

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING DECEMBER 9, 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. Report On Canvass Of Vote.
 - a. Adopt Resolution No. 2008- , Declaring The Results Of The Municipal Election Held On November 4, 2008.
 - b. Oath Of Office To Newly Elected Council Members
 - c. Ten Minute Recess
6. Declaration Of Conflicts Of Interest.
7. Ceremonial Matters.
8. Items from the Public - Non-Agenda Items.
9. Consent Calendar
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants.
 - c. Approval Of Minutes Of The November 18, 2008 Special Meeting.
10. Public Hearings
 - a. Adopt Resolution No. 2008- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.
 - b. Second Reading And Adoption Of Ordinance No. 2008- , An Ordinance Amending Title 8 Health And Sanitation Of The Newman City Code And Adding Chapter 8.01.180 Unauthorized Entry into Waste Containers And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.

- c. Second Reading And Adoption Of Ordinance No. 2008- , An Ordinance Amending Title 9 Police Regulations Of The Newman City Code, Modifying Section 9.02 Animal Control And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.
- d. Approve And Adopt The Howard B. Hill Jr. Park Project Final Initial Study And Negative Declaration And Authorize Staff To File A Notice Of Determination.
- e. Second Reading And Adoption Of Ordinance No. 2008- , An Ordinance Amending Title 11.05 Water Service Regulations Of The Newman City Code And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.

11. Regular Business

- a. Consideration Of Method For Filling City Council Vacancy Created By The Election Of Council Member Ed Katen As Mayor.
- b. Second Reading And Adoption Of Ordinance No. 2008- , An Ordinance Regarding Maintenance, Security And Rehabilitation Of Abandoned And Vacant Property And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.
- c. Adopt Resolution No. 2008- , A Resolution Declaring Certain Property - Surplus Property
- d. Adopt Resolution No. 2008- , A Resolution Authorizing The City Manager To Execute A Memorandum of Understanding With The City Of Patterson For Fire Department Clerical Services.
- e. Adopt Resolution No. 2008- , A Resolution Authorizing The City Manger To Execute A Reimbursement And Loan Agreement with 33 & Inyo Partners LTD.

12. Items From The City Manager And Staff.

13. Items From City Council Members.

14. Adjourn To Closed Session

- a. Conference With Legal Council - Potential Litigation – One Case - G.C. 54956.9.
- b. Return To Open Session

15. Adjournment.

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
SPECIAL MEETING NOVEMBER 18, 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, Crinklaw, Martina and Mayor Fantazia
ABSENT: Kelly
5. Declaration Of Conflicts Of Interest- None

6. Ceremonial Matters.

- a. Proclamation Women's League 40th Anniversary.

Mayor Fantazia Presented The Proclamation Commemorating The Women's League 40th Anniversary.

- b. Recognition Of Brett Short's Promotion To Sergeant.

Chief McGill Publicly Recognized Brett Short's Promotion To Sergeant.

7. Items from the Public - Non-Agenda Items

David Reed, 1541 Kern Street, Thanked Council Members Crinklaw And Katen On Behalf Of American Legion Post 240 And V.F.W. Post 7635 For Attending Their Veteran's Day Program. Reed Also Invited Everyone To The Chamber Of Commerce Christmas Mixer On December 4, 2008 And To The Tree Lighting Ceremony On December 6, 2008.

David Nemanic, 1523 Brookhaven Drive, Inquired About Boat Parking Enforcement And Asked The Council To Be Consistent In Their Enforcement Of The Laws.

Mike Legate, 1161 "S" Street, Stated That He Received An Abatement Notice An That He Would Like To Talk To The Chief Regarding His Circumstances

8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The October 28, 2008 Regular Meeting.

ACTION: On Motion By Martina Seconded By Crinklaw And Carried With Katen Abstaining, The Consent Calendar Was Approved.

9. Public Hearings

- a. Adopt Resolution No. 2008- 62 A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Fantazia Opened The Public Hearing At 7:25 P.M.

There Being No Public Comment Fantazia Closed The Public Hearing At 7:26 P.M.

ACTION: On Motion By Katen Seconded By Crinklaw And Unanimously Carried, Resolution #2008-62, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

- b. Accept Wastewater Collection System Master Plan And Wastewater Treatment And Disposal Master Plan.

Tiffany Knapp, Project Engineer With Eco:Logic, Reviewed The Wastewater Collection System Master Plan And The Wastewater Treatment And Disposal Master Plan.

Mayor Fantazia Opened The Public Hearing At 7:32 P.M.

There Being No Public Comment Fantazia Closed The Public Hearing At 7:33 P.M.

ACTION: On Motion By Crinklaw Seconded By Martina And Unanimously Carried, The Council Accepted The Wastewater Collection System Master Plan And The Wastewater Treatment And Disposal Master Plan.

- c. Introduction And First Reading Of Ordinance No. 2008- , An Ordinance Regarding Maintenance, Security And Rehabilitation Of Abandoned And Vacant Property And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.

Mayor Fantazia Opened The Public Hearing At 7:33 P.M.

There Being No Public Comment Fantazia Closed The Public Hearing At 7:34 P.M.

ACTION: Ordinance No. 2008-_____, An Ordinance Regarding Maintenance, Security And Rehabilitation Of Abandoned And Vacant Property Was Introduced By Council Member Katen.

The Council Authorized Staff To Prepare And Publish A Summary Of Said Ordinance. Ordinance Had Its First Reading By Title Only.

10. Regular Business

- a. Continuance Of Appeal Of Planning Commission Decision Denying Variance No. 2008-02; Joe Winters Applicant

Joe Winters, 544 Waxwing Court, Explained That He Has Had Trouble Getting The Contractor, Who Originally Installed The Structure, To Cooperate With Him. He Then Asked The Council For Leniency.

ACTION: On Motion By Crinklaw Seconded By Martina And Unanimously Carried, Variance No. 08-02 Was Denied With The Added Stipulation That Mr. Winters Would Be Afforded Six Months To Bring His Building Into Compliance With City Code.

- b. Consider An Amendment To The Consolidated Plan (Fiscal Years 2007-2012) And Annual Action Plan (Fiscal Year 2008-2009) To Include The Expenditure Of \$9,744,482.00 In Housing And Urban Development Entitlement Grant Funds Under The Neighborhood Stabilization Program.

ACTION: On Motion By Martina Seconded By Katen And Unanimously Carried, The Council Amended The Consolidated Plan (Fiscal Years 2007-2012) And Annual Action Plan (Fiscal Year 2008-2009) To Include The Expenditure Of \$9,744,482.00 In Housing And Urban Development Entitlement Grant Funds Under The Neighborhood Stabilization Program.

- c. Introduction And First Reading Of Ordinance No. 2008- , An Ordinance Amending Title 11.05 Water Service Regulations Of The Newman City Code And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.

ACTION: Ordinance No. 2008-_____, An Ordinance Amending Title 11.05 Water Service Regulations Of The Newman City Code Was Introduced By Council Member Crinklaw. The Council Authorized Staff To Prepare And Publish A Summary Of Said Ordinance. Ordinance Had Its First Reading By Title Only.

- d. Adopt Resolution No. 2008-63, Authorizing The City Manger To Execute A Contract With The City Of Gustine For Animal Shelter Services And Authorize A Budget Adjustment For The Purchase Of An Animal Services Pick-Up.

ACTION: On Motion By Katen Seconded By Crinklaw And Unanimously Carried, Resolution #2008-63, A Resolution Authorizing The City Manger To Execute A Contract With The City Of Gustine For Animal Shelter Services And Authorize A Budget Adjustment For The Purchase Of An Animal Services Pick-Up Was Adopted.

- e. Introduction And First Reading Of Ordinance No. 2008- , An Ordinance Amending Title 9 Police Regulations Of The Newman City Code, Modifying Section 9.02 Animal Control.

ACTION: Ordinance No. 2008-_____, An Ordinance Amending Title 9 Police Regulations Of The Newman City Code, Modifying Section 9.02 Animal Control Was Introduced By Council Member Katen. The Council Authorized Staff To Prepare And Publish A Summary Of Said Ordinance. Ordinance Had Its First Reading By Title Only.

- f. Introduction And First Reading Of Ordinance No. 2008- , An Ordinance Amending Title 8 Health And Sanitation Of The Newman City Code And Adding Chapter 8.01.180 Unauthorized Entry Into Waste Containers And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.

ACTION: Ordinance No. 2008-_____, An Ordinance Amending Title 8 Health And Sanitation Of The Newman City Code And Adding Chapter 8.01.180 Unauthorized Entry Into Waste Containers Was Introduced By Council Member Martina. The Council Authorized Staff To Prepare And Publish A Summary Of Said Ordinance. Ordinance Had Its First Reading By Title Only.

- g. Adopt Resolution No. 2008-64, Approving The Driskell Avenue Sidewalk Infill Project And Authorizing John Fantazia As Mayor, And Michael E. Holland, As City Clerk To Record A Notice Of Completion.

ACTION: On Motion By Crinklaw Seconded By Martina And Unanimously Carried, Resolution #2008-64, A Resolution Approving The Driskell Avenue Sidewalk Infill Project And Authorizing John Fantazia As Mayor, And Michael E. Holland, As City Clerk To Record A Notice Of Completion Was Adopted.

- h. Report On The City Of Newman Sanitary Sewer Line Replacement Project And Award Bid To Lawrence Backhoe.

ACTION: On Motion By Katen Seconded By Martina And Unanimously Carried, The Council Awarded The Sanitary Sewer Line Replacement Project Bid To Lawrence Backhoe In The Amount Of \$124,899.90.

- i. Authorize The City Manger To Execute A Contract With NTD Architecture For Aquatic Center Construction Documents And Administration.

ACTION: On Motion By Martina Seconded By Katen And Unanimously Carried, Resolution #2008-65, A Resolution Authorizing The City Manger To Execute A Contract With NTD Architecture For Aquatic Center Construction Documents And Administration Was Adopted.

11. Items From The City Manager And Staff.

City Manager Holland Thanked Chief McGill For His Hard Work On The Animal Services Solution. Holland Mentioned That Garner Reynolds Is The City's New Public Works Director And That He Started On November 3rd. He Reminded The Council That The November 25th Meeting Had Been Canceled And That The Council Will Have Thirty Days From December 9th To Decide Whether Or Not To Appoint Someone To Fill Council Member Katen's Vacant Seat And That A Special Meeting In Early January May Be Required. Holland Announced That He Was Pleased To Report That The CDBG Funded Computer Courses Have Proved To Be Very Popular In The Community. Holland Also Mentioned That He Would Be Asking The Council To Approve An M.O.U. With The City Of Patterson And The West Stanislaus Fire Protection District For The Joint Use Of Fire Department Software. Holland Finished His Remarks By Thanking Mayor Fantazia And Council Member Crinklaw For Their Distinguished Service To The City And The Community.

Chief McGill Acknowledged Sergeant Short And Officer Marriot Whose Work Led To The Apprehension Of A Burglary Suspect. McGill Also Noted That Two Other Individuals Were Also Apprehended In The Case Of The Teen Center Burglaries.

Recreation Supervisor Heiberger Informed The Council That The Youth Basketball Registration Period Had Ended And That Practices Were Scheduled To Begin In Early December.

12. Items From City Council Members.

Council Member Crinklaw Stated That He Was Proud Of This City Council And City Staff And That He Has Great Confidence In The City's Future And That He Was Proud Of This Council's Accomplishments.

Council Member Martina Thanked The Police Department For Their Professionalism.

Council Member Katen Congratulated Sergeant Short On His Promotion And Mentioned That He Attended The Veterans Day Ceremony In Gustine And That It Was Very Moving. Katen Also Commented That He Wanted To Be Sure That The Veterans Memorial Would Still Be Included In The Plaza Project.

Mayor Fantazia Thanked The Community And Staff For Their Support.

13. Adjournment.

ACTION: On Motion By Crinklaw Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 8:45 P.M.

Date.: Nov 26, 2008
Time.: 8:49 am
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 1
List.: NEW1
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
035029	11/26/08	103.59	ARROWHEAD MOUNTAIN SPRING	BOTTLED WATER/POLICE DEPT/WWTP
035030	11/26/08	734.40	BOYLE ENGINEERING CORPORATION	GENERAL PLANNING/09/27/08 TO 10/31/08
035031	11/26/08	987.60	BUSINESS CARD	CAR WASH/MEALS/LODGING/STAMPED ENVELOPES
035032	11/26/08	200.00	IRMA CRUZ	REFUND MEMORIAL BLDG DEPOSIT/I. LOPEZ
035033	11/26/08	773.75	GEOANALYTICAL LAB, INC.	BOD/TSS/BACTI/NITRATE SAMPLING/WWTP/WATER DEPT/OCT
035034	11/26/08	27.25	T.H.E. OFFICE CITY	DATER/INKED STAMP
Sub-Total:		----- 2826.59		
Grn-Total:		----- 2826.59		
Count:		6		

Date.: Dec 5, 2008
Time.: 9:23 am
Run by: EMILY M. FARIA

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Ck #	Check Date	CK Amount	Vendor Name	Description
035035	12/01/08	100.00	MID-VALLEY WATER UTIL ASO	2009 MID VALLEY WATER UTILITY ASSOC DUES
035036	12/05/08	550.44	ABBOTT & KINDERMANN, LLP	SHERMAN RANCH LEGAL FEES THRU 11/20/08
035037	12/05/08	299.78	ALL STAR CHEMICAL CORP	ORANGE SQUIRT CONCENTRATE/FIRE DEPT
035038	12/05/08	154.39	AT&T	EMERGENCY DISPATCH LINE/11/7/08 TO 12/06/08/PD
035039	12/05/08	38.05	AT&T/MCI	TELEPHONE SERVICE/SENIOR CENTER
035039	12/05/08	571.50	AT&T/MCI	TELEPHONE SERVICE/NOV 2008
035040	12/05/08	23.37	AT&T LONG DISTANCE	LONG DISTANCE SERVICE/OCT 2008
035041	12/05/08	359.22	AT&T	T1 LINE AT PD/11/20/08
035042	12/05/08	48779.71	BERTOLOTTI DISPOSAL	GARBAGE SERVICE/NOV 2008
035043	12/05/08	683.65	BERTOLOTTI DISPOSAL	LANDFILL FEES/NOV 2008
035044	12/05/08	18.16	B G AUTO	PM ORANGE (DEX COOL)/KABOTA
035045	12/05/08	646.12	BIGELOW CHEVROLET, INC	DOOR HANDLE/BATTERY/COOLANT LEAKS/1997 CHEVY
035045	12/05/08	201.36	BIGELOW CHEVROLET, INC	WINDSHIELD WIPER REPAIRS/1997 CHEVY
035045	12/05/08	16900.00	BIGELOW CHEVROLET, INC	2004 GMC YUKON
035046	12/05/08	295.00	BORGE'S GLASS & MIRROR	REPLACE DUAL PANE GLASS/VANDALISM YOUTH CENTER
035047	12/05/08	3179.17	W.H. BRESHEARS, INC.	GASOLINE & DIESEL PURCHASES/NOV 2008
035048	12/05/08	219.00	CRA	2008/2009 ADDITIONAL MEMBERSHIP DUES/HOLLAND
035049	12/05/08	45.00	C.A.P.E. ACCOUNTING DEPT	C.A.P.E. MEMBERSHIP DUES/2009
035050	12/05/08	100.00	JEFF CARTER	PARKING LOT RENT/DEC 2008
035051	12/05/08	247.00	CBA (ADMIN FEES)	DENTAL-VISION ADMIN FEES/DEC 2008
035052	12/05/08	245.04	CENTRAL SANITARY SUPPLY	SWABBY BOWL CLEANER/HANDSOAP/PAPER TOWELS
035053	12/05/08	134.94	CHEVRON	GASOLINE PURCHASES 10/22/08 TO 11/21/08/PD
035054	12/05/08	162.87	CIT TECHNOLOGY FIN SERV, INC	MS GSA OFFICE PRO SOFTWARE LEASE/DEC 2008
035055	12/05/08	3592.99	CITY OF MODESTO, FLEET SERVICE	PREP SERVICE/DETECTIVE PACKAGE/2006 BUICK

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Ck #	Check Date	CK Amount	Vendor Name	Description
035056	12/05/08	50.00	CARL J. COELHO (CHUCK)	Veh Operation FIRE/DEC 2008
035057	12/05/08	3360.00	COMPUTER TUTOR	COMPUTER CLASSES MCCONNEL ADULT CENTER/SEPT/OCT 08
035058	12/05/08	778.38	CORBIN WILLITS SYS, INC.	SERVICE & ENHANCEMENT FEES/DEC 2008
035059	12/05/08	46.16	CRESCENT SUPPLY CO. #1	NITRON BLACK F-LIGHT/PD
035060	12/05/08	16059.00	CSJVRMA	2008 RETROSPECTIVE ADJUSTMENT/WORKERS COMP
035061	12/05/08	458.22	DAVE PIRES	NEW PLUMBING/CITY HALL WOMEN'S RESTROOM
035062	12/05/08	1400.00	DIAMOND CRANE CO, INC	CUT & LOAD CHRISTMASS TREE/DELIVERED
035063	12/05/08	200.00	ANNALEE DOMPE	REFUND MEMORIAL BUILDING DEPOSIT/DOMPE
035064	12/05/08	37.49	ECONOMIC TIRE SHOP	TIRE REPAIRS
035064	12/05/08	289.16	ECONOMIC TIRE SHOP	4 NEW TIRES/DOUG'S PICK-UP
035065	12/05/08	3740.19	ECO:LOGIC, INC	WASTERWATER TRMNT& DISPOSAL MASTER PLAN/8/1-10/31
035065	12/05/08	2159.00	ECO:LOGIC, INC	NEWMAN STORAGE BASIN DESIGN/OCT 2008
035065	12/05/08	1669.50	ECO:LOGIC, INC	GROUNDWATER MONITORING SERV/3RD QUARTER
035066	12/05/08	866.13	EMC PLANNING GROUP, INC	1035 T STREET ANNEX/SOUZA/SEPT 2008
035066	12/05/08	541.70	EMC PLANNING GROUP, INC	SOUZA IND PK/CEQA/SEPT-OCT 2008
035066	12/05/08	13804.37	EMC PLANNING GROUP, INC	1035 T STREET ANNEX/SOUZA/OCT 2008
035067	12/05/08	4.00	ENERPOWER	ELECTRIC ENERGY SERVICES/757666195
035067	12/05/08	29.00	ENERPOWER	ELECTRIC ENERGY SERVICES/7574666075
035067	12/05/08	25.00	ENERPOWER	ELECTRIC ENERGY SERVICES/7574666192
035067	12/05/08	98.00	ENERPOWER	ELECTRIC ENERGY SERVICES/7574666657
035067	12/05/08	434.00	ENERPOWER	ELECTRIC ENERGY SERVICES/7574666604
035067	12/05/08	198.00	ENERPOWER	ELECTRIC ENERGY SERVICES/7574666511
035068	12/05/08	179.00	JOHN FANTAZIA (NT)	REIMBURSEMENT PARKING/MAYOR'S MEETING/FANTAZIA
035069	12/05/08	4804.00	FGL ENVIRONMENTAL, INC	BACTERIAL ANALYSIS/INORGANIC ANALYSIS/WWTP
035069	12/05/08	590.00	FGL ENVIRONMENTAL, INC	INORGANIC ANALYSIS/INFLUENT/WWTP

