



**AGENDA**  
**NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY**  
**REGULAR MEETING JULY 14, 2009**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET**

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters
  - a. Recognition Of Sergeant Randy Richardson's Graduation From The Sherman Block Supervisory Leadership Institute.
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 23, 2009 Regular Meeting.
  - d. Approval Of City Furlough Program.
9. Public Hearings
  - a. Adopt Resolution No. 2009- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.
  - b. Second Reading And Adoption Of Ordinance No. 2009- , Amending Title 9 Police Regulations, Adding Chapter 9.14 Disorderly Social Events Or Gatherings To The Newman City Code And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.
  - c. Second Reading And Adoption Of Ordinance No. 2009- , Amending Title 9 Police Regulations, Adding Chapter 9.15 Driving Under The Influence Emergency Cost Recovery To The Newman City Code And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.

## **10. Regular Business**

- a. Introduction And First Reading Of Ordinance No. 2009- Amending Title 5 Zoning And Adding Chapter 5.23.150 Storage Containers To The Newman City Code.
- b. Adopt Resolution No. 2009- , Awarding The Bid For The 2009 Street Maintenance Project And Authorizing The City Manager To Execute An Agreement For Said Project.
- c. Approve Updated Proposal For Master City Engineering Services From AECOM USA, Inc. And Authorize The City Manager To Execute An Agreement For Services.
- d. Adopt Resolution No. 2009- , Approving And Adopting Updated City Improvement Standards.
- e. Adopt Resolution No. 2009- , Approving The Pick-Up Of Employee Contributions To California Public Employees Retirement System (CalPERS).

## **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 Legal Council - Potential Litigation - One Case - G.C. 54956.9.
- b. Public Employee Personnel Evaluation - City Manager - G.C. 54957.
- c. Return To Open Session.

## **15. Adjournment.**

## Calendar of Events

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 25 - Chamber Dinner-Dance 6:00 P.M.

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

August 6 - Healthier Choices For Our Westside Kickoff

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

August 11 - CDBG Community Computer Classes Resume.

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

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

August 19 - Mayors Meeting - 6:00 P.M. - Oakdale

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.

June 09  
New

Date.: Jul 10, 2009  
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Run by: EMILY M. FARIA

CITY OF NEWMAN  
CASH DISBURSEMENTS REPORT

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Ck #	Check Date	CK Amount	Vendor Name	Description
036014	06/22/09	84.00	UNITED STATES POSTMASTER	2 ROLLS STAMPS/PD
036015	06/24/09	200000.00	JOSE REYNOSO	REDEVELOPMENT LOAN/NEWMAN DEPOT GARAGE
036016	06/29/09	2835.00	JOHN LEMUS (NT)	HEALTH INS PREMIUM & HSA DEPOSIT REIMBURSE/LEMUS
036017	06/29/09	30.91	DEPT OF MOTOR VEHICLES	3 CALIF VEHICLE CODE BOOKS/PD
036018	07/10/09	714.11	ABBOTT & KINDERMANN, LLP	GENERAL ADVICE RENDERED THRU 6/20/09
036019	07/10/09	1135.35	ALCALA & ASSOCIATES	SHORTHAND SERVICES ARBRITATION HEARING/J. LEMUS
036019	07/10/09	1173.05	ALCALA & ASSOCIATES	ARBITRATION HEARING/SHORTHAND SERVICES/J. LEMUS
036019	07/10/09	1135.85	ALCALA & ASSOCIATES	ARBITRATION HEARING/SHORTHAND SERVICES/J. LEMUS
036019	07/10/09	1274.10	ALCALA & ASSOCIATES	ARBITRATION HEARING/SHORTHAND SERVICES/J. LEMUS
036020	07/10/09	8082.07	ALLIED AFFILIATED FUNDING, LP	2 ROADRUNNERS/2 CRADLES/INSTALLATION/METER READING
036021	07/10/09	165.00	AMERICAN PLANNING ASSOC	AMERICAN PLNG ASSOC DUES/10/1/09-9/30/10/OCASIO
036022	07/10/09	146.58	AT&T	EMERGENCY DISPATCH LINE/PD/5/20/09 TO 6/19/09
036023	07/10/09	889.25	BASIC CHEMICAL SOL./INC.	340 GALLONS SODIUM HYPOCHLORITE/WELLS
036024	07/10/09	49564.83	BERTOLOTTI DISPOSAL	GARBAGE SERVICE/JUNE 2009
036025	07/10/09	1436.60	BERTOLOTTI DISPOSAL	LANDFILL FEES/JUNE 2009
036026	07/10/09	4.14	B G AUTO	LONG-LIFE MINIATURE
036026	07/10/09	91.38	B G AUTO	BENDIX AIR VALVE
036027	07/10/09	4547.48	W.H. BRESHEARS, INC.	GAS AND DIESEL PURCHASES/JUNE 2009
036028	07/10/09	73.80	CALIF BUILDING STANDARDS COMMI	SB1473 FEES COLLECTED APR-JUNE 09
036029	07/10/09	566.46	CDW GOVERNMENT, INC	PO #09-81
036029	07/10/09	72.29	CDW GOVERNMENT, INC	INTUIT QUICKEN DLX 2009/FIRE DEPT
036030	07/10/09	252.40	CENTRAL SANITARY SUPPLY	ROLL TOWELS/SWABBY BOWL CLEANER
036031	07/10/09	654.55	CHEVRON	GASOLINE PURCHASES/JUNE 2009
036032	07/10/09	89.87	CMB	REIMBURSE BAD DEBT

