to prevent personal injury or property damage when that duty is imposed by law.
6. Condition of Premises. Landlord will maintain the necessary installations and improvements necessary to insure continued use and occupancy as a pre-school, including handicapped accessibility, two (2) small separate bathrooms, and one (1) adult bathroom.
7. Tenant Obligations. Tenant agrees to perform the following obligations:
 - A. To keep the premises as clean and sanitary as their condition permits;
 - B. To dispose of all rubbish, garbage and other waste in a clean and sanitary manner; and not store vehicles, auto parts, equipment, or other unsightly items in or about the premises;
 - C. To use and operate properly all electrical, gas, and plumbing fixtures and pipes, and to keep them as clean and sanitary as their condition permits; and
 - D. To refrain from negligently, willfully or wantonly destroying, defacing, damaging, impairing or removing any part of the premises or the facilities, equipment or appurtenances or permitting any person on the premises to commit such acts.
8. Repairs And Maintenance.

The Landlord agrees to repair and/or maintain:

 - The playground bark and sand
 - The fence

- The air-conditioning unit
- Major plumbing issues (i.e. – leaky water lines and toilet water supply issues)
- Major electrical issues
- All structural issues
- Landscape sprinkler system
- Maintenance of the lawn and grounds
- Repair and or remove vandalism (i.e. – graffiti or broken windows)
- Water sewer & garbage service

With the exception of structural repairs needed for the roof, the sidewalls, the floors, and the repairs listed above, all other repairs shall be the responsibility of the Tenant.

The Tenant agrees to maintain:

- Minor Plumbing Issues (I.E. – clogged sinks or toilets)
- Minor Electrical Issues (I.E. – light bulb replacement)
- Supplies (I.E. – Garbage bags, paper towels, soap, etc..)
- Maintenance and Cleaning
- Accounts For Utilities (I.E. – PG&E, And telephone service)

The Tenant agrees to keep the property in at least as good a condition as it was upon their assuming their tenancy, assumes responsibility for repairs\ maintenance not performed by the Landlord, reasonable wear and tear excluded.

9. Alterations. Tenant may not make alterations to the premises without first obtaining Landlord's written consent, which may not be unreasonably withheld. On completion, any such repairs or alterations become part of the premises.

10. MISCELLANEOUS PROVISIONS.

A. Attorney's Fees. Should legal action arising from this Lease be commenced between the parties, the prevailing party shall be entitled, in addition to all other appropriate relief, reasonable attorney's fees as awarded by the Court.

B. Counterparts. This Lease may be executed in one or more counterparts, all of which shall be considered one and the same Lease, and shall become a binding agreement when one or more counterparts have been signed by each of the parties and delivered to the other parties.

C. Singular, Plural, Gender. In this Lease, where applicable, references to the singular shall include the plural and references to the plural shall include the singular; in addition, where applicable, all references to the masculine gender shall include the feminine gender.

D. Headings. The headings in this Lease are included for convenience of reference only, and shall not affect the construction or interpretation of any of its provisions.

E. Additional Instruments. The parties agree to execute and deliver any other documents or instruments not specifically referred to herein, which are necessary or reasonably required by a party to carry out the intents and purposes of this Lease.

F. Successors and Assigns. This Lease shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties hereto.

G. Notices. All notices and other communications hereunder shall be in writing and shall

be deemed to have been duly given if delivered or if mailed by first-class mail with postage prepaid:

If to Landlord, to: THE CITY OF NEWMAN
Attention: Michael Holland, City Manager
P.O. Box 787
Newman, CA 95360

If to Tenant, to: NEWMAN CO-OP NURSERY SCHOOL
Attention: Janet Perry, Director and/or
Sharon Andrade, Director
1147 "R" Street
Newman, CA 95360

H. Governing Law. This Lease shall be governed by, interpreted, and construed under the laws of the State of California.

I. Entire Lease. The parties declare and represent that no promise, inducement, or agreement not herein expressed has been made by or to any party, and that this written Lease contains the entire agreement between the parties hereto relating to the subject matter of this Lease. This Lease may not be modified, altered, or amended except by a writing signed by all parties hereto.

J. Time of Essence. Time is of the essence in this Lease.

K. Severability. If any term, provision, covenant, or condition of this Lease is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the rest of the Lease shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

IN WITNESS WHEREOF, we have hereunto set our names the day and year first above written.

THE CITY OF NEWMAN

Michael E. Holland, City Manager

NEWMAN CO-OP NURSERY SCHOOL

Janet Perry, Director

Sharon Andrade, Director

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.d.**
City Council Meeting
of August 12, 2008

**REPORT ON THE WASTEWATER TREATMENT PLANT EXPANSION AND
DISPOSAL MASTER PLAN**

RECOMMENDATION:

Open the public review period on Monday, August 18, 2008.

BACKGROUND:

In September 2006, the Newman City Council approved the ECO:LOGIC scope of work proposal and fee estimate for the Wastewater Treatment and Disposal Master Plan. The purpose of this plan is to develop a long-term phased capital improvement plan for meeting expected regulatory requirements and planned City growth. The Master Plan describes wastewater facilities, regulatory drivers, necessary upgrades and costs. This plan will continue the work completed for the Capacity Analysis Study of the existing WWTP.

Eco:logic engineer Tiffany Knapp presented the Wastewater Treatment and Disposal Master Plan to the City Council at their regular meeting of June 24, 2008. Since that time, she has been working on the Public Review Draft of the Master Plan that is being submitted to Council for comment and review.

ANALYSIS:

City staff members have completed review of the Executive Master Plan Summary. We have met with Eco:logic staff to discuss proposed changes, corrections and to ensure informational accuracy. The Master Plan will be available for public review and comment by Monday, August 18, 2008. This information will be available at City Hall.

After the review period, Tiffany Knapp will make a final Master Plan presentation to City Council at the regular meeting of Tuesday, October 14, 2008.

FISCAL IMPACT:

None.

CONCLUSION:

The public review and comment period is to begin on Monday, August 18, 2008.


Ernie Garza
Director of Public Works

REVIEWED/CONCUR:


Michael E. Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.e.**
City Council Meeting
of August 12, 2008

**REPORT ON THE ORESTIMBA CREEK FLOOD CONTROL
FEASIBILITY STUDY**

RECOMMENDATION:

No action is required.

BACKGROUND:

The Orestimba Creek Flood Control Feasibility Study has been ongoing for a number of years since the extensive flooding that was experienced by the City of Newman and the surrounding farm lands. Stanislaus County has been the sponsor of the study along with the United States Army Corps of Engineers.

ANALYSIS:

The study is moving forward and a recommended plan will be available in a few months. The study has been reduced from six main alternatives to two alternatives. The NED (National Economic Development) plan is defined as the most economical alternative. The plan is expected to be complete in September/October 2008.

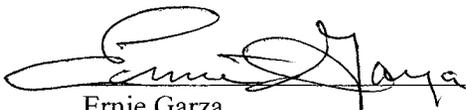
Attached to this report, please find a letter from Stanislaus County staff members providing a brief update of the feasibility study and a copy of a power-point presentation regarding the Orestimba Creek Study Area. The presentation also addresses the two remaining alternatives that are being reviewed by the USACE.

FISCAL IMPACT:

None.

CONCLUSION:

This is a non-action item.



Ernie Garza
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager



DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE
Director

Laurie Barton, PE
Deputy Director, Engineering/Operations

Diane Haugh
Assistant Director, Business/Finance

August 1, 2008

1010 10th Street, Ste. 3500, Modesto, CA 95354
Phone: 209.525.6550/email: publicworks@stancounty.com

Newman City Council
P.O. Box 787
Newman, CA 95360

RE: Orestimba Creek Flood Control Feasibility Study

Dear Newman City Council Members:

On behalf of Stanislaus County, we would like to thank you for your participation in the Orestimba Creek flood control feasibility study with the U.S. Army Corps of Engineers (USACE). As part of our ongoing communication with City of Newman representatives, we wanted to give you a brief update.

