



**AGENDA**  
**NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY**  
**REGULAR MEETING MARCH 10, 2009**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET**

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters.
  - a. Proclamation - Portuguese Immigrant Week.
  - b. Presentation By County Librarian, Vanessa Czopek (Annual Report FY 07/08).
  - c. Recognition of Police Volunteers.
7. Items from the Public - Non-Agenda Items.
8. Consent Calendar
  - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
  - b. Approval Of Warrants.
  - c. Approval Of Minutes Of The February 10, 2009 Regular Meeting.
9. Public Hearings
  - a. Adopt Resolution No. 2009- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.
  - b. Second Reading And Adoption Of Ordinance No. 2009- , An Ordinance Amending Title 11.02 Public Ways Projects Of The Newman City Code And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.
10. Regular Business
  - a. Adopt Resolution No. 2009- , A Resolution Updating Encroachment Permit Application Fees.
  - b. Adopt Resolution No. 2009- , A Resolution Updating The Community Development Department's Application Fee Schedule

- c. Introduction And First Reading Of Ordinance No. 2009- , Amending Chapter 11.09.170 Of Title 11 Public Ways And Property Of The Newman City Code.
- d. Adopt Resolution No. 2009- , A Resolution Approving A Contract With Westside Animal Hospital For Veterinary Services And Authorizing The City Manger To Execute Said Contract Contract.
- e. Adopt Resolution No. 2009- , Declaring Certain Personal Property Surplus Property And Authorizing Disposal, Or Sale Of Property.
- f. Provide Direction For Potential Revenue Measure.

**11. Items From District Five Stanislaus County Supervisor.**

**12. Items From The City Manager And Staff.**

**13. Items From City Council Members.**

**14. Adjourn To Closed Session**

- a. Conference With Labor Negotiator - All Bargaining Groups- G.C. 54957.6.
- b. Conference With Legal Council - Potential Litigation - One Case - G.C. 54956.9.
- c. Return To Open Session.

**15. Adjournment.**

## Calendar of Events

- March 9 – Baseball Board Meeting – 6:00 P.M.  
March 10 – City Council - 7:00 P.M.  
March 12 – West Side Healthcare Taskforce – 7:00 P.M.  
March 12 – Recreation Commission – 7:00 p.m.  
March 18– Mayors Meeting - 6:00 P.M. - Hughson  
March 19 – Planning Commission – 7:00 P.M.  
March 21 – Little League Baseball Opening Day  
March 24 – City Council - 7:00 P.M.
- April 9 – Recreation Commission – 7:00 P.M.  
April 13 – Baseball Board Meeting – 6:00 P.M.  
April 14 – City Council - 7:00 P.M.  
April 15 – Mayors Meeting - 6:00 P.M. - Riverbank  
April 15 – 16 - League Of California Cities Legislative Action Days - Sacramento  
April 16 – Planning Commission – 7:00 P.M.  
April 28 – City Council - 7:00 P.M.
- May 11 – Baseball Board Meeting – 6:00 P.M.  
May 12 – City Council - 7:00 P.M.  
May 14 – Recreation Commission – 7:00 P.M.  
May 20 – Mayors Meeting - 6:00 P.M. - Turlock  
May 21 – Planning Commission – 7:00 P.M.  
May 26 – City Council - 7:00 P.M.  
May 27–30 - League Of California Cities Mayors & Council Members - Executive Forum &  
Advanced Academy Workshops- Sacramento

Date.: Mar 5, 2009  
Time.: 3:19 pm  
Run by: EMILY M. FARIA

CITY OF NEWMAN  
CASH DISBURSEMENTS REPORT

Page.: 1  
List.: NEW1  
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
035364	03/05/09	-648.00	LEWIS-MCCRARY PARTNERS	Ck# 035364 Reversed
035407	03/05/09	-1680.00	COMPUTER WARE, INC.	Ck# 035407 Reversed
035442	03/04/09	5959.00	HOYER ROAD INVESTORS, LP	DOWNTOWN PLAZA/ATTORNEY'S FEES
035443	03/06/09	1616.92	ABBOTT & KINDERMANN, LLP	PROFESSIONAL SERVICES THRU 2/20/09/GENERAL ADVICE
035444	03/06/09	1500.00	APPLEGATE TEEPLES DRILLING CO,	JET-ROD AND VACUUM STORM & SEWER LINES
035445	03/06/09	32.81	AT&T LONG DISTANCE	LONG DISTANCE FEES/JAN 2009
035446	03/06/09	427.27	AT&T	T1 LINE AT POLICE STATION/THRU 2/19/09
035447	03/06/09	756.00	BAY ALARM	ALARM MONITORING FEE/MUSEUM/3/1/09 TO 3/1/10
035448	03/06/09	48489.21	BERTOLOTTI DISPOSAL	GARBAGE SERVICE/FEB 2009
035449	03/06/09	454.85	BERTOLOTTI DISPOSAL	LANDFILL FEES/FEB 2009
035450	03/06/09	840.00	BJ'S CONSUMER'S CHOICE IN	PO #09-58
035451	03/06/09	3356.75	W.H. BRESHEARS, INC.	GAS AND DIESEL PURCHASES/FEB 2009
035452	03/06/09	100.00	JEFF CARTER	PARKING LOT RENT/MARCH 2009
035453	03/06/09	240.50	CBA (ADMIN FEES)	DENTAL-VISION ADMIN FEES/MARCH 2009
035454	03/06/09	24.46	CDW GOVERNMENT, INC	300 DYMO SHIPPING LABELS/PD
035455	03/06/09	460.01	CENTRAL SANITARY SUPPLY	CANLINERS/PAPER TOWEL/LATEX GLOVES
035456	03/06/09	27.06	CHEVRON	GASOLINE PURCHASES/PD
035457	03/06/09	162.87	CIT TECHNOLOGY FIN SERV, INC	MS GSA OFFICE PRO PLUS/MAR 2009
035458	03/06/09	50.00	CARL J. COELHO (CHUCK)	Veh Operation FIRE/MARCH 2009
035459	03/06/09	1680.00	COMPUTER TUTOR	T3 COMMUNITY COMPUTER CLASSES/NOV 2008
035460	03/06/09	94.90	COMCAST CABLE	HIGH SPEED INTERNET 2/22/09 TO 3/21/09
035461	03/06/09	778.38	CORBIN WILLITS SYS, INC.	SERVICE AND ENHANCEMENT FEES/MARCH 2009
035462	03/06/09	3588.38	CROP PRODUCTION SERVICES	3750 LBS TREFLAN TRIO/WWTP/BAL ON 120316
035463	03/06/09	375.00	CRWA	EDUCATION & EXPO/4/28-7/29/09/PERRY

Date.: Mar 5, 2009  
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CITY OF NEWMAN  
CASH DISBURSEMENTS REPORT

Page.: 2  
List.: NEW1  
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
035465	03/06/09	406.45	DEPOT GARAGE, INC	REPLACED WINDOW REGULATOR/MEL'S PICKUP
035466	03/06/09	308.59	ECONOMIC TIRE SHOP	4 NEW TIRES/DAN'S TRUCK
035466	03/06/09	321.00	ECONOMIC TIRE SHOP	2 NEW TIRES/BACKHOE
035466	03/06/09	37.58	ECONOMIC TIRE SHOP	FLAT REPAIR/STREET SWEEPER
035467	03/06/09	960.00	ENVIRONMENTAL TECHNIQUES INT	15 GALLONS PRO-OXIDIZER/WWTP
035468	03/06/09	34.95	FIREtoWIRE, INC	WEB HOSTING 3/17/09 TO 4/17/09
035469	03/06/09	25.00	FLEX ONE/AFLAC	UNREIMBURSE MEDICAL EXPENSE FEE/2/1/09 TO 2/28/09
035470	03/06/09	3.50	GARTON TRACTOR	CLAMP
035470	03/06/09	120.16	GARTON TRACTOR	LIGHT ASSEMBLY/ACCESSORIES
035470	03/06/09	573.39	GARTON TRACTOR	SERVICE/STEAM CLEAN/FORD TRACTOR
035471	03/06/09	562.54	G BAR N VETERINARY CLINIC	SUPPLIES FOR ANIMAL CONTROL SERVICES
035472	03/06/09	2165.00	CITY OF GUSTINE	CHARGES FOR NEWMAN DOG IMPOUNDS/JAN 2009
035473	03/06/09	55.00	DAVID HERNANDEZ	REIMBURSEMENT OF EUTHANASIA CHARGES/HERNANDEZ
035474	03/06/09	585.77	HEWLETT-PACKARD FINANCIAL SERV	HARDWARE LEASE/3/18/09 TO 4/17/09/PD
035475	03/06/09	272.16	HILTON ORANGE COUNTY	LODGING/SLI TRAINING/RICHARDSON/3/8-3/11/09
035476	03/06/09	304.60	HOGUE, FENTON, JONES & APPEL, I	PROFFESIONAL SERVICES/EMPLOYMENT ADVICE/JAN 2009
035476	03/06/09	10026.16	HOGUE, FENTON, JONES & APPEL, I	PROFESSIONAL SERVICES/COSTS/JAN 2009
035477	03/06/09	464.00	HOLIDAY INN EXPRESS	LODGING/CRITICAL INCIDENT TRNG/SHORT/3/17-3/20/09
035478	03/06/09	170.39	HUB INTERNATIONAL OF CA INS SE	LIABILITY INSURANCE/HUERTA
035479	03/06/09	500.00	DON HUTCHINS (NT)	REIMBURSE OFFICE FURNITURE/PD/HUTCHINS.
035480	03/06/09	1750.00	DON HUTCHINS	INTERIM LT CONTRACT SERVICES 3/1TO3/15/09/HUTCHINS
035481	03/06/09	521.86	IKON OFFICE SOLUTIONS	COPIER LEASE/2/10/09 TO 3/09/09/COPIES/CITY HALL
035482	03/06/09	171.52	IDEXX LABORATORIES, INC.	20 PACK VESSELS/GAMMA IRRAD COLILERT 20 PACK/WATER
035483	03/06/09	4812.50	JOE'S LANDSCAPING &	PO #09-55
035484	03/06/09	37672.20	LAWRENCE BACKHOE SERVICE	PROGRESS PAYMENT #3/SEWER LINE REPLACEMENTS