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Ck #	Check Date	CK Amount	Vendor Name	Description
036034	07/10/09	55.00	IGNACIO CONTRERAS	REFUND PIONEER PARK RENT/CANCELLED USE/CONTRERAS
036035	07/10/09	778.38	CORBIN WILLITS SYS, INC.	SERVICE & ENHANCEMENT FEE/JULY 2009
036036	07/10/09	311.85	CROP PRODUCTION SERVICES	5 GALLONS AQUAMASTER/WWTP
036037	07/10/09	820.80	GARY WHITE	PASTURE HAY HAULING/WWTP
036038	07/10/09	45.00	NOEL DE LA ROSA	REFUND SOCCER REGISTRATION/JOSEPH DE LA ROSA
036039	07/10/09	17000.00	D.L. CATHCART	PO #09-80
036040	07/10/09	788.16	E&M ELECTRIC, INC.	REPLACED LIGHT AT MATTERI FIELD
036041	07/10/09	15.00	ECONOMIC TIRE SHOP	1 TIRE REPAIR/NEW TUBE
036041	07/10/09	16.71	ECONOMIC TIRE SHOP	TIRE REPAIRED
036042	07/10/09	5674.30	EMPLOYMENT DEV DEPT/SUI	UNEMPLOYMENT INS & PENALTY/JAN-MARCH 2009
036043	07/10/09	550.00	ENERGY SYSTEMS	SERVICED GENERATOR AT WELL #8
036043	07/10/09	542.08	ENERGY SYSTEMS	SERVICED GENERATOR AT WELL 1R
036043	07/10/09	538.68	ENERGY SYSTEMS	SERVICED GENERATOR AT POLICE DEPT
036043	07/10/09	542.08	ENERGY SYSTEMS	SERVICED GENERATOR AT WELL #6
036043	07/10/09	1088.07	ENERGY SYSTEMS	SENSOR LOSS AT WELL #8/REPLACED BATTERIES
036044	07/10/09	25.00	FLEX ONE/AFLAC	ADMIN FEE/URM/JUNE 2009
036045	07/10/09	228.00	FUTURE STARS 2000'S, INC	TENNIS LESSONS/SESSION #1 6/4/09 TO 6/18/09
036046	07/10/09	313.52	GARTON TRACTOR	REPLACED CONTROL BOX/MOWER
036046	07/10/09	15.02	GARTON TRACTOR	FILTERS/KIT/KEY
036046	07/10/09	75.69	GARTON TRACTOR	AIR FILTER/OIL
036046	07/10/09	7.69	GARTON TRACTOR	AIR FILTERS
036046	07/10/09	499.52	GARTON TRACTOR	REPLACED LOWER LEVER/LAWN MOWER
036046	07/10/09	305.68	GARTON TRACTOR	ELEMENT FILTER/KEY/FILTER/OIL
036047	07/10/09	893.55	GEOANALYTICAL LAB, INC.	WEEKLY BACTI'S/QUARTERLY WELLS/BOD/SUSPENDEDED SOLID
036048	07/10/09	3.53	GOLDEN STATE IRRIGATION	TEFLON TAPE/RAINBIRD SPRAY HEAD

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036048	07/10/09	4.34	GOLDEN STATE IRRIGATION	2 RAINBIRD SPRAY HEADS
036048	07/10/09	12.49	GOLDEN STATE IRRIGATION	GOPHER GETTER BAIT
036049	07/10/09	867.00	GROENIGER & CO.	PO #09-83
036050	07/10/09	234.02	HINDERLITER, DELLAMAS & ASSOCI	SALES TAX AUDIT SERVICES/OCT-DEC 2008
036051	07/10/09	27532.08	HOGUE, FENTON, JONES & APPEL, I	PROFESSIONAL SERVICES RENDERED 4/1/09 TO 5/29/09
036052	07/10/09	144.58	HUB INTERNATIONAL OF CA INS SE	LIABILITY INS/LANGLEY
036053	07/10/09	60.69	IKON OFFICE SOLUTIONS	1 BOX CANNON COPIER STAPLES
036054	07/10/09	321.87	IKON OFFICE SOLUTIONS	COPIER LEASE 6/10/09 TO 7/09/09/CITY HALL
036055	07/10/09	303.64	IDEXX LABORATORIES, INC.	WATER TESTING SUPPLIES
036056	07/10/09	2323.68	INFOSEND, INC	UTILITY BILL & LATE NOTICE/6/09/STREET SWEEP INSER
036057	07/10/09	1525.00	JOE'S LANDSCAPING &	CLEAN-UP OF 531 LADYSLIPPER LN
036057	07/10/09	1150.00	JOE'S LANDSCAPING &	CLEAN-UP OF 719 ELYAR MOUNTAIN CT
036057	07/10/09	1000.00	JOE'S LANDSCAPING &	CLEAN-UP OF 1959 SYDNEY STREET
036057	07/10/09	912.50	JOE'S LANDSCAPING &	CLEAN-UP OF 765 ORESTIMBA PEAK
036057	07/10/09	9375.00	JOE'S LANDSCAPING &	LIGHTING & LANDSCAPE SERVICES/JUNE 2009
036058	07/10/09	36.51	MALLARD EXPRESS AUTO	OIL CHANGE/TIRE PRESSURE/FLUIDS/04 YUKON
036058	07/10/09	50.00	MALLARD EXPRESS AUTO	ROTATE TIRES/CLEANED ENGINE
036058	07/10/09	197.53	MALLARD EXPRESS AUTO	TESTED ELECTRIC SYSTEM/03 FORD
036058	07/10/09	315.00	MALLARD EXPRESS AUTO	REPLACED REAR BRAKE PADS/06 CHARGER
036059	07/10/09	1028.04	MCDONOUGH, HOLLAND, ALLEN	LEGAL SERVICES RENDERED THRU 5/31/09
036060	07/10/09	3.35	NEWMAN S & S AUTO SUPPLY	MINI LAMP
036060	07/10/09	11.91	NEWMAN S & S AUTO SUPPLY	ACCESSORY RELAY
036061	07/10/09	37680.00	NEWMAN FIREFIGHTERS, INC.	3768 FIRE CALLS/TRAINING/VOLUNTEER FIRE 08-09
036062	07/10/09	349.95	NEWMAN ACE HARDWARE/JACT, INC	LIGHT BULBS/GRAFFITI REMOVER/PRUNER/PAINT/ROPE
036063	07/10/09	1495.03	NEXTEL COMMUNICATIONS	CELL PHONE USAGE/JUNE 2009

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036064	07/10/09	100.68	NORMAC, INC.	2 PEB VALVES
036065	07/10/09	1329.00	OPERATING ENGINEERS/	HEALTH INSURANCE PREMIUM/JULY 2009
036066	07/10/09	6985.00	PACIFIC MUNICIPAL CONSULTANTS	CAPITAL FACILITIES FEE UPDATE/INV #1
036067	07/10/09	110.39	P G & E	NATURAL GAS PURCHASES/5/7/09 TO 6/08/09
036067	07/10/09	44368.88	P G & E	GAS AND ELECTRICITY 5/5/09 TO 6/17/09
036068	07/10/09	17.73	PIONEER DRUG	BANDAIDS/DISPOSABLE CAMERA/WWTP
036069	07/10/09	360.00	PRECISION INSPECTION, INC	CODE ENFORCEMENT SERVICES/NOV 2008
036069	07/10/09	520.00	PRECISION INSPECTION, INC	COFE ENFORCEMENT SERVICES/DEC 2008
036069	07/10/09	120.12	PRECISION INSPECTION, INC	CODE ENFORCEMENT SERVICES/FEB 2009
036070	07/10/09	287.75	R&S ERECTION TRI COUNTY	ELECTRIC GATE REPAIRS/PD
036071	07/10/09	25.98	RALEY'S IN STORE CHARGE	COFFEE
036071	07/10/09	14.07	RALEY'S IN STORE CHARGE	BOTTLED WATER/CC MEETINGS
036072	07/10/09	40.00	RANDHAWA MEDICAL GRP, IN	URINE DRUG SCREEN/DAVIS
036073	07/10/09	86.66	RICHARD & CHAMBERS	5 CASH RECEIPTS BOOKS
036073	07/10/09	73.57	RICHARD & CHAMBERS	CALCULATOR TAPE/CASH REGISTER RIBBON
036074	07/10/09	27434.85	RRM DESIGN GROUP, INC.	PROFESSIONAL SERVICES RENDERED/DOWNTOWN PLAZA
036075	07/10/09	1081.00	SELF HELP ENTERPRISES	LOAN SERVICING FEE/MAY 2009
036076	07/10/09	527.00	STATE OF CALIFORNIA	FINGERPRINT/CONCEALED WEAPON
036076	07/10/09	35.00	STATE OF CALIFORNIA	HAIR AND SKIN ANALYSES
036077	07/10/09	301.30	STAPLES BUSINESS ADVANTAGE	HP COLOR TONER/BINDER CLIPS/RULED PADS/POST-ITS
036077	07/10/09	179.58	STAPLES BUSINESS ADVANTAGE	5 CASES PAPER/CLEANING WIPES
036077	07/10/09	62.73	STAPLES BUSINESS ADVANTAGE	BUDGET COVERS/LASER LABELS
036077	07/10/09	268.14	STAPLES BUSINESS ADVANTAGE	FILE FOLDERS/PAPER/LABELS/HP INK CARTRIDGE/CLIPS
036078	07/10/09	155.83	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL/SERVICE
036079	07/10/09	100.00	TEAMSTERS LOCAL 386	REFUND MEMORIAL BLDG DEPOSIT/TEAMSTERS #386