We would like to thank Mayor John Fantazia for his involvement representing the City of Newman at the Project Review Board and community meetings. The Mayor's involvement over the years has been instrumental in helping the project to continue.

We have also very much appreciated the involvement of City Manager Michael Holland and Public Works Director Ernie Garza. This type of local participation is critical. The video footage of previous flood events which Mr. Garza has provided is a powerful reminder of the impact of this flooding.

As you are aware, Stanislaus County is the non-federal sponsor with the USACE for this feasibility study. While our initial commitment to the project was \$300,000, after numerous cost increases from the USACE, Stanislaus County has expended nearly \$3 million on this project to help with the issue of flood control protection in Newman. The County has and continues to make every reasonable effort to get the feasibility project to completion.

We would like to recognize Congressman Dennis Cardoza for his ongoing diligence in moving this project forward. His commitment to a local flood control solution has been vital. We would also like to recognize the work of Senator Dianne Feinstein who has been engaged and an important supporter of the project as well. Without Federal appropriations this study would not be moving toward completion.

We are attaching an update of the current status of the feasibility study for the City's reference. We are excited the study is moving forward and it looks like a recommended plan might be available within a few months – although the entire feasibility study may take a number of additional years for the USACE to complete.

In addition to the attached status report we would like to provide a summary of the USACE process and some key milestones for the future.

The current target goal is the F4 (Alternative Review). This phase defines alternatives and begins the evaluation of their potential impacts. The feasibility study has gone from six main alternatives under analysis, down to two main alternatives. Mayor Fantazia has done a very successful job of representing these alternatives back in Washington, D.C. as part of the federal appropriations process. When this phase of the feasibility study is completed, the resulting document will be the NED determination.

The NED, or the National Economic Development plan, is defined as the most economical alternative for the Federal government that has been studied. This is made through a series of calculations by the USACE, based on all of the work that has been conducted throughout the study. This determination is expected to be complete in September/October 2008.

The following phase will be the F4A (Alternative Formulation Briefing). This phase includes greater project detail and environmental review. Current funding sources are expected to be sufficient to cover this phase for the selected alternative. Phases beyond this may be dependent upon new funding sources. We are actively working with the USACE to complete the feasibility study within the current budget allowance.

Per the cost-share agreement, when the feasibility study is completed, the County will have completed its role as a financial sponsor.

Respectfully,



Matt Machado, PE
Director of Public Works,
Stanislaus County



David Jones
Director of Communications &
Legislative Affairs, Stanislaus County

Enclosures (2)

Milestones for Feasibility/GRR Studies for the US Army Corps of Engineers
Orestimba Creek Project Update PowerPoint Slides

cc: Michael Holland, City Manager, City of Newman
Ernie Garza, Public Works Director, City of Newman
Thomas Mayfield, Chairman, Stanislaus County Board of Supervisors
William O'Brien, District 1 Supervisor, Stanislaus County
Jeff Grover, District 3 Supervisor, Stanislaus County
Dick Monteith, District 4 Supervisor, Stanislaus County
Jim DeMartini, District 5 Supervisor, Stanislaus County
Richard W. Robinson, Chief Executive Officer, Stanislaus County
Stan Risen, Assistant Executive Officer, Stanislaus County
DeeDee D'Adamo, Senior Policy Advisor, Congressman Dennis Cardoza
David VanRijn, Project Manager, USACE Civil Works Department

SPD MILESTONES FOR FEASIBILITY/GRR STUDIES

A system of milestones has been established to help monitor and manage completion of the reevaluation study and report. Durations are subject to change based on review and revision by the PDT and ITRT, available resources, and other unknowns.

Amendment to FCSA Signed - Initiate GRR/Feasibility Study (F1)

This milestone marks the beginning of the feasibility phase, which started upon execution of the Amendment to the FCSA.

Public Workshop/Scoping Meetings (F2)

The purpose of the meeting/workshop is to inform the public and obtain input and opinions about the GRR feasibility study, and fulfill scoping requirements for NEPA and CEQA compliance purposes.

GRR Feasibility Scoping Meeting (F3)

The purpose of the FSM is to engage the Corps' South Pacific Division and Headquarters team members in establishment of the without project conditions, screening of preliminary alternatives, and addressing potential changes to the PMP. Representatives from the HQUSACE, SPD, district, and local sponsor will attend the meeting. Pre-meeting documentation will undergo Independent Technical Review and approval before distribution to attendees to be available at least 10 calendar days prior to the meeting (not less than 35 if HQUSACE attends). The district Planning Chief will chair the meeting. A project guidance memorandum will be issued by HQUSACE, or SPD if HQUSACE does not attend, within 15 working days of the meeting.

Alternative Review Conference (F4)

The ARC evaluates the final plans and reaches a consensus that the evaluations are adequate to select a plan for recommendation and prepare AFB issues. Pre-meeting documentation will undergo Independent Technical Review and approval before distribution to attendees to be available at least 35 calendar days prior to the meeting. The SPD Planning Chief will chair the meeting. A project guidance memorandum will be issued by HQUSACE within 15 working days of the conference.

Alternative Formulation Briefing (F4A)

The AFB is for policy compliance review of the proposed plan with HQUSACE to identify actions required to prepare and release the draft report. Representatives from HQUSACE, SPD, district, and local sponsor will attend the AFB. Pre-meeting documentation will undergo Independent Technical Review and approval before distribution to attendees to be available at least 35 calendar days prior to the meeting. The SPD Planning Chief will chair the meeting. An AFB guidance memorandum will be signed by HQUSACE within 15 working days of the AFB.

Draft Report to HQUSACE and Public Review (F5)

Based upon satisfactory completion of responses to the AFB guidance memorandum, the Draft GRR/EIS-EIR will be forwarded to SPD and HQUSACE concurrent with its release for public review (45-day field level coordination).

Public Meeting/Hearing on Draft EIS/EIR (F6)

The Sponsor and District will present results of the GRR study and solicit comments on the Draft EIS/EIR and merits of the alternative plans from the public.

Feasibility Review Conference (F7)

The FRC is for policy compliance review of the Draft GRR with HQUSACE to identify and resolve outstanding policy issues and actions that are required to complete the final report. The FRC includes participation by Headquarters and will be chaired by the SPD Chief, Planning Division, or the planning program manager on behalf of the Chief, Planning Division. *This conference may be waived if no significant issues are raised after the AFB.*

Final Report to SPD (F8)

The District will submit the Final GRR/EIS-EIR and supporting documentation (e.g., technical and legal certifications, compliance memoranda) to SPD in accordance with current guidance.

Division Engineer's Public Notice (F9)

The Division Engineer will issue the public notice and transmit the Final GRR package to HQUSACE for Washington-level processing.

Final EIS/EIR Processing

Date that the Notice of Availability (NOA) is published in the Federal Register. The Final GRR/EIS-EIR will be filed with EPA prior to publication of the NOA in the Federal Register. Letters for filing would be coordinated with and furnished by HQUSACE. The Final GRR/EIS-EIR is then available for a 30-day review and comment period.

Chief's Report

The Final GRR/EIS-EIR is signed by the Chief of Engineers after coordination with concerned agencies at the Washington-level (e.g., resource agencies and OMB) and then forwarded to the Assistant Secretary of the Army for Civil Works (ASA-CW) for review and processing.

Record of Decision (ROD) is Signed

The ROD is signed by the ASA-CW unless delegated to another echelon. If necessary (i.e., ecosystem restoration is recommended as a new project purpose), it may be then forwarded to the Congress for reauthorizing legislation.

