

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING MARCH 24, 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.
7. Items from the Public - Non-Agenda Items.
8. Consent Calendar
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants.
 - c. Approval Of Minutes Of The March 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. Approval Of The Proposed CDBG Projects For The Stanislaus County Annual Action Plan (FY 09-10) And Close 30 Day Public Comment Period.
 - c. Consider For Approval The Draft Stanislaus County Annual Action Plan (FY 09-10).
 - d. Second Reading And Adoption Of Ordinance No. 2009- , Amending Chapter 11.09.170 Of Title 11 Public Ways And Property Of The Newman City Code.
10. Regular Business
 - a. Adopt Resolution No. 2009- , Awarding A Contract Form Capital Facilities Fees Update And Authorize City Manger To Execute A Contract For Services.
 - b. Adopt Resolution No. 2009- , Awarding A Bid For Pioneer Park Rehabilitation Phase II Part A And Authorize City Manger To Execute A Contract For Services.

- c. Adopt Resolution No. 2009- , Approving The Disadvantaged Business Enterprise (DBE) Program And Implementation Agreement For Race-Conscious Clauses And Requirements For The City of Newman.
- d. Authorize A Budget Adjustment For The Purchase Of A Public Works Department Pickup.
- e. Adopt Resolution No. 2009- , A Resolution Authorizing The Terms Of A Redevelopment Business Loan Agreement With Jose Reynoso And Directing The Chief Executive Officer To Draft And Execute The Necessary Documentation.

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 - Two Cases - G.C. 54956.9.
- c. Return To Open Session.

15. Adjournment.

Calendar of Events

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 Workshop

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

1. **Call To Order** - Mayor Katen 7:02 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Council Member Kelly
4. **Roll Call PRESENT:** Kelly, Davis, Candea, Martina And Mayor Katen
5. **Declaration Of Conflicts Of Interest** - None.
6. **Ceremonial Matters.**

- a. Proclamation - Portuguese Immigrant Week.

Mayor Katen Presented The Portuguese Immigrant Week Proclamation.

- b. Presentation By County Librarian, Vanessa Czopek (Annual Report FY 07/08).

Stanislaus County Librarian Vanessa Czopek Reviewed The Annual Library Systems & Local Library Report For The 2007/2008 Fiscal Year.

Newman Librarian, Barbara Alexander Talked About The Different Programs And Services That The Newman Library Offers.

Dawn Schneider With The Friends Of The Newman Library Spoke About Her Organization.

- c. Recognition Of Police Volunteers.

Chief McGill Recognized The Police Department Volunteers For Their Hard Work And Dedication. He Publicly Acknowledged And Thanked Each Of Them.

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

Mary Ramos, 1030 Orestimba Road, Stated That There Are Problems With The Parking Lot Exit At The McConnell Center And The Westside Marketplace Entrance And Asked The Council To Look In To Both Issues.

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.

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

9. Public Hearings

- a. Adopt Resolution No. 2009-12, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Katen Opened The Public Hearing At 7:28 P.M.

There Being No Public Comment Katen Closed The Public Hearing At 7:29 P.M.

ACTION: On Motion By Kelly Seconded By Davis And Unanimously Carried, Resolution No. 2009-12 , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted.

- b. Second Reading And Adoption Of Ordinance No. 2009-02, 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.

Mayor Katen Opened The Public Hearing At 7:30 P.M.

There Being No Public Comment Katen Closed The Public Hearing At 7:31 P.M.

ACTION: Ordinance No. 2009-02, Had Its Second Reading By Title Only. A Motion By Candea Seconded By Martina Dispensed With Further Reading Of Said Ordinance. 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. Adopt Resolution No. 2009-13, A Resolution Updating Encroachment Permit Application Fees.

ACTION: On Motion By Kelly Seconded By Davis And Unanimously Carried, Resolution No. 2009-13, A Resolution Updating Encroachment Permit Application Fees Was Adopted.

- b. Adopt Resolution No. 2009-14, A Resolution Updating The Community Development Department's Application Fee Schedule.

ACTION: On Motion By Davis Seconded By Kelly And Unanimously Carried, Resolution No. 2009-14, A Resolution Updating The Community Development Department's Application Fee Schedule Was Adopted.

- c. Introduction And First Reading Of Ordinance No. 2009-03, Amending Chapter 11.09.170 Of Title 11 Public Ways And Property Of The Newman City Code.

ACTION: Ordinance No. 2009-03, Amending Chapter 11.09.170 Of Title 11 Public Ways And Property Of The Newman City Code Was Introduced By Council Member Candea. Ordinance Had Its First Reading By Title Only.

- d. Adopt Resolution No. 2009-15, A Resolution Approving A Contract With Westside Animal Hospital For Veterinary Services And Authorizing The City Manger To Execute Said Contract.

ACTION: On Motion By Davis Seconded By Candea And Unanimously Carried, Resolution No. 2009-15, A Resolution Approving A Contract With Westside Animal Hospital For Veterinary Services And Authorizing The City Manger To Execute Said Contract Was Adopted.

- e. Adopt Resolution No. 2009-16, Declaring Certain Personal Property Surplus Property And Authorizing Disposal, Or Sale Of Property.

ACTION: On Motion By Kelly Seconded By Martina And Unanimously Carried, Resolution No. 2009-16, A Resolution Declaring Certain Personal Property Surplus Property And Authorizing Disposal, Or Sale Of Property Was Adopted.

- f. Provide Direction For Potential Revenue Measure.

ACTION: On Motion By Kelly Seconded By Davis And Unanimously Carried, The Council Agreed To Move Forward With A Revenue Measure Without Using The Assistance Of The Lew Edwards Group.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Informed The Council That He Attended An Orestimba Creek Meeting In February And That The Process Is Moving Forward. He Reminded Everyone That The West Side Health Care Task Force's Next Meeting Will Be Thursday March 12th.

12. Items From The City Manager And Staff.

City Manager Holland Informed The Council That The I- Bank Approved The City's Funding Request For Our Waste Water Treatment Plan Project On February 24th. He Explained To The Council That StanCOG Has Moved To A Formula Allocation Method For The Stimulus Money And Away From The Original Project Funding Method. He Further Explained That The City Is Lobbying For Full Funding And Not Just The \$300,000.00 StanCOG Is Currently Proposing. Holland Mentioned That The City Hosted An Enterprise Zone Meeting Earlier In The Day. He Also Mentioned That Community Members Had Recently Volunteered Time To Work On The Baseball Fields And That

March 21st Will Be Opening Day For The Little League. He Asked The Council To Confirm That The Next Budget Work Shop Will Take Place On April 21st At 6:00 P.M.

Chief McGill Mentioned That A Recent Partnership With The Newman Museum Has Enabled The Department To Display Historic Police Items In The Department's Lobby. He Announced That The City Of Newman Will Receive \$11,000 In Stimulus Monies For Police Services. He Also Informed That The K-9 Association Will Host Their Second Annual Crab Feed On April 18th.

Public Works Director Reynolds Informed The Council That The Old Smog And Lube Building Will Soon Be Demolished And That The City Is Moving Forward With The Waste Water Treatment Plant Project. He Also Mentioned Other Projects That Are Currently Out To Bid Included Street Sweeping And The Pioneer Park Rehabilitation.

Recreation Supervisor Heiberger Informed The Council That Basketball Season Ends On Saturday And The Department Is Already Planning For The Upcoming Summer Programs.

13. Items From City Council Members.

Council Member Candea Thanked The Chief And His Staff For Their Professionalism.

Council Member Martina Thanked The Volunteers For Their Support And Time. He Mentioned That He Had Attended A Central Valley Executive Committee Meeting And That The Topic For That Meeting Was The Blue Print Process; He Explained That They Are Trying To Move Toward Ten Residents Per Acre.

Mayor Katen Announced That He Would Attend The Next StanCOG Meeting And Seek Support For Our Plaza Project.

14. Adjourn To Closed Session - 8:51 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. At 9:12 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 9:14 P.M.

Date.: Feb 27, 2009
Time.: 12:11 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
035439	02/20/09	1658.00	DAVE SILVEIRA CONSTR.	PARTITION WALL AT COUNCIL CHAMBERS
035440	02/20/09	73.44	ED KATEN (NT)	REIMBURSE FOR MAYOR'S MEETING/KATEN
035441	02/26/09	50.00	DEPART OF HEALTH SERVICES	EXAM FEE/WATER TREATMENT OPERATOR/CANTU
Sub-Total:		----- 1781.44		
Grn-Total:		----- 1781.44		
Count:	3			

REPORT.: Feb 02 09 Monday
 RUN....: Feb 02 09 Time: 08:18
 Run By.: EMILY M. FARIA

CITY OF NEWMAN
 Cash Disbursement Detail Report
 Check Listing for 01-09 Bank Account.: 1000

PAGE: 001
 ID #: PY-DP
 CTL.: NEW

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
035318	01/27/09	HUT06	DON HUTCHINS	1750.00	.00	1750.00	01/31/09P	CONTRACT SERV/INTERIM LT
035319	01/28/09	MEROH	MERCED COUNTY CLERKS OFFI	50.00	.00	50.00	01/28/09P	SOUZA FILING NOD/MERCED C
Cash Account Total.....:				1800.00	.00	1800.00		
Total Disbursements.....:				1800.00	.00	1800.00		
Cash Account Total.....:				.00	.00	.00		

Date.: Feb 19, 2009
Time.: 3:33 pm
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

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Ck #	Check Date	CK Amount	Vendor Name	Description
035393	02/10/09	54024.70	LAWRENCE BACKHOE SERVICE	PROGRESS PAYMENT #2/SEWER LINE REPLACEMENT
035394	02/10/09	100.00	WINTON IRELAND INSURANCE	SURETY BOND/DAVID REED TREASURER
035395	02/18/09	600.00	SAN JOAQUIN VALLEY AIR POLLUTI	FEES FOR NOTICE OF VIOLATION/SETTLEMENT/WWTP
035396	02/20/09	15114.00	ANTHEM BLUE CROSS	HEALTH INSURANCE PREMIUMS/MARCH 2009
035397	02/20/09	100.00	ARMCO ROOFING	REPAIRS TO ROOF AT TEEN CENTER
035398	02/20/09	33.32	ARROWHEAD MOUNTAIN SPRING	BOTTLED WATER/CORP YARD/JAN 2009
035399	02/20/09	134.19	AT&T	EMERGENCY DISPATCH LINE/PD/02/07/09 TO 03/06/09
035400	02/20/09	536.83	BASIC CHEMICAL SOL./INC.	200 GALLONS SODIUM HYPOCHLORITE/WELLS
035401	02/20/09	1448.06	BUSINESS CARD	FLIGHTS/LODGING/COMPUTER SOFTWARE/INK/RAM/USB CABL
035401	02/20/09	711.64	BUSINESS CARD	COMPUTER MEMORY/BASKETBALL AWARDS/MEALS/OIL CHANGE
035402	02/20/09	8500.00	CBA (CALIFORNIA BENEFITS)	PRE-PAID DENTAL-VISION DEPOSIT
035403	02/20/09	65.44	C B MERCHANT SERVICES, INC	REIMBURSE BAD DEBT
035404	02/20/09	200.00	ANNABEL CERNA	REFUND MEMORIAL BUILDING DEPOSIT/A. CERNA
035405	02/20/09	595.71	CITY TIRE SALES	NEW TIRES/PD
035406	02/20/09	8266.00	CLENDENIN BIRD & CO LLP	FINAL BILLING AUDIT 06/30/08
035407	02/20/09	1680.00	COMPUTER WARE, INC.	T3 COMMUNITY COMPUTER CLASS FEE/NOV 2008
035408	02/20/09	245.00	CONCINNITY, INC	FIREHOUSE CUSTOMIZATION/CONFIGURATION IT SERVICES
035408	02/20/09	1267.50	CONCINNITY, INC	MONTHLY IT SERVICES/MARCH 2009
035409	02/20/09	89.55	ECONOMIC TIRE SHOP	NEW TIRES/TIRE REPAIR
035410	02/20/09	939.06	GCS ENVIRONMENTAL EQUIPMENT SE	PO #09-57
035411	02/20/09	2250.00	GDR ENGINEERING, INC.	PROFESSIONAL SERV/JAN 2009/5 SEWER LINE REPLACEMEN
035412	02/20/09	989.53	GEOANALYTICAL LAB, INC.	WEEKLY BACTI'S/QUARTERLY WELL TEST/BOD/NITRATES
035413	02/20/09	200.00	ANGELITA HUERTA	REFUND MEM BLD DEPOSIT/A. HUERTA
035414	02/20/09	1750.00	DON HUTCHINS	INTERIM LT/HUTCHINS/CONTRACT SERVICES 2/16-2/28/09

Date.: Feb 19, 2009
Time.: 3:33 pm
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CITY OF NEWMAN
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Ck #	Check Date	CK Amount	Vendor Name	Description
035416	02/20/09	9475.00	JOE'S LANDSCAPING &	LIGHTING & LANDSCAPE SERVICES/DEC 2008
035416	02/20/09	8100.00	JOE'S LANDSCAPING &	LIGHTING & LANDSCAPE SERVICES/JEN 2009
035417	02/20/09	43.31	MALLARD EXPRESS AUTO	CHECKED FLUIDS/FILL OIL/WINDSHIELD WASHED/TIRE AIR
035418	02/20/09	5643.83	MARTIN CARVER, AICP	NEWMAN HOUSING ELEMENT SERVICES/JAN 2009
035418	02/20/09	296.82	MARTIN CARVER, AICP	NEWMAN DOWNTOWN PLAZA SERVICES/JAN 2009
035419	02/20/09	1.56	NEWMAN S & S AUTO SUPPLY	SEWER MACHINE FREEZE PLUG
035419	02/20/09	15.00	NEWMAN S & S AUTO SUPPLY	IMNSULATED CLA,MPS/BRAKE LINE EDE/CHAIN MASTER LIN
035419	02/20/09	167.89	NEWMAN S & S AUTO SUPPLY	ROLLER CHAIN/THROTTLE CABLE/VOLT GAUGE/SEWER MACHI
035420	02/20/09	794.31	NEWMAN ACE HARDWARE/JACT, INC	BATTERIES/DOOR MAT/TRASH BAGS & CAN/SCOOP/PAINT
035421	02/20/09	1357.84	NEXTEL COMMUNICATIONS	CELL PHONE USAGE/JAN 2009
035422	02/20/09	49.82	NOB HILL	ICE/SUPPLIES FOR COUNCIL WORKSHOP
035423	02/20/09	135.00	STEPHANIE OCASIO (NT)	HUD TRAINING (HOME) PER DIEM/OCASIO
035424	02/20/09	2593.50	OTTOMAN FARMS, INC	ALFALFA SPRAYING/WWTP
035425	02/20/09	660.00	CITY OF PATTERSON	COUNCIL VIDEO REIMBURSEMENT/FEB 2009
035426	02/20/09	39.75	P G & E	ELECTRIC/PUMP @ WWTP 11/8/08 TO 1/9/09
035426	02/20/09	180.10	P G & E	NATURAL GAS PURCHASES/1/6/09 TO 2/5/09
035427	02/20/09	165.00	PITNEY BOWES CREDIT CORP.	POSTAGE METER RENTAL 11/30/08 TO 02/28/09
035428	02/20/09	4101.09	PRECISION INSPECTION, INC	Bldg Reg Inspec BLDG REGU/JAN 2009
035428	02/20/09	13960.20	PRECISION INSPECTION, INC	SANITARY SEWER REPLACEMENT PROJECT INSPECTIONS
035429	02/20/09	1430.20	QUALITY CONTROL INSPECTION, IN	SPOT SOIL DENSITY SAMPLING & TESTING 12/23-12/26
035429	02/20/09	1499.00	QUALITY CONTROL INSPECTION, IN	SPOT SOIL DENSITY SAMPLING/SEWER LINE REPLACEMENT
035430	02/20/09	140.00	RANDHAWA MEDICAL GRP, IN	PRE-EMPLOYMENT PHYSICAL/S. EDDINGTON/FIRE DEPT
035431	02/20/09	3559.21	STANISLAUS COUNTY	ELECTION COSTS INCURRED FOR 11/04/08
035432	02/20/09	210.00	SUMMIT SUPPLY CORP	PAPER TOWEL DISPENSERS AND RESTRICTOR
035433	02/20/09	558.94	UNIFIRST CORPORATION	MAT RENTALS/UNIFORM CLEANING/TOWELS/JAN 2009

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CITY OF NEWMAN
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Ck #	Check Date	CK Amount	Vendor Name	Description
035434	02/20/09	2887.50	U.S. BANK	1997 TAX ALLOCATION PROJ & HOUSING BONDS ADMIN FEE
035435	02/20/09	1414.43	MATTOS NEWSPAPERS, INC.	LEGAL ADS/COMMISSION VACANCY AD/BUSINESS CARDS
035436	02/20/09	501.01	YANCEY LUMBER COMPANY	PAINT/GOOF OFF/CONCRETE/PLIERS/LUMBER/SAND/PLYWOOD
035437	02/20/09	76.40	ZEE MEDICAL SERVICE CO	BANDAGES/PAIN-AID/ANTIBIOTIC OINTMENT/UNASPIRIN
035438	02/20/09	150.00	CORNEJO, AMY M.	MQ CUSTOMER REFUND FOR COR0083
Sub-Total:		----- 161485.34		
Grn-Total:		----- 161485.34		
Count:	55			

Date.: Mar 19, 2009
Time.: 11:30 am
Run by: EMILY M. FARIA

CITY OF NEWMAN
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Ck #	Check Date	CK Amount	Vendor Name	Description
035518	03/20/09	3641.75	ALLIED CAPITAL PARTNERS, LP	METER READING SYSTEM MAINTENANCE/4/1/09 TO 3/31/09
035519	03/20/09	15114.00	ANTHEM BLUE CROSS	HEALTH INSURANCE PREMIUM/APRIL 2009
035520	03/20/09	209.21	ARROWHEAD MOUNTAIN SPRING	BOTTLED WATER/ALL DEPT/FEB 2009
035521	03/20/09	572.36	AT&T/MCI	TELEPHONE SERVICE 2/1/09 TO 2/28/09
035522	03/20/09	450.00	BOVEE ENVIRONMENTAL MANAGEMET,	ASBESTOS INSPECTION/1361 N ST
035523	03/20/09	2760.00	BOYLE ENGINEERING CORPORATION	PROPOSITION 1B 2008 STREET REPAIRS
035524	03/20/09	280.00	WYATT BRAZIL	YOUTH BASKETBALL REFEREE/SCOREKEEPER
035525	03/20/09	1456.06	BUSINESS CARD	LODGING/PARKING/PAPA REGISTRATION/VEHICLE REPAIR
035526	03/20/09	136.00	CRA	FEE FOR LEGAL SERVICES/CALIF RDA
035527	03/20/09	309.82	CDW GOVERNMENT, INC	DYMO LABELWRITER WITH PRINTER/PD
035528	03/20/09	342.67	CENTRAL SANITARY SUPPLY	PAPER TOWELS/HANDSOAP/BOWL CLEANER/DEO BLOCK
035529	03/20/09	715.00	CODE PUBLISHING COMPANY	CITY CODE ELECTRONIC UPDATE
035530	03/20/09	64.16	ELAINE COLLISON (NT)	BLACK FRAMES AND FABRIC/SHOWCASE/PD
035531	03/20/09	1267.50	CONCINNITY, INC	MONTHLY IT CONTRACT SERVICES/APRIL 2009
035532	03/20/09	200.00	VERONICA DELGADO	REFUND MEMORIAL BLDG DEPOSIT/VERONICA DELGADO
035533	03/20/09	166.59	DEPARTMENT OF HEALTH SERV	AB 2995 WATER SYSTEM FEES/7/1/08 TO 12/31/08
035534	03/20/09	900.55	E&M ELECTRIC, INC.	STREET LIGHT REPAIRS/PARK CIRCLE/UPPER ROAD
035535	03/20/09	1684.00	ECO:LOGIC, INC	GROUNDWATER MONITORING SERVICES THRU 2/28/09
035535	03/20/09	2382.00	ECO:LOGIC, INC	ON CALL SERVICES/WWTP THRU 2/28/09
035536	03/20/09	731.00	ENERPOWER	ELECTRIC ENERGY SERVICES/12/6/08 TO 1/6/09
035537	03/20/09	35.00	EMILY FARIA (NT)	UNREIMBURSED MEDICAL EXPENSE/FARIA
035538	03/20/09	2730.00	GDR ENGINEERING, INC.	SIDEWALK/CURB & GUTTER/FRESNO ST
035539	03/20/09	111.80	GEMPLERS ACCT #5224757	CAUTION SIGNS/HAY HOOK/US FLAG/WWTP
035540	03/20/09	573.75	GEOANALYTICAL LAB, INC.	WEEKLY BACTI'S/BOD/SUSPENDED SOLIDS

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Run by: EMILY M. FARIA

CITY OF NEWMAN
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Ck #	Check Date	CK Amount	Vendor Name	Description
035542	03/20/09	1968.71	GROENIGER & CO.	POLY PIPE/ADAPTERS/CURB STOPS/WRENCH/METER BOXES
035543	03/20/09	870.00	CITY OF GUSTINE	ANIMAL CONTROL SERVICES/FEB 2009
035544	03/20/09	75.00	GUSTINE-NEWMAN SOROPTOMIS	REFUND MEMORIAL BLDG DEPOSIT/SOROPTIMIST
035545	03/20/09	144.26	HARD DRIVE GRAPHICS	4 COTTON T-SHIRTS/PD
035546	03/20/09	735.00	HARRITY CONSULTING	DOWNTOWN PLAZA CONSULTING/JAN-FEB 2009
035547	03/20/09	398.15	TERRI HEIBERGER (NT)	REIMBURSE SUPPLIES TEEN CENTER SNACK/CITY HALL
035548	03/20/09	649.82	HINDERLITER, DELLAMAS & ASSOCI	SALES TAX AUDIT/JULY-SEPT 2008
035549	03/20/09	227.50	HOGUE, FENTON, JONES & APPEL, I	EMPLOYMENT ADVICE AND COUNSEL/FEB 2009
035550	03/20/09	450.99	IKON OFFICE SOLUTIONS	COPIER LEASE 2/25/09 TO 3/24/09/EXTRA COPIES/PD
035551	03/20/09	1460.64	INFOSEND, INC	UTILITY BILL AND LATE NOTICE MAILING/FEB 2009
035552	03/20/09	8100.00	JOE'S LANDSCAPING &	LIGHTING & LANDSCAPE SERVICES/FEB 2009
035553	03/20/09	623.00	KAISER PERMANENTE	HEALTH INSURANCE PREMIUM/APRIL 2009
035554	03/20/09	19336.36	LAWRENCE BACKHOE SERVICE	PROGRESS PAYMENT #4/SEWER LINE REPLACEMENT
035555	03/20/09	2128.29	LEHIGH HANSON	25 TONS COLD MIX
035556	03/20/09	280.00	GINA LANE-LESSEL	YOUTH BASKETBALL REF/SCORE KEEPER/LESSEL
035557	03/20/09	200.00	DORA LOREDO	REFUND MEMORIAL BLDG DEPOSIT/LOREDO
035558	03/20/09	3080.00	MARTIN CARVER, AICP	PROFESSIONAL SERVICES/NEWMAN HOUSING ELEMENT
035558	03/20/09	2130.11	MARTIN CARVER, AICP	PROFESSIONAL SERVICES/NEWMAN PLAZA NEPA
035559	03/20/09	320.00	CHRIS MESSER	YOUTH BASKETBALL REFEREE/SCOREKEEPER/MESSER
035560	03/20/09	715.63	MODESTO BEE	COMMUNITY DEVELOPMNT AD/PIONEER PARK
035560	03/20/09	349.08	MODESTO BEE	AD/STREET SWEEPING RFP
035561	03/20/09	336.00	KRISTEN MOORE	YOUTH BASKETBALL SCORE KEEPER/MOORE
035562	03/20/09	160.00	KAHUA MOORE	YOUTH BASKETBALL SCOREKEEPER/MOORE
035563	03/20/09	24.00	CORAL MUNOZ	YOUTH BASKETBALL SCORE KEEPER/MUNOZ
035564	03/20/09	65.88	NEWMAN S & S AUTO SUPPLY	AIR FILTER/STREET ELBOW/OIL FILTER/SWITCH/GASKET

Date.: Mar 19, 2009
Time.: 11:30 am
Run by: EMILY M. FARIA

CITY OF NEWMAN
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Ck #	Check Date	CK Amount	Vendor Name	Description
035565	03/20/09	474.43	NEWMAN ACE HARDWARE/JACT, INC	BATTERIES/TOOLBOX/6" BLADE/PKSTK/SHOVEL/KEY BLANK
035566	03/20/09	50.00	NEWMAN CHAMBER OF COMMERCE	ANNUAL MEMBERSHIP DUES/2009
035567	03/20/09	1354.13	NEXTEL COMMUNICATIONS	CELL PHONE USE/FEB 2009
035568	03/20/09	1253.00	NTDSTICHLER ARCHITECTURE	HOWARD HILLPARK/PROFFESIONAL SERVICES THRU 1/31/09
035568	03/20/09	298.83	NTDSTICHLER ARCHITECTURE	REIMBURSALS FOR HOWARD HILL PARK THRU 1/31/09
035569	03/20/09	113.70	PACIFIC WATER RESOURCES	MERCURY FLOAT SHIPPED
035570	03/20/09	660.00	CITY OF PATTERSON	VIDEO REIMBURSEMENT/MARCH 2009
035571	03/20/09	148.87	P G & E	NATURAL GAS PURCHASES 2/5/09 TO 3/9/09
035572	03/20/09	5504.70	PRECISION INSPECTION, INC	Bldg Reg Inspec BLDG REGU
035573	03/20/09	13.08	R-SAFE SPECIALTY	PROCELL D
035573	03/20/09	25.77	R-SAFE SPECIALTY	AERO SOFT NEON EARPLUGS
035574	03/20/09	405.00	FRANK RIVAS	YOUTH BASKETBALL REFEREE/RIVAS
035575	03/20/09	200.00	JENNIFER SANTOS	CANCELLED MEMORIAL BLDG USE/SANTOS
035576	03/20/09	1078.00	SELF HELP ENTERPRISES	ADMIN FEES/LOAN SERVICING/FEB 2009
035577	03/20/09	360.00	SHANE SEQUEIRA	YOUTH BASKETBALL REFEREE/SEQUEIRA
035578	03/20/09	40.00	ELYSE SPAULDING	YOUTH BASKETBALL SCOREKEEPER/SPAULDING
035579	03/20/09	296.00	SARAH SPAULDING	YOUTH BASKETBALL REFEREE/SCOREKEEPER/S. SPAULDING
035580	03/20/09	35.00	STATE OF CALIFORNIA	HAIR AND SKIN ANALYSES/FEB 2009
035581	03/20/09	300.00	STANDARD PACIFIC	REFUND OF HYDRANT DEPOSIT/STANDARD PACIFIC
035582	03/20/09	45.63	STOMAR EQUIPMENT	10 FT BY 3" STEEL CHANNEL
035583	03/20/09	155.73	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL/SERVICE
035584	03/20/09	212.50	SUNSHINE EXPRESS, INC.	SHIPPING CHARGES FOR 25 TONS COLD MIX
035585	03/20/09	100.00	TEAMSTERS LOCAL UNION 948	REFUND MEMORIAL BLDG DEPOSIT/TEAMSTERS #948
035586	03/20/09	613.40	UNIFIRST CORPORATION	UNIFORM CLEANING/MAT RENTAL/TOWELS/MOPHEADS/FEB 09
035587	03/20/09	233.87	USA BLUEBOOK	SOLBERG ELEMENT 230 FILTER ELEMENT PAPER

Date.: Mar 19, 2009
Time.: 11:30 am
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 4
List.: NEW1
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
035588	03/20/09	106.00	UNITED STATES POSTMASTER	POST OFFICE BOX RENTAL
035589	03/20/09	151.16	VALLEY PARTS SERVICE	BATTERY/WINDSHIELD FLUID/BRAKE FLUID/HANDLE/HEADLI
035590	03/20/09	725.11	MATTOS NEWSPAPERS, INC.	LEGAL ADS/BUSINESS CARDS/POSTERS/
035591	03/20/09	360.00	RACHEL WISEMAN	YOUTH BASKETBALL SCOREKEEPER/WISEMAN
035592	03/20/09	431.87	YANCEY LUMBER COMPANY	GRIP & GRAB/WASHERS/HANDLE/WEEDER/LUBRICANT
035592	03/20/09	7.52	YANCEY LUMBER COMPANY	KEY BLANKS
Sub-Total:		----- 98533.83		
Grn-Total:		----- 98533.83		
Count: 81				

Honorable Mayor and Members
of the Newman City Council

Agenda Item: 9.a.
City Council Meeting
of March 24, 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.