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Ck #	Check Date	CK Amount	Vendor Name	Description
036080	07/10/09	180.00	BARBARA J. TOSTA	YOUNG AT HEART INSTRUCTOR/JUNE 2009
036081	07/10/09	114.00	UNDERGRND SERV ALERT, INC	76 BILLABLE UNDERGROUND MESSAGES 5/31/08
036082	07/10/09	155.81	UNIFIRST CORPORATION	UNIFORM CLEANING/MAT RENTALS/TOWELS/JUNE 2009
036083	07/10/09	2.59	VALLEY PARTS SERVICE	SPARK PLUG
036083	07/10/09	9.74	VALLEY PARTS SERVICE	ANTIFREEZE
036083	07/10/09	19.49	VALLEY PARTS SERVICE	ANTIFREEZE
036084	07/10/09	2369.18	ARMANDO GARCIA	CONCRETE SERVICES/PIONEER PK/McCONNELL CNTR
036084	07/10/09	5467.05	ARMANDO GARCIA	CONCRETE WORK @ CHURCH APPROACH/MAIN ST@ P/TULARE
036085	07/10/09	510.15	WESTSIDE ANIMAL CLINIC	OFFICE VISIT/EXAM/HOSPITALIZATION/FLUIDS/CANINE
036086	07/10/09	935.07	YANCEY LUMBER COMPANY	CONCRETE/NUMBERS/SAND/PAINT/DIAMOND BLADE/PAINT
036087	07/10/09	9.61	BONILLA, MIRIAM	MQ CUSTOMER REFUND FOR BON0017
036088	07/10/09	9.97	BORBA, ALLISON M.	MQ CUSTOMER REFUND FOR BOR0035
036089	07/10/09	97.98	BURESS, YVONNE	MQ CUSTOMER REFUND FOR BUR0017
036090	07/10/09	324.41	GADISH PROPERTIES,	MQ CUSTOMER REFUND FOR GAD0001
036091	07/10/09	42.40	GARCIA-LEON, OFELIA****	MQ CUSTOMER REFUND FOR LEO0005
036092	07/10/09	6.43	ROSALES, MARIA	MQ CUSTOMER REFUND FOR ROS0059
Sub-Total:		----- 490925.73		
Grn-Total:		----- 490925.73		
Count:	116			

MINUTES  
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY  
REGULAR MEETING JUNE 23, 2009  
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. Call To Order – Mayor Katen 7:03 P.M.
2. Pledge Of Allegiance.
3. Invocation – Council Member Martina.
4. Roll Call **PRESENT:** Kelly, Davis, Candea, Martina and Mayor Katen.  
**ABSENT:** None
5. Declaration Of Conflicts Of Interest – None
6. Ceremonial Matters – None
7. Items from the Public - Non-Agenda Items

Dionne Blythe, 300 Northampton Way, Expressed That There Has Been An Abundance Of Negativity In The Current Youth Baseball\Softball League. She Asked That The City Start A Baseball League And Not To Make Cuts To The Recreation Supervisor Position.

Andrea Durkin, 1348 Barrington Avenue, Stated That She And Others Have Concerns About The Current Baseball\Softball League. She Commented That She Believes The City Recreation Program Could Rectify These Concerns. She Stated That Many Positive Outcomes Could Come From The City Offering A Baseball\Softball Program Through The Recreation Department. Durkin Stated That She Has Only Heard Positive Responses About The City's Current Basketball And Soccer Leagues. Durkin Stated That She Thought A City Run Baseball\Softball Program Would Also Be Well Run. She Said That The Current League's Poor Reputation Is Having A Negative Impact On The City. She Stated That The Current Program Does Not Put The Children First And Reminded Everyone That It Is All About The Children. Durkin Explained That She Understands That The City Is Facing A Difficult Financial Period But That She Believes That A City Sponsored League Could Be Financially Beneficial Or At Least Be Self Sufficient. Durkin Concluded By Commenting That She Believes This Could Be A Win-Win Situation.

Nancy Moreno, 1106 Walnut Creek Drive, Asked The Council To Consider Offering A Self-Sufficient Baseball\Softball Program Due To Concerns With The Current League. She Asked The Council To Review The Documentation That Was Submitted Regarding The Cost And Potential Income Of A Baseball\Softball Program. Moreno Stated That The Baseball\Softball Program Has The Potential To Generate Enough To Cover The Cost Of The Proposed Job Cuts In The Recreation Department. She Asked The Council To Explore This Opportunity And Potentially Save Jobs. Moreno Cited Some Of The Issues With The Current Program And Again Asked The City To Provide A City Run Baseball\Softball Program.

Tamara Lujan, 806 Barrington Avenue, Addressed Some Of The Concerns That Were Expressed About The Current League. Lujan Explained That She Is A Volunteer With The Current League And That She Has Donated Hundreds Of Hours. She Reminded Everyone That It Takes A Lot Of Time

And Energy To Run Baseball\Softball League. Lujan Reminded The Council That When The Snack Bar Was Closed By The Health Department, The Current League Stepped Up And Made Improvements To Bring Everything Up To Code. She Stated That The Current League Has Roughly Three-Hundred And Thirty-Seven Newman Children Playing In The Current League. Lujan Publicly Doubted That The Baseball\Softball Program Has The Potential To Generate Enough To Cover The Cost Of The Proposed Job Cuts In The Recreation Department. She Encouraged More People To Volunteer.