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CITY OF NEWMAN
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Ck #	Check Date	CK Amount	Vendor Name	Description
035069	12/05/08	618.00	FGL ENVIRONMENTAL, INC	BACTERIAL ANALYSIS/INORGANIC ANALYSIS/WATER SUPPLY
035070	12/05/08	34.95	FIREtoWIRE, INC	WEB HOSTING/12/17/08 TO 1/17/08
035071	12/05/08	25.00	FLEX ONE/AFLAC	AFLAC ADMIN FEES/UNREIMBURSED MED EXPENSE/NOV 2008
035072	12/05/08	6.44	GARTON TRACTOR	FITTING
035072	12/05/08	32.47	GARTON TRACTOR	STARTER SAFETY SWITCH/FORD TRACTOR
035072	12/05/08	36.35	GARTON TRACTOR	PARTS FOR STREET SWEEPER
035072	12/05/08	364.68	GARTON TRACTOR	REPAIRS TO LAWNMOWER/HYDRAULIC HOSES/OIL CHANGE
035073	12/05/08	573.75	GEOANALYTICAL LAB, INC.	WEEKLY BACTI'S/BOD/TSS/NITRATES
035074	12/05/08	128.85	GROENIGER & CO.	HYDRANT GREASE
035074	12/05/08	708.25	GROENIGER & CO.	10 WATER METERS
035075	12/05/08	750.00	CITY OF GUSTINE	ANIMAL CONTROL START-UP FEE/GUSTINE
035076	12/05/08	592.43	HEWLETT-PACKARD FINANCIAL SERV	HARDWARE RENTAL INVOICE/12/18/08-1/17/09/PD
035077	12/05/08	1358.33	HOWK SYSTEMS, INC.	REPAIR LIFT STATION PUMPS/CREEK CANYON
035078	12/05/08	1750.00	DON HUTCHINS	CONTRACT SERVICES/INTERIM LT/HUTCHINS
035079	12/05/08	60.13	IKON OFFICE SOLUTIONS	BOX STAPLES FOR COPIER
035080	12/05/08	778.47	IKON OFFICE SOLUTIONS	COPIER LEASE/8/5/08 TO 11/05/08/ADDITIONAL COPIES
035081	12/05/08	239.57	IDEXX LABORATORIES, INC.	WATER SAMPLE SUPPLIES/WATER DEPT
035082	12/05/08	1800.00	IWORQ SYSTEMS	INTERNET WORK MANAGEMENT & SUPPORT/11/08 TO 10/09
035083	12/05/08	220.00	JOE'S LANDSCAPING &	PRESSURED FENCE @ 2224 GRAND CANYON
035083	12/05/08	1100.00	JOE'S LANDSCAPING &	CLEAN-UP ABATEMENT @ 1268 DUCK BLIND
035084	12/05/08	200.00	DOTTIE LOPEZ	REFUND MEMORIAL BLDG DEPOSIT/DOTTIE LOPEZ
035085	12/05/08	630.08	MALLARD EXPRESS AUTO	FRONT BRAKE PADS/ROTORS/OIL FILTER CHANGE/PD
035085	12/05/08	101.30	MALLARD EXPRESS AUTO	OIL AND FILTER CHANGE/TIRE ROTATION/PD
035086	12/05/08	122.50	CITY OF MANTECA	LCC CENTRAL VALLEY DIVISION QUARTERLY MTG REGISTIS
035087	12/05/08	91.57	FRANK B. MARKS & SON, INC	7.32 TONS CONCRETE SAND

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Ck #	Check Date	CK Amount	Vendor Name	Description
035088	12/05/08	67.00	LANA MAYS	BOY SCOUTS OF AMERICA CHARTER RENEWAL
035089	12/05/08	246.48	McDONOUGH, HOLLAND, ALLEN	FOR LEGAL SERVICES RENDERED THRU 10/31/08
035090	12/05/08	300.00	ADAM MCGILL	PER DIEM/COMMAND COLLEGE SESSION #1/MCGILL
035091	12/05/08	180.89	MODESTO WHOLESALE MEATS, INC	MEAT FOR GARZA RETIREMENT PARTY
035092	12/05/08	218.02	NATIONAL NEIGHBORHOOD WATCH IN	7 ALUMINUM WARNING SIGNS/NEIGHBORHOOD WATCH
035093	12/05/08	429.84	CITY OF NEWMAN-PETTY CASH	PETTY CASH REIMBURSEMENT/NOV 2008
035094	12/05/08	1268.00	NEWMAN ACE HARDWARE/JACT, INC	CABLE TIES/SHELF STORAGE/TRIMMR/BROOM/PAINT/TRASH
035095	12/05/08	1585.66	NEXTEL COMMUNICATIONS	CELL PHONE USAGE/NOV 2008
035096	12/05/08	60.00	NOR-CAL SPECIALTIES, INC	PILASTER SHOE
035097	12/05/08	29.67	STEPHANIE OCASIO (NT)	MILEAGE REIMBURSEMENT/LAFCO
035098	12/05/08	195.13	P G & E	NATURAL GAS PURCHASES/10/6/08 TO 11/05/08
035098	12/05/08	42281.64	P G & E	GAS AND ELECTRIC USAGE/10/7/08-11/14/08
035099	12/05/08	29.16	PIONEER DRUG	SWIFTER DUSTERS/SUPPLIES
035100	12/05/08	165.00	PITNEY BOWES CREDIT CORP.	POSTAGE METER RENTAL/08/30/08 TO 11/30/08
035101	12/05/08	63.98	R-SAFE SPECIALTY	RESPIRATOR WIPES/NORTH DEFENDER CARTRIDGE/MASK
035101	12/05/08	63.98	R-SAFE SPECIALTY	FACE RESPIRATOR/RESPIRATOR WIPES/NORTH DEFENDER
035102	12/05/08	72.96	RELIABLE	DAILY REMINDER/DESKPAD CALENDAR/WWTP
035103	12/05/08	75.00	LYDIA RENTERIA	REFUND MEM BLDG DEPOSIT/CANCELLED USE/APOSTOLIC
035104	12/05/08	263.31	RICHARD & CHAMBERS	CALENDARS/APPT BOOK/3-HOLE PUNCH/PRINTER RIBBON
035105	12/05/08	1100.00	SELF HELP ENTERPRISES	ADMIN FEES/LOAN SERVICING/OCT 2008
035106	12/05/08	1562.05	SIERRA INSTALLATIONS, INC	CHRISTMAS LIGHT INSTALLATION/2008
035107	12/05/08	678.56	STAPLES CREDIT PLAN	2-DOOR FILE/SPEAKER/CASE/HANGING FILES/PAPER/CARTR
035108	12/05/08	155.73	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL/SERVICE/NOV 2008
035109	12/05/08	20.39	T.H.E. OFFICE CITY	CITY OF NEWMAN STAMP
035109	12/05/08	136.73	T.H.E. OFFICE CITY	DRY ERASE BOARD/MARKER SET

Date.: Dec 5, 2008
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Run by: EMILY M. FARIA

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Ck #	Check Date	CK Amount	Vendor Name	Description
035109	12/05/08	34.36	T.H.E. OFFICE CITY	COUNCIL NAME SIGNS/KATEN/DAVIS
035110	12/05/08	165.00	BARBARA J. TOSTA	YOUNG AT HEART INSTRUCTOR/NOV 2008/TOSTA
035111	12/05/08	11.33	USA MOBILITY WIRELESS, INC	PAGER SERVICE/11/08/08 TO 12/07/08/PW
035112	12/05/08	8.38	VALLEY PARTS SERVICE	HANDLE
035112	12/05/08	15.58	VALLEY PARTS SERVICE	SQUEEGEE/WINDSHIELD FLUID
035112	12/05/08	36.32	VALLEY PARTS SERVICE	POWER STEERING FLUID/WASHER FLUID
035112	12/05/08	11.49	VALLEY PARTS SERVICE	WINDSHIELD WIPER FLUID/PD
035113	12/05/08	50.00	GEORGE VARGAS	VEH OPERATION FIRE/DEC 2008
035114	12/05/08	2740.00	WESTERN FARM SERVICE, INC	6850 LBS FORAGE MIX/PALLET RENTALS/WWTP
035114	12/05/08	16493.24	WESTERN FARM SERVICE, INC	406360 LBS GYPSUM/WWTP
035115	12/05/08	39.10	AMELANG, EVAN	MQ CUSTOMER REFUND FOR AME0010
035116	12/05/08	57.81	EAVIS, GREG	MQ CUSTOMER REFUND FOR EAV0001
035117	12/05/08	57.81	EAVIS, GREG	MQ CUSTOMER REFUND FOR EAV0003
035118	12/05/08	20.46	GOMEZ, CHARLENE	MQ CUSTOMER REFUND FOR GOM0035
035119	12/05/08	22.88	NGUYEN, KENNY MINH	MQ CUSTOMER REFUND FOR NGU0008
Sub-Total:		212814.80		
Grn-Total:		212814.80		
Count:	115			

Honorable Mayor and Members
of the Newman City Council

Agenda Item: 5.a.
City Council Meeting
of December 9, 2008

REPORT ON CANVASS OF VOTE

RECOMMENDATION

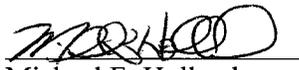
Adopt Resolution No. 2008- , A Resolution Declaring The Results of the Municipal Election
Held On November 4, 2008.

BACKGROUND

The Stanislaus County Clerk-Registrar of Voters has completed canvass of the
election results. Following Roll Call (of current council members) council may introduce and
adopt the attached resolution. The new council members will then be sworn in and seated.

FISCAL IMPACT - None

Respectfully submitted,



Michael E. Holland
City Manager

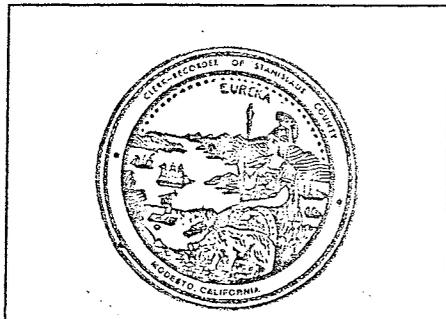
STATEMENT OF VOTE
OF
STANISLAUS COUNTY
STATE OF CALIFORNIA
CAST AT THE
PRESIDENTIAL GENERAL ELECTION
HELD
TUESDAY, NOVEMBER 4, 2008



STATE OF CALIFORNIA
COUNTY OF STANISLAUS } ss

I, LEE LUNDRIGAN, County Clerk Recorder of the above named county, do hereby certify, in pursuance of the provisions of Section 15301 of the Elections Code, that the within is a true and correct statement of result of the votes cast in this county at the Presidential General Election held on Tuesday, November 4, 2008 as determined by the official canvass of the returns of said election.

Witness my hand and seal this 24th day of November 2008.





LEE LUNDRIGAN
County Clerk Recorder / Registrar of Voters

	R V		T P	MAYOR CITY OF NEWMAN		
	E O		U E			
	G T		R R			
	I E	B C	N C			
	S R	A A	O E	E K		
	T S	L S	U N	D A	O V	U V
	E	L T	T T	T	V O	N O
	R	O	A	E	E T	D T
	E	T	G	N	R E	E E
7 PRECINCTS	D	S	E	(NON)	S	R S
COUNTY TOTAL	3581	2449	68.39	1794	0	444
VOTING PRECINCTS	3581	2449	68.39	1794	0	444
BD OF EQUALIZATION 2	3581	2449	68.39	1794	0	444
BOARD TOTAL	3581	2449	68.39	1794	0	444
CONGRESSIONAL 18	3581	2449	68.39	1794	0	444
CONGRESSIONAL TOTAL	3581	2449	68.39	1794	0	444
SENATORIAL DISTRICT 12	3581	2449	68.39	1794	0	444
SENATORIAL TOTAL	3581	2449	68.39	1794	0	444
ASSEMBLY DISTRICT 17	3581	2449	68.39	1794	0	444
ASSEMBLY TOTAL	3581	2449	68.39	1794	0	444
5TH SUPERVISORIAL	3581	2449	68.39	1794	0	444
SUPERVISORIAL TOTAL	3581	2449	68.39	1794	0	444
NEWMAN	3581	2449	68.39	1794	0	444
CITY TOTAL	3581	2449	68.39	1794	0	444

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7 PRECINCTS	R V		T P	MAYOR CITY OF NEWMAN		
	E O		U E			
	G T		R R			
	I E	B C	N C	E K		
	S R	A A	O E	D A	O V	U V
	T S	L S	U N	T	V O	N O
	E	L T	T T	E	E T	D T
	R	O	A	N	R E	E E
	E	T	G	(NON)	S	R S
	D	S	E			
0123 119001 NEWMAN 1	618	345	55.83	256	0	58
0124 119002 NEWMAN 2,4,7	903	509	56.37	367	0	99
0125 119003 NEWMAN 3,6	749	478	63.82	364	0	82
0246 919005 NEWMAN 5	0	0		0	0	0
0387 119001 AV NEWMAN 1	395	346	87.59	236	0	79
0388 119002 AV NEWMAN 2,	438	366	83.56	266	0	68
0389 119003 AV NEWMAN 3,	478	405	84.73	305	0	58
GRAND TOTALS	3581	2449	68.39	1794	0	444

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7 PRECINCTS	R	V	T	MEMBER, CITY COUNCIL CITY OF NEWMAN			
	E	O	P	2 TO BE ELECTED			
	G	T	U	R	M	R	D
	I	E	N	O	B	O	A
	S	R	O	B	O	R	B
	T	S	U	E	B	T	E
	E	L	T	R	"	I	R
	R	O	A	T	N	T	E
	E	T	G	A	A	R	E
	D	S	E	(NON)	(NON)	S	R
COUNTY TOTAL	3581	2449	68.39	1568	1077	2	2202
VOTING PRECINCTS	3581	2449	68.39	1568	1077	2	2202
BD OF EQUALIZATION 2	3581	2449	68.39	1568	1077	2	2202
BOARD TOTAL	3581	2449	68.39	1568	1077	2	2202
CONGRESSIONAL 18	3581	2449	68.39	1568	1077	2	2202
CONGRESSIONAL TOTAL	3581	2449	68.39	1568	1077	2	2202
SENATORIAL DISTRICT 12	3581	2449	68.39	1568	1077	2	2202
SENATORIAL TOTAL	3581	2449	68.39	1568	1077	2	2202
ASSEMBLY DISTRICT 17	3581	2449	68.39	1568	1077	2	2202
ASSEMBLY TOTAL	3581	2449	68.39	1568	1077	2	2202
5TH SUPERVISORIAL	3581	2449	68.39	1568	1077	2	2202
SUPERVISORIAL TOTAL	3581	2449	68.39	1568	1077	2	2202
NEWMAN	3581	2449	68.39	1568	1077	2	2202
CITY TOTAL	3581	2449	68.39	1568	1077	2	2202

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7 PRECINCTS	R	B	T	MEMBER, CITY COUNCIL CITY OF NEWMAN 2 TO BE ELECTED			
	V	C	P	R " M	R D	O V	U V
	E	A	U	O B A	O A	V O	N O
	O	A	E	B O R	B V	E T	D T
	G	A	R	E B T	E I	R E	E E
	T	A	R R	R " I	R S	S	R S
	S	L	U N	T N	T		
	D	S	T T	A	A		
		S	E	(NON)	(NON)		
0123 119001 NEWMAN 1	618	345	55.83	214	136	0	336
0124 119002 NEWMAN 2,4,7	903	509	56.37	310	214	0	480
0125 119003 NEWMAN 3,6	749	478	63.82	313	193	2	437
0246 919005 NEWMAN 5	0	0		0	0	0	0
0387 119001 AV NEWMAN 1	395	346	87.59	221	165	0	299
0388 119002 AV NEWMAN 2,	438	366	83.56	246	172	0	308
0389 119003 AV NEWMAN 3,	478	405	84.73	264	197	0	342
GRAND TOTALS	3581	2449	68.39	1568	1077	2	2202

7 PRECINCTS	RV	BC	TP	CITY TREASURER CITY OF NEWMAN			
	EO	AA	UE	DWR	KK	OV	UV
	GT	LS	RR	AE	IR	VO	NO
	IE	LT	NC	VE	TS	ET	DT
	SR	OT	OE	ID	HG	RE	EE
	TS	S	UN	D	A	RS	RS
	E		TT	(NON)	(NON)		
	R		A				
	E		G				
	D		E				
COUNTY TOTAL	3581	2449	68.39	1428	607	6	387
VOTING PRECINCTS	3581	2449	68.39	1428	607	6	387
BD OF EQUALIZATION 2	3581	2449	68.39	1428	607	6	387
BOARD TOTAL	3581	2449	68.39	1428	607	6	387
CONGRESSIONAL 18	3581	2449	68.39	1428	607	6	387
CONGRESSIONAL TOTAL	3581	2449	68.39	1428	607	6	387
SENATORIAL DISTRICT 12	3581	2449	68.39	1428	607	6	387
SENATORIAL TOTAL	3581	2449	68.39	1428	607	6	387
ASSEMBLY DISTRICT 17	3581	2449	68.39	1428	607	6	387
ASSEMBLY TOTAL	3581	2449	68.39	1428	607	6	387
5TH SUPERVISORIAL	3581	2449	68.39	1428	607	6	387
SUPERVISORIAL TOTAL	3581	2449	68.39	1428	607	6	387
NEWMAN	3581	2449	68.39	1428	607	6	387
CITY TOTAL	3581	2449	68.39	1428	607	6	387

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			CITY TREASURER CITY OF NEWMAN						
			RV	TP	KK				
			EO	UE	EO				
			GT	RR	IR				
			IE	NC	TS				
			SR	AA	OE	DWR	HG		
			TS	LS	UN	A.E	A	OV	UV
			E	LT	TT	VE	A	VO	NO
			R	O	A	ID	R	ET	DT
			E	T	G	D	D	RE	EE
			D	S	E	(NON)	(NON)	S	RS
7 PRECINCTS									
0123	119001	NEWMAN 1	618	345	55.83	195	94	0	54
0124	119002	NEWMAN 2,4,7	903	509	56.37	306	108	2	86
0125	119003	NEWMAN 3,6	749	478	63.82	273	116	2	85
0246	919005	NEWMAN 5	0	0		0	0	0	0
0387	119001	AV NEWMAN 1	395	346	87.59	216	82	0	42
0388	119002	AV NEWMAN 2,	438	366	83.56	217	84	0	63
0389	119003	AV NEWMAN 3,	478	405	84.73	221	123	2	57
GRAND TOTALS			3581	2449	68.39	1428	607	6	387

RESOLUTION NO. 2008-

**A RESOLUTION DECLARING THE RESULTS OF THE MUNICIPAL ELECTION HELD ON
NOVEMBER 4, 2008**

WHEREAS, a Consolidated Presidential General Election was held and conducted in the City of Newman on November 4, 2008, as required by law; and,

WHEREAS, it appears that the voting precincts were properly established, the Election Officers were appointed and election supplies furnished, and, in all respects said election was held and conducted, and the votes cast thereat received and canvassed, and return thereof made and declared in time, form and manner, as required by the laws of the State of California governing elections in general law cities; and,

WHEREAS, the Council did authorize the City Clerk to canvass the ballots cast at said Consolidated General Election within 28 days following the election; and,

WHEREAS, the City Clerk has canvassed the returns of said election and certified the results to the City Council; and

WHEREAS, the City Council of the City of Newman met at the Council Chambers of the City of Newman on Tuesday, December 9, 2008 to accept the certification of the City Clerk and declare the results of said election and to install the new elected officers, as a result of which the Council finds that the number of votes cast and the names and persons voted for, and other matters required by law to be as follows, and hereinafter stated.