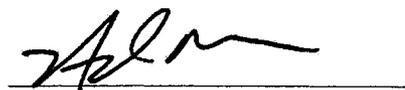
FISCAL IMPACT:

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 24, 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 24th day of March 2009 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. 2218 Grand Canyon. (UNOCCUPIED)

Graffiti on fence (East side facing park)

2. 2224 Grand Canyon. (UNOCCUPIED)

Graffiti on fence (East side facing park)

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

Adopt Resolution No. 2009-XX, Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

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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

City of Newman
Abatement list

1. **2218 Grand Canyon. (UNOCCUPIED)**

Graffiti on fence (East side facing park)

2. **2224 Grand Canyon. (UNOCCUPIED)**

Graffiti on fence (East side facing park)

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AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor

Deputy City Clerk

1ST 3-4-09
 2ND 3-11-09
 3RD 3-18-09

Assessment Roll			
General Information			
Assessment	026-064-050-000	Parcel Number	026-064-050-000
Current Document	2005R0190205	Current Document Date	10/17/2005
Acres / Sq Ft	.00	Tax Rate Area (TRA)	003-050
Taxability	800 -- PROP 8 REDUCTION		
Land Use	101 -- SINGLE FAMILY RESIDENCE		
Assessment Description	POR. STEPHENS RANCH PHASE #3 LOT 174		
Roll Values as of: January 1st, 2008			
Land	\$47,500	Personal Property	\$0
Structure(s)	\$142,500	Personal Property (MH)	\$0
Fixtures	\$0	Exemption	\$0
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$190,000	Net Assessment	\$190,000
Assessee			
WRIGHT NASTASSIA			
Address			
2218 GRAND CANYON WAY NEWMAN CA 95360			

Ownership						
Owner Name	Own %	Pri	Granting Doc No.	Title Type	RT Code	
WRIGHT NASTASSIA	100.00%	Y	2005R0190205			

Situs	
Street Address	City State Zip
2218 GRAND CANYON WAY	Newman CA 95360

Parcel Description	
Assessment	Description
No parcel description found	

March 4, 2009

Nastassia Wright
2218 Grand canyon Way.
Newman, ca 95360

NOTICE OF INTENT TO REMOVE GRAFFITI

NOTICE IS HEREBY GIVEN that you are required at your expense to remove or paint over that graffiti located on the property commonly known as **2218 Grand Canyon Way, Newman, Ca 95360 (East side of property)**. Newman, California, which is visible to public view within seven (7) days after the date of this Notice; or if you fail to do so, then City employees or private City contractors will enter upon your property and abate the public nuisance by removal or painting over the graffiti. The cost of the abatement by the City employees or its private contractors will be assessed upon your property and such costs will constitute a Lien upon the land until paid.

All persons having any objection to, or interest in said matters are hereby notified to submit any objections or comments to the Police Chief for the City of Newman or his/her designee within seven (7) days from the date of this Notice. At the conclusion of this seven (7) day period, the City may proceed with the abatement of the graffiti inscribed on your property at your expense without further notice.

Submitted By: _____
William Davis
Code Enforcement

March 11, 2009

Nastassia Wright
2218 Grand Canyon
Newman, Ca 96360

SECOND NOTICE
NOTICE OF INTENT TO REMOVE GRAFFITI

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Submitted By: _____

William Davis
Code Enforcement

March 18, 2009
Nastassia Wright
2218 Grand Canyon
Newman, Ca 96360

FINAL NOTICE
NOTICE OF INTENT TO REMOVE GRAFFITI

NOTICE IS HEREBY GIVEN that you are required at your expense to remove or paint over that graffiti located on the property commonly known as **2218 Grand Canyon (east side of property)**, Newman, California, which is visible to public view within seven (7) days after the date of this Notice; or if you fail to do so, then City employees or private City contractors will enter upon your property and abate the public nuisance by removal or painting over the graffiti. The cost of the abatement by the City employees or its private contractors will be assessed upon your property and such costs will constitute a Lien upon the land until paid.

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Submitted By: _____
William Davis
Code Enforcement

Approved By: _____
Adam McGill
Chief of Police



08.28.2009 10:46

1ST 3-4-09
 2ND 3-11-09
 3RD 3-18-09

Assessment Roll			
General Information			
Assessment	026-064-051-000	Parcel Number	026-064-051-000
Current Document	2008R0114136	Current Document Date	10/22/2008
Acres / Sq Ft	.00	Tax Rate Area (TRA)	003-050
Taxability	800 -- PROP 8 REDUCTION		
Land Use	101 -- SINGLE FAMILY RESIDENCE		
Assessment Description	POR. STEPHENS RANCH PHASE #3 LOT 175		
Roll Values as of: January 1st, 2008			
Land	\$49,000	Personal Property	\$0
Structure(s)	\$147,000	Personal Property (MH)	\$0
Fixtures	\$0	Exemption E01	\$7,000
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$196,000	Net Assessment	\$189,000
Assessee			
FEDERAL HOME LOAN MORTGAGE CORP			
Address			
C/O WASHINGTON MUTUAL BANK FA			
7255 BAYMEADOWS WAY MAIL STOP JAXB2007			
JACKSONVILLE FL 32256			

Ownership						
Owner Name	Own %	Pri	Granting Doc No.	Title Type	RT Code	
FEDERAL HOME LOAN MORTGAGE CORP	100.00%	Y	2008R0114136			

Situs	
Street Address	City State Zip
2224 GRAND CANYON WAY	Newman CA 95360

Parcel Description	
Assessment	Description
No parcel description found	

March 4, 2009

Federal Home Loan
7255 Baymeadows way mail stop jaxb2007.
Jacksonville, fl 32256

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Submitted By: _____
William Davis
Code Enforcement

March 11, 2009

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7255 Baymeadows way mail stop jaxb2007.
Jacksonville, fl 32256

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Submitted By: _____
William Davis
Code Enforcement

March 18, 2009
Aldama Fernando
P.O. Box 731605
San Jose, Ca 95173-1605

NOTICE OF INTENT TO REMOVE GRAFFITI

NOTICE IS HEREBY GIVEN that you are required at your expense to remove or paint over that graffiti located on the property commonly known as **2224 Grand Canyon.** **(east side of property).** Newman, California, which is visible to public view within seven (7) days after the date of this Notice; or if you fail to do so, then City employees or private City contractors will enter upon your property and abate the public nuisance by removal or painting over the graffiti. The cost of the abatement by the City employees or its private contractors will be assessed upon your property and such costs will constitute a Lien upon the land until paid.

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Submitted By: _____
William Davis
Code Enforcement

Approved By: _____
Adam McGill
Chief of Police



08.28.2009 10:46

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.b.**
City Council Meeting
of March 24, 2009

**REPORT ON PROPOSED CDBG PROJECTS FOR THE STANISLAUS COUNTY
ANNUAL ACTION PLAN (FY 09-10) AND CLOSE 30 DAY PUBLIC COMMENT
PERIOD FOR SAID PROJECTS**

RECOMMENDATION:

1. Conduct a public hearing regarding the proposed CDBG Project List for the 2009/2010 Fiscal Year
2. Approval of the proposed FY 09-10 project list
3. Close required 30 day public comment period.

BACKGROUND:

In 2005, the City of Newman became a part of the six-member CDBG/ESG consortium that is lead by Stanislaus County. As an entitlement program, the Consortium allows the City to receive an annual allotment of CDBG funds without having to apply and compete for CDBG grants.

The Federal Community Development Block Grant (CDBG) encompasses the following three specific goals:

1. Provide decent housing
2. Provide a suitable living environment
3. Expand economic opportunities

The general goal of the CDBG program is to strengthen partnerships among all levels of government and the private sector, including for/non-profit organizations, to enable them to provide decent housing, establish and maintain a suitable living environment, and expand economic opportunities for every American, particularly those with incomes below fifty percent (very low) and eighty percent (low) of the area's median income, respectively.

ANALYSIS:

In order to receive funds, the CDBG Consortium is required to prepare an Annual Action Plan (AAP) outlining its goals and projects for the upcoming fiscal year. Each member of the consortia must adopt the plan in order for the lead agency (Stanislaus County) to prepare and finalize the AAP and submit it to the Department of Housing and Urban Development (HUD).

A part of the AAP is to identify each member's CDBG project(s) for the upcoming fiscal year. At this time (March 16, 2009) the Consortia has identified an estimated 2009-2010 allocation of \$202,193.00 for the City of Newman. With this information and approximate roll-over amounts from previous fiscal year(s) staff has tentatively finalized the proposed project list as follows:

1. Community Computer Training (T3) - \$10,000.00

Sponsor a community based computer training program: teach residents computer skills that will assist them with finding a job and/or progressing within the employment field. This program will serve approximately 300 people and will be hosted in a computer lab located at the McConnell Adult Education Center.

2. PQRST/Fresno/Merced/West Ave Infrastructure Project (3 phase project) – Phase I \$100,000.00

Install curb, gutter and sidewalk in the following areas:

- Fresno Street, from T to West Ave
- Merced Street, from T to West Ave
- West Avenue, from Fresno to Merced Streets
- S Street, from Yolo to Inyo Streets
- T Street, from Yolo to Inyo Streets
- P Street, from Yolo to Stanislaus Streets
- Q Street, from Tulare to Kern Streets
- R Street, from Yolo to Merced Streets

} Phase I (FY 09-10)

} Phase II (FY 10-11)

} Phase III (FY 11-12)

These areas either lack basic infrastructure such as curb, gutter and sidewalk or have badly damaged infrastructure due to age, tree roots, etc. and pose potential health and safety threats. This project would engineer a project and install curb, gutter and sidewalk along the above-mentioned areas.

3. Storm Drain Replacement Project - \$100,000.00

Remove and replace archaic and damaged storm drains in the following area:

- Intersection of S and Tulare Streets

Insufficient storm drainage can lead to flooding and water damage

4. Street Reconstruction Project (in concurrence with PQRST/Fresno/Merced/West Ave Infrastructure Project and Storm Drain Replacement Project) - \$100,000.00

Street repair and overlay (partially due to infrastructure repairs) in the following areas:

- P Street, from Yolo to Inyo Streets
- Q Street, from Yolo to Inyo Streets

These areas are either in major need of repair or will require repairs due to the above-mentioned projects.

FISCAL IMPACT:

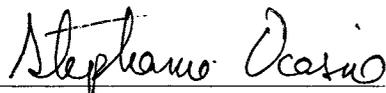
Positive, an estimated 2009/2010 funding allocation of \$202,193.00 in addition to applicable roll-over funding.

CONCLUSION:

To remain in good standing with the Consortia, each member is required to spend their allocations in a timely manner or risk returning funds. While some Cities face challenges with spending their allocations, the City of Newman has continually met its deadlines and has not had to return any funding. Since 2004, the City of Newman has received over 1.2 million dollars in CDBG allocations that have led to numerous community and infrastructure projects.

Staff recommends that the Council Conduct a public hearing regarding the proposed CDBG Project List for the 2009/2010 Fiscal Year, close the required 30 day public comment period and approve the proposed project list.

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR:



Michael Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

APPROVAL OF THE STANISLAUS COUNTY ANNUAL ACTION PLAN (FY 09-10)

RECOMMENDATION:

Approval of the Draft Annual Action Plan (FY 2009-2010).

BACKGROUND:

The City of Newman is part of a six-member CDBG/ESG consortium that is lead by Stanislaus County.

The Annual Action Plan has been developed to aid the consortium in achieving both federal and general CDBG goals. The overriding consideration required by the CDBG and ESG programs is to benefit those members of the population that meet the definition of "Targeted Income". A person under this definition is one who earns 80% or less of the median area income. The 2008 median area income in Stanislaus County for one person is \$31,650.00. Furthermore, if a project benefits a neighborhood or community, at least 51% of the population within that geographic boundary must be within the Targeted Income Group.

ANALYSIS:

The Stanislaus County CDBG Consortium is anticipating the following allocations:

- \$1,921,592.00 Community Development Block Grant (CDBG) Award
- \$109,694.00 Emergency Shelter Grant (ESG) Award

In order to receive these funds, the CDBG Consortium is required to prepare an Annual Action Plan outlining its goals and projects for the upcoming fiscal year. Each member of the consortia must adopt the plan in order for the lead agency (Stanislaus County) to prepare and finalize the AAP and submit it to the Department of Housing and Urban Development (HUD).

FISCAL IMPACT:

Positive, approval of the AAP allows the Consortia lead agency (Stanislaus County) to prepare and finalize the plan for HUD submittal and subsequent CDBG funding qualification and allocation(s).

CONCLUSION:

Staff recommends approval of the Stanislaus County Draft Annual Action Plan.

ATTACHMENTS:

Exhibit A – Excerpted Copy of the Draft Annual Action Plan (AAP)

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR:



Michael Holland
City Manager



Third Program Year 2009-2010 Action Plan

Narrative Responses

GENERAL

Executive Summary



Stanislaus County will be entering its eighth year as an Entitlement Jurisdiction for Community Development Block Grant (CDBG) funds and the sixth year as a recipient of Emergency Shelter Grant (ESG) funds. For Fiscal-Year 2009-2010, these grant amounts are estimated at approximately:

CDBG	\$1,921,592
ESG	<u>\$ 109,694</u>
TOTAL	\$2,031,286

The County is part of a six-member CDBG/ESG consortium that includes the cities of Ceres, Newman, Oakdale, Patterson, and Waterford.

OBJECTIVES:

There are three specific goals of the Federal Community Development Block Grant. They are:

1. Provide decent housing;
2. Provide a suitable living environment; and,
3. Expand economic opportunities

The Annual Action Plan has been developed to assist the six participating jurisdictions achieve these three goals. The overriding consideration that is required of the CDBG and ESG programs is to benefit those members of the population that meet the definition of Targeted Income. A Targeted Income person is one who earns 80% or less of the median area income. In 2008, the median area income in Stanislaus County for one person was \$31,650. Additionally, if a project benefits a

specific neighborhood or community, at least 51% of the population within that geographic boundary must be within the Targeted Income Group.

There is a need in the County, as well as in Oakdale, Patterson, Ceres, Newman, and Waterford for new or rehabilitated community infrastructure. From sidewalks and storm drainage to community facilities, the lack of these improvements does not promote safe and healthy communities, which in turn negatively impacts quality of life.

Further, there are opportunities for the county and the cities to fund non-profit agencies that provide public services to the community. Staff has received and reviewed twenty-six (26) CDBG and nine (9) ESG competitive applications to obtain funds for the public service and emergency shelter components of the programs, respectively. The Board of Supervisors is presented the eligible applicants for partial or full funding based on scoring recommendations made by a review panel that consisted of five representatives from CDBG Consortia participating jurisdictions, a representative from the County Behavioral Health and Recovery Services Department, and a representative from the County Chief Executive Office. Although federal guidelines permit a grantee to budget 15% of its allocation to public service programs, staff recommends and the Consortia has agreed to utilize \$192,159, or approximately ten percent, be set-aside for this purpose. This allows the Consortia to utilize the additional 5% of the allocation for targeted workforce and economic development related activities.

The following are agencies that have applied for funding under the Public Services Program:

Catholic Charities
Center for Human Services
Children's Crisis Center
Community Housing & Shelter Services
DRAIL
El Concilio
Family Promise
Habitat for Humanity
Healthy Aging Association
Healthy Start Orville Wright
Inter-Faith Ministries

Parent Resource Center
Salida Union School District
Salvation Army
Second Harvest Food Bank
Stanislaus Literacy Center
The ARC of Stanislaus County
United Samaritans Foundation
We CARE
West Modesto King Kennedy
Westside Food Pantry

Evaluation of Past Performance

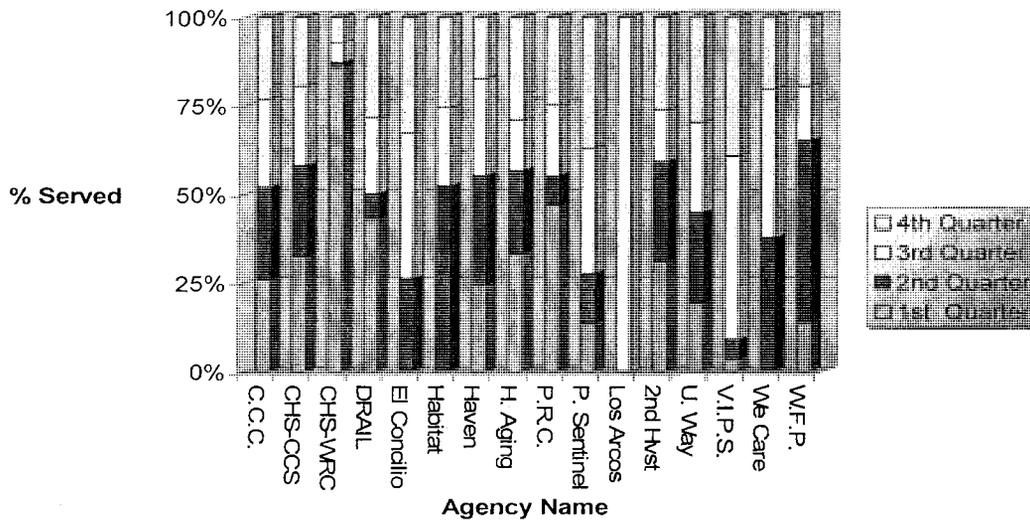
One of HUD's requirements is that entitlement communities must not have more than 1.5 times their annual allocation amount on account by April of the Fiscal Year. The Consortium has successfully incorporated the 1.5 annual allocation timeliness guidelines to apply to all participating consortia members. This reduces burden being placed upon any one participating member in the Consortia, and evenly distributes the responsibility of expending CDBG funds in a timely manner to all membership and their respective projects in a more uniform manner.

Performance is tracked in various categories from appropriate use of administrative funds to verifying that outputs and outcomes are being met for all awarded public service related activities.

Non-profits that are not meeting the thresholds they pledged to meet during key points throughout the year are in jeopardy of only receiving partial or no funding in future fiscal years. Staff is also tracking how non-profit agencies are trying to better track and follow up with participants to ascertain their outcomes (how the participant is better off after receiving a given service). This process helps to better justify the need for the service they provide within the community.

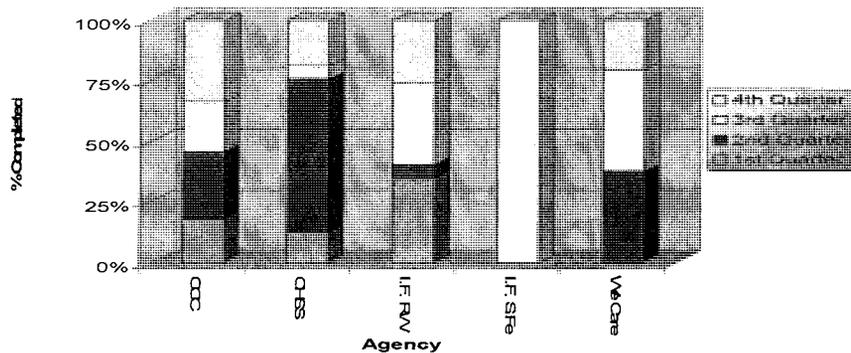
Public service activities are tracked to ascertain that they will meet their pledged outputs and related outcome goals. The following is a graph that demonstrates one aspect of our public service tracking methodology:

CDBG Public Service Grantee Activity



The following graph shows similar information from the perspective of the Emergency Shelter Grant Program (some programs do not begin operations until the winter months):

Emergency Shelter Grantee Activity



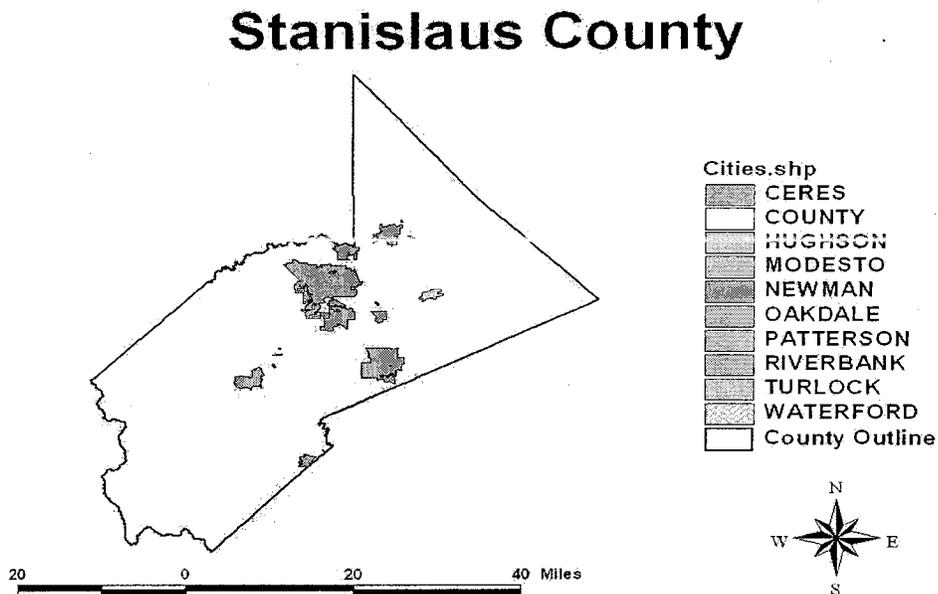
City Infrastructure projects are tracked by timeline criteria. Cities are encouraged to begin their environmental work on projects in early March of each year so that the construction phase of the project can begin in July at the beginning of the fiscal year. Fund draw requests are made on a quarterly basis and timeline compliance is

confirmed at that time to assure the membership that the Consortia's collective projects are on task.