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Page.: 3  
List.: NEW1  
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
035485	03/06/09	675.73	LC ACTION POLICE SUPPLY	BALLISTIC VEST/BORDEN
035486	03/06/09	5507.00	LEAGUE OF CALIF. CITIES	MEMBERSHIP DUES FOR 2009/LEAGUE OF CALIF CITIES
035487	03/06/09	80.00	MALLARD EXPRESS AUTO	INSTALLED RADIATOR FAN BLADE/FORD RANGER
035488	03/06/09	160.74	FRANK B. MARKS & SON, INC	CONCRETE SAND AND GRAVEL
035489	03/06/09	666.00	CHRIS MESSER	ADULT BASKETBALL REFEREE/CHRIS MESSER
035490	03/06/09	336.00	CORAL MUNOZ	ADULT BASKETBALL SCOREKEEPER/CORAL MUNOZ
035491	03/06/09	75.00	NEWMAN HISTORICAL SOCIETY	REFUND MEMORIAL BLDG DEPOSIT/NEWMAN HISTORICAL SOC
035492	03/06/09	14522.28	NTDSTICHLER ARCHITECTURE	PROFESSIONAL SERVICES/AQUATICS CENTER THRU 1/31/09
035493	03/06/09	1329.00	OPERATING ENGINEERS/	HEALTH INSURANCE PREMIUMS/APRIL 2009
035494	03/06/09	32353.56	P G & E	GAS AND ELECTRIC 1/3/09 TO 2/17/09
035495	03/06/09	10.48	PIONEER DRUG	SUPPLIES FOR WATER SAMPLING
035496	03/06/09	23.05	RELIABLE OFFICE SUPPLIES	TRI PADFOLIO/WWTP
035496	03/06/09	81.58	RELIABLE OFFICE SUPPLIES	HP INK CARTRIDGE/WWTP
035497	03/06/09	200.00	ELISA REYNAGA	CANCELLED MEMORIAL BLDG USE/REYNAGA
035498	03/06/09	11.35	RICHARD & CHAMBERS	STAPLES/FINGERTIP MOISTENER
035499	03/06/09	230.00	RANDY RICHARDSON (NT)	PER DIEM/TRAVEL TOLL/SLI TRNG/RICHARDSON
035500	03/06/09	777.00	FRANK RIVAS	ADULT BASKETBALL REFEREE/FRANK RIVAS
035501	03/06/09	53.96	SAFE-T-LITE	STREET SIGNS/CREEK CT/ORCHARD CREEK/MARIPOSA
035501	03/06/09	168.34	SAFE-T-LITE	CONCRETE SAW BLADES
035501	03/06/09	130.97	SAFE-T-LITE	ASPHALT CUTTER/STEEL TILE PROBE
035501	03/06/09	45.84	SAFE-T-LITE	36" FINISH BROOM WITH HANDLE
035501	03/06/09	23.07	SAFE-T-LITE	48" STEEL TILE PROBE
035502	03/06/09	200.00	MARIA ANGELICA SANCHEZ	REFUND MEMORIAL BLDG DEPOSIT/SANCHEZ
035503	03/06/09	1078.00	SELF HELP ENTERPRISES	ADMIN FEES/LOAN SERVICING/JAN 2009
035504	03/06/09	200.00	BRETT SHORT (NT)	PER DIEM/CRITICAL INCIDENT TRNG/3/17TO3/20/09/SHOR

Date.: Mar 5, 2009  
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CITY OF NEWMAN  
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Page.: 4  
List.: NEW1  
Group: PYCPDF

Ck #	Check Date	CK Amount	Vendor Name	Description
035505	03/06/09	140.47	SONYA SILVA (NT)	MILEAGE REIMBURSEMENT/S. SILVA
035506	03/06/09	60.01	SOLECON, INC	SERVICE HEATING AND AIR UNITS/YOUTH CENTER
035506	03/06/09	129.90	SOLECON, INC	SERVICE & FILTER CHANGE/HEAT & AIR UNITS/CITY HALL
035506	03/06/09	193.63	SOLECON, INC	SERVICE HEATING & AIR UNITS/THEATER
035506	03/06/09	60.01	SOLECON, INC	SERVICE HEATING & AIR UNITS/MEMORIAL BLDG
035506	03/06/09	195.01	SOLECON, INC	SERVICE HEATING & AIR UNITS/FILTER CHANGES/PD
035507	03/06/09	115.00	STATE OF CALIFORNIA	FINGERPRINTING/FBI CHECK
035508	03/06/09	838.21	STAPLES CREDIT PLAN	LABELS/PAPER/INK TONERS/BINDER CLIPS/CALENDAR/
035509	03/06/09	155.73	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL/SERVICE/BUSH ROSE PK/
035510	03/06/09	121.32	T.H.E. OFFICE CITY	TELEPHONE AND ANSWERER/CORP YARD
035510	03/06/09	79.46	T.H.E. OFFICE CITY	NAMEPLATES/MAURER/ALVES/[ATEREAU/PEAVLER/MUNOZ
035511	03/06/09	240.00	THE HARTFORD	SURETY BOND PAYMENT/DAVID REED 2/9/09TO2/9/13
035512	03/06/09	150.00	BARBARA J. TOSTA	YOUNG AT HEART INSTRUCTOR/FEB 2009
035513	03/06/09	50.00	GEORGE VARGAS	VEH OPERATION FIRE/MARCH 2009
035514	03/06/09	25.00	MATTOS NEWSPAPERS, INC.	NEWSPAPER SUBSCRIPTION/PUBLIC WORKS/2009
035515	03/06/09	2692.80	WEST SIDE AERIAL APPLICAT	AERIAL SPRAYING/ALFALFA/WWTP
035516	03/06/09	17.04	KARAHALIOS, TOULA & COSTA	MQ CUSTOMER REFUND FOR KAR0002
035517	03/06/09	65.06	WESTSIDE ANIMAL CLINIC,	MQ CUSTOMER REFUND FOR WES0008
Sub-Total:		----- 195914.56		
Grn-Total:		----- 195914.56		
Count:	93			

MINUTES  
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY  
REGULAR MEETING FEBRUARY 10, 2009  
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. Call To Order – Mayor Katen 7:03 P.M.
2. Pledge Of Allegiance.
3. Invocation – Council Member Davis
4. Roll Call **PRESENT:** Kelly, Davis, Candea, Martina and Mayor Katen  
**ABSENT:** None
5. Declaration Of Conflicts Of Interest- None.
6. Ceremonial Matters – None.
7. Items from the Public - Non-Agenda Items – None.
8. Consent Calendar
  - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
  - b. Approval Of Warrants.
  - c. Approval Of Minutes Of The January 24, 2009 Special Meeting And The January 27, 2009 Regular Meeting.

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

9. **Public Hearings**

- a. Second Reading And Adoption Of Ordinance No. 2009-01, An Ordinance Amending Chapter 1.16 Of Title 1 Fees And Finances Of The Newman City Code And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.

Mayor Katen Opened The Public Hearing At 7:05 P.M.

There Being No Public Comment Katen Closed The Public Hearing At 7:06 P.M.

**ACTION:** Ordinance No. 2009-01 Had Its Second Reading By Title Only. On A Motion By Candea, Seconded By Martina, Said Ordinance Was Unanimously Adopted Upon Roll Call Vote And Staff Was Authorized To Prepare And Publish A Summary Of Said Ordinance.

10. **Regular Business**

- a. Provide Direction For Potential Revenue Measure.  
Catherine Lew Explained That She And Her Company Have Thirty Years Experience And Have Worked On More Than 500 Revenue Measures. She Gave The Council A

Presentation And Emphasized That The Proposed Study Would Ask The Right Questions To Determine What The Public's Priorities Are. She Explained That This Process Would Help The City Be More Successful In Passing A Revenue Measure.

**ACTION:** On Motion By Davis Seconded By Candea And Unanimously Carried, The Council Agreed To Postpone This Item To The March 10<sup>th</sup> Meeting.

b. Appointment Of Members To Fill Vacancies On The Planning Commission, Parks Recreation Commission And Architectural Review Committee.

**ACTION:** On Motion By Martina Seconded By Kelly And Unanimously Carried, The Council Appointed Bob Dare, Tom Applegate And Sheldon Crow To The Architectural Review.

**ACTION:** A Motion By Davis To Appoint Don Alves To Planning Commission Four Year Term Failed To Receive A Second.

**ACTION:** On Motion By Kelly Seconded By Martina And Unanimously Carried, The Council Appointed Crescencia Maurer To The Four Year Term And Don Alves To The Remaining Two Year Term On The Planning Commission.

**ACTION:** On Motion By Candea Seconded By Martina And Unanimously Carried, The Council Appointed Phyllis Peavler, Coral Muñoz And Jeff Patereau To The Recreation Commission.

c. Provide Direction For Future Emergency Dispatch/911 Service.

City Attorney Hallinan Excused Himself And Explained That As He Also Represents The City Of Oakdale.

City Attorney Hallinan Left The Room.

**ACTION:** On Motion By Martina Seconded By Candea And Unanimously Carried, The Council Agreed To Stay With Stanislaus Regional 911.

