

City Council Members of Newman

We as a community would like to see the city of Newman offer a recreational softball/baseball league. The city successfully runs both a soccer and basketball league with minimal community concerns. It is our understanding that these leagues are self-sufficient, the baseball/softball league is also self-sufficient and has the potential to be profitable. The community has had various concerns over the years to how the league is handled but has fears of coming forward; some of the major concerns are as follows:

Checks & Balances:

- Potential for making \$30K – see attached page
- Financial statements are not available to the community
- Only became not-for-profit in 2009
- The P&L is available but not the actual

Inconsistencies in the handling of players/coaches/umpires

- Not everyone is given the same options
- Different rules apply to different people
- They do not follow their own rules
- Fear of speaking up by parents – they do not want their children to be treated unfairly if they speak up

Conflicts between Newman & other cities Crows Landing

- Crows Landing boycotted the closing ceremonies this year
- Fingers always pointing to CL when problems arise and this is the Newman Crows Landing League according to the by-laws
- Hilmar pulled out of the All-Star tournaments
- Gustine has a lot of concerns with the inconsistencies

The baseball/softball league represents not only our children but our community to the entire west side. The use of our city name within the name gives many the illusions that the city manages this league, which at this point is having a negative impact on our city.

The biggest concern is that along the way the children have been forgotten. With all the inconsistencies that are occurring the children are the ones that are losing in this situation. If the city takes over this league it has the opportunity to create a positive environment for our children which in turns brings our community closer together.

This can truly be a win win situation for the city, with no cost incurred in the city budget and a potential to have a surplus of money to be used within the recreation department.

We would like to thank you for taking the time to listen to our concerns and for looking into this opportunity for the City of Newman.

Potential Gain for Baseball/Softball Program

Income:

| | |
|---------------------|--------------------|
| Snack Bar | \$24,960.00 |
| Player Registration | \$24,180.00 |
| Sponsors | \$8,425.00 |
| Total: | <u>\$57,565.00</u> |

Expenses:

| | |
|--------------------|--------------------|
| Umpires | \$3,420.00 |
| Trophies | \$2,160.00 |
| Uniforms | \$10,800.00 |
| insurance | \$3,000.00 |
| Grounds | \$3,000.00 |
| Maintain Equipment | \$3,000.00 |
| | <u>\$25,380.00</u> |

Potential Gain: \$32,185.00

POTENTIAL INCOME BREAKDOWN

Approximate games played this season: 208

Approximate Player in League this season: 360 Players

Approximate Sponsors this season: 30

SPONSORS

| | | |
|---------|-----------------|-------------------|
| T-Ball | 7 X \$225.00 = | \$1,575.00 |
| PW/MIN | 14 X \$275.00 = | \$3,850.00 |
| Majors | 6 X \$325.00 = | \$1,950.00 |
| Seniors | 1 X \$350.00 = | \$350.00 |
| Pony | 2 X \$350.00 = | <u>\$700.00</u> |
| Total: | | <u>\$8,425.00</u> |

PLAYER REGISTRATION

Average 12 players per team

| | | |
|-------------------|-----------------|--------------------|
| T-Ball (7 teams) | 84 X \$50.00 = | \$4,200.00 |
| PW/MIN (14 teams) | 168 X \$70.00 = | \$11,760.00 |
| Majors (6 teams) | 72 X \$75.00 = | \$5,400.00 |
| Seniors (1 teams) | 12 X \$75.00 = | \$900.00 |
| Pony (2 teams) | 24 X \$80.00 = | <u>\$1,920.00</u> |
| Total: | | <u>\$24,180.00</u> |

SNACK BAR

Approximately 208 games played

| | | |
|------------------|-----------------|--------------------|
| Matteri Field | 92 X \$120.00 = | \$11,040.00 |
| Barrington North | 61 X \$120.00 = | \$7,320.00 |
| Barrington South | 55 X \$120.00 = | <u>\$6,600.00</u> |
| Total: | | <u>\$24,960.00</u> |

EXPENSE BREAKDOWN

Approximate games played this season: 208

Approximate Player in League this season: 360 Players

Approximate Sponsors this season: 30

UMPIRES

\$15.00 a game

| | | |
|---------------------|----------------|-------------------|
| T-Ball (0 umpires) | NONE NEEDED | \$0.00 |
| PW (1 umpire) | 48 X \$15.00 = | \$720.00 |
| Minors (2 umpires) | 36 X \$30.00 = | \$1,080.00 |
| Majors (2 umpires) | 36 X \$30.00 = | \$1,080.00 |
| Seniors (2 umpires) | 6 X \$30.00 = | \$180.00 |
| Pony (2 umpires) | 12 X \$30.00 = | \$360.00 |
| Total: | | <u>\$3,420.00</u> |

UNIFORMS

\$30.00 a uniform @ Bilson in Turlock

360 X \$30.00 = \$10,800.00

TROPHIES

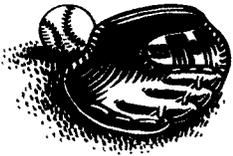
\$6.00 average per trophy

360 X \$6.00 = \$2,160.00

Grounds / Insurance / Maintenance on equipment

\$9,000.00

= Current Programs Fees =



NEWMAN YOUTH BASEBALL & SOFTBALL ASSOCIATION



As we start the 2009 Newman Youth Baseball and Softball season we are looking for sponsors. A sponsorship from your business helps us to continue the tradition of no child denied due to lack of registration funds. The Newman Youth Baseball & Softball Association is a not-for-profit organization that is run by volunteers who always think of the youth first. Your sponsorship of a team not only helps us to keep the registration costs at a minimum it also gives you a unique advertising opportunity.

Your sponsorship dollars help in the following areas uniform costs, equipment (balls, bats, bases) trophies, insurance, umpire training etc. Not only are you helping the youth of our community your business name will be on the team uniform, acknowledgment at the opening & closing ceremonies and a possibility of your team photo and/or it's name being mentioned in Mattos Newspaper.

Below are the divisions and cost to sponsor a team within that division:

| | |
|---------------------------|-------|
| T-Ball | \$225 |
| Pee Wee Baseball/Softball | \$275 |
| Minors Baseball/Softball | \$275 |
| Majors Baseball/Softball | \$325 |
| Girls Senior Softball | \$350 |
| Boys Pony Baseball | \$350 |

As you are thinking about making this commitment remember you are giving our youth opportunities that they might not have without your commitment.

Please make check payable to: Newman Youth Baseball & Softball Assoc.

Mail to: Newman Youth Baseball & Softball Association

P.O. Box 13

Newman, CA 95360

Registration started on January 10th; please submit your fee by February 6th, 2009.

If you have any questions call us at 209-568-9149

Visit our website at: www.newmanyouthbaseball.org

Our youth thank you for your support.

P.O. Box 13, Newman, CA 95360

www.newmanyouthbaseball.org

209-862-1405

About

Contact Newmanyouthbaseball.org for information.

Age Limits / Fees for 2009 Season

- Co-ed Tee Ball (Ages 5-6): \$50
- Boys/Girls Pee Wee (Ages 7-8): \$70
- Boys/Girls Minors (Ages 9-10): \$70
- Boys/Girls Majors (Ages 11-12): \$75
- Girls Seniors (Ages 13-14): \$75
- Boys Pony (Ages 13-14): \$80 (Registration Extended to March 1, 2009)

Registration Details

- All children between the ages of 5-14 years old are welcome to participate! Girls must meet the age requirement by January 1, 2009. All boys and t-ball participants must meet the age requirement by April 30, 2009.
- Any registration after January 31, 2009, will be charged a \$10 late fee and the player will be placed on a waiting list.
- There is a mutiple child discount (\$10).
- At the time of registration, ALL players will need to provide a COPY of their birth certificate, registration fees, and snack bar deposit*.
- **Snack Bar Deposit:** \$50 refundable deposit due at time of registration for each child. Check will be returned upon completion of one scheduled snack bar shift...or \$50 non-refundable check due at time of registration if parent/guardian initially chooses not to participate in snack bar.
- Questions: (209) 568-9149 / board@newmanyouthbaseball.org

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING JUNE 23, 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 June 9, 2009 Special Meeting And The June 9, 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. Adopt Resolution No. 2009- , A Resolution Confirming The Assessment And Ordering The Levy For The Lighting And Maintenance District For Fiscal Year 2009/10.
10. Regular Business
 - a. Approval Of Proposed Development Of An Off-Leash Dog Park At 1269 Marapole Lane.
 - b. Approve Fiscal Year 2009-10 Annual Budget As Presented In The Preliminary Budget Document
 - I. Adopt Resolution No. 2009- , A Resolution Adopting The Budget For Fiscal Year 2009-2010.
 - II. Adopt Resolution No. 2009- , A Resolution Establishing The Appropriations Limit For Fiscal Year 2009-2010.
 - III. Adopt Resolution No. 2009- , A Resolution Of The Newman Redevelopment Agency Adopting The Budget For Fiscal Year 2009-2010.

- c. Review Previous Council Direction Pertaining To Variance No. 2008-02; Joe Winters Applicant.
- d. Approving And Authorizing Submittal Of A Neighborhood Stabilization Program 2 (NSP2) Agreement With Stanislaus County Designating The County As Lead Applicant For Funding Under NSP2.
- e. Introduction And First Reading Of Ordinance No. 2009- , An Ordinance Amending Title 9 Police Regulations, Adding Chapter 9.14 Disorderly Social Events Or Gatherings.
- f. Introduction And First Reading Of Ordinance No. 2009- , An Ordinance Amending Title 9 Police Regulations, Adding Chapter 9.15 Driving Under The Influence Emergency Cost Recovery.
- g. Adopt Resolution No. 2009- , A Resolution Authorizing A General Fund Administrative Surcharge Calculation For Non-General Fund Costs.
- h. Approve An Extension Of The Current Agreement To Provide Audit Services By Clendenin, Bird And Company, LLP And Authorize The City Manager To Sign An Agreement For Audit Services.
- i. Approve Resolutions For Employer Paid Member Contributions
 - I. Adopt Resolution No. 2009- , A Resolution For Employer Paid Member Contributions For Miscellaneous Employees.
 - II. Adopt Resolution No. 2009- , A Resolution For Employer Paid Member Contributions For Management Employees.
- j. Approve Suspension Of The Employee Home Loan Program.

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 – Miscellaneous Bargaining Group- G.C. 54957.6.
- b. Conference With Legal Council - Potential Litigation – One Case - G.C. 54956.9.
- c. Conference With Real Property Negotiator- Merced County APN 054-006-001 And APN 054-004-005 - G.C. 54956.8.
- d. Return To Open Session.

15. Adjournment.

Calendar of Events

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

July 3 - City Offices Closed In Observance Of Independence Day

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

July 13 - Baseball Board Meeting - 6:00 P.M.

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

July 15 - Mayors Meeting - 6:00 P.M. - Ceres

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

July 20 - Two On Two Meeting With The School Board - 4:30 P.M.

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

August 10 - Baseball Board Meeting - 6:00 P.M.

August 11 - City Council - 7:00 P.M.

August 13 - Recreation Commission - 7:00 P.M.

August 15 - Mayors Meeting - 6:00 P.M. - Ceres

August 17 - Two On Two Meeting With The School Board - 4:30 P.M.

August 20 - Planning Commission - 7:00 P.M.

August 25 - City Council - 7:00 P.M.

August 29 - Veterans Administration Service Appreciation Meeting - 10:00 A.M. To 2:00 P.M.

Date...: Jun 18, 2009
 Time...: 3:14 pm
 Run by.: EMILY M. FARIA

CITY OF NEWMAN
 Cash Disbursement Detail Report

| Check Number | Check Date | Vendor ID | Vendor Name | Check Amount | Invoice Number | Invoice Type | Description |
|---------------|------------|-----------|---------------------------|--------------|----------------|--------------|--------------------------------------|
| 035964 | 06/09/09 | ATT08 | AT&T | 189.82 | 06/01/09 | P | TELEPHONE SERVICE APRIL, MAY, JUNE 0 |
| Sub-Total:(1) | | | | 189.82 | | | |
| Sub-Count: 1 | | | | | | | |
| 035965 | 06/09/09 | RIC07 | RANDY RICHARDSON (NT) | 200.00 | 06/08/09 | P | PER DIEM/SLI TRAINING/RICHARDSON 6-1 |
| Sub-Total:(1) | | | | 200.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 035966 | 06/09/09 | HIL08 | HILTON ORANGE COUNTY | 272.16 | 06/08/09 | P | LODGING/SLI TRAINING/RICHARDSON 6-15 |
| Sub-Total:(1) | | | | 272.16 | | | |
| Sub-Count: 1 | | | | | | | |
| 035967 | 06/18/09 | USP00 | UNITED STATES POSTMASTER | 1353.00 | A90618 | P | POSTAGE FOR MAILING OF CCR'S |
| Sub-Total:(1) | | | | 1353.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 035968 | 06/19/09 | ABB00 | ABBOTT & KINDERMANN, LLP | 521.25 | MAY 2009 | | GENERAL ADVICE THRU 5/20/09 |
| Sub-Total:(1) | | | | 521.25 | | | |
| Sub-Count: 1 | | | | | | | |
| 035969 | 06/19/09 | ARR04 | ARROWHEAD MOUNTAIN SPRING | 7.58 | 9E55544 | | WATER COOLER RENTAL/REC CENTER |
| Sub-Total:(1) | | | | 7.58 | | | |
| Sub-Count: 1 | | | | | | | |
| 035970 | 06/19/09 | ATT07 | AT&T MOBILITY | 331.13 | 05/03/09 | | WIRELESS ACCESS 5/03/09 TO 6/02/09 |
| Sub-Total:(1) | | | | 331.13 | | | |
| Sub-Count: 1 | | | | | | | |
| 035971 | 06/19/09 | ATT09 | AT&T/MCI | 20.77 | 05/27/09 | | MONTHLY TELEPHONE CHARGES 3/1/09 TO |
| 035971 | 06/19/09 | ATT09 | AT&T/MCI | 44.52 | 05/27/09 | | MONTHLY TELEPHONE CHARGES 3/1/09 TO |
| 035971 | 06/19/09 | ATT09 | AT&T/MCI | 2.87 | 05/27/09 | | MONTHLY TELEPHONE CHARGES 3/1/09 TO |
| 035971 | 06/19/09 | ATT09 | AT&T/MCI | 1.30 | 05/27/09 | | MONTHLY TELEPHONE CHARGES 3/1/09 TO |
| 035971 | 06/19/09 | ATT09 | AT&T/MCI | 29.93 | 05/27/09 | | MONTHLY TELEPHONE CHARGES 3/1/09 TO |
| 035971 | 06/19/09 | ATT09 | AT&T/MCI | 5.95 | 05/27/09 | | MONTHLY TELEPHONE CHARGES 3/1/09 TO |

Date...: Jun 18, 2009
 Time...: 3:14 pm
 Run by.: EMILY M. FARIA

CITY OF NEWMAN
 Cash Disbursement Detail Report

| Check Number | Check Date | Vendor ID | Vendor Name | Check Amount | Invoice Number | Invoice Type | Description |
|----------------|------------|-----------|--------------------------------|--------------|----------------|--------------|--------------------------------------|
| Sub-Total: (1) | | | | 105.34 | | | |
| Sub-Count: 6 | | | | | | | |
| 035972 | 06/19/09 | BUS05 | BUSINESS CARD | 35.56 | 06/04/09 | | MEALS/FIRE DEPT |
| 035972 | 06/19/09 | BUS05 | BUSINESS CARD | 35.89 | 06/04/09 | | SUPPLIES FOR FIT KIDS PROGRAM |
| 035972 | 06/19/09 | BUS05 | BUSINESS CARD | 15.07 | 06/04/09 | | SUPPLIES FOR TEEN CENTER |
| 035972 | 06/19/09 | BUS05 | BUSINESS CARD | 92.02 | 06/04/09 | | MEALS/CITY MANAGER |
| 035972 | 06/19/09 | BUS05 | BUSINESS CARD | 12.95 | 06/11/09 | | NATIONAL NOTARY FILING/PRE-STAMPED E |
| 035972 | 06/19/09 | BUS05 | BUSINESS CARD | 294.60 | 06/11/09 | | PRE-STAMPED ENVELOPES |
| 035972 | 06/19/09 | BUS05 | BUSINESS CARD | 200.00 | 06/11/09 | | PRE-STAMPED ENVELOPES |
| 035972 | 06/19/09 | BUS05 | BUSINESS CARD | 500.00 | 06/11/09 | | PRE-STAMPED ENVELOPES |
| 035972 | 06/19/09 | BUS05 | BUSINESS CARD | 500.00 | 06/11/09 | | PRE-STAMPED ENVELOPES |
| Sub-Total: (1) | | | | 1686.09 | | | |
| Sub-Count: 9 | | | | | | | |
| 035973 | 06/19/09 | CEN11 | CENTRAL SANITARY SUPPLY | 314.20 | 840551 | | JANITORIAL SUPPLIES |
| 035973 | 06/19/09 | CEN11 | CENTRAL SANITARY SUPPLY | 157.10 | 840551 | | JANITORIAL SUPPLIES |
| 035973 | 06/19/09 | CEN11 | CENTRAL SANITARY SUPPLY | 78.55 | 840551 | | JANITORIAL SUPPLIES |
| 035973 | 06/19/09 | CEN11 | CENTRAL SANITARY SUPPLY | 78.55 | 840551 | | JANITORIAL SUPPLIES |
| 035973 | 06/19/09 | CEN11 | CENTRAL SANITARY SUPPLY | 39.28 | 840551 | | JANITORIAL SUPPLIES |
| 035973 | 06/19/09 | CEN11 | CENTRAL SANITARY SUPPLY | 39.28 | 840551 | | JANITORIAL SUPPLIES |
| 035973 | 06/19/09 | CEN11 | CENTRAL SANITARY SUPPLY | 39.28 | 840551 | | JANITORIAL SUPPLIES |
| 035973 | 06/19/09 | CEN11 | CENTRAL SANITARY SUPPLY | 39.26 | 840551 | | JANITORIAL SUPPLIES |
| Sub-Total: (1) | | | | 785.50 | | | |
| Sub-Count: 8 | | | | | | | |
| 035974 | 06/19/09 | CER10 | CERRUTTI BROS., INC. | 359.42 | 5-326431 | | 2 TRUCK BATTERIES/NEWMAN UNIT 27 |
| Sub-Total: (1) | | | | 359.42 | | | |
| Sub-Count: 1 | | | | | | | |
| 035975 | 06/19/09 | CUR01 | CURTIS & ARATA, A PROFESSIONAL | 354.00 | 165371 | | DOWNTOWN PLAZA ATTORNEY FEES/STEPHEN |
| Sub-Total: (1) | | | | 354.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 035976 | 06/19/09 | DCC00 | D.C. CONSTRUCTION | 150.00 | A90617 | | REFUND HYDRANT PERMIT DEPOSIT/DC CON |
| Sub-Total: (1) | | | | 150.00 | | | |
| Sub-Count: 1 | | | | | | | |

Date...: Jun 18, 2009
 Time...: 3:14 pm
 Run by.: EMILY M. FARIA

CITY OF NEWMAN
 Cash Disbursement Detail Report

| Check Number | Check Date | Vendor ID | Vendor Name | Check Amount | Invoice Number | Invoice Type | Description |
|----------------|------------|-----------|-------------------------|--------------|----------------|--------------|--------------------------------------|
| 035977 | 06/19/09 | DEL9Q | ROSIE DE LA CRUZ | 30.00 | A90617 | | REFUND OF CHEER CAMP FEES/ARIANNA VA |
| Sub-Total: (1) | | | | 30.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 035978 | 06/19/09 | ECO01 | ECONOMIC TIRE SHOP | 15.00 | 18812 | | 1 TIRE TUBE |
| 035978 | 06/19/09 | ECO01 | ECONOMIC TIRE SHOP | 128.58 | 18817 | | TRUCK TIRE REMOVAL AND REPAIR/NEW TU |
| 035978 | 06/19/09 | ECO01 | ECONOMIC TIRE SHOP | 25.12 | 19266 | | 2 TIRES REPAIRED/1 VALVESTEM |
| Sub-Total: (1) | | | | 168.70 | | | |
| Sub-Count: 3 | | | | | | | |
| 035979 | 06/19/09 | ECO02 | ECO:LOGIC, INC | 13459.04 | 06/05/09 | | STORAGE BASIN CM THRU 5/31/09 |
| 035979 | 06/19/09 | ECO02 | ECO:LOGIC, INC | 10048.25 | 06/09/09 | | ON-CALL SERVICES/SSMP-OERP/FOG CONTR |
| Sub-Total: (1) | | | | 23507.29 | | | |
| Sub-Count: 2 | | | | | | | |
| 035980 | 06/19/09 | ENT01 | ENTENMANN-ROVIN CO. | 110.10 | 53039IN | | NEWMAN PD D130 TT DOME BADGE |
| Sub-Total: (1) | | | | 110.10 | | | |
| Sub-Count: 1 | | | | | | | |
| 035981 | 06/19/09 | FGL00 | FGL ENVIRONMENTAL, INC | 590.00 | 933494A | | INORGANIC AND ORGANIC ANALYSES INFLU |
| 035981 | 06/19/09 | FGL00 | FGL ENVIRONMENTAL, INC | 4629.00 | 933495A | | BACTI/INORGANIC/ORGANIC ANALYSES/MW- |
| 035981 | 06/19/09 | FGL00 | FGL ENVIRONMENTAL, INC | 618.00 | 933496A | | BACTI/INORGANIC AND ORGANIC ANALYSES |
| Sub-Total: (1) | | | | 5837.00 | | | |
| Sub-Count: 3 | | | | | | | |
| 035982 | 06/19/09 | GDR00 | GDR ENGINEERING, INC. | 2695.00 | 21918 | | PROFESSIONAL SERVICES THRU 5/31/09/F |
| Sub-Total: (1) | | | | 2695.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 035983 | 06/19/09 | GEO03 | GEOANALYTICAL LAB, INC. | 301.75 | 06/02/09 | | BOD/TSS/NITRATES/WWTP/MAY 2009 |
| 035983 | 06/19/09 | GEO03 | GEOANALYTICAL LAB, INC. | 272.00 | 06/02/09 | | WEEKLY BACTI'S/WELL WATER/MAY 2009 |
| Sub-Total: (1) | | | | 573.75 | | | |
| Sub-Count: 2 | | | | | | | |