Staff also encourages the development of Revitalization Strategies throughout the Consortium to better enable the stimulation of economic opportunities for local residents who will be better positioned to move themselves and their community out of slum or blighted conditions. These strategies will also be tools that are used to evaluate the community's performance activities from year to year.

Action Plan

Stanislaus County and the Cities of Ceres, Newman, Oakdale, Patterson, and Waterford identified their CDBG program area through several combined methods. For the development of the Annual Action Plan, the participating jurisdictions used population information derived from the U.S. Census regarding median household income, housing tenure, housing occupancy, disability status, employment status, and poverty status. Information was also compiled from the County's Continuum of Care annual report, state-certified Housing Elements (2003), and California State Department of Finance reports. The target areas for the County and the Cities of Ceres, Newman, Oakdale, Patterson, and Waterford are the very low, low and moderate-income areas of the jurisdictions. Although funds are used for all residents of the Consortium's participating jurisdictions, priority is given to programs and projects in the target areas.

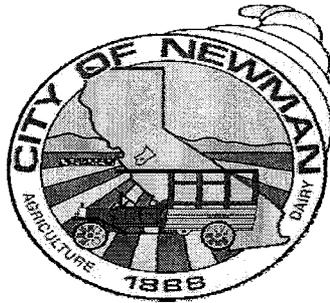


The following represents the activities to be undertaken by the participating jurisdictions using funds from their respective CDBG allocations:

9th Street Infrastructure Project: The City of Ceres will undertake the construction phase of an infrastructure improvements project in the low-income residential area along 9th Street, from Roeding Road to the north to El Camino Avenue to the south. Improvements will consist of sewer and water line replacement and infill of curb, gutter, sidewalk, and ADA accessible ramps.

5th Street Infrastructure Project: The City of Ceres will undertake a second infrastructure improvements project in the low-income residential area along 5th Street, from North Road to the north to Whitmore Avenue to the south. Improvements will consist of infill of curb, gutter, sidewalk, and ADA accessible ramps.

City of Newman



T3 Workforce Technology Development: This program will provide participants the opportunity to acquire and further develop computer skills that will allow them to re-enter the workforce and in many cases gain a competitive edge in the field they select to enter. Up to 300 individuals will be participating in the technology program.

PQRST/Fresno/Merced/Patchett/West Ave Infrastructure Project: These areas either lack basic infrastructure such as curb, gutter and sidewalk or have badly damaged infrastructure due to age, tree roots, etc. and pose potential health and safety threats. This will be a multi-phased project and will install curb, gutter and sidewalk in the following areas:

- P Street, from Yolo to Stanislaus Streets
- Q Street, from Tulare to Kern Streets
- R Street, from Yolo to Merced Streets
- S Street, from Yolo to Inyo Streets
- T Street, from Yolo to Inyo Streets
- Fresno Street, from T to West Ave
- Merced Street, from T to West Ave
- West Avenue, from Fresno to Merced Streets

Street Reconstruction Project (in concurrence with PQRST/Fresno/Merced/Patchett/West Ave Infrastructure Project and Storm Drain Replacement Project). Construction to include street repair and overlay (due to infrastructure repairs) in the following areas:

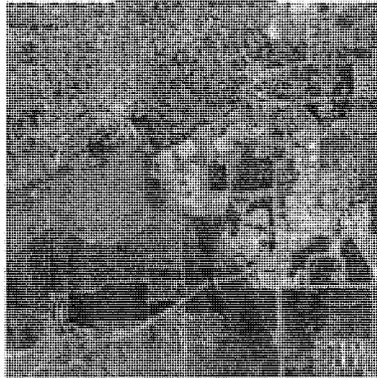
- P Street, from Yolo to Inyo Streets
- Q Street, from Yolo to Inyo Streets

Newman



The City of Newman is located thirty miles southwest of Modesto. The city is located in an agriculturally rich geographical area that includes a large food processing facility, historic downtown buildings, and a variety of light industrial and highway commercial development. Newman is a growing community with an approximate population of 10,302 as of January 2007.

Oakdale



The City of Oakdale is located in the northeasterly portion of the county, on the south bank of the Stanislaus River is at the intersection of State Highways 108 and 120. The city is situated at the base of the Sierra Nevada Mountains. It is the gateway to Yosemite National Park and the Sierra Nevada foothills and the Stanislaus River winds through town. Oakdale approximately twenty miles from the County Seat – Modesto – and has a current city population of approximately 18,628.

continue outreach and information sharing with other county agencies serving similar clientele.

Citizen Participation



Celebrating 30 Years of Developing
America's Communities

1. Provide a summary of the citizen participation process.

Citizen Participation (CP) is an integral part of the planning and implementation processes for the Community Development Block Grant (CDBG) and the Emergency Shelter Grant (ESG) Program, pursuant to the rules and regulations governing administration of the programs. In their attempt to assure adequate opportunity for participation by program beneficiaries and the general public, the County Board of Supervisors have prescribed Consolidated Plan (Plan) pre-submission, Plan amendment, grantee performance, sub-recipient monitoring and record maintenance requirements. The Stanislaus County CDBG Consortium not only complies with Federal regulations, but also wishes to insure that all residents of the participating jurisdictions, and principally families with low or moderate incomes, have the opportunity to participate in the needs identification and strategy formulation process for these programs. This Annual Action Plan outlines the steps developed by the County to insure compliance with federal regulations governing implementation of the two federal programs administered by the County Planning and Community Development Department, and meet their mandate to involve local residents in the planning and implementation of related projects and programs. All required elements are contained herein including: encouragement of citizen participation; information to be provided (including specific information regarding public hearings and Plan amendments); access to records; technical assistance; and comments and complaints.

The Annual Action Plan process involves: scheduling, publicizing and conducting meetings and public hearings; providing technical assistance to applicants and other interested persons/groups; and maintaining accurate and current information regarding the CDBG and ESG program which is available to citizens upon request.

2. Provide a summary of citizen comments or views on the plan.



In order to elicit public participation in the preparation of the Draft Annual Action Plan, public notices were published defining the development process and how persons,

Stanislaus County Consortium

agencies and interested groups could participate. This year the County was able to post announcements regarding the CDBG program on the Planning and Community Development internet homepage, which facilitates the receipt of citizen input online. A series of public meetings were/are being held in February/March 2009 to discuss the preparation of the Draft Annual Action Plan. The series of meetings includes:

<u>JURISDICTION</u>	<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>County/Cities</u>			
Stanislaus County	February 12, 2009	6:00 pm	1010 10 th St. Modesto
City of Ceres	February 24, 2009	10:00 am	2609 Lawrence St, Ceres
City of Newman	February 3, 2009	5:00 pm	1200 Main St. Newman
City of Oakdale	March 17, 2009	6:00 pm	110 S. 2 nd Ave. Oakdale
City of Patterson	February 25, 2009	6:00 pm	1 Plaza, Patterson
City of Waterford	February 26, 2009	6:00 pm	540 C St. Waterford
<u>Municipal Advisory Councils</u>			
Denair	February 3, 2009	7:00 pm	3756 Alameda, Denair
Empire	February 9, 2009	7:00 pm	18 S. Abbie, Empire
Hickman	February 5, 2009	7:00 pm	Hickman
Keyes	February 19, 2009	7:00 pm	5463 7 th St. Keyes
Salida	February 24, 2009	7:00 pm	4835 Sisk Rd, Salida
South Modesto	February 12, 2009	6:00 pm	3800 Cornucopia Way, Mod.

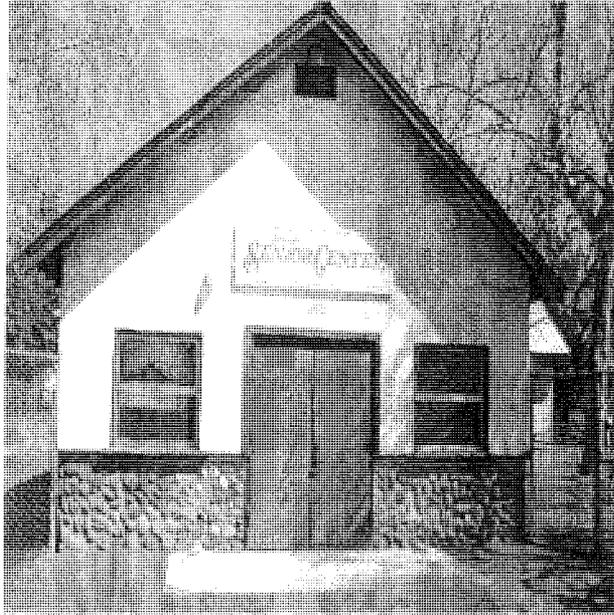
Public meetings were/are being held in each of the participating Urban County jurisdictions to develop and prepare the Annual Action Plan and to ensure proposed activity consistency with the Consolidated Plan.

The availability of the Draft Annual Action Plan for public review and comment was noticed through newspaper announcements. The Draft Annual Action Plan is released for its official public review and comment period on March 3, 2009.

Copies of the Draft Annual Action Plan are made available for review at the County Planning and Community Development Department, the Planning Departments of the Cities of Ceres, Newman, Oakdale, Patterson, and Waterford and the Stanislaus County Main Library. The Plans will also be taken to the city councils of Ceres, Oakdale, Newman, Patterson, and Waterford for review. A final public hearing will be held April 14, 2009 before the Stanislaus County Board of Supervisors.

The Planning and Community Development Department will consider all oral and written public comments received in preparing and revising the Plan. A summary of responses to public comments on the review of the Draft Annual Action Plan will be included herein and entitled Summary of Citizen Comments. Opportunities are facilitated and or to the extent it is received, testimony given during public meetings and hearings from interested persons and agencies will be considered during the Plan's revision process.

Summary of Citizen Comments



Throughout the months of February and March, CDBG staff conducts several public meetings throughout the unincorporated areas and at least one general meeting in each of the CDBG participating jurisdictions.

Twelve (12) general meetings are held to discuss needs within the consortia areas and CDBG participating jurisdictions. An evening presentation was conducted on February 12th, 2009 at the County Administration Building.

Stanislaus County

On February 12th, 2009 the County held two meetings (morning and evening). No comments were received.

City of Ceres

A community meeting is scheduled for February 24, 2009. No comments were received.

City of Newman

A community meeting was held on February 7, 2009. No Comments were received.

City of Oakdale

A community meeting is scheduled for March 17, 2009.

City of Patterson

A community meeting is scheduled for February 25, 2009.

City of Waterford

A community meeting is scheduled for February 26, 2009.

Town of Denair

A community meeting was held on February 3, 2009. No comments were received.

Town of Hickman

A community meeting was held on February 5, 2009.
No comments were received

Town of Salida

A community meeting is scheduled on February 24, 2009.

Town of Empire

A community meeting was held on February 9, 2009.
No comments were received.

South Modesto

A community meeting was held on February 12, 2009.
Community addressed needs for infrastructure improvements.

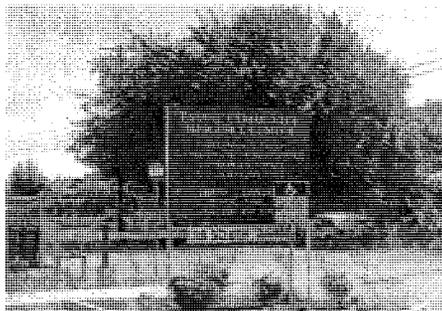
Town of Keyes

A community meeting was held on February 19, 2009.
No comments were received.

Stanislaus County- Final Public Hearing

Pending. Scheduled for April 14, 2009

- 3. Provide a summary of efforts made to broaden public participation in the development of the consolidated plan, including outreach to minorities and non-English speaking persons, as well as persons with disabilities.**



English notices for meetings are placed in The Modesto Bee, Ceres Courier, Oakdale Leader, West Side Index, Waterford News, and Patterson Irrigator. In efforts to seek input and participation from the Spanish-speaking population, a Spanish notice was also published in the local Spanish newspaper, Vida en el Valle. The notices were published ten days before the meetings. The Cities in the Planning Area are also requested to provide similar public notices in their local newspapers before meetings in the specific city, as well as for meetings affecting the entire Planning Area. The notices indicate the specific dates by which both written and oral comments must be received. Notices include a telephone number for those who are deaf, hard of hearing, or speech disabled to receive relay communications services. That service is provided by the California Relay Service using the following phone numbers: 1 (800) 735-2929 (text telephones) and 1 (800) 735-2922 (voice). The notices also include the statement that translator services should be provided by the person requiring such service.

Public Services

The Consortium has agreed to set aside approximately ten percent (10%), or \$192,159, of the CDBG FY 2009-2010 allocation to the Stanislaus County Public Service Grant Program. Non-profit organizations and service providers may participate in a competitive grant process for \$20,000 grants. The Consortium is also expecting \$109,694 to be available in Emergency Shelter Grant Program (ESG) funds that will also be distributed in a competitive grant process.

Grant applications were made available in a CDBG/ESG Technical Workshop, which was held on January 12, 2009. Applications received were reviewed and scored by a committee consisting of four (4) representatives from the consortium (from four of five participating cities), a representative from the county's CEO office, and a representative from the county's Behavioral Health and Recovery Services office and Planning and Community Development. After scores were tallied, the recommendation will be presented to the Board of Supervisors for approval. Grantee award announcements will be made on April 14, 2009 at a county Board of Supervisors public hearing. The activities funded will further the goals and objectives of the Consolidated Plan.

Annual Allocations

The 2009-10 annual jurisdictional allocations of the CDBG Program funding are as follows:

Jurisdiction	Community Development Block Grant
Stanislaus County (includes admin.)	\$696,407
City of Ceres	\$213,900
City of Newman	\$202,193
City of Oakdale	\$167,884
City of Patterson	\$177,028
City of Waterford	\$192,021
Public Service Grant Program	\$192,159
Workforce Development	\$20,000
MAC Revitalization Survey	\$20,000
Fair Housing	\$40,000
Total	\$1,921,592

A summary of the activities to be funded by the above noted allocations follows. Specific activity information is contained in the individual activity descriptions of the Annual Action Plan submittal.

It is anticipated that all projects included in this Annual Action Plan will be implemented during this fiscal year. However, there may be some projects (e.g.

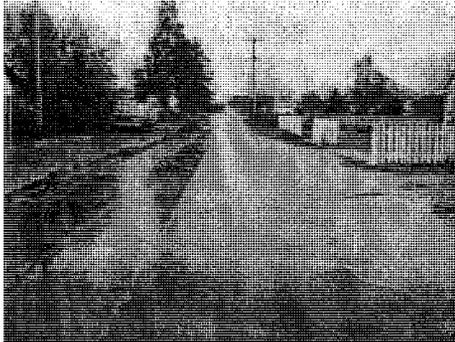
extensive infrastructure) that may require funding from multiple years to complete the project. It is expected that for these projects, at least preliminary work will begin in the year in which the projects are initially funded.

Proposed Projects for Fiscal Year 2009-2010

Stanislaus County

Empire Infrastructure Project:

- The area generally bounded by "A" Street to the West, McCoy Avenue to the north, North & South Avenue to the east, and South Avenue to the south. The initial construction phase of the project will begin during this fiscal year.



Affordable Housing Programs

- The County offers both a Minor Home Repair and Major Home Repair Program, and it is projected that the programs will be able to assist 12 and 4 homeowners, respectively, over the coming fiscal year using a combination of HOME and RDA set-aside for match purposes.
- In partnership with the Housing Authority of the County of Stanislaus (HA) the county was able to assist in the purchase of a unit that is currently being used as part of a lease-to-own program. The current participant has successfully purchased the unit and is now a first time homeowner. Staff endeavors to partner with the HA again to pursue two more lease-to-own unit purchases to continue this program that offers families in the Family Self-Sufficiency program the opportunity to attain homeownership.
- The County will also continue to partner with Habitat for Humanity using RDA funds to assist in the process of site acquisition. Over the past fiscal year the County was able to assist in the purchase of 3 properties, which will be used to provide affordable housing to 3 families.

Fair Housing Program

- The County will be contracting with Project Sentinel during the 2009-2010 fiscal year to carry on its Fair Housing Program. Funds will be used to provide fair housing information, housing counseling and tenant/landlord mediation

services to residents of the unincorporated areas of Stanislaus County and the Cities of Ceres, Newman, Oakdale, Patterson and Waterford. Project Sentinel provides housing advocacy to the County Consortium's jurisdictions through community forums, town-hall meetings, and housing fairs. – Allocate \$40,000

Stanislaus Workforce Development (T3) Program

- One of the main goals of the program is create pathways that lead to increased skills, wages and opportunities for low-income residents, families and communities through the involvement of technology training.

CDBG funds will be used to add a new component to the program. Two additional sites that serve a new segment of the population of the County that had not been previously reached, primarily the City of Newman and Oakdale. Through the County's Workforce Development Collaborative there is a commitment to provide job and career development opportunities to the under-served in the community. The Targeted Technology Training Program (T3 Program) will conduct training sessions 2-3 times a week at the Redwood Family Center and Santa Fe Project. The Redwood Family Center is located in West Modesto and serves as a Clean and Sober transitional housing program for women with children. Through the utilization of the T3 Program, the Center will be able to assist its program participants develop and further their computer skills.

The second site will alternate between the Santa Fe Project located in Empire as well as site in the Airport Neighborhood. The Santa Fe Project serves as a winter shelter for women and men with children.

The T-3 Program participants will be able to acquire and further develop computer skills that will allow them to re-enter the workforce and in many cases gain a competitive edge in the field they select to enter. Approximately 400 individuals will be participating in the technology program. – Allocate \$20,000

MAC Revitalization Strategy Survey

- The Stanislaus County Unincorporated Area has governing bodies called Municipal Advisory Councils (M.A.C.) that reside over the five (5) towns/areas and their respective spheres of influence, most of the MAC's have areas that meet the criteria of a slum and/or blighted community, and will benefit from the development of such strategies. Over the coming fiscal year staff hopes to collaborate with two of these entities to develop a number of strategies that can be submitted to HUD for consideration and approval. – Allocate up to \$20,000

Stanislaus County-CDBG Program Administration

- Stanislaus County will provide management and administration services to the County's Community Development Block Grant (CDBG) Consortium program. The funds will cover the costs of salary, publications, public notices, and other eligible costs directly related to the program. These funds will also cover administration costs incurred from administering the ESG program.

Project Administration

- This expenditure includes costs associated management, oversight, and coordination of the related CDBG infrastructure projects.

City of Newman

T3 Workforce Technology Development

- This program will provide participants the opportunity to acquire and further develop computer skills that will allow them to re-enter the workforce and in many cases gain a competitive edge in the field they select to enter. Up to 300 individuals will be participating in the technology program.- Allocate \$10,000

PQRST/Fresno/Merced/Patchett/West Ave Infrastructure Project:

- These areas either lack basic infrastructure such as curb, gutter and sidewalk or have badly damaged infrastructure due to age, tree roots, etc. and pose potential health and safety threats. This will be a multi-phased project and will install curb, gutter and sidewalk in the following areas:
 - P Street, from Yolo to Stanislaus Streets
 - Q Street, from Tulare to Kern Streets
 - R Street, from Yolo to Merced Streets
 - S Street, from Yolo to Inyo Streets
 - T Street, from Yolo to Inyo Streets
 - Fresno Street, from T to West Ave
 - Merced Street, from T to West Ave
 - West Avenue, from Fresno to Merced Streets

Street Reconstruction Project

- This project is in concurrence with PQRST/Fresno/Merced/Patchett/West Ave Infrastructure Project and Storm Drain Replacement Project. Construction to include street repair and overlay (partially due to infrastructure repairs) in the following areas:
 - P Street, from Yolo to Inyo Streets
 - Q Street, from Yolo to Inyo Streets

Project Administration

- This expenditure includes costs associated management, oversight, and coordination of the related CDBG infrastructure projects.

City of Oakdale

Oak Avenue Infrastructure Project:

- The City of Oakdale will conduct infrastructure improvements on the west-side of North Oak Avenue between West F Street and Poplar Street.

P R O J E C T S E N T I N E L

**County of Stanislaus
CDBG Consortium**

**2009 Update
Analysis of Impediments
to Fair Housing Choice**

D R A F F T

PREPARED BY

Project Sentinel

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I. INTRODUCTION & EXECUTIVE SUMMARY

A. INTRODUCTION

This 2009 Analysis of Impediments to Fair Housing Choice Update (“2009 AI Update”) was conducted by Project Sentinel, a regional nonprofit fair housing agency with more than 30 years of fair housing enforcement, education, and evaluation experience. It was funded by the Stanislaus County Department of Planning and Community Development.

The last Analysis of Impediments to Fair Housing Choice conducted for the Stanislaus County CDBG Consortium (“Consortium”), also performed by Project Sentinel, was completed in 2005 (“2005 AI”)¹. At that time, however, the Consortium consisted of only the unincorporated areas of Stanislaus County (“County”) and two incorporated cities, Oakdale and Patterson. Shortly after the 2005 AI was completed, the Consortium was enlarged by the addition of three incorporated cities: Ceres, Newman, and Waterford. Thus, today the Consortium includes all areas of the County except the four incorporated cities of Hughson, Modesto, Riverbank, and Turlock.

The 2005 AI identified two primary impediments to fair housing choice. The first impediment identified was the dearth of affordable rental housing, both in general, and particularly in regard to larger families. The 2005 AI noted that very few large multi-family rental units had been constructed in recent years and specifically recommended that the Consortium focus on incentives for the provision of multi-family housing containing three and four bedroom units. This impediment not only remains extant, but has become more severe in the last four years, and will be discussed at some length in the body of this 2009 AI Update.

The second impediment cited was the lack of comprehensive fair housing services and the potential for housing discrimination and predatory housing practices, combined with a general lack of knowledge of fair housing services within the Consortium area. This impediment has been largely addressed and satisfactorily resolved by virtue of the Consortium’s annual funding of Project Sentinel to provide fair housing education and enforcement. Specific activities undertaken to overcome this impediment are discussed in full in Section IX of this 2009 AI Update.

New areas of analysis include zoning codes for secondary units and review of the Stanislaus County Housing Authority.

B. EXECUTIVE SUMMARY

To be included in final submission.

¹ Much of the data contained in the 2005 AI remains relevant, since it contains data from the most recent census, and will be included in the final draft of the 2009 AI Update.

	Ceres		US Avg.		Ceres Population		
	2000	2005-2007	2000	2005-2007	2000	2008	Growth
White	64.5%	55.5%	75.1%	74.1%	34,609	42,813	23.7%
Black	2.7%	4.7%	12.3%	12.4%			
Asian	5.0%	7.3%	3.6%	4.3%			
Hispanic	37.9%	50.9%	12.5%	14.7%			
Foreign Born	19.0%	24.7%	11.1%	12.5%			
Children	34.4%	31.4%	25.7%	24.7%			
Disabled	23.2%	17.9%	19.3%	15.1%			
HH Size	3.3 pph	3.6 pph	2.6 pph	2.6 pph			

Figure III-6: City of Ceres.

2. Newman

The City of Newman is located in the southeast portion of the County on State Route 33, approximately 25 miles south of Modesto, the County seat. In 2000, Newman occupied 1.4 square miles and had a population of 7,093. Newman’s population growth rate (3.2% in 2007–2008) has exceeded that of the state and County (see Figure III-7).¹⁶ As of July 1, 2008, Newman’s population was estimated at 10,586. According to Census 2000, Hispanics comprise 51.43% of the population. Racially, the population is 60.8% White; no other racial category accounts for more than 2% of the total population, although more than a third of residents identify with some other race or more than one race. Census 2000 data reveal that 35.3% of Newman’s population are children, compared to the U.S. average of 24.7%. In addition, 26% of Newman residents are foreign born, compared to the U.S. average of 11.1%.

	Newman		US Avg.		Newman Population		
	2000	2005-2007	2000	2005-2007	2000	2008	Growth
White	60.8%	N/A	75.1%	74.1%	7,093	10,586	49.2%
Black	1.3%	N/A	12.3%	12.4%			
Asian	1.8%	N/A	3.6%	4.3%			
Hispanic	51.4%	N/A	12.5%	14.7%			
Foreign Born	26.0%	N/A	11.1%	12.5%			
Children	35.3%	N/A	25.7%	24.7%			
Disabled	18.2%	N/A	19.3%	15.1%			
HH Size	3.4	N/A	2.6	2.6			

Figure III-7: City of Newman.

3. Waterford

The City of Waterford is located on State Route 132 on the banks of the Tuolumne River, approximately 13 miles east of Modesto, the County seat. Waterford is the smallest of the Consortium cities, with a 2008 population of 8,763; however, the city’s one year 2007–2008 growth rate of 2.5% (and total population growth of more than 26% since 2000) is nearly double

¹⁶ Source: California Department of Finance.

IV. HOUSING PROFILE

A. HOUSING INVENTORY

Housing in the County is similar to other Central Valley counties whose towns were established around farming centers that are since outgrown. The oldest houses were built over 100 years ago, and many houses have been enlarged upon. The County's oldest neighborhoods correspond to the lowest income areas and have the greatest concentration of minority populations. Figure IV-1 lists housing units in the Consortium area, with many needing rehabilitation to correct hazardous conditions and to extend their useful life.