President Signs Authorization/Reauthorization

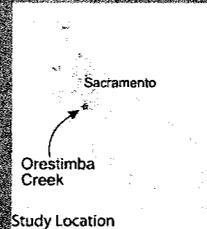
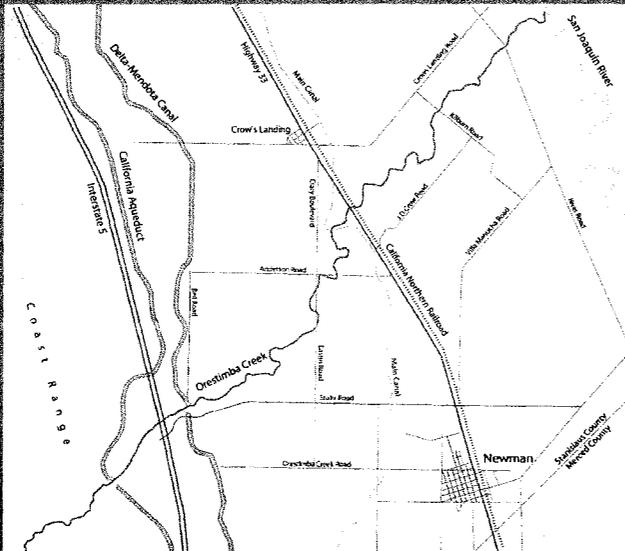
If Congressional action is required, then the President may sign authorizing legislation into law.

Orestimba Creek Flood Damage Reduction and Ecosystem Restoration

Project Update
July 21, 2008



Orestimba Creek Study Area



Goal: To reduce flood damages to Newman and the surrounding agricultural areas and restore the ecosystem of Orestimba Creek.

Focus of the Meeting

Provide Project Update

- Revised Hydrology
- New Floodplains
- Upstream Dry Dam Alternative
- Levee System Alternative

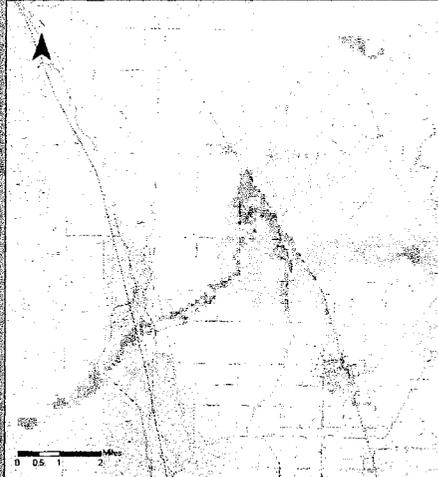
Describe next steps and opportunities

Budget

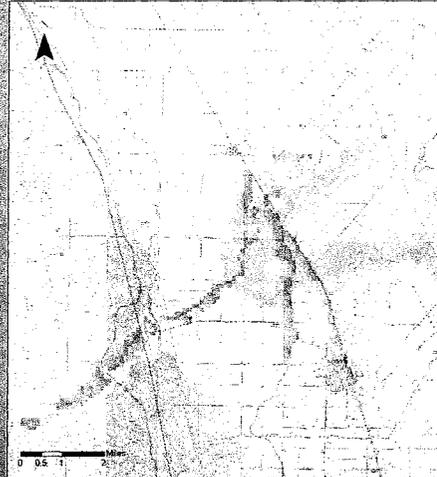
Revised Hydrology

| Annual Exceedance Probability | Oristamba Creek Near Newman Flow (CFS) | | | | | |
|-------------------------------|--|---------|----------------|---------|----------------|---------|
| | Peak | | 1-Day Duration | | 3-Day Duration | |
| | Previous | Revised | Previous | Revised | Previous | Revised |
| 0.2% (500-yr) | 27,100 | 20,255 | 8,990 | 7,398 | 5,450 | 4,823 |
| 1.0% (100-yr) | 19,800 | 13,831 | 6,760 | 5,035 | 4,120 | 3,249 |
| 2.0% (50-yr) | 16,200 | 11,208 | 5,650 | 4,093 | 3,440 | 2,626 |
| 10.0% (10-yr) | 7,680 | 5,679 | 2,870 | 2,132 | 1,760 | 1,344 |

Existing 1% (100-Year) Floodplain



Previous Hydrology



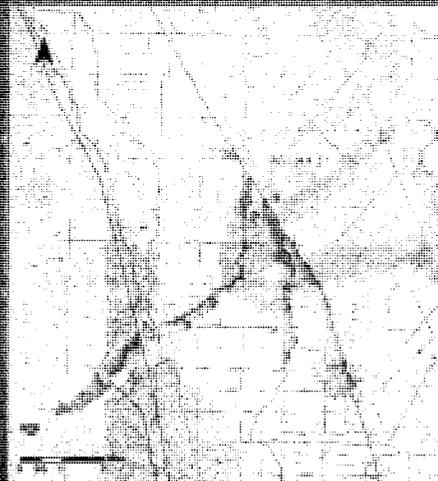
Revised Hydrology

Existing Floodplain

Typical alluvial fan, once stream is no longer confined to mountain valley, flood waters spread away from channel.

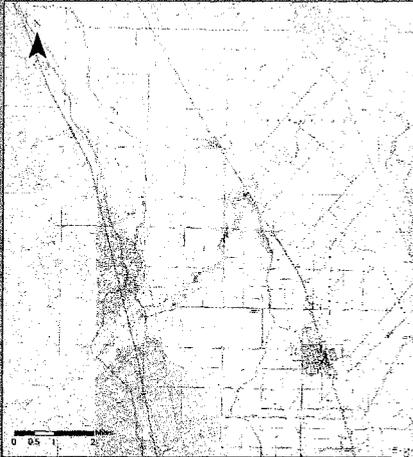
Channel capacity limited from Jorgensen Road to 1 mile east of Highway 33. Upstream and downstream capacities are greater.

Railroad, canal and highway embankments, act as long weirs that cross the alluvial fan, forcing floodwaters to pond and overtop them.