Date...: Jun 18, 2009
 Time...: 3:14 pm
 Run by.: EMILY M. FARIA

CITY OF NEWMAN
 Cash Disbursement Detail Report

| Check Number | Check Date | Vendor ID | Vendor Name | Check Amount | Invoice Number | Invoice Type | Description |
|----------------|------------|-----------|--------------------------------|--------------|----------------|--------------|--------------------------------------|
| 035984 | 06/19/09 | GOL10 | GOLDEN STATE IRRIGATION | 39.56 | 06/01/09 | | SPRINKLERS/MISC PLUMBING |
| 035984 | 06/19/09 | GOL10 | GOLDEN STATE IRRIGATION | 120.07 | 06/01/09 | | GUNNJET SPRAY GUN/LEATHER GLOVES |
| 035984 | 06/19/09 | GOL10 | GOLDEN STATE IRRIGATION | 18.32 | 06/01/09 | | MISC PLUMBING SUPPLIES/WATERLINE REP |
| 035984 | 06/19/09 | GOL10 | GOLDEN STATE IRRIGATION | 142.73 | 06/01/09 | | NOZZLE/GOPHER BAIT/SPRINKLER |
| Sub-Total: (1) | | | | 320.68 | | | |
| Sub-Count: 4 | | | | | | | |
| 035985 | 06/19/09 | GUS03 | CITY OF GUSTINE | 2645.00 | 59301023 | | ANIMAL CONTROL SERVICES/MAY 2009 |
| Sub-Total: (1) | | | | 2645.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 035986 | 06/19/09 | HAR9F | HARRITY CONSULTING | 2625.00 | 06/02/09 | | CONSULTING FEES/FUNDING FOR DOWNTOWN |
| Sub-Total: (1) | | | | 2625.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 035987 | 06/19/09 | HEW01 | HEWLETT-PACKARD FINANCIAL SERV | 590.86 | 600203896 | | HARDWARE LEASE 6/18/09 TO 7/17/09 |
| Sub-Total: (1) | | | | 590.86 | | | |
| Sub-Count: 1 | | | | | | | |
| 035988 | 06/19/09 | HOG00 | HOGE, FENTON, JONES & APPEL, I | 292.50 | 85896 | | PROFESSIONAL SERVICES/MAY 2009 |
| Sub-Total: (1) | | | | 292.50 | | | |
| Sub-Count: 1 | | | | | | | |
| 035989 | 06/19/09 | HUT06 | DON HUTCHINS | 295.38 | 06/03/09 | | HOURLY RATE FOR LEMUS ADMIN HEARING |
| Sub-Total: (1) | | | | 295.38 | | | |
| Sub-Count: 1 | | | | | | | |
| 035990 | 06/19/09 | IKO03 | IKON OFFICE SOLUTIONS | 453.88 | 79542472 | | COPIER LEASE 5/25/09 TO 6/24/09/ADDT |
| Sub-Total: (1) | | | | 453.88 | | | |
| Sub-Count: 1 | | | | | | | |
| 035991 | 06/19/09 | INF00 | INFOSEND, INC | 746.26 | 37370 | | UTILITY BILL AND LATE NOTICE MAILING |
| 035991 | 06/19/09 | INF00 | INFOSEND, INC | 746.26 | 37370 | | UTILITY BILL AND LATE NOTICE MAILING |
| Sub-Total: (1) | | | | 1492.52 | | | |

Date...: Jun 18, 2009
 Time...: 3:14 pm
 Run by.: EMILY M. FARIA

CITY OF NEWMAN
 Cash Disbursement Detail Report

| Check Number | Check Date | Vendor ID | Vendor Name | Check Amount | Invoice Number | Invoice Type | Description |
|---------------|------------|-----------|---------------------------|--------------|----------------|--------------|--------------------------------------|
| ----- | | | | | | | |
| Sub-Count: 2 | | | | | | | |
| 035992 | 06/19/09 | JOE02 | JOE'S LANDSCAPING & | 8240.00 | 1632 | | LIGHTING & LANDSCAPE SERVICES/MAY 20 |
| 035992 | 06/19/09 | JOE02 | JOE'S LANDSCAPING & | 1225.00 | 1671 | | CLEAN-UP & HAUL AWAY/2139 GREAT FALL |
| 035992 | 06/19/09 | JOE02 | JOE'S LANDSCAPING & | 950.00 | 1672 | | CLEAN-UP & HAUL AWAY/2032 CARLSBAD C |
| 035992 | 06/19/09 | JOE02 | JOE'S LANDSCAPING & | 1550.00 | 1673 | | CLEAN-UP & HAUL-AWAY/2033 CARLSBAD C |
| 035992 | 06/19/09 | JOE02 | JOE'S LANDSCAPING & | 1700.00 | 1674 | | CLEAN-UP & HAUL AWAY/1432 R ST |
| 035992 | 06/19/09 | JOE02 | JOE'S LANDSCAPING & | 400.00 | 06/10/09 | | WEED ABATEMENT OF 660 HARDIN ROAD |
| Sub-Total:(1) | | | | 14065.00 | | | |
| Sub-Count: 6 | | | | | | | |
| 035993 | 06/19/09 | KAI01 | KAISER PERMANENTE | 623.00 | JULY 2009 | | HEALTH INSURANCE PERMIUM/JULY 2009 |
| Sub-Total:(1) | | | | 623.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 035994 | 06/19/09 | LOT00 | DIANE LOTT-GARCIA | 30.00 | A90617 | | REFUND CHEER CAMP FEES/CAMERINA GARC |
| Sub-Total:(1) | | | | 30.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 035995 | 06/19/09 | MAR02 | FRANK B. MARKS & SON, INC | 77.77 | 0050766IN | | 100 TONS CONCRETE SAND |
| Sub-Total:(1) | | | | 77.77 | | | |
| Sub-Count: 1 | | | | | | | |
| 035996 | 06/19/09 | MAR9K | MARTIN CARVER, AICP | 962.50 | 337 | | PROFESSIONAL SERVICES HOUSING ELEMEN |
| Sub-Total:(1) | | | | 962.50 | | | |
| Sub-Count: 1 | | | | | | | |
| 035997 | 06/19/09 | MAR9R | JEANMARIE MARTIN | 30.00 | A90617 | | REFUND CHEER CAMP FEE/JUSTIANA MARTI |
| Sub-Total:(1) | | | | 30.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 035998 | 06/19/09 | NEW07 | NEWMAN S & S AUTO SUPPLY | 8.65 | 9286 | | 2 32 OZ PENNZOIL 10W30 |
| Sub-Total:(1) | | | | 8.65 | | | |
| Sub-Count: 1 | | | | | | | |

Date...: Jun 18, 2009
 Time...: 3:14 pm
 Run by.: EMILY M. FARIA

CITY OF NEWMAN
 Cash Disbursement Detail Report

| Check Number | Check Date | Vendor ID | Vendor Name | Check Amount | Invoice Number | Invoice Type | Description |
|----------------|------------|-----------|---------------------------|--------------|----------------|--------------|--------------------------------------|
| 035999 | 06/19/09 | NEW60 | TINA NEWTON | 30.00 | A90617 | | REFUND CHEER CAMP FEE/ASHLEY NEWTON |
| Sub-Total: (1) | | | | 30.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 036000 | 06/19/09 | PAT09 | CITY OF PATTERSON | 660.00 | 2354 | | VIDEO REIMBURSEMENT/MAY 2009 |
| 036000 | 06/19/09 | PAT09 | CITY OF PATTERSON | 250.00 | 2355 | | FIRE DATA REPORTING/MARCH 2009 |
| 036000 | 06/19/09 | PAT09 | CITY OF PATTERSON | 250.00 | 2365 | | FIRE DATA REPORTING/APRIL 2009 |
| Sub-Total: (1) | | | | 1160.00 | | | |
| Sub-Count: 3 | | | | | | | |
| 036001 | 06/19/09 | PRE02 | PRECISION INSPECTION, INC | 2128.62 | 5761 | | PERMIT ISSUANCE |
| 036001 | 06/19/09 | PRE02 | PRECISION INSPECTION, INC | 337.50 | 5761 | | IN HOUSE PLAN CHECK DEPOSITS |
| 036001 | 06/19/09 | PRE02 | PRECISION INSPECTION, INC | 141.41 | 5761 | | IN HOUSE PLAN CHECK FEES |
| 036001 | 06/19/09 | PRE02 | PRECISION INSPECTION, INC | 298.15 | 5761 | | PLAN CHECK SERVICES |
| 036001 | 06/19/09 | PRE02 | PRECISION INSPECTION, INC | 1460.98 | 5761 | | PERMIT FINALS |
| 036001 | 06/19/09 | PRE02 | PRECISION INSPECTION, INC | 25.00 | 5761 | | OCCUPANCY INSPECTION/EAGLE RECYCLING |
| Sub-Total: (1) | | | | 4391.66 | | | |
| Sub-Count: 6 | | | | | | | |
| 036002 | 06/19/09 | PRO07 | PROFORCE LAW ENFORCEMENT | 967.00 | 62717 | | 1 TASER AND TASER SUPPLIES AND EQUIP |
| 036002 | 06/19/09 | PRO07 | PROFORCE LAW ENFORCEMENT | 424.37 | 62717 | | 1 TASER AND TASER SUPPLIES AND EQUIP |
| Sub-Total: (1) | | | | 1391.37 | | | |
| Sub-Count: 2 | | | | | | | |
| 036003 | 06/19/09 | ROB02 | KAREN ROBERTS | 30.00 | A90617 | | REFUND CHEER CAMP FEE/JULIANA ROBERT |
| Sub-Total: (1) | | | | 30.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 036004 | 06/19/09 | RRM01 | RRM DESIGN GROUP, INC. | 9023.98 | 409113065 | | PROFESSIONAL SERVICES DOWNTOWN PLAZA |
| Sub-Total: (1) | | | | 9023.98 | | | |
| Sub-Count: 1 | | | | | | | |
| 036005 | 06/19/09 | STO9B | STOCKTON BLUE | 72.57 | 560721 | | 7 COPIES LIGHTING & LANDSCAPE ENGINE |
| Sub-Total: (1) | | | | 72.57 | | | |
| Sub-Count: 1 | | | | | | | |

Date...: Jun 18, 2009
 Time...: 3:14 pm
 Run by.: EMILY M. FARIA

CITY OF NEWMAN
 Cash Disbursement Detail Report

| Check Number | Check Date | Vendor ID | Vendor Name | Check Amount | Invoice Number | Invoice Type | Description |
|---------------|------------|-----------|---------------------------|--------------|----------------|--------------|--------------------------------------|
| 036006 | 06/19/09 | SUN9B | TRAVIS BORRELLI | 155.83 | 9922 | | PORTABLE RESTROOM RENTAL AND SERVICE |
| Sub-Total:(1) | | | | 155.83 | | | |
| Sub-Count: 1 | | | | | | | |
| 036007 | 06/19/09 | TEA01 | TEAMSTERS LOCAL UNION 948 | 100.00 | 06/04/09 | | REFUND MEMORIAL BLDG DEPOSIT/TEAMSTE |
| Sub-Total:(1) | | | | 100.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 036008 | 06/19/09 | THE22 | T.H.E. OFFICE CITY | 6.07 | 869663 | | CARD HOLDER/GEL PENS/CORRECT TAPE |
| 036008 | 06/19/09 | THE22 | T.H.E. OFFICE CITY | 6.07 | 869663 | | CARD HOLDER/GEL PENS/CORRECT TAPE |
| 036008 | 06/19/09 | THE22 | T.H.E. OFFICE CITY | 6.07 | 869663 | | CARD HOLDER/GEL PENS/CORRECT TAPE |
| Sub-Total:(1) | | | | 18.21 | | | |
| Sub-Count: 3 | | | | | | | |
| 036009 | 06/19/09 | TRA07 | CATHLEEN TRAYER | 30.00 | A90617 | | REFUND CHEER CAMP FEE/KATELYN TRAYER |
| Sub-Total:(1) | | | | 30.00 | | | |
| Sub-Count: 1 | | | | | | | |
| 036010 | 06/19/09 | UNI14 | UNIFIRST CORPORATION | 77.60 | 06/02/09 | | TOWELS/MAT RENTAL/UNIFORM CLEANING/M |
| 036010 | 06/19/09 | UNI14 | UNIFIRST CORPORATION | 114.45 | 06/02/09 | | TOWELS/MAT RENTAL/UNIFORM CLEANING/M |
| 036010 | 06/19/09 | UNI14 | UNIFIRST CORPORATION | 115.13 | 06/02/09 | | TOWELS/MAT RENTAL/UNIFORM CLEANING/M |
| 036010 | 06/19/09 | UNI14 | UNIFIRST CORPORATION | 76.75 | 06/02/09 | | TOWELS/MAT RENTAL/UNIFORM CLEANING/M |
| 036010 | 06/19/09 | UNI14 | UNIFIRST CORPORATION | 115.12 | 06/02/09 | | TOWELS/MAT RENTAL/UNIFORM CLEANING/M |
| 036010 | 06/19/09 | UNI14 | UNIFIRST CORPORATION | 76.75 | 06/02/09 | | TOWELS/MAT RENTAL/UNIFORM CLEANING/M |
| Sub-Total:(1) | | | | 575.80 | | | |
| Sub-Count: 6 | | | | | | | |
| 036011 | 06/19/09 | URB00 | URBAN FUTURES, INC | 4657.50 | 0609-005 | | REDEVELOPMENT PLAN AMENDMENT/MAY 200 |
| Sub-Total:(1) | | | | 4657.50 | | | |
| Sub-Count: 1 | | | | | | | |
| 036012 | 06/19/09 | USA01 | USA BLUEBOOK | 123.01 | 825003 | | AMPROBE CLAMP ON MULTIMETER WITH DUA |
| Sub-Total:(1) | | | | 123.01 | | | |
| Sub-Count: 1 | | | | | | | |

Date...: Jun 18, 2009
Time...: 3:14 pm
Run by.: EMILY M. FARIA

CITY OF NEWMAN
Cash Disbursement Detail Report

| Check Number | Check Date | Vendor ID | Vendor Name | Check Amount | Invoice Number | Invoice Type | Description |
|----------------|------------|-----------|-------------------------|--------------|----------------|--------------|--------------------------------------|
| 036013 | 06/19/09 | WES00 | MATTOS NEWSPAPERS, INC. | 82.50 | 05/31/09 | | PUBLIC HEARING AD/HOUSING ELEMENT GE |
| 036013 | 06/19/09 | WES00 | MATTOS NEWSPAPERS, INC. | 30.18 | 05/31/09 | | UPS SHIPPING/FIREFLY REPAIRS |
| 036013 | 06/19/09 | WES00 | MATTOS NEWSPAPERS, INC. | 318.62 | 05/31/09 | | 500 OWNER/ANIMAL INFO FORMS/PD |
| Sub-Total: (1) | | | | 431.30 | | | |
| Sub-Count: 3 | | | | | | | |
| Grn-Total: | | | | 85941.10 | | | |
| Ttl-Count: 102 | | | | | | | |

Date...: Jun 18, 2009
Time...: 3:21 pm
Run by.: EMILY M. FARIA

CITY OF NEWMAN
Cash Disbursement Detail Report

| Check Number | Check Date | Vendor ID | Vendor Name | Check Amount | Invoice Number | Invoice Type | Description |
|----------------|------------|-----------|--------------------------------|--------------|----------------|--------------|--------------------------------------|
| 035892 | 06/05/09 | ABB00 | ABBOTT & KINDERMANN, LLP | 5476.25 | 05/27/09 | | GENERAL ADVICE SERVICES RENDERED THR |
| 035892 | 06/17/09 | ABB00 | | -5476.25 | 05/27/09 | u | Ck# 035892 Reversed |
| Sub-Total: (1) | | | | .00 | | | |
| Sub-Count: 2 | | | | | | | |
| 035929 | 06/05/09 | NEW51 | CITY OF NEWMAN ACCTS RECEIVABL | 150.00 | 533 | | REFUND PARTIAL HYDRANT DEPOSIT TO PA |
| 035929 | 06/16/09 | NEW51 | | -150.00 | 533 | u | Ck# 035929 Reversed |
| Sub-Total: (1) | | | | .00 | | | |
| Sub-Count: 2 | | | | | | | |
| Grn-Total: | | | | .00 | | | |
| Ttl-Count: 4 | | | | | | | |

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
SPECIAL MEETING JUNE 9, 2009
CITY COUNCIL CHAMBERS, 6:00 P.M., 1200 MAIN STREET

1. **Call To Order** - Mayor Katen 6:08 P.M.
2. **Roll Call PRESENT:** Kelly, Davis, Candea, Martina and Mayor Katen.
ABSENT: None
3. **Items from the Public - Non-Agenda Items** - None.

4. Workshop - Review 2009-10 Fiscal Year Budget

City Manager Holland Reviewed Budget Highlights And Noted Changes In This Year's Budget From The Previous Year's Budget. Holland Reviewed Cost Savings, Changes In Revenues And Other Potential Losses. He Briefly Reviewed Each Of The Department's Budgets As Well As The Special Revenue Funds. He Made Mention That Due To Technology Advances At The Police Department, He Thought That Police Records Could Get By With Two Office Personnel As Opposed To Three And That He Is Recommending The Elimination Of The Police Records Supervisor Position.

Mayor Katen Asked If It Was Possible To Eliminate One Of The Records Clerk Positions As Opposed To The Records Supervisor Position. He Stated That The Budget Cuts Need To Be Made From The Bottom And We Should Be Trying To Encourage Employees To Stay With The City For A Long Time.

Council Member Davis Asked If It Was Wise To Be Eliminating A Long Term Full-Time Employee

Council Member Kelly Stated That The Cuts Are Going To Have To Be Made From Somewhere.

5. Adjournment.

ACTION: On Motion By Candea Seconded By Kelly And Unanimously Carried, The Meeting Was Adjourned At 7:14 P.M.

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING JUNE 9, 2009
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** - Mayor Katen 7:26 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** – Council Member Davis
4. **Roll Call PRESENT:** Kelly, Davis, Candea, Martina and Mayor Katen.
ABSENT: None
5. **Declaration Of Conflicts Of Interest** – None
6. **Ceremonial Matters.**
 - a. **Presentation By Court Appointed Special Advocates (CASA) For Children Of Stanislaus County.**

Steve Ashman, Executive Director CASA Of Stanislaus County, Gave The Council A Brief Presentation About The Court Appointed Special Advocates For Children Of Stanislaus County Program And Its Impact On The Community.

7. Items from the Public - Non-Agenda Items

Fred Klingel, Business Representative With Operating Engineers Local No. 3, Representing The Newman Miscellaneous Employees Unit, Stated Than The Union Is Willing To Make Concessions And Has Submitted An Offer With More Than A Ten Percent Concession. Klingel Stated That His Offers Have Not Been Acknowledged And That City Manager Holland's Offers Were Inequitable. Klingel Stated That Based On The City's Calculations, Some Members Would Pay As Much As Thirty -Two Percent In Concessions And That After Net Pay Is Considered One Member Would Be Conceding Fifty Percent Of His Salary. He Called For Equality And Asked The Council To Consider A Ten Percent Concession Across All Bargaining Groups.

Emily Faria, 1135 "S" Street And City Of Newman Employee, Begged The Council For Equality When Considering Salary Reductions And Stated That She Could Not Afford The Proposed Thirty Plus Percent Decrease In Salary. She Asked The Council To Keep An Equitable Mind And Stated That All The Employees Of The City Of Newman Should Be Asked To Contribute Equally.

8. Consent Calendar

- a. **Waive All Readings Of Ordinances And Resolutions Except By Title.**
- b. **Approval Of Warrants.**
- c. **Approval Of Minutes Of The May 26, 2009 Regular Meeting.**
- d. **Adopt Resolution No. 2009-36, Rejecting The Claim Of Consuelo Jimenez.**

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

9. Public Hearings

- a. Adopt Resolution No. 2009-37, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Katen Opened The Public Hearing At 7:38 P.M.

There Being No Public Comment Katen Closed The Public Hearing At 7:39 P.M.

ACTION: On Motion By Davis Seconded By Candea And Unanimously Carried, Resolution No. 2009-37, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted.

- b. Second Reading And Adoption Of Ordinance No. 2009-4 An Ordinance Amending Title 2 Boards And Commissions, Chapter 2.02 Emergency Services Organization Of The Newman City Code And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.

Mayor Katen Opened The Public Hearing At 7:42 P.M.

There Being No Public Comment Katen Closed The Public Hearing At 7:43 P.M.

ACTION: Ordinance No. 2009-4, Had Its Second Reading By Title Only. A Motion By Candea Seconded By Martina Said Ordinance Was Unanimously Adopted Upon Roll Call Vote And Staff Was Authorized To Prepare And Publish A Summary Of Said Ordinance.

- c. Second Reading And Adoption Of Ordinance No. 2009-5, An Ordinance Amending Title 8 Health And Sanitation, Chapter 8.04 Graffiti Control Of The Newman City Code And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.

Mayor Katen Opened The Public Hearing At 7:44 P.M.

There Being No Public Comment Katen Closed The Public Hearing At 7:45

ACTION: Ordinance No. 2009-5, Had Its Second Reading By Title Only. A Motion By Martina Seconded By Katen Said Ordinance Was Unanimously Adopted Upon Roll Call Vote And Staff Was Authorized To Prepare And Publish A Summary Of Said Ordinance

10. Regular Business

- a. Report On The Landscaping And Lighting Districts

- I. Adopt Resolution No. 2009-38, A Resolution Of The City of Newman, Initiating Proceedings For The Levy And Collection Of Assessments For The Lighting And Maintenance District For Fiscal Year 2009/10.

ACTION: On Motion By Kelly Seconded By Candea And Unanimously Carried, Resolution No. 2009-38, A Resolution Of The City of Newman, Initiating Proceedings For The Levy And Collection Of Assessments For The Lighting And Maintenance District For Fiscal Year 2009/10.

II. Adopt Resolution No. 2009-39, A Resolution Of The City Council Of The City Of Newman, California, Approving The Annual Report For The Lighting And Maintenance District For Fiscal Year 2009/10.

ACTION: On Motion By Kelly Seconded By Candea And Unanimously Carried, Resolution No. 2009-39, A Resolution Of The City Council Of The City Of Newman, California, Approving The Annual Report For The Lighting And Maintenance District For Fiscal Year 2009/10.

III. Adopt Resolution No. 2009-40, A Resolution Of The City Council Of The City Of Newman, California, Declaring Its Intention To Levy And Collect Assessments For The Lighting And Maintenance District For Fiscal Year 2009/10.

ACTION: On Motion By Kelly Seconded By Candea And Unanimously Carried, Resolution No. 2009-40, A Resolution Of The City Council Of The City Of Newman, California, Approving The Annual Report For The Lighting And Maintenance District For Fiscal Year 2009/10.

- b. Adopt Resolution No. 2009-41, A Resolution Of The City Council Of The City Of Newman, Declaring Its Intention To Enter Into A Joint Powers Agreement To Establish The Northern Central Valley Energy Improvement Joint Powers Authority.**

Douglas L. White, GreenbergTraurig, Reviewed A Presentation Regarding The Formation And Potential Of The Northern Central Valley Energy Improvement Joint Powers Authority.