Jurisdiction	Total Population	Total Housing Units	Occupied Housing Units	Percent Vacant (2000)	Percent Vacant (2007 Est.)
Ceres	34,609	10,773	10,435	3.10%	6.90%
Newman	7,093	2,176	2,079	4.50%	8.24%
Oakdale	15,503	5,803	5,610	3.40%	6.22%
Patterson	11,606	3,262	3,146	3.60%	6.59%
Waterford	6,924	2,080	1,990	4.30%	7.87%
Unincorporated	108,182	34,499	32,763	5.03%	9.21%
Total Served	183,917	58,593	56,023	4.70%	8.60%
Total County	450,976	150,346	144,699	3.76%	6.90%

Figure IV-1: Housing Vacancy Rates in Consortium Area.²²

For the County as a whole, the California Department of Finance reported an estimated 153,262 dwelling units as of January 1, 2001 (see Figure IV-2). Of these, 127,322 (83.1%) were single-family dwellings (including detached, attached, and mobile homes), while 25,940 units were in multi-family structures of two or more dwellings (16.9%). Seven years later the same source estimated that as of January 1, 2008, the total number of housing units in the County had risen to 176,622, of which 149,043 were single-family dwellings (84.4%) and 27,579 (15.6%) were dwellings in structures of two or more units. In short, notwithstanding an explosion in population (well over 60,000 during this period) in the minority community, i.e., among those groups most likely to be housing cost burdened and in need of affordable rental units, the County's total supply of units in multi-family structures increased by barely 1,619 dwellings, or 6.2%. Single-family units increased by 21,171, or 17.6%.

²² Sources: Census 2000; U.S. Census Bureau, American Community Survey 2005–2007. Ceres and Total County vacancy rates are reported in the ACS. Estimates for other jurisdictions were determined by multiplying 2000 vacancy rates by 83% (the percentage increase during the period for the County as a whole).

order to maintain a decent and safe place to live. In contrast, housing units less than 20 years of age are not likely to require major rehabilitation or improvements. Census data indicate that nearly 60,000 units in the County were built prior to 1970 (see Figure IV-4). The cost of private housing rehabilitation often exceeds the selling price of the rehabilitated unit, particularly in lower income neighborhoods, further discouraging homeowners from maintaining or upgrading their homes.

Jurisdiction	No. of Structures		
	Before 1980	After 1980	% Pre-1980
Ceres	4,939	5,864	45.72%
Newman	974	1,217	44.45%
Oakdale	3,431	2,418	58.66%
Patterson	1,347	1,886	41.66%
Waterford	912	1,199	43.20%
Unincorporated	24,308	10,072	70.70%
Consortium	35,911	22,656	61.32%
County (All)	91,119	59,688	60.42%

Figure IV-4: Year Structures Built.²⁵

According to a 2003 survey assessing the condition of 11,000 single-family and multi-family dwellings in the unincorporated areas, 5,000 (31.1%) were in need of rehabilitation.²⁶ Less than 1% (0.5%) were determined to be dilapidated. Bret Harte, Shackelford, and north Ceres had the highest number of homes in need of rehabilitation. The number of renters living in substandard housing is a source of concern, particularly with respect to very low- and low-income renter households. There appears to be a direct link between overcrowding and housing affordability. Homeowners or renters with large families are unable to afford larger dwellings. Thus, the largest percentage of people living in substandard conditions are children.

From 2000–2009, the Consortium has assisted _____ homes with rehabilitation and minor home repair services. Rehabilitation and minor home repair remain a strong focus for the available resources.

include breakdown of rehabilitated/repared units by community

²⁵ Source: CP5.

²⁶ Source: SOURCE NEEDED.

D. SUBSIDIZED HOUSING

The Stanislaus County Housing Authority (“SCHA”) currently administers 1612 properties (see Figure IV-5), of which 647 are “conventional” public housing units, 371 are “private stock,” 20 are mobile homes, and 574 are housing units for permanent and migrant farm laborers.²⁷

Housing Authority Properties	
Type of Housing	Units
Conventional Public Housing	647
Private Stock	371
Mobile Homes	20
Migrant/Farm Labor	574
Total	1,612

Figure IV-5: SCHA-Administered Housing Units.

Although SCHA did not specify their locations, it seems reasonable to assume that most if not all of the farm labor units are in the County’s unincorporated area. Of the 647 units categorized as conventional public housing, SCHA indicated that 48 are located in Ceres, 30 in Patterson, 26 in Oakdale, and 16 in Newman (see Figure IV-6). There are no conventional units in Waterford. Twenty conventional units are located in the unincorporated part of the County in an area known as Westley. Thus, with respect to the 647 units that the SCHA defines as conventional, 120 are located within the Consortium area (18.5%). SCHA did not identify the location of either the 371 units in its private stock or its 20 mobile homes.

Conventional Units in Consortium Area	
Ceres	48
Newman	16
Oakdale	26
Patterson	30
Waterford	0
Total	120

Figure IV-6: SCHA-Administered Units in Consortium Area.

SCHA states that it also administers a total of 3,990 Section 8 vouchers and certificates, of which 3,928 are currently in use (see Figure IV-7). Of this total, 3,295 are presently being used within the city limits of Modesto, Turlock, Riverbank, and Hughson, the four cities not part of the Consortium. This leaves a total of 633 vouchers and certificates in use within the Consortium (16.1%), of which 563 (14.3%) are in use in the five incorporated towns, and 70 (1.8%) in the Consortium’s unincorporated area.²⁸

²⁷ Source: SCHA Response to Project Sentinel Question B.1.

²⁸ Source: SCHA Response to Project Sentinel Question B.3.

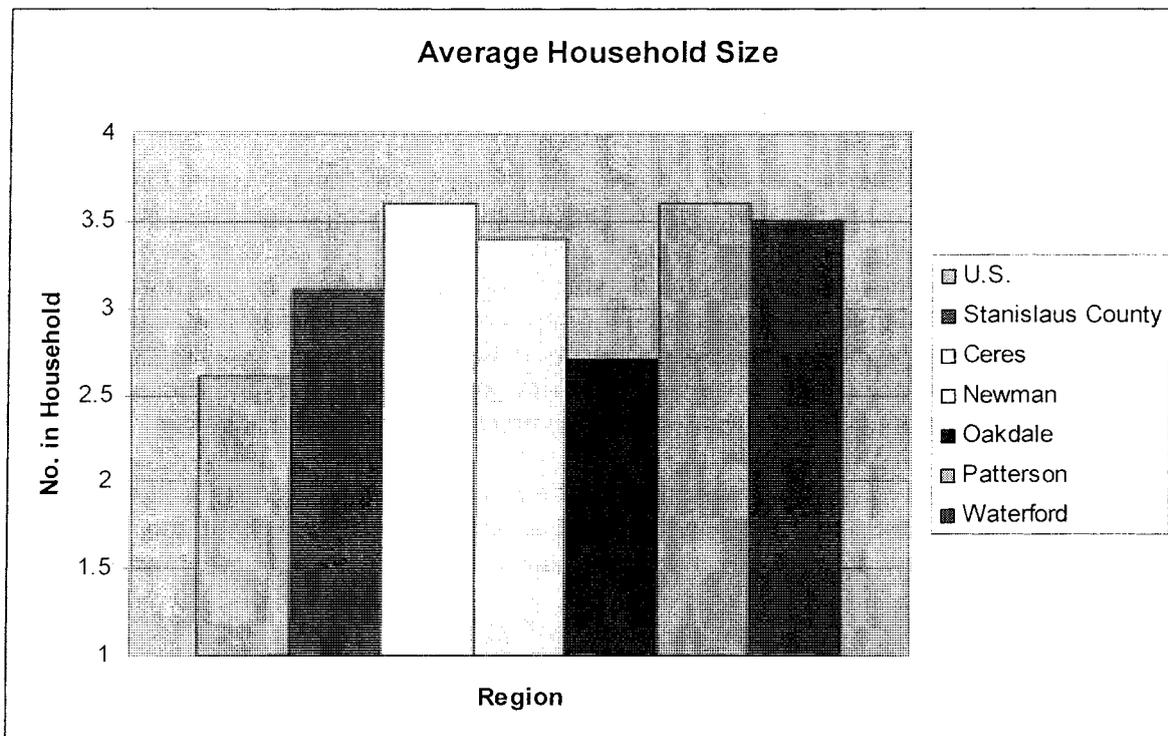


Figure V-2: U.S., Stanislaus County, Consortium Cities Average Household Size.³³

The impact of household size appears even greater in the unincorporated area of the Consortium. For example, CP5 identified both the average household size and Hispanic population percentage in three neighborhoods outside Modesto. West Modesto had an average household size of 3.89 pph and a 35% Hispanic population; Bret Harte had a household size of 4.49 pph and a 45% Hispanic population; and Shackelford had an average household size of 4.25 pph with a 42% Hispanic population.³⁴ By comparison, the average household size for the County as a whole was 3.18 pph in 2003.

C. INSUFFICIENT AFFORDABLE RENTAL HOUSING AS A FAIR HOUSING IMPEDIMENT

As the preceding sections make clear, the Consortium continues to confront a serious and growing impediment to fair housing choice in the gap between the need for affordable rental housing and its availability. In the present difficult economic climate, with both tight credit and declining private interest in housing investment, maximum creativity, coordination of all available resources, and inter-jurisdictional planning will be essential if this impediment is to be addressed.

³³ Source: Census 2000.

³⁴ Source: CP5 pp. 10-11.

increased percentage of its CDBG and HOME funds in the unincorporated area to address each of these barriers, especially the lack of sufficient infrastructure.

C. USE OF CDBG IN CONJUNCTION WITH OTHER FUNDS WITHIN THE CONSORTIUM

The Consortium's two most recent Consolidated Plans, recent Annual Action Plans, and the responses that the County, SCHA, and the Consortium's five incorporated cities provided to the questions posed by Project Sentinel were all analyzed in an effort to construct an overview of how CDBG and other resources have been used within the Consortium in the past four years. In broad terms, it is clear that at both the County and city level, most of the available resources have gone toward infrastructure repairs and improvements, enhancements and improvements to parks and recreational facilities, economic and workforce development programs, and community services. To a lesser but not insignificant extent, funding has been directed at housing repair and rehabilitation in order to preserve existing housing stock, and to home purchases and down payment loan programs designed to make it possible for first time purchasers to become homeowners. On the other hand, funding to support the development of new multiple-dwelling rental housing has been virtually non-existent, with the exception of one 28-unit seniors project in Patterson.

1. 2008-2009 Annual Action Plan

In its 2008–2009 Annual Action Plan (“AAP8”), the County indicated that it would expend approximately \$600,000 on a single infrastructure (storm drainage) project in the Empire area. In addition, the County planned to fund four major and 12 minor home repairs using a combination of CDBG, HOME, and RDA funds (no amount was stated), and to purchase, in conjunction with SCHA, two single-family homes for use in SCHA's lease-to-own (Family Self Sufficiency) program. Again, no amount was specified. An additional \$20,000 was earmarked for a workforce development program in conjunction with the cities of Newman and Oakdale⁴⁰.

Ceres devoted its entire CDBG allocation to infrastructure improvements; Newman allocated its CDBG funds to parks upgrades, infrastructure, and workforce development; Oakdale indicated it would expend most of its allocation on infrastructure improvements related to streets and curbs, with some set aside for workforce development; Patterson stated it would expend its entire allocation on infrastructure; and Waterford divided its allocation between parks improvements and infrastructure (gutters). None of the cities indicated the amounts to be spent.⁴¹

2. 2005-2006 & 2006-2007 Annual Action Plans

The 2005–2006 Annual Action Plan (“AAP5”) stated that the County would expend \$337,000 of its CDBG allocation on a single infrastructure project and another \$50,000 to assist one first time homebuyer. Ceres planned to devote \$328,000 of its allocation to infrastructure, \$5,000 to code enforcement, and \$7,000 to provide for four (presumably minor) home repairs. Newman planned to spend \$340,000 on park(s) rehabilitation, \$12,000 on a community learning center, and \$25,000 on economic development. Oakdale set aside \$200,000 for three (presumably major) home repairs or rehabilitations, \$120,000 for infrastructure, \$15,000 for

⁴⁰ Source: AAP8, p. 5.

⁴¹ Source: AAP8, pp. 5–8.

conducted in the unincorporated areas of Denair, Empire, Keyes, Modesto Robertson Road Neighborhood, and Salida.⁴⁶

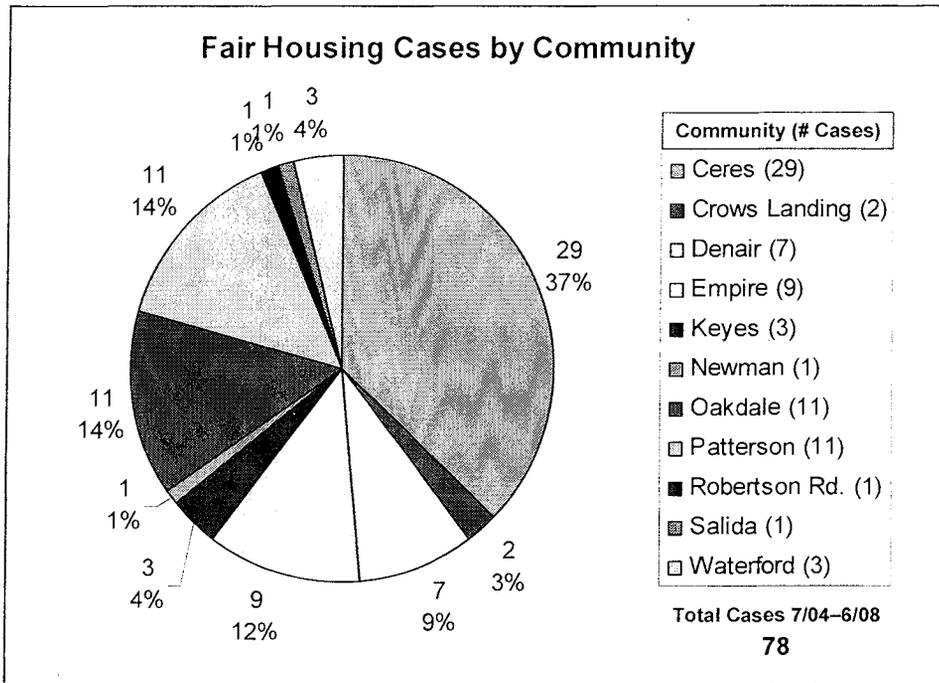


Figure IX-1: Fair Housing Cases by Community, 7/1/04-6/30/08

More than a third of these cases were in the Ceres, the largest Consortium city, followed by Patterson and Oakdale. Unincorporated communities Empire and Denair also accounted for a significant proportion of complaints.

A sizeable majority of fair housing complaints in the Consortium area involve disability, followed by national origin, sex, familial status, and race. The remainder were complaints of source of income, age, arbitrary characteristics, and marital status (see Figure IX-2).

Disability cases account for such a large proportion of cases for several reasons. First, Project Sentinel conducts audits of new multi-family housing to verify that they meet accessibility standards. Second, disability protections are comparatively new, and many housing providers are unaware of the extent of these protections. Third, many cases involve requests by persons with disabilities for reasonable accommodations and modifications. Many persons with disabilities are reluctant to make such requests on their own for fear of retaliation.

Project Sentinel assists persons with disabilities in making these requests by: (1) providing information to complainants or their healthcare providers about what reasonable accommodations are and how “disability” is defined for fair housing purposes; (2) obtaining letters from healthcare providers documenting the disabling condition and explaining the type of accommodation or modification required; (3) forwarding appropriate documentation to the

⁴⁶ Some cases from unincorporated neighborhoods near Modesto (and perhaps other cities) may be handled and reported as Modesto cases because they have Modesto mailing addresses. The case labeled “Robertson Rd.,” for example, was initially entered as a Modesto case until it was later determined that the home was in a County island.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.d.**
City Council Meeting
of March 24, 2009

REPORT ON PROPOSED ORDINANCE AMENDING NEWMAN MUNICIPAL CODE
TITLE 11, CHAPTER 11.09.170

RECOMMENDATION:

1. Conduct Public Hearing
2. Conduct Second Reading of Ordinance #2009- , Amending Chapter 11.09 of Title 11 Public Ways and Property of the Newman City Code.
3. Adopt said Ordinance and authorize staff to publish a summary of said ordinance.

BACKGROUND:

On January 23, 2007, Resolution #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.

To amend the erroneous section of the code and to streamline the fee update process, the proposed ordinance amendment was introduced at the March 10, 2009 meeting of the Newman City Council.

ANALYSIS:

A revision to the code to eliminate specific amounts and subsequently set fees by resolution rather than ordinance will allow staff to eliminate the aforementioned error and assist in maintaining an up-to-date rental fee schedule given the constant change in operations and maintenance costs.

FISCAL IMPACT:

Costs associated with the adoption of this ordinance are nominal.

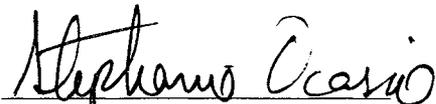
CONCLUSION:

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. Staff recommends that the Council adopt Ordinance No. 2009- , Amending Chapter 11.09 of Title 11 Public Ways and Property of the Newman City Code.

ATTACHMENTS:

Exhibit A – Proposed Ordinance

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael Holland
City Manager

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:~~

A. Private use:	
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. Local public or private nonprofit use:	
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
C. Regular renters:	
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.	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 retain <i>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 10th day of March, 2009 by Council Member Candea, and adopted at a regular meeting of said City Council held on the 24th 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 24, 2009

AWARD A CONTRACT FOR CFF UPDATE SERVICES

RECOMMENDATION:

Adopt Resolution 2009- awarding a contract for CFF Update Services with PMC.

BACKGROUND:

In December 2008, the City released a Request for Proposals (RFP) for an Update of the Capital Facilities Fee Program. The RFP requested professional consulting services to update the City's Capital Facilities Fees (CFF) program and determine the facilities and infrastructure needed to serve new development.

The Scope of Services will involve a nexus study and all necessary analyses and documentation to perform the update of the City's existing CFF program for the City's adopted sphere of influence (SOI). The existing fee program outlines facilities for three main areas: Municipal, City-wide Services Master Plan and Park In-lieu. Municipal facilities include police, fire, governmental buildings, administration and planning. Facilities for City-wide Services Master Plan include: streets, drainage, water and sewer. Park In-lieu facilities include park land.

The last CFF update was conducted in 2002 by Charles A. Long Associates. Staff anticipates adopting a comprehensive update of the CFF Program in late summer/early fall 2009.

The purposes of the five-year update for the CFF Program are threefold:

1. Ensure all facilities within the CFF program are appropriate for build out within the City's SOI.
2. Review cost estimates to ensure adequate fees are collected from new development to pay for new development impact on the identified facilities.
3. Determine and address any deficiencies within the CFF Program since the last comprehensive update.

ANALYSIS:

A total of five proposals were received for the update, they are as follows:

Contractor	Proposed Cost
Goodwin Consulting Group	\$24,500.00
PMC	\$39,780.00
Willdan Financial Services	\$42,420.00
Bay Area Economics	\$89,250.00
Harris & Associates	\$99,720.00

Upon receipt of the above-mentioned proposals, City staff formed a selection committee comprised of representatives from the Administration, Finance, Planning, Police and Public Works departments. The committee reviewed each proposal and selected three finalists for a panel interview; those finalists were PMC, Willdan Financial Services and Harris & Associates. The selection committee held the interviews at the McConnell Adult Education Center on Thursday, February 19, 2009.

Of those firms, staff believes that PMC should be selected for the Five Year Update. Not only does PMC have the experience necessary to perform this type of comprehensive update, they interviewed well, had positive references and are experienced with the central valley region. Of the three finalists interviewed, PMC had an equivalent scope of work at the lowest price (in total and per hour). Their proposed cost of the five year update is \$39,780.00 and is budgeted in the Public Facility Impact Fee fund.

FISCAL IMPACT:

\$39,780.00 - This is a budgeted item

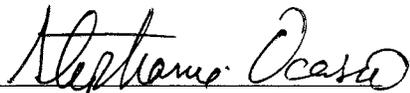
CONCLUSION:

Staff recommends that the Council adopt a resolution approving a Standard Agreement for Consultant Services with PMC for the Five Year Update of the Capital Facilities Fees Program in an amount not to exceed \$45,000.00 (to allow for potential scope of work changes), and authorize the City Manager to execute said Agreement.

ATTACHMENTS:

1. Exhibit A – PMC Proposal
2. Exhibit B – PMC Presentation
3. Exhibit C – Draft Resolution 2009-

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

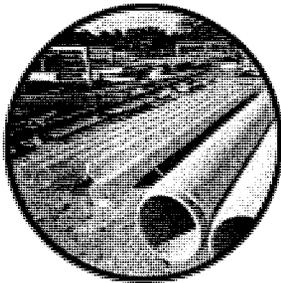
REVIEWED/CONCUR



Michael Holland
City Manager

A PROPOSAL TO

CITY OF
NEWMAN



UPDATE OF THE
CAPITAL FACILITIES
FEE PROGRAM

JANUARY 15, 2009



Submitted to:

**Michael E. Holland
City Manager**

**City of Newman
1162 Main Street
Newman, CA 95360
(209) 862-3725**

Submitted by:

**PMC
1590 Drew Avenue, Suite 120
Davis, CA 95618
Phone: (530) 750-7076
Fax: (530) 750-2811**

1. COVER LETTER



January 15, 2009

Michael E. Holland, City Manager

CITY OF NEWMAN

1162 Main Street

Newman, CA 95360

RE: PROPOSAL TO UPDATE THE CAPITAL FACILITIES FEE PROGRAM

Dear Mr. Holland:

PMC is pleased to submit this Proposal to the City of Newman to provide consulting services leading to the preparation of an update to the city's capital facilities fees (CFF) program and determine the facilities and infrastructure needed to serve new development in accordance with Government Code 66000 et seq. The study will update existing fees and add new fees as appropriate.

PMC was established in 1995 with a mission to provide project management, planning, municipal finance, and environmental services to public agencies, and since that time has provided these services to more than 200 cities, counties, special districts and state agencies. The Company has grown steadily and today consists of over 220 employees working out of its ten primary offices (Los Angeles, San Diego, Monterey, Oakland, Davis, Rancho Cordova, Chico, Spokane, Phoenix and Mt. Shasta). PMC's efforts for the City will be provided with Tom Bandy as Project Manager. Tom has over twenty years of related local government consulting experience with a special focus on the preparation of nexus studies required by Government Code 66000 et seq. for development impact fees. He and his staff have recently been selected or have impact fee studies underway in the cities of Stockton, Bakersfield, Santa Paula, San Marcos, Ceres, Folsom, Chico, Mercer Island Washington, Bisbee Arizona and the Counties of San Diego and Tehama.

Our overriding goal is to ensure that all services conducted for Newman are done in the most accurate, professional, efficient, responsive, and timely way possible. PMC has brought together a seasoned team of planners, engineers, and fee experts to undertake the project identified in your RFP. PMC will assume responsibility for day-to-day communication and project management with Newman's staff including the preparation and submittal of project status reports, project issue identification and draft reports and presentations. Tom Bandy will interface with PMC team members and provide coordination with City staff. PMC fee experts and experienced engineers will conduct the required analysis and prepare recommendations and policy considerations. PMC engineers will evaluate planning level cost estimates supplemented by information from various sources and documents and information from the City. We do not anticipate the need for sub consultant assistance.

Michael E. Holland, City Manager

January 15, 2009

Page 2

Key PMC staff will consist of the following individuals whose resumes are attached:

- Tom Bandy, (Project Manager)
- Dino Serafini, P.E. (Project Engineer)
- Sara Allinder, AICP (Project Planner)
- Tammy Seale, AICP (Park Planner)

PMC provides services to municipalities throughout California, Arizona, and the Pacific Northwest and adheres to an objective third party approach to our services. Outside of business contractual arrangements, PMC has no financial interest with any of our clientele. This approach eliminates the potential for any conflicts of interest between PMC and project affiliates. PMC will avoid all conflicts of interest or appearances of conflict of interest and is willing to file a statement to that effect if required.

As President of PMC, I have the authority to negotiate and contractually bind PMC and may be contacted at:

Philip O. Carter, President
PMC (A California Corporation)
2729 Prospect Park Drive, Suite 220
Rancho Cordova, CA 95670
(916) 361-8384
(916) 361-1574 Fax
pcarter@pmcworld.com

We are ready and able to begin work immediately. We appreciate your consideration of PMC for this important assignment, and look forward to participating further in the consultant selection process. All the information contained in this Proposal is truthful and accurate to the best of my knowledge. Please contact Tom Bandy at (858) 453-3602 ext. 15200, or at his email address tbandy@pmcworld.com regarding this submittal.

Sincerely,



Philip O. Carter
President



Tom Bandy
Project Manager

POC:tb:jp

2. TABLE OF CONTENTS

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3. CONSULTANT QUALIFICATIONS

CONSULTANT QUALIFICATIONS

FIRM OVERVIEW

PMC is dedicated to serving the needs of cities, counties, and other governmental agencies by providing a complementary range of municipal finance, planning, environmental, and management services. PMC is a privately held corporation headquartered in Sacramento with offices in Los Angeles, Davis, Monterey, Mt. Shasta, Chico, Oakland, San Diego, the states of Washington and Arizona.