Richard Gaytan, 733 Banff Drive, Commented That There Are Pros And Cons To A City Sponsored Baseball\Softball League And That A Large Amount Of Work Would Be Required. Gaytan Stated That The City Needs To Maintain A Full-Time Recreation Supervisor.

Patrick Durkin, 1348 Barrington Avenue, Commented That Coaching Can Sometimes Become Discouraging Because It Becomes About Different Personalities And Not The Facts Involved. He Stated That The Minutes From The Current Baseball League Meetings Were Inaccurate And That Information From Closed Session Meetings Has Been Leaked To The Public. He Stated That When A Program Has As Many Problems As Our Current Baseball\Softball League Has Had, Then It Is Just Not Working. Durkin Mentioned That He Thought The Community Will Step-Up And Help When Called Upon. He Asked The Council To Consider Sponsoring A Baseball\Softball League.

## 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.

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

## 9. Public Hearings

- a. Adopt Resolution No. 2009-42, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Katen Opened The Public Hearing At 7:36 P.M.

There Being No Public Comment Katen Closed The Public Hearing At 7:37 P.M.

**ACTION:** On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution #2009-42, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted.

- b. Adopt Resolution No. 2009-43, A Resolution Confirming The Assessment And Ordering The Levy For The Lighting And Maintenance District For Fiscal Year 2009/10.

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 Kelly Seconded By Davis And Unanimously Carried, Resolution #2009-43, A Resolution Confirming The Assessment And Ordering The Levy For The Lighting And Maintenance District For Fiscal Year 2009/10, Was Adopted.

## 10. Regular Business

- a. Approval Of Proposed Development Of An Off-Leash Dog Park At 1269 Marapole Lane.

Assistant Planner Ocasio Reported On The Proposed Development Of An Off-Leash Dog Park.

Marlena Cardinal, 416 Sumac Lane, Spoke About The Development Of The Dog Park, Its Layout And The Rules\Regulations That Would Be Required. Cardinal Read A Letter From The City Of Turlock Regarding The Positive Impacts Their Dog Park Has Had On Their Community. She Asked The Council To Approve The Proposed Dog Park.

Adrienne Chaney, Parks & Recreation Director For The City Of Patterson, Explained How Patterson Developed A Previously Unusable Space Into A Dog Park. She Stated That Their Park Has Been A Huge Success And Has Had Limited Issues. She Commented That Patterson's Dog Park Has Been Very Positive For Their Community And She Invited Everyone To Tour The Park.

Richard Gaytan, 733 Banff Drive, Commented That He Has Visited Turlock's Dog Park As Well As Other Dog Parks And He Stated The He Has Seen The Benefits It Brings To A Community.

Debbie Allan, 1520 "S" Street, Asked The Council To Approve The Dog Park And Give Her A Safe Place For Her To Go With Her Pets.

Dr. Suzanne Solven, Westside Animal Hospital, Stated That She Thinks A Dog Park Would Be An Enhancement To The Community And Encouraged The Council To Use Park Facility Fees Toward The Development Of The Park.

Patrick Durkin, 1348 Barrington Avenue, Asked For Clarification On How The Proposed Development Of The Dog Park Would Be Funded.

**ACTION:** On Motion By Kelly Seconded By Davis And Unanimously Carried, The Council Approved The Development And Maintenance Of An Off Leash Dog Park At 1269 Marapole Lane, As Presented. The Aforementioned Approval Did Not Include An Initial Monetary Contribution From The City's Parks Facility Fee Fund As Friends For Sophia's Dog Park Agreed To Cover The Full Cost Of The Park's Development Through Donations And Grants.

- b. Approve Fiscal Year 2009-10 Annual Budget As Presented In The Preliminary Budget Document

- I. Adopt Resolution No. 2009-44, A Resolution Adopting The Budget For Fiscal Year 2009-2010.

City Manger Holland Reported On The 2009/2010 Budget And Asked The Council To Adopt The Proposed Budget And Carry An Eighty-Thousand Five-Hundred And Eighty Dollar Deficit.

Mayor Katen Inquired About Changes And Additions To The Current Budget. Katen Mentioned That The Budget Included Merit Increases For Some Staff. Katen Stated That He Was Concerned About Equality Across The Different Bargaining Groups. Katen Explained That Miscellaneous Group's Healthcare Is Now Capped And Expressed That He Thinks The Other Groups Should Have The Same Cap On Their Health Insurance. Katen Told The Council That He Did Not Agree With Eliminating The Senior Person In The Police Department Office And Recommended That The City Eliminate The Lowest Level Position.

Council Member Martina Asked About The \$80,000.00 Budget Deficit And How Soon Things May Change. Martina Commented That There Are Currently Many Unknowns At The State Level.

Council Member Kelly Reminded Everyone That The Council Is Considering Eliminating A Position And Not A Specific Person. Kelly Reminded The Council That Eliminating The Supervisor Position Saves The Most Money. He Suggested That Bumping Rights May Come Into Play And The Higher Level Person May Be Able To Bump A Lower Level Person.

Council Member Candea Commented That It Was His Understanding That The Higher Level Person May Be Able To Bump A Lower Level Person.

Council Member Davis Stated That The Last Person Hired Should Be The First Person To Go.

Council Member Kelly Noted That The City Really Needs To Find The Most Savings Possible And That The Council Should Be Looking At The Positions And Not Specific People.

Council Member Candea Commented That He Was Concerned About The Recreation Programs And How They Will Be Affected By The Proposed Reductions.

Council Member Martina Reminded Everyone That The City Run Recreation Programs Receive Very Little Complaints.

Coral Munoz, 661 Eucalyptus Avenue, Stated That Cutting The Recreation Supervisor Position Will Have An Effect On The Recreation Programs. She Stated That The Director Works On Her Own Time And Does Plenty Of Extra Work. Munoz Told The Council That It Is Important For Our Children To Continue To Provide A High Level Of Recreation Opportunities.

**ACTION:** A Motion By Katen Seconded By Davis To Adopt The Budget For Fiscal Year 2009-2010 But Eliminate The Records Clerk Position Instead of The Records Supervisor Position Failed By The Following Roll Call Vote. AYES: Davis And Katen; NOES: Kelly, Candea And Martina; ABSENT: None; NOT PARTICIPATING: None.

**ACTION:** On Motion By Kelly Seconded By Martina And Carried By The Following Roll Call Vote, Resolution #2009-44, A Resolution Adopting The Budget For Fiscal Year 2009-2010 As Presented, Was Adopted. AYES: Kelly, Davis, Candea And Martina; NOES: Katen; ABSENT: None; NOT PARTICIPATING: None.

## II. Adopt Resolution No. 2009-45, A Resolution Establishing The Appropriations Limit For Fiscal Year 2009-2010.

**ACTION:** On Motion By Kelly Seconded By Martina And Carried By The Following Roll Call Vote, Resolution #2009-45, A Resolution Establishing The Appropriations Limit For Fiscal Year 2009-2010, Was Adopted. AYES: Kelly, Davis, Candea And Martina; NOES: Katen; ABSENT: None; NOT PARTICIPATING: None.