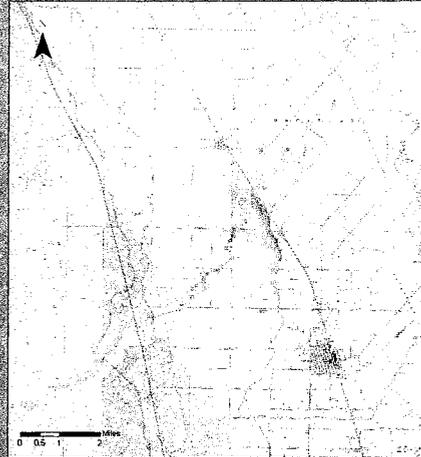


Existing 1% Floodplain

Existing Floodplains

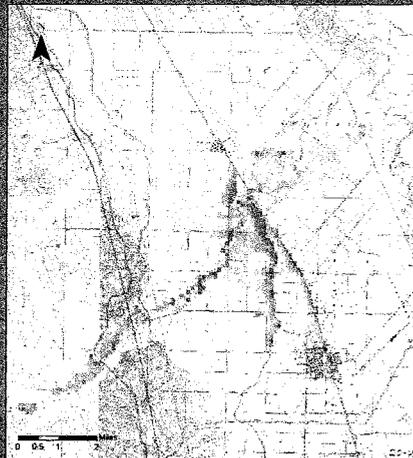


Existing 20% (5-Year) Floodplain

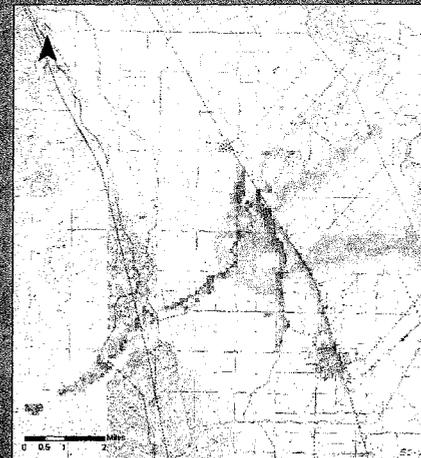


Existing 10% (10-Year) Floodplain

Existing Floodplains

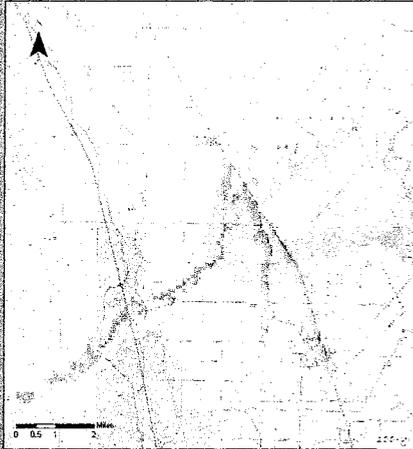


Existing 5% (20-Year) Floodplain

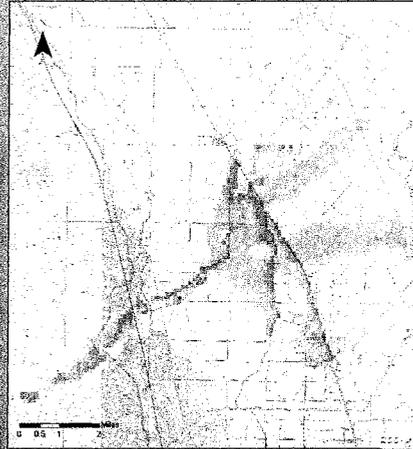


Existing 2% (50-Year) Floodplain

Existing Floodplains



Existing 1% (100-Year) Floodplain



Existing 0.5% (200-Year) Floodplain

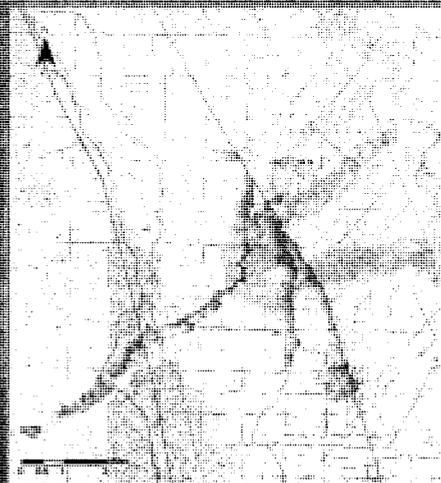
Existing Damages

Annualized agricultural damages of \$1.0 Million

Annualized urban damages of \$1.1 Million

Maximum bearable project cost that can support a 1.0 cost/benefit ratio assuming all damages are prevented and a 50-year design life is between \$37-\$42 million

Residual damages would reduce maximum bearable project cost



Existing 1% Floodplain

Alternative 1 – Upstream Dry Dam 0.5% (200-Year) Design

Inflow Design Flood (Peak) – 16,350 cfs

Design Outflow (Peak) – 1,800 cfs

Probable Maximum Flood (Peak) – 74,000 cfs

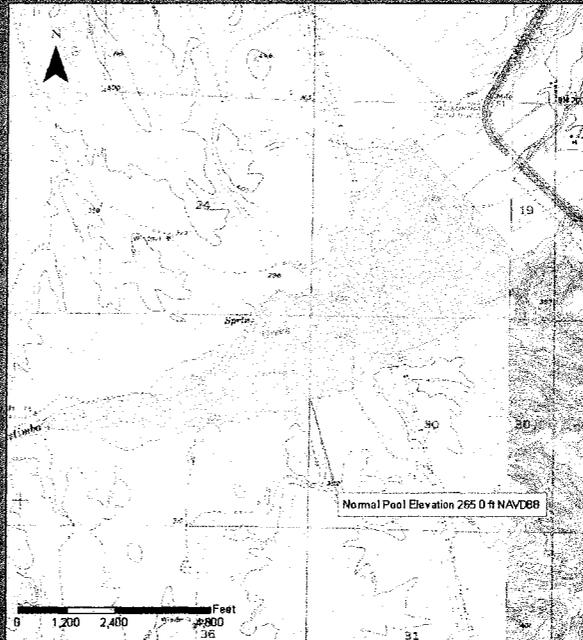
Normal Pool (Sillway) Elevation – 265 feet NAVD88 (existing ground 210 feet)

Top of Dam Elevation – 287 feet NAVD88

Dam Height – 77 feet (55 feet higher than California Aqueduct)

Outlets – Four 5 foot wide by 9 foot high sluice gates

Upstream Dry Dam 0.5% (200-Year) Design



Alternative 1 – Upstream Dry Dam 0.5% (200-Year) Design

Spillway – Stepped concrete with 250 feet wide by 80 feet long stilling basin

Spillway needs to be aligned with siphon "gap" in the aqueduct so the creek will need to be offset from center of dam

New concrete-lined inlet and outlet channels connecting outlet to creek channel

Construct road for access during large floods

Place rock revetment to protect California Aqueduct Siphon from creek incision due to dam

Alternative 1 – Upstream Dry Dam 1.0% (100-Year) Design

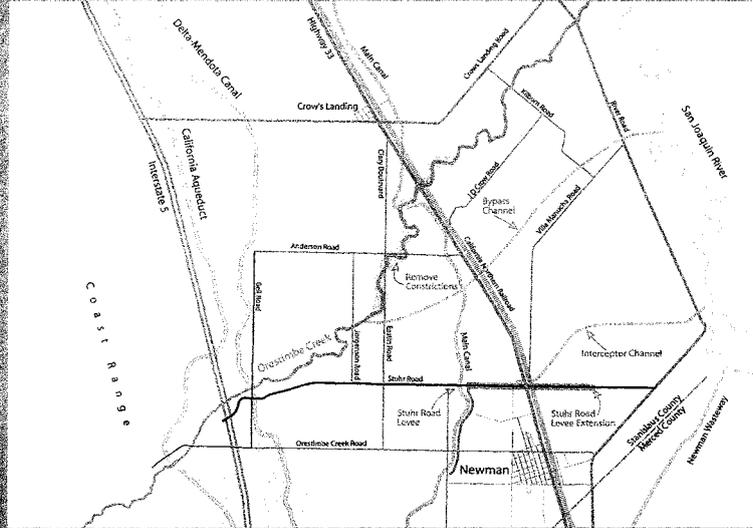
Inflow Design Flood (Peak) – 13,830 cfs

Design outflow (Peak) – 1,800 cfs

Probable Maximum Flood (Peak) – 74,000 cfs

Currently evaluating design

Alternative 2 – Levee System



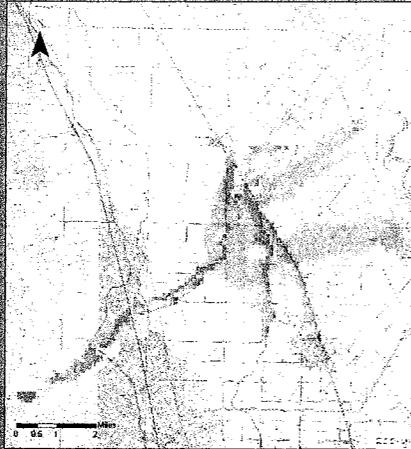
Alternative 2 – Levee System Stuhr Road Levee (.5% or 200 yr event)

Reinforce Main Canal Levee from Stuhr Road south 1.6 miles

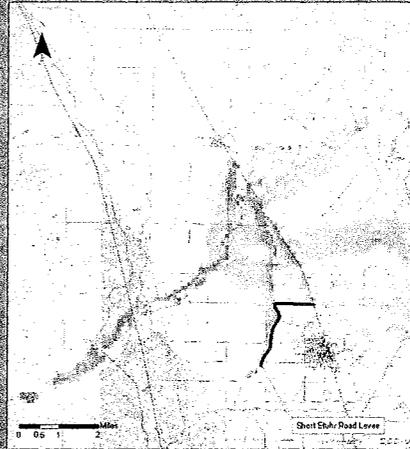
Raise Stuhr Road from Main Canal east to the Railroad