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

1. That the Consolidated Presidential General Election was held and conducted in the City of Newman on Tuesday, November 4, 2008 in time, form and manner as required by law.

2. That there were seven voting precincts established for the purpose of holding said election, consisting of the regular election precincts established for holding general, state and county elections, as follows:

ELECTION PRECINCT NO. 1; ELECTION PRECINCT NO. 2; ELECTION PRECINCT NO. 3; ELECTION PRECINCT NO. 4; ELECTION PRECINCT NO. 5, ELECTION PRECINCT NO. 6, and ELECTION PRECINCT NO. 7

3. That the whole number of votes cast in the City was 2,449 votes

4. That the names of the persons voted for and the offices which they were voted and the number of votes given in the City to each person is as follows:

For the office of Mayor for a term of two (2) years to expire in November, 2010.

ED KATEN 1,794 votes

For the office of Councilperson for a term of four (4) years to expire in November, 2012:

ROBERTA DAVIS 1,077 votes

ROBERT "BOB" MARTINA 1,568 votes

For the office of City Treasurer for a term of four (4) years to expire in November, 2012:

KEITH KORSGAARD

607 votes

DAVID REED

1,428 votes

5. That at said Gubernatorial General Election Ed Katen was elected to the office of Mayor of the City of Newman for a full term of two (2) years to expire in November, 2010.

6. That at said General Municipal Election Roberta Davis and Robert Martina were elected to the office of Council Member for the City of Newman for a full term of four (4) years to expire in November 2012.

7. That at said General Municipal Election David Reed was elected to the office of city treasurer for a full term of four (4) years to expire in November, 2012.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 9th day of December, 2008 by Council Member _____ who moved its adoption, which motion was duly seconded and it was upon roll call vote adopted.

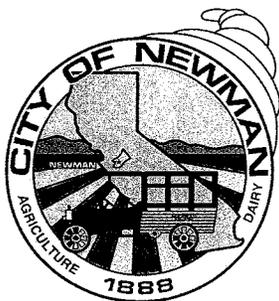
AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk



OATH OF ALLEGIANCE

FOR PUBLIC OFFICERS AND EMPLOYEES

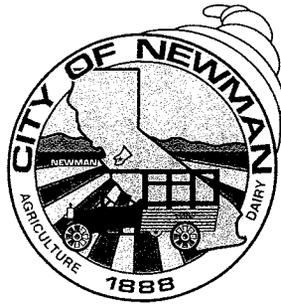
(Required By Article 20, Section 3, California Constitution and Chapter 8,
Division 4, Title 1 of Government Code)

I Ed Katen, do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, that I will bear true faith and allegiance to the Constitution of the United States and The Constitution of the State of California, that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF
DECEMBER, 2008.**

Michael E. Holland, City Manager

Ed Katen, Mayor



OATH OF ALLEGIANCE

FOR PUBLIC OFFICERS AND EMPLOYEES

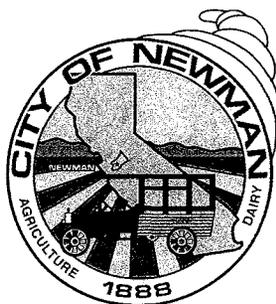
(Required By Article 20, Section 3, California Constitution and Chapter 8,
Division 4, Title 1 of Government Code)

I Robert Martina, do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, that I will bear true faith and allegiance to the Constitution of the United States and The Constitution of the State of California, that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF
DECEMBER, 2008.**

Michael E. Holland, City Manager

Robert Martina, Council Member



OATH OF ALLEGIANCE

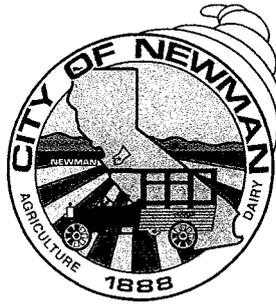
FOR PUBLIC OFFICERS AND EMPLOYEES
(Required By Article 20, Section 3, California Constitution and Chapter 8,
Division 4, Title 1 of Government Code)

I Roberta Davis, do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, that I will bear true faith and allegiance to the Constitution of the United States and The Constitution of the State of California, that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF
DECEMBER, 2008.**

Michael E. Holland, City Manager

Roberta Davis, Council Member



OATH OF ALLEGIANCE

FOR PUBLIC OFFICERS AND EMPLOYEES
(Required By Article 20, Section 3, California Constitution and Chapter 8,
Division 4, Title 1 of Government Code)

I David Reed, do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, that I will bear true faith and allegiance to the Constitution of the United States and The Constitution of the State of California, that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

**SUBSCRIBED AND SWORN TO BEFORE ME THIS 9th DAY OF
DECEMBER, 2008.**

Michael E. Holland, City Manager

David Reed, Treasurer

I, state your name, do solemnly swear
(or affirm)

that I will support and defend the Constitution of the
United States

and the Constitution of the State of California

against all enemies, foreign and domestic;

and I will bear true faith and allegiance

to the Constitution of the United States

and the Constitution of the State of California;

that I take this obligation freely,

without any mental reservation or purpose of evasion;

and that I will well and faithfully

discharge the duties upon which I am about to enter.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.a.**
City Council Meeting
of December 9, 2008

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

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

BACKGROUND:

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

ANALYSIS:

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Tuesday, December 9, 2008. A list of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

FISCAL IMPACT:

None

CONCLUSION:

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

Respectfully submitted,



Adam Mc Gill
Chief of Police

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2008-

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

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

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

WHEREAS, said hearing was held on December 9, 2008 at 7:00 p.m., as in said notice provided; and,

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

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 9th day of December 2008 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor

Deputy City Clerk

City of Newman Abatement list

1. 783 Hagerman Peak. (UNOCCUPIED)

Tall grass and weeds throughout front and backyard of property.

2. 1961 Patrick Dr. (UNOCCUPIED)

Large amounts of abandoned personal property throughout the backyard and garage.

3. 1178 Canvasback Ct. (UNOCCUPIED)

Tall weeds throughout front and backyard of property and unkempt pool in backyard.

City of Newman Abatement list

1. 783 Hagerman Peak. (UNOCCUPIED)

Tall grass and weeds throughout front and backyard of property.

2. 1961 Patrick Dr. (UNOCCUPIED)

Large amounts of abandoned personal property throughout the backyard and garage.

3. 1178 Canvasback Ct. (UNOCCUPIED)

Tall weeds throughout front and backyard of property and unkempt pool in backyard.

1 ST 2ND 3RD

10-22-08

11-10-08

11-26-08

#1014

CODE CHECKLIST/SAFETY LIST

Violation Location: 783 HAGERMAN PEAK Case #: _____

R/P Name: DAVIS Ph: _____ Date: 10-22-08

Report taken by: DAVIS Dept: POLICE

1. Property Maintenance

- Garbage
- Junk
- Dirt
- Debris
- Alley (garbage/debris)
- Graffiti
- Weed/Mistletoe
- Other _____

2. Vehicles

- Inoperative/Dismantled Abatement
- Illegal Parking
- Working On (public right-of-way)
- RV Parking/Living
- Abandoned - Parked over 5 days
- Other _____

3. Street/Sidewalk

- Sidewalks - lifts/hole - 3/4"
- Sidewalk obstructions
- Alley - entrances
- Alley - large potholes
- Alley - soft spots
- Alley - obstruction (veh dumpster)
- Streets - glass
- Streets - oil spills
- Streets - potholes, manhole cover
- Signs - missing, down
- Sight Lines at intersections
- Street Lights
- Encroachment - working w/o permit
- Street tree removal/trimming

4. Signs

- Yard Sales
- Subdivision
- Dance/event sign
- Flyers/hand bills
- Obstructing vision
- Abandoned signs
- On utility poles, street trees, street/stop signs
- Vehicle - advertised signs
- Graffiti on
- Other _____

5. Construction

- Garage/accessory buildings conversion
- Construction - no visible permit
- Accessory buildings (> 120 sq ft)
- Fence - > 7' side, rear
- Fence - > 3 1/2' front

6. Utilities

- Water
- Electrical connection
- Sewer
- Water conservation
- Anti-siphon valves - irrigation
- Leaks in Utilities

7. Business

- Transient - Sales from cars
- Lots without permit
- Home Occupation
- Yard Sales - License
- Door to door sales

8. Safety

- Fires/burns
- Unsafe fuel storage
- Hazardous material
- Objects in ROW/BB hoops
- Other _____

9. Animal Control

- Loose dog/off leash
- Dog not licensed/vaccinated
- Missing dog/cat
- Illegal kennel
- Cat problem
- Animal Bites
- Farm animals/wrong zone
- Vicious animals
- Other _____
- Routing/Gustine Animal Control
- Routing/Stanslaus Co. Animal Control

Assessment Roll			
General Information			
Assessment	026-062-008-000	Parcel Number	026-062-008-000
Current Document	2005R0115239	Current Document Date	06/30/2005
Acres / Sq Ft	.00	Tax Rate Area (TRA)	003-048
Taxability	800 -- PROP 8 REDUCTION		
Land Use	101 -- SINGLE FAMILY RESIDENCE		
Assessment Description	HEARTHSTONE RANCH #1 (41M26) LOT 38		
Roll Values as of: January 1st, 2008			
Land	\$57,500	Personal Property	\$0
Structure(s)	\$172,500	Personal Property (MH)	\$0
Fixtures	\$0	Exemption	\$0
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$230,000	Net Assessment	\$230,000
Assessee			
TO THI			
Address			
783 HAGERMAN PEAK DR			
NEWMAN CA 95360			
Ownership			
Owner Name	Own %	Pri	Granting Doc No.
TO THI	100.00%	Y	2005R0115239
Title Type			
RT Code			
Situs			
Street Address		City State Zip	
783 HAGERMAN PEAK DR		Newman CA 95360	
Parcel Description			
Assessment	Description		
No parcel description found			

To Thi
783 Hagerman Peak
Newman, Ca 95360

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **783 Hagerman Peak Newman Ca., APN No. 026-062-008-000,** **Tall grass and weeds throughout front and backyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **October 28, 2008** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: October 22, 2008

William Davis
Community Service Officer

To Thi
783 Hagerman Peak
Newman, Ca 95360

SECOND NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS, DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **783 Hagerman Peak Newman Ca., APN No. 026-062-008-000,** **Tall grass and weeds throughout front and backyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **November 18, 2008** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: November 10, 2008

William Davis
Community Service Officer



CITY OF NEWMAN POLICE DEPARTMENT

ADAM MCGILL, CHIEF OF POLICE

To Thi
783 Hagerman Peak
Newman, Ca 95360

FINAL NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **783 Hagerman Peak, Newman, Ca 95360. APN No. 026-062-008-000** **Tall grass and weeds throughout front and backyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **December 9, 2008** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: November 26, 2008

William Davis
Community Service Officer

Adam McGill
Chief of Police

“PROFESSIONALISM, INTEGRITY, SERVICE”



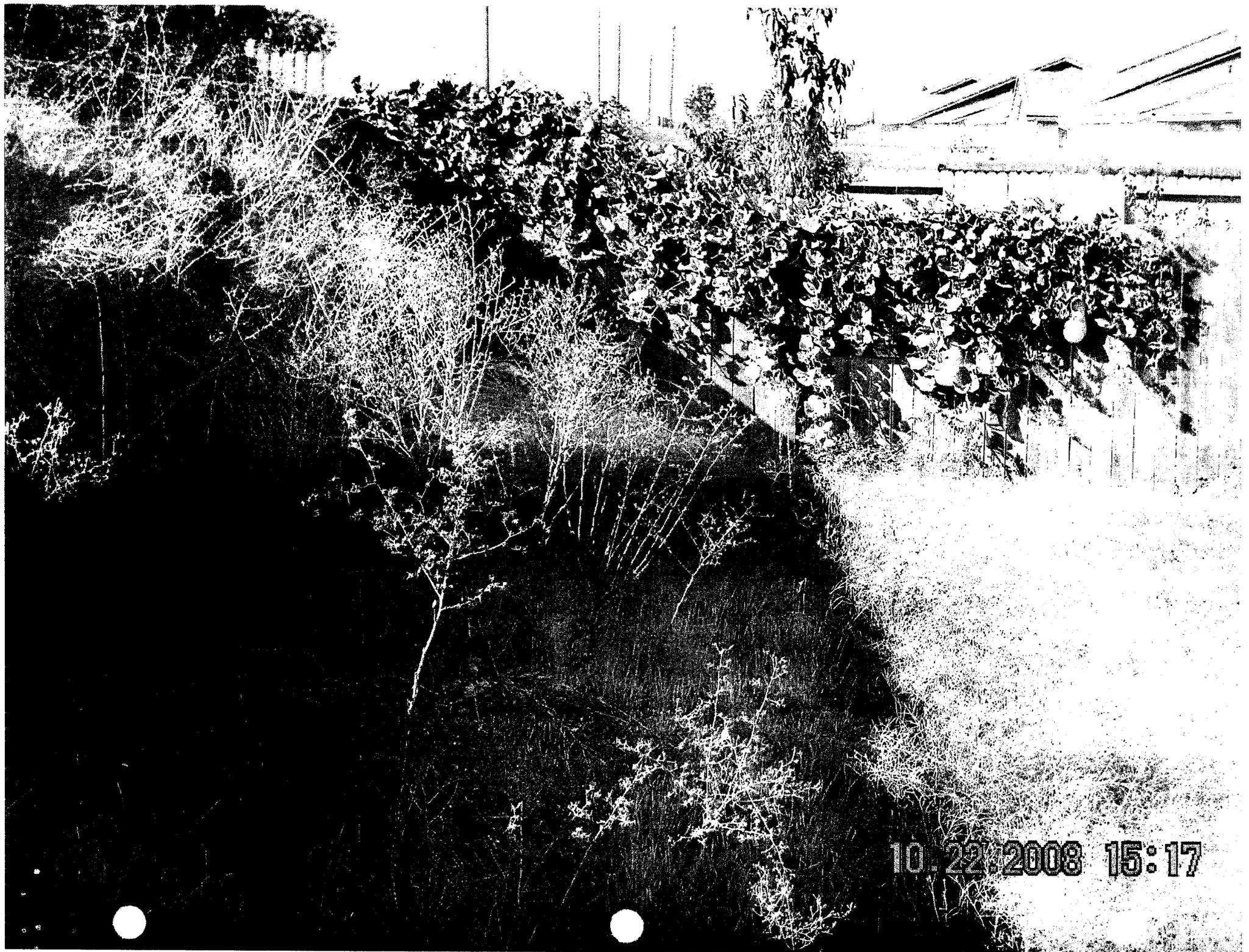
10.22.2008 15:18



10.22.2008 15:16



10.22.2008 15:16



10.22.2008 15:17

1st 10/22/08
2nd 11/10/08

1015

CODE CHECKLIST/SAFETY LIST

Violation Location: 1961 PATRICK Case #: _____
R/P Name: DAVIS Ph: _____ Date: 10-22-08
Report taken by: DAVIS Dept: POLICE

1. Property Maintenance

- Garbage
- Junk
- Dirt
- Debris
- Alley (garbage/debris)
- Graffiti
- Weed/Mistletoe
- Other _____

2. Vehicles

- Inoperative/Dismantled Abatement
- Illegal Parking
- Working On (public right-of-way)
- RV Parking/Living
- Abandoned - Parked over 5 days
- Other _____

3. Street/Sidewalk

- Sidewalks - lifts/hole - 3/4"
- Sidewalk obstructions
- Alley - entrances
- Alley - large potholes
- Alley - soft spots
- Alley - obstruction (veh dumpster)
- Streets - glass
- Streets - oil spills
- Streets - potholes, manhole cover
- Signs - missing, down
- Sight Lines at intersections
- Street Lights
- Encroachment - working w/o permit
- Street tree removal/trimming

4. Signs

- Yard Sales
- Subdivision
- Dance/event sign
- Flyers/hand bills
- Obstructing vision
- Abandoned signs
- On utility poles, street trees, street/stop signs
- Vehicle - advertised signs
- Graffiti on
- Other _____

5. Construction

- Garage/accessory buildings conversion
- Construction - no visible permit
- Accessory buildings (> 120 sq ft)
- Fence - > 7' side, rear
- Fence - > 3 1/2' front

6. Utilities

- Water
- Electrical connection
- Sewer
- Water conservation
- Anti-siphon valves - irrigation
- Leaks in Utilities

7. Business

- Transient - Sales from cars
- Lots without permit
- Home Occupation
- Yard Sales - License
- Door to door sales

8. Safety

- Fires/burns
- Unsafe fuel storage
- Hazardous material
- Objects in ROW/BB hoops
- Other _____

9. Animal Control

- Loose dog/off leash
- Dog not licensed/vaccinated
- Missing dog/cat
- Illegal kennel
- Cat problem
- Animal Bites
- Farm animals/wrong zone
- Vicious animals
- Other _____
- Routing/Gustine Animal Control
- Routing/Stanslaus Co. Animal Control

SEE PHOTOS

Assessment Roll			
General Information			
Assessment	128-026-045-000	Parcel Number	128-026-045-000
Current Document	2004R0064515	Current Document Date	04/30/2004
Acres / Sq Ft	.15	Tax Rate Area (TRA)	003-027
Taxability	000 -- NORMAL OWNERSHIP		
Land Use	101 -- SINGLE FAMILY RESIDENCE		
Assessment Description			
Roll Values as of: January 1st, 2008			
Land	\$26,424	Personal Property	\$0
Structure(s)	\$45,844	Personal Property (MH)	\$0
Fixtures	\$0	Exemption	\$0
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$72,268	Net Assessment	\$72,268
Assessee			
LANDEROS LORA L & JOHN			
Address			
1961 PATRICK DR			
NEWMAN CA 95360-0000			

Ownership						
Owner Name	Own %	Pri	Granting Doc No.	Title Type	RT Code	
LANDEROS JOHN	50.00%	Y	2004R0064515			
LANDEROS LORA L	50.00%	Y	2004R0064515			

Situs		
Street Address	City State Zip	
1961 PATRICK DR	Newman CA 95360	

Parcel Description	
Assessment	Description
128-026-045-000	

John & Lori Landeros
1961 Patrick
Newman, Ca 95360

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,
DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **1961 Patrick Dr, Newman Ca., APN No. 128-026-045-000, Unsightly Garbage throughout front and backyard of property,** which must be abated by the destruction, or removal thereof within **10** days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **October 28, 2008** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: October 22, 2008

William Davis
Community Service Officer

John & Lori Landeros
1961 Patrick
Newman, Ca 95360

SECOND NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS, DIRT, RUBBISH AND/OR RANK GROWTH

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 1961 Patrick Dr, Newman Ca., APN No. 128-026-045-000, Unsightly Garbage throughout front and backyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

All responsible persons owning, managing or having control or change or occupancy of any such private property shall, without delay, destroy or remove such public nuisances, as defined above, from their property and from their half of the abutting street and alley between the lot lines, as extended, or such public nuisances will be destroyed or removed and such nuisances abated by City authorities, in which case the cost of destruction or removal will be assessed upon the lots and lands, from, or on which, or abutting the streets and alleys from, or on which, such nuisance was abated, and such costs will constitute a lien upon the lots or parcels until paid and will be collected on the next tax roll upon which Municipal taxes are collected.