**III. Adopt Resolution No. 2009-46, A Resolution Of The Newman Redevelopment Agency Adopting The Budget For Fiscal Year 2009-2010.**

**ACTION:** On Motion By Kelly Seconded By Martina And Carried By The Following Roll Call Vote, Resolution #2009-46, A Resolution Of The Newman Redevelopment Agency Adopting The Budget For Fiscal Year 2009-2010, Was Adopted. AYES: Kelly, Davis, Candea And Martina; NOES: Katen; ABSENT: None; NOT PARTICIPATING: None.

**c. Review Previous Council Direction Pertaining To Variance No. 2008-02; Joe Winters Applicant.**

Joe Winters, 544 Waxwing Court, Explained That He Had The Structure Lowered To A Height Of Thirteen Feet And That This Was As Low As He Could Go And Still Park His Motor Home Underneath The Structure. He Then Asked For A Variance To Allow His Structure To Remain At Thirteen Feet Tall Instead Of The Required Twelve Feet And Reminded The Council That It Was Only A One Foot Differential. He Mentioned That He Needed The Structure To Protect His Motor Home From Vandalism. Winters Noted That The City Has Granted Similar Requests Variances In The Past And Approved A Similar Fifteen Foot Tall Structure Just Last Summer. Winters Volunteered To Add Landscaping Features To Shield The Structure. He Stated That He Had Tried Everything And That He Wished It Only Needed To Be Twelve Feet Tall And That He Never Set Out To Do Anything Illegal. Winters Mentioned That He Had Also Submitted Letters Of Support From Some Of His Neighbors. Winters Commented That It Has Already Cost Him \$1,200.00 To Lower The Structure.

**ACTION:** On Motion By Martina Seconded By Candea And Carried By The Following Roll Call Vote, The Council Denied The Request For A Variance To Allow A Thirteen Foot Tall Accessory Building And Upheld Their Pervious Decision To Deny Variance No, 2008-02. AYES: Davis, Candea, Martina And Katen; NOES: Kelly; ABSENT: None; NOT PARTICIPATING: None.

Winters Explained That Due To The Unresolved Issue With The Aforementioned Variance He Was Unable To Obtain A Permit To Construct A Swimming Pool. Winters His Asked The Council To Release The Hold On His Swimming Pool Project And They Agreed Unanimously.

**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.**

**ACTION:** On Motion By Martina Seconded By Candea And Unanimously Carried, The Council Approved And Authorized The 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.**

**ACTION:** Ordinance No. 2009- , Amending Title 9 Police Regulations, Of The Newman City Code, Adding Chapter 9.14 Disorderly Social Events Or Gatherings Was Introduced By Council Member

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

- f. Introduction And First Reading Of Ordinance No. 2009- , An Ordinance Amending Title 9 Police Regulations, Adding Chapter 9.15 Driving Under The Influence Emergency Cost Recovery.

**ACTION:** Ordinance No. 2009- , Amending Title 9 Police Regulations, Of The Newman City Code, Adding Chapter 9.15 Driving Under The Influence Emergency Cost Recovery Was Introduced By Council Member Candea. The Council Authorized Staff To Prepare And Publish A Summary Of Said Ordinance. Ordinance Had Its First Reading By Title Only.

- g. Adopt Resolution No. 2009-47, A Resolution Authorizing A General Fund Administrative Surcharge Calculation For Non-General Fund Costs.

**ACTION:** On Motion By Kelly Seconded By Davis And Unanimously Carried, Resolution #2009-47, A Resolution Authorizing A General Fund Administrative Surcharge Calculation For Non-General Fund Costs, Was Adopted.

- 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.

**ACTION:** On Motion By Kelly Seconded By Candea And Unanimously Carried, The Council Approved A One Year Extension Of The Current Agreement To Provide Audit Services By Clendenin, Bird And Company, LLP And Authorized The City Manager To Sign An Agreement For Audit Services.

- i. Approve Resolutions For Employer Paid Member Contributions

- I. Adopt Resolution No. 2009-48, A Resolution For Employer Paid Member Contributions For Miscellaneous Employees.

**ACTION:** On Motion By Kelly Seconded By Candea And Unanimously Carried, Resolution #2009-48, A Resolution For Employer Paid Member Contributions For Miscellaneous Employees, Was Adopted.

- II. Adopt Resolution No. 2009-49, A Resolution For Employer Paid Member Contributions For Management Employees.

**ACTION:** On Motion By Kelly Seconded By Candea And Unanimously Carried, Resolution #2009-48, A Resolution For Employer Paid Member Contributions For Management Employees, Was Adopted.

- j. Approve Suspension Of The Employee Home Loan Program.

**ACTION:** On Motion By Candea Seconded By Kelly And Unanimously Carried, The Council Approved The Suspension Of The Employee Home Loan Program.

## **11. Items From District Five Stanislaus County Supervisor - None**

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

City Manager Holland Reminded Everyone That The Veterans Administration Would Be Hosting A Service Appreciation Meeting In The Council Chambers On Saturday, August 29, 2009. Holland Informed The Council That The New Street Sweeping Schedule Had Been Posted On The City's Website And That Copies Of The Schedule Would Be Distributed With Next Month's Water Bills. Holland Explained That The Renovations To Pioneer Park Has Had Some Issues But That Everything Should Be Completed By Or Before The Fall Festival. Holland Added That Rotary Has Agreed To Build A New Barbeque Pit In Pioneer Park To Replace The One That Was Torn Down Along With The Old Shade Structure. He Reminded The Mayor That There Would Be An EDAC Meeting On Thursday, June 25, 2009 At 6:00 P.M. And Offered To Attend On His Behalf.

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

Council Member Kelly Reminded Everyone That He Was Still Looking For Ten Volunteers To Represent Newman In The For The West Side Healthcare Taskforce's Biggest Loser Contest.

Council Member Martina Commented That The Two On Two Meetings With The School Board And The Council Are Important And That We Need To Continue To Keep Communications Open Between The Two Entities. He Followed By Stating That The City Currently Has Best Relationship It Has Ever Had With The School District. Martina Mentioned That He Thought That The Baseball Issue Is A Real Problem, That Things Have Become Too Intense And Everything Seems To Be About Winning.

Mayor Katen Stated That He Had Recently Participated In A League Of California Cities Conference Call Regarding The State Budget Crisis And That They Recommended That We Be Put Political Pressure On Our Elected Representatives To Protect Our City's Finances. Katen Mentioned That He Would Be Traveling To Lathrop To Attend The Upcoming 2010 Census Meeting. Katen Reminded Everyone That John And Carol Fantazia Would Be Hosting A Fall Festival Meeting At Their Home On Thursday June 25<sup>th</sup> At 6:00 P.M. And Invited All Who Are Interested To Attend.