Design Levee Height -- 3 to 4 feet

Alternative 2 – Levee System Stuhr Road Levee



Existing 0.5% Floodplain



Stuhr Road Levee 0.5 % Floodplain

Alternative 2 – Levee System Stuhr Road Levee Extension (.5% or 200 yr event)

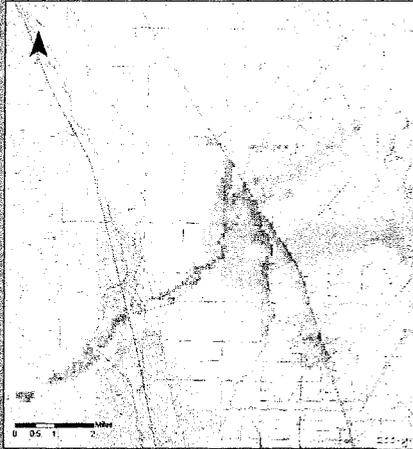
Reinforce Main Canal Levee from Stuhr Road south 1.8 miles

Raise Stuhr Road from Main Canal east to the Railroad

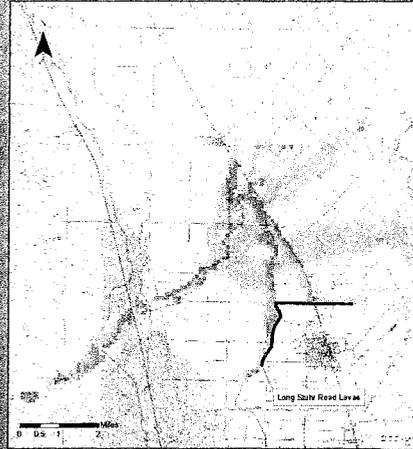
Extend Stuhr road levee 1 mile east of railroad

Design Height – 2 to 3 feet

Alternative 2 – Levee System Stuhr Road Levee Extension



Existing 0.5 % Floodplain



Levee Extension 0.5% Floodplain

Alternative 2 – Levee System Interceptor Channel

Reinforce Main Canal Levee from Stuhr Road south 1.8 miles

Raise Stuhr Road from Main Canal east to the Railroad

Construct culvert(s) through railroad embankment at Stuhr Road and Highway 33. Culverts sized to reduce water surface west of railroad to existing conditions.

Construct Interceptor Channel to convey culvert flow to San Joaquin River.

Currently evaluating design.

Alternative 2 – Levee System Large Channel Improvement (2% or 50 year event)

Design Capacity – 1,500cfs in Orestimba Creek and
10,500cfs in Bypass

120 foot wide rock lined bypass from Jorgensen
Road to San Joaquin River

Approximate levee height along bypass 6 feet to 10
feet

Construct Siphon for Main Canal under bypass

Alternative 2 – Levee System Large Channel Improvement

Construct bridges across bypass at River Road, Railroad, and Highway
33

Construct Low water crossings of bypass at other road ways like Draper
and Eastin Roads.

Design Velocity at 1 foot depth – 1.5 feet per second

Design Velocity at full depth – 7 feet per second

Alternative 2 – Levee System Small Channel Improvement (Less than a 10 year event)

- Increase Capacity from Jorgensen Road to 1 mile downstream of Highway 33.
- Design Capacity – 4,000cfs (Existing Capacity 1,800cfs)
- Replace three local bridges and the railroad bridge
- Excavate portions of the channel
- Place levees along portions of the channel
- Currently evaluating design

Next Steps/Schedule

- July – Complete Hydraulic modeling of alternatives
- Aug - Sep Develop Costs, B/C ratios, & NED
- Sep – Mar 09 Prepare report for Alt Review Conference (including environmental)
- Mar – Aug Prepare for F4a Conference
- Dec 09 Draft EIS released for public review

Proposed Budget FY09

| | |
|--------------------|-----------|
| President's Budget | \$0 |
| House | \$360,000 |
| Senate | \$400,000 |

Fed and Non-fed combined budget

FY09 budget of \$720,000 – \$800,000

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.f.**
City Council Meeting
of August 12, 2008

REPORT ON YANCEY BUILDING DESIGN OPTIONS

RECOMMENDATION:

Review design options for the Yancey Building and provide direction to staff.

BACKGROUND:

Over the past year, the Plaza Committee has worked towards a final design for the plaza. With the inclusion on the McBride property and other surrounding properties, the original design evolved from the master plan level. As the committee worked through the process and evaluated each of the components, some were recommended for elimination.

On June 10, 2008, RRM Design presented a plaza design recommended from the Plaza Committee. During the meeting, the Council expressed a desire to have the Yancey Building in the plaza and directed staff, consultants and committee to re-evaluate the plan and the placement of the Yancey Building.

ANALYSIS:

Following the June 10th meeting, staff organized two plaza committee meetings. The first meeting focused on the trying to define the use of the building. The recurring comment centered on a visitors center/chamber office. However, it was generally agreed that staffing the structure did present challenges. Near the end of the meeting, the consultant introduced the idea of having the structure remain in its current location. This concept was illustrated in a color photo showing the rear of the museum transformed into a garden setting.

This proposed design concept recommends rehabilitating the Yancey building in its approximate location. The chain link fence would be replaced with a decorative wrought iron fence with columns matching the museum building. A courtyard would be installed at the north entrance serving the lower museum area. Other features would include a decorative trellis, turf, concrete paving, wood handicap access ramps, and open areas beneath shade trees to display farm equipment. The garden setting could be used to host League of Ca Cities meetings and BBQs, funding raisers for the Historical Society and other local groups, and display historical items.

For the second committee meeting, the consultants prepared four drawings of the Yancey Building in the southeast corner of the plaza. Upon reviewing each proposal individually, the committee identified their preference. Following a discussion of the merits of this drawing and the museum drawing, all persons in attendance took a vote to recommend either the plaza plan or the museum plan to the Council. The overwhelming recommendation was to place the Yancey building at the Museum and move forward with plaza plan as presented to the Council at their June meeting.

Attached for the Council review are two color renderings. The first rendering focuses on the southeast corner of the plaza and placement of the Yancey building. The second rendering shows how the corner fits in relation to the remaining plaza. Staff will have all images available and lead a discussion regarding the potential of each plan.

FISCAL IMPACT:

Undetermined.

CONCLUSION:

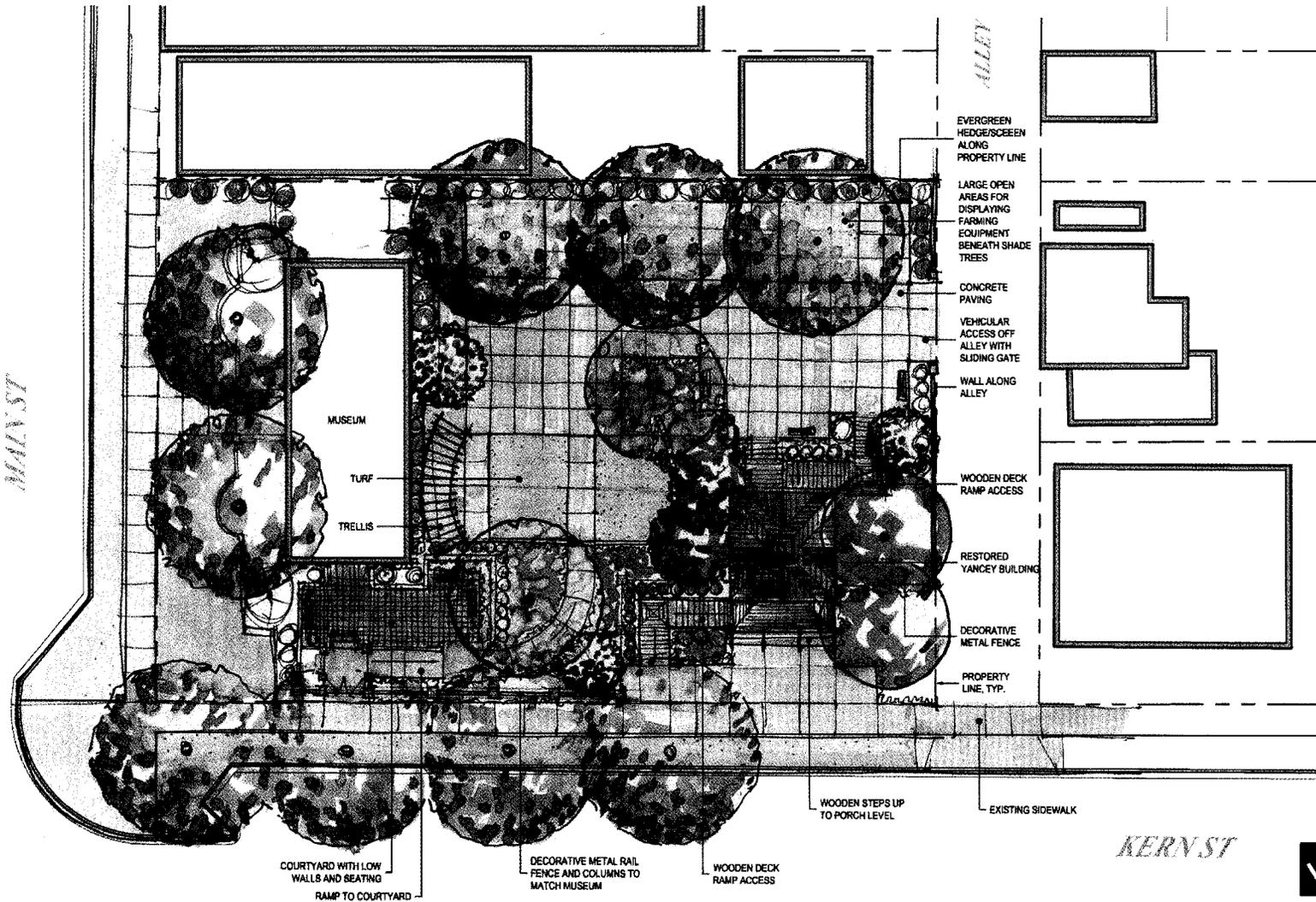
At the request of Council, staff is presented two potential options for placement of the Yancey building. The first option would rehabilitate the building at its current location and transforms the rear of the museum into a garden-type setting, which could host City sponsored events and other types of fundraisers. This option was recommended by the Plaza Committee. The second option places the Yancey building in the southeast corner of the plaza. While a formal use is not identified, the building could potentially serve as a visitor's center and Chamber office.

Staff requests Council direction so that the plaza project may continue progressing to ensure plans are completed in time to use the Federal grant monies.