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on November 18, 2008 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: November 10, 2008

William Davis
Community Service Officer



10:22:2008 14:41





10.22.2008 14:41



10.21.08 14:41



10.22.2008 14:42



10.22.2008 14:42



10:22:2008 14:42

0444



10.22.2008 14:43



10.22.2008 14:48



10.22.2008 14:43

**REPORT ON PROPOSED ORDINANCE RELATING TO SOLID WASTE – UNAUTHORIZED
ENTRY INTO WASTE CONTAINERS**

RECOMMENDATION:

- Conduct a Public Hearing
- Second reading, and adoption of an ordinance adding Title 8, Chapter 8.01.180 of the Newman Municipal Code relating to Solid Waste - Unauthorized Entry into Waste Containers and authorize staff to publish a summary of said ordinance. .

BACKGROUND:

Staff has received complaints from the community regarding individuals digging in dumpsters and residential waste containers. The new ordinance will address people going through salvageable waste from designated collection containers. A designated collection container includes residential garbage and commercial garbage containers.

The new ordinance states that it is unlawful for any person, except the owner or someone with the owner's consent or authorized City, County, State, or Federal personnel, or employees of the solid waste company that owns the waste container, in the performance of their duties, to rummage, explore, tamper with, move, remove, tip, deface, destroy, scavenge or otherwise search a waste container or the contents.

Although this new ordinance should discourage people from salvaging waste through collection containers, staff stresses the importance of shredding personal information to prevent identity theft.

ANALYSIS:

The Newman Police Department believes the proposed ordinance will reduce people going through salvageable waste and possibly obtaining information for identity theft. Another problem staff has encountered is the salvagers leave trash outside of the containers after rummaging, leaving health and safety issues. A common complaint associated with individuals digging in waste containers is excessive noise from the digging and/or dogs continuously barking. Some individuals who did in waste containers may be prone to commit theft or other crimes while in and around businesses and homes.

Adopting this ordinance will allow the police department to contact individuals digging in garbage and investigate the situation. Enforcement action may or may not be taken at the discretion of the officer investigating. The proposed ordinance does allow property owners to grant permission to individuals if they so desire. The City of Modesto has recently enacted a similar ordinance with success.

FISCAL IMPACT:

There are no fiscal impacts anticipated by adopting this ordinance.

ATTACHMENTS:

Proposed ordinance.

CONCLUSION:

This staff report is submitted for City Council consideration and action. Staff recommends adoption of the proposed ordinance prohibiting the unauthorized entry into waste containers within the City of Newman, ordinance No. 2008-_____.

Respectfully submitted,



Adam McGill
Chief of Police

REVIEWED/CONCUR:



Michael Holland
City Manager

ORDINANCE NO. 2008-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING CHAPTER 8; HEALTH AND SANITATION, AND ADDING CHAPTER 8.01.180, AN ORDINANCE RELATING TO THE UNAUTHORIZED ENTRY INTO SOLID WASTE CONTAINERS, OF THE CODE OF THE CITY OF NEWMAN, CALIFORNIA.

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

Chapter 8, HEALTH AND SANITATION, Unauthorized Entry Into Solid Waste Containers, Chapter 8.01.180, of the Newman City Code shall be added to read as follows:

WHEREAS, staff has received complaints from the community regarding individuals digging in dumpsters and residential waste containers that disturb the peace, expose residents to identify theft, and/or fail to return the trash to the container, leaving a mess; and

WHEREAS, the new ordinance states it is unlawful for any person, except the owner or someone with the owner's consent or authorized city, county, state, or federal personnel, or employees of the solid waste company that owns the waste container, in the performance of their duties, to rummage, explore, tamper with, move, remove, tip, deface, scavenge or otherwise search a waste container or the contents; and

WHEREAS, the ordinance will reduce people rummaging through salvageable waste and possibly obtaining information used to commit identity theft; and

WHEREAS, this ordinance allows the police department to contact individuals digging in waste containers and investigate their intent; and

WHEREAS, a public hearing was held regarding this matter by the City Council on December 9, 2008, and

WHEREAS, based on the facts, testimony, and circumstances stated herein, it is appropriate and necessary to prohibit the unauthorized entry into waste containers in the City of Newman in order to provide for the public safety, health and welfare of its citizens; and

WHEREAS, after the public hearing held on 9th day of December, 2008, the City Council determined as follows:

1. That the public necessity, convenience and general welfare support the proposed amendment.
2. That the proposed amendment is consistent with the Newman General Plan.

BE IT ORDAINED by the City Council of the City of Newman as follows:

CHAPTER 8.01.180: FINDINGS: The City Council of the City of Newman finds and determines as follows:

- A. Staff has received complaints from the community about individuals entering waste containers.
- B. The ordinance will reduce people rummaging through salvageable waste and possibly obtaining information used to commit identity theft. The ordinance will

reduce noise complaints and grant the police department the authority to contact individuals entering waste containers and make arrests if appropriate.

- C. The City Council finds, based on substantial evidence entered into the record including the staff report and the testimony received at the public hearing for this item that this ordinance is necessary to prohibit the unauthorized entry into waste containers in the City of Newman in order to provide for the public safety, health and welfare of its citizens.
- D. The City Council finds that this is a matter of citywide importance and is not directed toward any particular parcel of property.

CHAPTER 8.01.180: UNAUTHORIZED ENTRY INTO WASTE CONTAINERS

8.01.180 DEFINITIONS.

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

- (a) "Waste container(s)" means any and all containers including but not limited to automated collection container, detachable container, drop box container, recycling container and standard container.

8.01.190 UNAUTHORIZED ENTRY INTO WASTE CONTAINERS.

(a) The City Council recognizes that there is an increasing problem both nationally and locally involving persons who forage waste containers. The City Council finds that there is risk to the public health and safety when:

- (1) waste is strewn about;
- (2) waste containers are left open to animals;
- (3) waste containers and lids are left in roadways or walkways.

(b) The City Council further finds that entry into waste containers by unauthorized individuals may subject owners to public nuisance liabilities for which they have no remedy unless provided by an addition to the Newman Municipal Code.

(c) The Council hereby finds that an ordinance is needed for the preservation of the public peace, health, safety and general welfare of the residents of the City of Newman based upon the finding of facts declared by the City Council herein above stated.

8.01.200 UNLAWFUL SEARCH AND ENTRY: PENALTY.

(a) It shall be unlawful for any person, except the owner or someone with the owner's consent or authorized City, County, State, or Federal personnel, or employees of the solid waste company that owns the waste container, in the performance of their duties, to rummage, explore, tamper with, move, remove, tip, deface, destroy, scavenge or otherwise search a waste container or the contents thereof.

(b) Any and each violation of Section 5-5.203(a) shall constitute a separate and distinct offense punishable as a misdemeanor and, upon conviction thereof, shall be punishable according to the provisions of this chapter.

8.01.210 PUBLIC NUISANCE.

Rummaging, exploring, scavenging, or otherwise searching a waste container is a violation of the provisions of this Chapter and is hereby declared a public nuisance.

8.01.220 VIOLATION AND PENALTY.

(a) Any person in violation of this Chapter shall be guilty of a misdemeanor

and shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars or imprisonment in the Stanislaus County jail for not more than six (6) months, or both.

(b) Any person that continues in violation of this Chapter shall be guilty of a separate and distinct offense for each and every violation.

TITLE 8, CHAPTER 8.01.180: UNAUTHORIZED ENTRY INTO WASTE CONTAINERS

This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date.

This foregoing ordinance was introduced at a special meeting of the City Council of the City of Newman held on the 18th day of November, 2008. Said ordinance was given a second reading at a regular meeting of said Council on the 9th day of December, 2008, and Councilmember _____ seconded by Councilmember _____, moved the adoption of said ordinance, and upon roll call was carried by the following:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

Mayor

ATTEST:

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

REPORT ON PROPOSED ORDINANCE MODIFICATIONS TO CHAPTER 9.02 – ANIMAL CONTROL

RECOMMENDATION:

- Conduct a Public Hearing
- Second reading and adoption of ordinance modifications to Chapter 9.02.010 through 9.02.300 of the Newman Municipal Code relating to Animal Control and authorize staff to publish a summary of said ordinance.

BACKGROUND:

The current ordinances relating to Animal Control are written to designate Stanislaus County Animal Services as the City of Newman's Animal Services Department. Based on the proposed arrangement with the City of Gustine and the City of Newman's contract with Stanislaus County being terminated modifications to the ordinances are necessary to allow the City of Newman Police Chief to be appointed as the Director of Animal Services and allow Newman police officials to enforce said ordinances.

ANALYSIS:

The modifications are necessary to grant authority to Newman police officials in enforcement of animal laws within the City and the authority to license animals within the City of Newman.

FISCAL IMPACT:

According to Stanislaus County statistics, Stanislaus County generates \$21,600.00 in revenue annually based upon animal enforcement and licensing within the City of Newman. Adopting the proposed changes will redirect the licensing revenue to the City of Newman and allow the City of Newman to collect all fines relating to animal violations within the City of Newman. Staff anticipates the City will receive approximately the same amount of revenue annual as Stanislaus County previously received.

ATTACHMENTS:

Proposed ordinances.

CONCLUSION:

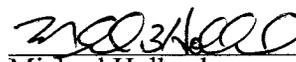
This staff report is submitted for City Council consideration and action. The proposed ordinance modifications are in the best interest of the City of Newman and its residents. Staff recommends the City Council adopt the proposed animal control ordinances within the City of Newman, ordinance No. 2008- _____.

Respectfully submitted,

REVIEWED/CONCUR:



Adam McGill
Chief of Police



Michael Holland
City Manager

ORDINANCE NO. 2008-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 9.02 – ANIMAL CONTROL**

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

Section 1.

That Title 9.02 of the Newman City Code is amended as follows:

9.02.010 Definitions.

The words and terms used in this chapter shall have the meaning stated as set forth in this chapter, unless the meaning is clearly intended to be otherwise.

“Animal control center” means the facilities where impounded animals are held.

“Department of Animal Services” means that department of the City government which is specifically charged with the regulation of animals and the enforcement of laws dealing with animals within the incorporated territory of the City.

“Health Department” means the Health Department of the City.

“Health Officer” means the Health Officer of the City.

“Impoundment” means the taking and holding of an animal by the Animal Services

Director.

“Kennel” means a place where ~~three~~ four or more dogs or cats over four months of age are kept for commercial or noncommercial purposes. The term “kennel” shall not apply to animal control shelters operated by governmental agencies, nonprofit societies for the care of stray animals or to veterinary hospitals.

“Licensing authority” means the City Clerk or such other ~~County~~ City department designated by resolution of the City Council.

“Owner” means a person who owns, possesses, harbors or controls an animal.

“Person” means one or more human beings and all fictional entities such as corporations, estates, associations, partnerships and trusts.

“Rabies vaccination” means the inoculation of an animal with a rabies vaccine approved by and in the manner prescribed by the California State Department of Public Health.

“Veterinarian” means a person licensed to practice veterinary medicine in the State. (Ord. 91-5, 4-9-1991)

9.02.020 Department of Animal Services – Creation – Director.

There is hereby created a Department of Animal Services within the Police Department. The Department shall be administered by an Animal Services Director who shall be the Chief of Police. ~~appointed by resolution of the City Council upon the recommendations of the City Manager.~~ (Ord. 91-5, 4-9-1991)

9.02.030 Pound established.

The City Council shall establish a suitable animal control center for impounding animals. (Ord. 91-5, 4-9-1991)

9.02.040 Regulations, establishment of.

The City Council may establish by resolution, regulations for the administration and implementation of this chapter which may include a schedule of fees for licenses and for services provided in accordance with this chapter. Such regulations, when adopted, shall become and thereafter be a part of this chapter. A copy of the regulations established by resolution of the City Council shall be filed with the City Clerk and posted at the animal control center. (Ord. 91-5, 4-9-1991)

9.02.050 Enforcement.

The Animal Services Director, who shall be the ~~Chief of Police Animal Services Director for the County~~ of Stanislaus, and his or her ~~officers-deputies~~ and the City Health Officer who shall be the Health Officer for the County of Stanislaus, and his or her deputies, are empowered, and it shall be their duty to enforce the provisions of this chapter. Any person whose duty it is to enforce the provisions of this chapter may at any reasonable time enter upon private property for such purpose. It is unlawful for any person to interfere with, oppose or resist any authorized person enforcing this chapter. (Ord. 91-5, 4-9-1991)

9.02.060 Authority to pursue animal.

Any person charged with the duty to enforce this chapter who is in pursuit of an animal, shall have the authority to go upon the property of the owner or other person, in order to impound such animal; provided, however, he shall not enter a dwelling without a search warrant and he shall exercise reasonable care to avoid causing damage to the property. (Ord. 91-5, 4-9-1991)

9.02.070 Authority to arrest and issue notices to appear.

Pursuant to the provisions of California Penal Code Section 836.5, the Animal Services Director and his or her employees, Health Officer and his or her employees, and a duly appointed State humane officer are authorized to arrest without a warrant and issue a written notice to appear whenever any such person has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his or her presence which is in violation of this chapter or a violation of any other ordinance or statute which he or she has the duty to enforce. (Ord. 91-5, 4-9-1991)

9.02.080 Equipment to impound authorized.

Any person charged with the duty to enforce this chapter may use any equipment or device necessary to take up and impound an animal. (Ord. 91-5, 4-9-1991)

9.02.090 Firearms authorized.

The Animal Services Director and such employees as he or she may specifically designate in writing are authorized to carry weapons when acting in the course and scope of their employment pursuant to Section 12031 of the Penal Code of the State. (Ord. 91-5, 4-9-1991)

9.02.100 Prohibiting animals in residential areas.

A. Except as otherwise provided herein, it shall be unlawful for any person to own, possess, have in custody, control or maintain any animal upon any lot in any district zoned Estate Residential District or R-E District, Single-Family Residential District, or R-1 District, Duplex Residential District, or R-2 District, or Multiple Residential District or R-3 District in the City located within 300 feet of any residential building in said District owned by other than the owner or custodian of said animal or the tenant of said owner or custodian.

B. The ownership, possession, custody, control or maintenance of the following animals is permitted:

1. Household Pets. "Household pets" are defined as animals ordinarily permitted in the house and kept for company or pleasure and not for profit, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this chapter, and not to exceed three cats six weeks of age or older. Household pets may also include any:
 - a. Bird in a total number not to exceed five at any one time, continuously kept caged and within the confines of a dwelling house.
 - b. Mouse, rabbit, guinea pig, hamster, squirrel or animal of like size or species in a total number not to exceed 10 at any one time, continuously kept caged and

within the confines of the dwelling house, or, only at a distance of 40 feet or more from the window or door of any residence or other building used for human habitation, and only on the rear one-third of the lot.

c. Animal continuously confined to a terrarium or aquarium and within the confines of a dwelling house.

d. Animal for which a permit has first been obtained from the City Manager pursuant to the provisions of this chapter.

C. Upon application, the City Manager may issue a permit for the ownership, possession, custody, control or maintenance of any animal on a residential lot otherwise prohibited by this chapter upon such terms and conditions as shall be deemed proper and in the best interests of the community. In issuing or denying permits, the City Manager shall be guided by the following criteria:

1. The purpose served by the ownership, possession, custody, control or maintenance of the animal in relationship to the needs of the community.
2. Provisions for sanitation and safety and for securing the animal.
3. The risk of odors and noise.
4. Prior compliance by the applicant.

D. The City Manager may require a report and investigation from the animal control officer or any other City officer or department before determining whether to issue or deny a permit, including, but not limited to the Health Officer, the City Police Department and the City Fire Department.

E. All permits issued by the City Manager shall be subject to revocation upon notice by mail to the holder of the permit, and after a noticed hearing; provided, however, the City Manager may, in his discretion, provide for a suspension of said permit pending the hearing on the revocation thereof. No permit issued shall create any vested rights in the holder thereof. All permits shall be issued on a yearly basis and shall expire, unless renewed at the request of the applicant, on December 31st of each calendar year.

F. The City Council may impose a reasonable fee for the issuance or renewal of a permit, said fee to be established by resolution of the City Council.

G. A violation of this section constitutes a public nuisance which may be abated in accordance with the laws and ordinances regulating the abatement of a public nuisance. (Ord. 82-7, 12-14-1982)

9.02.110 Animal Services Director.

A. Supervisory Authority. The animal control center and personnel of the Department of Animal Services shall be under the supervision of the Animal Services Director.

B. Duties. The Animal Services Director is primarily responsible for the enforcement and administration of this chapter. His duties shall include but not be limited to the following:

1. To administer the animal control center and keep such records as may be required by the City.
2. To take up and impound animals when authorized by this chapter.
3. To remove and dispose of the carcass of any animal found on any public highway, street, alley or any other public place in the unincorporated area of the County.
4. To quarantine animals and to cooperate with the County Health Officer.
5. To administer licensing programs as delegated by the licensing authority. (Ord. 91-5, 4-9-1991)

9.02.120 Animal restraint.

A. No owner of any animal, wild or domestic, except the domestic cat, shall permit or suffer the animal to:

1. Be off a leash or to be restrained by a leash which is more than eight feet in length, except that an animal need not be on a leash while it is on the premises of its owner nor while on other private property with consent of the owner.
2. Enter upon private property without consent of the owner of the private property.

3. Habitually make loud noises.

4. Act in such other manner so as to constitute a public nuisance.

B. Nothing in this section shall prohibit the use of animals on school property for teaching, use of the blind or other school purposes when permitted by school officials, or require a person to keep any animal in his possession on a leash if at the time the animal is restrained in a vehicle or cage. (Ord. 91-5, 4-9-1991)

9.02.130 Animals in City parks.

A person may bring an animal into a City park subject to the following conditions:

A. The ~~Superintendent~~ Chief of Police ~~of Public Works~~ may refuse admittance or require removal of any animal.

B. Stake leash shall be no more than 15 feet.

C. Walking leash shall be no more than eight feet.

D. The preceding leash requirement shall not apply in areas designated by the Chief of Police or Director of Public Works ~~Superintendent of Public Works~~ for dog training or if the Chief of Police or Director of Public Works ~~Superintendent of Public Works~~ specifically authorizes the owner to engage in dog training. (Ord. 91-5, 4-9-1991)

9.02.141 Dogs – License required – Tags – Rabies vaccination.

A. License Required. Every person who owns, possesses, harbors or controls any dog shall obtain a license before the dog reaches the age of five months. Within 30 days after any unlicensed dog over the age of four months is acquired or brought into the City, its owner shall obtain a license.

B. Tags. The licensing authority shall issue, upon proper application and payment of license fees, a serially numbered license tag stamped with the name of the City and the year of issuance. The owner shall provide a dog with a suitable collar or other device to which the license tag shall be attached. The Animal Services Director shall keep a copy of the application or other records sufficient to establish the identity of the person that owns or harbors the dog.