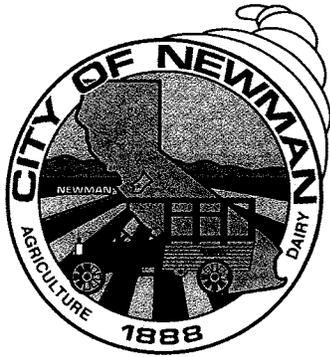
## **14. Adjourn To Closed Session - 9:32 P.M.**

- 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. 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 - 9:43 P.M.

Mayor Katen Reported That An Agreements Had Been Reached With The Operating Engineers Local Unit No. (Miscellaneous Employees) Bargaining Group.

## **15. Adjournment.**

**ACTION:** On Motion By Candea Seconded By Kelly And Unanimously Carried, The Meeting Was Adjourned At 9:44 P.M.



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

**Date:** July 9, 2009  
**To:** City Council  
**From:** Michael E. Holland *MEH*

**Subject: Agenda Item 8.d – 2009/10 Work Furlough days.**

In June 2009, the City and the Miscellaneous Employees Bargaining Group agreed to implement a 96-hour, nonpaid work furlough program for Fiscal Year 2009/10. On Monday July 6<sup>th</sup>, Staff and Miscellaneous Employees had a 'meet and confer' discussion and agreed to the dates and provisions of the program. With Council concurrence, staff will implement the program and advertise the dates on the website.

Friday, August 14, 2009	8 Hours
Wednesday, November 25, 2009	8 Hours
Thursday, December 24, 2009	8 Hours
Monday, December 28, 2009	8 Hours
Tuesday, December 29, 2009	8 Hours
Wednesday, December 30, 2009	8 Hours
Thursday, December 31, 2009	8 Hours
Friday, February 12, 2010	8 Hours
Friday, March 12, 2010	8 hours
Friday, April 2, 2010	6 Hours
Friday, May 28, 2010	8 Hours
* Bank Time	10 Hours

\* The City is offering 10 hours of Bank Time to be used by the employee between July 1, 2009 and June 30, 2010. Use of Bank Time hours must be approved by the Department Head and any respective supervisor and can not require use of overtime by another employee.

Any employee who may be required to work during these scheduled days and times will bank equal hours (straight time) for future time off.

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **9.a.**  
City Council Meeting  
of July 14, 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, July 13, 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.

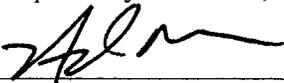
### **FISCAL IMPACT:**

None

### **CONCLUSION:**

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

Respectfully submitted,

  
\_\_\_\_\_  
Adam McGill, Chief of Police

### **REVIEWED/CONCUR:**

  
\_\_\_\_\_  
Michael 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 July 14, 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 14th day of July, 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. 915 Balsam Dr. (UNOCCUPIED)**

Tall grass and weeds throughout front and backyard of property.

**2. 783 Hagerman Peak. (UNOCCUPIED)**

Tall grass and weeds throughout front and backyard of property.

**3. 1522 Lochbrea Pl. (UNOCCUPIED)**

Tall weeds throughout front and backyard of property..

**4. 534 Flour Mill Dr. (UNOCCUPIED)**

Tall weeds through backyard and an unkempt pool.

**5. 1619 P St. (OCCUPIED)**

Dead tree in front yard of property.

**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, July 13, 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 July 14, 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 14th day of July, 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. 915 Balsam Dr. (UNOCCUPIED)**

Tall grass and weeds throughout front and backyard of property.

**2. 783 Hagerman Peak. (UNOCCUPIED)**

Tall grass and weeds throughout front and backyard of property.

**3. 1522 Lochbrea Pl. (UNOCCUPIED)**

Tall weeds throughout front and backyard of property..

**4. 534 Flour Mill Dr. (UNOCCUPIED)**

Tall weeds through backyard and an unkempt pool.

**5. 1619 P St. (OCCUPIED)**

Dead tree in front yard of property.

1ST 6-9-09  
 2ND 6-23-09  
 3RD 7-3-09

<b>Assessment Roll</b>			
<b>General Information</b>			
<b>Assessment</b>	026-051-035-000	<b>Parcel Number</b>	026-051-035-000
<b>Current Document</b>	2006R0080802	<b>Current Document Date</b>	05/31/2006
<b>Acres / Sq Ft</b>	.14	<b>Tax Rate Area (TRA)</b>	003-021
<b>Taxability</b>	800 -- PROP 8 REDUCTION		
<b>Land Use</b>	101 -- SINGLE FAMILY RESIDENCE		
<b>Assessment Description</b>			
Roll Values as of: January 1st, 2008			
<b>Land</b>	\$44,500	<b>Personal Property</b>	\$0
<b>Structure(s)</b>	\$133,500	<b>Personal Property (MH)</b>	\$0
<b>Fixtures</b>	\$0	<b>Exemption E01</b>	\$7,000
<b>Growing Improvements</b>	\$0	<b>Exemption</b>	\$0
<b>Total Land &amp; Improvements</b>	\$178,000	<b>Net Assessment</b>	\$171,000
<b>Assessee</b>			
VILLARREAL JULIO C & NICOLE			
<b>Address</b>			
915 BALSAM DR NEWMAN CA 95360			

<b>Ownership</b>					
<b>Owner Name</b>	<b>Own %</b>	<b>Pri</b>	<b>Granting Doc No.</b>	<b>Title Type</b>	<b>RT Code</b>
VILLARREAL JULIO C	50.00%	Y	2006R0080802	JT	
VILLARREAL NICOLE	50.00%	Y	2006R0080802	JT	

<b>Situs</b>	
<b>Street Address</b>	<b>City State Zip</b>
915 BALSAM DR	Newman CA 95360

<b>Parcel Description</b>	
<b>Assessment</b>	<b>Description</b>
026-051-035-000	

Julio & Nicole Villarreal  
915 Balsam Dr  
Newman, Ca 95360

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 915 Balsam Dr., APN No. 026-051-035-000,  
Tall grass and weeds throughout 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

Julio & Nicole Villarreal  
915 Balsam Dr.  
Newman, Ca 95360

## SECOND NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **915 Balsam Dr, Newman Ca 95360., APN No. 026-051-035-000,** **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 **July 14, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: June 23, 2009

William Davis  
Community Service Officer



# CITY OF NEWMAN POLICE DEPARTMENT

ADAM MCGILL, CHIEF OF POLICE

Julio & Nicole Villarreal  
915 Balsam Dr.  
Newman, Ca 95360

## FINAL NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **915 Balsam Dr., Newman Ca 95360., APN No. 026-051-035-000,** **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.