City Attorney Hallinan Returned.

d. Adopt Resolution No. 2009-08, A Resolution Receiving And Accepting The General Purpose Financial Statements, The Newman Redevelopment Agency And Transportation Development Funds.

Lead Auditor Robert Kehl, Clendenin Bird & Company, Reviewed The Financial Documents And Explained That The City Had Received The Highest Grade Possible.

**ACTION:** On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2009-08, A Resolution Receiving And Accepting The General Purpose Financial Statements, The Newman Redevelopment Agency And Transportation Development Funds Was Adopted.

- e. Report On Proposed CDBG Projects For The Stanislaus County Annual Action Plan (FY 09-10) And Open 30 Day Public Comment Period For Said Projects.

**ACTION:** On Motion By Kelly Seconded By Davis And Unanimously Carried, The Council Introduced The CDBG Projects For The Stanislaus County Annual Action Plan (FY 09-10) And Opened the 30 Day Public Comment Period For Said Projects.

- f. Award Bid For Howard B. Hill Jr. Park Project. Resolution No. 2009-09.

**ACTION:** On Motion By Candea Seconded By Kelly And Unanimously Carried, Council Awarded The Bid For The Howard B. Hill Jr. Park Project To Playscapes Construction, In The Amount Of \$200,000.00.

- g. First Reading And Introduction Of Ordinance No. 2009-02, An Ordinance Amending Title 11.02 Public Ways Projects.

**ACTION:** Ordinance No. 2009-02, Amending Title 11.02 Public Ways Projects Of The Newman City Code Was Introduced By Council Member Kelly. Ordinance Had Its First Reading By Title Only.

- h. Adopt Resolution No. 2009-10, Amending The Annual Transportation Claim And Authorizing The City Manager To Execute The Same On Behalf Of The City Of Newman.

**ACTION:** On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2009-10, A Resolution Amending The Annual Transportation Claim And Authorizing The City Manager To Execute The Same On Behalf Of The City Of Newman Was Adopted.

- i. Adopt Resolution No. 2009-11, A Resolution Authorizing Mid Year Budget Review And Adjustments For The Fiscal Year 2008-2009.

**ACTION:** On Motion By Candea Seconded By Martina And Unanimously Carried, Resolution No. 2009-11, A Resolution Authorizing Mid Year Budget Review And Adjustments For The Fiscal Year 2008-2009 Was Adopted.

- j. Report Of Cost Reduction Measure Due To Budgetary Constraints.

**ACTION:** On Motion By Kelly Seconded By Davis And Unanimously Carried, The Council Agreed To Closures.

## **11. Items From District Five Stanislaus County Supervisor.**

Supervisor DeMartini Mentioned That He Recently Traveled To Washington D.C. Regarding The Orestimba Creek Project And Had A Productive Meeting With The Army Core Of Engineers. He Informed The Council That Diablo Grande Is Interested In Joining The Westside Health Care Task Force And Reminded Everyone That The Next Meeting Would Be On March 12<sup>th</sup>.

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

City Manager Holland Informed The Council That He Attended A Recent LAFCO Meeting And That They Approved The City's Municipal Services Review And Our Sphere Of Influence. Holland Explained That Newman Has Now Been Included In The Enterprise Zone And That The City Will Be Hosting A Meeting Regarding The Enterprise Zone In The Near Future. Holland Reminded Everyone That The February 24<sup>th</sup> City Council Meeting Had Be Canceled. He Announced That I-Bank Will Be Considering Approval Our Project Funding At Their February 24<sup>th</sup> Meeting. Holland Also Reminded Everyone That City Hall Would Be Closed On Friday. He Explained That StanCOG Is Recommending That The Plaza Be The Number One Project In The County To Receive Stimulus Money.

Chief McGill Informed The Council That The Police Department Has Partnered With The City Of Patterson To Create A Law Enforcement Television Program. He Mentioned The That Friends For Sophia's Dog Park Is Hosting The Photos Of The Impounded Animals On Their Website. He Also Informed The Council That Lt. Hutchins' Contract Has Been Canceled Effective March 15<sup>th</sup>.

Public Works Director Reynolds Informed The Council That The Sewer Line Replacement Project Has Been Delayed Due To The Weather. He Mentioned That One Of His Employees Was A Recent Recipient Of One Of The City's Home Loans. Reynolds Also Informed The Council That He Is Working With The City Of Modesto To Provide Free Training To City of Newman Employees.

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

Council Member Martina Expressed His Excitement About The Howard B. Hill Park Project.

Mayor Katen Reminded Everyone About The Orestimba Creek Flood Control Meeting On The 12<sup>th</sup> Of February. Katen Commented That He And Two Other Council Members Had A Of Lot Fun At The Cub Scout Pack 83 Blue And Gold Dinner And That Pack 83 Was Able To Raise More Than \$400.00.

## **14. Adjourn To Closed Session 10:10 P.M.**

- a. Conference With Labor Negotiator – All Bargaining Groups- G.C. 54957.6.
- b. Conference With Legal Council - Potential Litigation – One Case - G.C. 54956.9.
- c. Return To Open Session - 10:24 P.M.

No Reportable Action Was Taken

## **15. Adjournment.**

**ACTION:** On Motion By Martina Seconded By Kelly And Unanimously Carried, The Meeting Was Adjourned At 10:26 P.M.

# Proclamation

## of the Mayor of the City of Newman

WHEREAS, the City of Newman is fortunate to have many citizens of Portuguese decent who have contributed to growth and development of our community; and

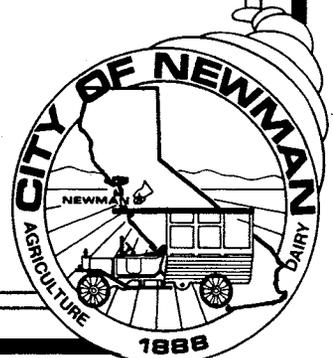
WHEREAS, these citizens have exhibited a great deal of pride and appreciation in their community and have always been willing to render their time and talent for the betterment of Newman; and

WHEREAS, included among their many contributions are the cultural and traditional aspects which they have so freely shared, thereby enhancing our society and providing a basis for better understanding and cooperation among our citizens; and

WHEREAS, the week of March 8 – March 14, 2009 has been established by tradition as PORTUGUESE IMMIGRANT WEEK, and the City of Newman wishes to join its Portuguese citizenry in commemoration of this week.

NOW, THEREFORE, I, Ed Katen, Mayor Of The City Of Newman do hereby proclaim the week of March 8 – March 14, 2009 as PORTUGUESE IMMIGRANT WEEK in the City of Newman.

Signed \_\_\_\_\_



Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **9.a.**  
City Council Meeting  
of March 10, 2009

**REPORT ON NUISANCE ABATEMENT**

**RECOMMENDATION:**

Adopt Resolution No. 2009- , 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, March 10, 2009. 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.

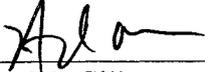
**FISCAL IMPACT:**

None

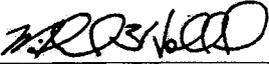
**CONCLUSION:**

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. 2009-**

**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 March 10, 2009, 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 9<sup>th</sup> 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. 1106 Barrington Ave (UNOCCUPIED)**

Tall grass and weeds throughout front and backyard of property.

**2. 1211 Geranium Lane (UNOCCUPIED)**

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

**3. 534 Flour Mill Drive (UNOCCUPIED)**

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

## City of Newman Abatement list

**1. 1106 Barrington Ave. (UNOCCUPIED)**

Tall grass and weeds throughout front and backyard of property.

**2. 1211 Geranium Ln. (UNOCCUPIED)**

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

**3. 534 Flour Mill Dr. (UNOCCUPIED)**

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

1ST 1-29-09  
 2ND 2-19-09  
 3RD 2-25-09

<b>Assessment Roll</b>			
<b>General Information</b>			
<b>Assessment</b>	049-046-001-000	<b>Parcel Number</b>	049-046-001-000
<b>Current Document</b>	2005R0176662	<b>Current Document Date</b>	09/27/2005
<b>Acres / Sq Ft</b>	.13	<b>Tax Rate Area (TRA)</b>	003-026
<b>Taxability</b>	800 -- PROP 8 REDUCTION		
<b>Land Use</b>	111 -- SINGLE FAMILY W/POOL/SPA		
<b>Assessment Description</b>			
Roll Values as of: January 1st, 2008			
<b>Land</b>	\$53,000	<b>Personal Property</b>	\$0
<b>Structure(s)</b>	\$159,000	<b>Personal Property (MH)</b>	\$0
<b>Fixtures</b>	\$0	<b>Exemption E01</b>	\$7,000
<b>Growing Improvements</b>	\$0	<b>Exemption</b>	\$0
<b>Total Land &amp; Improvements</b>	\$212,000	<b>Net Assessment</b>	\$205,000
<b>Assessee</b>			
VIRGEN CARMEN & DAVID			
<b>Address</b>			
1628 P ST NEWMAN CA 95360-1520			

<b>Ownership</b>					
<b>Owner Name</b>	<b>Own %</b>	<b>Pri</b>	<b>Granting Doc No.</b>	<b>Title Type</b>	<b>RT Code</b>
VIRGEN CARMEN	50.00%	Y	2005R0176662	JT	
VIRGEN DAVID	50.00%	Y	2005R0176662	JT	

<b>Situs</b>	
<b>Street Address</b>	<b>City State Zip</b>
1106 BARRINGTON AVE	Newman CA 95360

<b>Parcel Description</b>	
<b>Assessment</b>	<b>Description</b>
049-046-001-000	

David & Carman Virgen  
1628 P St  
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: 1106 Barrington Ave. Newman, Ca 95360. APN No. 049-046-001-000. 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 February 10, 2009 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: January 29, 2009