PMC provides to our clients fiscal, user fee and impact fee studies; infrastructure and facility finance planning; comprehensive environmental services; contract staff assistance; strategic planning services, public affairs, public relations, resource management, General and Specific Plan (including Housing Element) preparation, updates and implementation; Zoning Code preparation, updates, and enforcement; design guidelines; LAFCo/Annexation services; regulatory permitting assistance; GIS, and all aspects of current and advanced planning assistance. The firm was established in 1995 with a mission to provide consulting services to public agencies, special districts and public-oriented organizations, and has thus far provided service to more than 200 cities, counties, and special districts throughout California. The Company has grown steadily and today consists of over 200 employees working out of its ten primary offices.

MUNICIPAL FINANCE AND DEVELOPMENT IMPACT FEES

PMC staff has broad experience creating, structuring, and updating impact fee programs for cities and counties. For these clients, our staff has provided nexus documentation to support impact fees funding a wide range of public facilities, including utilities (water, wastewater, and storm drainage), roadways and transit, parks, fire, police, health clinics, and other government facilities such as civic center and corporation yards. Most of the impact fee studies that we have prepared have included participation by developers and presentations to elected officials.

With a municipal orientation, PMC personnel often operate as an extension of agency staff with the goal of providing legally defensible fee programs and other financial/fiscal documents in the most efficient manner possible. Project managers are given the freedom and flexibility needed to respond directly to the requirements of the municipalities we serve. Given the breadth and depth of expertise among our staff, PMC is able to offer clients a broad range of financial services.

PMC provides turnkey finance services, enabling our clients to maintain, enhance, and assure long-term viability in their growing communities. Our finance services include but are not limited to the following:

- Financial planning and revenue enhancement, including financial projections and policy analysis, plus rate and user fee studies;
- Capital improvement planning and financing, including infrastructure financing plans and development impact fee and connection fee studies;
- Economic and fiscal policy analysis of proposed projects and plans, including government reorganizations studies; and
- Special district creation and implementation, including district formation and Prop. 218 voter campaigns.

CONSULTANT QUALIFICATIONS

STAFF QUALIFICATIONS

TOM BANDY – PROJECT MANAGER

Mr. Bandy possesses 30 years of administrative and consulting service to local governments. For 14 years prior to 1988, he served in administrative positions in three California cities, most recently as a department manager responsible for a variety of municipal services.

Tom manages the Municipal Finance Group at PMC which provides consulting services that include the preparation of development impact fee studies in accordance with the nexus requirements of Government Code Section 66000; the preparation of public facility financing plans that identify the cost, phasing, and financing of public improvements; preparation, formation, and annual administration of special districts to fund capital projects utilizing bonded indebtedness as well as annual assessments and special taxes to fund ongoing operation and maintenance costs; structuring growth management techniques to identify and assure the construction and financing of public facilities; completion of public facility elements to General Plans; the analysis of water and sewer rates; and user fees studies.

DINO SERAFINI P.E. – PROJECT ENGINEER

Mr. Serafini has over 28 years of public infrastructure planning, financing, design and construction management experience in the State of California working with city, county, school district, military and private clients. Mr. Serafini has facilitated the formation of several Mello-Roos Community Facilities Districts that were specifically created to finance facilities and the maintenance of such facilities serving new development. Mr. Serafini has extensive experience in the development of cost estimates, phasing plans, threshold criteria and policy determinations that go into public facilities financing plans and reimbursement agreements between agencies and private developers. At PMC, he specializes in preparing impact fee studies.

SARA ALLINDER, AICP – SENIOR PLANNER

As a Senior Planner for PMC, Ms. Allinder brings extensive experience as a planner within many jurisdictions throughout the Central Valley, including the cities of Modesto, Ceres, Hughson, Livingston, Fresno, Hanford, Bakersfield and Taft and the counties of Merced and Madera. She has experience in both current and long-range planning, including CEQA compliance. Ms. Allinder specializes in urban land use planning, and has performed such tasks as general plan preparation and amendments, infrastructure master plan review, municipal code revision pertaining to zoning and subdivision regulations, processing of annexation requests, and processing of commercial, industrial, and residential urban development projects through a variety of regulatory agencies. She has also been involved in the preparation of numerous CEQA documents.

TAMMY L. SEALE – PARK AND CITY PLANNER

Tammy Seale is a planning professional with over 9 years of land use and environmental planning experience in California and Florida. Ms. Seale's expertise lies in management and preparation of comprehensive planning documents based on Smart Growth principles and collaborative decision-making. Ms. Seale's experience also includes project management, specific plan preparation, General Plan and Zoning Code implementation, coastal development issues, policy analysis, recreation and park planning, facilitation and consensus building, mitigation monitoring, and environmental impact assessment.

CONSULTANT QUALIFICATIONS

ADDITIONAL STAFF RESOURCES

The above list represents the staff which PMC anticipates will be required; however it is possible that the need for additional staff may arise. Therefore PMC may assign additional staff types as necessary to complete the services required under this agreement. Compensation rates for additional staff types will be determined by PMC and will be consistent with the rates listed herein. Assignment of additional staff will not change the budget of this agreement, unless agreed upon by both parties with the execution of an amendment.

Without receiving PMC's written permission, client agrees not to hire, retain or contract with any employee of PMC who performs services for client under this agreement for a period of one year from the date this agreement is terminated.

COST CONTROL

PMC provides project managers with real-time information regarding labor costs and expenses attributable to project tasks. As such, project managers are held accountable for project budgets as well as deliverables and project schedules. In order to reduce or eliminate the potential for cost overruns, it is vital that PMC project managers monitor work effort against contract scope of work and deliverables. These real-time reports are used to construct client invoices and such information is available to clients upon request. PMC Project Managers prepare regular project status reports for clients in order to ensure that projects are on schedule and within budget parameters.

CONSULTANT QUALIFICATIONS

SCHEDULE

	March	April	May	June	July	August
Task 1: Kick-off Meeting/Data Collection	■	■				
Task 2: Identify and Describe Eligible Facilities	■	■	■			
Task 3: Identify Future Development by Land Use Category		■	■			
Task 4: Compile and Determine Existing Deficiencies			■	■		
Task 5: Develop Cost Estimates for Eligible Improvements			■	■		
Task 6: Conduct an Impact Fee Comparison		■	■			
Task 7: Conduct Nexus Analysis				■	■	
Task 8: Prepare and Submit Draft Nexus Report				■	■	
Task 9: Present Report to Key Stakeholders					■	■
Task 10: Prepare and Present Final Nexus Report						■
Meetings (6)	★		★		★	★

NOTE: The schedule is subject to modification with consent of City. PMC has, from experience, learned that impact fee studies generally require approximately 4 to 5 months or 16 to 20 weeks to complete. This timeframe can be shortened in most cases with a commitment from City to expedite responses to consultant questions and timely provision of documents and information. PMC will make every effort to meet this schedule.

Tom Bandy

Project Manager

Education

B.S., University of Redlands, Redlands, CA

Master of Public Administration, University of Southern California, Los Angeles, CA

Master of Business Administration, Pepperdine University, Malibu, CA

Experience and Current Responsibilities

Mr. Bandy possesses 30 years of administrative and consulting service to local governments. For 14 years prior to 1988, he served in administrative positions in three California cities, most recently as a department manager responsible for a variety of municipal services.

Tom manages the Municipal Finance Group in PMC which provides consulting services that include the preparation of public facility financing plans that identify the cost, phasing, and financing of public improvements; preparation, formation, and annual administration of special districts to fund capital projects utilizing bonded indebtedness as well as annual assessments and special taxes to fund ongoing operation and maintenance costs; structuring growth management techniques to identify and assure the construction and financing of public facilities; completion of public facility elements to General Plans; the analysis of water and sewer rates; user fees studies; and the preparation of development impact fee studies in accordance with the nexus requirements of Government Code Section 66000.

Relevant Project Experience

Facilities Feasibility, Planning and Financing

- **City of San Diego, Impact Fee Methodology Study** – PMC, with Tom Bandy as Project Manager, was selected to analyze the city's development impact fees for transportation, parks, libraries, and fire services. The fees are calculated separately within 28 urbanized neighborhoods. The purpose of the study is to determine if the fees are accurately reflecting the demand placed on the city's infrastructure by new development.
- **Plumas County, Impact Fee Study** – PMC, with Tom Bandy as Project Manager, was selected to create the county's first impact fees on new development. The study involves identifying those facilities and services that could be eligible for funding, generating cost estimates for such facilities, identifying land uses to be permitted over the planning horizon, and preparing an AB1600 nexus report. The report was presented to stakeholder groups and adopted by the Board of Supervisors in August 2006.
- **Solano County, Impact Fee Study and Annual Updates** – PMC was selected to prepare these studies to assure that the county was collecting new development's fair share of the facility costs. The five year contract included annual updates and adjustments to keep the fees in line with escalating construction costs.
- **City of Lemon Grove, Impact Fee Study** – PMC was selected to create impact fees for the following facilities: parks and recreation, roads and drainage, public safety, library, municipal facilities and equipment, sanitation, general plan update, and mapping.

- **City of Avalon, Holding Capacity Study** – PMC was selected to identify and analyze the capacity remaining in the following city-wide public infrastructure: housing; pedestrian, vehicular and parking facilities; freshwater and saltwater facilities; sewer and storm water facilities; landfill; healthcare; schools; police; fire and EMS; harbour facilities; commercial; and transportation services. The study was meant to gauge the remaining capacity in these facilities in terms of the impacts of future development.
- **City of Pasadena, Transportation Impact Fee** – PMC, with Tom Bandy as Lead Consultant, was selected to undertake this study to determine the fair share cost attributable to residential development for the purpose of reducing vehicular trips in favor of increased use of public transit. The new fee was adopted by the City Council following public input and discussion.
- **City of Lone, Impact Fee Study** – PMC, with Tom Bandy as Project Manager, developed a series of impact fees for funding new capital infrastructure including fire and police services, park improvements, and city hall facilities calculated through 2020.
- **City of Salinas, Traffic Fee Update** – As Project Manager for this multi-disciplinary study, analyzed the build out circulation element streets and developed cost estimates for their construction. This involved an additional study of six interchanges with Highway 101. Prepared a report identifying each improvement location, sizing, and cost. Presented updated traffic fees and findings in a series of public workshops and meetings.
- **City of Elk Grove, 1982 Act Road Maintenance Assessments** – Created a series of districts to fund road maintenance costs in areas of new development. The annual assessments range from \$105 to \$135 per parcel. All future development will be conditioned to join one of the new districts.
- **City of Elk Grove, CFD for landscape maintenance** – Created a Mello Roos CFD on all future developing areas to fund the maintenance of roadway and median landscaping and trails maintenance. These areas were previously maintained by a Community Services District (CSD) formed by the County.
- **City of Chula Vista, Transportation Development Impact Fee Update** – Prepared an AB1600 nexus report addressing transportation projects in one of the fastest growing cities in California. The study identified approximately \$185 million in backbone street costs impacted as the result of planned growth. The resulting fee increased from \$6,240 to \$8,180 per single-family dwelling unit.
- **City of San Marcos, Public Facilities Fee Update** – Prepared an AB1600 nexus study for the funding of circulation streets, five freeway interchanges, drainage, improvements, NPDES facilities, GIS, parks, and habitat conservation. The fees were presented at three public workshops and subsequently adopted by the City Council at a Public Hearing.
- **City of Novato, Public Facilities Fee Update** – Prepared an AB1600 nexus study for the funding of circulation streets, drainage, improvements, NPDES facilities, parks, and open space. The fees were presented at two public workshops prior to being adopted by the City Council at a Public Hearing.
- **City of Chula Vista, Eastlake Trails Public Facilities Finance Plan** – As Project Manager, prepared this document that identifies the public improvements and services required to meet the needs of this 1,120 dwelling unit development in the Eastern Territories of the City of Chula Vista. The document became part of the SPA plan for this project when presented to the City Council.
- **City of Palmdale, Public Facilities Development Impact Fee** – Prepared an AB1600 report identifying the projects, costs, and nexus for various public facilities required to support new development in the City of Palmdale. The initial fee under consideration by the City Council was for fire facilities.

- **City of Galt, Development Impact Fee Review** – Participated on a team that reviewed the City's schedule of impact fees to determine their appropriateness and adequacy to fund the facilities required by new development. Analyzed the City's CIP program together with updated costs for all facilities and revised estimates of future land uses and densities. Presented the study's findings to the City Council at a public information workshop.
- **City of Red Bluff, Antelope Area Sewer Study** – Prepared this study to determine the requirements for sewer upgrades and new systems to serve this area of the city. Sized the collection and pump station improvements and addressed funding alternatives including the potential for forming an assessment district.
- **City of Chula Vista, Growth Management Program** – Mr. Bandy participated in the preparation of a growth management program to guide the future growth and buildout of the City of Chula Vista. The emphasis of the program is to identify the infrastructure needs for the City and to develop programs and fees to assure their implementation consistent with need.
- **City of Oceanside, North Oceanside Annexation Area Financing Plan** – As Project Manager prepared a plan to finance the construction of public improvements required for the development of this 883-acre area following its annexation into the City of Oceanside.
- **City of San Marcos, San Marcos Community Facility Plans** – Retained by the City of San Marcos to prepare public facility financing plans for seven of the City's eight community areas, as well as a plan for citywide facilities. At completion, the plans involved over \$500 million in public facility costs. The plans included the financial impacts resulting from the City's selection as the location for a new State University.
- **City of Chula Vista, Rancho Del Rey Public Facilities Financing Plan** – Selected by the City of Chula Vista to assist in the preparation of the Public Facilities Financing Plan for the Rancho del Rey project in the City of Chula Vista. The Rancho del Rey project is a major mixed-use development involving 1,600 acres and approximately 4,000 future dwelling units to be built out over a ten-year period. Phasing and financing recommendations were made for all public infrastructure needed to develop the site, including streets, storm drains, water, sewer, parks schools, and fire and library facilities.
- **City of San Diego, Black Mountain Road Feasibility Stud** – As Project Manager, conducted a study of the roadway network in the vicinity of Black Mountain Road north of the Mira Mesa community and south of the Rancho Penasquitos community. The study essentially resulted in a recommendation on financing mechanisms to be used, together with a preliminary assessment of lands that benefit from the construction.
- **Kern County Facilities Element** – As Project Manager, prepared a framework plan for the future analysis of public facilities and services provided by the County of Kern with offices in Bakersfield. This plan was subsequently adopted by the Board of Supervisors as the Public Facilities Element of the County General Plan.
- **City of Visalia, Circulation Element Update** – Provided key financing alternatives for funding circulation improvements in this citywide analysis.
- **Sacramento Army Depot Reuse Plan** – As Project Manager, coordinated a team of subconsultants to analyze the existing condition and capacity of onsite streets, electrical, water, gas, railroad, steam, and sewer systems. Using the results of this analysis, determined the public facility improvements required to support alternative uses of existing onsite buildings as well as alternative configurations for new buildings and facilities.
- **SAFCA, Capital Investment Equalization Fee** – For the Sacramento Area Flood Control Agency (SAFCA), created an impact fee payable by all new development within a 100-year flood plan to assist in the funding of a system of flood control improvements on the Sacramento and American Rivers. The Capital Investment Equalization Fee, payable at building permit issuance, represents approximately 60 percent of the amount of a benefit assessment which would have been paid if the property was developed at the time the system of flood control improvements was constructed.

- **City of Escondido, Citywide Drainage Fees** – As Project Manager for the financing component of this study, analyzed the location, capacity and cost of build out drainage master plan improvements. Recommended a series of impact fees for various land uses on a citywide basis. Presented findings in a series of public workshops and meetings before the Planning Commission and City Council.
- **City of Seal Beach, Water Rate Study** – As Project Manager, analyzed the Water Utilities Department financial statements and operations and prepared a report which recommended pass through rates whenever the cost of purchased water changed. The report included a sixteen-city comparison of rates and operations. The rates were unanimously approved by the City Council following noticed public hearings.
- **City of Goodyear, AZ., Water and Sewer Rate Review** – Conducted an analysis of the City's water and sewer operations and costs to determine the need for a rate increase. The study resulted in a recommendation for a significant rate increase for water usage and the creation of a new residential rate tier for usage between 10,000 and 20,000 gpm. The City Council ultimately adopted the new tier and a three-year phase in of the new rates.
- **Rancho Santa Margarita Management Company, Water System Cost Apportionment Study** – Assisted in the analysis and identification of the fair share benefit arising from major backbone water distribution facilities. The resulting analysis was used to redistribute the apportionment of the cost among benefiting property owners.
- **City of Chula Vista, Otay Ranch SPA One Public Facilities Finance Plan (PFFP)** – Prepared this strategic financial planning report on the first phase of this 23,000-acre development in southern San Diego County adjacent to the City of Chula Vista. Spa One includes 5,758 dwelling units and associated land uses for schools, commercial parks, open space, and community purpose facilities. The PFFP addressed the timing, cost, and requirements of fourteen public facilities.
- **City of Tustin, Commuter Rail Station Fee Study** – This study calculated an impact fee on all future development within a seven-mile benefit radius surrounding the new station. The fee is part of a funding program that includes transit sales tax revenue (Measure M), grants, and local matching funds. It is expected that the fee will be adopted by the Cities of Tustin and Irvine and the County of Orange.
- **Town of Corte Madera, Development Impact Fees** – Prepared a report identifying the costs and nexus findings for the following facility categories: Streets and intersections; recreational and cultural facilities; civic facilities; transit facilities; corporation yard; general government systems and open space. The study includes a comparison of fees to other neighboring communities.

Special District Formation

- **Sacramento Area Flood Control Agency, Capital Assessment District No. 2** – The Board of Directors of the Sacramento Area Flood Control Agency adopted resolutions forming the North Area Local Project Capital Assessment District No. 2. This action was the culmination of a long and complex effort to fund critical flood control improvements in the north Sacramento area. The original district as described in the Preliminary Engineer's Report contained 256,000 parcels and 182,000 acres. Based on public review and comment, SAFCA Board directed that changes be made to the District boundary and assessment methodology. The modified district as described in the Final Engineer's Report includes 18,000 parcels and 24,000 acres in Sacramento County. The annual capital assessment totals approximately \$3.3 million. The capital assessments will be used to pay debt service on bonds used to finance the \$43 million needed to complete the engineering design and construction of the North Area Local Project.
- **City of San Diego, Miramar Ranch North Cost Reimbursement District No. 4068** – The district, the largest such district in San Diego, was formed to assure the receipt of over \$13 million in identified reimbursements from nine property owners. Mr. Bandy was Project Manager and lead consultant during the process of determining land use, eligible costs, and fair share apportionment methodologies for each improvement. He also made presentations to property owners and the City Council.

- **City of Chula Vista, 1913 Act "Acquisition" Assessment Districts, Project Director** – Coordinated and managed the provision of assessment engineering services in the formation of eight (8) 1913 Act assessment districts that together with 1915 Act bonds funded nearly \$100 million in eligible improvements that were "acquired" by the City following construction by developers. For the most part, these districts were associated with development of master planned communities.
- **City of San Marcos, Assessment Districts, Project Director** – Coordinated and managed the provision of assessment engineering services in the formation of four (4) 1913 Act assessment districts that together with 1915 Act bonds funded major backbone street improvements. These districts were "construction" type districts whereby bond proceeds were used to construct the improvements.
- **City of San Diego, 1913 Act "Acquisition" Assessment Districts, Project Director** – Coordinated and managed the provision of assessment engineering services in the formation of five (5) 1913 Act assessment districts that together with 1915 Act bonds funded nearly \$35 million in eligible improvements that were "acquired" by the City following construction by developers.
- **City of Union City, Street Lighting and Landscaping Maintenance District, Project Manager** – This District was formed to fund the following public services: street lighting, irrigation maintenance, planting and play equipment services, capital improvement projects for reconstruction, and street tree maintenance. Over \$1,000,000 was assessed for the initial year involving over 13,000 parcels.
- **City of Red Bluff, Sewer Assessment District Study, Project Manager** – This study resulted in petitions being mailed to all property owners in the proposed district.
- **City of West Sacramento, Integrated Financing District, Project Manager** – Prepared preliminary spreadsheets and data leading to the potential formation of this special district to assess the cost of major backbone improvements in the Raley's Landing development area.

Special District Administration (Proposition 218)

- **Proposition 218 Experiences** – Since the spring of 1997, Mr. Bandy has managed a variety of special districts for client cities in order to meet the requirements of Prop. 218. Many of the districts required the preparation, mailing, tabulating, and reporting of ballot election results. The largest district contained 38,000 parcels while the smallest district included fewer than 500 parcels.

Maintenance District Experience

- City of Elk Grove, various Street Maintenance Districts (1982 Act)
- City of Torrance (Citywide Lighting Assessment)
- City of Baldwin Park (Citywide Lighting Assessment)
- City of San Jose, Trails Maintenance Assessment
- City of San Jose, Commercial Landscape Maintenance Assessment
- City of San Jose, Development Maintenance Assessment
- City of Baldwin Park Citywide Landscaping District
- City of Hawaiian Gardens Citywide Lighting District

- City of Claremont (Citywide Park and Landscape Assessment)
- City of Santa Fe Springs, Street Lighting Assessment
- City of Pico Rivera, Citywide Lighting District
- City of Union City Street Lighting and Landscaping Maintenance District
- City of Encinitas Citywide Lighting and Landscaping District

Dino Serafini, P.E.

Project Engineer

Education

B.S., Economics, University of California at Riverside

Master of Environmental Administration, University of California at Riverside

Completed the Curriculum for Master's Degree in Civil Engineering, San Diego State University

Urban Planning and Development Certificate Program, University of California, San Diego Extension

Experience and Current Responsibilities

Mr. Serafini has over 28 years of public infrastructure planning, financing, design and construction management experience in the State of California working with city, county, school district, military and private clients. Mr. Serafini has facilitated the formation of several Mello-Roos Community Facilities Districts that were specifically created to finance facilities and the maintenance of such facilities serving new development. Mr. Serafini has extensive experience in the development of cost estimates, phasing plans, threshold criteria and policy determinations that go into public facilities financing plans and reimbursement agreements between agencies and private developers.

Relevant Project Experience

- **Impact Fee Study for City of Lemon Grove, CA.** PMC created the City's first Development Impact Fee (DIF) program for public facilities. The program included facilities for: parks and recreation, general government, public protection, libraries, traffic, drainage and a geographic information system. This project analyzed growth potential in the City, provide cost estimates for new facilities to accommodate that growth and recommended a fee structure applicable to the types of development that were projected. Impact fee revenues will be generated over an 18-year planning horizon to finance the improvements needed by new development. California State law requires that impact fee programs comply with specific procedures and that certain findings be made in order for the DIF program to be legally supportable.
- **Impact Fee Nexus Study for City of Clearlake, CA.** PMC designed a new Parks and Recreation impact fee program for the City. In order to implement a Park Master Plan that envisioned a greatly expanded park system, new sources of funding had to be identified. A significant portion of the funding will come from an impact fee on new residential development that is anticipated over the study period. The project involved estimating construction costs for the new park facilities, making development forecasts and the fee nexus requirements.
- **Cost of Service Analysis for Higgins Fire Protection District, Nevada County, CA.** This project quantified the impacts of new development on the District's ability to provide fire protection and emergency services in accordance with adopted levels of service and with regard to existing facilities and equipment as well as staff. This project will determine the cost to provide services to specific classes of pending development and the allocation of costs to future development based on allocation formulas developed especially for the District.

The District has very narrow funding parameters defined by its share of local property tax and an existing special assessment. PMC evaluated the District's ability to serve projected growth within those parameters and made recommendations for impact mitigations.

- **Reimbursement Districts for City of San Marcos, CA.** Established reimbursement districts for roads constructed by the City to serve anticipated new development. Reimbursement district work includes: completing a cost distribution analysis, development of a plan and schedule for reimbursement of costs by the benefiting property owners, preparing

materials for presentation at public hearing, attending property owner meetings and the public hearing, and defending the spread methodology.

- **Impact Fee Update for City of Pinole, CA.** This project involved an update to the City's impact fee program and a study for a new Affordable Housing In-Lieu fee program. Both projects were undertaken in conjunction with the City's major General Plan update. The work included analysis of a 25-year planning horizon, incorporating growth projections, land availability and costs to construct infrastructure.