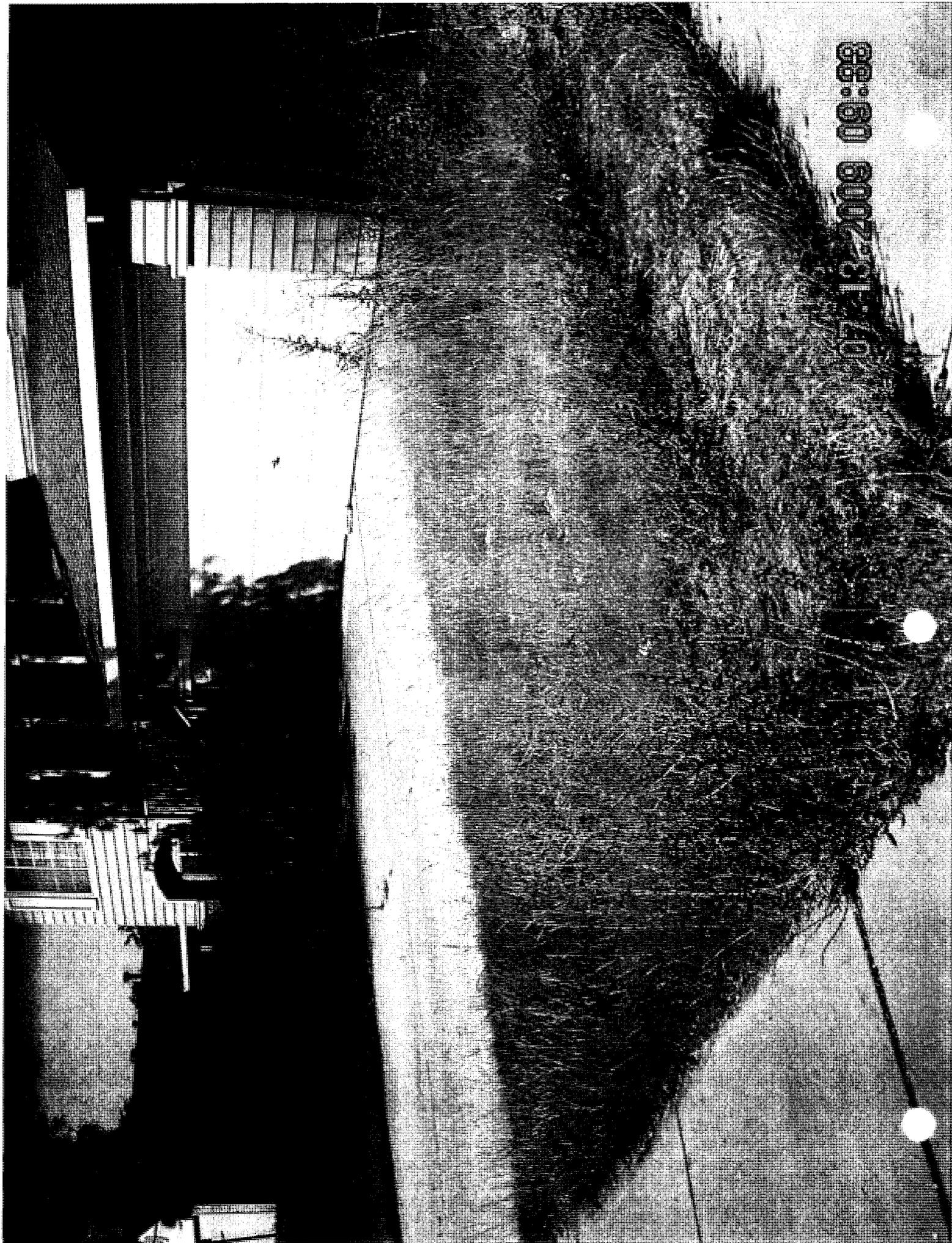
All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **July 14, 2009** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: July 3, 2009

William Davis  
Community Service Officer

“PROFESSIONALISM, INTEGRITY, SERVICE”

88:60 6007-31-40





07.13.2009 09:34





07.13.2009 09:38



1ST 6-9-09  
 2ND 6-23-09  
 3RD 7-3-09

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

Thi To  
783 Hagerman Peak Dr  
Newman, Ca 95360

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **783 Hagerman Peak Dr. Newman Ca 95360., APN No. 026-062-008-000.** **Tall grass and weeds throughout 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

To Thi  
783 Hagerman Peak  
Newman, Ca 95360

## SECOND NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

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

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **July 14, 2008** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: June 23, 2009