William Davis  
Community Service Officer

David & Carman Virgen  
1628 P St  
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: **1106 Barrington Ave. Newman, Ca 95360. APN No. 049-046-001-000,** **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 **March 10, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: February 19, 2009

William Davis  
Community Service Officer

David & Carman Virgen  
1628 P St  
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: **1106 Barrington Ave. Newman, Ca 95360. APN No. 049-046-001-000,**

**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 **March 10, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: February 28, 2009

William Davis  
Community Service Officer

Adam McGill  
Chief of Police



08.10.2009 06:52



08.10.2009 06:54

1ST 1-29-09  
 2ND 2-19-09  
 3RD 2-28-09

<b>Assessment Roll</b>			
<b>General Information</b>			
<b>Assessment</b>	026-051-007-000	<b>Parcel Number</b>	026-051-007-000
<b>Current Document</b>	2006R0076050	<b>Current Document Date</b>	05/19/2006
<b>Acres / Sq Ft</b>	.00	<b>Tax Rate Area (TRA)</b>	003-021
<b>Taxability</b>	800 -- PROP 8 REDUCTION		
<b>Land Use</b>	111 -- SINGLE FAMILY W/POOL/SPA		
<b>Assessment Description</b>			
Roll Values as of: January 1st, 2008			
<b>Land</b>	\$45,500	<b>Personal Property</b>	\$0
<b>Structure(s)</b>	\$136,500	<b>Personal Property (MH)</b>	\$0
<b>Fixtures</b>	\$0	<b>Exemption E01</b>	\$7,000
<b>Growing Improvements</b>	\$0	<b>Exemption</b>	\$0
<b>Total Land &amp; Improvements</b>	\$182,000	<b>Net Assessment</b>	\$175,000
<b>Assessee</b>			
GONZALEZ JOSE & VERONICA BREMAUNTZ			
<b>Address</b>			
7877 HILLSIDE ST OAKLAND CA 94605			

<b>Ownership</b>						
<b>Owner Name</b>	<b>Own %</b>	<b>Pri</b>	<b>Granting Doc No.</b>	<b>Title Type</b>	<b>RT Code</b>	
GONZALEZ JOSE	50.00%	Y	2006R0076050	JT		
GONZALEZ VERONICA BREMAUNTZ	50.00%	Y	2006R0076050	JT		

<b>Situs</b>		
<b>Street Address</b>	<b>City State Zip</b>	
1211 GERANIUM LN	Newman CA 95360	

<b>Parcel Description</b>	
<b>Assessment</b>	<b>Description</b>
026-051-007-000	

Jose & Veronica Gonzalez  
1211 Geranium Ln  
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: **1211 Geranium Ln. Newman, Ca 95360. APN No. 026-051-007-000, Vacant House with trash and Unkept pool in 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 **February 10, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: January 29, 2009

William Davis  
Community Service Officer

Jose & Veronica Gonzalez  
1211 Geranium Ln  
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: **1211 Geranium Ln. Newman, Ca 95360. APN No. 026-051-007-000, Vacant House with trash and Unkept pool in 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 **February 10, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: January 29, 2009

William Davis  
Community Service Officer

Jose & Veronica Gonzalez  
1211 Geranium Ln  
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: **1211 Geranium Ln. Newman, Ca 95360. APN No. 026-051-007-000, Vacant House with trash and Unkept pool in 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 **March 10, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: February 28, 2009

William Davis  
Community Service Officer

Adam McGill  
Chief of Police



03.10.2009 07:03



08.10.2008 07:03



03.10.2009 07:03

1ST 1-29-09  
 2ND 2-19-09  
 3RD 2-28-09

Assessment Roll			
General Information			
Assessment	049-052-027-000	Parcel Number	049-052-027-000
Current Document	2002R0150751	Current Document Date	11/19/2002
Acres / Sq Ft	.20	Tax Rate Area (TRA)	003-046
Taxability	000 -- NORMAL OWNERSHIP		
Land Use	101 -- SINGLE FAMILY RESIDENCE		
Assessment Description	LUCAS RANCH #2 (40M09)		
Roll Values as of: January 1st, 2008			
Land	\$55,129	Personal Property	\$0
Structure(s)	\$238,127	Personal Property (MH)	\$0
Fixtures	\$0	Exemption E01	\$7,000
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$293,256	Net Assessment	\$286,256
Assessee			
TUCKER GARRY M & TUCKER MARIA L			
Address			
534 FLOUR MILL DR			
NEWMAN CA 95360			

Ownership						
Owner Name	Own %	Pri	Granting Doc No.	Title Type	RT Code	
TUCKER GARRY M	100.00%	Y	2003IConvert			
TUCKER MARIA L	100.00%	Y	2003IConvert			

Situs	
Street Address	City State Zip
534 FLOUR MILL DR	Newman CA 95360

Parcel Description	
Assessment	Description
049-052-027-000	LUCAS RANCH #2 (40M09) LOT 21

Garry & Maria Tucker  
534 Flour Mill Dr  
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: **534 Flour Mill Dr. Newman, Ca 95360. APN No. 049-052-027-000, Vacant House with trash and Unkept pool in 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 **February 10, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: January 29, 2009

William Davis  
Community Service Officer

Garry & Maria Tucker  
534 Flour Mill Dr  
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: **534 Flour Mill Dr. Newman, Ca 95360. APN No. 049-052-027-000,** **Vacant House with trash and Unkept pool in 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 **February 10, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: January 29, 2009

William Davis  
Community Service Officer

Garry & Maria Tucker  
534 Flour Mill Dr  
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: **534 Flour Mill Dr. Newman, Ca 95360. APN No. 049-052-027-000, Vacant House with trash and Unkept pool in 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 **March 10, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: February 28, 2009

William Davis  
Community Service Officer

Adam McGill  
Chief of Police



08.10.2009 07:18

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **9.b.**  
City Council Meeting  
of February 10, 2009

**SECOND READING AND ADOPTION OF ORDINANCE AMENDING  
TITLE 11.02-PUBLIC WAYS PROJECTS OF THE NEWMAN CITY CODE**

**RECOMMENDATION:**

It is recommended that the Newman City Council:

- Conduct Second Reading and Adoption of Ordinance No. 2009- , Amending Title 11.02 Public Ways Projects of the City of Newman Municipal Code.

**BACKGROUND:**

The Public Works Department is responsible to ensure improvements within the public right-of-way are installed to City Standard Specifications. When an applicant determines the need to modify or install improvements within the right-of-way they are required to obtain an encroachment permit and are required to install the improvements to city standards. The encroachment permit is necessary to ensure the improvements are installed properly and to provide for inspections of said improvements. Currently the City charges \$1.00 for the encroachment permit and \$2.00 for a reinspection. The existing fees are not recovering the cost for administration, permit review, and public works inspections. Staff recommends City Council revise the code to eliminate the specific fees charged for encroachment permits, and as an alternative authorize to set the permit application and other fees by resolution.

**ANALYSIS:**

Currently the cost charged for encroachment permits are \$1.00 and \$2.00 for reinspections. Staff recommends increasing the permit fees in order to recover the costs associated with administration, permit reviewing, and project inspections for encroachment permits.

**FISCAL IMPACT:**

Positive: Increased cost recovery.

**CONCLUSION:**

The existing ordinance provides for the City to charge \$1.00 for an encroachment permit which does not recover the cost associated with the permit. Staff has determined the costs and recommends modifying the ordinance to allow the fees to be established by resolution as authorized from time to time by City Council. The revisions to the City Code would allow staff to change the encroachment application fees for cost recovery purposes.

Respectfully submitted:



Garner R. Reynolds  
Public Works Director

Reviewed/Concur



Michael E. Holland  
City Manager

**ORDINANCE NO. 2009-2**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN  
AMENDING TITLE 11 PUBLIC WAYS PROJECTS – OF THE NEWMAN CITY CODE**

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

Section 1

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

1. NMC Sec. 11.02.030 Fees, shall be amended to read as follows: ~~A fee of \$1.00 shall be charged for each permit. Said fee of \$1.00 shall include the cost of one inspection. If additional inspections are required, there shall be paid to the City an additional fee of \$2.00 for each of said additional inspections.~~ Applicant shall pay to the city clerk at the time of making the application a permit fee in the amount adopted by resolution. Every three years the City Council shall review the fees and charges established in the resolution and if it is determined that a change is needed, the City Council shall adopt such change by resolution.

Section 2

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

Section 3

That a duly noticed public hearing was held by the City Council on March 10, 2009.

Section 4

This Ordinance shall take effect 30 days after its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the West Side Index, a newspaper of general circulation 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 10<sup>th</sup> day of February, 2009 by Council Member Kelly, and adopted at a regular meeting of said City Council held on the 10<sup>th</sup> day of March, 2009 by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor of the City of Newman

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.a.**  
City Council Meeting  
of March 10, 2009

**REPORT ON ENCROACHMENT PERMIT APPLICATION FEES**

**RECOMMENDATION:**

It is recommended the City Council adopt Resolution No. 2009- , Updating Encroachment Permit Application Fees.

**BACKGROUND:**

The Public Works Department is responsible to ensure improvements within the public right-of-way are installed to City Standard Specifications. When an applicant determines the need to modify or install improvements within the right-of-way they are required to obtain an encroachment permit and are required to install the improvements to city standards. The encroachment permit is necessary to ensure the improvements are installed properly and to provide for inspections of said improvements. Currently the City charges \$1.00 for the encroachment permit and \$2.00 for a reinspection. The existing fees are not recovering the cost for administration, permit review, and public works inspections. Staff recommends City Council adopt Resolution 2009- , approving the fees charged for encroachment permits applications.

**ANALYSIS:**

Currently the cost charged for encroachment permits are \$1.00 and \$2.00 for reinspections. Staff recommends increasing the permit fees in order to recover the costs associated with administration, permit reviewing, and project inspections for encroachment permits.