C. Rabies Vaccination Certificate Required. Each application for a dog license shall be on a form furnished by the licensing authority. An application for a license shall not be accepted unless a valid certificate of rabies vaccination by a licensed veterinarian covering the license period accompanies the application. (Ord. 91-5, 4-9-1991)

9.02.142 Dogs – Exemption, guide dog.

Seeing eye dogs must be licensed but a properly vaccinated seeing eye dog owned by a blind or partially blind person or a dog under one year old being trained especially for the purpose of guiding the blind shall be licensed without charges. (Ord. 91-5, 4-9-1991)

9.02.143 Dogs – Exemption, licensed under another jurisdiction.

A dog brought into the City which has been licensed in another county or city within the State shall not be subject to licensing provisions of this section for so long as the license would be current and valid at its place of issuance or for one year, whichever is the lesser period. (Ord. 91-5, 4-9-1991)

9.02.144 Dogs – Exemption, medical treatment.

Dogs brought into the City for the exclusive purpose of receiving medical care and in the custody of a licensed veterinarian need not be licensed. (Ord. 91-5, 4-9-1991)

9.02.145 Dogs – Exemption, government ownership.

Dogs owned by a county, City or other public agency shall be licensed without charge. (Ord. 91-5, 4-9-1991)

9.02.151 Kennels – License required.

No person shall, without first obtaining a license, keep, conduct or operate any dog kennel, cat kennel, pet shop, zoo, animal rental establishment, riding academy, livery stable, boarding stable, pony ride, livestock auction or market, rodeo, pet show, animal exhibition or any other use of animals for a commercial or noncommercial purpose. No license shall be required for any animal show or a use of animals which is sponsored and controlled by an organization which, under the discretion of the Animal Services Director, has proper rules and procedures to prevent the abuse of animals. (Ord. 91-5, 4-9-1991)

9.02.152 Kennels – License, in lieu of individual licenses.

In lieu of securing the license required by NCC 9.02.141 for each of the dogs in a kennel, a person owning or operating a kennel may obtain a kennel license covering all of the dogs in the kennel. Provisions of NCC 9.02.290 regarding vaccination for rabies shall be adhered to. Dogs owned or controlled by the kennel operator which are allowed outside the confines of the kennel shall be individually licensed as required by NCC 9.02.141. (Ord. 91-5, 4-9-1991)

9.02.153 Kennels – License application form.

Each application for a kennel license or other animal establishment license shall be upon a form furnished by the licensing authority. (Ord. 91-5, 4-9-1991)

9.02.154 Kennels – License, posting.

All licenses under this chapter shall be kept posted in a conspicuous place on the premises. (Ord. 91-5, 4-9-1991)

9.02.155 Kennels – License operating requirements.

Upon filing an application for an original, or a renewal kennel or animal establishment license, the licensing authority shall issue such license, only after certification by the Animal Services Director that:

- A. The keeping of animals, or the conduct or operation of business for which the license is requested and at the place set forth in the application will not violate any law or any regulation adopted pursuant to NCC 9.02.040.
 - B. The conduct or operation of the activity will not endanger the health, peace or safety of the community.
 - C. The premises where animals are to be kept are clean and sanitary and that animals will not be subjected to suffering, cruelty or abuse.
 - D. The applicant has not had a similar license revoked within one year prior to the application.
- (Ord. 91-5, 4-9-1991)

9.02.156 Kennels – License, suspension or revocation.

The licensing authority may revoke or suspend any license issued under this chapter upon recommendation of the animal control officer or Health Officer if it is found that the licensee, his agent or employee has been convicted of any offense involving a violation of California Penal Code Sections 596, 597 and 599 or is in violation of this chapter or of any regulation adopted pursuant to NCC 9.02.040. (Ord. 91-5, 4-9-1991)

9.02.160 Dangerous animals.

A. Investigation. Whenever an animal suspected of being vicious is reported, the Animal Services Director or Health Officer shall investigate the circumstances. He or she may order that the animal be kept within a substantial enclosure, securely leashed or otherwise controlled. If the owner cannot provide restraint, the animal shall be temporarily impounded at the expense of the owner. At any time after seven days impoundment for such purpose, the Animal Services Director may, in his or her discretion, apply the provisions of NCC 9.02.190 through 9.02.270.

B. Impoundment Authorized. If upon receiving written notification the owner fails to restrain or control a vicious animal as ordered, the owner is in violation of this chapter and the

Animal Services Director is empowered to seize and impound or destroy the animal. (Ord. 91-5, 4-9-1991)

9.02.170 Dead or abandoned animals.

A. Abandonment Unlawful. It is unlawful for any person to abandon any animal whether dead or alive.

B. Dead Animal Disposal. The owner of a dead animal shall, within a reasonable time, provide for the burial, incineration in a manner approved by the animal control officer or other disposition of the carcass in a safe and sanitary manner. The owner may request the animal control officer to dispose of the animal at a fee fixed by resolution by the City Council. The animal control officer shall be responsible for disposal of all dead animals whose ownership cannot be established. (Ord. 91-5, 4-9-1991)

9.02.180 Licensing.

A. No person shall possess any animal not commonly kept or raised in the City as a domesticated animal and which is or may be, in the opinion of the Animal Services Director, dangerous to the health and safety of any person, without first obtaining a license for the possession of the animal.

B. If the possession of the animal does not violate any Federal or State law or zoning ordinance, a dangerous animal license may be issued.

C. Each application for a dangerous animal license shall be upon a form furnished by the licensing authority.

D. All licenses issued under this chapter shall be kept posted in a conspicuous place on the premises where the animal resides.

E. Upon filing an application for an original, or a renewal of a dangerous animal license, the licensing authority shall issue such license, only after certification by the Animal Services Director that:

1. The keeping of a dangerous animal for which the license is requested, and at the place set forth in the application will not violate any law or regulation;
2. The keeping of the dangerous animal will not endanger the health, peace or safety of the community;
3. The premises where the dangerous animal or animals are to be kept are clean and sanitary and that the animals will not be subjected to suffering, cruelty or abuse; and
4. The applicant has not had a similar license revoked within one year prior to the application.

F. Any license issued for a dangerous animal may be subject to such additional conditions as may be required by the Animal Services Director.

G. A license shall not be issued, or if issued, shall be revoked, where, in the opinion of the Animal Services Director the possession of the dangerous animal will endanger the health and safety of one or more persons.

H. In the event that a license is denied or revoked, the owner shall, within the time designated and under the conditions required by the Animal Services Director, dispose of the unlicensed animal. (Ord. 91-5, 4-9-1991)

9.02.190 Impoundment.

A. Authorized. Any animal which the animal control officer has reasonable cause to believe is engaged in activities, or existing in a condition prohibited by this chapter shall be impounded.

B. Notice Required – Form – Service.

1. Except as otherwise provided in this chapter, no animal impounded shall be disposed of until and after notice is given by the animal control officer to the owner of the impounded animal, if he is known.
2. The notice to the owner shall be in writing and shall contain a description of the

animal impoundment and the license tag number if available.

3. Notice to the owner may be served by delivering a copy to the owner of the animal personally, or by sending a copy by mail to the address provided on the application for license, or if the animal is unlicensed then to the owner's place of residence or last known address.

4. Service of notice by mail is deemed complete on the day after such mailing. (Ord. 91-5, 4-9-1991)

9.02.200 Notice, unlicensed tattooed animal.

If an impounded animal bears an identification tattoo but has no license tag and the owner is unknown, the notice provided in this chapter shall be given to the Stanislaus County Humane Society. (Ord. 91-5, 4-9-1991)

9.02.210 Duration of impoundment.

A. Licensed Dog. All impounded dogs found wearing a current license tag or bearing an identification tattoo shall, unless sooner redeemed, be kept in the animal control center for a period of not less than seven days after notification.

B. Unlicensed Dog. All impounded dogs found not wearing a current license tag shall, unless sooner redeemed, be kept in the animal control center for a period of not less than four days.

C. Livestock. Any impounded animal which is a kind referred to in Section 17003 of the Agriculture Code (bovine animal, horse, mule or burro) shall be kept in the animal control center for at least five days, unless it is redeemed within that period. If the animal is a bovine animal and is not redeemed, it shall be turned over the State Bureau of Livestock Identification for disposition by that office.

D. Other Animals. Any other impounded animal shall, unless sooner redeemed, be kept in the animal control center for at least four days. (Ord. 91-5, 4-9-1991)

9.02.220 Voluntary surrender.

Any animal which is voluntarily surrendered to or deposited with the animal control center or the animal control officer by the owner shall immediately thereafter become the property of the City for the purposes of NCC 9.02.250 and 9.02.260. (Ord. 91-5, 4-9-1991)

9.02.230 Disposition of injured animal.

A veterinarian who received an injured animal under the provisions of Section 597(f) of the Penal Code shall promptly notify the animal control officer of this disposition of such animal, and if the animal is given care and treatment, the waiting period before destruction of the animal shall be the same as the duration of impoundment provided by this chapter. (Ord. 91-5, 4-9-1991)

9.02.240 Owner redemption.

The owner or person entitled to custody or control of any impounded animal may, at any time before the sale or disposition of the animal, redeem such animal upon complying with the conditions and paying the fees established by resolution of the City Council. (Ord. 91-5, 4-9-1991)

9.02.250 Disposal authorized.

Except as otherwise provided in this chapter, an impounded animal which is not redeemed within the specified holding period shall be considered to be abandoned by its owner and shall become the property of the City County. Such animal may be sold, destroyed or otherwise disposed of as authorized by resolution of the City Council. (Ord. 91-5, 4-9-1991)

9.02.260 Sale of animal.

If an animal is sold, the purchaser shall acquire ownership and all rights to the animal as

evidence by the bill of sale signed by the animal control officer. (Ord. 91-5, 4-9-1991)

9.02.270 Diseased or injured animal.

Notwithstanding any provisions of this chapter, an impounded animal, which is determined by the Health Officer or a veterinarian to constitute a health or safety hazard, shall be destroyed or otherwise disposed of without delay by the animal control officer or the veterinarian. An impounded animal which is determined by a veterinarian to be suffering extreme pain due to disease or injury and there is no reasonable probability that the animal will recover from its disease or injury, may be destroyed without delay by the animal control officer or the veterinarian. (Ord. 91-5, 4-9-1991)

9.02.280 Rabies control.

A. Quarantine.

1. The animal control officer shall assure that all animals falling into the following categories are isolated or quarantined at the place and under the conditions prescribed by the Health Officer and pertinent State laws and regulation:

- a. Known rabid animals;
- b. Suspected rabid animals;
- c. Animals that have bitten or otherwise exposed a human to rabies;
- d. Animals of a species subject to rabies, which have been bitten by a known rabid or suspected rabid animal or have come in close contact with a rabid or suspected rabid animal.

2. It is unlawful for the owner or keeper of an animal to violate any of the conditions of isolation or quarantine prescribed by the Health Officer.

B. Carcass Delivery. Upon the death of any rabid animal, clinically suspected rabid animal, or animal which has bitten or otherwise exposed a human to rabies, the animal control officer shall obtain and turn over to the Health Officer the carcass of such animal or an adequate specimen thereof.

C. Epidemic, Declaration. The Health Officer may determine and declare that a rabies epidemic or other unusually dangerous health situation exists among dogs or other animals in the City, or in any part thereof. Upon making such a declaration, the Health Officer shall prepare and promulgate, with the approval of the City Council, such rules and regulations as may be necessary for the control of persons and animals within the area where the dangerous conditions exist.

D. Epidemic Rules Enforced. It shall be the duty of the animal control officer to comply with all directives of the Health Officer in the enforcement of the rules and regulations. The rules and regulations, when adopted, shall become and thereafter be a part of this chapter. (Ord. 91-5, 4-9-1991)

9.02.290 Vaccination.

A. Required. Every dog shall have a medically current vaccination with an antirabies vaccine approved by the Health Department of the State. The vaccination shall be administered by a veterinarian or as provided through City or County recognized clinics, and a certificate of vaccination shall be issued to the owner. The certificate of rabies vaccination which accompanies the license application shall be valid if in compliance with the following immunization schedule:

1. **Primary Immunization.** Primary immunization shall be defined as the initial inoculation of an approved canine rabies vaccine administered to young dogs between the ages of four to 12 months.
2. **Revaccination Intervals.** The interval for revaccination of dogs administered primary immunization between the ages of four to 12 months will be 12 months. The interval for primary or revaccination of dogs administered rabies vaccine over the age of 12 months shall be at least once every three years.

B. Exemption. Notwithstanding the provisions of subsection (A) of this section, no dog

need be vaccinated for rabies where a licensed veterinarian has certified that the vaccination would endanger the dog's health and the Health Officer endorses on the certificate his approval. The certificate must bear the date of issuance and must be renewed each year.

C. Public Clinic. The Health Officer, in cooperation with the Animal Services Department and the animal control officer, shall establish public dog vaccination clinics at least once each calendar year. The charge for vaccination at such clinics shall not exceed the actual cost involved. (Ord. 91-5, 4-9-1991)

9.02.300 Animal bite.

A. Victim Report. Any person or parent or guardian of such person, or an owner of an animal, bitten or scratched by an animal of a species subject to rabies shall immediately report such incident to the Health Officer or the animal control officer.

B. Animal Bite Medical Report. Every veterinarian and every person providing professional medical treatment for animal bite by an animal of a species subject to rabies shall immediately notify the Health Department whenever rabies is suspected. (Ord. 91-5, 4-9-1991)

9.02.310 Unlawful use of animals – Games prohibited.

It is unlawful for any person, firm or corporation to offer to the public that game known as "loopaduck," or other game employing live animals, whether for consideration or otherwise, regardless of whether merchandise, money or other premiums are given as a reward. (Ord. 91-5, 4-9-1991)

9.02.320 Administration.

A. Department of Animal Services Records. The Animal Services Director shall keep records concerning the operation of the animal control center as prescribed by regulations established pursuant to NCC 9.02.040.

B. Information on Animal Care. The Animal Services Director is authorized to distribute to the people of the City brochures and information pertaining to care and control of animals.

C. Appeal of Administrative Decisions. Any person aggrieved by any decision or action resulting from the application of this chapter may appeal to the City Council. Such appeal must be in writing and must be received by the City Clerk not more than 15 days after such decision or action.

D. License Renewal or Suspension. Whenever provision is made in this chapter for a license or permit, such license or permit shall be renewed annually thereafter or at the next succeeding regular renewal date and annually thereafter as provided by the licensing authority. The Animal Services Director or the Health Officer may revoke or suspend a license whenever such action is necessary to protect the public health and safety or to accomplish the purpose of this chapter. (Ord. 91-5, 4-9-1991)

9.02.330 Violation – Penalty.

A. Infractions. Any person violating any provision of NCC 9.02.020 through 9.02.270 is guilty of an infraction and upon conviction thereof is punishable by a fine of not more than \$250.00.

B. Misdemeanors. Any person violating any provision of NCC 9.02.280 through 9.02.310 is guilty of a misdemeanor and upon conviction thereof is punishable by a fine of not more than \$500.00 or by imprisonment of not more than six months or by both such fine and imprisonment.

C. Each Day a Separate Offense. Every person violating any provision of this chapter shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation continues. (Ord. 91-5, 4-9-1991)

D. The City may choose to proceed with violations of provisions NCC 9.02.020 through 9.02.310 as an administrative offense and impose fines established by City Council resolution.

9.02.340 Vicious dog abatement hearing procedure.

A. Purpose and Intent. The provisions of this section provide an administrative procedure by which dogs within the City found to be vicious and a public nuisance may be abated following a hearing at which oral and documentary evidence is considered. This section is intended to supplement rather than supplant any other remedy available either under State law or this City Code.

1. Vicious Dog Defined. Any dog, except one assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior, is presumed vicious:

- a. An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully.
- b. An attack which results in property damage or in an injury to a person when such a person is conducting himself or herself peacefully and lawfully.
- c. An attack on another animal, livestock, or poultry which occurs on property other than that of the owner of the attacking dog.
- d. Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.

For purposes of this section, a person is conducting himself or herself peacefully and lawfully upon the private property of an owner or possessor of the dog when he or she is on such property in the performance of any duty imposed on such person by State or local law or by the laws or postal regulations of the United States, or when he or she is on such property upon invitation, either expressed or implied.

2. Investigation. Any incident reported to the Newman Police Department concerning a vicious dog shall be investigated by the Police Chief, or his/her designee. The investigation shall consist of reports of officers made at the time of the incident, or follow-up reports. If, based on the investigation, the Police Chief concludes that there is probable cause to believe that the dog is vicious, he/she shall so certify in writing within 10 working days following completion of the investigation to the person owning or controlling the dog. Thereafter, a hearing shall be held pursuant to subsections (A)(4), (5), and (6) of this section.

3. Confinement of Dog. If the Police Chief certifies that there is probable cause to believe that a dog is vicious and a risk to public safety, he/she may direct any animal control officer, police officer or other authorized employee of the City to enter the yard of any private residence or business in order to seize any such dog, whether running at large or not, and confine said dog at an appropriate animal shelter pending the decision of the City Manager following the hearing provided for in subsections (A)(4), (5), and (6) of this section. The cost of said confinement shall be paid by the person owning or controlling such dog. The dog shall not be released until such costs have been paid in full.

4. Hearing Schedule. A hearing date shall be set not later than 10 working days from the date of certification. The City Manager shall mail or otherwise deliver to the owner or person controlling the dog and other interested persons, including, but not necessarily limited to, all properties within 300 feet of the address of the owner or person controlling the dog, at least five working days prior to the date set for hearing, a notice in substantially the following form:

NOTICE OF HEARING REGARDING

VICIOUS DOG

TO: _____ (name)

_____ (address).

NOTICE IS HEREBY GIVEN that pursuant to the provisions of NCC 9.02.340 of the Newman City Code, the Police Chief has certified that there is probable cause to believe a dog (breed), owned or controlled by you, is vicious.

FURTHER NOTICE IS HEREBY GIVEN that on _____ the _____ day of _____, 20____, at the hour of _____ o'clock, in the offices of the City Manager, City Hall, 1162 Main St., Newman, California, the report of the Police Chief will be considered by the City Manager or an appointed hearing officer with such other oral and documentary evidence bearing upon the question of whether your dog is vicious. You may appear and may present evidence at the hearing. You may also be represented by an attorney. If you fail to appear without giving notice to the City Manager, the matter may proceed in your absence and such absence may be further considered a waiver of your right to present evidence and object to any decision made.

In the event your dog is found to be vicious, it will be ordered to be controlled, confined, destroyed, restricted, or otherwise abated as a public nuisance and any impoundment cost incurred shall be assessed against you.

A copy of this notice has been sent to property owners within three hundred (300) feet of your address.

Dated: _____

City Manager

5. Hearing Procedure. At the hearing, which may be continued from time to time, both oral and documentary evidence may be taken from any interested person and considered in determining whether the dog is vicious. Any owner who fails to appear after notice as provided herein was given, without obtaining a continuance from the City Manager or an appointed hearing officer, may be deemed to have waived any right to introduce evidence or object to an order made by the City Manager. If the hearing is conducted by a hearing officer other than the City Manager, the hearing officer shall submit a report to the City Manager summarizing the evidence and making a recommendation as to disposition, within three working days.
6. Hearing Findings – Public Nuisance. If, based upon the hearing, and the report of the hearing officer, if any, the City Manager upholds the findings of the Police Chief that the dog is vicious, the City Manager shall so specify in writing together with the reasons therefore. Any dog found to be vicious is hereby deemed a public nuisance and shall be, pursuant to the order of the City Manager, humanely destroyed, be removed from the City, or the nuisance otherwise abated by appropriate order of the City Manager including, but not limited to, confinement, fencing, muzzling or leashing. The decision of the City Manager shall be made within 10 working days after the conclusion of the hearing and shall be final. A copy of the decision shall be sent by certified mail or personally served upon the person owning or controlling the dog.
7. Cost of Impoundment. If the City Manager finds the dog is vicious, the costs of impoundment incurred by the City, including any abatement period, shall be paid by the owner or the person controlling the dog and shall become a lien against the real property upon which

the dog was kept and maintained until said lien is paid. If the order includes the release of a dog found to be vicious to the owner or person controlling it, the dog shall not be released until such costs have been paid in full. If such costs have not been paid within 30 calendar days after the date of mailing or delivery of the order, the City Manager may dispose of the dog in any manner provided by law, or return the dog and pursue alternative collection procedures. The total amount of the impoundment charges may be entered on the next fiscal year tax roll as a lien against the property upon which the dog was maintained and shall be subject to the same penalties as are provided for other delinquent taxes, liens or assessments of the City, or an action may be brought in the name of the City to recover the costs of impoundment.