Previous Experience

Over 28 years working as a planner and civil engineer has afforded Mr. Serafini the opportunity to play a key role in all aspects of the delivery of public facilities in response to the needs generated by private development. Following is a sample of the projects Mr. Serafini has been involved in:

- **Otay Ranch General Development Plan.** While serving as Senior Civil Engineer for the City of Chula Vista, Mr. Serafini served as a Project Manager for the Otay Ranch project: the largest ever master planned development in San Diego County, which comprises over 30,000 homes at build-out. Mr. Serafini was directly responsible for successfully bringing to fruition several of the land-based financing programs (Mello-Roos districts) upon which nearly the entire Otay Ranch's infrastructure depended for financing. In addition to overseeing district formations, Mr. Serafini was responsible for the project phasing, plan review and City approval of all public facilities: local and arterial streets, wastewater, drainage, parks, pedestrian bridges and open space improvements for each of the individual self-contained residential villages within the Otay Ranch.
- **Pedestrian Bridge Development Impact Fee Program.** This project established the funding mechanism for three pedestrian bridges that served to provide pedestrian connectivity among three of the Otay Ranch Villages. This \$6 million program involved determining the Areas of Benefit, estimating costs over a 5 year build-out period, spreading the costs over several development projects under multiple ownerships, negotiating reimbursement agreements with developers actually constructing the bridges and assigning DIF credits therefor. Mello-Roos funds, when available, were incorporated into the financing arrangements. Mr. Serafini was also involved in drafting the ordinances, agreements, and staff reports necessary to finalize the program.
- **Capital Improvement Projects Program Management for the City of National City.** As CIP program manager, Mr. Serafini recommended projects, prepared project descriptions and initial studies, established budgets, identified funding sources and wrote grant applications for a variety of public facilities such as street improvements, sewer reconstruction and rehabilitation and storm water quality improvements. As the City's sewer, storm drain and pavement management system manager, Mr. Serafini developed an expertise in long-term facility maintenance costs and issues.
- **Sunnymead-Edgemont-Moreno Valley Growth Impacts Analysis, Riverside County, Associate Planner.** Conducted one of the first infrastructure cost/financing models of its kind in the state of California for a rapidly developing region of western Riverside County, which later incorporated into Moreno Valley, now the second largest city in Southern California's "Inland Empire". A truly cutting-edge endeavor, this was one of the first post-Prop. 13 attempts to comprehensively quantify the impacts that very rapid land division, home-building and subsequent population influx would have on public services within a largely undeveloped region. This project resulted in the establishment of several specific impact mitigation fee programs designed to address the deficiencies identified in the report.

Additional Public Financing Projects

- Sanitary Sewer Rate Study and Reserve Fund analysis, Winkelman, Arizona
- Impact on public facilities financing from a Growth Control Initiative, City of Sierra Madre, CA
- Sewer Rate and Connection Charge Study, Hayden, Arizona
- Engineer's Report for Fire Protection Assessment District, Cottonwood Fire Protection District, Tehama County, CA

Dino Serafini, P.E.
Project Engineer

- Otay Ranch Village One West and Six Open Space Maintenance Districts, City of Chula Vista;
- City-wide Alley Assessment Districts No. 72A and B, City of Imperial Beach;
- CFD 97-2 Preserve Maintenance District Serial Annexations, City of Chula Vista/County of San Diego
- Public Facility Financing Plans. Infrastructure project delivery thresholds for Otay Ranch Villages One, One West, Two, Six and Seven;
- Park Acquisition and Development Fee Program, City of Chula Vista;
- Facilities Benefit Assessment for Sabre Springs, City of San Diego

Professional Registration

California Registered Civil Engineer, 51164

Sara Allinder, AICP

Senior Planner

Education

Master of City and Regional Planning, California Polytechnic University, San Luis Obispo, CA

B.A., Environmental Sciences and English, University of California at Riverside, Riverside, CA

Experience and Current Responsibilities

As a Senior Planner for PMC Ms. Allinder brings extensive experience as a planner within many jurisdictions throughout the Central Valley, including the cities of Modesto, Ceres, Hughson, Livingston, Fresno, Hanford, Bakersfield and Taft and the counties of Merced and Madera. She has experience in both current and long-range planning, including CEQA compliance. Ms. Allinder specializes in urban land use planning, and has performed such tasks as general plan preparation and amendments, infrastructure master plan review, municipal code revision pertaining to zoning and subdivision regulations, processing of annexation requests, and processing of commercial, industrial, and residential urban development projects through a variety of regulatory agencies. She has also been involved in the preparation of numerous CEQA documents.

Relevant Project Experience

- **City of Livingston, General Plan Update/Environmental Impact Report** – Ms. Allinder is preparing and managing the General Plan Update for the City of Livingston as well as co-managing the preparation of the associated Environmental Impact Report. The General Plan Update process also includes the update of five Master Plans including Roadways, Parks, Storm Water, Water and Wastewater. Ms. Allinder is responsible for providing review and comment of those master plans.
- **Metropolitan Bakersfield, General Plan Update** – Ms. Allinder is the Assistant Project Manager for the Metropolitan Bakersfield General Plan Update. The General Plan Update process is a joint City/County effort and covers approximately 400 square miles within Kern County.
- **City of Taft, General Plan Update** – Ms. Allinder is the Project Manager for the City of Taft General Plan Update. The General Plan Update includes an expansion of the existing Sphere of Influence by over 200 square miles. Duties include management of the PMC Project Team and sub-consultants.
- **City of Livingston, Domestic Wastewater Treatment Plant Expansion Environmental Impact Report** – Ms. Allinder is managing and contributing to the preparation of the Environmental Impact Report (EIR) for expansion of the City of Livingston Domestic Wastewater Treatment Plant. Duties include management of the PMC Project Team and sub-consultants contributing to the EIR.
- **County of Madera, Project Management** – Ms. Allinder is responsible for providing project management services as an extension of county staff for the review of the development entitlements necessary for the Gunner Ranch West Area Plan, encompassing an area of approximately 1,135 acres at the border of Madera and Fresno counties.
- **City of Modesto, Project Management** – Ms. Allinder provides staff support primarily on current planning projects. Duties include project management of various entitlement requests, management of environmental consultants, review of facilities master plans, and presentations to the Planning Commission and City Council. Ms. Allinder also manages PMC staff planners assigned to work in the City of Modesto providing both on- and off-site support.
- **City of Livingston, Staff Support** - Ms. Allinder provides staff support to the City of Livingston in the review of current planning applications by preparing the associated environmental review and analysis on an as needed basis. Ms. Allinder also manages PMC staff planners assigned to work in the City of Livingston providing off-site environmental support.

- **City of Hughson, Staff Support** – Ms. Allinder provides staff support to the City of Hughson in the review of current planning applications including annexations, rezone requests, subdivision maps and Williamson Act Contract cancellations on an as needed basis. Ms. Allinder also manages PMC staff planners assigned to work in the City of Hughson providing off-site support.
- **City of Ceres, Master Plan Reviews** – Ms. Allinder has provided staff support to the City of Ceres in the review of Master Plans, each encompassing approximately 180 acres, including evaluation of proposed design guidelines, policies, and the provision of adequate infrastructure.
- **City of Hanford, Staff Support** – Ms. Allinder has provided staff support to the City of Hanford in the review of current planning applications such as annexations, subdivision maps, site plan reviews and Williamson Act Contract cancellations, including presentation to the Planning Commission and City Council. Ms. Allinder also manages PMC staff planners assigned to work in the City of Hanford both on- and off-site.
- **City of Rio Vista, Application Processing Review and Update** – Ms. Allinder evaluated the existing planning process for the City of Rio Vista and recommended improvements, including revision of applications and application fees.

Previous Experience

- **City of Fresno, Planner III** – Ms. Allinder processed entitlement applications including Site Plan Reviews, Conditional Use Permits, Variances, Rezones, Plan Amendments, and Tract Maps. She trained and supervised incoming staff and provided staff support at neighborhood meetings and citizen advisory committee meetings. Ms. Allinder has experience performing environmental review and analysis. She prepared reports and made presentations to various public bodies including the Planning Commission and City Council. Ms. Allinder processed annexations through the Local Agency Formation Commission (LAFCO) and managed consultants on environmental documents. She also provided front counter support and served as a staff liaison for citizen advisory group responsible for reviewing and making recommendations on various projects within a designated plan area.
- **County of San Luis Obispo, Planner** – Ms. Allinder produced environmental documents including Initial Studies and Negative Declarations and prepared staff reports and Requests for Proposals. She also created Geographical Information System (GIS) databases including archaeological records and mining locations and their status throughout the County of San Luis Obispo.
- **The Planning Center, Environmental Planner** – Ms. Allinder drafted environmental documents including Initial Studies and Environmental Impact Reports. She contributed to General Plan Updates throughout southern California and researched and analyzed data for a range of environmental issues.

Professional Affiliations

American Planning Association

American Institute of Certified Planners

*Ms. Allinder's previous surname was Gerster.

Tammy Seale

Park and City Planner

Education

M.S.P, Urban and Regional Planning, Florida State University, Tallahassee, Florida

B.A., Environmental Conservation, University of Colorado, Boulder, Colorado

Experience and Current Responsibilities

Ms. Seale is a Project Manager in PMC's San Luis Obispo office and offers more than ten years of experience as an environmental and land use planner in California and Florida. Ms. Seale is responsible for the management of environmental analyses, general plan updates, specific plans, park and recreation master plans, and conservation and natural resource planning projects.

Conservation, Open Space and Recreation Planning Experience

- **County of San Luis Obispo, Conservation and Open Space Element Update and EIR.** Ms. Seale is the Project Manager for the County's Conservation and Open Space Element and EIR. The Conservation and Open Space Element is based on the County's Smart Growth planning principles and will consolidate and update existing General Plan elements, including the Conservation, Open Space, and Energy Elements and integrate new issues and policies, such as Green Building, Climate Change, and Smart Growth. Key topics in the Element include water, biological, cultural, air quality, visual, open space, soil, and energy resources. A Program EIR will be prepared in coordination with Conservation and Open Space Element schedule.
- **City of Madera, Parks and Community Services Department, Park and Recreation Master Plan.** Ms. Seale is managing the development of the City's first Park and Recreation Master Plan in coordination with the City's Vision 2025 process and General Plan Update. The Master Plan will include a community needs assessment, implementation plan and capital improvement program.
- **County of Marin Parks and Open Space Department, Marin County Parks and Open Space Comprehensive Strategic Plan.** As Deputy Project Manager for the Marin County Parks and Open Space Comprehensive Strategic Plan, Ms. Seale served as the task lead for the parks and recreation facility inventory and needs assessment for unincorporated Marin County and assisted with the public outreach strategy and public workshop facilitation.
- **Santa Clara Valley Water District, Alviso Slough Restoration Project Advisory Panel.** Ms. Seale is a member of the Recreation Advisory Panel for the Restoration Project (2006-2008). The panel provides technical guidance and peer review of district reports to the water district regarding the development of the project for the benefit of the South Bay.
- **Florida's State Comprehensive Outdoor Recreation Plan (SCORP).** As the State Outdoor Recreation Planner, Ms. Seale created a public outreach and visioning program; coordinated a steering committee through the development of a vision and strategic action plan; researched and analyzed emerging outdoor recreation issues and trends; projected existing and future outdoor recreation demands and needs of residents and tourists; and supervised the update, management and modernization of the Florida Outdoor Recreation Resource and Facility Inventory.
- **Florida's Greenways and Trails Implementation Plan.** As the Florida Park Service representative on the *Connecting Florida's Communities with Greenways and Trails* (the implementation plan for the Florida greenways and trails system) committee, Ms. Seale developed implementation strategies and assessed proposed programs for consistency with the Park Service programs and the State Comprehensive Outdoor Recreation Plan. The Plan was adopted in 1999.

Environmental Planning Experience

- **County of San Luis Obispo, On Call Environmental and Planning Services for Wireless Projects.** Ms. Seale is the Project Manager for on-call wireless permitting to the County.
- **City of Paso Robles, On Call Environmental and Land Use Planning Services.** Ms. Seale manages PMC's team of on-call staff to the City of Paso Robles and provides senior-level land use and environmental planning and permitting services. Recent assignments include General Plan Amendments, Initial Studies/MNDs, and project processing of development plans, tentative tract maps and conditional use permits (including design review) for a commercial retail center, a 119-home Traditional Neighborhood project, a 600-unit motor home resort, and an industrial project.
- **City of Guadalupe, Minami Specific Plan EIR.** Ms. Seale is currently managing the preparation of an EIR for the Minami Specific Plan located in Santa Barbara County, adjacent to the City of Guadalupe. The Specific Plan Area is comprised of approximately 88 acres of agricultural land. Significant issues under evaluation include land use compatibility with adjacent agricultural operations, conversion of prime agricultural land to non-agricultural uses, water supply, wastewater management, geologic hazards, circulation, air quality, and noise.
- **City of Morgan Hill, Addendum to The Institute Golf Course EIR.** Ms. Seale managed and prepared an addendum to a certified EIR for a Planned Unit Development (PUD) amendment. The primary environmental issues associated with the proposed project included aesthetics and visual resources due to a substantial increase in building's height and mass; availability of groundwater, geology and soils, water quality, traffic, and air quality. The City approved the project.
- **Los Osos Community Services District, Los Osos Wastewater Treatment Project.** As a Senior Associate (Contract) to Crawford, Multari & Clark Associates, Ms. Seale provided mitigation monitoring and condition compliance for federal, state, and local government coastal development, land use, and environmental permits.
- **County of San Luis Obispo, Coastal Land Use Planner.** As a staff planner on the coastal team, Ms. Seale processed coastal land use permit applications (Coastal Development permits, minor use permits, and development plans) and conducted CEQA analysis for coastal residential projects.
- **City of Morro Bay, City of Morro Bay Stormwater Management Plan.** As Project Manager for the City of Morro Bay Stormwater Management Plan, Ms. Seale conducted research and analysis of local government stormwater management and NPDES Phase II compliance; identified appropriate best management practices (BMPs), including low-impact development (LID) strategies; and prepared the draft Stormwater Management Plan for submittal and approval of the Planning Commission, City Council and Central Coast Regional Water Quality Control Board.
- **City of Morro Bay, Morro Bay Power Plant Modernization Project.** As Deputy Project Manager assigned to the Duke Energy Morro Bay Power Plant Modernization Project, Ms. Seale coordinated the City's review and participation in the California Energy Commission's power plant siting (CEQA-equivalent) process. Ms. Seale managed all consultant peer reviews of the applicant's technical documents, coordinated with state resource agencies for Endangered Species Act compliance, and assisted the planning director and city attorney with developer agreements.
- **Florida Keys Ecosystem Management Area.** As a Planning Manager for the Florida DEP Office of Ecosystem Management, Ms. Seale coordinated the agency's role in the development and adoption of the *Monroe County Year 2010 Comprehensive Plan*, specifically policies and actions for water quality, wastewater treatment and disposal, threatened and endangered species habitat conservation, and land acquisition. In addition, Ms. Seale participated in the review and adoption of the *Florida Keys National Marine Sanctuary Management Plan and Water Quality Protection Plan*; drafted state regulations related to wastewater management and environmental resource permitting in the Florida Keys; and managed a federal coastal program grant.

Specific Plan Experience

- **City of Marina at Monterey Bay, Downtown Vitalization Specific Plan.** Ms. Seale is currently assisting the City of Marina with its Downtown Vitalization Specific Plan. Project goals are to identify opportunities for mixed-use infill and economic growth, develop public and private realm design guidelines and development standards consistent with the City's Downtown Vision Plan, provide connectivity for the public realm, and provide a "road diet" for Reservation Road.
- **Monterey Salinas Transit/VBN Architects, Marina Transit Center Specific Plan.** PMC, teamed with VBN Architects, prepared a Specific Plan in support of a new Monterey Salinas Transit (MST) depot and mixed use development in the City of Marina's urban core. As part of the PMC team, Ms. Seale developed the transit-oriented development (TOD) planning principles and development regulations for the specific plan area on an accelerated schedule. The Specific Plan establishes a transit-oriented planning framework consistent with the City's General Plan and Downtown Vision Plan.
- **City of San Luis Obispo/MBA Planning Group, Orcutt Area Specific Plan.** Ms. Seale was retained by the project applicant to assist with policy revisions, development standards, and design guidelines that incorporate Green Design and the City's recently adopted Conservation and Open Space Element. The OASP encompasses 230 acres southeast of the City of San Luis Obispo and provides for the development of approximately 900 residential units, a neighborhood commercial area, public parks and an elementary school in a compact manner that maximize the protection of open space and natural resources and connectivity.

Professional Affiliations and Community Service

American Planning Association

California Association of Environmental Professionals

4. DESCRIPTION OF ANALYSIS

DESCRIPTION OF ANALYSIS

As a result of widespread imposition of public facilities fees, the State Legislature passed the Mitigation Fee Act, starting with Assembly Bill 1600 in 1988. The Act, contained in California Government Code Section 66000 et seq., established ground rules for the imposition and ongoing administration of impact fee programs. The Act became law in January 1989 and requires local governments to document the following when adopting an impact fee:

- 1) Identify the purpose of the fee;
- 2) Identify the use of fee revenues;
- 3) Determine a reasonable relationship between the fee's use and the type of development paying the fee;
- 4) Determine a reasonable relationship between the need for the fee and the type of development paying the fee; and
- 5) Determine a reasonable relationship between the amount of the fee and the cost of the facility attributable to development paying the fee.

In general, the fee cannot be more than the cost of the public facility needed to accommodate the development paying the fee, and fee revenues can only be used for their intended purposes. "Public facilities" that can be funded pursuant to AB1600 include "public improvements, public services, and community amenities," but otherwise the term is not limited by statute or case law as of yet. However, GC section 65913.8 narrows the permissible range of uses that can be funded by fees. Fees imposed as a condition of approval for a public capital facility improvement cannot be used for maintenance or services. Together, these provisions (sections 66000(d) and 65913.8) limit the use of most fees to public capital improvements. The Act also has specific accounting and reporting requirements annually and every five years for the use of fee revenues.

Each facility category identified for study in the RFP will be presented in its own chapter and organized using the following sections to clearly document the requirements of the Mitigation Fee Act discussed above:

- The chapter will begin with a statement identifying the purpose of the fee by stating the types of facilities that would be funded.
- The Existing Facilities Inventory section summarizes the investment of existing development in this type of facility to date.
- The Service Population section defines what type of development requires this type of facility, whether (1) only residents, or (2) residents and businesses (measured by employment). It also projects the service population growth anticipated to occur over the planning horizon.
- The Facility Standards and Unit Costs section establishes a reasonable relationship between the need for the fee and the type of development paying the fee. This section also estimates the cost per capita for facilities to accommodate growth.
- The Facility Costs to Accommodate Growth section establishes a reasonable relationship between the use of fee revenues and the type of development paying the fee. This section estimates the total facilities costs associated with new development over the planning horizon, equal to the revenues that would be collected through the impact fee.

DESCRIPTION OF ANALYSIS

- The Fee Schedule section establishes a reasonable relationship between the amount of the fee and the cost of the facility attributable to development paying the fee. Using a common factor for facility costs per capita, the schedule ensures that each development project pays its fair share of total facility costs.

By policy, the City can adopt its own reasonable facility standard to reduce, maintain, or increase the existing facility standard. However, basing an impact fee on a standard that is higher than the existing standard is only fair to new development if the City uses alternative funds to expand existing facilities to the same standard for existing development. This extra funding is needed to correct the "existing deficiency".

This study may consider four approaches for establishing facility standards.

- The existing inventory method uses a standard based on the ratio of existing facilities to the current service population. Under this approach, new development funds the expansion of facilities at the same standard currently serving existing development. By definition, this approach results in no facility deficiencies attributable to existing development.
- The master plan method establishes the standard based on the ratio of all existing plus planned facilities to total future demand (current and future development). This method is used when the local agency anticipates increasing its facility standards above the existing inventory standard and planned facilities are part of a system that benefit both existing and new development.
- The excess capacity method determines the standard based upon the ratio of existing facilities to the current and future service population. This approach is used where the facilities have been sized to accommodate the current population as well as the future population. Use of this approach does not result in additional facilities being built. Instead, fees are collected from new development to reimburse the City its costs for having constructed a facility with excess capacity sufficient to serve new development. The City is responsible for funding the share related to the existing service population.
- The adopted standard approach is based upon standards adopted by the City and/or standard engineering or planning criteria. For the traffic component, the standard is, for example, to maintain a level of service of "C" for all roadway segments/intersections. Any costs related to existing deficiencies are not passed on to new development.

Use of these standards is not meant to label them as City policy. Indeed, many jurisdictions consider their existing standards to be deficient compared to their policy objectives.

Throughout the analysis, PMC will be prepared to adjust our scope of work, within the constraints of the contractual agreement, to account for possible changes in facility categories and to adjust our fee methodology to account for local variations and conditions with respect to public facilities and improvements.

5. WORKPLAN

WORKPLAN

The City is requesting the services of a consultant to conduct an update of the Capital Facilities Fee Program in accordance with the Mitigation Fee Act as contained in Government Code Section 66000 et seq. and based on the City's General Plan and standards. Once the fee update is completed, it will be presented to City Council for consideration.

The PMC Team will carryout the following tasks in the conduct of our services on this project:

TASK 1: KICK OFF MEETING/DATA COLLECTION.

PMC will conduct a kick-off meeting with City staff to make any refinements to the scope of work, schedule, and assignments. PMC will begin the data gathering process by providing the City with an advance list of documents and data that will be required by the consulting team. PMC will work with City departments to collect all available data and assist in developing additional data that may be required to fully support the fees. In some cases where the City may lack adequate and current master plans, PMC may need to suggest that the City develop preliminary information in support of interim fees until such plans are prepared and approved by the City.

TASK 2: IDENTIFY AND DESCRIBE ELIGIBLE FACILITIES.

PMC will use reports and other documents and information collected in Task 1 to thoroughly understand the facilities to be included in the study. At a minimum, the facility categories to be studied include those identified in the RFP as follows:

- Municipal Facilities (police, fire, government buildings, administration, and planning)
- City-wide Services (streets, drainage, water and sewer)
- Parks In-Lieu Facilities (park land, etc.)

(Throughout the analysis, PMC will be prepared to adjust our scope of work, within the constraints of the contractual agreement, to account for possible changes in facility categories and to adjust our fee methodology to account for local variations and conditions with respect to public facilities and improvements.)

TASK 3: IDENTIFY FUTURE DEVELOPMENT BY LAND USE CATEGORY

PMC will identify assumptions to be used in the calculation of future land uses that create the demand for future public facilities and improvements. PMC will begin with the land uses such as single family, multi-family, industrial, office, and retail contained in the current General Plan and other supporting documents. PMC will identify specific land use types and allocate costs in a rough proportionality to the impacts arising from each land use category.

TASK 4: COMPILE AND DETERMINE EXISTING DEFICIENCIES

In accordance with the Mitigation Fee Act, local governments must determine and calculate facility deficiencies that cannot be passed on to future development in the form of a fee. PMC will gather information on current facilities and services and use this information to guide the identification and calculation of current deficiencies.

WORKPLAN

TASK 5: DEVELOP COST ESTIMATES FOR ELIGIBLE IMPROVEMENTS

PMC will prepare conceptual/planning-level cost estimates of all eligible improvements that are to be included in the fee program. For streets, the estimates will include right-of-way acquisition, design, and construction. For some projects, credits arising from developer construction may need to be capitalized into the improvement costs. PMC will base cost estimates on local unit costs, where available, or other industry costs from PMC's library of sources. PMC engineers will oversee and conduct the cost estimating.

TASK 6: CONDUCT AN IMPACT FEE COMPARISON

PMC will prepare a matrix of impact fees in surrounding and/or comparable jurisdictions to ensure reasonableness, consistency, and feasibility of fees recommended in the PMC study. City staff will assist in the selection of comparable jurisdictions.

TASK 7: CONDUCT NEXUS ANALYSIS

PMC will prepare the fee methodology for each facility category in conformance with Government Code 66000 et seq. that requires local governments to document the following when adopting an impact fee:

- 1) Identify the purpose of the fee;
- 2) Identify the use of fee revenues;
- 3) Determine a reasonable relationship between the fee's use and the type of development paying the fee;
- 4) Determine a reasonable relationship between the need for the fee and the type of development paying the fee; and
- 5) Determine a reasonable relationship between the amount of the fee and the cost of the facility attributable to development paying the fee.

TASK 8: PREPARE AND SUBMIT DRAFT NEXUS REPORT

PMC will prepare a draft report and submit five (5) copies to City staff for review. PMC will present and discuss the report's findings including all calculations and fee study methodologies with City staff. We will assist City staff and City Attorney's office with drafting the legal documents necessary to adopt the fees including the fee ordinance and/or resolution. We will also assist in the preparation of the staff report and recommendations.

TASK 9: PRESENT REPORT TO KEY STAKEHOLDERS

PMC will present the report and findings at up to two (2) briefing meetings with the development community and other stakeholders to be identified.

TASK 10: PREPARE AND PRESENT FINAL NEXUS REPORT

PMC will prepare and present ten (10) copies of the final report to the City Manager's Office and the City Council in a series of up to two (2) public meetings addressing all aspects of the report including comments raised by stakeholders.

6. COST PROPOSAL

COST PROPOSAL

Cost Proposal
City of Newman
Capital Facilities Fee Program Update
PMC

TASK	Tom Bandy	Dino Serafini, P.E.	Sara Allinder	Tammy Seale	Task Hours	Task Cost
	Project Manager \$145.00	Project Engineer \$125.00	Sr. Planner \$125.00	Park Planner \$110.00		
Task 1 – Kick-off Meeting/Data Collection	12	24	4		40	\$5,240.00
Task 2 – ID and Describe Eligible Facilities	12	40		6	58	\$7,400.00
Task 3 – ID Future Development by Land Use Category	2	6	8		16	\$2,040.00
Task 4 – Compile Existing Deficiencies	2	16			18	\$2,290.00
Task 5 – Develop cost estimates for eligible improvements	4	24		2	30	\$3,800.00
Task 6 – Conduct Impact Fee Comparison	2	6			8	\$1,040.00
Task 7 – Conduct Nexus Analysis	10	22			32	\$4,200.00
Task 8 – Prepare and submit DRAFT Nexus Report	12	32		2	46	\$5,960.00
Task 9 – Present Report to Key Stakeholders	12	14			26	\$3,490.00
Task 10 – Prepare and present FINAL Nexus Report	16	16			32	\$4,320.00
Subtotal (Hours)	84	200	12	10	306	
Subtotal (Cost)	\$12,180	\$25,000	\$1,500	\$1,100		\$39,780.00
Total Cost Proposal						\$39,780.00

7. EXPERIENCE SUMMARY

EXPERIENCE SUMMARY

SIMILAR STUDIES AND REFERENCES

IMPACT FEE STUDY AND ANNUAL UPDATES

SOLANO COUNTY

PMC prepare these studies to assure that the county is collecting new development's fair share of the facility costs. The five year contract includes annual updates and adjustments to keep the fees in line with escalating construction costs. The final study was presented to the Board of Supervisors in May 2007 and the recommended fees were unanimously adopted.