ACTION: On Motion By Kelly Seconded By Davis And Unanimously Carried, Resolution No. 2009-41, A Resolution Of The City Council Of The City Of Newman, Declaring Its Intention To Enter Into A Joint Powers Agreement To Establish The Northern Central Valley Energy Improvement Joint Powers Authority.

- c. Approve Final Redevelopment Business Loan Documents For Jose Reynoso.**

ACTION: On Motion By Martina Seconded By Kelly And Unanimously Carried, The Council Approved The Final Redevelopment Business Loan Terms And Documents For Jose Reynoso.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Mentioned That The West Side Healthcare Taskforce Is Working On Their First Event Called "Healthy Choices" And That It Will Take Place In Newman On August 6, 2009. DeMartini Stated That He Had Nothing New To Report About The Orestimba Flood Control Project.

12. Items From The City Manager And Staff.

City Manager Holland Informed The Council As To The Progress Of The Redevelopment Plan Update. Holland Reminded The Council About The Two On Two Meeting With The School Board On Monday June 15, 2009 At 4:30 P.M. He Explained That He Would Be Meeting With The City's Refuse Service Provider To Discuss A Contract Extension And Other Matters. Holland Also Let The Council Members Know That Their New Pictures Were Hanging In City Hall And Were Also Posted On The City's Website.

Public Works Director Reynolds Told The Council That The Storage Basin Project Would Begin Construction Within The Next Week. Reynolds Also Commented That The 2009 Street Maintenance Project Would Be Going Out To Bid By The End Of June And That The Project Will Utilize Proposition 1b Money.

Recreation Supervisor Heiberger Informed The Council That The Fit Kids Program Currently Had Sixty-Five Participants And That They Are Still Accepting Applications For Youth Soccer And Various Summer Sports Camps.

13. Items From City Council Members.

Council Member Candea Reminded Everyone That The Biggest Loser Contest Would Be Kicking Off On August 6, 2009 At The West Side Theatre In Cooperation With The West Side Healthcare Taskforce . Candea Mentioned That City Council Members, School Board Members And Management Staff Would Be Competing With Their Counterparts From Gustine And Patterson.

Council Member Kelly Stated The Idea Behind The Biggest Loser Contest Is To Challenge Gustine And Patterson To Form Teams And Compete To Lose The Most Weight. Kelly Said That The Contest Would Be A Good Way To Become Healthier And Make New Friends. Kelly Mentioned That The Team And Anyone Else Who Wanted To Participate Could Meet Twice A Day For A Group Walk. He Mentioned That They Would Meet Once In The Morning And Again In The Evening At A Park Or One Of The Local Schools. Kelly Encouraged Everyone Who Is Interested To Participate In The Contest. Kelly Also Inquired About The Possibility Of Adding Crosswalks Near Rose Park.

Council Member Martina Mentioned That There Are People In The Community That Are Willing To Volunteer And That The City Should Try To Find Ways Utilize Those Volunteers.

Mayor Katen Mentioned That He Is Current President Of TOSCA And That Over The Last Sixteen Years TOSCA Has Awarded Over One-Million Dollars In Scholarships. Katen Also Mentioned That He Was Happy To See That The Baccalaureate For Graduating High School Seniors Had Been Revived.

14. Adjourn To Closed Session - 8:48 P.M.

- a. Conference With Labor Negotiator – Miscellaneous Bargaining Group - G.C. 54957.6.
- b. Conference With Legal Council - Potential Litigation – One Case - G.C. 54956.9.
- c. Public Employee Personnel Evaluation – City Manager – G.C. 54957.
- d. Return To Open Session - 9:58 P.M.

No Reportable Action Was Taken.

15. Adjournment.

ACTION: On Motion By Candea Seconded By Kelly And Unanimously Carried, The Meeting Was Adjourned At 10:01 P.M. 0:00 A.M. To 2:00 P.M.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.a.**
City Council Meeting
of June 23, 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 Monday, June 22, 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.

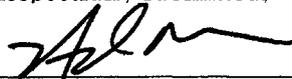
FISCAL IMPACT:

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 June 23, 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 23rd day of June 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. 1717 Canyonlands Way. (UNOCCUPIED)

Tall grass and weeds throughout front and backyard of property.

2. 1315 L St. (UNOCCUPIED)

Tall grass and weeds throughout front and backyard of property.

3. 2206 Grand Canyon Way. (UNOCCUPIED)

Tall weeds throughout front and backyard of property..

4. 601 Ranee Ct. (UNOCCUPIED)

Fence in front and rear of property(hazard due to empty swimming pool in back yard).

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

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

BACKGROUND:

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

ANALYSIS:

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Monday, June 22, 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 June 23, 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 23rd day of June 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. 1717 Canyonlands Way. (UNOCCUPIED)

Tall grass and weeds throughout front and backyard of property.

2. ~~1315 L St. (UNOCCUPIED)~~

~~Tall grass and weeds throughout front and backyard of property.~~

3. 2206 Grand Canyon Way. (UNOCCUPIED)

Tall weeds throughout front and backyard of property..

4. 601 Rance Ct. (UNOCCUPIED)

Fence in front and rear of property(hazard due to empty swimming pool in back yard).

1st 5-19-09
 2nd 5-28-09
 3rd 6-9-09

| | | | |
|--------------------------------------|--------------------------------------|-------------------------------|-----------------|
| Assessment Roll | | | |
| General Information | | | |
| Assessment | 026-064-044-000 | Parcel Number | 026-064-044-000 |
| Current Document | 2004R0146776 | Current Document Date | 09/08/2004 |
| 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 168 | | |
| Roll Values as of: January 1st, 2008 | | | |
| Land | \$42,250 | Personal Property | \$0 |
| Structure(s) | \$126,750 | Personal Property (MH) | \$0 |
| Fixtures | \$0 | Exemption E01 | \$7,000 |
| Growing Improvements | \$0 | Exemption | \$0 |
| Total Land & Improvements | \$169,000 | Net Assessment | \$162,000 |
| Assessee | | | |
| STRASSER RAYMOND A | | | |
| Address | | | |
| 1717 CANYONLANDS WAY | | | |
| NEWMAN CA 95360 | | | |

| | | | | |
|--------------------|--------------|------------|-------------------------|---------------------------|
| Ownership | | | | |
| Owner Name | Own % | Pri | Granting Doc No. | Title Type RT Code |
| STRASSER RAYMOND A | 100.00% | Y | 2004R0146776 | |

| | |
|-----------------------|-----------------------|
| Situs | |
| Street Address | City State Zip |
| 1717 CANYONLANDS WAY | Newman CA 95360 |

| | |
|-----------------------------|--------------------|
| Parcel Description | |
| Assessment | Description |
| No parcel description found | |

Raymond Strasser
1717 Canyonlands
Newman, Ca 95360

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 1717 Canyonlands Way . Newman, Ca APN No. 026-064-044, **Tall grass and weeds throughout front and backyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on May 26, 2009 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: May 19, 2009

William Davis
Community Service Officer

Raymond Strasser
1717 Canyonlands
Newman, Ca 95360

SECOND NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **1717 Canyonlands Way . Newman, Ca APN No. 026-064-044,** **Tall grass and weeds throughout front and backyard of property,** which must be abated by the destruction, or removal thereof within **10** days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **June 9, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: May 28, 2009

William Davis
Community Service Officer

Raymond Strasser
1717 Canyonlands
Newman, Ca 95360

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **1717 Canyonlands Way . Newman, Ca APN No. 026-064-044,** **Tall grass and weeds throughout front and backyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **June 23, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: June 9, 2009

William Davis
Community Service Officer

Adam McGill
Chief of Police



06.12.2008



06-22-2008 11:57

1ST 5-19-09
 2ND 5-28-09
 3RD 6-4-09

| | | | |
|--------------------------------------|--------------------------------------|-------------------------------|-----------------|
| Assessment Roll | | | |
| General Information | | | |
| Assessment | 026-064-048-000 | Parcel Number | 026-064-048-000 |
| Current Document | 2006R0169351 | Current Document Date | 11/17/2006 |
| 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 172 | | |
| Roll Values as of: January 1st, 2008 | | | |
| Land | \$42,000 | Personal Property | \$0 |
| Structure(s) | \$126,000 | Personal Property (MH) | \$0 |
| Fixtures | \$0 | Exemption E01 | \$7,000 |
| Growing Improvements | \$0 | Exemption | \$0 |
| Total Land & Improvements | \$168,000 | Net Assessment | \$161,000 |
| Assessee | | | |
| DUVAL MICHAEL & PATRICIA | | | |
| Address | | | |
| 2206 GRAND CANYON WAY | | | |
| NEWMAN CA 95360 | | | |

| | | | | | |
|-------------------|--------------|------------|-------------------------|-------------------|----------------|
| Ownership | | | | | |
| Owner Name | Own % | Pri | Granting Doc No. | Title Type | RT Code |
| DUVAL MICHAEL | 50.00% | Y | 2006R0169351 | CP | |
| DUVAL PATRICIA | 50.00% | Y | 2006R0169351 | CP | |

| | |
|-----------------------|-----------------------|
| Situs | |
| Street Address | City State Zip |
| 2206 GRAND CANYON WAY | Newman CA 95360 |

| | |
|-----------------------------|--------------------|
| Parcel Description | |
| Assessment | Description |
| No parcel description found | |

Michael & Patricia Duval
2206 Grand Canyon
Newman, Ca 95360

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **2206 Grand Canyon . Newman, Ca APN No. 026-057-033,** **Tall grass and weeds throughout front and backyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **May 26, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: May 19, 2009

William Davis
Community Service Officer

Michael & Patricia Duval
2206 Grand Canyon
Newman, Ca 95360

SECOND NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **2206 Grand Canyon . Newman, Ca APN No. 026-057-033,** **Tall grass and weeds throughout front and backyard of property,** which must be abated by the destruction, or removal thereof within **10** days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **June 9, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: May 28, 2009

William Davis
Community Service Officer

Michael & Patricia Duval
2206 Grand Canyon
Newman, Ca 95360

FINAL NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **2206 Grand Canyon . Newman, Ca APN No. 026-057-033,** **Tall grass and weeds throughout front and backyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **June 23, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: June 9, 2009

William Davis
Community Service Officer

Adam McGill
Chief of Police



06-22-2009 01:59

1ST 4-22-09

3RD 5-12-09

2ND 5-1-09 HELD FINAL 6-9-09

CODE CHECKLIST/SAFETY LIST

Violation Location: 601 Kaneel Ct Case # _____
 R/P Name: _____ Ph. # _____ Date 4/21/09 Public/Private _____
 Report taken by: _____ Dept. Kaneel

1. Property Maintenance

- Garbage
- Junk
- Dirt
- Debris
- Alley (garbage/debris)
- Graffiti
- Weed/Mistletoe
- Other: _____
- Obstructing vision (Planning)
- Abandoned signs (Planning)
- On utility poles, street trees, street/stop signs (P.D.)
- Vehicle - advertised signs (P.D.)
- Graffiti on (P.D.)
- Other: _____

2. Vehicles

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

3. Street/Sidewalk

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

4. Signs

- Yard sales (P.D.)
- Subdivision (Planning)
- Dance/event sign (P.D.)
- Flyers/handbills (P.D.)

5. Construction

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

6. Utilities

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

7. Business

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

8. Safety

- Fires/burns
- Unsafe fuel storage
- Hazardous material
- Objects in ROW/BB Hoops (P.D.)
- Other: _____

Juan Orosco
601 Ranee Ct.
Newman, Ca 95360

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance

at: **601 Ranee Ct. APN No. 026-054-010-000**

Tall grass and weeds throughout front and backyard of property, Fence in need of repair. which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **April 28, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: April 22, 2009

William Davis
Community Service Officer

Juan Orosco
601 Ranee Ct.
Newman, Ca 95360

SECOND NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **601 Ranee Ct. Newman, Ca. 95360 APN No. 026-058-007-000** **Fence falling down, Tall grass and weeds throughout front and backyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **May 12, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: May 1, 2009

William Davis
Community Service Officer

Juan Orosco
601 Ranee Ct.
Newman, Ca 95360

FINAL NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance

at: **601 Ranee Ct. APN No. 026-054-010-000**

Tall grass and weeds throughout front and backyard of property, which must be abated by the destruction, or removal thereof within **10** days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **May 26, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: May 12, 2009

William Davis
Community Service Officer

Juan Orosco
601 Ranee Ct.
Newman, Ca 95360

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance

at: 601 Ranee Ct. APN No. 026-054-010-000

Fence in front and backyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on June 23, 2009 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: June 9, 2009

William Davis
Community Service Officer

Adam McGill
Chief of Police



06.22.2009 08:08



06.22.2009 08:08



Honorable Mayor and Members
of the Newman City Council

**ADOPT RESOLUTION NO. 2009- , CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY
FOR THE LANDSCAPING AND LIGHTING DISTRICT ZONES 1-15 FOR FISCAL YEAR 2009/10**

RECOMMENDATION:

Adopt Resolution No. 2009- , confirming the assessment and ordering the levy for the Landscape and Lighting District Zones 1-15 for Fiscal Year 2009/10.

BACKGROUND:

Pursuant to the Landscape and Lighting Act of 1972, NBS prepared and filed the 2009/10 Final Engineer's Report (Annual Report) presenting the plans and specifications describing the general nature, location and extent of improvements to be maintained, an estimate of the costs to maintain and service the improvements for the Landscaping and Lighting District Zones 1-15 (District) for Fiscal year 2009/10. Improvements provided within the District include, but are not limited to, the weekly operation, maintenance, and servicing of all public landscaping improvements, consisting of trimming and pruning, weed abatement, sidewalks, plant materials, pathways, irrigation systems, lighting systems, graffiti removal, and associated appurtenant facilities.

On June 9, 2009 the City Council, in accordance with the Landscape and Lighting Act of 1972, adopted resolutions initiating proceedings for the levy and collection of assessments, approving the Annual Report, and establishing the intention for the levy and collection of assessments for Landscaping and Lighting District Zones 1-15 for Fiscal Year 2009/10.

The Annual Report for Fiscal Year 2009/10 is included herewith for your review.

ANALYSIS:

As required by the Landscape and Lighting Act of 1972 three resolutions were adopted by Council initiating proceedings for the levy and collection of assessments, approving the Annual Report, and establishing the intention for the levy and collection of assessments for Landscaping and Lighting District Zones 1-15 for Fiscal Year 2009/10. The last step in this process is for City Council to conduct a Public Hearing concerning the levy of assessments and to confirm the assessment and order the levy for the Landscape and Lighting Districts.

FISCAL IMPACT:

None.

CONCLUSION:

Pursuant to the Landscape and Lighting Act of 1972, City Council previous actions initiated the proceedings for the levy and collection of assessments, approved the Annual Report, and established the intention for the levy and collection of assessments for Landscaping and Lighting District Zones 1-15 for Fiscal Year 2009/10. The last step is to adopt a resolution confirming the assessment and ordering the levy for the Districts. Therefore, it is staff's recommendation to adopt Resolution 2009- , confirming the assessment and ordering the levy for the Landscape and Lighting District Zones 1-15 for Fiscal Year 2009/10.

Respectfully Submitted,



Garner 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, CALIFORNIA,
CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR
THE LIGHTING AND MAINTENANCE DISTRICT
FOR FISCAL YEAR 2009/10**

The City Council (the "Council") of the City of Newman (the "City") does resolve as follows:

WHEREAS, the Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") to establish the City's Lighting and Maintenance District (the "Assessment District"); and

WHEREAS, the City has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and to prepare and file an Annual Report; and

WHEREAS, the Council has, by previously resolution, declared its intention to hold a Public Hearing concerning the levy and collection of assessments within the Assessment District; and

WHEREAS, notice of such Public Hearing was duly given in accordance with Section 22626 of the Act; and

WHEREAS, the Council has conducted such Public Hearing and considered all objections to the assessment.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE COUNCIL, AS FOLLOWS:

- 1. Confirmation of Assessment and Diagram:** The Council hereby confirms the assessment and the diagram as is described in full detail in the Annual Report on file with the Clerk.
- 2. Levy of Assessment:** Pursuant to Section 22631 of the Act, the adoption of this resolution shall constitute the levy of an assessment for fiscal year commencing July 1, 2009 and ending June 30, 2010.
- 3. Ordering of the Levy:** The Council hereby orders NBS to prepare and submit the levy of assessments to Stanislaus County for placement on the Fiscal Year 2009/10 secured property tax roll.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of June 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

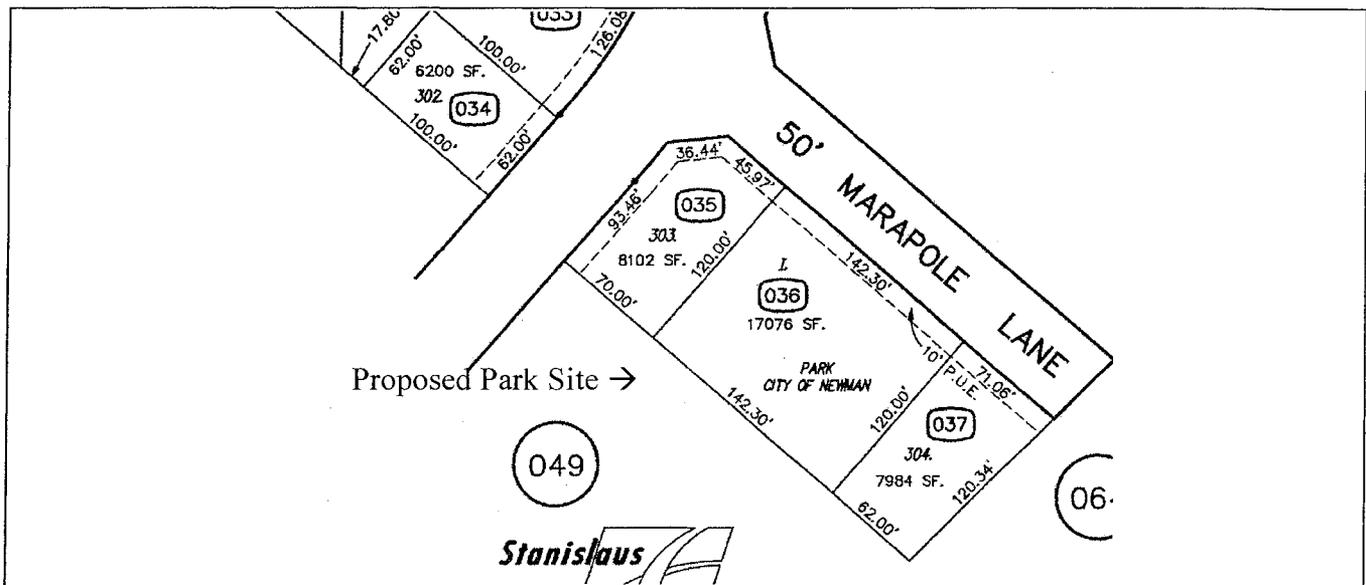
REPORT ON THE DEVELOPMENT OF AN OFF LEASH DOG PARK

RECOMMENDATION:

Approval of an off-leash dog park at 1269 Marapole Lane.

LOCATION:

The subject property is located at 1269 Marapole Lane (APN: 049-059-036), approximately 50 feet southeast of Cinnamon Teal Way.



PROJECT DESCRIPTION:

The identified parcel at 1269 Marapole Lane is currently zoned R-1 and has a General Plan Designation of Low Density Residential (LDR). Both the Zoning Code and General Plan identify a public park as an allowed use (NMC §5.03.010 and GP LU-15 respectively).

The site plan identifies two primary areas, one for small dogs and the other for large dogs, with amenities such as a double entry, grass and digging areas. The park would be accessed from Marapole Lane (immediately across from Sherman Park).

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Newman Environmental Quality Guidelines, it has been determined that this project is exempt under Chapter 3, Article 19, Section 15332 (In-Fill Development Projects) of CEQA.

BACKGROUND:

Friends for Sophia's Dog Park (FFSDP) is a non-profit 501(c)(3) public charity formed to support the establishment of and provide funding for off-leash dog runs, dog parks and canine learning enrichment centers.

On January 10, 2008, FFSDP made a presentation to the Parks and Recreation Commission on the benefits gained from an off leash dog park. In that presentation, the non profit group presented letters of support and testimonials to the commission for their consideration. Both pros and cons were discussed at the meeting

Agenda Item: **10.a.**

and it was determined (by the Commission) that an off leash dog park was not feasible at that time. Since that meeting, FFSDP has successfully continued to raise funds and move forward with the goal of establishing dog parks in Stanislaus County.

On March 12, 2009, FFSDP returned to the Parks and Recreation Commission and presented a potential park site, a proposed site plan and project amenity phasing plan. Pros and cons were again discussed as well as common dog park myths. Upon discussion, the Commission formally introduced and supported the proposed off leash dog park at 1269 Marapole Lane and recommended development of said park to the City Council.

ANALYSIS:

In early January 2009, Marlena Cardinal (CEO/CFO, FFSDP) met with staff and discussed the possibility of an off leash dog park in Newman and identified potential city-owned sites. Upon further review of said sites, FFSDP has requested that 1269 Marapole Lane (APN: 049-059-036) be identified as an off leash dog park; given its shape, size, access and amenities.

Based on available park lands, FFSDP input and additional research, staff has found that 1269 Marapole Lane could be identified as a potential Off Leash Dog Park site (pending public comment and Council review).

This site has the most potential for the following reasons:

1. The property is currently city-owned and identified as park land
2. The parcel provides sufficient space for the proposed use (approximately 0.4 acres)
3. The parcel is located directly across the street from the William Rae Sherman Park basketball court.
4. Ample parking is available via the adjacent park
5. The parcel contains infrastructure improvements (such as curb, gutter, water and electrical hook-ups)
6. Development of the site will aesthetically improve the neighborhood

Currently, the City of Newman Municipal Code requires that dogs be kept on a leash when not on one's own personal property (NMC 9.02.120). Unfortunately, many residents either ignore or are unaware of this requirement and allow their dog(s) to be unleashed in public parks. These loose dogs may infringe on the activities of other park visitors and increase the amount of waste in said parks (i.e. dog excrement). The creation of an off leash dog park (and its accompanying signage) will assist in decreasing these occurrences and encourage residents to be responsible dog owners. In addition to creating an area for dogs to legally be off leash, the proposed park can also serve as a common area to hold City and community sponsored vaccination clinics, training classes and responsible pet ownership education.

Additionally, custom use parks such as skate parks, baseball parks and radio-controlled hobby parks are gaining popularity; with 39% of American households owning a dog, it is not surprising to see the emergence of off leash dog parks. With a growing number of dog owners taking their pets with them when traveling; offering a safe, off leash area for visitors to our community may also potentially enhance the City's tourism.