8. Criminal Sanctions. The first violation of any order issued pursuant to subsection (A)(6) of this section shall constitute an infraction. The second and any further violations within 24 months of the order shall be misdemeanors. (Ord. 96-6, 7-23-1996)

Section 2.

All other sections and provisions of Title 9, shall remain in full force and effect.

Section 3.

That a duly noticed public hearing was held by the City Council.

Section 4.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 18th day of November, 2008 by Council Member _____, and adopted at a regular meeting of said City Council held on the 9th day of December, 2008 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.d.**
City Council Meeting
of December 9, 2008

APPROVE AND ADOPT THE HOWARD B. HILL JR. PARK FINAL INITIAL STUDY AND NEGATIVE DECLARATION AND AUTHORIZE STAFF TO FILE A NOTICE OF DETERMINATION

RECOMMENDATION:

1. Conduct a Public Hearing
2. Approve the Final Initial Study
3. Adopt the Negative Declaration
4. Authorize Staff to File a Notice of Determination

BACKGROUND:

In 2001, the City applied for and was awarded \$300,000.00 in state funding from the Roberti-Z'berg-Harris-Non Urban Space and Recreation Grant for the development of a new park site on West Mariposa Street. In 2008, the City successfully had the grant allocation transferred to a new park site at 1583 Merced Street. As required by the Grant Procedural Guide and CEQA, the City has prepared an Initial Study and Negative Declaration for this new park site.

As identified in the initial study, grant funds will be utilized for the initial design and construction of Howard B. Hill Jr. Park. Work will include landscape design, hydroseeding, irrigation, landscaping, walkways, picnic areas, paving and ADA signage. In future phases, the City plans to continue development through the construction of additional hardscape, landscaping and playground equipment. For grant purposes, a park site plan (attached) has been designed in concurrence with the above mentioned activities. Given the strict deadlines of the grant, the project must be completed by late spring 2009.

This project has been designed to be adjacent to the planned aquatic center and is set to go to bid pending Council approval. Without approval and adoption of the above mentioned environmental documents, the City can not proceed with development and runs the risk of losing said grant funds from the state.

Not only will this project provide a new park site for Newman's residents; it will kick-start development of the Hill Park/Aquatic Center site. It will improve the visual aesthetics of the neighborhood while being consistent with all land use plans/policies; including the City of Newman 2030 General Plan and Zoning Code.

A Notice of Intent was filed with the County Clerk-Recorder on November 5, 2008 and published in the West Side Index on November 6, 2008. As of this date, (12-2-08) two comments have been received; they are attached for your review.

ANALYSIS:

The City of Newman has been allocated funds from the California Department of Parks and Recreation for the project. As required, the City is now undertaking environmental review pursuant to the Grant Procedural Guide and the California Environmental Quality Act. Per these guidelines, an Initial Study and Negative Declaration have been prepared.

The purposes of an Initial Study are to:

1. Provide the Lead Agency with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration (ND).
2. Enable a Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a ND.
3. Assist in the preparation of an EIR, if one is required.
4. Facilitate environmental assessment early in the design of a project.

Agenda Item: **10.d.**

5. Provide documentation of the factual basis for the finding in a ND that a project will not have a significant effect on the environment.
6. Eliminate unnecessary EIRs.
7. Determine whether a previously prepared EIR could be used with the project. [Per CEQA Guidelines Section 15063(c)]

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

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

Upon completion of the Initial Study, staff has found that the proposed Howard B. Hill Jr. Park could not have a significant effect on the environment and that An Environmental Impact Report is not required pursuant to CEQA; given these findings, a Negative Declaration was prepared.

FISCAL IMPACT:

Positive, the City is set to receive \$300,000.00 of grant funds, provided that we expend \$128,571.00 in matching funds.

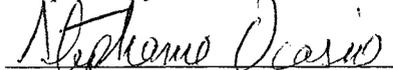
CONCLUSION:

As required by the Grant Procedural Guide and CEQA, an Initial Study and Negative Declaration were prepared for the project. Staff recommends approval and adoption of the Initial Study and Negative Declaration. Upon approval and authorization, staff will file a Notice of Determination with the County Clerk-Recorder.

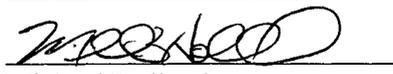
ATTACHMENTS:

1. Exhibit A – Project Site Relocation Notice
2. Exhibit B – Notice of Intent
3. Exhibit C – Initial Study Excerpt
4. Exhibit D – Draft Negative Declaration
5. Exhibit E – Park Site Plan
6. Exhibit F – Comments Received
7. Exhibit G – Draft Notice of Determination

Respectfully submitted,


Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR


Michael Holland
City Manager



City of Newman

1162 Main Street • P.O. Box 787 • Newman, CA 95360 • (209) 862-3725 • Fax (209) 862-3199
www.cityofnewman.com • E-mail info@cityofnewman.com

PUBLIC NOTICE

Roberti-Z'berg-Harris Non Urban Space & Recreation Grant Program Mariposa Park Development Project

NOTICE IS HEREBY GIVEN THAT the Mariposa Park Development Project Grant Site will be moved from Mariposa Road (more specifically described as Assessor's Parcel Numbers 026-026-017/018) to 1583 Merced Street (more specifically described as Assessor's Parcel Numbers 128-002-020/032). The site originally selected for the project is no longer a viable option for development in accordance with the above mentioned grant. Given that it has not yet been annexed into the City limits and that necessary infrastructure has not been extended to the site, the City believes that the move to 1583 Merced Street would be beneficial to the community.

The new site is better situated in the City limits and currently has access to necessary infrastructure, unlike the original site. In addition, the new site is closer to residents of the community and is easy to access through five existing collectors and arterials. Further supporting the new project site is the surrounding community demographic profile. The original site is currently used as agriculture and lacks residential units and adequate access for the public. The new site is in a well-established residential area with multiple access points. Both the original and proposed project sites are located in the same Census Data Class.

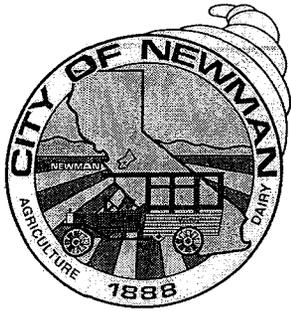
Questions regarding the above-referenced items may be directed to Stephanie Ocasio, Assistant Planner at City Hall or at (209) 862-3725.

Public Comments are requested and welcomed by the City of Newman. Persons wishing to provide verbal or written comments on the described proposal may do so at prior to **October 2, 2008**. Verbal comments may be submitted in person at the City of Newman City Hall, 1162 Main Street, Newman, CA, written comments may be sent by U.S. Mail to P.O. Box 787 Newman, CA or hand delivered to the City of Newman City Hall. If no comments are received prior to or on the above date, it will be assumed that no comments are being offered. The public is also informed that should this matter at some future date go to court, court testimony is limited to only those issues raised to the City per Government Code Section 65009.

THE CITY OF NEWMAN

STEPHANIE OCASIO
Assistant Planner

DATED: September 9, 2008
PUBLISHED: September 18, 2008



City of Newman

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www.cityofnewman.com • E-mail info@cityofnewman.com

FILED
08 NOV -5 AM 10:54

STANISLAUS CO. CLERK-RECORDER

Victoria Ayala

BY _____

HOWARD B. HILL JR. PARK NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

In compliance with the California Environmental Quality Act (CEQA), the City of Newman has undertaken environmental review for the proposed Howard B. Hill Jr. Park, and intends to adopt a negative declaration. The City of Newman invites all interested persons and agencies to comment on the proposed negative declaration.

Lead Agency: City of Newman

Project Location: The proposed project is located at 1583 Merced Street, Newman, CA 95360, APN's 128-002-020 and 128-002-032 (Stanislaus County)

Project Description: Design and Construction of a public park.

Public Review Period: Begins: November 6, 2008
Ends: November 26, 2008

Proposed Negative Declaration is Available for Public Review at these Locations: City of Newman Planning Department
Contact: Stephanie Ocasio, Assistant Planner
1162 Main Street
Newman, CA 95360
Phone: 209.862.3725

Newman Library
1305 Kern Street
Newman, CA 95360
Phone: 209.862.2010

Address Where Written Comments May be Sent: Stephanie Ocasio
Assistant Planner
City of Newman Planning Department
1162 Main Street
Newman, CA 95360
socasio@cityofnewman.com
Fax: 209.862.3199

Public Hearing: Tuesday, December 9, 2008
City of Newman City Council

APPENDIX G

Environmental Checklist Form

1. Project title: City of Newman Howard B. Hill Jr. Park

2. Lead agency name and address:
City of Newman
1162 Main Street/P.O. Box 787
Newman, CA 95360

3. Contact person and phone number: Stephanie Ocasio, Assist. Planner (209) 862-3725 ext 17

4. Project location: 1583 Merced Street (APN's 128-002-020 & 128-002-032)

5. Project sponsor's name and address:
City of Newman
1162 Main Street/P.O. Box 787
Newman, CA 95360

6. General plan designation: Central Residential 7. Zoning: R-1

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
Initial Design and Construction of a public park; work includes: landscape design, hydroseeding, irrigation, landscaping, walkways, picnic areas, paving and ADA signage. In the future, the City plans to continue park development through the construction of additional hardscape, landscaping and playground equipment.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
The project is surrounded by single family residential uses.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
Partial infrastructure improvements (i.e.. sidewalks, curb and gutter) may utilize CDBG funding and thus require Stanislaus County (lead agency in CDBG Consortium) approval.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

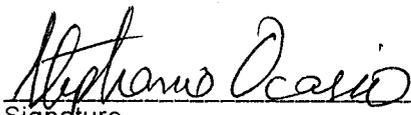
- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology /Soils
- Hazards & Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning

- | | | |
|--|---|---|
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



 Signature

Oct 28, 2008

 Date

Stephanie Ocasio, Assistant Planner

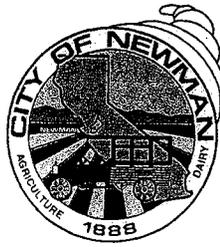
 Printed name

City of Newman

 For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose



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Draft Negative Declaration

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

Project/Location: Howard B. Hill Jr. Park, 1583 Merced Street, Newman, CA 95360
APNs: 128-002-020/032 (Stanislaus County).



Project Description: This project will provide for the first phase of the development of Howard B. Hill Jr. Park, which is a recently purchased 5+ acre park/aquatic center site, located within a quarter mile of a recently constructed school. Work includes: landscape design, hydroseeding, irrigation, landscaping, walkways, picnic areas, paving and ADA signage. Future park work will include additional hardscape, landscape design and playground equipment.

Applicant: City of Newman

Applicant Address: 1162 Main Street,
Newman, California 95360

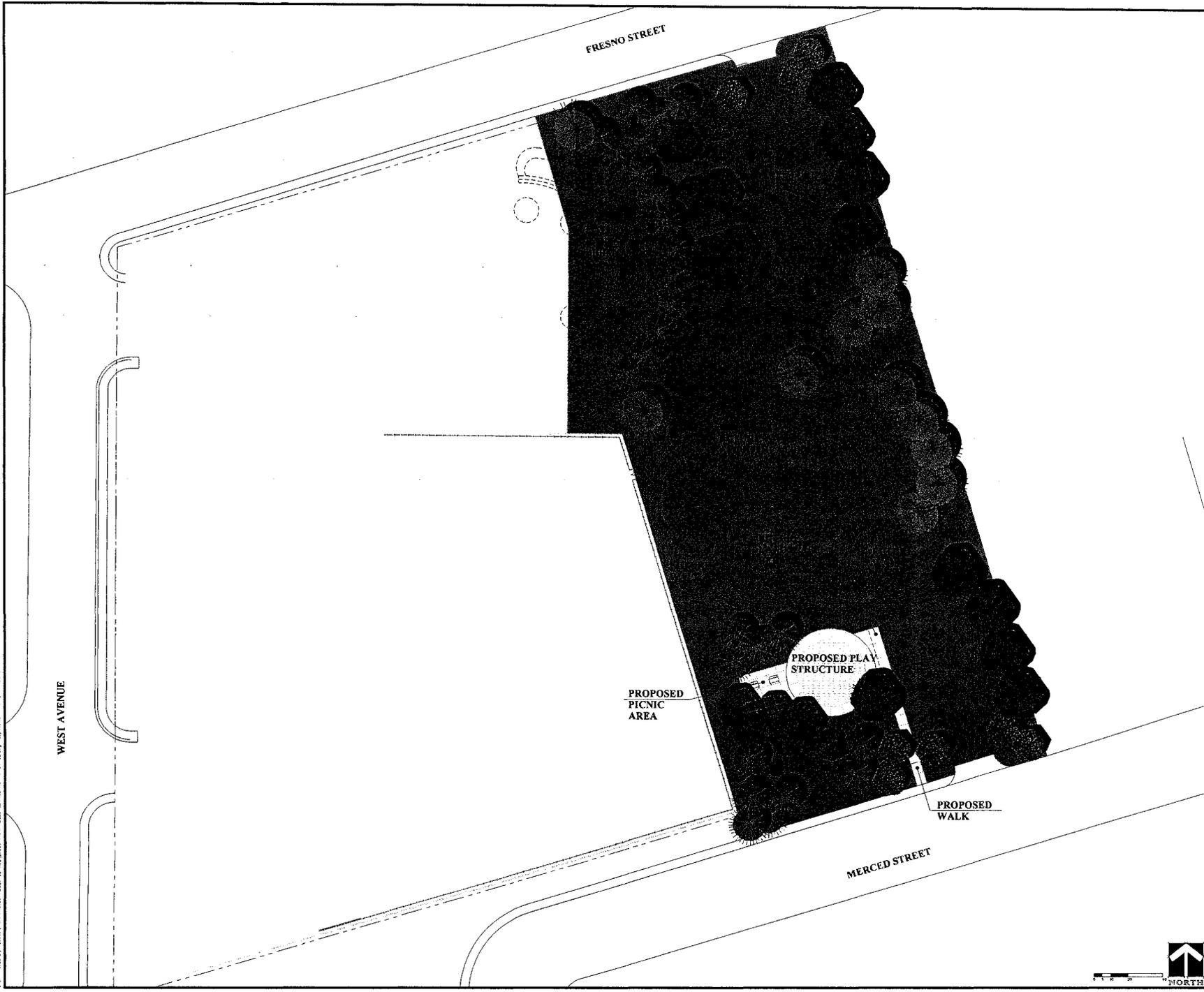
The City of Newman has reviewed the proposed project and has determined that the project, based on the Initial Study attached hereto, will not have a significant effect on the environment. An Environmental Impact Report is not required pursuant to the California Environmental Quality Act of 1970, and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

Mr. Michael Holland
City Manager, City of Newman

10/29/08

Date

Note: Initial Study Attached



NTD ARCHITECTURE

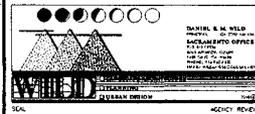
700 South Figueroa Street
 Los Angeles, CA 90017
 310.759.1111
 www.ntd.com

San Diego • Los Angeles • Austin • Seattle • Phoenix • Tucson



PLANT LIST

KEY	BOTANICAL NAME / COMMON NAME	SIZE	REMARKS
TREES			
T-1	MAYTENS BIRCH / GREEN SHOWERS / GREEN SHOWERS MATRIN	15 GAL	STANDARD
T-2	SEQUOIA SEMPERVIRENS 'SPHOS BLUE' / LARIX BLUE COAST REDWOOD	15 GAL	NATURAL
T-3	MAGNOLIA GRANDIFLORA MAJESTIC BEAUTY / MAJESTIC BEAUTY MAGNOLIA	15 GAL	STANDARD
T-4	CEDRUS DEODAR / DEODAR CEDAR	15 GAL	NATURAL
T-5	LARGE STIPULONIA HYBRID 'USCARONAT' / QUAKE WHITE	15 GAL	STANDARD
T-6	FRAXINUS VEATCHERIANA / PURPLE-LEAF PLUM	15 GAL	STANDARD
T-7	SPRINKLERES MAJESTIC BEAUTY / MAJESTIC BEAUTY HAWTHORN	15 GAL	STANDARD
GROUNDING COVER & FINISH			
G-1	TURF GRASS: '90-10 TALL FESCUE' / BLUEGRASS BLEND, OR APPROVED EQUAL	HYBRID 2" MON. HT. 200	



DESIGN DEVELOPMENT

PROJECT: CITY OF NEWNAN

HOWARD B. HILL, JR. PARK

DRAWING TITLE: LANDSCAPE PRELIMINARY PLAN

NO.	ISSUE	DRAWN BY	PROJECT NO.
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			



C:\Users\jgarcia\OneDrive\Documents\Projects\Howard Hill, Jr. Park\PROJECT_4500_LP151230preliminary.dwg 07/15/2015 12:21:00 PM



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

November 18, 2008

Stephanie Ocasio
Assistant Planner
City of Newman Planning Department
1162 Main Street
Newman, CA 95360

Project: City of Newman Howard B. Hill Jr. Park
District Reference No: 20080757

Dear Ms. Ocasio:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and finds:

1. The project is expected to have no significant adverse impact on air quality.
2. The proposed project would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include 20,000 square feet of recreational space.

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

3. District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than seeking final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees, be made a condition of the project's approval.
4. The proposed project may be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural

Seyed Sadredin

Executive Director/Air Pollution Control Officer

Northern Region

4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)

1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061
www.valleyair.org

Southern Region

2700 M Street, Suite 275
Bakersfield, CA 93301-2373
Tel: (661) 326-6900 FAX: (661) 326-6985

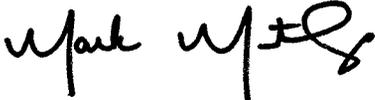
Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

If you have any questions or require further information, please call Mark Montelongo, at (559) 230-5905.

Sincerely,

Dave Warner
Director of Permits Services



for: Arnaud Marjollet
Permit Services Manager

DW: mm

DEPARTMENT OF TRANSPORTATION
1976 E. CHARTER WAY /
1976 E. DR. MARTIN LUTHER KING JR. BLVD.
STOCKTON, CALIFORNIA 95205
TTY: California Relay Service (800) 735-2929
PHONE (209) 941-1921
FAX (209) 948-7194



*Flex your power!
Be energy efficient!*

November 21, 2008

**10-STA-33-PM 0.68
Notice of Intent to Adopt a
Negative Declaration
Howard B. Hill Jr. Park**

Stephanie Ocasio, Assistant Planner
City of Newman Planning Department
1162 Main Street
Newman, CA 95360

Dear Ms. Ocasio:

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Notice of Intent to Adopt a Negative Declaration for the Howard B. Hill Jr. Park project. This proposed project will provide for the first phase of the development of this park, which is a recently purchased 5+ acre park/aquatic center site, located within a quarter mile of a recently constructed school. The project site address is 1583 Merced Street in Newman.