Reference: Mr. Jim Fiack, Senior Management Analyst
Solano County Administrator's Office
675 Texas St. Suite 6500
Fairfield, CA 94533-6342
(707) 784-1969

PUBLIC FACILITIES FEE UPDATE

CITY OF STOCKTON

PMC, with Tom Bandy as Project Manager, was retained in early 2008 to update PFF fees for public facilities and parks in the city of Stockton. The scope of work included an assessment of facilities against city standards. The fees will help pay for eligible facilities and equipment needed to support future development. The project is anticipated to be concluded in early 2009.

Reference: Mr. Joseph Maestretti, Program Manager III
City of Stockton
425 N. El Dorado Street
Stockton, CA 95202
(209) 937-7999

PUBLIC FACILITIES FEE STUDY

CITY OF CERES

PMC, with Tom Bandy as Project Manager and Dino Serafini as Project Engineer, was selected to update existing fees and to create new fees for police and fire facilities, municipal facilities (city hall and corporation yard), water and wastewater, parks and recreation, community facilities (library, community center, museum, American Legion Hall), transportation, drainage, and information technology. The purpose of the study was to determine if the fees are accurately reflecting the demand placed on the city's infrastructure by new development. The final report and resolution were successfully adopted by the City Council on November 24, 2008.

Reference: Mr. Kenneth Craig, Director of Community Development
City of Ceres
2720 Second Street
Ceres, CA 95307
(209) 538-5776

EXPERIENCE SUMMARY

IMPACT FEE METHODOLOGY STUDY CITY OF SAN DIEGO

PMC, with Tom Bandy as Project Manager, was selected to analyze the city's development impact fees for transportation, parks, libraries, and fire services. The fees are calculated separately within 28 urbanized neighborhoods. The purpose of the study was to determine if the fees are accurately reflecting the demand placed on the city's infrastructure by new development. The final 100-page report was submitted in March 2006.

Reference: Ms. Charlene Gabriel, Facilities Financing Division, Dept. of Planning
City of San Diego, 1010 Second Avenue, Suite 600
San Diego, CA 92101
(619) 533-3686

COUNTY OF SAN DIEGO TRANSPORTATION IMPACT FEE (TIF) UPDATE

PMC, with Tom Bandy as Project Manager, was recently selected together with Wilson & Co. to update the County's TIF Fee to incorporate suggested General Plan 2020 land uses as well as additional projects including selected intersections and freeway ramps/interchanges within Caltrans and/or County jurisdiction. The project also looks at ways to streamline administration of TIF implementation. The TIF report is scheduled to be presented to the Board of Supervisors on January 30, 2008.

Reference: Mr. Richard E. Crompton, Assistant Director of Public Works
County of San Diego, 5201 Ruffin Road, Suite D
San Diego, CA 92123
(858) 694-2125

SAND REPLACEMENT AND LAND LEASE FEE STUDY CITY OF SOLANA BEACH

PMC, with Tom Bandy as Project Manager, was selected in July 2008 to create the state's first mitigation fees of this type to mitigate the impacts of bluff retention structures on public lands to protect private property. The fees will be collected by the City and will be used to reduce potential effects of bluff retention devices on sand supply and public recreation. The final report is anticipated in Spring 2009.

Reference: Ms. Leslea Meyerhoff, Project Coordinator
City of Solana Beach, 635 S. Highway 101
Solana Beach, CA 92075
(858) 720-2496

EXPERIENCE SUMMARY

CITY OF CHULA VISTA

TRANSPORTATION DIF FEE UPDATE AND DEVELOPER TDIF CREDIT ANALYSIS

Tom Bandy prepared a nexus report addressing transportation projects in one of the fastest growing cities in California. The study identified approximately \$185 million in backbone street costs impacted as the result of planned growth. The resulting fee increased from \$6,240 to \$8,180 per single-family dwelling unit. Tom also was retained on a three-year contract to analyze and administer developer credits arising from developer construction of eligible impact fee projects.

Reference: Tom Adler, Assistant City Engineer
City of Chula Vista, 276 4th Avenue
Chula Vista, CA 91910
(619) 409-5483

TRANSIT IMPACT FEE

CITY OF PASADENA

PMC, with Tom Bandy as Lead Consultant, was selected to undertake this study to determine the fair share cost attributable to residential development for the purpose of reducing vehicular trips in favor of increased use of public transit. The new fee was adopted by the City Council following public input and discussion.

Reference: Mr. Mark Yamarone
City of Pasadena
221 E. Walnut Ave., Room 210
Pasadena, CA 91101
(626) 744-7474

IMPACT FEE UPDATE

CITY OF FOLSOM

PMC, with Tom Bandy as Project Manager, was retained in early 2008 to create fees for fire facilities, parks, and bike lane improvements in the city of Folsom. The fees will help pay for eligible facilities and equipment needed to support future development. The project is anticipated to be concluded in early 2009.

Reference: Ms. Terri Hemley, Budget and Evaluation Manager
City of Folsom
50 Natoma Street
Folsom, CA 95630
(916) 355-8301

UKIAH VALLEY FIRE DISTRICT IMPACT FEE STUDY

MENDOCINO COUNTY

PMC, with Tom Bandy as Project Manager, was recently retained to create a fire impact fee for this special district in Mendocino County. The fee will help pay for fire facilities and equipment needed to support future development. The project was finalized in late 2008 with adoption of the fees by the District.

EXPERIENCE SUMMARY

IMPACT FEE STUDY PLUMAS COUNTY

PMC, with Tom Bandy as Project Manager, was selected to create the county's first impact fees on new development. The study involved identifying those facilities and services that could be eligible for funding, generating cost estimates for such facilities, identifying land uses to be permitted over the planning horizon, and preparing a nexus report. The report was presented to stakeholder groups and adopted by the Board of Supervisors in August 2006.

IMPACT FEE STUDY CITY OF LEMON GROVE

PMC prepared an impact fee nexus study for the following facilities: parks and recreation, roads and drainage, public safety, library, municipal facilities and equipment, sanitation, general plan update, and mapping. The study was completed and presented to the City Council in the summer 2007.

IMPACT FEE STUDY CITY OF IONE

PMC, with Tom Bandy as Project Manager, developed a series of impact fees for funding new capital infrastructure including fire and police services, park improvements, and city hall facilities calculated through 2020.

TRAFFIC FEE UPDATE CITY OF SALINAS

As Project Manager for this multi-disciplinary study, Tom Bandy managed the analysis of the build out circulation element streets and developed cost estimates for their construction. This involved an additional study of six interchanges with Highway 101. A report was prepared identifying each improvement location, sizing, and cost. The report updating traffic fees and findings was presented in a series of public workshops and meetings.

PUBLIC FACILITIES FEE UPDATE CITY OF SAN MARCOS

Tom Bandy prepared a nexus study for the funding of circulation streets, five freeway interchanges, drainage, improvements, NPDES facilities, GIS, parks, and habitat conservation. The fees were presented at three public workshops and subsequently adopted by the City Council at a Public Hearing.

PUBLIC FACILITIES FEE UPDATE CITY OF NOVATO

Tom Bandy prepared an AB1600 nexus study for the funding of circulation streets, drainage, improvements, NPDES facilities, parks, and open space. The fees were presented at two public workshops prior to being adopted by the City Council at a Public Hearing.

EXPERIENCE SUMMARY

CAPITAL INVESTMENT EQUALIZATION FEE SAFCA

For the Sacramento Area Flood Control Agency (SAFCA), Tom Bandy created an impact fee payable by all new development within a 100-year flood plan to assist in the funding of a system of flood control improvements on the Sacramento and American Rivers. The Capital Investment Equalization Fee, payable at building permit issuance, represented approximately 60 percent of the amount of a benefit assessment which would have been paid if the property was developed at the time the system of flood control improvements were constructed.

COMMUTER RAIL STATION FEE STUDY CITY OF TUSTIN

This study calculated an impact fee on all future development within a seven-mile benefit radius surrounding the new station. The fee is part of a funding program that includes transit sales tax revenue (Measure M), grants, and local matching funds. It was expected that the fee would be adopted by the Cities of Tustin and Irvine and the County of Orange.

8. ADDITIONAL DATA

ADDITIONAL DATA

PMC has reviewed the RFP and accepts the City's Standard Agreement format as provided in Attachment A, except as outlined below. PMC is more than willing to discuss any of concern to the City, and can provide further explanation if needed.

Section 3 (Compensation); PMC requests removal of the 10% retention requirement.

Section 5 (Performance by Key Employee); PMC requests modification of the last sentence to: "Consultant therefore agrees that the above-named person will devote the amount of time necessary to the project to ensure progress in accordance with this Agreement."

Section 6 (Ownership of Documents/Title to Data); PMC requests the addition of the following sentence in this section: "Consultant shall not be held liable for any reuse of the City-owned documents for purposes outside this Agreement."

Section 10 (Independent Contractor); PMC requests the addition of a new subsection regarding its employees to this section of the Agreement: "City agrees that the City shall not, during the term of this Agreement, nor for a period of one year after termination, solicit for employment, hire or retain, whether as an employee or independent contractor, any person who is or has been employed by Consultant. Should the City desire to hire Consultant's employee, the City agrees to pay Consultant equitable compensation for the loss of said employee." Additionally, PMC requests modification of the last sentence in this section to read: "As an independent contractor, to the extent City complies with this section of the Agreement, then Consultant hereby indemnifies"

Section 14 (Insurance Requirements) Global Change Throughout Insurance Section - PMC requests insertion of the word "designated" in front of the word "volunteers" throughout this section.

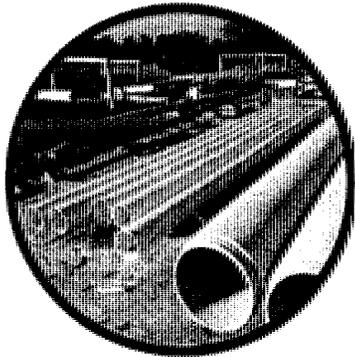
First Paragraph; PMC requests removal of the phrases "or material change" and "certified; return receipt requested" In the second sentence. Limits: PMC's Automobile and Professional liability limits differ from the requirements in this section as follows: Auto limits of \$1,000,000 per accident combined single limit: P. L. limits of \$1,000,000 per claim/\$3,000,000 aggregate. We request the City's acceptance of these differences.

Section 17 (Indemnity); PMC requests the insertion of the word "designated" in front of the word "volunteers" and modification of the phrase "arising directly or indirectly out of" to the phrase "to the extent caused by" and the addition of a mutual or mirror provision.

Section 24 (Compliance with Laws); PMC requests modification of the second sentence in this section to read: "Consultant shall make every reasonable effort to fully comply with all applicable federal,"

PRESENTATION TO

CITY OF
NEWMAN



UPDATE OF THE
CAPITAL FACILITIES
FEE PROGRAM

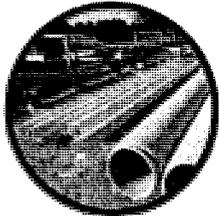
FEBRUARY 19, 2009

PMC

Today's Presentation



- About PMC



- Our Team
- Relevant Experience

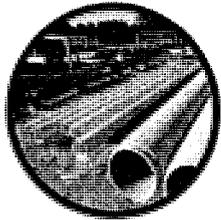


- Project Understanding and Approach
- Schedule



- Advantages of PMC Team

About PMC



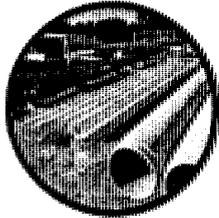
- Established in 1995
- Provides planning, environmental, municipal finance and public outreach services to local governments
- 220 employees in 10 offices



Our Core Team



- Tom Bandy, Project Manager



- Dino Serafini, P.E., Project Engineer



- Sara Allinder, Sr. Planner



- Tammy Seale, Park Planner

Key PMC Impact Fee Experience



- San Diego County TIF Update
- Solano County DIF Study



- City of San Diego DIF
- City of Stockton PFF Update



- City of Folsom DIF Update
- City of Ceres DIF Study

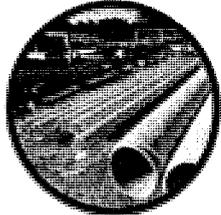


- Metro Bakersfield PFF Study

Update Capital Facilities Fees



- Municipal Facilities
 - Police & Fire
 - Government buildings
 - Administration
 - Planning



- City-Wide Services
 - Streets
 - Drainage
 - Water
 - Wastewater



- Park Facilities
 - Park land

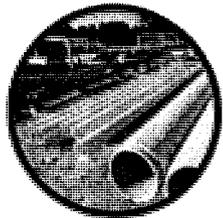


- Other facility categories

Scope of Work



1. Kick off meeting/data collection
2. ID and describe facilities and standards



3. ID future development
4. ID and calc existing deficiencies

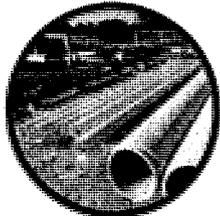


5. Cost estimates
6. Fee comparisons
7. Nexus analysis



8. DRAFT nexus report
9. Present to key stakeholders
10. Prepare & present FINAL report

Schedule



	March	April	May	June	July	August
Task 1: Kick-off Meeting/Data Collection	█	█				
Task 2: Identify and Describe Eligible Facilities		█	█			
Task 3: Identify Future Development by Land Use Category		█	█			
Task 4: Compile and Determine Existing Deficiencies			█	█		
Task 5: Develop Cost Estimates for Eligible Improvements			█	█		
Task 6: Conduct an Impact Fee Comparison		█	█			
Task 7: Conduct Nexus Analysis			█	█		
Task 8: Prepare and Submit Draft Nexus Report				█	█	
Task 9: Present Report to Key Stakeholders					█	█
Task 10: Prepare and Present Final Nexus Report						█
Meetings (6)	★		★		★	★

Advantages of the PMC Team



- Extensive related experience



- Public agency focus



- Senior staff involvement

- PMC extended brain trust

- Solid service reputation



- Committed to successful outcome

RESOLUTION NO. 2009-

A RESOLUTION AWARDING A CONTRACT FOR CFF UPDATE SERVICES

WHEREAS, the City of Newman is desirous of updating its Capital Facilities Fee Program; and

WHEREAS, the City of Newman has solicited for and received the following proposals:

Contractor	Proposed Cost
Goodwin Consulting Group	\$24,500.00
PMC	\$39,780.00
Willdan Financial Services	\$42,420.00
Bay Area Economics	\$89,250.00
Harris & Associates	\$99,720.00

WHEREAS, PMC offered the lowest qualified proposal in the amount of \$39,780.00; and

WHEREAS, funds for the project are available through the Public Facility Impact Fee fund; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that PMC who offered the most desirable proposal be awarded the bid for updating the Capital Facilities Fee Program in the amount of \$39,780.00 and not to exceed \$45,000.00.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 24th 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

ATTEST:

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: 10.b.
City Council Meeting
of March 24, 2009

AWARD BID FOR PIONEER PARK REHABILITATION PROJECT PHASE II

RECOMMENDATION:

1. Adopt Resolution 2009- , awarding bid for the Phase II of the Pioneer Park Rehabilitation Project.

BACKGROUND:

The Community Development Department advertised for bids for the second phase of the Pioneer Park Rehabilitation Project in both the Modesto Bee and West Side Index on Thursday March 5, 2009; a pre-bid conference was held on Monday March 16, 2009 at 1:00pm.

The solicited services included the demolition, design and build-out of the existing Pioneer Park BBQ pit area; antiquated picnic shelter, concrete slab, concrete walkway, electrical outlets and lighting. All lighting is to be on a metered system with a lock box to ensure controlled use. The new picnic shelter cannot exceed 3,072 square feet per mandated CDBG requirements. The work includes but is not limited to designing project plans, build-out of said plans including furnishing and installing necessary equipment in accordance with the project plans and necessities.

Staff has requested that all bidders submit the following in their bids:

1. The Picnic Shelter shall be a rectangular "Icon Shelter System" (or approved equivalent), with the color scheme and design to be same as the existing picnic shelter at William Rae Sherman Park.
2. All concrete finishes shall be a light broom finish and drain evenly away from the center.
3. Electrical work shall consist of exterior perimeter area lighting, exterior area lighting under the shelter with electrical outlets on each post.
4. (*Alternate*) Furnish and Install ten anchored-in 10' Picnic Tables, manufacturer – Wabash Valley, Model – SG120D Signature or equivalent

ANALYSIS:

Five potential bidders attended the pre-bid conference and the City has been contacted by the local Builders Exchange regarding the project. As of this date, no bids have been received. The Bid Opening is scheduled for Monday March 23, 2009 at 2:00pm; a complete list of opened bids will be provided to Council during the meeting. The project Contractor will be recommended based on bid amount and proposed design presented in his/her/their bid.

FISCAL IMPACT:

Amount shall be presented at council. CDBG allocated amount for project shall be disclosed subsequent to the bid opening.

CONCLUSION:

Staff recommends that the Council award the bid to the bidder who best fits the qualifications set forth above.

ATTACHMENTS:

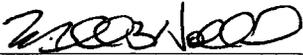
1. Exhibit A – Notice To Contractors
2. Exhibit B – Pre-Bid Conference Sign-in sheet
3. Exhibit C – Bid Notice Addendums #1-3
4. Exhibit D - Draft Resolution 2009-

Respectfully submitted,

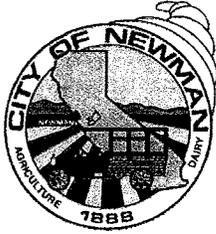


Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR:



Michael Holland
City Manager



City of Newman

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COMMUNITY DEVELOPMENT DEPARTMENT

NOTICE TO CONTRACTORS

Sealed proposals for Design/Build of: PIONEER PARK REHABILITATION PROJECT – PHASE II will be received at City of Newman City Hall, 1162 Main Street/P.O. Box 787, Newman, CA, 95360 until **2:00 PM on Monday March 23, 2009** at which time they will be publicly opened and read.

A pre-bid conference will be held at the job site, 1358 R Street, Newman, CA 95360 on: Monday March 16, 2009 at 1:00pm.

General work description: Design/Build for the demolition of the existing BBQ pit area; removal and replacement of antiquated picnic shelter, concrete slab, concrete walkway, electrical outlets and lighting (proposed lighting must be on a metered system to ensure controlled use) for Pioneer Park located on the 1300th block of R Street in Newman, California (1358 "R" Street).

Currently, the existing picnic structure measures 2,560 square feet (40' x 64'), the concrete slab and walkway measure 2,860 and 135 square feet respectively. Per mandated requirements, the replacement picnic shelter cannot exceed 3,072 square feet.

The work includes but is not limited to designing project plans, build-out of said plans including furnishing and installing necessary equipment in accordance with the project plans and necessities.

Questions should be directed to the City of Newman Community Development Department at: (209) 862-3725.

Bids are required for the entire work described herein.

The contractor shall possess either a Class A or B license at the time this contract is awarded.

A 10% Bid Bond is required.

The successful bidder shall furnish a payment bond and a performance bond.

The Code of Federal Regulations Title 40 Part 31.36(e), "Procurement," requires the Recipient and Prime Contractor to take all necessary affirmative steps to assure that minority-owned and women-owned businesses are afforded contracting opportunities. **This requirement applies to all contracts, subcontracts and procurements for services (including Engineering and legal), supplies equipment, and construction.** The goal is to make MBE/WBE firms aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. To achieve this goal, the following affirmative steps, otherwise known as "Good Faith Efforts," must be followed:

1. Include qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Ensure that small and minority and women's businesses are solicited whenever they are potential sources of products or services to be bid;
3. Divide total requirements, when economically feasible, into small tasks or quantities to permit maximum participation by small and minority and women's businesses (i.e. provide alternative bidding scenarios);
4. Establish delivery schedules to encourage participation by small and minority and women businesses (i.e. timing and flexibility);
5. Use the services and assistance of the Small Business Administration, and the Minority Business Development Agency, U.S. Department of Commerce; and
6. Require the Prime Contractor to take affirmative steps as outlined in items one through five above to subcontract with small and minority and women's businesses, if they award subcontracts.

"Good Faith Effort" Compliance Documentation

The Contract Recipient and Prime Contractors must provide documentation to support a "good faith" effort in the solicitation of MBE and WBE firms only. A Prime Contractor is a business concern that enters into written agreement directly with the Recipient and includes agreements to provide services (engineering and legal), supplies, equipment and construction. The submission of documentation to support a "good faith" effort in the solicitation of Small Business Enterprise is not required; however, the Recipient and Prime Contractors must maintain this documentation in their files for possible future reference. Documentation may include the following:

1. Copies of announcements/postings in newspapers or other media for specific contracting/subcontracting opportunities. Include language in announcements/postings that MBE/WBE firms are encouraged to bid.
2. Copies of announcements/postings of contracting/subcontracting opportunities in trade publications or minority media that target MBE and/or WBE firms.

3. Documentation of sources used to identify potential MBE/WBE firms.
4. Documentation of contacts with MBE/WBE firms, including the firm name, address, telephone number dates of phone calls, letters and the contract results.
5. Copies of direct solicitation letters sent to all MBE/WBE firms.
6. Copies of the MBE/WBE certification documentation for ALL proposed prime and subcontractor MBE/WBE firms.
7. Documentation showing Prime Contractor has made the six good faith efforts to seek qualified MBE/WBE subcontracts - to the extent they use subcontractors.

This contract is subject to state contract nondiscrimination and compliance requirements pursuant to Government Code, Section 12990.

This project has a goal of 7% disadvantaged business enterprise (DBE) participation.

The CITY OF NEWMAN hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement; disadvantaged business enterprise will be afforded full opportunity to submit bids in response to this invitation.

Pursuant to Section 1773 of the Labor Code, the general prevailing wage rates in the county, or counties, in which the work is to be done have been determined by the Director of California Department of Industrial Relations. These wages are set forth in the General Prevailing Wage Rates for this project available from the California Department of Industrial Relations' internet web site at http://www.dir.ca.gov/DLSR/statistics_research.html. The Federal minimum wage rates for this project as predetermined from the United States Secretary of Labor are available on the Internet at <http://www.dol.gov/hq/LocalPrograms/fedwages.html>. Future effective general prevailing wage rates, which have been predetermined and are on file with the California Department of Industrial Relations are referenced but not printed in the general prevailing wage rates.

Attention is directed to the Federal minimum wage rate requirements in the books entitled "Proposal and Contract". If there is a difference between the minimum wage rates predetermined by the Secretary of Labor and the general prevailing wage rates determined by the Director of the California Department of Industrial Relations for similar classifications of labor, the contractor and subcontractors shall pay not less than the higher wage rate. The Department will not accept lower State wage rate not specifically included in the Federal minimum wage determinations. This includes "helper" (or other classifications based on hours of experience) or any other classification not appearing in the Federal wage determinations. Where Federal wage determination do not contain the State wage rate determination otherwise available for use by the Contractor and subcontractors, the Contractor and subcontractors shall pay not less than the minimum wage rate which most closely approximates the duties of the employees in question.

Section 1352, Title 31, United States code prohibits federal Funds from being expended by the recipient or any lower tier subrecipient of a federal-aid contract to pay for any person for influencing or attempting to influence a federal agency or Congress in connection with the awarding of any Federal-aid contract, the making of any Federal grant or loan, or the entering into any cooperative agreement. If any funds other than Federal funds have been paid for the same purposes in connection with this Federal-aid contract, the recipient shall submit an executed certification and, if required, submit a completed disclosure form as part of the bid documents.

The contractor shall comply with Chapter 5 of Division 4 of Title 2, California Code of Regulations – Requirements for Nondiscrimination Program.

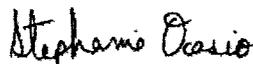
The Contractor shall provide for the safety of the public during construction as per City requirements.

Should the contractor encounter materials in which he/she reasonably believes to be asbestos or a hazardous substance as defined in Section 25914.1 of the Health and Safety Code, and the asbestos or hazardous substance has not been rendered harmless, the contractor may continue work in unaffected areas reasonably believed to be safe. The contractor shall immediately cease work in the affected area and report the condition in writing. In conformance with Section 25914.1 of the Health and Safety Code, removal of asbestos or hazardous substances including exploratory work to identify and determine the extent of the asbestos or hazardous substance will be performed by separate contract.

Contractor agrees for the duration of this contract that it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, age, political affiliation, marital status or handicap.

The City of Newman reserves the right to award the contract, to reject any and all bids, to waive informalities and to reject non-conforming, non-responsive or conditional bids.