**FISCAL IMPACT:**

Positive: Increased cost recovery.

**CONCLUSION:**

Currently, the City charges \$1.00 for an encroachment permit which does not recover the cost associated with the permit. Staff has determined the costs and recommends adopting Resolution 2009- , approving the fees charged for encroachment permit applications. The fees would allow staff to recover the costs associated with the encroachment application.

Respectfully Submitted,



Garner Reynolds  
Director of Public Works

Reviewed/Concur



Michael E. Holland  
City Manager

**RESOLUTION NO. 2009-**

**RESOLUTION ADOPTING ENCROACHMENT PERMIT APPLICATION FEES**

WHEREAS, it has been determined that Section 11.02.030 of the Newman City Code now requires the encroachment application fees be set by resolution; and

WHEREAS, the purpose of the new fees are to ensure recovery of expenses furnished by the City; and

**IT IS HEREBY RESOLVED**

Permit for Water Connection	\$85.00
Permit for Sewer Connection	\$85.00
Permit for Well Monitoring	\$85.00
Permit for Driveway Approach	\$85.00
Permit for Street Painting	\$70.00
Permit for Tree Work	\$70.00
Permit for Curb, Gutter, Sidewalk	\$70.00
Permit for Excavations, Street Cuts	
Trenching (Utility Companies)	\$70.00
Permits for Other/Misc.	\$70.00
Additional Inspections	\$55.00
Penalty for doing work in the City's right-of-way without a permit will be twice the permit fee ; and	

IT IS FURTHER RESOLVED, that the said fees may be modified periodically; now therefore,

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 10th day of March, 2009 by Council Member Kelly, 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:

\_\_\_\_\_  
Mayor of the City of Newman

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.b.**  
City Council Meeting  
of March 10, 2009

**REPORT ON PLANNING APPLICATION FEES**

**RECOMMENDATION:**

Adopt Resolution #2009- , A Resolution Updating Planning Application fees.

**BACKGROUND:**

On January 27, 2009, Ordinance #2009-1 (Amending Newman Municipal Code Title 1, Chapter 1.16.010 Planning Fees) was presented to Council for review and first reading. On February 10, 2009 the second reading was held by Council and the proposed title amendment was adopted; thereby establishing planning application fees by resolution rather than ordinance.

As referenced to Council during the first and second readings, staff had found that the current planning application schedule was adopted on October 17, 1989 (not including the Home Occupation and Site Plan Review fees amended/adopted thereafter). Given an almost 20 year span, the existing fees are out of date and require updating. Staff has addressed this need and has performed a fee comparison study (Exhibit "A").

**ANALYSIS:**

All Planning Application processes involve multiple people and can span out to many agencies. Most typical applications are routed out to the City Engineer, Department Heads and any applicable agencies for review. Any agency or jurisdiction that may be affected by the proposed project must be notified and given an opportunity to provide comments. Typical applications can take between 8 to 18 hours of staff time.

An example of that time span is below:

Interior Review

Building Department	1 hour minimum
City Engineer	2 hours minimum
Fire Department	1 hour
Planning Department	5 hours (routing/comments/meetings) 3 hours (correspondence/mailings/notices) 2 hours (research/review/staff reports)
Police Department	1 hour minimum
Public Works Department	1 hour minimum

Exterior Review (usually a 3 week turnaround for comments)

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

**Agenda Item: 10.b.**

The proposed application fees vary based on the complexity of the project; each fee shall act as a baseline amount and any/all additional incurred project processing costs shall be the responsibility of the applicant and be required to be paid in full before final project approval(s).

The proposed fees are as follows:

<b>General Plan</b>		
GP Amendment	\$750.00	Plus Actual Cost
GP Amend/Rezone	\$1,500.00	Plus Actual Cost
<b>Specific Plan</b>	Actual Cost	Plus Administrative Fee of 15% (Deposit Based On Estimated Cost Required)
<b>Rezone</b>		
Rezone to P-D	\$750.00	\$275.00 To Be Refunded If Project Is Completed; Otherwise, It Will Be Used To Zone Property Back To Original Zoning Designation
<b>Subdivision Maps</b>		
Vesting Tentative Tract Map	\$1,000.00	Plus Actual Cost By City Engineer
Final Map	\$375.00	Plus Actual Cost By City Engineer (Deposit Based On Estimated Cost Required)
<b>Parcel Maps</b>		
Tentative PM	\$275.00	Plus Actual Cost By City Engineer
Final PM	\$150.00	Plus Actual Cost By City Engineer
<b>Lot Line Adjustment</b>	\$500.00	
<b>Certificate of Compliance</b>	Actual Cost	
<b>Conditional Use Permit</b>		
Residential	\$375.00	
Commercial	\$500.00	
<b>Variance</b>	\$375.00	
<b>Environmental Documentation</b>		
EIR	Actual Cost	Plus Administrative Fee of 15%
Environmental Review	Actual Cost	Plus Administrative Fee of 15%
<b>Other</b>		
Time Extension	\$75.00	
Appeal	\$425.00	
<b>Annexation</b>		
Annexation & Prezone	\$3,000.00	Plus All Of The Following: a. All Election Costs (If One Is Necessary) b. LAFCO Filing Fees And State Board Of Equalization Fee c. Maps And Legal Description That Comply With State Board Of Equalization And LAFCO Standards d. \$250.00 If Protest Hearing Is Required

Site Plan Review	\$500.00
Sign Permit	\$50.00
<b>Zoning Verification</b>	
Memorandum	\$17.50
Letter	\$35.00

**FISCAL IMPACT:**

Positive, costs associated with application processing will be recouped.

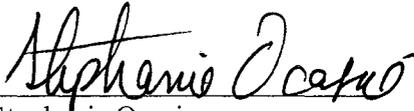
**CONCLUSION:**

At this present time, our existing fees do not sufficiently cover costs such as staff time, postage and supplies. Through adopting an updated Planning Application fee schedule, these costs will be compensated for and the City will be able to conserve funds that were previously spent on application processing. The adoption of said fees will allow the City to recoup the expenses that are acquired throughout the Planning Application process.