We have circulated a copy of the proposed negative declaration to our functional unit for review. Caltrans has the following comments:

- Impact fees should be collected on a fair share basis toward improvements to Merced Street / State Route 33 intersection.

Caltrans encourages contacting the Native American Heritage Commission: 915 Capitol Mall, Room 364, Sacramento, CA 95814, Telephone (916) 657-5390 for advice on consulting with Native Americans regarding any cultural concerns within the project area.

We look forward to continuing to work with you in a cooperative manner. If you have any questions, please contact Janet P. Jaramillo at (209) 942-6022 (email: jjaramil@dot.ca.gov) or me at (209) 941-1921.

Sincerely,

TOM DUMAS, Chief
Office of Intermodal Planning

-for-

c: Mr. Joshua Mann, Stanislaus County Planning & Community Development

Notice of Determination

Appendix D

To:

Office of Planning and Research
For U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St. Sacramento, CA 95814

County Clerk
County of: Stanislaus
Address: 1021 "I" Street, Suite 101 Modesto, CA 95353

From:

Public Agency: City of Newman
Address: 1162 Main Street/P.O. Box 787 Newman, CA 95360
Contact: Stephanie Ocasio, Assistant Planner
Phone: (209) 862-3725 ext. 17

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): N/A

Project Title: Howard B. Hill Jr. Park

Project Location (include county): 1583 Merced St. (APN's: 128-002-020/032), Newman, CA (Stanislaus County)

Project Description:

The Howard B. Hill Jr. Park project involves the initial design and construction of a public park. Work will include landscape design, hydroseeding, irrigation, landscaping, walkways, picnic areas, paving and ADA signage.

This is to advise that the City of Newman has approved the above described project on December 9, 2008 and has made the following determinations regarding the above described project:

- 1. The project [] will [X] will not have a significant effect on the environment.
2. [] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [X] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [] were [X] were not made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [] was [X] was not adopted for this project.
5. A statement of Overriding Considerations [] was [X] was not adopted for this project.
6. Findings [X] were [] were not made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at: 1162 Main Street, Newman, California

Signature (Public Agency) Title City Manager

Date 12-10-08 Date Received for filing at OPR

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.e**
City Council Meeting
of December 9, 2008

**SECOND READING AND ADOPTION OF ORDINANCE TITLE 11.05 - WATER SERVICE
REGULATIONS**

RECOMMENDATION:

It is recommended that the Newman City Council:

- Conduct Public Hearing
- Second Reading and Adoption of Ordinance Amending Title 11.05 of the Newman City Code and authorize staff to publish a summary of said ordinance.

BACKGROUND:

The Current City Code states specific dollar amounts for the water deposit and other fees. Staff would like to revise the code to eliminate the specific amounts, and as an alternative set the deposit and other fees by resolution.

ANALYSIS:

Staff is researching the effects of increasing the amount of the water deposit because with the increase in water rates the current amount of the utility deposit does not completely cover one months billing. By increasing the amount of the deposit staff hopes to decrease the amount sent to collections.

FISCAL IMPACT:

There are minimal administrative costs associated with changing the city code.

CONCLUSION:

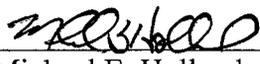
The revisions to the City Code would allow staff to change the water deposit and other fees, saving staff time and money.

Respectfully submitted:



Sonya Silva
Finance Director

Reviewed/Concur



Michael E. Holland
City Manager

ORDINANCE NO. 2008-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 11.05 - WATER SERVICE REGULATIONS**

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

Section 1.

That Title 11 of the Newman City Code is amended as follows:

11.05.190 Reconnection fee.

In the event that a consumer's service has been disconnected from the Water Department on account of any violation of this chapter, the Water Department is hereby authorized and directed to charge a reasonable fee of \$15.00, in addition to all other charges provided for herein for said reconnection.

In the event that a consumer's service has been disconnected from the Water Department on account of any violation of this chapter, the Water Department is hereby authorized and directed to charge a reasonable fee, as established by resolution, in addition to all other charges provided for herein for said reconnection.

11.05.100 Delinquent consumers.

If a consumer, who has initially established his credit, as in this chapter provided, or who has received service prior to the enactment of this chapter, later fails to pay his water bill to the Water Department, a cash deposit as provided in NCC 11.05.020 will be demanded, irrespective of whether or not the consumer owns the premises supplied by the service, in addition to payment of all delinquent bills and penalties. If he fails to pay said delinquent bills and make a cash deposit, his water service shall be discontinued after the expiration of 10 days' notice to discontinue service. If water service is discontinued, said service may again be established only in the event that the consumer or applicant for service pays all delinquent bills, makes said cash deposit and pays in addition thereto, ~~the sum of \$15.00~~. Thereupon, and not otherwise, will service be resumed.

If water service is discontinued, said service may again be established only in the event that the consumer or applicant for service pays all delinquent bills, makes said cash deposit and pays in addition thereto, as established by resolution. Thereupon, and not otherwise, will service be resumed.

11.05.020 Application for service – Deposit.

A. Application. Before water will be supplied by the Water Department to any person, which requires a connection from the Department's water mains to water pipes on any real property, the owner or occupant of the property shall make a written application for such service and service connection upon a form provided by the Water Department. The information required in all instances, where application is made for water, shall include the name and address of the applicant, a description of the real property by lot number, block and tract and the official house number assigned to the premises, for which water is desired, together with a statement of the applicant's relation to the property, whether as owner, occupant, lessee or otherwise.

A. Application. Before water will be supplied by the Water Department to any person, which requires a connection from the Department's water mains to water pipes on any real property, the owner or occupant of the property shall make a written application for such service and service connection upon a form provided by the Water Department, and pay a non-refundable application fee as established by resolution.

B. Deposit. The Water Department, as a condition to granting such application and supplying water to the premises, therein described, ~~when the applicant is not owner of the premises, is authorized, and shall~~

~~require a cash deposit in the sum of \$50.00.~~ The deposit will be refunded when the services are discontinued, provided all charges to the applicant by the Water Department have been paid, otherwise said deposit shall be applied to the account of the applicant. The deposit will also be refunded, without interest, if the applicant has, as determined by the Finance Officer, a good payment record for the 18-month period immediately preceding.

B. Deposit. The Water Department, as a condition to granting such application and supplying water to the premises, therein described, is authorized, and shall require a cash deposit, as established by resolution. The deposit will be refunded when the services are discontinued, provided all charges to the applicant by the Water Department have been paid, otherwise said deposit shall be applied to the account of the applicant. The deposit will also be refunded, without interest, if the applicant has, as determined by the Finance Officer, a good payment record for the 18-month period immediately preceding.

Section 2.

All other sections and provisions of Title 11.05, shall remain in full force and effect.

Section 3.

That a duly noticed public hearing was held by the City Council.

Section 4.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 18th day of November, 2008 by Council Member _____, and adopted at a regular meeting of said City Council held on the 9th day of December, 2008 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor

Deputy City Clerk



City of Newman
City Manager's Office
Memorandum

Date: December 3, 2008

To: City Council

From: Michael E. Holland, City Manager *MH*

Subject: Method For Filling City Council Vacancy

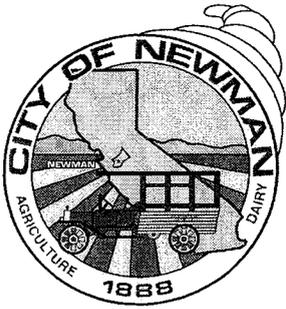
As a result of the elections, the Newman City Council has a vacancy. The vacancy represents the two years remaining when Councilmember Katen moved to the Mayoral position. The Council has two options for filling said vacancy:

Option 1:

Appoint a person to the position within 30 days from certification of the election results. If the Council elects to move forward with this method, I recommend Council direct staff to advertise the vacant position in the local newspaper. Applicants would be required to submit an application for citizen service by a date set by Council. Since the City Council is NOT scheduled to meet within the required 30 day appointment period, I recommend the Council set a date for a special meeting. The recommend dates are January 6th or 7th. Council could use the special meeting to interview all potential candidates and, potentially, appoint one to serve the remaining two years.

Option 2:

Council may elect to send the vacancy to a special election. All costs associated with a special election would be the responsibility of the City. The election would probably be held in June 2009, leaving the position a 17-month term.



City of Newman APPLICATION FOR CITIZEN SERVICE

POSITION DESIRED: Planning Commission Parks & Recreation Commission
 Architectural Review Committee Other _____

NAME: _____

ADDRESS: _____

HOME PHONE: _____ BUSINESS PHONE: _____

OCCUPATION: _____

EDUCATION: (List highest year completed and all degrees): _____

Are there any workday evenings you could not meet? Yes No

If so please list: _____

Why are you interested in this position? _____

What do you consider to be your major qualifications? _____

Please attach a written statement containing any additional information you feel would be helpful to the City Council.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **11.b.**
City Council Meeting
of December 9, 2008

ABANDONED AND VACANT PROPERTY ORDINANCE

RECOMMENDATION:

Conduct Second Reading And Adoption Of Ordinance No. 2008-xx, An Ordinance Amending Title 8, Health And Sanitation Of The Newman City Code.

BACKGROUND:

The proposed Ordinance was introduced at the November 18th City Council meeting.

ANALYSIS:

At the request of the City Council, the City Attorney drafted the proposed Ordinance to deal with the maintenance, security and rehabilitation of abandoned and vacant properties. The Ordinance provides a set maintenance and security requirements for vacant homes. In addition, if the property is owned by an "out of town" beneficiary, trustee, or owner they are required to contract for management services.

FISCAL IMPACT:

Undetermined. All costs associated with enforcement will be recovered from the property owner through tax liens.

CONCLUSION:

The Ordinance is recommended to strengthen portion of the Newman City Code as it pertains to code enforcement issues. Staff is recommending the Council adopt the Ordinance as presented.

Respectfully submitted,



Michael Holland
City Manager

ORDINANCE NO. 2008-

**MAINTENANCE, SECURITY AND REHABILITATION OF ABANDONED AND
VACANT PROPERTY**

8.08.010 FINDINGS - DECLARATION OF PURPOSE:

The Council finds that neglected, vacant, and abandoned properties are a major source of blight in residential and non-residential neighborhoods, especially when owners or responsible persons fail to maintain and manage those properties in a manner that ensures they do not become a liability to the surrounding community. Vacant buildings often attract transients, criminals, and drug users. Use of vacant, unsecured buildings by transients and criminals, who may employ primitive cooking or heating methods, creates a risk of fire for the building and adjacent properties and presents a dangerous attractive nuisance to children. Vacant properties are often used as dumping grounds for drug paraphernalia, furniture, tires, garbage, junk and debris, and are frequently overgrown with weeds and vegetation. In addition, the presence of vacant buildings that are simply boarded up for long periods of time to prevent entry by transients or vandals very often discourages economic development and encourages graffiti, disrupting neighborhood stability, retarding appreciation of property values, and promoting blight conditions. As a result, neighboring property owners and occupants are denied full use and enjoyment of their property.

The City currently expends vast resources monitoring and responding to the numerous health, welfare, safety, and economic problems caused by neglected, vacant properties. Because there is already a significant cost to the City for monitoring these properties, as well as a substantial toll on the citizens who are affected by the nuisance conditions created, the City Council finds there is an urgent need to implement a process by which these buildings are monitored and the costs borne by the owners of these properties, rather than the community.

8.08.020 DEFINITIONS:

For the purposes of this chapter, the following terms shall have the meanings indicated below:

ABANDONED: Any residential property in the city that is vacant or shows evidence of vacancy and:

- (1) Is under a current notice of default and/or notice of trustee's sale, pending tax assessor's lien sale; and/or
- (2) Was the subject of a foreclosure sale where the title was retained by the beneficiary or trustee of a deed of trust involved in the foreclosure who is the current owner of the property; and/or
- (3) Was transferred to the current owner under a deed in lieu of foreclosure or sale.

DANGEROUS BUILDING: Any building or structure that is in violation of any condition referenced in chapter 14, article II, division 8, Uniform Code for the Abatement of Dangerous Buildings.

DEFAULT: The failure to fulfill a contractual obligation, monetary or conditional.

EVIDENCE OF VACANCY: Any condition that on its own or combined with other conditions present leads any person authorized to enforce this Code, in his or her reasonable discretion, or would lead any other reasonable person to believe that the property is vacant. Such conditions include, but are not limited to: overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers, and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation,

statements by neighbors, passersby, delivery agents or government employees that the property is vacant.

OWNER: Any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.

PROPERTY: Any unimproved or improved real property or portion thereof, situated in the city and includes the buildings or structures located on the property regardless of condition.

RESIDENTIAL PROPERTY: Any improved real property or portion thereof, situated in the city, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as "residential" whether or not it is legally permitted and/or zoned for such use.

SECURING: Such measures as may be directed by the director of planning or his or her designee that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining or padlocking of gates, the repair or boarding of door, window and/or other openings. Boarding shall be completed to a minimum of the current HUD securing standards at the time the boarding is completed or required.

VACANT: Any building or structure that is unoccupied or occupied by unauthorized persons whether or not it is secured or boarded.

8.08.030. CLASSIFICATION OF NUISANCES:

The following acts and conditions, when performed or existing upon any lot or parcel within the city, are declared to be unlawful and are defined as and declared to be public nuisances per se that are injurious to the public health, safety, and welfare:

- (a) Buildings or structures that are under construction or rehabilitation and are not completed during the term of a valid building permit or building permit extension issued by the director of planning or his or her designee.
- (b) Unoccupied buildings or structures that have been left unlocked or otherwise open or unsecured from intrusion by persons, animals or the elements.
- (c) Buildings or structures for human use or occupancy that have been left vacant for more than 180 days, unless one of the following applies:
 1. The building or structure is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation.
 2. The building or structure complies with all codes adopted by the City of Newman, does not otherwise constitute a public nuisance, is ready for use or occupancy and is actively being offered for sale, lease or rent.
 3. The building or structure, including the premises on which it is located, does not otherwise constitute a public nuisance and is not likely to become a public nuisance because it is being actively maintained and secured pursuant to Sections 14-523 and 14-524 of this Code.
- (d) Every owner, occupant or person having charge or control of a building, structure, or property is liable for violations of this chapter regardless of any contract or agreement with any third party.

8.08.030 MAINTENANCE REQUIREMENTS:

Every owner, lessee, occupant, or person having charge or control of buildings, structures, or property within the city is required to maintain the building, structure or property subject to the following maintenance requirements:

- (a) Any condition causing the property to constitute a dangerous building shall be immediately remedied.
- (b) Properties must be kept free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- (c) The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.
- (d) Visible front and side yards shall be mowed, landscaped and otherwise to the satisfaction of the director of planning or his or her designee. Landscape includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf or sod designed specifically for residential installation. Weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar materials are not acceptable landscaping. Maintenance of landscaping includes, but is not limited to, regular watering, irrigation, cutting, pruning and mowing of required landscape and removal of all trimmings.
- (e) Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris, or shall be drained and kept dry.
- (f) The owner of any vacant building, whether boarded by voluntary action of the owner or as a result of enforcement activity by the city, shall rehabilitate the boarded building for occupancy, in accord with all applicable codes and regulations, within 180 days after the building is boarded, except as provided in subsection 14-522(c)(3) of this Code.

Adherence to this section does not relieve the property owner of any obligations set forth in any covenants, conditions and restrictions and/or homeowners' association rules and regulations which may apply to the property.

8.08.040 SECURITY REQUIREMENTS:

Any property in the City of Newman classified as abandoned or vacant shall be subject to the following security requirements:

- (a) All windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s) shall be secured so as to prevent access by any unauthorized person. In the case of broken windows, securing means the re-glazing or boarding of the window.
- (b) Pools and spas shall be fenced or otherwise secured to prevent access or use by any unauthorized person.
- (c) The property shall be posted with name and 24-hour contact phone number of a local property management company. The posting shall be no less than 4" x 6" and shall contain, along with the name and 24-hour contact number, the words "THIS PROPERTY MANAGED BY _____" and "TO REPORT PROBLEMS OR CONCERNS CALL _____." The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of and printed with weather-resistant materials.

8.08.050 INSPECTION:

The owner shall inspect the abandoned or vacant property on a monthly basis, or more frequently if required by the director of planning or his or her designee, to ensure that the property is in compliance with the requirements of this chapter and any other applicable laws.

8.08.060 ADDITIONAL REQUIREMENTS:

- (a) The owner shall comply with all applicable laws and codes, including zoning, historic preservation, housing, and building codes.
- (b) If the owner of a vacant property is a corporation, limited liability company or similar entity or is an "out-of-area" beneficiary, trustee, or owner, the owner shall contract with a property management company to ensure that the requirements of this Division, and any other applicable laws, are being met.
- (c) The Chief of Police or his or her designee(s) shall have the authority to require the owner of any property subject to this chapter to implement additional maintenance and/or security measures including, but not limited to: securing any or all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property and prevent the maintenance of an attractive nuisance.

8.08.070 OTHER ENFORCEMENT:

Nothing in this chapter shall preclude the City from demolishing any building on the property or taking any other action authorized by this Division, or other provisions of this Code, or applicable law.

8.080.080 APPEALS:

Any person aggrieved by any of the requirements of this Division may appeal, in accordance with the provisions of 8.060.

8.08.90 VIOLATION/PENALTY:

A violation of this Division shall be treated as a strict liability offense regardless of intent. Any person, firm, or corporation that violates any provision of this Division shall be subject to prosecution and administrative enforcement as provided in the Newman Municipal Code.

8.080.100 SEVERABILITY:

If any section or portion of this ordinance shall be determined invalid or unconstitutional, that section or portion shall be deemed severable and all remaining sections or portions shall remain in full force and effect.

8.080.110 EFFECTIVE DATE

The City Council hereby finds that there is a current and immediate threat to the public health, safety, and welfare. The facts constituting this emergency are as follows: The number of vacant properties due to foreclosure and abandonment is imminently straining local resources in the City of Newman, causing blight in severe numbers, creating harborages for criminal activity, the effect of which is causing an overall devaluation of local properties. The City does not have the resources to devote to the severe

blight and management of these properties and, therefore, must initiate measures such as this to prevent the proliferation of criminal activity and blight by the vacant and abandoned properties.

Introduced at a regular meeting of the City Council of the City of Newman held on the 28th day of October, 2008 by Council Member Kelly, and at the special meeting of the City Council of the City of Newman held on the 18th day of November, 2008 by Council Member _____ and adopted at a regular meeting of said City Council held on the 9th day of December, 2008 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

Mayor

ATTEST:

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **11.c.**
City Council Meeting
of December 9, 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 Finance Department and Public Works Department has identified several items ready to be declared surplus.