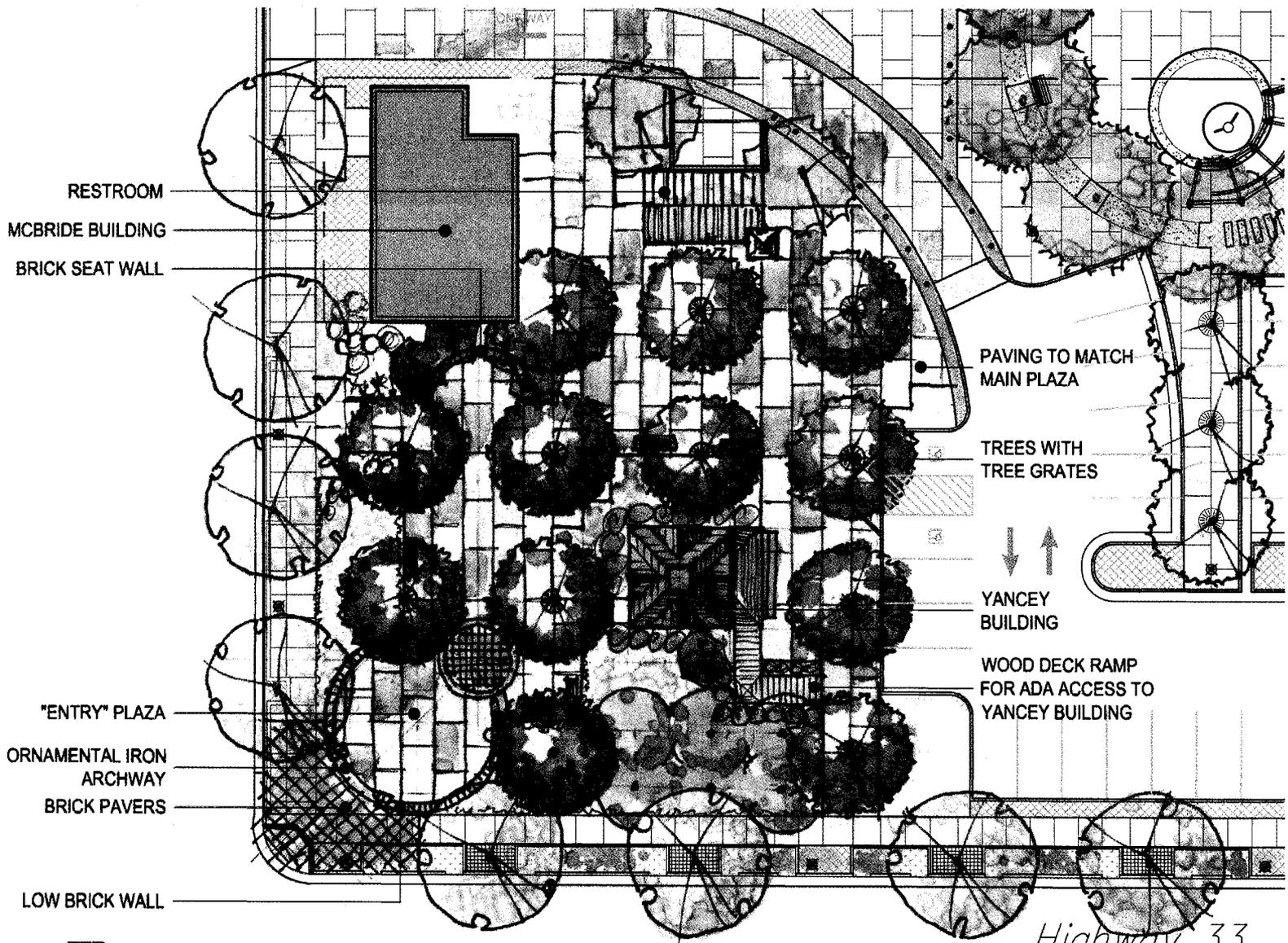
Respectfully submitted,



Michael Holland
City Manager



Yancey Building at Museum - Concept Plan



RESTROOM
 MCBRIDE BUILDING
 BRICK SEAT WALL

PAVING TO MATCH
 MAIN PLAZA

TREES WITH
 TREE GRATES

YANCEY
 BUILDING

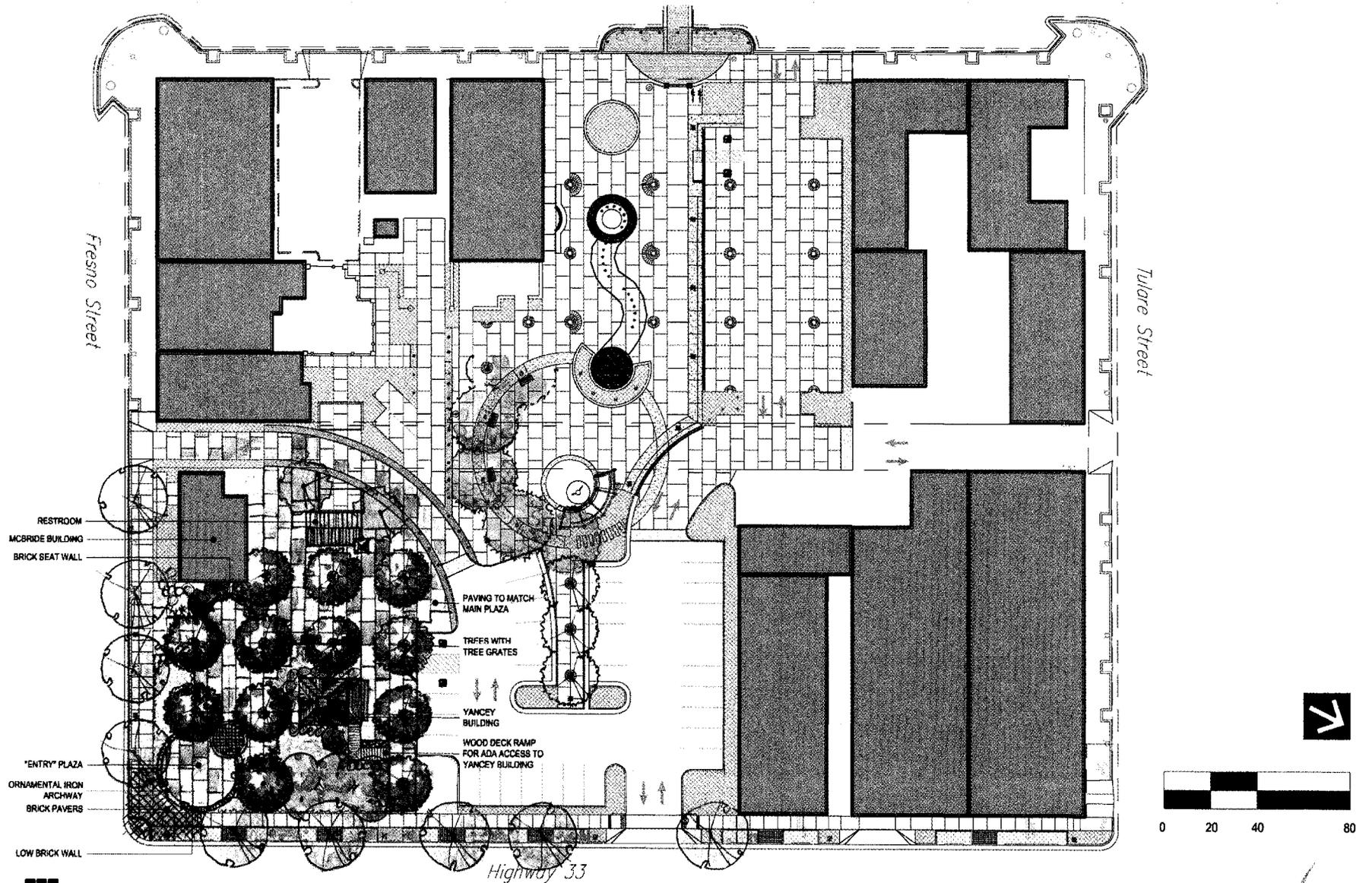
WOOD DECK RAMP
 FOR ADA ACCESS TO
 YANCEY BUILDING

"ENTRY" PLAZA
 ORNAMENTAL IRON
 ARCHWAY
 BRICK PAVERS
 LOW BRICK WALL



Highway 33

Yancey Building at Plaza - Concept Plan



Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.g.**
City Council Meeting
of August 12, 2008

ENTERPRISE ZONE 40 EXPANSION REQUEST

RECOMMENDATION:

Adopt Resolution #2008-xx approving the expansion of the Stanislaus County Enterprise Zone.

BACKGROUND:

Some months ago, Doug Sweetland from the Alliance spoke to the Council regarding the benefits of the Enterprise Zone. Upon completion, the Council indicated support for filing an application to expand the Enterprise Zone to Newman.

ANALYSIS:

Expansion of the Enterprise Zone to Newman will provide tremendous benefit to current and future local businesses. The Enterprise Zone designation allows businesses to receive tax credits for hiring 'qualified employees' and purchasing equipment. The zone will assist the City when attempting to attract new businesses to the community.

FISCAL IMPACT:

No direct impact. Potential for positive impact in the future as new businesses are attracted to the community.

CONCLUSION:

Staff recommends that the Council approve the attached resolution to expand the Enterprise Zone to Newman. Since the City's application includes land currently outside City Limits, the County has been asked, and graciously agreed, to co-sponsor the application.

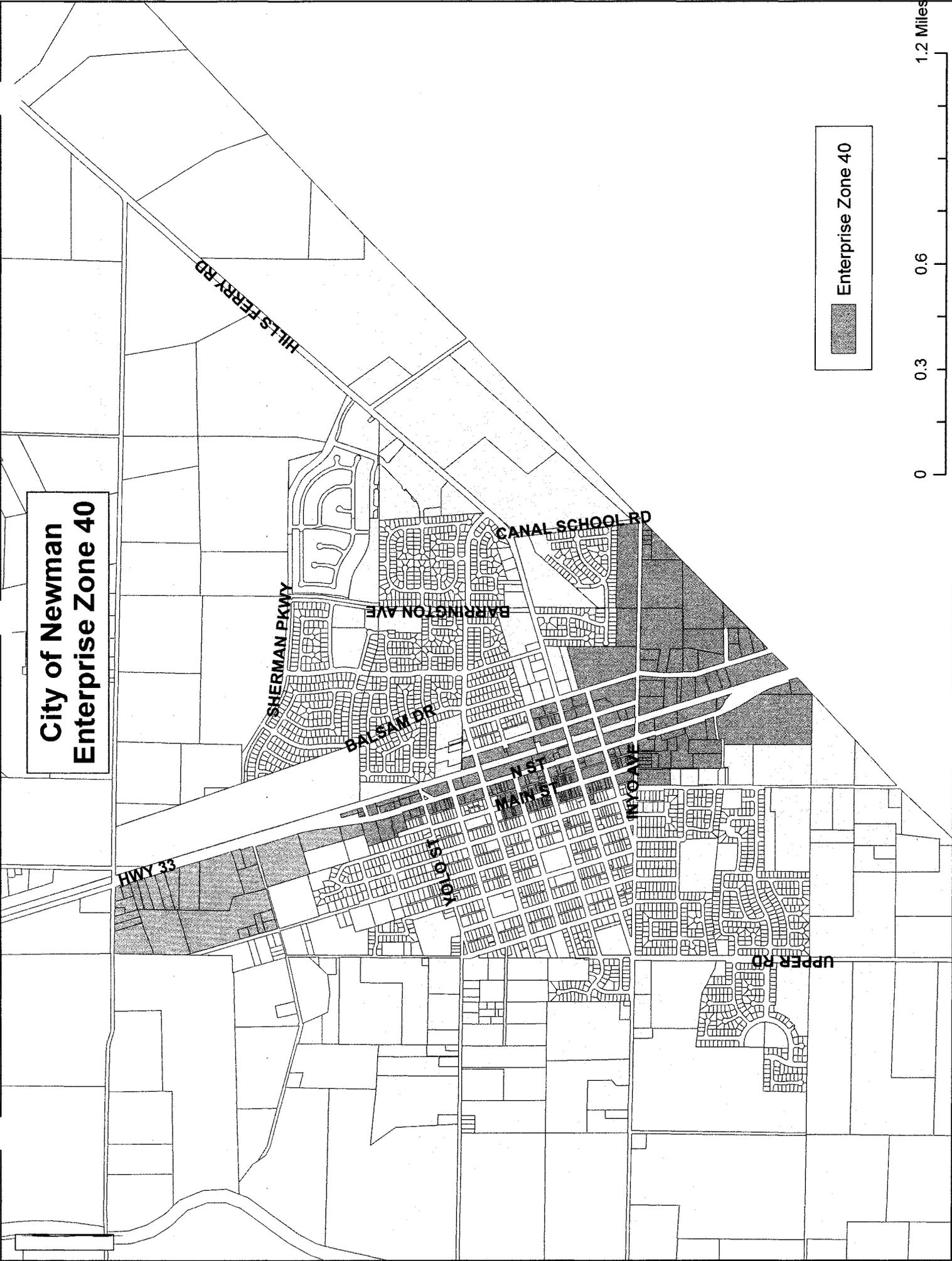
Respectfully submitted,



Michael Holland
City Manager

**City of Newman
Enterprise Zone 40**

Enterprise Zone 40



ZONE 40

STANISLAUS ENTERPRISE ZONE

FREQUENTLY ASKED QUESTIONS

What is an Enterprise Zone?