Overall, an off leash dog park has the potential to promote public safety by identifying an appropriate place for dogs to be off leash, reduce park maintenance by providing a park solely dedicated for the canine population and can potentially decrease animal service costs through the decrease in enforcing leash laws throughout the City.

FISCAL IMPACT:

The cost to develop the proposed site as an Off Leash Dog Park will range from approximately \$35-40,000. FFSDP is proposing that it will cover the full cost of the park through private donations and grants. This option would lead to extended phasing and a longer development period for the park site.

Should the Council choose to contribute towards the primary development of the park; an initial purchase/provision of waste receptacles, irrigation system and turf (at an estimated cost of \$9,500.00) would reduce project phasing and development time. Currently, the City does have adequate monies available for this contribution in the Park Facility Fee fund; which is dedicated for new park development.

FFSDP has requested that the City maintain the park land (as it does with all other park sites), this includes basic services and maintenance such as water, electricity, refuse pick-up, lawn mowing and maintenance that could range from an estimated \$280.00 to \$360.00 per month (depending on the frequency of services). This cost would be absorbed by the existing Sherman Ranch Landscape and Lighting District.

CONCLUSION:

Because the site is already City owned and designated as a park site, the City will have to develop and maintain it whether or not it becomes an off leash dog park. The necessary development and maintenance for an off leash dog park does not usually differ that of any other park facility. By approving the development of said park through a partnership with FFSDP, the Council would be fulfilling a need for the canine-owning portion of the community as well as improving a currently vacant and fallow parcel at little or no cost to the City.

Staff recommends that the Council select one of the following two options:

1. Development Approval with Maintenance
Approve the development and maintenance of an off leash dog park as presented by FFSDP and identify 1269 Marapole Lane as the best potential site for said park.
2. Development Approval, Initial Contribution and Maintenance
Approve the development of, provide an initial contribution for and maintain an off leash dog park as presented by FFSDP, and identify 1269 Marapole Lane as the best potential site for said park.

ATTACHMENTS:

1. Exhibit A – Assessor’s Map Page
2. Exhibit B – Proposed Site Plan
3. Exhibit C – Maintenance Estimates

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR

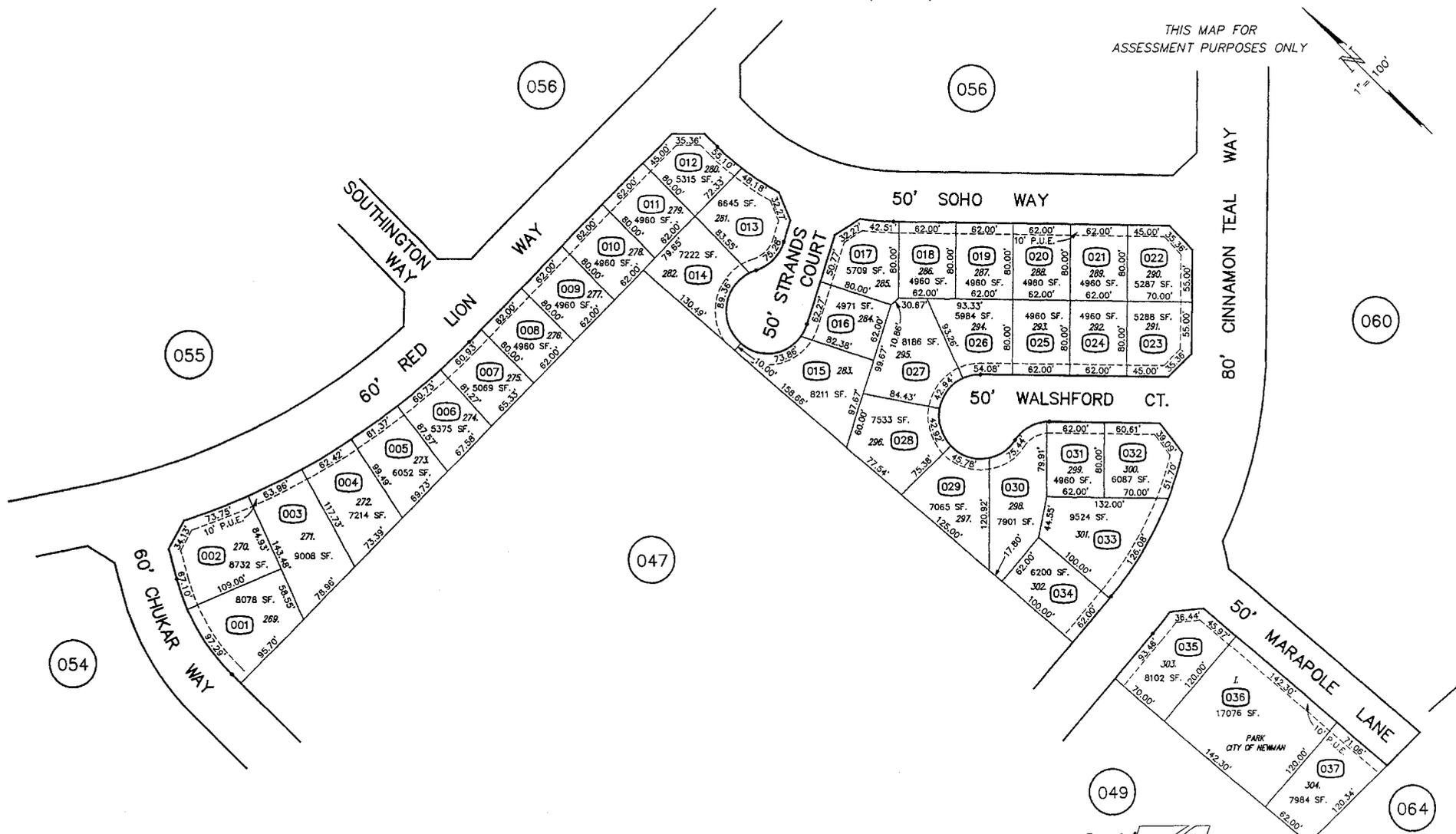


Michael Holland
City Manager

POR. SW 1/4 SECTION 17 T.7S. R.9E. M.D.B.& M.
 POR. SHERMAN RANCH NO. 4 - LOTS 269-304 & I (42M70)

003 039 049 - 059

THIS MAP FOR
 ASSESSMENT PURPOSES ONLY

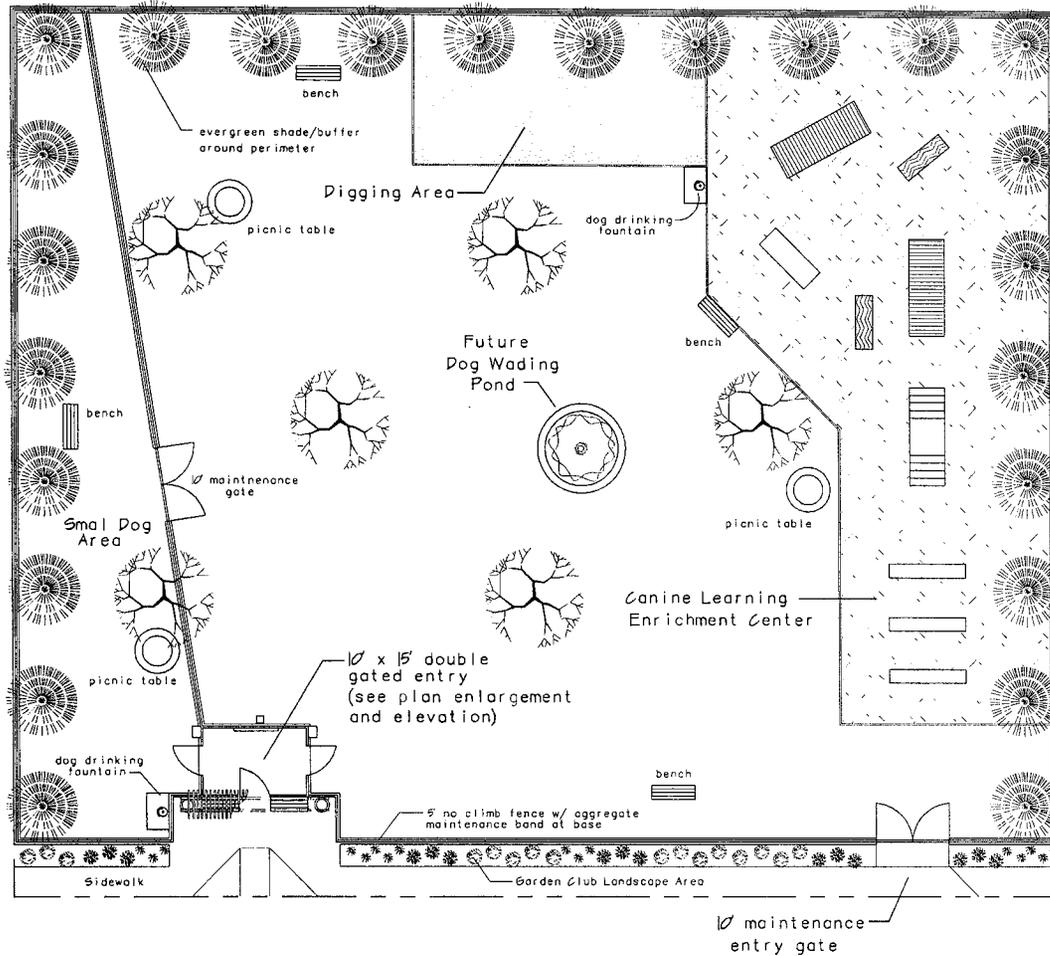


FROM: 049-040
 DRAWN: 12-19-05 MF
 REVISED: 10-03-06 MB.

Copyright 2001 Stanislaus County - All rights reserved

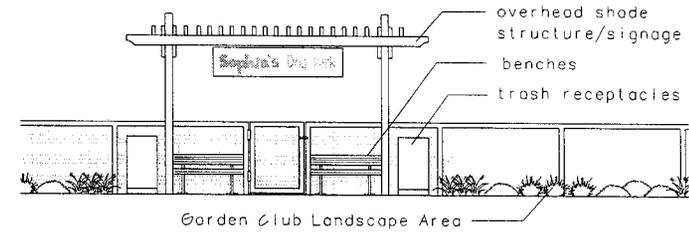


049 - 059



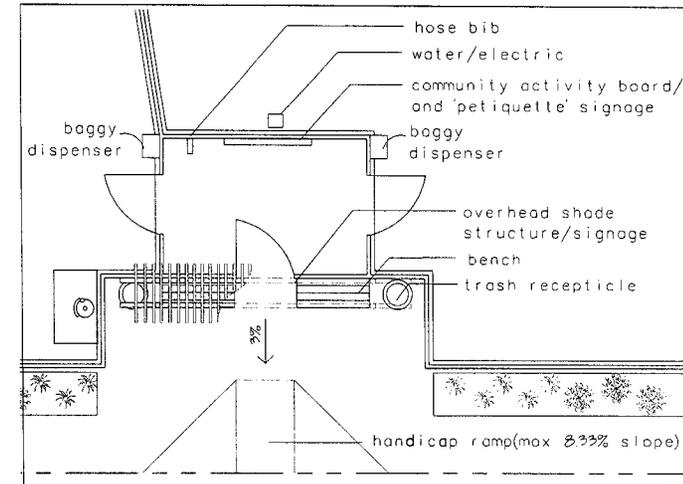
PARK PLAN

scale 1/8"=1'-0"



Park Entry Elevation

scale 1/4"=1'-0"



Park Entry Plan Enlargement

scale 1/4"=1'-0"

The Garden Club
 A LIMITED LIABILITY CO.
 P.O. BOX 356 Riverbank, CA 95357
 TELE 209.847.7899 FAX 209.869.2357

REVISIONS

Sophia's Dog Park
 Maripole Lane
 Newman, CA

DATE 3/2/09
 SCALE 1/8"=1'-0"
 DRAWN
 JOB
 SHEET



Joe's Landscaping and Concrete
P.O. Box 883
Newman, Ca 95360
Cell: (209) 765-3114
Office: (209) 862-2004
Fax: (209) 862-3331
Email: joe_3114@yahoo.com
June 11, 2009

CONTRACT

TO: City of Newman
1162 Main St
Newman, Ca 95360
209-862-3752

FROM: JOE'S LANDSCAPING
P.O. BOX 883
NEWMAN, CA 95360
(209) 765-3114

This contract is an agreement between JOE'S LANDSCAPING & CONCRETE, hereinafter referred to as the contractor, and City of Newman, hereinafter referred to as the client. Contractor and client hereby promise and agree to the following:

DOG PARK

1.
 - A. Mowing and edging of grass/lawn within the community only
 - B. Weed control in planter beds
 - C. Weed control in lawns including 2 pre-emergent applications yearly
 - D. Prune shrubs 4 x yearly to maintain size and shape
 - E. Pick up trash
 - F. Blow cuttings off walks, curbs, driveways-leave area clean
 - G. Haul away cuttings/trimmings and trash
 - H. Insect control on shrubs and lawns
 - I. Adjust controllers seasonally
 - J. Prune trees in the fall (up to 12' in height)

\$280.00 MONTHLY, FOR 2 SERVICES PER MONTH

2.
 - A. Sprinkler/irrigation maintenance and repairs.
\$12.00 per sprinkler, \$35.00 broken lines, any other major repair will Result on time and material.

3.
 - A. Hourly rate for additional repairs. \$35.00 per hour per person.

NOTE: Any additional work will be charged at an hourly wage of \$35.00 dollars plus the cost of material.

We hereby furnish material and labor accordance to the work specified above for the amount of: \$280.00 MONTHLY (Two Hundred Eighty dollars).

I HAVE READ FULLY THE ABOVE TERMS AND CONDITIONS AND AGREE TO BE BOUND BY THEM. In witness whereof, the parties to this contract have signed and Executed it as indicated.

Client _____

Date _____

Contractor _____

Date _____



Joe's Landscaping and Concrete
P.O. Box 883
Newman, Ca 95360
Cell: (209) 765-3114
Office: (209) 862-2004
Fax: (209) 862-3331
Email: joe_3114@yahoo.com
June 11, 2009

CONTRACT

TO: City of Newman
1162 Main St
Newman, Ca 95360
209-862-3752

FROM: JOE'S LANDSCAPING
P.O. BOX 883
NEWMAN, CA 95360
(209) 765-3114

This contract is an agreement between JOE'S LANDSCAPING & CONCRETE, hereinafter referred to as the contractor, and City of Newman, hereinafter referred to as the client. Contractor and client hereby promise and agree to the following:

DOG PARK

1.
 - A. Mowing and edging of grass/lawn within the community only
 - B. Weed control in planter beds
 - C. Weed control in lawns including 2 pre-emergent applications yearly
 - D. Prune shrubs 4 x yearly to maintain size and shape
 - E. Pick up trash
 - F. Blow cuttings off walks, curbs, driveways-leave area clean
 - G. Haul away cuttings/trimmings and trash
 - H. Insect control on shrubs and lawns
 - I. Adjust controllers seasonally
 - J. Prune trees in the fall (up to 12' in height)

\$360.00 MONTHLY, FOR 4 SERVICES PER MONTH

2.
 - A. Sprinkler/irrigation maintenance and repairs.
\$12.00 per sprinkler, \$35.00 broken lines, any other major repair will Result on time and material.

3.
 - A. Hourly rate for additional repairs. \$35.00 per hour per person.

NOTE: Any additional work will be charged at an hourly wage of \$35.00 dollars plus the cost of material.

We hereby furnish material and labor accordance to the work specified above for the amount of: \$280.00 MONTHLY (Three Hundred Sixty dollars).

I HAVE READ FULLY THE ABOVE TERMS AND CONDITIONS AND AGREE TO BE BOUND BY THEM. In witness whereof, the parties to this contract have signed and Executed it as indicated.

Client _____

Date _____

Contractor _____

Date _____

Honorable Mayor and Members
of the Newman City Council

Agenda Item: 10.b.
City Council Meeting
of June 23, 2009

**APPROVE FISCAL YEAR 2009-10 ANNUAL BUDGET AS PRESENTED IN THE
PRELIMINARY BUDGET DOCUMENT**

RECOMMENDATION:

It is recommended that the Newman City Council:

1. Resolution adopting the 2009-10 Annual Budget
2. Resolution establishing the appropriations limit for Fiscal Year 2009-10.
3. Resolution adopting the 2009-10 Redevelopment Agency Annual Budget.

BACKGROUND:

The Fiscal Year 2009-10 Preliminary Budget was presented to the City Council on June 9th at the Budget Workshop. The budget was updated to include concessions from the Miscellaneous Employee Group, resulting in an overall estimated savings of \$59,054; of this amount \$23,441 is general fund savings. The budget was redistributed, for Council review, on June 16th.

This budget puts forth staffs recommended spending plan of the City for all funds for the 2009-10 Fiscal Year. The budget includes the salaries and benefits of all city employees, operating costs of all city departments, the cost of the year's debt service payments, and the cost of various capital projects to be undertaken during the year. The budget also includes the annual revenues and expenditures for the Redevelopment Agency.

The appropriations limit is required to be established every year. Proposition 4 passed in 1979 and Proposition 111 passed in 1990, known as the Gann Initiative, creates a restriction on the amount of revenue which can be appropriated in any fiscal year. The limit is based on actual appropriations during the 1978-79 fiscal year (based year), and is allowed to increase each year based upon the calculation using a percentage change in population as of January 1 of each year in conjunction with a change in the cost of living from previous fiscal year. The fiscal year 2009-10 appropriations limit is \$10,325,659. The City's appropriation subject to limit from proceeds of taxes is \$3,558,244. Therefore, the City's appropriation is under the legal limit by \$6,767,415. The calculation is shown on Exhibit A of the resolution.

ANALYSIS:

The preliminary budget includes a General Fund deficit of \$80,580. Staff anticipates further losses in revenue, pending approval of the State Budget, and will continue to update council on any changes.

Adoption of the budget includes:

1. Appropriating \$3,638,874 for the General Fund as shown on page 11 of the Preliminary Budget.
2. Appropriating \$7,212,480 for Special Revenue Funds as shown on page 44 of the Preliminary Budget.
3. Appropriating \$2,347,745 for Enterprise Funds as shown on page 81 of the Preliminary Budget.
4. Appropriating \$2,219,263 for Capital Project Funds as shown on page 88 of the Preliminary Budget.

FISCAL IMPACT:

The proposed FY 2009/10 budget implements curtailment of non-essential spending. Current reserves will absorb the entire \$80,580 deficit. Future fiscal years will also produce deficits which may require additional reserve reductions. The General Fund deficit also prevents adding funds to the capital repair and replacement fund, which is used to maintain and replace city assets. The City's general fund is projected to end the fiscal year with a \$2,827,502 balance as shown on page 4 of the preliminary budget.

CONCLUSION:

Staff has worked diligently to alleviate this deficit. Staff recommends that Council approve the preliminary budget as presented. The spending plan for 2009-10 continues to provide the valuable services the citizens of Newman have come to expect and deserve from the City.

Respectfully submitted:



Sonya Silva

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2009-

A RESOLUTION ADOPTING THE BUDGET FOR FISCAL YEAR 2009-2010

WHEREAS, the City Council of the City of Newman has reviewed the Final Budget for the Fiscal Year 2009-2010; and

WHEREAS, included in said budget are the necessary estimates of anticipated revenues and assessed evaluations of the properties subject to taxation by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman hereby adopts the Final Budget for The Fiscal Year 2009-2010.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of June, 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

ATTEST:

Deputy City Clerk

RESOLUTION NO. 2009-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN ESTABLISHING
FISCAL YEAR 2009-2010 APPROPRIATIONS LIMITATION**

WHEREAS, Article 13b of the California Constitution refers to a governmental entity's requirement for the establishment of an appropriations limit; and

WHEREAS, Senate Bill 1352, Chapter 1205, 1980, statutes adds Revenue and Taxation Code, Section 7910 which requires each local government to establish its appropriation limits by resolution each year at a regularly scheduled meeting.

NOW, THEREFORE, BE IT RESOLVED that the City of Newman's appropriations limitation for Fiscal Year 2008-2009 shall be \$10,325,659 as per Exhibit "A" attached.

BE IT FURTHER RESOLVED that any challenge to the appropriations limits as per the above mentioned government codes must be brought to the City of Newman's attention within sixty (60) days of the effective date of this resolution.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of June, 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 of the City of Newman

EXHIBIT "A"

**CITY OF NEWMAN
APPROPRIATIONS LIMITATION**

The appropriations limitation imposed by Proposition 4 and modified by Proposition 222 creates a restriction on the amount of revenue that can be appropriated in any fiscal year. The revenues, which are subject to the limitation, are those considered "proceeds of taxes." The basis for calculating the limit began in 1978-79 (base year established by Proposition 13) and is increased each year based on population growth and inflation.

FY 2007-2008 Limitation \$9,571,832

Annual Adjustments:

Change in population (California Department of Finance) = 3.24%

Change in per capita personal income (Department of Finance) = 4.49%

Population Factor Converted to a Ratio $\frac{3.24+100}{100}$ = 1.0324

Per Capita Factor Converted to a Ratio $\frac{4.49+100}{100}$ = 1.0449

Calculation of FY 2009-2010 Limitation

\$9,571,832 X 1.0324 X 1.0449 = **\$10,325,659**

REDEVELOPMENT AGENCY

RESOLUTION NO. 2009-
RDA RESOLUTION NO. 2009-

**A RESOLUTION OF THE NEWMAN REDEVELOPMENT AGENCY ADOPTING THE
BUDGET FOR FISCAL YEAR 2009-2010**

WHEREAS, the Redevelopment Agency of the City of Newman has reviewed the Final Budget for the Fiscal Year 2009-2010; and

WHEREAS, included in said budget are the necessary estimates of anticipated revenues and assessed evaluations of the properties subject to taxation by the Agency.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of Newman hereby adopts the Final Budget for the Fiscal Year 2009-2010, for the Newman Redevelopment Agency.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of June, 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:

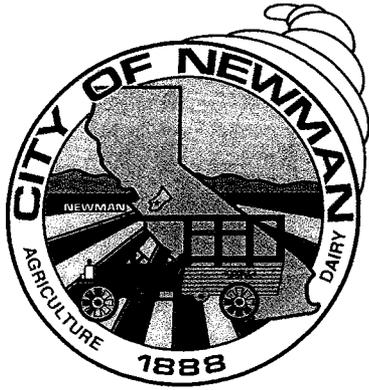
AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

Deputy City Clerk



**City of Newman
Community Development Department
Memorandum**

From: Stephanie Ocasio, Assistant Planner *SO*
To: Honorable Mayor and Members of the City Council
Date: June 16, 2008
Subject: VA #2008-02 – Compliance Status

On September 18th the Planning Commission was presented an application from Joe Winters to approve a Variance permitting a fourteen (14) foot tall accessory building where the code allows a maximum height if twelve (12) feet. The proposed accessory building had already been erected and the applicant wished to retain said building on the basis that he wanted to prevent further vandalism and damage to his personal property.