**ATTACHMENT:**

1. Exhibit A – Fee Comparison Study
2. Exhibit B – Existing Fee Schedule
3. Exhibit C – Resolution #2009-XX

Respectfully submitted,



Stephanie Ocasio  
Assistant Planner

**REVIEWED/CONCUR**



Michael Holland  
City Manager

Local Agency	Appeal	AX	AX & Pre-Zone	Cert of Comp	CUP	CUP Renewal	FR	Envirn. Rev.	PM	F PM	GP Amend	GP Amend/RZ	GP Amend/RZ to P-D	LLA	Rezone	Rezone to P-D	Sign Permit	SPR	Specific Plan	Ten PM	Time Ext.	VAR	VTTM	Zoning Verification	Additional Notes	
City of Ceres	\$307.00	\$2,000.00 (+ net costs)	none listed	\$305.00	\$902.00	none listed	Actual Cost	Actual Cost	\$1,277.00	?	\$2,000.00 (+ net costs)	falls under GP Amend	none listed	\$383.00	\$1,768.00	\$1,142.00	none listed	\$883.00	\$883.00	\$870.00	\$361.00	\$696.00	\$1,020.00	none listed	Should the proj costs exceed the fee, the applicant is responsible for the remainder	
City of Dos Palos	none listed	\$600.00 (+\$20 per acre)	none listed	none listed	\$250.00	none listed	none listed	none listed	none listed	none listed	\$500.00	none listed	none listed	\$300.00	none listed	none listed	none listed	\$150.00	none listed	none listed	none listed	none listed	none listed	none listed	City reserves the right to charge additional fees depending on the project.	
City of Escalon	\$499.00	none listed	\$4,856.00	\$338.00	\$1,764.00	none listed	5000 (dep)	\$954.00	falls under VTTM	falls under VTTM	\$3,399.00	falls under GP Amend	none listed	\$553.00	\$1,059.00	\$3,442.00	\$50.00	\$2,360.00	\$2,500.00 (dep)	falls under VTTM	\$145.00	\$870.00	7500 (major) 5000 (minor) dep	none listed	Should the proj costs exceed the fee, the applicant is responsible for the remainder	
City of Gustine	\$123.00	\$1,000.00 dep	none listed	none listed	\$125.00 (res) \$150.00 (non res)	none listed	Actual Cost	\$100.00	n/a	n/a	\$500.00	none listed	none listed	\$500.00	\$500.00	n/a	none listed	none listed	none listed	n/a	\$250.00	\$300.00 (res) \$300.00 (non res)	500/1000 dep	none listed	Additional costs incurred shall fall on the applicant	
City of Hughson	\$444.00	\$1,349.00	\$7,342.00 Total AX	none listed	\$945.00	none listed	Actual Cost	\$1,349.00	\$1,954.00	\$852.00	\$1,349.00	falls under GP Amend	\$2,843.00*	\$537.00	\$1,349.00	\$1,999.00	\$155.00 (review and pmt)	\$1,122.00	\$1,349.00	\$852.00	\$408.00	\$491.00 (minor) \$945.00 (major)	\$1,954.00	none listed	Fees do not incl additional fees from outside agencies (like LAFCO). *Total GP Amend	
City of Livingston	\$200.00 (\$100.00 ref, if app)	\$1,100.00 (+ \$30.00 p/acre)	none listed	none listed	\$400.00 (res) \$600.00 (non res)	none listed	Actual Cost	Actual Cost	\$500.00	falls under VTTM	\$900.00	falls under GP Amend	none listed	\$400.00	\$1,100.00	\$900.00 (+\$30.00 p/acre)	based on sign valuation, ranges from \$10.00 - \$100.00	\$600.00	none listed	\$400.00 (+ \$30.00 per lot)	\$300.00	\$300.00	\$400.00 (res) \$600.00 (non res)	\$1,000.00 (+30 p/lot)	none listed	Additional costs incurred shall fall on the applicant. Public hearing from req an additional \$200.00
City of Los Banos	\$150.00	\$1,000.00 new, \$1,000.00 processing + actual costs	none listed	none listed	\$550.00	none listed	Actual Cost	\$100.00	\$1,000.00	falls under Ten PM	\$1,000.00	falls under GP Amend	none listed	\$250.00	\$750.00	\$1,000.00	\$50.00 matr plan \$25.00 review	\$650.00	none listed	\$350.00	\$200.00	\$500.00	\$2,000.00	none listed	Additional costs incurred shall fall on the applicant	
City of Modesto	\$200.00	\$10,705.00 (+B Eq Fee)	none listed	\$1,378.00	\$330.00 (res) \$5,622.00 (non res)	none listed	Actual Cost	Actual Cost	falls under VTTM	falls under Ten PM	\$5,000.00 dep	falls under GP Amend	none listed	\$286.00	\$2,716.00	\$6,662.00	none listed	\$1,010.00	\$10,000.00 dep	\$4,798.00	\$4,449.00	\$330.00 (res) \$4,615.00 (non res)	\$5,859.00	\$36.00	Additional costs incurred shall fall on the applicant	
City of Newman	\$150.00	none listed	\$850.00	\$190.00	\$185.00	none listed	Actual Cost	\$75.00	\$375.00	\$75.00*	\$510.00	\$750.00	none listed	\$175.00	\$530.00	\$825.00	none listed	\$340.00	Actual Cost	\$275.00	\$75.00	\$340.00	\$590.00*	none listed	Additional costs incurred shall fall on the applicant	
City of Oakdale	\$100.00 (res) \$500.00 (non res)	\$8,800.00 dep	none listed	none listed	\$2,000.00 minor \$4,675.00 dep major	\$1,735.00 minor \$2,890.00 major	10000 dep	Actual Cost	\$1,500.00 (minor) \$6,000.00 (major)	falls under Ten PM	\$8,000.00 dep	falls under GP Amend	none listed	\$2,880.00	\$8,385.00 dep	\$9,255.00	\$85.00 (review and pmt)	\$2,205.00	\$25,000.00 dep	\$4,150.00	\$1,255.00 staff \$2,680.00 p/acre	\$250.00 minor \$4,580.00 dep major	falls under PM	\$70.00	Additional costs incurred shall fall on the applicant	
City of Patterson	\$480.00	\$3,270.00	\$4,140.00	none listed	\$940.00 (res) \$1,140.00 (non res minor) \$1,760.00 (non res major)	none listed	\$1,410.00 dep + actual cost	Actual Cost	\$640.00	falls under Ten PM	\$2,760.00	\$3,400.00	none listed	\$970.00	\$3,050.00	\$3,690.00	single \$75.00 mult \$100.00 instr plan \$250.00	\$570.00 minor \$1,290.00 major	none listed	\$1,670.00	\$100.00	\$930.00 (res) \$1,980.00 (non res)	\$3,390.00	\$100.00	Additional costs incurred shall fall on the applicant	
City of Ripon	\$387.00	\$2,544.00 (+ CA & LAFCO fees)	none listed	none listed	\$1,275.00	none listed	\$3,715.00 admin + actual cost	Actual Cost	falls under VTTM	falls under Ten PM	\$2,545.00	falls under GP Amend	none listed	\$462.00	\$1,354.00	\$932.00	\$78.00	\$597.00	\$849.00 min	\$2,037.00	none listed	\$1,104.00	\$3,393.00	none listed	Fees do not incl additional fees from outside agencies (like LAFCO)	
City of Riverbank	\$220.08	\$810.10	\$1,220.92, \$2,124.30 PD	\$158.25	\$256.76	none listed	\$94.32	\$94.32	\$536.58	\$98.51	\$716.00	\$1,039.62	\$2,002.73	\$186.54	\$777.62	\$1,904.22	none listed	\$197.02 ARC & SPR, \$547.05 Landscape R	\$1,423.18	\$383.57	\$98.51 other, \$273.53 PD	\$487.32	\$842.59	none listed		
City of Turlock	\$125.00	none listed	none listed	none listed	\$2,315.00 minor \$3,820.00 md \$5,670.00 major	none listed	10% admin + actual cost	Actual Cost	falls under VTTM	none listed	\$7,335.00	falls under GP Amend	none listed	none listed	\$3,975.00 <5ac \$5,335.00 >5ac	\$8,245.00 <5ac \$8,930.00 >5ac	none listed	\$2,315.00	\$7,535.00	none listed	Varies	\$1,570.00	0-10ac \$4,595.00 11-20ac \$6,560.00 21-50ac \$8,460.00	cert \$55.00 ltr \$90.00	Additional costs incurred shall fall on the applicant, fees do not incl additional fees from outside agencies (like LAFCO)	
City of Waterford	\$150.00	none listed	none listed	none listed	\$400.00	none listed	none listed	none listed	\$1,000.00	\$1,000.00	none listed	n/a	none listed	\$1,000.00	\$1,000.00	none listed	\$200.00	\$1,000.00	none listed	falls under P PM	none listed	\$500.00	\$1,000.00	none listed	All amounts are deposits, all additional costs lie on the applicant	

**City of Newman  
Planning & Development Fees**

<b>General Plan</b>		
GP Amendment	\$510.00	
GP Amend/Rezone	\$750.00	
<b>Specific Plan</b>		
	Actual Cost	Deposit Based On Estimated Cost Required
<b>Rezone</b>		
Rezone to P-D	\$825.00	\$275.00 To Be Refunded If Project Is Completed; Otherwise, It Will Be Used To Zone Property Back To Original Zoning Designation
<b>Subdivision Maps</b>		
Vesting Tentative Tract Map	\$590.00	Plus Actual Cost By City Engineer
Final Map	\$375.00	Deposit Based On Estimated Cost Required
<b>Parcel Maps</b>		
Tentative PM	\$275.00	
Final PM	\$75.00	Plus Actual Cost By City Engineer
<b>Lot Line Adjustment</b>		
	\$175.00	
<b>Certificate of Compliance</b>		
	\$190.00	
<b>Conditional Use Permit</b>		
	\$185.00	
<b>Variance</b>		
	\$340.00	
<b>Environmental Documentation</b>		
EIR	Actual Cost	
Environmental Review	\$75.00	
<b>Other</b>		
Time Extension	\$75.00	
Appeal	\$150.00	
<b>Annexation</b>		
Annexation & Prezone	\$850.00	Plus All Of The Following: a. All Election Costs (If One Is Necessary) b. LAFCO Filing Fees And State Board Of Equalization Fee c. Maps And Legal Description That Comply With State Board Of Equalization And LAFCO Standards d. \$250.00 If Protest Hearing Is Required
<b>Site Plan Review</b>		
	\$340.00	

**RESOLUTION NO. 2009-**

**A RESOLUTION ADOPTING UPDATED PLANNING APPLICATION FEES**

WHEREAS, the City of Newman is desirous of maintaining a sound fiscal condition;  
and

WHEREAS, the City Council has reviewed the proposed fees; and

WHEREAS, the adoption of the updated fees will be used to offset the processing costs for planning application(s);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that the fees as outlined in exhibit "A" are hereby adopted and will be effective on the 1st Day of April, 2009.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 10th day of March, 2009 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:

\_\_\_\_\_  
Mayor of the City of Newman

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Newman

### Exhibit A

<b>General Plan</b>		
GP Amendment	\$750.00	Plus Actual Cost
GP Amend/Rezone	\$1,500.00	Plus Actual Cost
<b>Specific Plan</b>	Actual Cost	Plus Administrative Fee of 15% (Deposit Based On Estimated Cost Required)
<b>Rezone</b>	\$750.00	\$275.00 To Be Refunded If Project Is Completed; Otherwise, It Will Be Used To Zone Property Back To Original Zoning Designation
Rezone to P-D	\$825.00	
<b>Subdivision Maps</b>		
Vesting Tentative Tract Map	\$1,000.00	Plus Actual Cost By City Engineer
Final Map	\$375.00	Plus Actual Cost By City Engineer (Deposit Based On Estimated Cost Required)
<b>Parcel Maps</b>		
Tentative PM	\$275.00	Plus Actual Cost By City Engineer
Final PM	\$150.00	Plus Actual Cost By City Engineer
<b>Lot Line Adjustment</b>	\$500.00	
<b>Certificate of Compliance</b>	Actual Cost	
<b>Conditional Use Permit</b>		
Residential	\$375.00	
Commercial	\$500.00	
<b>Variance</b>	\$375.00	
<b>Environmental Documentation</b>		
EIR	Actual Cost	Plus Administrative Fee of 15%
Environmental Review	Actual Cost	Plus Administrative Fee of 15%
<b>Other</b>		
Time Extension	\$75.00	
Appeal	\$425.00	
<b>Annexation</b>		
Annexation & Prezone	\$3,000.00	Plus All Of The Following: a. All Election Costs (If One Is Necessary) b. LAFCO Filing Fees And State Board Of Equalization Fee c. Maps And Legal Description That Comply With State Board Of Equalization And LAFCO Standards d. \$250.00 If Protest Hearing Is Required
<b>Site Plan Review</b>	\$500.00	
<b>Sign Permit</b>	\$50.00	
<b>Zoning Verification</b>		
Memorandum	\$17.50	
Letter	\$35.00	

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.c.**  
City Council Meeting  
of March 10, 2009

**REPORT ON PROPOSED ORDINANCE AMENDING NEWMAN MUNICIPAL CODE**  
**TITLE 11 PUBLIC WAY AND PROPERTY, CHAPTER 11.09.170**

**RECOMMENDATION:**

Conduct First Reading of Ordinance No. 2009- , Amending Chapter 11.09 of Title 11 Public Ways and Property of the Newman City Code.