CITY OF NEWMAN



STEPHANIE OCASIO
Assistant Planner

DATED: February 27, 2009

PUBLISHED: Modesto Bee – Thursday, March 5, 2009
Westside Index – Thursday, March 5, 2009



City of Newman

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PIONEER PARK REHABILITATION PROJECT PHASE II

(Design Build)

ADDENDUM #1

Bids due no later than **Monday March 23, 2009 at 2:00 pm**

Project completion date **Thursday April 30, 2009**

Weekly billing required during project construction

Final invoicing due no later than Monday May 4, 2009 at 1:00pm

Design shall be wet stamped by a licensed California Civil Engineer and subject to approval of the City of Newman Building Department

Deadline for bid/project question(s) submittal is **Wednesday March 18, 2009 at 3:00pm.**

General Work Description

Demolition:

Existing BBQ pit area, existing picnic shelter, concrete slab, concrete walkway, and miscellaneous electrical

Construction:

Approximately 40' x 64' picnic shelter, new concrete slab (approximately 2,860 sf), new concrete walkway (approximately 135 sf), and miscellaneous electrical outlets and lighting

The Picnic Shelter shall be a rectangular "Icon Shelter System" (or approved equivalent), with the color scheme and design to be same as the existing picnic shelter at William Rae Sherman Park - see attached photograph.

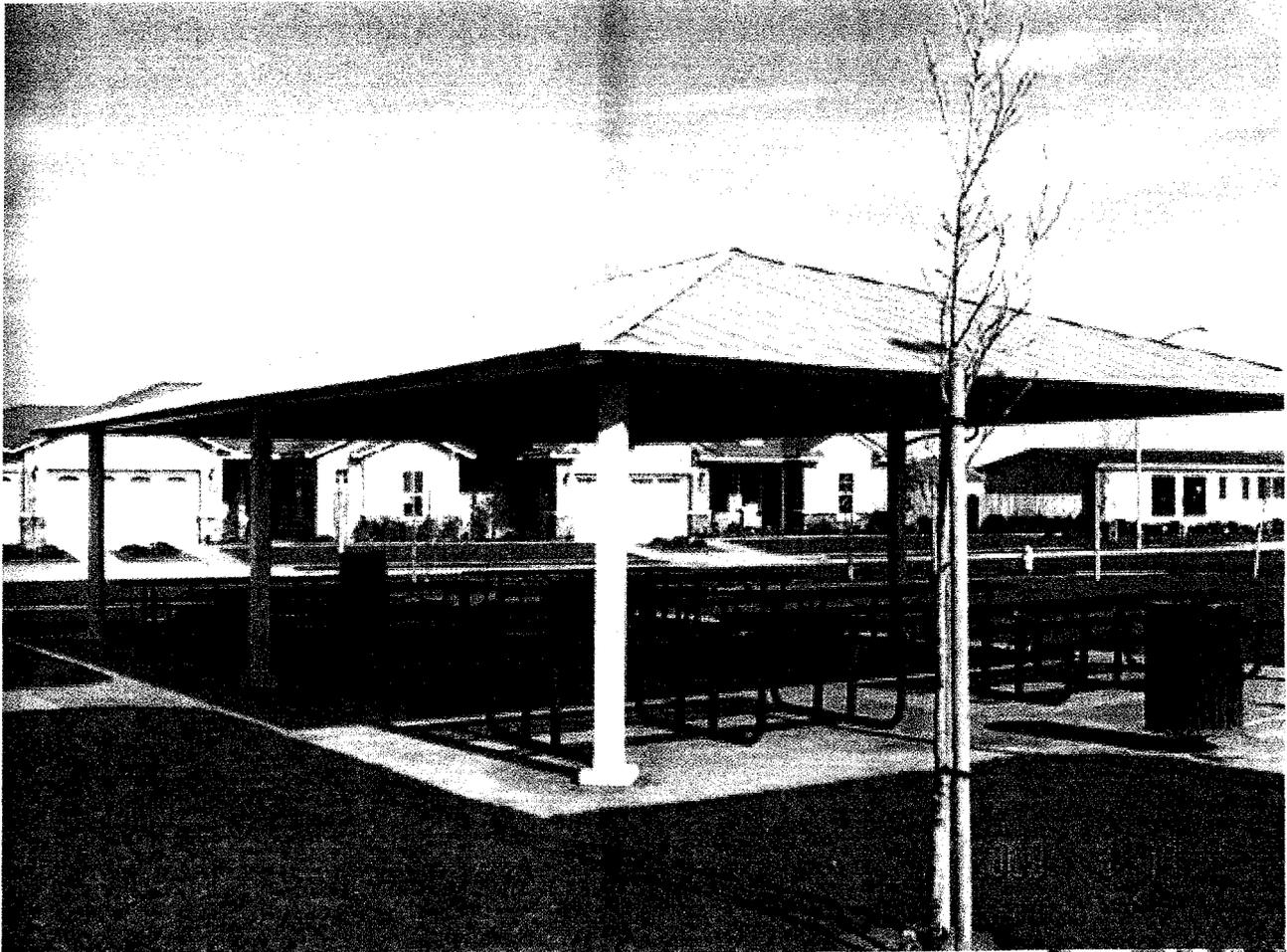
All concrete finishes shall be a light broom finish and drain evenly away from the center.

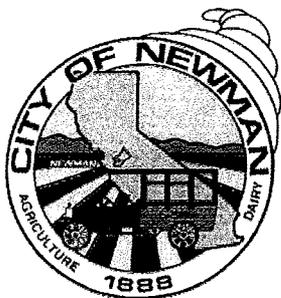
Electrical work shall consist of exterior perimeter area lighting, exterior area lighting under the shelter with electrical outlets on each post. Shelter lighting and outlets to be on a metered system with a lock box to ensure controlled use.

All surrounding facilities shall be protected during construction.

Bid Alternates:

Furnish and Install ten anchored-in 10' Picnic Tables, manufacturer – Wabash Valley, Model – SG120D Signature (or approved equivalent) - see attached photograph.





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PIONEER PARK REHABILITATION PROJECT PHASE II

(Design Build)

ADDENDUM #2

Shade Structure Design shall be wet stamped by a licensed California Civil Engineer and subject to approval of the City of Newman Building Department.

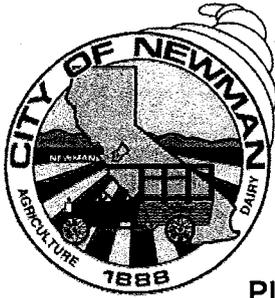
In the event of potential delays in fabrication of the shade structure, the City of Newman shall require the project contractor to show due diligence and provide the following:

1. Proof of Purchase (i.e. receipts)
2. Proof of Scheduled Delivery/Install Date

PLEASE NOTE that in the event of a delay due to the shade structure, the project contractor shall still be required to:

1. Provide weekly invoicing/billing
2. Submit **final** invoicing/billing by Monday May 4, 2009

In addition to this addendum, the original Notice to Contractors and Addendum #1 shall remain in full force and effect.



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PIONEER PARK REHABILITATION PROJECT PHASE II (Design Build)

ADDENDUM #3

INSURANCE

The Contractor shall take out and maintain during the life of the project contract, such Commercial General Liability and Property Damage Insurance as shall protect him, the Owner, the City, and their agents from all claims for personal injury, including accidental death, as well as from all claims for property damage arising from operation under the Contract. The amounts of such insurance shall be as hereinafter set forth.

The Contractor shall require the subcontractors, if any, to take out and maintain similar Commercial General Liability and Property Damage Insurance.

In case any of the work under the project Contract is to be performed on, or at, the site of the project by the subcontractor, the contractor shall take out and maintain such contractor's Contingent or Protective Insurance as will protect him, the Owner, and the Engineer from damage claims arising from the operations of any subcontractor. The amounts of such insurance shall be hereinafter set forth.

As above provided, the Contractor shall take and maintain:

(a) Minimum Scope of Insurance

Coverage shall be at least as broad as:

- (1) Insurance Services Office form number GL 0002 (Ed. 1/73) covering Comprehensive General Liability and Insurance Service Office form number GL 0404 covering Broad Form Comprehensive General Liability; or Insurance Services Office Commercial General Liability coverage ("occurrence" Form CG 0001)
- (2) Insurance Services Office form number CA 0001 (Ed. 1/78) covering Automobile Liability, code 1 "any Auto" and endorsement CA 0025.
- (3) Workers' Compensation Insurance as required by the Labor Code of the State of California and Employers Liability insurance.

(b) Minimum Limits of Insurance

Contractor shall maintain limits no less than:

- (1) General Liability: **\$1,000,000** combined single limit per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

- (2) Automobile Liability: **\$1,000,000** combined single limit per accident for bodily injury and property damage.
- (3) Workers' Compensation and Employers' Liability: Workers' Compensation limits as required by the Labor Code of the State of California and Employers' Liability limits of **\$1,000,000** per accident.

(c) Deductibles and Self-Insured Retention:

Any deductible or self-insured retention must be declared to and approved by the City. At the option of the City, either: the insurer shall reduce or eliminate such deductible for self-insured retention as respects the City, its officers, officials, employees, and volunteers; or the Contractor shall post a security (including but not limited to cash, letter of credit, etc.) guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

(d) Other Insurance Provisions

The policies are to contain, or be endorsed to contain, the following provisions:

(1) General Liability and Automobile Liability Coverage

- (a) The City, its officers, officials, employees, and volunteers are to be covered as insured as respects: Liability arising out of activities performed by or on behalf of the Contractor, products and completed operations of the Contractor, premises owned, occupied or used by the Contractor, or automobiles owned, leased, hired or borrowed by the Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees, and volunteers.
- (b) The Contractor's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers, shall be excess of the Contractor's insurance and shall not contribute with it.
- (c) Any failure to comply with reporting provisions of the policies shall not affect coverage provided to the City, its officers, officials, employees, or volunteers.
- (d) The Contractor's insurance shall apply separately to each insured against which claim is made for suit is brought, except with respect to the limits of the insurer's liability.

(2) Workers' Compensation and Employers Liability Coverage

The insurer shall agree to waive all rights of subrogation against the City, its officers, officials, employees, or volunteers for losses arising from work performed by the Contractor for the City.

(3) All Coverage:

Each insurance policy required by this section shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after **thirty (30) days** prior written notice by certified mail, return receipt requested, has been given to the City.

(e) Acceptability of Insurer:

Insurance is to be placed with insurers with a Best's rating of no less than **A:VII**.

If the Contractor has fully satisfied the City of his responsibility and capacity under the applicable workmen's compensation laws, if any, to act as self-insurer, he may so act, and in such a case, the insurance required in the paragraph second above need not be provided.

In the event the form of any policy or certificate, or the amount of the insurance or the companies writing same are not satisfactory to the City, the Contractor shall furnish other policies or certificates in form and amount, and with companies satisfactory to the City. The Contractor shall not cause any policies to be canceled or permit it to lapse, and all policies shall include a clause to the effect that the policy or certificate shall not be subject to cancellation or to a reduction in the required limits of liability or amounts of insurance until notice has been mailed to the City stating when, not less than **ten (10) days** thereafter, such cancellation or reduction shall be effective. All certificates of insurance, authenticated by the proper officer of the insurer, shall state in particular those insured, the extent of the insurance, the location and operations to which the insurance applies, the expiration date, and the above-mentioned notice of cancellation clause.

The Contractor shall furnish to the City at the date of delivering the signed contracts and bonds, certificates or riders duly executed on behalf of the surety company, certifying as to the amounts of insurance carried, and providing for the coverage therein of the City, its officers, agents, and employees, within all risks arising out of the project.

PROOF OF CARRIAGE OF INSURANCE

Contractor shall furnish City with satisfactory proof of carriage of the insurance required, and that each carrier shall give City at least **thirty (30) days** prior notice of the cancellation of any policy during the effective period of the project contract.

LIQUIDATED DAMAGES

It shall be agreed by the parties to the contract, that in case all the work called for under the contract in all parts and requirements is not finished or completed within the number of calendar days as set forth in the special provisions portion of the contract, damage will be sustained by the Owners, and that it is, and will be, impracticable and extremely difficult to ascertain and determine the actual damage which the Owners will sustain in the event of, and by reason of, such delay; and it is, therefore, agreed that the Contractor will pay to the Owners, the sum of seven-hundred-fifty dollars (\$750) per day for each and every calendar day's delay in finishing the work in excess of the number of days prescribed; and the contractor agrees to pay said liquidated damages herein provided for, and further agrees that the Owners may deduct the amount thereof from any moneys due, or that may become due, the contractor under the contract.

It is further agreed that in case the work called for under the contract is not finished and completed in all parts and requirements within the number of days specified, the Owners shall have the right to increase the number of days, or not, as may seem best to serve the interest of the Owners, and if they decide to increase the said number of days, they shall further have the right to charge the contractor, his heirs, assigns, or sureties and to deduct from the final payment for the work all or any part as it may deem proper, of the actual cost of engineering, inspection, superintendence, and other overhead expenses which are directly chargeable to the contract, and which accrue during the period of such extension, except that cost of final surveys and preparation of final estimate shall not be included in such charges.

The contractor will be granted an extension of time and will not be assessed with liquidated damages or the cost of engineering and inspection for any portion of the delay in completion of the work beyond the time named in the special provisions for the completion of the work caused by acts of God or of the Public enemy, fire, floods, epidemics, quarantine restrictions, strikes, labor disputes, shortages of materials, and freight embargoes, provided that the contractor should notify the City in writing of the causes of delay. The City shall ascertain the facts and the extent of the delay, and his findings thereon shall be final and conclusive.

In addition to this addendum, the original Notice to Contractors and Addendums #1 and #2 shall remain in full force and effect.

RESOLUTION NO. 2009-

A RESOLUTION AWARDING A BID FOR THE PIONEER PARK REHABILITATION PROJECT – PHASE II

WHEREAS, the City of Newman is desirous of constructing the second phase of Pioneer Park; and

WHEREAS, the City of Newman has solicited for and received the following bids:

TBD

TBD

WHEREAS, _____ is the lowest responsible bidder in the amount of \$ _____;
and

WHEREAS, funds for the project are available through a CDBG grant allocation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that _____ being the lowest responsible bidder be awarded the bid for constructing Phase II of the Pioneer Park Rehabilitation Project in the amount of \$ _____.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 24th 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:

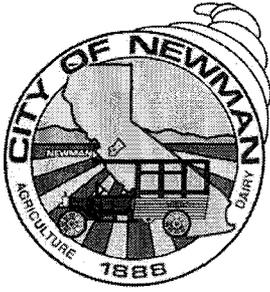
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk



City of Newman

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PIONEER PARK REHABILITATION PROJECT – PHASE II TABULATION OF BIDS

Name of Contractor	Base Bid	Add. Alternate #1	Bid Bond	List of Subs
BC Construction	\$139,384.00	\$15,609.00	✓	✓
Perma-Green Hydroseeding, Inc.	\$139,950.00	None Submitted	✓	✓
lomlan Construction Svcs. (6-8 wks)	\$158,136.00	\$15,046.00	✓	None Submitted
lomlan Construction Svcs. (4 wks)	\$165,720.00	\$12,602.00	✓	None Submitted

RESOLUTION NO. 2009-

**A RESOLUTION AWARDING A BID FOR THE PIONEER PARK REHABILITATION
PROJECT – PHASE II**

WHEREAS, the City of Newman is desirous of constructing the second phase of Pioneer Park; and

WHEREAS, the City of Newman has solicited for and received the following bids:

Name	Base Bid
BC Construction	139,384.00
Perma-Green Hydroseeding, Inc.	139,950.00
Iomlan Construction Svcs. (6-8 Weeks)	158,136.00
Iomlan Construction Svcs. (4 Weeks)	165,720.00

WHEREAS, BC Construction is the lowest responsible bidder in the amount of \$139,384.00; and

WHEREAS, funds for the project are available through a CDBG grant allocation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that BC Construction being the lowest responsible bidder be awarded the bid for constructing Phase II of the Pioneer Park Rehabilitation Project in the amount of \$139,384.00.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 24th day of March, 2009 by Councilmember _____, 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

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.c.**
City Council Meeting
of March 24, 2009

**APPROVE THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND
IMPLEMENTATION AGREEMENT FOR RACE-CONSCIOUS CLAUSES AND REQUIREMENTS
FOR THE CITY OF NEWMAN**

RECOMMENDATION:

Adopt Resolution 2009- Approving the Disadvantaged Business Enterprise (DBE) Program and Implementation Agreement for Race-Conscious Clauses and Requirements for the City of Newman.

BACKGROUND:

Local Assistance Procedures Manual (LAPM) requires local agencies receiving federal-aid highway funds to implement the State of California, Department of Transportation DBE Program Plan and commit to comply with all the prescribed responsibilities explained in the Regulations as outlined in the Local Assistance Procedures Manual (Section 9.7).

ANALYSIS:

In order to qualify for any state or federal projects, the City must adopt a DBE Plan annually. A letter dated March 4, 2009 from the Director's office from the Department of Transportation, states "Implementation of the race-conscious component of the DBE program applies to Local Agencies as sub recipients. Caltrans will advise regional and local partners to begin implementing DBE race-conscious goals on federally funded projects within 90 days". The policy statement of the plan is to utilize DBEs and firms as defined in 49 CFR, Part 23, in all aspects of contracting to the maximum extent feasible. This policy constitutes commitment to substantially increase DBE utilization in all programs activated and funded 100%, or in part, by an U.S. Department of Transportation modal element. Recipients of Federal-aid funds, agree to ensure DBE firms have the maximum opportunity to participate in the performance of contracts and subcontracts.

FISCAL IMPACT:

There is no fiscal impact.

CONCLUSION:

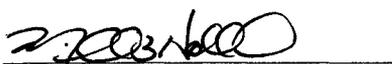
Local Assistance Procedures Manual (LAPM) requires local agencies receiving federal-aid highway funds to implement the State of California, Department of Transportation DBE Program Plan and commit to comply with all the prescribed responsibilities. This staff report is submitted to City Council for approval of the Disadvantaged Business Enterprise (DBE) Program and Implementation Agreement for Race-Conscious Clauses and Requirements for the City of Newman.

Respectfully submitted,



Garner R. Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2009-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN APPROVING THE
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM IMPLEMENTATION
AGREEMENT FOR THE CITY OF NEWMAN**

WHEREAS, the City of Newman intends to apply for Federal Aid projects related to transportation, streets, and roads; and

WHEREAS, to be eligible for such Federal Aid projects the Federal Highway Administration and the California Department of Transportation requires agencies to implement Caltrans's revised Disadvantaged Business Enterprises (DBE) Program with new Race-Conscious and Race-Neutral considerations; and

WHEREAS, Exhibit A is a Disadvantaged Business Enterprise (DBE) Program Implementation Agreement provided by Caltrans that meets their requirements and the City Council of the City of Newman wishes to meet the requirements of the Federal and State authorities and promotes the inclusion of Disadvantaged Business Enterprises in said projects; and

WHEREAS, the City Council of the City of Newman recognizes, Public Works Director Garner R. Reynolds as the City's Disadvantaged Business Enterprise Liaison Officer (DBELO) for the City of Newman.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman does hereby approve the Disadvantaged Business Enterprise (DBE) Program Implementation Agreement as attached in Exhibit A.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 24th 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 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.d.**
City Council Meeting
of March 24, 2009

**AWARD PURCHASE OF 2002 CHEVROLET SILVERADO PICKUP TO
BIGELOW CHEVROLET-BUICK**

RECOMMENDATION:

It is recommended that the City Council award the purchase of a 2002 Chevrolet 1500 Silverado Pick-up to Bigelow Chevrolet-Buick for \$9,263.00.

BACKGROUND:

The public works department is budgeting \$18,000 in FY 2009/2010 for the purchase of a pickup truck for the Public Works Department to replace the Public Works Superintendent's pick-up truck. The vehicle scheduled to be replaced is a 1994 Ford Ranger pick-up with over 103,000 miles and is past its useful life cycle and is scheduled to be replaced in FY2009/2010. The local dealership (Bigelow-Chevrolet) is going out of business, and is offering a newer used pick-up at a discount price of \$8,500, vehicle fees and taxes bring the total purchase to \$9,263.00.

ANALYSIS:

Due to the closing of Bigelow-Chevrolet, this vehicle is being offered at a discount price. This purchase will be funded through the Water and Sewer Department budgets, which are Enterprise Funds and have no impact on the General Fund. This was not budgeted in FY 2008/2009, however this opportunity has recently become aware to staff. The Kelly Blue-Book Price for this truck is \$13,000. This provides an opportunity for a potential savings of approximately \$8,700 to the City's Water and Sewer Fund budgets.

FISCAL IMPACT:

\$4,631.50 – Fund 60 Department 50
\$4,631.50 – Fund 63 Department 56

CONCLUSION:

Due to the opportunity for a significant savings by purchasing a vehicle now, staff recommends that the City Council of the City of Newman award the purchase of one 2002 Chevrolet Silverado Pickup to Bigelow Chevrolet-Buick for \$9,263.00.



Garner R. Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

Honorable Chair and Members
of the Newman Redevelopment Agency

Agenda Item: **10.e.**
Redevelopment Agency Meeting
of March 24, 2009

APPROVAL OF BUSINESS LOAN AGREEMENT

RECOMMENDATION:

Approve Resolution #2009-xx authorizing the terms of a Business Loan Agreement with Jose Reynoso and directing the Chief Executive Officer to draft and execute the necessary documentation.

BACKGROUND:

Due to the current economic climate, the local Chevrolet dealership has decided to close its doors. This closure leaves the City of Newman with only one car (used) dealership. The negative fiscal impact to the City is approximately \$45,000 annually.

ANALYSIS:

Within the past few weeks, the City/Redevelopment Agency was contacted regarding an opportunity to replace the departing business with another dealership. The proposed dealership has a successful business within a nearby community and is seeking an opportunity to reach a larger population base. Upon approval and completion of a Business Loan, the owner will initiate development of a used car dealership and a service shop at the location of the departing business. The owner has expressed an interest to add new car sales when the economy recovers from its current downturn.

The addition of both car sales and a service shop will reduce the negative impact upon the City's General Fund. While it is difficult to anticipate future economic conditions, staff and the business owner believe that within two years the new business should generate an estimated \$2,000,000 in taxable sales. This will provide the City additional General Fund monies to support City services.

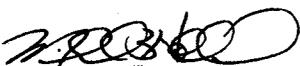
FISCAL IMPACT:

\$200,000. The proposed conditions required the business owner to provide \$250,000 in collateral.

CONCLUSION:

Based upon the current economy, it is important for the City of Newman to protect General Fund revenue streams. The Redevelopment Agency has an opportunity to assist an established business open a location within the City. Based upon the agreed upon terms, staff recommends the Agency proceed forward with the Business Loan.

Respectfully submitted,



Michael Holland
Executive Director

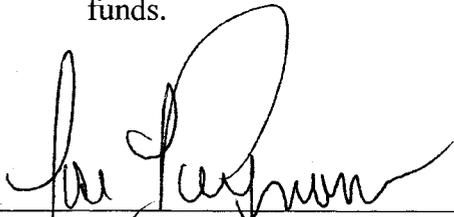


City of Newman

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

Newman Redevelopment Agency Preliminary Terms – Newman Depot

- A. Loan Amount: \$200,000
- B. Duration: 10 Years
- C. Interest Rate: 0% years 1-2
2.5% years 3-5
5% years 6-10
- D. Securing Note: Borrower shall guarantee loan with no less that \$250,000 in collateral.
- E. All monies loaned shall be used for Newman Depot (car sales only) operational start-up.
- F. After year 1, Newman Depot shall generate \$2,000,000 in taxable sales per year.
- G. Borrower shall be responsible for ½ costs of documents necessary to process loans.
- H. Repayment of the loan will commence the month following final distribution of funds.



Jose Reynoso – Borrower



City of Newman – Lender

Date

11 MAR 09

Date

REDEVELOPMENT AGENCY

RESOLUTION NO. 2009-
RDA RESOLUTION NO. 2009-

**A RESOLUTION AUTHORIZING THE TERMS OF A BUSINESS LOAN AGREEMENT
WITH JOSE REYNOSO AND DIRECTING THE CHIEF EXECUTIVE OFFICER TO DRAFT
AND EXECUTE THE NECESSARY DOCUMENTATION**

WHEREAS, due to the current economic climate, the local Chevrolet dealership has decided to close its doors; and

WHEREAS, the aforementioned Chevrolet dealership closure has a substantial negative fiscal impact; and

WHEREAS, Jose Reynoso presented the City/Redevelopment Agency with an opportunity to replace the departing business with another dealership; and

WHEREAS, Jose Reynoso currently operates a successful another successful dealership within a nearby community and is seeking an opportunity to reach a larger population base; and

WHEREAS, the addition of said dealership will reduce the negative impact upon the City's General Fund.; and

WHEREAS, based upon the current economy, it is important for the City of Newman to protect General Fund revenue streams; and

WHEREAS, the Redevelopment Agency has an opportunity to assist an established business open a location within the City; and

WHEREAS, based upon the agreed upon terms, staff recommends the Agency proceed forward with the Business Loan; and

NOW, THEREFORE, BE IT RESOLVED that the Redevelopment Agency of the City of Newman hereby authorizes a loan in the amount of \$200,000 to Jose Reynoso.

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Newman held on the 28th day of October, 2003 by Board Member _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Chairperson of the RDA

Secretary of the RDA