ANALYSIS:

The identified items are specifically identified in Attachments A and B. 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= Public Works 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 9th day of December 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

<u>Item Description</u>	<u>Serial #</u>
Bicycle - G/T (Missing 1 Wheel)	085097
Scooter-Gas Powdered -B1 k./Chrome	085099
Bicycle - Mongoose Rebel	6NPOOL08989
Bicycle - Silver Mountain	085134
Bicycle -Beach Cruiser -Blue	KK03008153
Bicycle - Schwinn -World Sport	1324008
Bicycle - Mongoose Machine-Blue	AV 238751
Bicycle - GT Saddleback Mt-Wt/Blue	P8KA53507
Bicycle - Redline= 1 sp - 20"	HP0206292
Bicycle - Red/Black -20"-1sp	L02620653
Bicycle - Roadmaster Mt-18 sp	085143
Bicycle - Red Cobra Quest	LUDF001891
Bicycle - Purple Rallye Ridge Climber	01DT5175081
Bicycle - Black Roadmaster Mtn	5NFSD07GH2405
Rug Doctor	
Delta shop master belt sander	
Delta BS 100 band saw	
Ryobi 10" drill press	
Skill 8" bench grinder	
Famous trails metal detector	
Quasar video camera	
Black Royal paper shredder	
Lexmark X5150 printer	
Craftsman 24 volt cordless pole saw	
Craftsman auto scroll saw	
Hewlett Packard 5610 printer	
Hewlett Packard 5610 - Printer	

ATTACHMENT B

Finance Department

Item #1

Epson DFX 5000+ Printer Asset Tag No. 40942

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

RESOLUTION NO. 2008-68

**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 9th day of December 2008 by Council Member Kelly, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

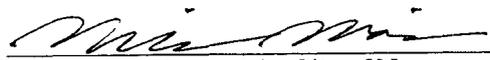
AYES: Kelly, Davis, Martina and Mayor Katen
NOES: None
ABSENT: None

APPROVED:



Mayor of the City of Newman

ATTEST:



Deputy City Clerk of the City of Newman

ATTACHMENT A

Police Department

<u>Item Description</u>	<u>Serial #</u>
Bicycle - G/T (Missing 1 Wheel)	085097
Scooter-Gas Powdered -B1 k./Chrome	085099
Bicycle - Mongoose Rebel	6NPOOL08989
Bicycle - Silver Mountain	085134
Bicycle -Beach Cruiser -Blue	KK03008153
Bicycle - Schwinn -World Sport	1324008
Bicycle - Mongoose Machine-Blue	AV 238751
Bicycle - GT Saddleback Mt-Wt/Blue	P8KA53507
Bicycle - Redline= 1 sp - 20"	HP0206292
Bicycle - Red/Black -20"-1sp	L02620653
Bicycle - Roadmaster Mt-18 sp	085143
Bicycle - Red Cobra Quest	LUDF001891
Bicycle - Purple Rallye Ridge Climber	01DT5175081
Bicycle - Black Roadmaster Mtn	5NFSD07GH2405
Rug Doctor	
Delta shop master belt sander	
Delta BS 100 band saw	
Ryobi 10" drill press	
Skill 8" bench grinder	
Famous trails metal detector	
Quasar video camera	
Black Royal paper shredder	
Lexmark X5150 printer	
Craftsman 24 volt cordless pole saw	
Craftsman auto scroll saw	
Hewlett Packard 5610 printer	
Hewlett Packard 5610 - Printer	

ATTACHMENT B

Finance Department

Item #1

Epson DFX 5000+ Printer Asset Tag No. 40942

ATTACHMENT C

Recreation Department

Item #1

Pool Table (no # and no property tag) – Item is in poor condition

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **11.d.**
City Council Meeting
of December 9, 2008

**APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH CITY OF
PATTERSON**

RECOMMENDATION:

Adopt Resolution #2008-xx approving a Memorandum of Understanding with the City of Patterson and West Stanislaus Fire Protection District regarding joint use of Fire House software system.

BACKGROUND:

At the August 28th City Council meeting, members of the West Stanislaus Fire Protection District addresses the Council and requested cooperation with a Joint Fire Protection Study being conducted by their agency and the City of Patterson. After viewing two presentations, a committee unanimously agreed that Citygate Associates would best serve the communities and district.

Upon reviewing the Citygate report, the Cities of Newman and Patterson and West Stanislaus Fire Protection District held a joint meeting of the respective boards. While it was decided that consolidation of the three departments was not currently a feasible opportunity, the Boards did identify a few areas in which the agencies could move towards mutual collaboration.

ANALYSIS:

Attached for your review is a copy of the MOU with the City of Patterson and West Stanislaus Fire Protection District. The agreement speaks of Newman providing two (2) Go Global licenses to Patterson/West Stanislaus that allow remote access to Fire Stations. In return, the City of Patterson will provide server space for the Newman's software and data. In addition, the City of Patterson has agreed to input Newman Fire Department response call data onto the system for a fixed fee of \$250. The fee is based upon Newman's last twelve month average of calls for assistance.

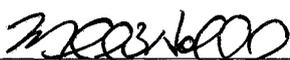
FISCAL IMPACT:

\$1,500. This amount can be absorbed in the current budget. There will be a \$3,000 impact to future budgets.

CONCLUSION:

Staff recommends that the City enter into the proposed Memorandum of Understanding with the City of Patterson and West Stanislaus Fire Protection District. As discussed with the joint session, this small step is a start to finding ways to work together. Common software system and data storage will allow quick and efficient access to resources and allow staff to query the data for regional analysis. Ultimately, this will enhance the ability of the agencies to jointly pursue funds for more regional cooperation.

Respectfully submitted,



Michael Holland
City Manager

RESOLUTION NO. 2008-

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO
SIGN A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF
PATTERSON AND THE WEST STANISLAUS FIRE PROTECTION DISTRICT
REGARDING JOINT USE OF FIRE HOUSE SOFTWARE**

WHEREAS, the City of Newman has put a high priority on providing the best quality services to its citizens, and

WHEREAS, the City of Newman participated in the Citygate Joint Fire Protection Study in conjunction with the City of Patterson, and the West Stanislaus Fire Protection District, and

WHEREAS, the Cities of Newman and Patterson and West Stanislaus County Fire Protection District reviewed the Joint Fire Protection Study and decided to work together in areas identified in the study that would allow the agencies to move towards mutual collaboration, and

WHEREAS, the Cities of Newman and Patterson and West Stanislaus County Fire Protection District wish to memorialize the use of the joint use of a software system, and

WHEREAS, the City of Newman, the City of Patterson, and the West Stanislaus Fire Protection District have previously contracted with one another for other services, and

WHEREAS, the City Council is desirous of entering into a contract with the City of Patterson and the West Stanislaus Fire Protection District, and

WHEREAS, the City Council of the City of Newman has determined it would be in the best interest of the City to enter into a Memorandum of Understanding with the City of Patterson and the West Stanislaus Fire Protection District.

NOW, THEREFORE, BE IT RESOLVED that the Newman City Council hereby authorizes the City Manager to sign a Memorandum of Understanding with the with the City of Patterson and the West Stanislaus Fire Protection District regarding joint use of Fire House software.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 9th day of December, 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:

ATTEST:

Mayor of the City of Newman

Deputy City Clerk of the City of Newman

MEMORANDUM OF UNDERSTANDING

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This Memorandum of Understanding is made and entered into as of November __, 2008, between the City of Newman, City of Patterson, and the West Stanislaus Fire Protection District.

Whereas the parties wish to memorialize the use of the joint use of a soft ware system,

NOW THEREFORE, in consideration of the foregoing, the parties hereto agree as follows:

1. The City of Newman will provide one 5 concurrent user pack of Go Global licenses for use by both Newman City Fire and Patterson city/West Stanislaus Fire Protection District. The software will be installed on the Patterson/West Stan server and 2 seats will be for the use of Newman Fire and 2 seats for the use of Patterson/West Stanislaus Fire Protection District. 1 seat will be reserved for use by the IT service provider and "data administrator." The City of Newman will purchase the annual software maintenance for the Go Global software.
2. The City of Newman will purchase a copy of the Fire House software and the annual software support for the Fire House.
3. Patterson/West Stanislaus Fire will provide space on their server for one installed copy of the City of Newman's Fire House software. The system will be secured so that only the City of Newman and the "data administrator" can access the software. The Fire Department will also provide an internet connection at the location of the server so that the City of Newman can access the Fire House installation over the internet using the Go Global software.
4. The City of Newman will pay the City of Patterson \$250.00 per month as reimbursement for clerical time to input Newman City Fire calls into the Fire House software system.

This Agreement constitutes the entire agreement of the parties with respect to the subject matter. All modifications, amendments, or waivers of the terms of this Agreement must be in writing and signed by the appropriate representatives of the parties.

IN WITNESS WHEREOF, this Agreement is hereby executed by the party's representatives as of the date first set forth above,

CITY OF NEWMAN	CITY OF PATTERSON	WEST STANISLAUS FIRE
_____	_____	_____

Honorable Chair and Members
of the Newman Redevelopment Agency

RESOLUTION APPROVING TERMS OF REIMBURSEMENT AND LOAN AGREEMENT

RECOMMENDATION:

Adopt Resolution #2008-XX approving the terms of a Reimbursement and Loan Agreement with 33 & Inyo Partners LTD an authorize the Executive Director to execute said agreement.

BACKGROUND:

In 2003, the City of Newman approved an Underground District for the Downtown Plaza location. While the project is nearing completion, staff and the contractor discovered the need for a new easement based upon existing conditions. Staff has contacted the property owner regarding this issue.

The property owner(s) also own Westside Marketplace (Nob Hill Shopping Center). Over the past several months, staff has been working with 33 & Inyo Partners LTD (developer) regarding the development of Phase II of Westside Marketplace. In effort to facilitate commercial development, and in valuable consideration of a communications easement, the City has negotiated the terms of a reimbursement and loan agreement.

ANALYSIS:

The City of Newman and Redevelopment Agency have benefitted greatly from the development of Westside Marketplace. In an effort to facilitate development and in valuable consideration of a communications easement, staff is recommending the following terms for an agreement:

1. The Developer agrees to provide an underground communication easement to facilitate completion of the Underground Utility District. See attached.
2. The City/Redevelopment Agency agrees to reimburse developer for costs associated with extending water and sewer lines southward to the adjacent property line during construction of Westside Marketplace Phase II. (Cost approximated at \$35,000)
3. Should the City make a public health and safety finding, during approval of Westside Marketplace Phase II Site Plan Review application, supporting installation of the entire frontage improvements, the City/Agency agrees to provide developer a zero-interest loan to install frontage improvements for APN 128-060-024. Loan shall be payable in full at such time as the property develops, transfers ownership, or is sold to a separate party. (Cost approximated at \$10,000)
4. The agreement will have an attorney's fee clause should either party need to enforce said agreement.
5. Said agreement will include an exhibit diagramming all improvements described above.

FISCAL IMPACT:

Estimated \$50,000. The City/Agency will recover costs associated with reimbursement through increased tax increment and sales tax revenues. Loan will be repaid at the time of development or change of ownership.

CONCLUSION:

Staff recommends the Council approve the terms for said agreement and authorize the City Manager to execute an agreement. The agreement will assist the City with completion of the underground district and facilitate Phase II development of Westside Marketplace. The City Attorney and client's attorney are working on said agreement language as this report goes to printing. It may be available for review at the meeting.

Respectfully submitted,



Michael Holland
Executive Director

RECORDING REQUESTED BY:

City Clerk
City of Newman

WHEN RECORDED RETURN TO:

City Clerk
City of Newman
Post Office Box 787
Newman, California 95360

EASEMENT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
DOUGLAS C. STEPHENS AND CAROL STEPHENS, HUSBAND AND WIFE

Hereby grants to The CITY OF NEWMAN, a municipal corporation, for underground communication, service

the following described service easement under the real property in the City of Newman, Stanislaus County, State of California, as described on "Exhibit A and " Exhibit "B" attached hereto and made a part hereof.

By: _____ By: _____

Date: _____ Date: _____

NOTARY:

State of California

County of _____

On _____ before me, _____ ,
DATE NAME, TITLE OF OFFICER

personally appeared _____ ,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

SIGNATURE OF NOTARY

Exhibit "A"
Legal Description
City of Newman
Easement Grant for Underground Communication Services

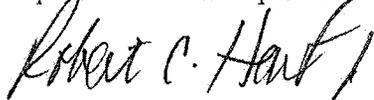
All of Lot 21 and all that portion of Lot 20 in Block 73 of the City of Newman according to the Map filed for record on December 10, 1940 , in Volume 8 of Maps, Page 51, Stanislaus County Records , described as follows:

Beginning at the Northwest corner of said Lot 20; and running thence South 17° 03' East, 12 feet along the East line of "O" Street; thence, North 72° 57' East, 80 feet; North 17° 03' West, 12 feet; thence, South 72° 57' West, 80 feet along the line of said Lot 20 to the place of beginning.
Assessor Parcel No. 128-010-018 Existing Parent parcel.

Parcel "A"

The centerline of the five foot easement is being described as follows: Beginning on the Northeasterly line of said Lot 21, being South 17° 03' East, a distance of 6 feet Southeasterly of the Southeasterly line of said Lot 21, being parallel with said the Southeasterly line of said Lot 21; thence, South 72° 57' West, along said Parallel line, a distance of 72.50 feet to an angle point therein; thence, South 17° 03' East , perpendicular with last said call, a distance of 31.00 feet, to the end of this centerline description.

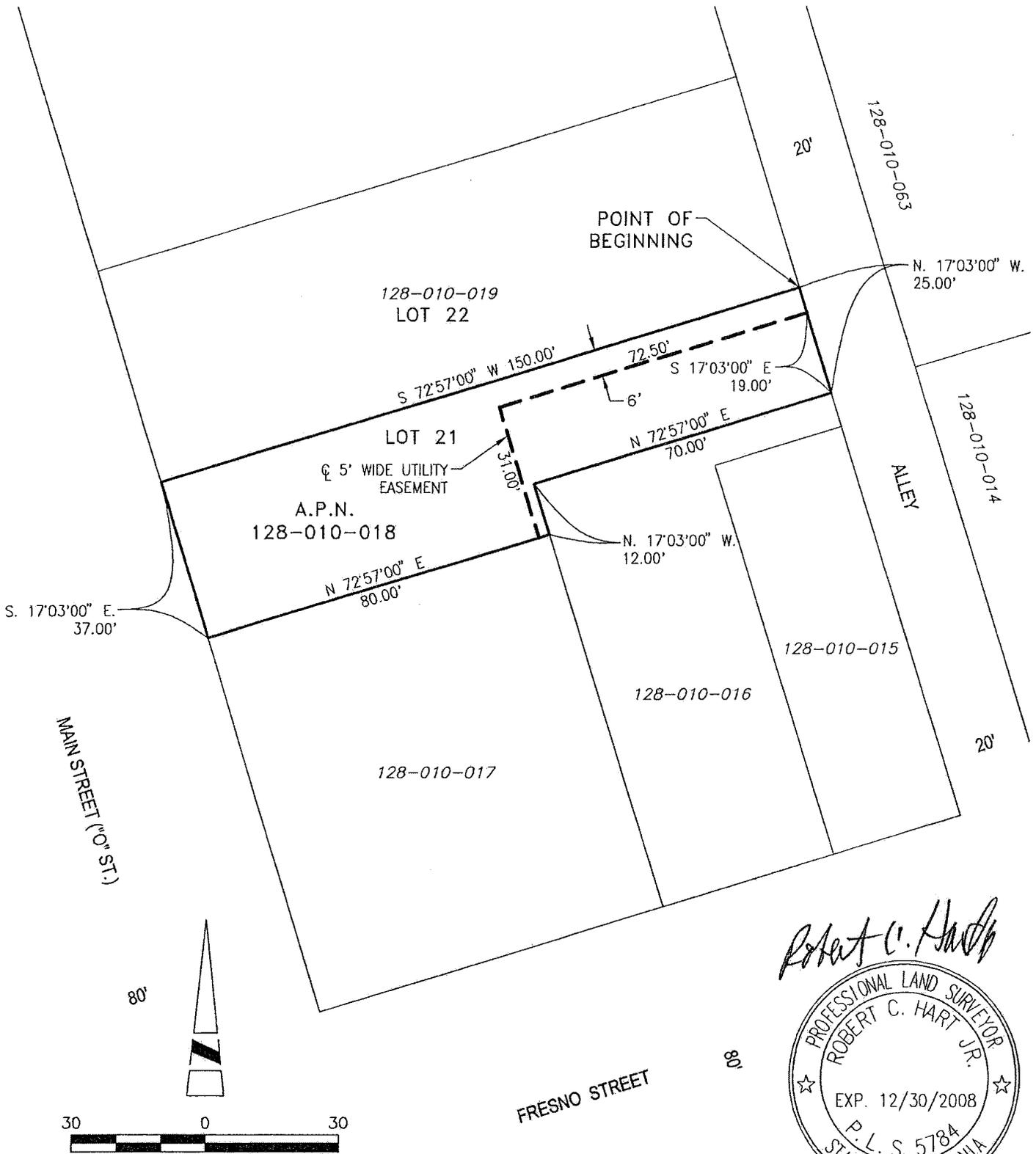
Prepared under the supervision of:



Robert C. Hart, Jr., P.L.S. 5784
Expires 12/30/2008



EXHIBIT "B"



Robert C. Hart Jr.
 PROFESSIONAL LAND SURVEYOR
 ROBERT C. HART JR.
 EXP. 12/30/2008
 P. L. S. 5784
 STATE OF CALIFORNIA

BOYLE ENGINEERING CORPORATION 1120 W. I St., Suite C Los Banos, California 93635 209-826-5155 WWW.BOYLEENGINEERING.COM	DRAWN BY: D.M. MORENO	CITY OF NEWMAN EASEMENT FOR UNDERGROUND COMMUNICATION SERVICES	SHEET 1
	CHECKED BY: R.C. HART JR.		OF 1
	DATE: 02/29/08		
	PROJECT No. 21440.02		

REDEVELOPMENT AGENCY

RESOLUTION NO. 2008-
RDA RESOLUTION NO. 2008-

RESOLUTION OF THE NEWMAN REDEVELOPMENT AGENCY APPROVING A REIMBURSEMENT AND LOAN AGREEMENT AND AUTHORIZING THE EXECUTION OF SAID AGREEMENT BETWEEN THE AGENCY AND 33 & INYO PARTNERS LTD

WHEREAS, the City of Newman has put a high priority on facilitating commercial development ; and

WHEREAS, the City of Newman consideration of a communications easement, has negotiated the terms of a reimbursement and loan agreement; and

WHEREAS, the City of Newman approved an Underground District for the Downtown Plaza location and staff discovered the need for a new easement based upon existing conditions; and

WHEREAS, staff has been working with 33 & Inyo Partners LTD regarding the development of Phase II of Westside Marketplace; and

WHEREAS, the City of Newman and Redevelopment Agency have benefitted greatly from the development of Westside Marketplace; and

WHEREAS the Developer agrees to provide an underground communication easement to facilitate completion of the Underground Utility District for the Downtown Plaza Location; and

WHEREAS, the agreement will assist the City with completion of the underground district and facilitate Phase II development of Westside Marketplace; and

NOW, THEREFORE, THE NEWMAN REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1.

The Developer agrees to provide an underground communication easement to facilitate completion of the Underground Utility District.

Section 2.

The City/Redevelopment Agency agrees to reimburse developer for costs associated with extending water and sewer lines southward to the adjacent property line during construction of Westside Marketplace Phase II

Section 3.

Should the City make a public health and safety finding, during approval of Westside Marketplace Phase II Site Plan Review application, supporting installation of the entire frontage improvements, the City/Agency agrees to provide developer a zero-interest loan to install frontage improvements for APN 128-060-024. Loan shall be payable in full at such time as the property develops, transfers ownership, or is sold to a separate party.

Section 4.

The agreement will have an attorney's fee clause should either party need to enforce said agreement.

Section 5.

Said agreement will include an exhibit diagramming all improvements described above.

PASSED AND ADOPTED at a regular meeting of the Newman Redevelopment Agency held on the 9th day of December, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Chairperson Newman RDA

ATTEST:

Secretary