**BACKGROUND:**

On January 23, 2007, Resolution No. 2007-4 (A Resolution Adopting Fees for Rental of City Park and Building Use) was adopted. This resolution set updated rental and deposit amounts for City park facilities and buildings.

Through an administrative error, an Ordinance change was not completed and the preceding rental fees are still on record in the Newman Municipal Code (excluding park facilities). Historically, the Newman City Council approved all rate modifications through an Ordinance Amendment.

**ANALYSIS:**

As stated earlier, the Municipal Code currently identifies incorrect rental rates for the Louis J. Newman Memorial Building. Given the constant change in operations and maintenance costs (such as water electrical/refuse service, repairs and supplies) staff recommends that the code be revised to eliminate specific amounts and subsequently set fees by resolution rather than ordinance.

**FISCAL IMPACT:**

Costs associated with the adoption of this ordinance are nominal.

**CONCLUSION:**

The proposed ordinance amendment will make the rental fee update process more efficient, less costly and assist the City in recouping expenditures for the Memorial Building.

**ATTACHMENTS:**

1. Exhibit A – Existing Municipal Code Excerpt
2. Exhibit B – Resolution No. 2007-4 and corresponding attachment
3. Exhibit C – Proposed Ordinance

Respectfully submitted,



Stephanie Ocasio  
Assistant Planner

**REVIEWED/CONCUR**



Michael Holland  
City Manager

**11.09.170 Rates to be charged.**

The rates to be charged to the users of the Louis J. Newman Memorial Center shall be as follows:

<b>A. Private use:</b>	
Weekdays (9:00 a.m. – 5:00 p.m.)	\$40.00
Weekdays (9:00 a.m. – 12:00 midnight)	65.00
Cleaning, breakage, loss or damage deposit	200.00
Weekends & holidays (9:00 a.m. – 5:00 p.m.)	90.00
Weekends & holidays (5:00 p.m. – 1:00 a.m.)	125.00
Cleaning, breakage, loss or damage deposit	200.00
<b>B. Local public or private nonprofit use:</b>	
Weekdays (9:00 a.m. – 5:00 p.m.)	20.00
Weekdays (5:00 p.m. – 12:00 midnight)	35.00
Cleaning, breakage, loss or damage deposit	25.00
Weekends & holidays (9:00 a.m. – 5:00 p.m.)	40.00
Weekends & holidays (5:00 p.m. – 1:00 a.m.)	55.00
Cleaning, breakage, loss or damage deposit	\$50.00
<b>C. Regular renters:</b>	
Weekdays	12.50
Weekends	20.00
Cleaning, breakage, loss or damage deposit. This shall be a one-time-only deposit which the City shall retain for an indefinite period of time or until regular rental dates are no longer required. Regular renters shall be liable for any and all damages in excess of the amount of the deposit, and shall pay to the City any amounts needed to retain the balance of the deposit at \$25.00.	25.00

(Ord. 85-7, 5-14-1985)

RESOLUTION NO. 2007-4

**A RESOLUTION ADOPTING FEES FOR RENTAL OF CITY PARK AND BUILDING USE**

WHEREAS, the City Council of the City of Newman is desirous of maintaining a sound fiscal condition; and

WHEREAS, The City Council has identified city parks facilities which are available for rent for private events within the City of Newman; and

WHEREAS, the City Council has reviewed proposed fees and deposits for renting City facilities; and

WHEREAS, the increase in rental fees will be used towards the maintenance and operations of these facilities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that the fees as outlined in Exhibit "A" are hereby adopted and will be effective on the 1<sup>st</sup> day of March, 2007.

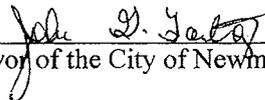
The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23<sup>rd</sup> day of January, 2007 by Councilmember Katen, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES: Katen, Kelly, Martina, Crinklaw and Mayor Fantazia

NOES: None

ABSENT: None

APPROVED:

  
\_\_\_\_\_  
Mayor of the City of Newman

ATTEST:

  
\_\_\_\_\_  
Deputy City Clerk of the City of Newman

**EXHIBIT "A"**

**PARK AND BUILDING USE FEES**

March 2007

**Lions Park** – current rate \$10 rental plus \$10 deposit.

- \$35.00 rental plus \$20.00 deposit for residents
- \$45.00 rental and \$20.00 deposit for non-residents
- \$20.00 rental plus \$10.00 deposit for non-profit organizations

**Pioneer Park** – current rates: \$15.00 rental plus \$10.00 deposit.

- \$45.00 rental and \$20.00 deposit for residents
- \$55.00 rental and \$20.00 deposit for non-residents
- \$25.00 rental plus \$10.00 deposit for non-profit organizations

**Sherman Park** – new facility

- \$80.00 rental plus \$80.00 deposit for residents
- \$120.00 plus \$100.00 deposit for non residents
- \$50.00 rental plus \$50.00 deposit for non-profit organizations

**L.J. Newman Memorial Building**

- ~~Resident: \$200.00 plus \$200.00 deposit,~~
- ~~Non-Resident: \$250.00 plus \$200.00 deposit and~~
- ~~Resident Non-Profit: \$100.00 plus \$50.00 deposit.~~
- \$350.00 rental plus \$200.00 deposit for residents
- \$550.00 rental plus \$250.00 deposit for non residents
- \$125.00 rental plus \$75.00 deposit for non profit organizations

ORDINANCE NO. 2009-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN  
AMENDING NEWMAN MUNICIPAL CODE TITLE 11 PUBLIC WAY AND PROPERTY,  
CHAPTER 11.09.170 RATES TO BE CHARGED**

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

Section 1.

That Title 11 Public Way And Property of the Newman Municipal Code is amended as follows:

11.09.170 Rates to be charged.

The rates to be charged to the users of the Louis J. Newman Memorial Center shall be *fixed and established by Resolution of the Newman City Council.* as follows:

<b>A. Private use:</b>	
Weekdays (9:00 a.m. — 5:00 p.m.)	\$40.00
Weekdays (9:00 a.m. — 12:00 midnight)	65.00
Cleaning, breakage, loss or damage deposit	200.00
Weekends & holidays (9:00 a.m. — 5:00 p.m.)	90.00
Weekends & holidays (5:00 p.m. — 1:00 a.m.)	125.00
Cleaning, breakage, loss or damage deposit	200.00
<b>B. Local public or private nonprofit use:</b>	
Weekdays (9:00 a.m. — 5:00 p.m.)	20.00
Weekdays (5:00 p.m. — 12:00 midnight)	35.00
Cleaning, breakage, loss or damage deposit	25.00
Weekends & holidays (9:00 a.m. — 5:00 p.m.)	40.00
Weekends & holidays (5:00 p.m. — 1:00 a.m.)	55.00
Cleaning, breakage, loss or damage deposit	50.00
<b>C. Regular renters:</b>	
Weekdays	12.50
Weekends	20.00
<b>Cleaning, breakage, loss or damage deposit.</b> This shall be a one-time-only deposit which the City shall retain for an indefinite period of time or until regular rental dates are no longer required.	25.00
Regular renters shall be liable for any and all damages ( <i>including cleaning, breakage or loss</i> ) in excess of the amount of the deposit, and shall pay to the City any amounts needed to <i>retain recover said damages.</i> the balance of the deposit at \$25.00.	

(Ord. 85-7, 5-14-1985)

Section 2.

All other sections and provisions of Title 11 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 10<sup>th</sup> day of March, 2009 by Council Member \_\_\_\_\_, and adopted at a regular meeting of said City Council held on the 24<sup>th</sup> day of March, 2009 by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor of the City of Newman

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

Honorable Mayor and Members  
of the Newman City Council

**APPROVAL OF VETERINARY SERVICES CONTRACT WITH WESTSIDE ANIMAL HOSPITAL**

**RECOMMENDATION:**

Staff recommends:

1. City Council approve the attached contract with Westside Animal Hospital for emergency veterinary services.
2. Adopt Resolution No. 2009- , A Resolution authorizing the City Manager to execute the aforementioned contract

**BACKGROUND:**

The City of Newman provides animal control services to our residents. As part of that service the City is required to provide emergency veterinary services to animals that come into the care and custody of the City of Newman. Additionally, as part of a comprehensive animal services program the City of Newman Police Department will provide clinics to benefit the residents of Newman that own animals. These clinics are designed to aid in the prevention of unwanted animals as well as reunite lost animals with their owners.

**ANALYSIS:**

A Request for Proposals was published to the two veterinary hospitals in the City of Newman. Both responded with proposals. A staff committee recommended the contract be awarded to Westside Animal Hospital. Staff presented that recommendation to the City Council on February 10, 2009 and Council awarded the contract to Westside Animal Hospital. Staff has prepared the attached contract in consultation with Westside Animal Hospital and the contract has been reviewed by the City Attorney.

**FISCAL IMPACT:**

The fiscal impact of this contract will be minimal based upon statistics from Stanislaus County Animal Services. Less than 20 animals from Newman required emergency veterinary treatment last fiscal year. The number of animals expected to receive emergency treatment under this new contract will likely be more than 20 because of the improved service delivery by the police department and convenience to our residents. A number of animals will also be seen under this new contract through our annual license/vaccination clinic that will be held in partnership with Westside Animal Hospital. All costs related to this contract are expected to be covered through licensing fees as well as animal related administrative fines.

**ATTACHMENTS:**

Contract

**CONCLUSION:**

This staff report is submitted for City Council consideration and action. Proposed contract best serves the City of Newman animal control program, Newman's residents, and Westside Animal Hospital.