It is a state-sponsored tax benefit program which is designed to reduce the cost of doing business. The Enterprise Zone Act provides special tax incentives for entities and individuals who operate or invest in a business within zone boundaries.

How do I qualify for the tax benefit?

All businesses located within the zone boundaries are eligible for benefits. Your zone address qualifies you automatically for the opportunity to earn tax credits.

How do I know if my business is located in the Enterprise Zone?

To verify whether your business is located within Zone 40, you can log onto www.stanalliance.com or call the Alliance at 209.523.ZONE(9663).

Note: When using the online street verification, if you are not certain your business is within the city boundaries or in the county, make sure and check the unincorporated list on the website as well.

How long does the Enterprise Zone program last?

It lasts for 15 years from date of designation. Zone 40, the Stanislaus Enterprise Zone, was designated November 16, 2005.

What are some of the valuable tax incentives offered by the Stanislaus Enterprise Zone?

State Tax Credits

- ♦ Hiring Tax Credit
- ♦ Sales and Use Tax Credit
- ♦ Business Expense Deduction
- ♦ 15 Year Net Operating Loss (NOL)
- ♦ Net Interest Deduction

Local Incentives

- ♦ Business Assistance
- ♦ Job Placement Assistance
- ♦ Eligibility Screening
- ♦ Fast Track Permitting

Hiring Tax Credit (Vouchering)

Vouchering is the process of screening and documenting new hires to determine if the employee qualifies a business for the credit. The California Housing and Community Development Department has a \$10 filing fee per voucher. In addition, there is

40 local processing fee per person referred for eligibility and vouchering.

www.stanalliance.com

FREQUENTLY ASKED QUESTIONS

If I have job openings, how do I find qualified candidates?

As a service to Stanislaus businesses, the Alliance will assist businesses in processing job orders and help identify eligible applicants.

If I recently hired a new employee and want to see if they qualify my company for the hiring tax credit, what should I do?

Hiring tax credit eligibility screening can be conducted on new hires within the first two weeks of employment. Contact the Alliance at 209.523.ZONE (9663)

Which employees qualify my business for a hiring tax credit?

A "qualified employee" is an employee who:

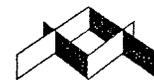
- ♦ Ninety percent of the work must be directly related to a trade or business activity in the enterprise zone
- ♦ Performs at least 50% of the work within the boundaries of the zone;
- ♦ Is a regular employee, not a temporary or contract worker; and
- ♦ Is part-time or full-time

In addition, a "qualified employee" must be currently or six months prior to their hire date, one of the following:

- 1) A person receiving or eligible to receive subsidized employment, training or services funded by WIA
- 2) A person eligible to be a voluntary or mandatory participant in CalWorks
- 3) A member of a targeted group as defined in the Federal Work Opportunity Tax Credit (WOTC)
- 4) An economically disadvantaged individual 14 years of age or older
- 5) A qualified dislocated worker
- 6) A disabled individual eligible for, enrolled in, or who completed a state rehabilitation program
- 7) A service connected disabled veteran
- 8) A veteran of the Vietnam era
- 9) A veteran who recently separated from military service (48 months prior to hire date)
- 10) An ex-offender
- 11) A person eligible for or recipient of:
 - ♦ SSI benefits
 - ♦ Temporary Assistance for Needy Families (TANF)
 - ♦ Food Stamps
 - ♦ State and local general assistance
- 12) A Native American
- 13) A resident of a Targeted Employment Area (TEA)

Who do I contact if I want to find out more about ZONE 40?

For Zone 40 information, contact the Alliance 209.523-ZONE (9663) or visit the Alliance website at www.stanalliance.com.



ALLIANCE

1010 10th Street . Suite 1400 . Modesto . California 95354

www.stanalliance.com

RESOLUTION NO. 2008-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN APPROVING THE EXPANSION OF THE STANISLAUS COUNTY ENTERPRISE ZONE

WHEREAS, the County of Stanislaus currently has an enterprise zone that was established on November 16, 2005 and has jurisdiction over the existing zone, as well as the proposed expansion area; and

WHEREAS, the County of Stanislaus wishes to expand the boundaries of its enterprise zone to include a contiguous geographic area as set forth in the attached boundary map; and

WHEREAS, Land included with the proposed expansion area is zoned for industrial or commercial use; and

WHEREAS, basic infrastructure is available to the area that would be included in the proposed expansion area; and

WHEREAS the County of Stanislaus and the City of Newman will provide the same or equivalent local incentives as provided to the existing enterprise zone; and

WHEREAS, the County of Stanislaus will submit a written request as required to the California Department of Housing & Community Development to have its enterprise zone boundaries expanded.

NOW THEREFORE, BE IT RESOLVED that the County of Stanislaus desires to expand the geographic boundaries of its enterprise zone as set forth in the attached map.

THEREFORE BE IT FURTHER RESOLVED that the City of Newman supports and Approves the enterprise zone expansion into the areas of the City of Newman as shown on the attached map.

THEREFORE, BE IT RESOLVED that the County of Stanislaus directs the Stanislaus Economic Development and Workforce Alliance, as the Stanislaus EZ Administrator, to submit the written request and required accompanying documentation to expand the enterprise zone.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12th day of August 2008 by Council Member _____, who moved its adoption, which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

John G. Fantazia, Mayor

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.h.**
City Council Meeting
of August 12, 2008

FUNDING REQUEST FROM "READY, SET, LEARN" CAMPAIGN

RECOMMENDATION:

Approve funding request from First Baptist Church of Newman for "Ready, Set, Learn" program.

BACKGROUND:

A written request (attached) has been submitted by Women's Missionary Union of First Baptist Church of Newman for a campaign called "Ready, Set, Learn." The program was created to provide school-age children with backpacks filled with essential school supplies. School begins on August 18th, with distribution occurring on August 16th.

ANALYSIS:

State budgets concerns over that past several years have lead school districts to reduce and/or eliminate their ability to supply the students with school supplies. In addition, the current economic climate has diminished the ability of some families to provide their children with essential school supplies.

FISCAL IMPACT:

Minimal. \$250 can be used from the Community Promotions fund.

CONCLUSION:

Staff recommends the City Council donate \$250 from the Community Promotions fund to the "Ready, Set, Learn" campaign to assist local children with backpacks and essential school supplies.

Respectfully submitted,



Michael Holland
City Manager

FIRST BAPTIST CHURCH OF NEWMAN

910 'R' Street - P. O. Box 759
Newman, CA 95360
(209) 862-2393
Pastor Doug Farmer
Associate Pastor Tim Weimer
Youth Minister John Kinimaka

August 1, 2008

Newman City Council
1162 Main Street
Post Office Box 787
Newman, California 95360

Dear Council Members:

Our Women's Missionary Union is launching a campaign to help children in grades pre-K to 5 get a good start back to school, here in Newman. The campaign is entitled "Ready, Set, Learn". We are so excited about this ministry in which we will sponsor students in Newman by providing them with backpacks, filled with the necessary schools supplies they will need for school.

School begins August 18th and distribution will be August 16th; please consider helping us make this a successful campaign by donating backpacks or a monetary gift.

Thank you so much for your consideration in this effort to get our students excited and ready to learn. Should you have questions you may contact me at 209.620.5686.

Sincerely,

Cris McDonald
Women's Missionary Union

CM:cm