The Planning Commission was presented the information and the necessary findings to support both approval and denial of the Variance. Upon review and with a 4-0 (with 1 absent) vote, the Planning Commission found that the necessary findings could not be made to support approval of the Variance. As provided in the municipal code, the applicant appealed the Planning Commission's decision to the City Council.

On October 28, 2008, Council was presented with the applicant's appeal requesting that the Planning Commission decision be overturned. Upon review and discussion of the staff report and site photographs, the item was continued to the November 18, 2008 meeting in an effort to provide a solution that benefited both the applicant and abided by applicable regulations.

At the November 18, 2008 meeting, the applicant explained that he had a difficult time contacting the installing contractor, Carolina Carports, and requested the Council's leniency. The Council unanimously voted to deny the Variance appeal request with the stipulation that the applicant had 6 months to bring the subject building into compliance.

Per the Council's directive, staff requested that the Building Department inspect the subject structure for compliance on May 18, 2009. The applicant subsequently submitted an invoice from Carolina Carports stating that the structure height was lowered to 12 feet (exhibit 1). It was found by the Building Department that the structure measured approximately 13 feet tall, exceeding the maximum height of 12' as mandated in NMC §5.23.030.G (exhibit 2).

The applicant has submitted a letter requesting that the Council allow their 13' tall accessory building; in addition, two of the applicant's neighbors have also submitted letters of support (exhibits 3 and 4). For project background and reference, staff has also attached both the Planning Commission and Council staff reports for your review (exhibits 5 and 6).

Given that this item has already been reviewed and voted on by the Council, staff recommends that the Council reiterate their previous conclusion to uphold the Planning Commission's decision to deny Variance 2008-02.

CA DIVISION
13908 East Parlier Ave.
P.O. Box 8
Parlier, CA 93648



Carolina
Carports,
Inc.

Toll Free: (800) 908-0774
Local: (559) 264-1196
Fax: (559) 264-1310
Fax: (559) 264-1311
Email: cci.ca@carolinacarportsinc.com
Web: www.carolinacarportsinc.com

FEB 17, 09

DEALER C-CJ-office Phone: 800-908-0774 County Fresno Date 2-16-09
 CUSTOMER NAME Joe Wilkins COUNTY Stanislaus TAX % (Where Delivered) 7.375
 ADDRESS 544 Waxing Ct. CITY Newman STATE CA ZIP 95360
 PHONE: WORK (209) 598-2551 HOME (209) 862-3849 OTHER ()

| | | | | |
|-----------|-----------------------------------------------------------------------------------|-------------------|---------------|---------------------------------------------|
| UNIT SIZE | <u>14x41</u> | HT. <u>11</u> | GA. <u>14</u> | All Order C.O.D. |
| COLOR | <u>TOP 5. Blue</u> | TRIM <u>White</u> | | |
| OPTIONS | <u>Cutting down on the height, the highest point needs to be no more than 12'</u> | | | Tax <u>80.05</u> |
| | <u>Disassemble & Reassemble</u> | | | Subtotal <u>1165.55</u> |
| | <u>cut legs on 41' long</u> | | | 10% Down Payment Before Tax <u>108.35</u> |
| | <u>check # 600</u> | | | Total <u>1057.00</u> |
| | | | | Return Additional Labor Charge <u>50.00</u> |
| | | | | Balance due at Installation <u>1107.00</u> |

NOTE: FRAME 1 FT. SHORTER THAN ROOF LENGTH

| | | | | |
|-------------------|---------------------------------------------------------------------|-------------------------------------------------|------------------------------------|--------------------------------|
| Roof Style | Regular <input checked="" type="checkbox"/> | Boxed Eave <input type="checkbox"/> | Vertical <input type="checkbox"/> | |
| Installation Type | Cement <input checked="" type="checkbox"/> | Ground <input type="checkbox"/> | Asphalt <input type="checkbox"/> | Other <input type="checkbox"/> |
| Power Available | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Uncertified <input checked="" type="checkbox"/> | Certified <input type="checkbox"/> | |

BINDING PURCHASE CONTRACT

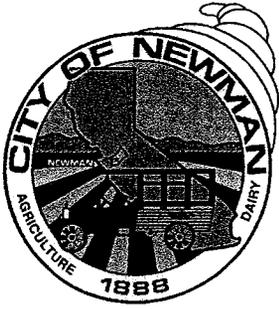
This purchase agreement (the "Agreement") is made by and between Carolina Carports, Inc. ("CCI"), a North Carolina corporation, and _____ (the "Buyer").

Buyer agrees, after being fully educated about CCI's various products including the fourteen (14) gauge, twelve (12) gauge, and certified units, to buy, and CCI agrees to sell, pursuant to the terms listed in this Agreement, the item described above.

Buyer has read and understands the terms of this Agreement, including the terms and conditions contained on the reverse side of this document, which terms are expressly incorporated herein by reference, as well as any and all relevant warranty information, and agrees to be bound by same.

Customer: [Signature]
2/17/09

CCI: Alex Lopez
By: _____
Authorized Dealer



City of Newman Building Department

1247 Main Street • Newman, CA 95360 • (209)862-1506
Website: <http://www.cityofnewman.com>

May 27, 2009

To: Stephanie Ocasio

Re: Accessory Structure at 544 Waxwing Court

I was asked by the City to stop by and check on the status of lowering the existing metal accessory building/RV cover at 544 Waxwing Court to a maximum of 12 foot high per the City's zoning code.

I spoke with the owner, Joe Winters, who showed me that the cover was lowered but unfortunately could not be lowered to the 12 foot threshold do to the fact that his RV's air-conditioner would not clear the top of the structure. The structure's peak is currently at a height of +/-13 foot.

The structure meets the setback requirements for a backyard structure and is secured to a concrete pad. I informed Mr. Winters that I would let the City know the current status of the structure and he said he was going to talk with Stephanie and show her the invoice for lowering the structure.

A handwritten signature in black ink, appearing to read "M. Brinkman".

Mike Brinkman
Building Official
City of Newman

To: City of Newman,

May 29, 2009

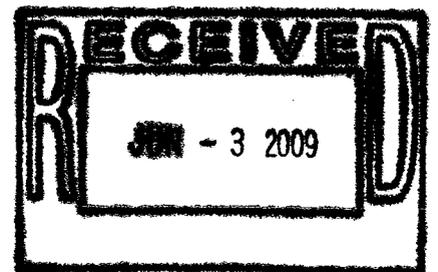
We had a cover installed to protect our Motor Home from being vandalized in our back yard. The cover was 14 feet tall in which city council denied. We were told that we had to drop the height of our cover to 12 feet. We had the professionals return to our residence and paid them, substantially, to lower our cover. We tried several times to adjust the cover and our motor home to make it fit at 12 feet. The motor home will absolutely not fit at 12 feet high. The only way we could get the motor home to barely fit was at 13 feet. We have done all we can to meet your requirements.

We live behind a busy street which brings vandals to do damages to our private property. We have had glass bottles thrown in our back yard at our motor home and at our previously owned travel trailer, breaking windows. Bringing the cover down to 13 feet is all we can do to try to make your request and still protect our property.

We have put a lot of money into improving our home inside and out, which we feel improves the look of our neighborhood as well as our city. We request the continued opportunity to protect our property, from vandalism, that we have put so much work, money and effort into. We have done everything possible, including spending a substantial amount of money to meet your needs. We have spoken with our neighbors before we originally had this cover installed and we still have yet to receive any complaints from neighbors. Our neighbors agree with and respect our position. We ask that please do the same.

Sincerely,

Joe Winters
544 Waxwing Ct
Newman, CA. 95360
(209) 862-3249
(209) 598-2551



To whom it may concern,

6/4/09

My name is JOEL Braswell. I live
at 515 Waxwing Ct. here in Newman.

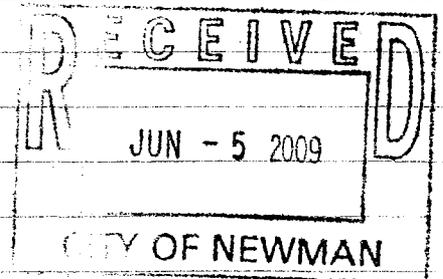
I'm writing in regards to a
structure my neighbor, JOE Winters, has
at 544 Waxwing Ct.

I don't have any problem with
this RV cover. It doesn't look unsightly,
and Mr. Winters keeps his house and
yard well-maintained.

I write this hoping you grant him
a variance on this as I understand
it's above maximum height.

It doesn't bother us at all.

Joel C. Braswell



June 3, 2009

To Whom It May Concern:

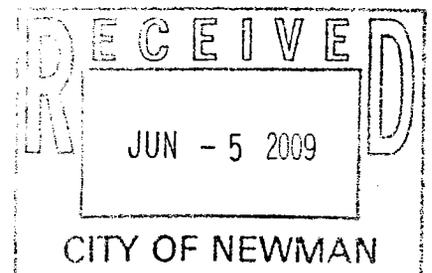
Joe and Michelle Winters have been our neighbors for the last 15 years. They are responsible and keep their property immaculate.

I have no issue with their RV parking cover, it is in their yard and I do not consider it an eyesore.

Sincerely,



Carmen D Anaya



**CITY OF NEWMAN
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

PLANNING COMMISSION MEETING DATE: September 18, 2008

AGENDA ITEM: 7.b.

| | | |
|------|-------------|------------------------------------------|
| VA | #08-02 | Allow a 14' foot tall accessory building |
| APN | 128-058-066 | Applicant/Owner: Joe Winters |
| CEQA | Exempt | |

REQUEST:

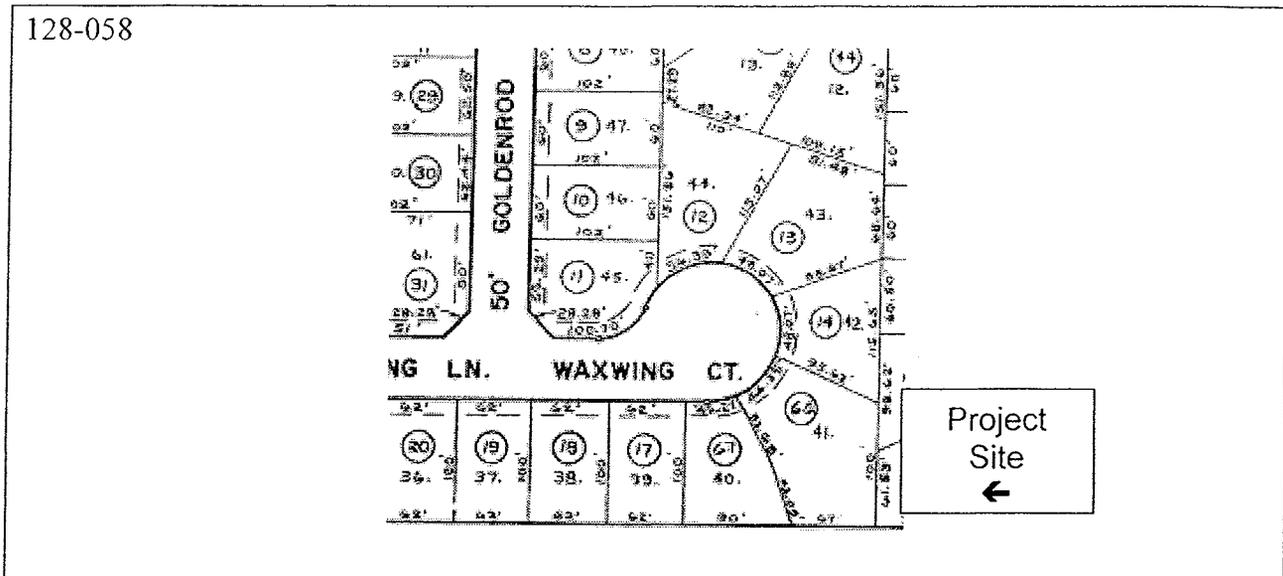
Approve a 14' foot tall accessory building where the Newman Municipal Code (NMC) allows a 12 foot tall building.

LOCATION:

The property is located on the knuckle of Waxwing Court, approximately 150 feet east of Goldenrod Lane, more specifically described as 544 Waxwing Court.

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Newman Environmental Quality Guidelines, it has been determined that this project is categorically exempt under Class 32, Article 19 of CEQA



LAND USE:

| <u>Property</u> | <u>Land Use</u> | <u>Zone</u> | <u>General Plan</u> |
|-----------------|-----------------|-------------|---------------------|
| Subject site | Residential | R-1 | LD |
| North | Residential | R-1 | LD |
| South | Residential | R-1 | LD |
| East | Residential | R-1 | LD |
| West | Residential | R-1 | LD |

R-1 = Single Family Residential

LD = Low Density Residential

SIZE OF PROPERTY: Approximately 13,000 Square Feet

ACCESS: Waxwing Court

ORDINANCES:

NCC 5.03.020 Permitted Uses in R-1 District

NCC 5.23.030 Accessory Buildings

NCC 5.25.030 Variances

PROJECT DESCRIPTION:

The site plan identifies a single family dwelling and location of the accessory building. The structure measures 41' x 14' and stands 14' tall.

ANALYSIS:

Land Use: The subject site and surrounding properties are zoned R-1 (single-family residential). The R-1 zone identifies accessory structures as a permitted use. In addition, the total lot coverage including the accessory building is approximately 21.3%, below the maximum 40% as mandated in the code. Therefore, the proposed use is consistent with the zone district and the general plan.

Building Location: The applicant has placed the building approximately 8 feet from the rear property line, meeting municipal code requirements. At the nearest point however, the subject accessory building is 4' 11" from the side property line; one inch short of the side setback requirement of the Municipal Code.

Variance

Newman Municipal Code section 5.23.030 (G) states: "An accessory building shall not exceed twelve feet (12') in height." The applicant is proposing a structure that measures 14' in height. The applicant has indicated the additional height is necessary to fit his recreational vehicle to prevent further vandalism to his property. In 2002, a police report was filed regarding vandalism of his property; no vandalism reports have since been filed. He has stated that the vandalism has resulted in two broken windows and various objects being thrown into his rear yard. The applicant feels the need to protect his property from additional damage and is willing to plant cypress trees to create a visual buffer between

his property and Driskell Avenue. The applicant states that the accessory building will not be a nuisance or be detrimental to public health and safety.

NMC 5.25.030 (F) states “Neither personal, family, or financial difficulties; the loss of perspective profits; or the existing of neighboring violations shall constitute justification for a variance.”

Findings: The planning commission may approve/conditionally approve, a variance application only if the following findings can be made:

1. The variance does not form a grant of special privilege inconsistent with the limitations on other properties in the same zoning district and the vicinity.

Pro: Given that the subject property is located in an established residential area where detached accessory buildings (such as sheds) and large RV’s are common, the approval of the variance will not constitute a granting of special privilege.

Con: Given that no other properties within the general area have similar accessory buildings, approval of this request will constitute a granting of special privilege

2. The variance will not be detrimental to the public health, safety and general welfare.

Pro: The proposed building is permitted within the zone district; it should not be harmful to the public health, safety and general welfare.

Con: the proposed accessory does not meet all the setback and height requirements, approval of the variance may be harmful to the public health, safety and general welfare.

3. The variance will not substantially impair the purposes of this title or the General Plan.

Pro: Given that the proposed use is a permitted within the zone district and approval of the request does not authorize a use that is inconsistent with the general plan, approval of the variance will not substantially impair the purposes of this Title or the General Plan.

Con: Given that the zoning code states a maximum height and minimum setbacks for accessory structures and states that finances and personal/family difficulties shall not constitute justification when approving variances, approval of the request will set a precedent for approving variances and thereby impair the purpose of the code.

4. The subject property has special circumstances or conditions whereby the strict application of the zoning ordinance standards would deprive the property of privileges enjoyed by other properties in the same zoning district and the vicinity.

Pro: Given that the subject property is unique in shape and attaching the structure to the existing dwelling is not practical, the strict application of the zoning ordinance would deprive the property of privileges enjoyed by other properties in the same zoning district and the vicinity.

Con: Given that other properties within the vicinity and same zone district comply with the development standards identified within the municipal code, the subject property is not deprived of privileges enjoyed by other properties in the same zoning district and the vicinity.

5. The variance will be compatible with the neighborhood.

Pro: Given that other detached accessory structures exist within the general area, that the proposed accessory building is located at the rear one-half of the property and that neighboring structures (such as houses) within the area exceed the proposed height, the variance will be compatible with the current neighborhood.

Con: Given the accessory building's observable large size and location, the variance would not be compatible with the current neighborhood.

Public Comment

Public Notices were mailed out on September 3, 2008 to surrounding property owners within a 300' radius. As of this date (9-11-08), no comments have been received.

CONCLUSION:

Newman Municipal Code section 5.25.030 states that "The purpose of granting a variance is to allow, in certain cases, deviation from the strict application of the setback, building height, lot coverage, usable floor area, usable open space, floor area ratio, off-street parking or landscaped area requirements of the title, when appropriate. A variance may be granted only where the literal enforcement of the requirements of the title would involve practical difficulties or cause undue hardship that would necessarily deprive the property owner of reasonable use of the land or buildings involved by reason of the exceptional narrowness, shallowness or unusual shape of a parcel of property [and the] exceptional topographic conditions, natural features, existing improvements or other extraordinary situation or physical conditions." The proposed project is a permitted use within the zoning district. However, section 5.23.030 of the municipal code (accessory buildings) limits the height to a maximum of twelve (12) feet. Currently, there are no extraordinary physical conditions that would justify the need for a variance (as defined in the code); the accessory building was put in place to provide protection for a recreational vehicle. The Planning Commission may, however, grant the variance on the basis of "extraordinary situation". Staff has provided the commission findings supporting both approval and denial. Given the lack of indisputable supportive findings and current non-compliance, staff recommends denial of the variance.

CONDITIONS OF APPROVAL:

Should the Planning Commission grant the applicant's request for a Variance, staff has recommended the following conditions of approval:

1. The applicant shall apply for and receive a building permit for the structure.
2. A variance granted pursuant to the provisions of the title shall run with the land and shall be valid for the original purpose for the successors in interest of the original grantee.
3. The applicant shall obtain an encroachment permit from the Public Works department.
4. The applicant shall install a curb cut (per the City's specifications) to allow access and egress to the subject accessory building.
5. The accessory building shall meet all setbacks as required by NMC §5.23.030.H.

Standard Conditions

6. This application shall become null and void if the project is not initiated within one year from the date of approval.
7. The applicant and/or property owner shall comply with, and be responsible for obtaining encroachment permits from the City of Newman for work performed within the City's right-of-way.
8. All plans shall be consistent with the site plan, reflecting amendments as approved.
9. Any proposed modifications of a significant and/or permanent nature to the approved site plan or elevations, involving building exteriors or square footage, fence/walls, or major landscaping modifications, may require approval of a new variance review application.
10. All night lighting shall be hooded and/or fitted with prismatic directional lenses to prevent illumination onto adjoining properties and glare into on-coming traffic.
11. It shall be the responsibility of the applicant to convey copies of the conditions of approval to all contractors and sub-contractors.
12. During Construction, and for safety purposes, the applicant and assigned contractors shall keep the public right-of-way clear of obstructions, and provide for clean-up on a daily basis.
13. For safety purposes, the construction area shall be fenced off with a chain link or another type of acceptable fencing as determined by the planning department.
14. All contractors performing work relative to this project shall obtain City of Newman Business Licenses, prior to start of work on the project. All work performed on the project shall comply with the requirements of the State and Professions Code.

ATTACHMENTS:

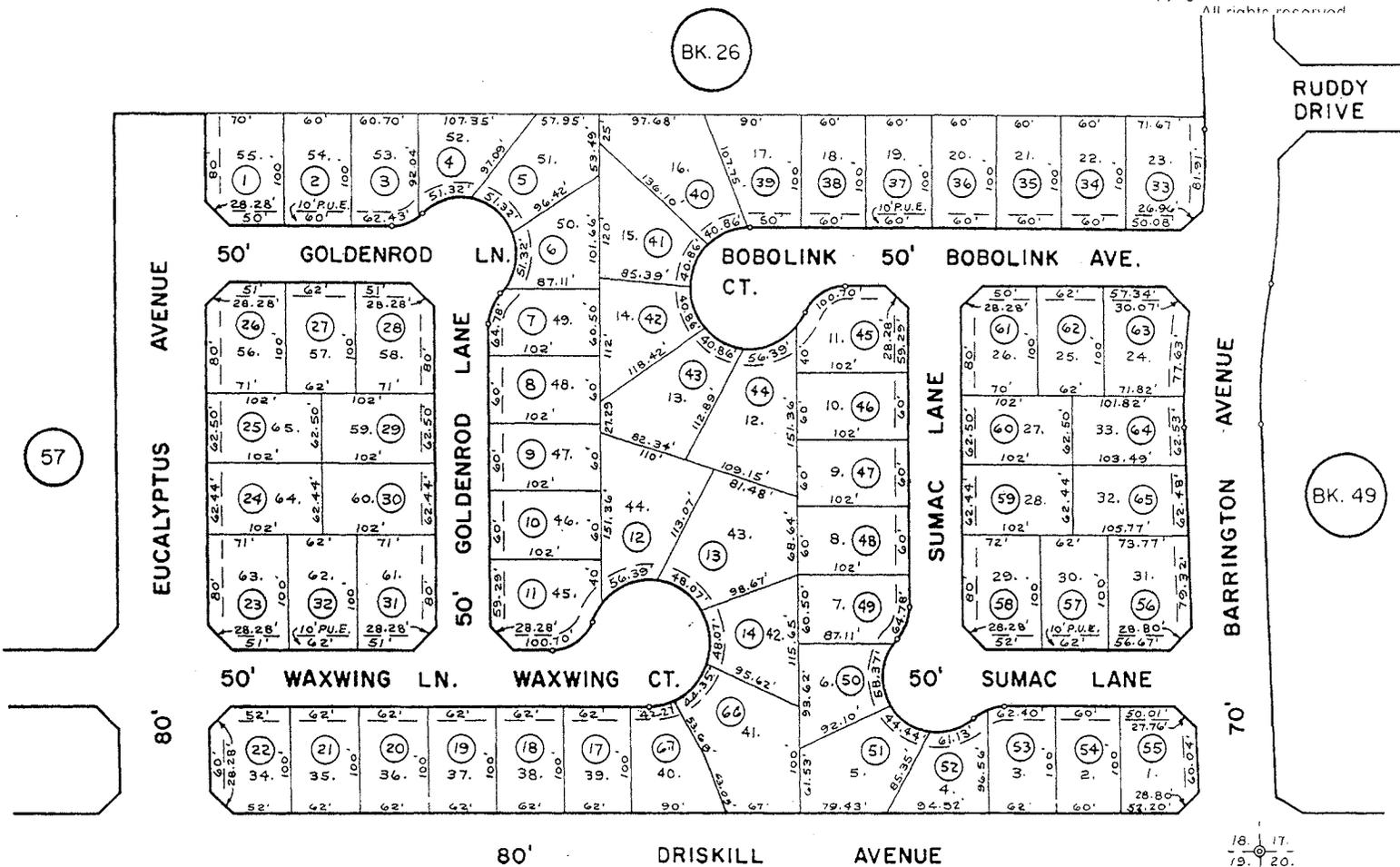
1. Exhibit A, Assessor's Map
2. Exhibit B, Plot Plan
3. Exhibit C, Sample Photo of Accessory Building
4. Exhibit D, Site Photographs
5. Exhibit E, Operational/Environmental Statement Checklist
6. Exhibit F, Findings of Fact
7. Exhibit G, Applicant's Statement

POR. SE 1/4 SECTION 18 T.7S. R.9E. M.D.B.&M.
OAKWOOD VISTA - LOTS 1-65

003 006

128 - 58

THIS MAP FOR ASSESSMENT
PURPOSES ONLY
Copyright 2001 Stanislaus County.
All rights reserved.