Respectfully submitted,



Adam McGill  
Chief of Police

**REVIEWED/CONCUR:**



Michael Holland  
City Manager

## INDEPENDENT CONTRACTOR SERVICES AGREEMENT

Between  
WESTSIDE ANIMAL HOSPITAL  
And the  
CITY OF NEWMAN

**THIS AGREEMENT** is entered into this 11<sup>st</sup> day of March, 2009, by and between WESTSIDE ANIMAL HOSPITAL, hereinafter referred to as "CONTRACTOR" and the CITY OF NEWMAN, a municipal corporation of the State of California, hereinafter referred to as "CITY."

**NOW, THEREFORE**, CITY hereby engages the services of CONTRACTOR and, in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

**TERM:** This Agreement shall be for a period of two years, commencing on March 11, 2009 and ending on March 10, 2011. Either party may terminate this Agreement upon thirty days written notice to the other party.

### **SERVICES:**

- a) **Scope of Work:** CONTRACTOR agrees to provide CITY with 24-hour-a-day limited, emergency treatment of injured animals. If CONTRACTOR is unavailable for four (4) or more requests for service during a twelve (12) month period this agreement may be cancelled without recourse.
- b) **Consultation:** CONTRACTOR shall provide consultation to Animal Control Services free of charge for up to twelve hours per year. Additional consulting time may be billed at a mutually agreed upon rate.
- c) **Low cost Clinics:** CONTRACTOR agrees to participate (as defined in Attachment A) in at least one (1) low cost mutually sponsored "license-vaccination-spay/neuter" clinic to be held in May of each year at a location to be determined by the CITY. Additional, clinics can occur by mutual agreement between the parties. The CITY will provide i) animal restraint via the Animal Control Officer (ACO) and ii) staff to process all monies and required paperwork. CONTRACTOR will provide veterinarian and staff to prepare and perform vaccinations, micro-chipping, and to provide technical and support information to both animal owners and CITY personnel. For liability reasons, CONTRACTOR staff will not restrain the animals.
- d) **Treatment:** Animals being treated by the CONTRACTOR pursuant to this agreement fall into one of three categories:
  1. Stray with no owner information available. Treatment of animals without owner information and in the care, custody, and control of the CITY will only include the necessary treatment(s) to reduce suffering or stabilize the animal. The treatments can include stabilization and management of pain/suffering due to the animal's condition. Generally, animals with significant injury or illness that are not deemed adoptable should be euthanized to avoid suffering and excessive expense of taxpayer dollars. The evaluation and treatment of the animal should not exceed **\$250.00**. If in the opinion of the concerned parties the animal cannot be stabilized within these guidelines the animal will be euthanized. If the animal is

euthanized the next available ACO will transport the animal to the Shelter for disposal. CITY will pick up and/or dispose of animals delivered to CONTRACTOR by Newman Animal Control or Police Officers within three (3) days. CONTRACTOR will bill CITY directly for these services.

2. Animals where owner information is available, but owner is not reachable in timely fashion for the injury involved. These cases will be treated as in Paragraph "a" above. CONTRACTOR will bill CITY directly for these services. CITY will inform the attendees of CITY's low-cost "license-vaccination-spay/neuter" clinics of this policy via posting or handouts.
  3. Animals where owner information is available, and owner is reachable in timely fashion for the injury involved. In these cases, the CONTRACTOR agrees to directly invoice the owner (using a policy of "payment before treatment") without any involvement of the CITY. However, if owner defaults on payment, CITY agrees to assist in collection of in any way legally possible.
- e) **Euthanasia:** For all animals brought to the CONTRACTOR by the CITY, CONTRACTOR shall perform euthanasia services only at the request of CITY. CONTRACTOR has no responsibility to contact an owner or owners before providing euthanasia services for CITY. CITY shall be solely responsible to contact owners (if owner is known) before CONTRACTOR provides euthanasia services for CITY. Liability for any claims based on the failure to contact an owner before euthanasia services were provided shall be the sole responsibility of CITY.
- f) **Additional Services:** Additional services are outlined with Attachment A.

**FEES:** As outlined in Attachment A.

**INSURANCE REQUIREMENTS:** CONTRACTOR shall, at its own expense, obtain and maintain in effect at all times during the life of this Agreement, general liability, including professional malpractice, insurance with combined single limits of \$1,000,000. All CONTRACTOR policies shall contain an endorsement that written notice shall be given to CITY at least thirty (30) days prior to termination, cancellation, or reduction of coverage in the policy or policies.

**INDEMNIFICATION:** Each party shall defend, indemnify and hold the other party, its subsidiaries and affiliates, and the officers, directors, employees and agents of each of them (the "Indemnified Parties") harmless from and against any claims, liens, expenses, costs, liabilities, damages, losses, demands, actions or causes of action of whatever kind or nature (collectively "Claims") incurred by reason of any negligent acts, errors or omissions of that party, its agents or employees arising out of or in any way connected with this Agreement. If either party becomes liable for damages caused by such party's solely negligent or wrongful acts or omissions, the negligent party shall pay such damages without contribution from the other party.

**NO EMPLOYER-EMPLOYEE RELATIONSHIP:** No relationship of employer or employee is created by this Agreement. It is understood that CONTRACTOR will act hereunder as an independent contractor and shall have no claim number under this Agreement or otherwise against CITY for vacation with pay, sick leave, retirement, medical, dental, social security, workers' compensation, disability or unemployment

insurance benefits or employee benefits of any kind. The parties agree that CONTRACTOR will not be treated as an employee for federal or state tax purposes.

**GOVERNING LAW:** The validity of this Agreement and of any of its terms or provisions as well as the rights and duties of the parties hereunder, shall be governed by the laws of the State of California.

**IN WITNESS WHEREOF,** the parties hereto have caused this Agreement to be executed by and through their respective officers thereunto duly authorized on the date first reflected hereinabove.

**CITY OF NEWMAN, a municipal corporation**

**WESTSIDE ANIMAL HOSPITAL**

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

By: \_\_\_\_\_  
Suzanne E. Solvin, DVM

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Thomas Hallinan, City Attorney

RESOLUTION NO. 2009-

**APPROVAL OF VETERINARY SERVICES CONTRACT WITH WESTSIDE ANIMAL HOSPITAL**

WHEREAS, the City Manager of the City of Newman has recommended that the City Council approve a contract with Westside Animal Hospital for veterinary services related to the City of Newman's animal services program; and

WHEREAS, the City Council is desirous of entering into a contract with the Westside Animal Hospital; 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 contract with the Westside Animal Hospital.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby approves the contract with Westside Animal Hospital and authorizes the City Manager to execute said contract for veterinary services.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 10<sup>th</sup> day of March 2009 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

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.e.**  
City Council Meeting  
March 10 of , 2009

**DECLARE CERTAIN PROPERTY AS SURPLUS AND APPROVE OF ITS DISPOSAL**

**RECOMMENDATION:**

Staff recommends the City Council:

Adopt Resolution No. 2009-\_\_\_\_\_, 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 City Departments has identified items ready to be declared surplus.

**ANALYSIS:**

The identified items are specifically identified in Attachments A. 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= List of items

**CONCLUSION:**

This staff report is submitted for City Council consideration and action. Staff recommends adoption of Resolution No. 2009-\_\_\_\_\_, a resolution declaring certain property as surplus property.

Respectfully submitted,



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Adam McGill  
Chief of Police

**REVIEWED/CONCUR:**



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Michael Holland  
City Manager

RESOLUTION NO. 2009-

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS PROPERTY AND AUTHORIZING DISPOSAL OR SALE OF PROPERTY AND TRANSFERRING FOUND PROPERTY TO THE CITY OF NEWMAN AS ALLOWED BY STATE LAW**

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

WHEREAS, the City Manager has recommended that found property that has been held for over 120 days and no owner was located be deemed property of the City of Newman.

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 Attachment A and any additional attachments and made a part hereof, are hereby declared surplus and in the public interest should be sold 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 personal 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 10<sup>th</sup> day of March, 2009 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

Item #1  
Police Department

1984 Ford Ranger pick up VIN 1FTBR10A3EUC79540, License E024777

Item #2  
Police Department

2000 Ford Crown Victoria, VIN 2FAFP71W0YX107053, License # E1045417

Item #3  
Public Works Department

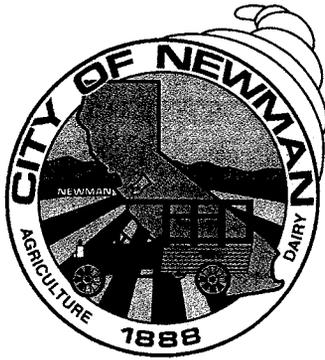
Computer Tag#0409, monitor Tag#0408, and keyboard.

Item #4  
Administration Department

Computer No Tag#, (Cleve Morris' Old Computer – Purchased in 2002) Pentium 4 Clone Computer.

Item #5  
Finance Department

Computer Tag#0463, Pentium 4 Clone Computer.



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

**Date: March 6, 2009  
To: City Council  
From: Michael E. Holland**

**Subject: Provide Direction For Potential Revenue Measure - Continuance.**

At the previous Council meeting, Catherine Lew of the Lew-Edwards Group gave a presentation regarding information on a potential revenue measure. At that time, the Council was asked to provide direction on the potential revenue measure and the option of possibly retaining the services of the Lew Edwards Group to conduct a community survey. The Council unanimously agreed to postpone this item until the March 10, 2009 regular meeting. As a result, staff recommends the Council provide direction on the potential revenue measure and survey. Staff has prepared a full staff report but due to technological difficulties, that report will not be available until Saturday. A copy of the report will be delivered as soon as it is available.