57

BK. 49

BK. 26

56

FROM 128-21
34-M-67
1-25-90, B.14-01

Back To
Book
Index



90-01

128 - 58

FYHTRTP A

14 GAUGE REGULAR STYLE CARPORTS & GARAGES

Lot Must Be Level For A Sturdy Foundation

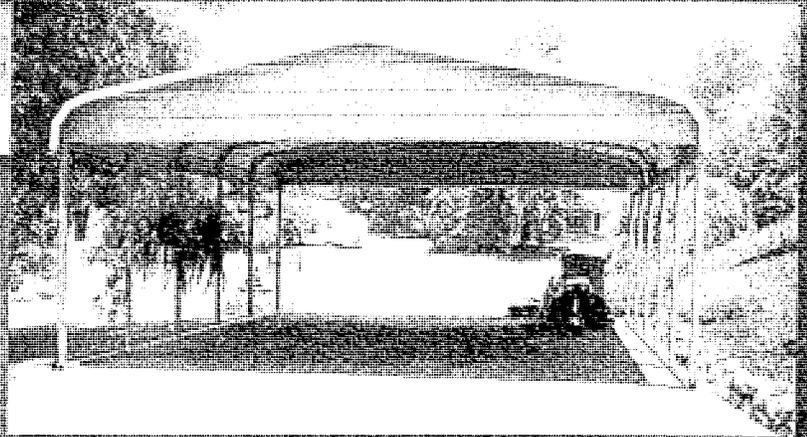


18 x 21 x 6

Carport with 2" Corner Braces

Note: Bottom base rail is one foot shorter than car length. Example: 18 x 21 carport is 18 feet wide and base rail is 20 feet long.

14 Gauge carports are cost effective and recommended for farms and residential areas.

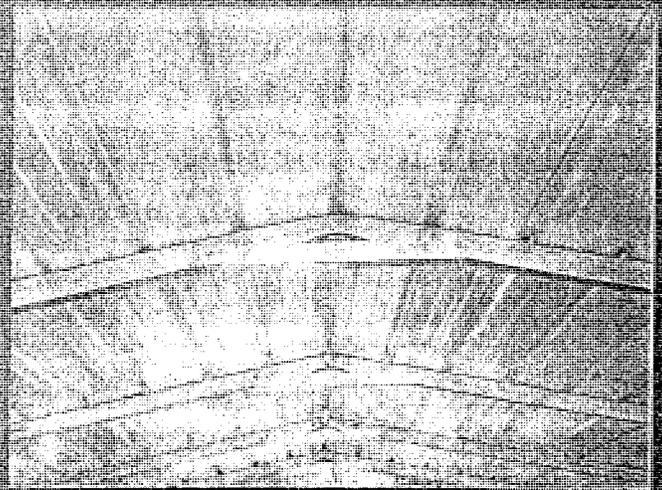


20 x 26 x 6 - 2 Gable Ends



*20 x 26 x 7 Fully Enclosed with
2- 8 x 7 Garage Doors*

14 gauge regular carports are available with a variety of options to meet every customer's needs. Each carport can be customized for height and length. We offer windows, roll-up garage doors, and walk-in doors.

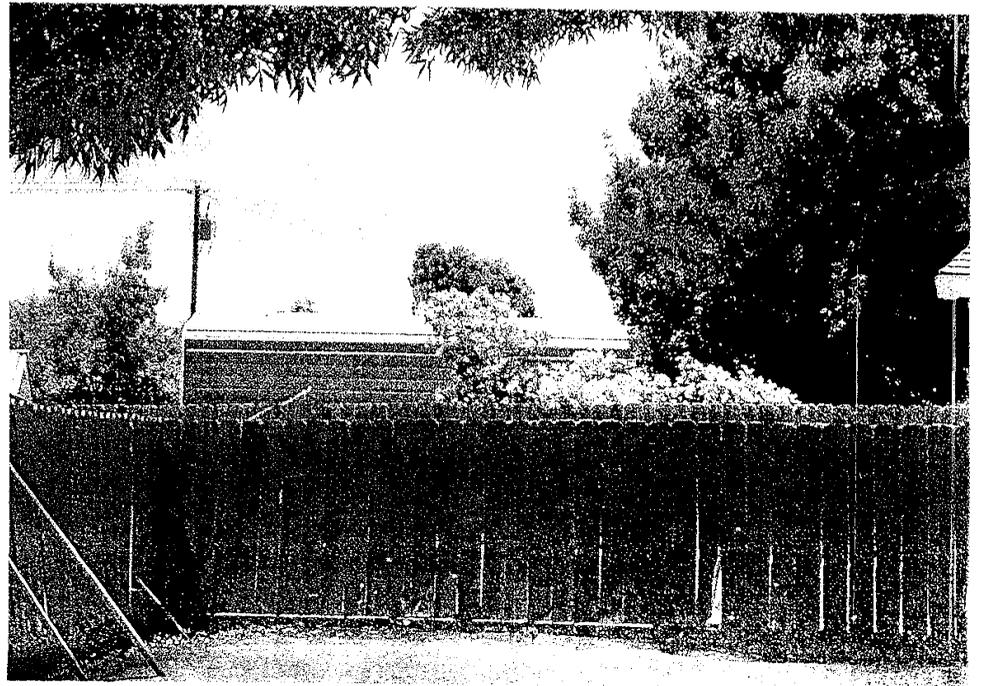
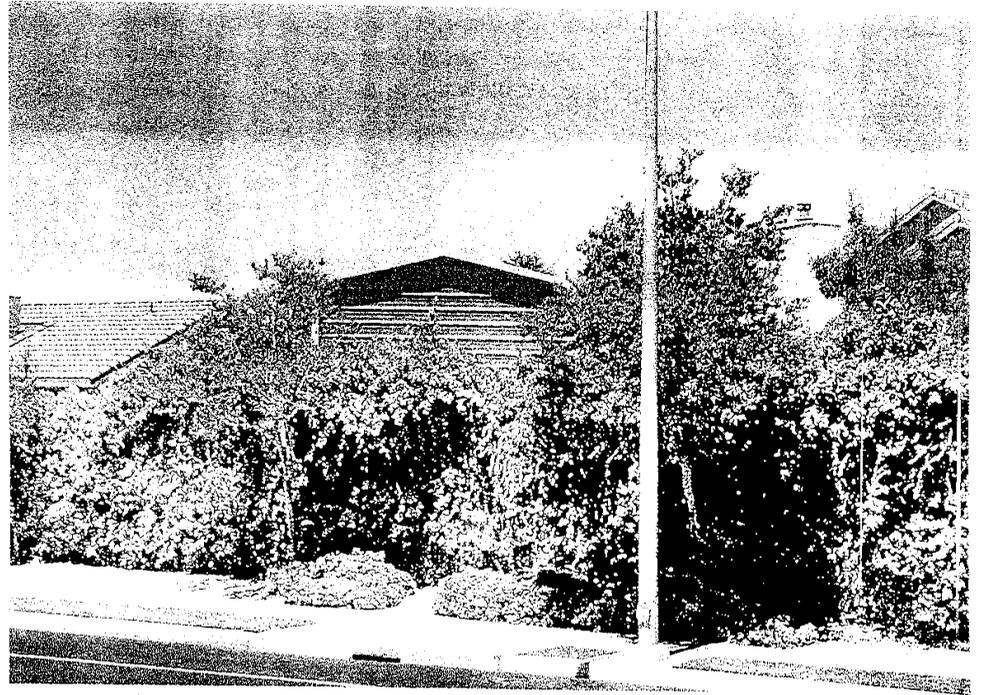
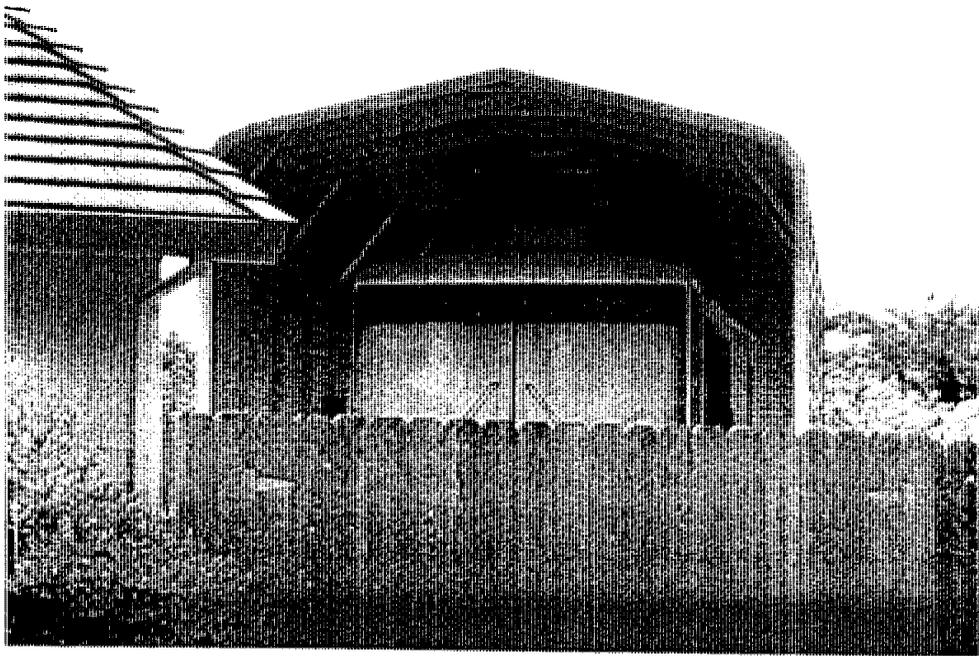


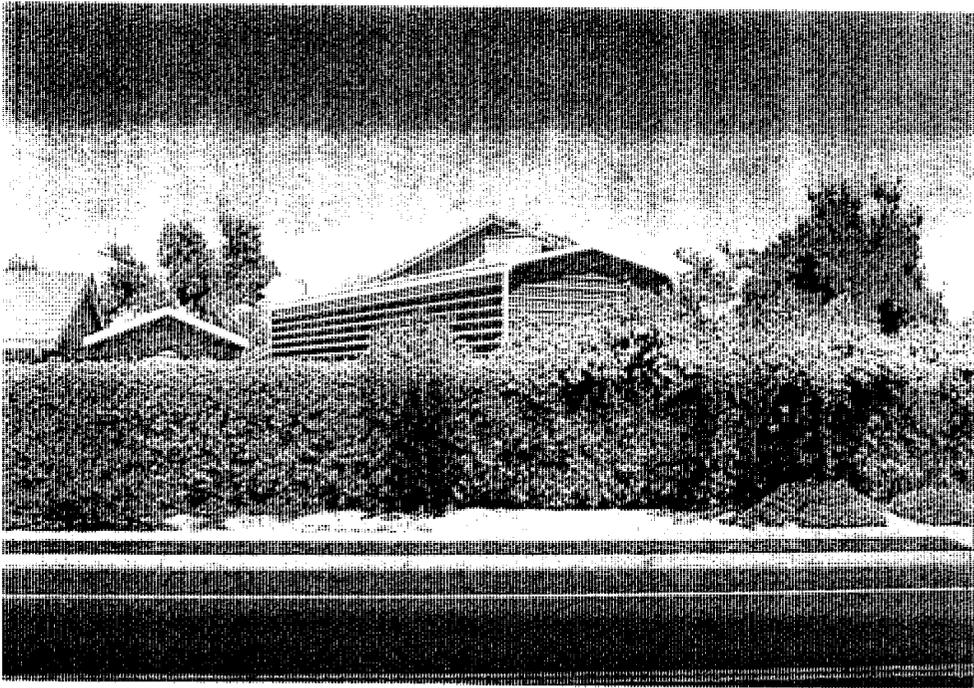
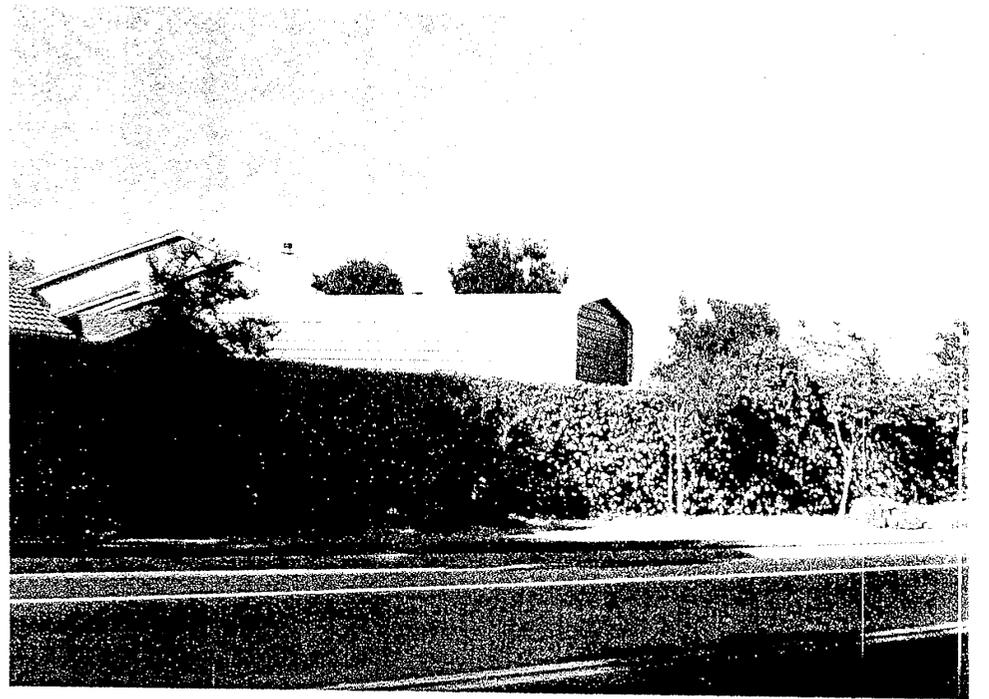
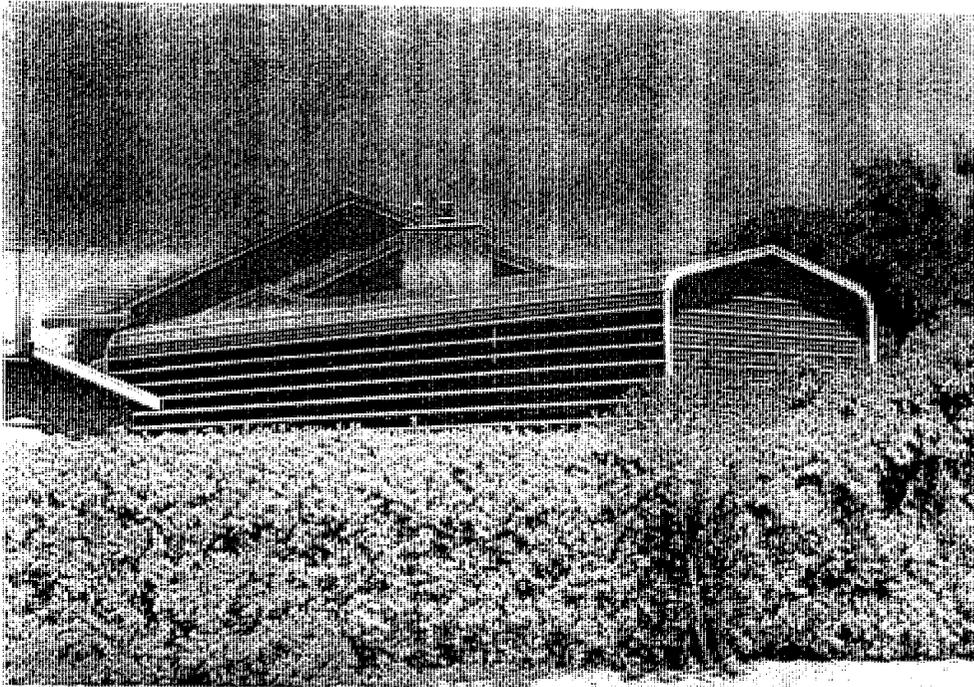
2' Center Braces

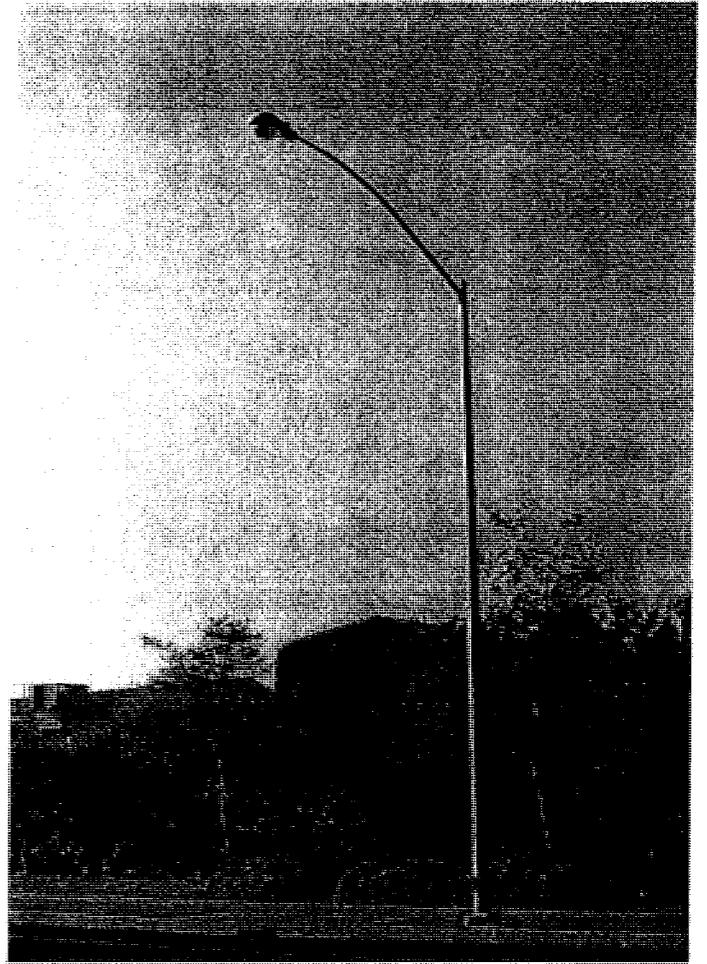
All carports are professionally installed and come with center bracing for added roof support and four corner braces for stability.

QUALITY IS OUR GUARANTEE!

EXHIBIT C







CITY OF NEWMAN

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

It is important that the operational/environmental statement provides a complete and detailed description of your proposal. Your operational/environmental statement must be typed or written in a legible manner on a separate sheet(s) of paper. **DO NOT SUBMIT THIS CHECKLIST AS YOUR STATEMENT.**

1. Please provide the following information:
 - Assessor's Parcel Number
 - Applicant(s) Name
 - Address
 - Phone Number
2. Describe the nature of your proposal/operation (please be specific).
3. What is the existing use of the property?
4. What products will be produced by the operation? Will they be produced on-site or at some other location? Will these products be sold on site? Explain.
5. What are the proposed operational time limits?
 - Months (if seasonal)
 - Days per week:
 - Hours (from _____ to _____)
 - Total hours per day:
6. Will there be any special activities or events?
 - Frequency:
 - Hours:
 - Are these activities indoors or outdoors?
7. How many customers or visitors are expected?
 - Average number per day:
 - Maximum number per day:
 - What hours will customers/visitors be there?
8. How many employees will there be?
 - Current:
 - Future:
 - Hours they work:
 - Do any live on-site? If so, in what capacity (i.e. caretaker)?
9. What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures.
10. Will there be any service and delivery vehicles?
 - Number:
 - Type:
 - Frequency:
11. Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area.

12. How will access be provided to the property/project? (street name)
13. Estimate the number and type (i.e. cars, trucks) of vehicle trips per day that will be generated by the proposed development.
14. Describe any proposed advertising including size, appearance and placement.
15. Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) of will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations.
16. Is there any landscaping or fencing proposed? Describe type and location.
17. What are the surrounding land uses to the north, south, east and west boundaries of the property.
- If box is checked, complete #18 through #29 (for environmental review). Otherwise, skip to #30.**
18. Will this operation, or equipment used therein, generate noise above or in excess of neighboring parcels.
19. On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water to be supplied to the proposed development? (please be specific).
20. On a daily or weekly basis, how much wastewater will be generated by the proposed project and how will it be disposed?
21. On a daily or weekly basis, how much solid waste (garbage) will be generated by the proposed project and how will it be disposed of?
22. Will there be any grading? tree removal? (please state the purpose, i.e. for roads, building pads, drainage, etc.)
23. Are there any archeological or historically significant sites located on this property? If so, describe and show location on site plan.
24. Locate and show all bodies of water on application plot plan or attached map.
25. Show all existing ditches, gullies, ravines, and natural drainage courses on the plot plan.
26. Will hazardous materials or waste be generated or used as part of this project? If so, what is it and how will it be shipped and/or disposed?
27. Will your proposal require use of any public services or facilities? (i.e. schools, parks, fire and police protection or special districts?).
28. How do you see this development impacting the surrounding area?
29. How do you see this development impacting schools, parks, fire and police protection or special districts?
30. If your proposal is for commercial or industrial development, please complete the following:
 - Proposed Use(s)
 - Square Feet or Building Area(s)
 - Total Number of Employees
 - Building Height(s)

City of Newman

Operational/Environmental Statement Checklist

③ Residential

⑫ Through a cement and brick lined driveway going up the side of the house in the front of the house

⑮ The new materials are 2.5" x 2.5" steel tubing and sheet aluminum siding.

Color is blue with white trim, which is the same color as our house 41' long x 14' wide x 14' high.

CITY OF NEWMAN

Community Development Department

Conditional Use Permit Findings of Fact

The following Findings of Fact have been taken from the Newman Municipal Code. The Planning Commission, City Council and Community Development Department are required to evaluate information received from the applicant in response to these findings when deciding upon a Conditional Use Permit request. The Planning Commission may conditionally approve said request only if the following findings can be made (NMC 5-25-2(E)):

1. The proposed conditional use permit is substantially consistent with the General Plan and this Title; and
2. The proposed use will not constitute a nuisance or be detrimental to the public health, safety, and general welfare; and will be in the best interest of public convenience and necessity; and
3. The site is adequate in size and shape to accommodate the proposed use, buildings(s), and all related activities; and
4. The site relates to streets and highways in such a manner that the type and quantity of traffic generated by the subject use will not have an adverse impact on the surrounding area; and
5. The proposed use will be compatible with the surrounding neighborhood.

*** Response must be typed or handwritten on a separate piece of paper.**

City of Newman
Community Development Dept
Conditional Use Permit Findings of Fact.

- ② will protect and prevent sun damage and vandalism to my RV and has been tastefully placed towards the rear of my back yard to make it less noticeable from the front and ~~is~~ is blue with white trim made to ~~can~~ go with my blue with white trim house.
- ③ is proportionately sized for my large back yard.
- ⑤ THIS RV cover is placed behind my fence, in my back yard towards the rear of my back yard to be less noticeable from the front of the house and is made to match my house.

To City of Newman,

I have been a Newman resident at my current location since my house was built about 18 years ago. I had previously owned a travel trailer that used to be stored on the side of my house, in my back yard, for approximately 10 years. I took all the necessary actions of professionally cementing and preparing a location in my back yard to follow the city ordinance that requires storing any trailer on a residence property in the back yard. I recently sold my travel trailer and purchased a motor home, of better size, where I store in the same location of my back yard.

I live in a court and the back of my house faces a main road which is Driskel. On that main road, behind my house, there used to be three fully matured Modesto Ash city trees. These trees were cut down by the city. Since these trees were cut down, my property has been vandalized several times from the Driskel area by people throwing rocks leaving my travel trailer with a broken window two times. After purchasing my motor home, I found a broken 1/5 tequila bottle in my back yard that had been thrown at my motor home.

I am trying to protect my property and my investment so I had an RV cover installed in my back yard that I believe would help protect my motor home. My motor home is tall so I had to have a RV cover tall enough to fit. I wanted to make sure it was a color that would match with my house so that it would look decent. I had it installed as far back as possible from the front of the house so it wouldn't offend my neighborhood. If this offends any of my neighbors from behind or on Driskel, I am willing to plant cypress tree's, on my property, to disguise the RV cover. It is important to me that the neighborhood be kept up and look nice and if I felt this were, in any way, offensive looking,, I would have not installed it. I feel it goes well with my house and is placed in the best possible location of my property. I spent a lot of money on it so I could get the most attractive and best quality RV cover I could find.

I will do all possible to please the community as best as possible in this situation and hope that the community will understand my trying to protect my property from vandalism.

Thank you very much for your time and consideration.

Sincerely,

Joe Winters

A handwritten signature in black ink, appearing to read 'Joe Winters', with a long horizontal flourish extending to the right.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.d.**
City Council Meeting
of October 28, 2008

REPORT ON PLANNING COMMISSION DENIAL OF VARIANCE
#2008-02 AND APPEAL THEREOF

RECOMMENDATION:

1. Conduct Public Hearing
2. Deny appeal of Variance #2008-02; upholding the Planning Commission's decision.

BACKGROUND:

At the September 2008 meeting, the Planning Commission voted 4-0 (with 1 absent) to deny Variance application #2008-02 based upon their inability to meet the Findings required by Newman Municipal Code.

ANALYSIS:

In the staff report presented to the Planning Commission, a letter from the applicant (Joe Winters) described the conditions which exist that necessitated the construction of the structure. In addition, Mr. Winters spoke during the required public hearing and explained why he considered a 14' tall structure necessary and that he wanted a convenient place close to his residence to store his motor home and preferred not to utilize off-site storage. Municipal Code §5.25.030 (F) states that "Neither personal, family, or financial difficulties; the loss of perspective profits; or the existing of neighboring violations shall constitute justification for a variance." In addition, Municipal Code §5.27.022 (I) affirms that the Planning Commission (in its decision making process) may impose such conditions and limitations as it deems necessary to ensure compliance with the General Plan and this title [NMC], maintain property values, ensure neighborhood compatibility, and protect the public health, safety, and general welfare

In their decision, the Planning Commission reviewed and agreed that the proposed Variance does not meet the required five findings as identified in the Newman Municipal Code. These findings are as follows:

1. The variance does not form a grant of special privilege inconsistent with the limitations on other properties in the same zoning district and the vicinity.

The Planning Commission acknowledged that no other properties within the general area have similar accessory buildings and that approval of the request will constitute a granting of special privilege

2. The variance will not be detrimental to the public health, safety and general welfare.

The Planning Commission found that the proposed accessory does not meet all the setback and height requirements and approval of the variance may be harmful to the public health, safety and general welfare.

3. The variance will not substantially impair the purposes of this title or the General Plan.

Agenda Item: **9.d.**

The Planning Commission agreed that the zoning code states a maximum height and minimum setbacks for accessory structures and states that finances and personal/family difficulties shall not constitute justification when approving variances and that approval of the request will set a precedent for approving variances and thereby impair the purpose of the code.

4. The subject property has special circumstances or conditions whereby the strict application of the zoning ordinance standards would deprive the property of privileges enjoyed by other properties in the same zoning district and the vicinity.

The Planning Commission recognized that other properties within the vicinity and same zone district comply with the development standards identified within the municipal code and the subject property is not deprived of privileges enjoyed by other properties in the same zoning district and the vicinity.

5. The variance will be compatible with the neighborhood.

The Planning Commission decided that the variance would not be compatible with the current neighborhood given the accessory building's observable large size and location.

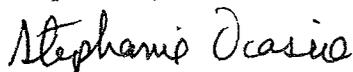
FISCAL IMPACT:

None

CONCLUSION:

In conclusion, the Planning Commission reviewed the Variance application for consistency with the Municipal Code and found they could not make any of the necessary findings required for approval. The applicant has appealed this matter, as provided by Code, and requests the Council grant the Variance based upon his desire to protect his personal property, his willingness to create a visual buffer to further shield the structure from the public view (i.e. Driskell Avenue) and the lack of opposition from the surrounding neighborhood. The Planning Commission report and draft minutes from the meeting are attached for your review.

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of June 23, 2009

**APPROVING AND AUTHORIZING SUBMITTAL OF A NEIGHBORHOOD
STABILIZATION PROGRAM 2 (NSP2) AGREEMENT WITH STANISLAUS COUNTY
DESIGNATING THE COUNTY AS LEAD APPLICANT FOR FUNDING UNDER NSP2**

RECOMMENDATION:

Approve and authorize submittal of a Neighborhood Stabilization Program 2 (NSP2) agreement with Stanislaus County designating the County as lead applicant for funding under NSP2.

ANALYSIS:

As part of the six-member Stanislaus County CDBG consortium, the City of Newman received funds under the Neighborhood Stabilization Program through the 2008 Housing and Economic Recovery Act (HERA). This Act provides grants to every state to purchase foreclosed/abandoned homes and to rehabilitate/resell/redevelop areas in order to stabilize neighborhoods and stem the decline of home values in these communities.

Known as Neighborhood Stabilization Program 2 (NSP2), the Neighborhood Stabilization Program is providing additional funding. The funding under NSP2 will be made available competitively to eligible applicants. There will be two competitions, program and technical assistance. Under the program round, applicants will compete for up to \$1.93 billion of NSP2 funds to carry out neighborhood stabilization programs. Under the technical assistance round, applicants will compete for no more than \$50 million of NSP2 funds each to provide technical assistance that includes staffing capacity of local communities receiving NSP1 or any entity receiving NSP2 funding to carry out neighborhood stabilization activities.

As lead agency for the Consortia, the County will apply for \$40,000,000 in additional funding under NSP2. If awarded, these funds will be utilized as follows:

| Activity | Allocation Distribution |
|----------------------------------|-------------------------|
| Administration/Activity Delivery | \$ 4,000,000.00 |
| Special Populations | \$ 5,700,000.00 |
| Unit Rehabilitation | \$ 4,000,000.00 |
| Unit Demolition | \$ 4,000,000.00 |
| Unit Acquisition | \$ 4,000,000.00 |
| Down Payment Assistance | \$ 6,000,000.00 |
| Energy Efficiencies | \$12,300,000.00 |
| | |
| Allocation Total | \$ 40,000,000.00 |

The table below reflects the amounts each consortia member will receive if the full application amount is allocated. The total funding amounts will be distributed among the Consortia members utilizing the same formula used for CDBG and NSP funding.

| Recipient | Admin./Activity Del. | Activity | Total |
|-------------------|------------------------|------------------------|------------------------|
| Stanislaus County | \$ 3,236,150.00 | \$11,752,000.00 | \$14,988,150.00 |
| SCAP | \$ 300,000.00 | \$ 5,700,000.00 | \$ 6,000,000.00 |
| City of Ceres | \$ 107,350.00 | \$ 4,295,781.00 | \$ 4,403,131.00 |
| City of Newman | \$ 77,750.00 | \$ 3,106,790.00 | \$ 3,184,540.00 |
| City of Oakdale | \$ 65,250.00 | \$ 2,607,785.00 | \$ 2,673,035.00 |
| City of Patterson | \$ 124,750.00 | \$ 4,989,412.00 | \$ 5,114,162.00 |
| City of Waterford | \$ 88,750.00 | \$ 3,548,232.00 | \$ 3,636,982.00 |
| Total | \$ 4,000,000.00 | \$36,000,000.00 | \$40,000,000.00 |

One of the differences between NSP and NSP2 is that funding has also been made available for energy efficiency retrofitting. During dwelling rehabilitation and/or construction, NSP2 allows for the installation/utilization of energy efficient products and retrofits.

To administer the purchase, demolition, rehabilitation and sale of foreclosed properties through NSP2, the City, through the Consortium, will continue to contract with the Housing Authority as we have done for NSP1.

FISCAL IMPACT:

Positive, with an approved NSP2 Application, the City of Newman is eligible to receive \$3,184,540.00.

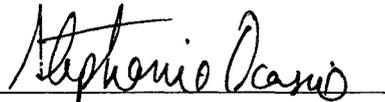
CONCLUSION:

Staff recommends Council approve and authorize submittal of a Neighborhood Stabilization Program 2 agreement with Stanislaus County designating the County as lead applicant for funding under NSP2.

ATTACHMENTS:

1. Exhibit A – NSP2 Agreement

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael Holland
City Manager

NSP2 AGREEMENT

This Allocation Agreement (“Agreement”) is made by and between the County of Stanislaus (the “County”) and the Cities of Ceres, Newman, Oakdale, Patterson and Waterford (the “City” individually or “Cities” collectively) on July 1st, 2009.

Introduction

A. Stanislaus County will apply for an NSP2 grant under the Community Development Block Grant (“CDBG”) program for FY 2009-2010 in the amount of **\$40,000,000** as an “Urban County” as set forth under Title I of the Housing and Community Development Act of 1974, and Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended by the Housing and Community Development Act of 1992; and

B. The parties desire that NSP2 funds received by the County as a “Consortium” be shared equitably among the parties.

1. The County shall also receive an amount not to exceed ten percent of the total FY 2009-2010 NSP2 funds for eligible related administrative services, which amount shall be set aside prior to any allocation of funds to the County and Cities.

2. The County and Cities must cooperatively carry out the NSP2 program.

3. The Cities must authorize the County to act in a representative capacity for all Cities within the Consortium as the lead member and must assume overall responsibility for ensuring that the Consortium’s NSP2 program is carried out in compliance with all NSP2 requirements.

4. Each party has the responsibility to ensure its activities comply with the

grant program. No party, or any of its officers or employees, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by any other party under or in connection with any work delegated to that party under this Agreement. The parties further agree, pursuant to Government Code section 895.4, that each party shall fully indemnify and hold harmless every other party and its agents, officers, employees and contractors from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any work delegated to or action taken or omitted to be taken by such party under this Agreement.

5. The Consortium must agree to execute the NSP2 agreement no later than December 1, 2009.

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

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

– Signatures on following pages –

CITY OF NEWMAN

By _____
Ed Katen
Mayor

Dated _____

ATTEST:

By _____
Mike Maier
Deputy City Clerk

APPROVED AS TO CONTENT:

By _____
Michael E. Holland
City Manager

APPROVED AS TO FORM:

By _____
Tom Hallinan
City Attorney

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.e.**
City Council Meeting
of June 23, 2009

DISORDERLY SOCIAL EVENTS OR GATHERINGS

RECOMMENDATION:

It is recommended the City Council introduce by title and waive further reading of the attached ordinance defining when and how the City will seek reimbursement from individuals for allowing disorderly social events, or gatherings, to occur.

BACKGROUND:

The City currently does not have an avenue in place for collecting costs associated with responding to disorderly social events or gatherings.

ANALYSIS:

As of 01/01/2009, there have been 67 calls for service to the police department that involved complaints of noise. Many of these calls are the direct result of social events with either a loud stereo, live band, or DJ equipment. These social events lead to parking problems, littering issues, and reports of public urination and intoxication. All too often, two to three officers will respond to these types of calls. In many cases, officers will respond to the same location two or three times in one night.

Adoption of an Ordinance that will allow for cost recovery will help to defray costs associated with repeated responses to these types of incidents. Additionally, this Ordinance will hopefully act as a deterrent and will help to minimize repeated responses.

FISCAL IMPACT:

There are no direct financial costs required of the City for the approval of this Ordinance. The issuance of citations, management of cost recovery, and facilitation of administrative hearings, will be administered by the police department using existing practices, personnel and resources. Future revenue is dependant upon the number of incidents per year and the success of the collection of the funds.

ATTACHMENTS:

Attachment A – Proposed ordinance Title 9, chapter 14.

CONCLUSION:

Based upon the information contained in this report, the following options are available.

1. Approve the ordinance and recover costs associated with repeated responses to disorderly social events.
2. Reject the ordinance and do not seek cost recovery associated with repeated responses to disorderly social events.

Staff recommends Alternative 1.

Respectfully submitted,



Adam McGill
Chief of Police

REVIEWED/CONCUR:



Michael Holland
City Manager

ORDINANCE NO. 2009-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 9 POLICE REGULATIONS - OF THE NEWMAN CITY CODE**

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

Section 1.

That Title 9 of the Newman City Code be amended to add the following sections:

Chapter 9.14 Disorderly Social Events Or Gatherings

GENERAL PROVISIONS

9.14.010 Purposes.

The purposes of this chapter are to assist the police department in controlling unruly gatherings, to defray the cost of providing an emergency response during a second or subsequent call to such disorderly social events or gatherings, and to deter noisy, dangerous gatherings which are public nuisances, disturb public peace and threaten the general public welfare.

9.14.020 Definitions.

A. "Disorderly social event or gathering" is a party or other gathering which occurs on or adjacent to private property (hereinafter "premises") in the city and to which a police officer at the scene determines is a public nuisance or threat to the public peace, health, safety or general welfare.

B. A second or subsequent call to a disorderly social event or gathering is a second on-site visit to the premises by the police department, which occurs after an initial response has been made to advise the person apparently in charge, or other person as provided in Section 9.14.060 of this chapter, that the gathering is disorderly and informing such person of his or her liability under this section. Additional visits to the premises regarding the same unruly gathering shall be deemed second calls for the purpose of this section.

9.14.030 Emergency response charges.

Whenever the police department makes a second call to a disorderly social event or gathering, the police personnel utilized during the second or subsequent call shall be deemed to be providing special emergency security services over and above services normally provided to the general public. The cost of providing such special emergency services shall be charged to the person or persons responsible for the unruly gathering as provided in this chapter.

9.14.040 Calculation of charges.

The charge for providing special emergency security services during a second or subsequent call to an unruly gathering shall be calculated by the police department utilizing actual costs, including benefits and overhead, for each member of the public safety forces involved, including fire department personnel when utilized, and shall be adjusted from time to time to reflect changes in such hourly rates. Said charges may include the cost of providing equipment to the scene of an unruly gathering and the cost of repairing or replacing equipment damaged at the scene. Additional visits to the same gathering shall be separately charged.

9.14.050 Collection of charges.

A. The person or persons in charge of the premises and the person or persons in charge of the disorderly social event or gathering, or if any such person is a minor, then the parent or guardians of such

minor, shall be jointly and severally liable for the cost of providing the special emergency security services as provided in this section.

B. Within ten days of the second or subsequent call to a disorderly social event or gathering, the chief of police or his designee shall calculate the charges payable under this section and shall cause a bill to be prepared and sent to the persons responsible for such charges.

C. In the event that such a bill is not paid in full within thirty days of its issuance, the bill shall be referred to the city attorney for appropriate collection activity.

9.14.060 Mandatory warnings.

A. No charges may be levied pursuant to this section unless the person apparently in charge of the disorderly social event or gathering has been informed of his or her potential liability under this section by a police officer at the premises during the first visit. If, after a good faith effort, no such responsible party can be found, the warning may be given to any person in attendance at the unruly gathering.

B. The police department shall develop a written warning document to provide information concerning this section and shall deliver a copy of such warning document to the person described herein during the first visit to the disorderly social event or gathering.

9.14.070 Other remedies.

The damages established by this section are cumulative in nature and shall not be construed to limit or replace any other remedies or penalties, civil or criminal, which may be available.

Section 2.

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

Section 3.

That a duly noticed public hearing was held by the City Council on June 23, 2009.

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 at least once in the West Side Index, a newspaper of general circulation, published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced and adopted at a regular meeting of the City Council of the City of Newman held on the 9th day of June, 2009 by Council Member _____, and adopted at a regular meeting of said City Council held on the 23rd day of June 2009 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

Deputy City Clerk

DRIVING UNDER THE INFLUENCE EMERGENCY COST RECOVERY ORDINANCE

RECOMMENDATION:

It is recommended the City Council introduce by title and waive further reading of the attached ordinance defining when and how the City will seek reimbursement from individuals for emergency response costs arising from incidents they cause while driving under the influence (DUI) of drugs and/or alcohol.

BACKGROUND:

The City currently does not have an avenue in place for collecting costs associated with emergency response to an under the influence motor vehicle incident.

ANALYSIS:

Government Code Sections 53150 through 53159 establishes the statutory framework allowing public agencies to recover emergency response costs from persons who intentionally or negligently cause incidents requiring an emergency response. Section 53150 defines the circumstances in which a person driving a motor vehicle may be liable for the expense of an emergency response, and Section 53156, subdivision (a) (hereafter Section 53156(a)) defines "expense of an emergency response."

Section 53150 provides:

Any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle caused by that influence proximately causes any incident resulting in an appropriate emergency response, and any person whose intentionally wrongful conduct proximately causes any incident resulting in an appropriate emergency response, is liable for the expense of an emergency response by a public agency to the incident.

Section 53156(a) defines "expense of an emergency response" as:

...reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising because of the response to a particular incident. Reasonable costs shall include the costs of providing police, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident."

As originally enacted, Section 53155 limited a person's liability for emergency response expenses to \$500 for a particular incident. (Added by Stats. 1985, ch. 337, §1.). In 1986, the Legislature amended Section 53155, increasing the liability limit to \$1,000 per incident. (As amended by Stats. 1986, ch. 1112, §1.)

Effective January 1, 2005, the liability limit is \$12,000 per incident. (§53155, as amended by Stats. 2004, ch. 51, §1.) In late 2005, claims had been filed against a number of cities in the Bay Area by individuals who were contending that they had been impermissibly billed for emergency response costs because the costs arose from DUI arrests. The contention was that arrests did not constitute, per Government Code Section 53150, an "incident." Trial court decisions issued in cases arising from these claims resulted in holdings that a traffic stop alone and arrest for driving under the influence was an insufficient basis for emergency cost recovery. These court decisions held that costs were recoverable only if a separate emergency existed, such as a collision.

On January 4, 2006, California Court of Appeal, First District, ruled on this issue. In CHP v. Superior Court of Alameda County (Allende) (2006) Cal.App. LEXIS 3, the court held that based on the plain language of Government Code Section 53150, "incident" necessarily means something more than the negligent operation of a motor vehicle while under the influence of an intoxicant. As used in Section 53150, an incident is any event that proximately causes an emergency response by a public agency. Although an accident is not necessary to trigger the right to reimbursement, an ordinary arrest, even for driving under the influence of alcohol or drugs, is not sufficient.

The court also held that an appropriate emergency response to an incident includes the cost of providing police services at the scene, including, among other possible items, salary costs related to ensuring public safety at the

Agenda Item: **10.f.**

scene of the incident, obtaining appropriate medical assistance, removing vehicles, investigating the cause of the incident, conducting field sobriety tests, and if appropriate arresting and detaining the subject.

Reimbursement may also be obtained for time spent away from the scene by responding public agency personnel, provided the response is reasonable and arises from the "incident." Salary costs may be recovered for time spent traveling to and from the scene, transporting the subject from the scene, booking the subject, performing chemical tests, writing customarily required reports (including all accident and DUI related reports that must be completed as a consequence of the incident), and performing follow-up investigation necessary to complete the reports. All of these activities directly arise because of the response to the "incident," and must be performed regardless of whether there is a prosecution for a violation of the DUI laws. Time spent by responding personnel on activities that are not customarily required as a consequence of investigating and mitigating a DUI incident are not eligible for reimbursement. Salary costs incurred after a subject is booked are not recoverable as expenses of an emergency response. Such costs, including the cost of an officer's time testifying against a DUI defendant, arise from a decision to prosecute the defendant. These costs are not recoverable under Sections 53150 and 53156(a).

Based upon the appellate court ruling in Allende, the Police Department has drafted the attached proposed ordinance for charging individuals for emergency response to applicable driving under the influence cases. The Police Department will be responsible for calculating costs based upon the number of specified emergency units responding to the incident and the actual hours spent on the scene. The cost calculation considers personnel costs, including salary and benefits and the cost of equipment.

In compliance with the law and the recent case decisions, individuals will only be charged an emergency cost recovery fee when the incident involves more than a basic traffic stop and ordinary arrest. Examples of incidents that may result in a charge include, but are not limited to, the following: Traffic collisions in which an emergency response is necessary and a driver is determined to be under the influence or the response of emergency medical personnel is necessary to care for a driver who is determined to be under the influence.

FISCAL IMPACT:

There is not a cost to the General Fund. This ordinance will result in an unknown amount of revenue depending on the number of cases each year and the success at collecting the cost recovery funds from those responsible.

ATTACHMENTS:

Attachment A – Proposed ordinance Title 9, chapter 15.

CONCLUSION:

Based upon the information contained in this report, the following options are available.

1. Approve the ordinance and charge individuals based on current local caselaw.
2. Reject the ordinance and do not seek cost recovery in driving under the influence cases.

Staff recommends Alternative 1.

Respectfully submitted,



Adam McGill,
Chief of Police

REVIEWED/CONCUR:



Michael Holland,
City Manager

ORDINANCE NO. 2009-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 9 POLICE REGULATIONS - OF THE NEWMAN CITY CODE**

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

Section 1.

That Title 9 of the Newman City Code be amended to add the following sections:

Chapter 9.15 Driving Under The Influence Emergency Cost Recovery

GENERAL PROVISIONS

9.15.010 Purpose.

The purpose of this chapter is to assist the city in defraying the cost of police and fire department personnel and equipment responding when a person, under the influence of an alcoholic beverage, drug, or the combined influence of an alcoholic beverage and any drug, proximately causes an incident by the negligent operation of a motor vehicle resulting in an appropriate emergency response.

9.15.020 Definitions.

A. For purposes of this chapter, a person is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, when as a result of drinking an alcoholic beverage or using a drug, or both, his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person of ordinary prudence under the same or similar circumstances. For purposes of this chapter, the provisions in Sections 23152 and 23155 of the Vehicle Code shall apply.

B. For the purpose of this chapter, an "emergency response" is one for which police and/or fire personnel and equipment respond to an "incident" beyond the police response required for an ordinary arrest.

C. For purposes of this chapter, an "incident" is an event involving any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle due to that influence proximately causes an event requiring an emergency response as defined in subsection B of this section. An ordinary arrest, even for driving under the influence of alcohol or drugs, is insufficient by itself to constitute an "incident."

9.15.030 Emergency cost recovery.

Emergency response costs, as outlined in Section 9.15.040 of this chapter, shall be recoverable whenever police and/or fire personnel and equipment respond to an incident.

9.15.040 Calculation of emergency response costs.

Calculation of the amount due for an "emergency response" shall include all actual costs incurred by the city in responding to the incident, including salary, benefits and overhead, for each member of the police and fire department responding to the incident, the cost of equipment on scene and the cost of repairing or replacing equipment damaged at the scene. This also includes the cost of obtaining medical assistance, removing vehicles, investigating the cause of the incident, conducting field sobriety tests, arrest and detention of the suspect, time spent traveling to and from the scene, transporting the suspect, booking the suspect, performing chemical tests, writing customary reports and follow-up investigation needed to complete reports.

9.15.050 Collection of charges.

A. Within ten days of the incident necessitating an emergency response as defined in this chapter, the chief of police or his or her designee shall calculate the charges payable under this section and shall cause a bill to be prepared and sent to the person responsible for the incident.

B. If the person deemed responsible for the incident is a minor, then the parents or guardian of such minor shall be liable for the cost of the emergency response as defined in this chapter.

C. In the event that such a bill is not paid in full within thirty days of its issuance, the bill shall be referred to the city attorney for appropriate collection activity.

Section 2.

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

Section 3.

That a duly noticed public hearing was held by the City Council on June 23, 2009

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 at least once in the West Side Index, a newspaper of general circulation, published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced and adopted at a regular meeting of the City Council of the City of Newman held on the 9th day of June, 2009 by Council Member _____, and adopted at a regular meeting of said City Council held on the 23rd day of June 2009 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

**ADOPT RESOLUTION 2009- AUTHORIZING A GENERAL FUND ADMINISTRATIVE
SURCHARGE CALCULATION FOR NON-GENERAL FUND COST**

RECOMMENDATION:

It is recommended that the Newman City Council:

- Review and Approve the General Fund Administrative Surcharge Calculation.

BACKGROUND:

With the completion of the 2005-2006 financial audit, it was recommended by the auditors in the management letter, that the current Administrative Surcharge Policy be reviewed. The policy outlines the procedures used to calculate the yearly administrative fees charged by the General Fund to all other funds. These administrative fees are included in the annual budget.

In reviewing the current Administrative Surcharge policy, we found it to be complicated and time consuming. Therefore, we have constructed a simplified formula to achieve the annual figures.

ANALYSIS:

Assigning costs to the non general fund departments for administrative support is essential to balancing the general fund budget. This method also eliminates the need for constant tracking of time and materials. In order to maintain accuracy, the cost allocation rate shall be reviewed annually during the budget adoption process.

The formulas used to achieve the figures are based on actual costs from the last audited year. Total expenditures by fund are computed excluding capital items, prior year administrative costs and transfers. The total adjusted expenditures are used to determine cost ratio by fund/department. The ratio is then multiplied by the Administrative Cost Center. The Administrative cost center is 15% (the same amount charged to outside firms) of all General Fund Expenditures. (See Exhibit A).

Some Funds are excluded from the General Fund Administrative Surcharge; these funds include Grant Funds, Capital Project Funds, and items that fund the General Fund.

FISCAL IMPACT:

There are no net costs associated with this process. A transfer will be made from non general funds (as an expense) to the general fund (as revenue). This calculation was used in preparing the 09-10 Budget and \$230,444 is included as General Fund revenue in the Budget.

CONCLUSION:

Adopt Resolution authorizing a General Fund Administrative Surcharge for Non-General Fund Costs.

Respectfully submitted,


Sonya Silva

REVIEWED/CONCUR:

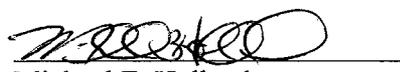

Michael E. Holland
City Manager

Exhibit A

\$ 4,036,808 *15% = \$ 605,521 Administrative Cost Center

| Fund/ Dept | 2007-08 Actual Expenditures | RATIO | 2009-10 Budgeted Admin Fee | |
|------------------------|-----------------------------------|--------|----------------------------------|-----------|
| 10-1 | \$ 246,685 | 0.0379 | - | |
| 10-2 | \$ 158,264 | 0.0243 | - | |
| 10-3 | \$ 37,191 | 0.0057 | - | |
| 10-6 | \$ 112,960 | 0.0173 | - | |
| 10-7 | \$ 80,111 | 0.0123 | - | |
| 10-14 | \$ 121,423 | 0.0186 | - | |
| 10-15 | \$ 101,622 | 0.0156 | - | |
| 10-21 | \$ 1,704,330 | 0.2615 | - | |
| 10-22 | \$ 93,878 | 0.0144 | - | |
| 10-23 | \$ 177,390 | 0.0272 | - | |
| 10-31 | \$ 21,665 | 0.0033 | - | |
| 10-33 | \$ 304,639 | 0.0467 | - | |
| 10-41 | \$ 585,210 | 0.0898 | - | |
| 10-44 | \$ 156,844 | 0.0241 | - | |
| 10-45 | \$ 131,345 | 0.0202 | - | |
| 10-46 | \$ 3,251 | 0.0005 | - | |
| 14-45 | \$ - | - | - | |
| 14-06 | \$ - | - | - | |
| 16-44 | \$ - | - | - | |
| 20- | \$ - | - | - | |
| 24-32 | \$ - | - | - | |
| 40-32 | \$ - | - | - | |
| 40-06 | \$ - | - | - | QTRLY |
| 60-50 | \$ 843,268 | 0.1294 | 78,352 | 19,587.91 |
| 61-55 | \$ 448,076 | 0.0688 | 41,633 | 10,408.17 |
| 62-60 | \$ 48,944 | 0.0075 | 4,548 | 1,136.90 |
| 63-56 | \$ 701,271 | 0.1076 | 65,158 | 16,289.52 |
| 64-56 | \$ 136,491 | 0.0209 | 12,682 | 3,170.49 |
| 68-68 | \$ 22,319 | 0.0034 | 2,074 | 518.44 |
| 69-47 | \$ 161,669 | 0.0248 | 15,021 | 3,755.34 |
| 70-07 | \$ - | - | - | |
| 73-70 | \$ 118,141 | 0.0181 | 10,977 | 2,744.25 |
| 74-70 | \$ - | - | - | 0.00 |
| | | | | 0.00 |
| Total Adj Expenditures | \$ 6,516,987 | - | 230,444 | 57,611.02 |

RESOLUTION NO. 2009-

**A RESOLUTION AUTHORIZING A GENERAL FUND ADMINISTRATIVE SURCHARGE
FOR NON-GENERAL FUND COSTS**

WHEREAS, it has been determined that Non-General Fund activities benefit directly from administrative support provided by General Fund departments; and

WHEREAS, allocating administrative surcharges for Non-General Fund activities directly to the Non-General Fund account which generates the activity would result in a substantial reduction in General Fund expenditures and is entirely appropriate; and

WHEREAS, the Council requires annual review of the allocation rate and amounts charged to Non-General Fund activities.

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

1. That a General Fund Administrative Surcharge shall be allocated to the Non-General Fund activity which generates the activity resulting in the cost or charge.
2. That the cost allocation rate shall be reviewed annually during the budget adoption process.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of June, 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

ATTEST:

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.h.**
City Council Meeting
of June 23, 2009

APPROVE AN EXTENSION OF THE CURRENT AGREEMENT TO PROVIDE AUDIT SERVICES BY CLENDENIN, BIRD AND COMPANY, PC AND AUTHORIZE THE CITY MANAGER TO SIGN AN AGREEMENT FOR AUDIT SERVICES

RECOMMENDATION:

It is recommended that the City Council consider:

1. Approve the contract renewal to provide audit services from Clendenin, Bird & Company, PC and;
2. Authorize the City Manager to sign the Agreement for Audit Services.

BACKGROUND:

Each year the City's financial records are audited by an independent Certified Public Accounting Firm. Using Generally Accepted Accounting Principles (GAAP) and Generally Accepted Auditing Standards, our financial records are reviewed and we are issued audited financial statements along with an Independent Auditor's Report. These reports are used by the Council, Staff, the Public, and Bond Rating Agencies to evaluate the fiscal condition of the City.

ANALYSIS:

The City of Newman is required to have an annual audit of its books and accounts. Clendenin, Bird & Company, PC was awarded the original contract in 2006 and has performed the audit satisfactorily for the past three years. The services include auditing the financial statements of the government and business activities, auditing the Redevelopment Agency and preparing various state required reports. The City's original contract was for one year with a two year extension option. The proposal for Clendenin, Bird & Company, PC is to perform the auditing services for the fiscal year 2009, a one year extension.

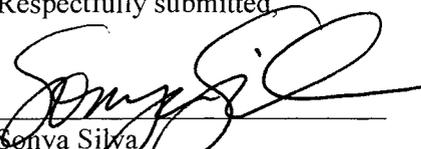
FISCAL IMPACT:

The fiscal impact of renewing the contract for one year is \$24,800. If the Council approves staff's recommendation, funds for this purpose will be available in the 2009-10 preliminary budget.

CONCLUSION:

Staff recommends that the Council accept the proposal from Clendenin, Bird & Co. and direct the City Manager to sign the agreement for audit services.

Respectfully submitted,

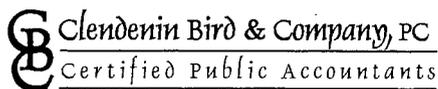


Sonya Silva
Finance Director

REVIEWED/CONCUR:



Michael E. Holland
City Manager



1300 10th Street, Ste C
Modesto, Ca 95354
209-526-3091
209-526-2287 fax
cbcpas.com

Gerald L. Clendenin, CPA
Constance Hillas Bird, CPA
Michelle L. Edmiston, CPA
Cathy L. Gatewood, EA

William J. Young, CPA
Robert C. Kehl

May 28, 2009

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

We are pleased to confirm our understanding of the services we are to provide for the City of Newman for the year ended June 30, 2009. We will audit the financial statements of the governmental activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the entity's basic financial statements, of the City of Newman as of and for the year ended June 30, 2009. We will also audit the City of Newman Redevelopment Agency and Transportation Development Act Funds as of and for the year ended June 30, 2009. We will prepare the City of Newman and City of Newman Redevelopment Agency's State Controllers and State Highway Reports. The document we submit to you will include the following supplementary information required by generally accepted accounting principles that will be subjected to certain limited procedures, but will not be audited.

1. Management's Discussion and Analysis

Also the document we submit to you will include the following additional information that we will be subjected to the auditing procedures applied in our audit of the financial statements up on which we will provide an opinion in relation to the basic financial statements.

- Schedule of expenditures of federal awards
- Budgetary comparison schedules

The objective of our audit will be the expression of an opinion as to whether the general purpose financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the general purpose financial statements taken as a whole. The objective also includes reporting on the City of Newman's –

our opinions on the City of Newman's general purpose financial statements and on its compliance with requirements applicable to major programs.

We will obtain an understanding of the design of the relevant controls and whether they have been placed in operation, and we will assess control risk. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the general-purpose financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the general-purpose financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on the internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to Government Auditing Standards.

We will perform tests of controls, as required by OMB Circular A-133, to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements, applicable to each of the City of Newman's major federal awards programs. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify reportable conditions. However, we will inform you of any matters involving internal control and its operation that we consider to be reportable conditions under standards established by the American Institute of Certified Public Accountants. Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of the internal control that, in our judgement, could adversely affect the entity's ability to record, process, summarize, and report financial data consistent with the assertions of management in the general-purpose financial statements. We will also inform you of any non-reportable conditions or other matters involving the internal control, if any, as required by OMB Circular A-133.

Identifying and ensuring that the City of Newman complies with laws, regulations, contracts, and grant agreements, is the responsibility of management. As part of obtaining reasonable assurance about whether the general-purpose financial statements are free of material misstatement, we will perform tests of the City of Newman's compliance with applicable laws and regulations, and the provision of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to Government Auditing Standards.

including the schedule of expenditures of federal awards, but the responsibility for the financial statements remains with you.

This responsibility includes the establishment and maintenance of adequate records and effective internal control over financial reporting and compliance, the selection and application of accounting principles, and safeguarding assets.

Management is responsible for adjusting the financial statements to correct material misstatements and for confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Management is responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the organization involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. You are also responsible for informing us of your knowledge of any allegations of fraud or suspected fraud affecting the organization received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the City complies with applicable laws and regulations and for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report.

Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan.

As part of the audit, we will prepare a draft of your financial statements, schedule of expenditures of federal awards, and related notes. In accordance with *Governmental Auditing Standards*, you will be required to review and approve those financial statements prior to their issuance and have responsibility to be in a position in face and appearance to make an informed judgment on those financial statements.

Further, you are required to designate a qualified management-level to be responsible and accountable for overseeing our services.

We understand that your employees will type all cash or other confirmations we request and will locate any invoices selected by us for testing.

City of Newman
May 28, 2009
Page 7

significant additional time or accounting work is necessary, we will discuss it with you and give you a new fee estimate before we incur the additional costs.

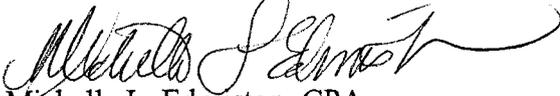
Client and accountant both agree that any dispute over fees charged by the accountant to the client will be submitted for resolution by arbitration in accordance with the rules of the American Arbitration Association. Such arbitration shall be binding and final. IN AGREEING TO ARBITRATION, WE BOTH ACKNOWLEDGE THAT IN THE EVENT OF A DISPUTE OVER FEES, EACH OF US IS GIVING UP THE RIGHT TO HAVE THE DISPUTE DECIDED IN A COURT OF LAW BEFORE A JUDGE OR JURY AND INSTEAD ARE ACCEPTING THE USE OF ARBITRATION FOR RESOLUTION.

Government Auditing Standards require that we provide you with a copy of our most recent quality control review report. A copy will be made available upon request.

We appreciate the opportunity to be of service to the City of Newman and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

CLENDENIN BIRD & COMPANY, PC



Michelle L. Edmiston, CPA

Vice- President

RESPONSE:

This letter correctly sets forth the understanding of the City of Newman.

By: _____

Title: _____

Date: _____

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.i.**
City Council Meeting
of June 23, 2009

APPROVE A RESOLUTION FOR EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC)

RECOMMENDATION:

It is recommended that the Newman City Council:

1. Adopt Resolution No. 2009- , approving the EMPC for the Miscellaneous Employee Group.
2. Adopt Resolution No. 2009- , approving the EMPC for the Management Employee Group.

BACKGROUND:

The Public Employees Retirement System (PERS) consists of two parts: (1) the Employers Contribution Rate and (2) the Members Contributions Rate. Currently, the City pays both the Employers and Members Contribution Rates. For fiscal year 2010, the Employers Contribution Rate is 17.672% of the members' earnings; and the Members Contribution Rate is 8% of the members' earnings. Staff is recommending the benefit shall consist of the City paying 6% of the normal member contributions as EPMC.

California Government Code Section 20691 states that *notwithstanding any other provision of law, a contracting agency or school employer may pay all or a portion of the normal contribution required to be paid by a member.* This provision must be adopted and applied equally to everyone in a group or class of employment. One of the steps to implement Section 20691 is the adoption of a resolution to commence any changes to the EPMC.

ANALYSIS:

As a cost savings measure for the City, both the management and miscellaneous employee groups have agreed to pay 2% of the member contribution.

FISCAL IMPACT:

The proposed change in contributions would save the City \$21,845, based on the current budget recommendations, \$10,503 of which, would directly impact the General Fund.

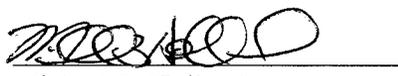
CONCLUSION:

It is staff recommendation that the Council approve the change in the members' contributions as EPMC for both the miscellaneous and management groups.

Respectfully submitted:


Sonya Silva
Finance Director

REVIEWED/CONCUR:


Michael E. Holland
City Manager

RESOLUTION NO. 2009-

**A RESOLUTION FOR EMPLOYER PAID MEMBER CONTRIBUTIONS FOR
MISCELLANEOUS EMPLOYEES**

WHEREAS, the governing body of the City of Newman has the authority to implement Government Code Section 20691; and

WHEREAS, the governing body of the City of Newman has written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer; and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Newman of a Resolution to commence said Employer Paid Member Contributions (EPMC); and

WHEREAS, the governing body of the City of Newman has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to all employees of the Miscellaneous Employee Group.
- This benefit shall consist of paying 6% of the normal member contributions as EPMC.
- The effective date of this Resolution shall be July 1, 2009.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman elects to pay EPMC, as set forth above.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of June, 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

ATTEST:

Deputy City Clerk

RESOLUTION NO. 2009-

**A RESOLUTION FOR EMPLOYER PAID MEMBER CONTRIBUTIONS FOR
MANAGEMENT EMPLOYEES**

WHEREAS, the governing body of the City of Newman has the authority to implement Government Code Section 20691; and

WHEREAS, the governing body of the City of Newman has written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer; and

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Newman of a Resolution to commence said Employer Paid Member Contributions (EPMC); and

WHEREAS, the governing body of the City of Newman has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to all employees of the Management Employee Group.
- This benefit shall consist of paying 6% of the normal member contributions as EPMC.
- The effective date of this Resolution shall be July 1, 2009.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman elects to pay EPMC, as set forth above.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of June, 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

ATTEST:

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10. i.**
City Council Meeting
of June 23, 2009

APPROVE SUSPENSION OF THE EMPLOYEE HOME LOAN PROGRAM

RECOMMENDATION:

It is recommended that the Newman City Council:

1. Approve Suspension of the Employee Home Loan Program

BACKGROUND:

In Fiscal Year 2008, the City Council directed staff to move forward with the implementation of the Employee Home Loan Program. This program allocated \$200,000 of general funds to be used toward the purchase of homes in the City of Newman, by current, non-probationary, employees. The money was reallocated to a Special Revenue Fund, where several employees have taken advantage of the program.

ANALYSIS:

Due to the declining economy, the city is taking every precaution to alleviate the General Fund Deficit. There is \$40,000 of unused funds in the Employee Home Loan Fund. There has been no interest expressed in the program since January of 2009. Staff feels that the funds can be better utilized in the General Fund. Also if repayments continue to be made, the Council will have the option of reallocating more funds to the general fund later in the year.

FISCAL IMPACT:

Reallocating the funds back to the General Fund, will increase the Fund Balance by \$40,000. There are no other costs associated with this transfer.

CONCLUSION:

Staff recommends the Council suspend the remaining \$40,000, and reallocate the funds back into the general fund. Staff also recommends the program be re-evaluated at a later date if funds become available.

Respectfully submitted,



Sonya Silva
Finance Director

REVIEWED/CONCUR:



Michael E. Holland
City Manager



RICK HARDEN
MANAGER
rharden@turlock.ca.us

MUNICIPAL SERVICES
PUBLIC FACILITIES MAINTENANCE DIVISION

156 S. BROADWAY, SUITE 270 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5599 EXT 4407 | FAX 209-668-5695

June 22, 2009

**Newman City Council
Main Street
Newman, CA 95360**

RE: Dog Park

Dear Mr. Holland,

I am Rick Harden, Public Facilities Manager for the City of Turlock. Last summer we completed our first Dog Park in Turlock. When we started the process of selecting a site, and soliciting donations and support, I must say I had my reservations of the new waters we were about to tread. Working with Marlena was truly a joy. Her positive spirit and experiences with dog parks made the process much easier, and kept the project on course throughout.

After several meetings to select a site, we were able to select a location that presented no resistance from the neighborhood. Some of the people that were actively involved in trying to develop a dog park did not embrace the site completely at first, but realized it was probably the only viable site within the city limits.

After several months of fundraising, city crews began the construction of the fence for the dog park. Immediately, interest in the park began to grow as the dog park was becoming a reality. In two short months, the dog park was completed enough to open to the public.

Although the project is not 100% complete, the dog park is used daily by several local citizens and visitors from the surrounding communities.

The opening of the dog park has been a tremendous success story within our community. The dog owners 'self police' the area, and we have experienced very few minor incidents at the park. The development of the park has not only converted a once troubled neighborhood park into a thriving family neighborhood park, it has had outreaching positive impacts throughout the community. We have experienced less 'dog piles' throughout the City, there seems to be an increase in the number of people out walking their dogs, and we have started discussions of possibly developing another dog park within our community.

I want to apologize for not being able to attend your Council meeting to speak directly to the Council on this matter, but I would be willing to speak to anyone from your community via telephone to answer any questions they may have regarding our experience both positive and negative with our dog park. I must admit I had my reservations about developing a dog park at first, but now I am totally convinced a dog park is a great asset to any community. It is amazing

to watch people of all walks of life come together in such a positive way through the socializing of their pets.

I sincerely wish you the best of luck, and I hope your dog park becomes a reality and the citizens of Newman can experience the joy and success the people of Turlock have experienced this past year.

Sincerely,

**Rick Harden
Public Facilities Manager**