William Davis  
Community Service Officer



# CITY OF NEWMAN POLICE DEPARTMENT

ADAM MCGILL, CHIEF OF POLICE

To Thi  
783 Hagerman Peak  
Newman, Ca 95360

## FINAL NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

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

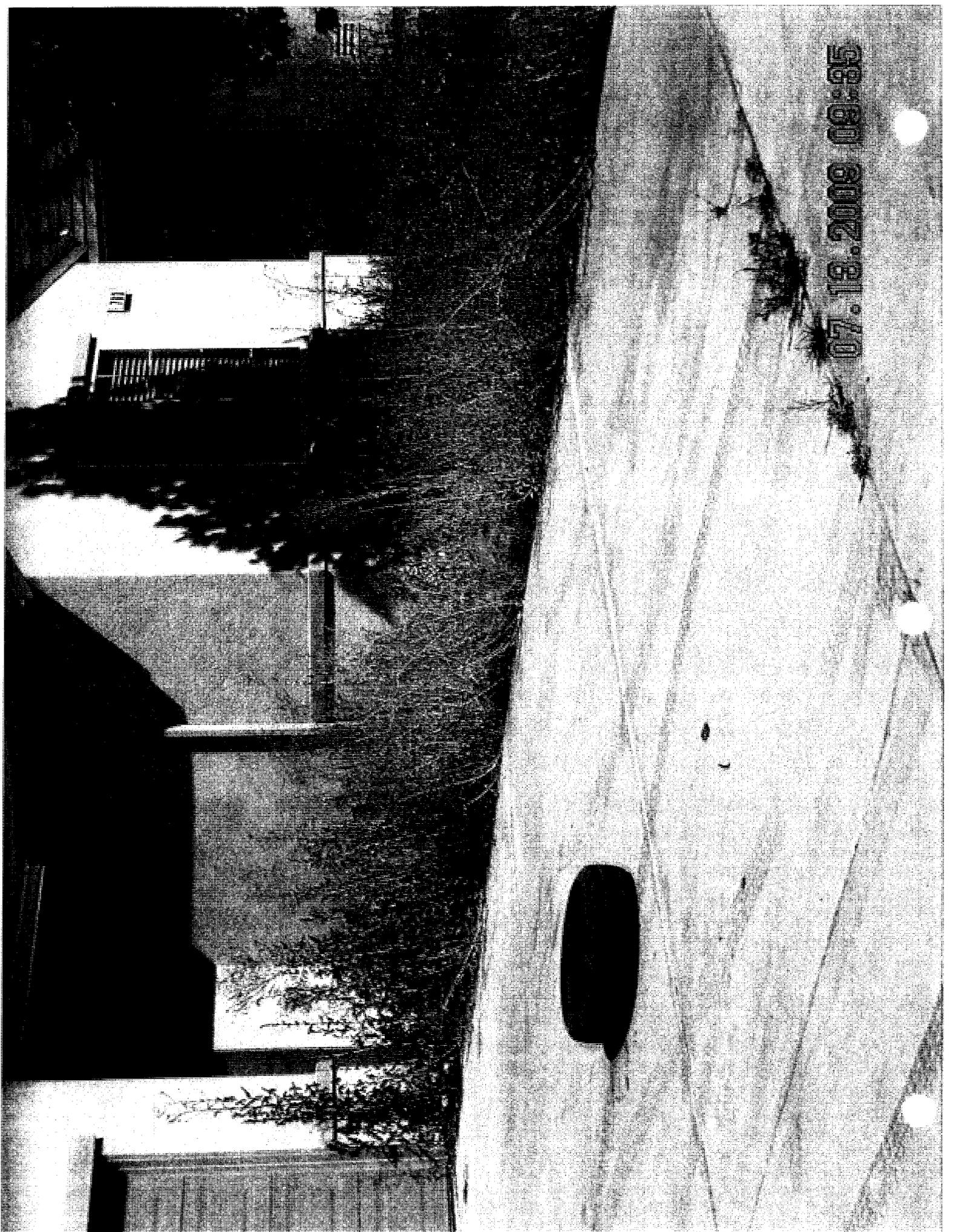
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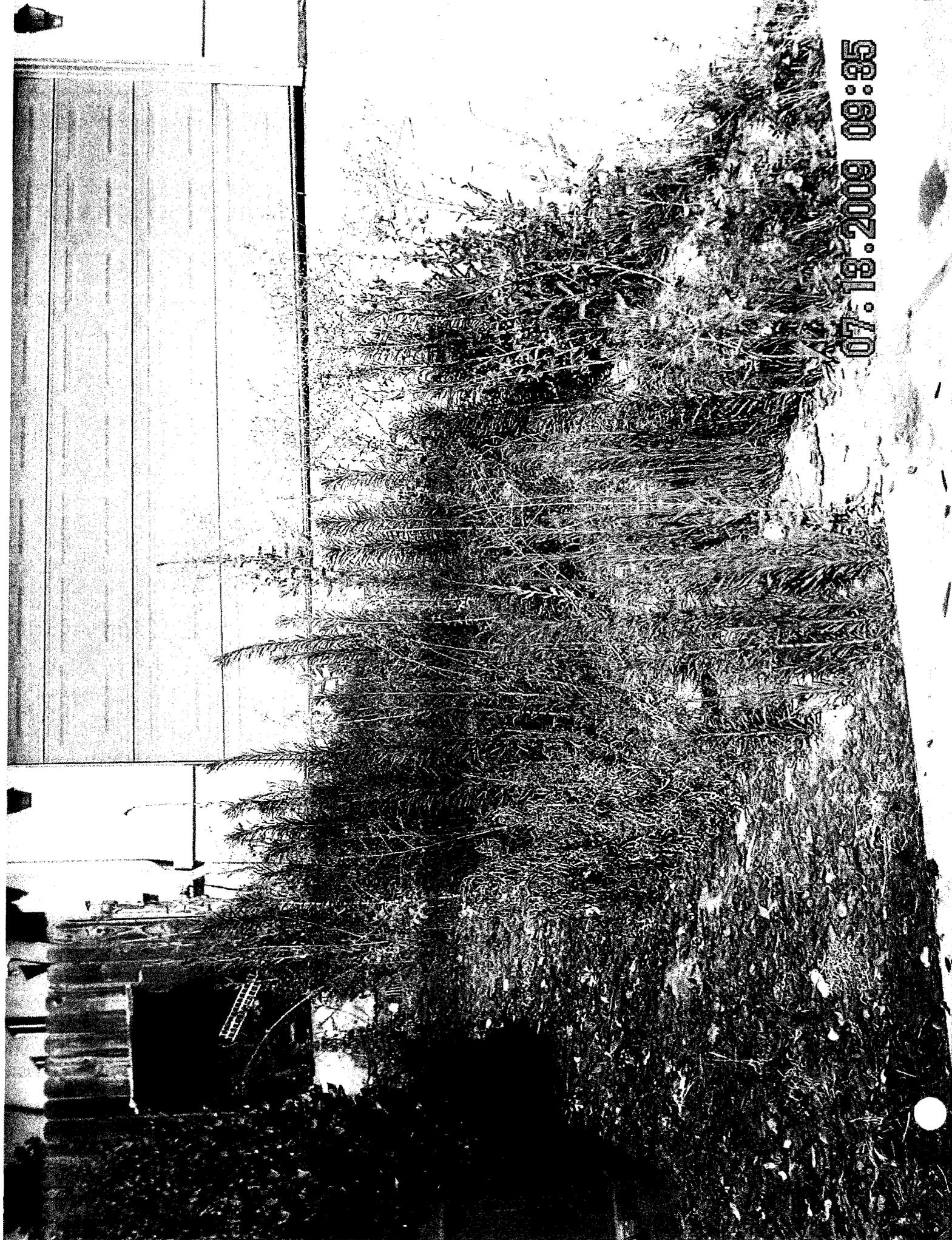
Dated: June 23, 2009

William Davis  
Community Service Officer

"PROFESSIONALISM, INTEGRITY, SERVICE"



07.18.2009 09:35



07:18:2009 09:85

1ST 6-9-09  
 2ND 6-23-09  
 3RD 7-3-09

Assessment Roll			
<b>General Information</b>			
<b>Assessment</b>	128-059-046-000	<b>Parcel Number</b>	128-059-046-000
<b>Current Document</b>	2008R0102080	<b>Current Document Date</b>	09/19/2008
<b>Acres / Sq Ft</b>	.00	<b>Tax Rate Area (TRA)</b>	003-002
<b>Taxability</b>	000 -- NORMAL OWNERSHIP		
<b>Land Use</b>	101 -- SINGLE FAMILY RESIDENCE		
<b>Assessment Description</b>			
<b>Roll Values as of: January 1st, 2008</b>			
<b>Land</b>	\$41,750	<b>Personal Property</b>	\$0
<b>Structure(s)</b>	\$125,250	<b>Personal Property (MH)</b>	\$0
<b>Fixtures</b>	\$0	<b>Exemption E01</b>	\$7,000
<b>Growing Improvements</b>	\$0	<b>Exemption</b>	\$0
<b>Total Land &amp; Improvements</b>	\$167,000	<b>Net Assessment</b>	\$160,000
<b>Assessee</b>			
WELLS FARGO BANK NA TRUSTEE			
<b>Address</b>			
C/O CARRINGTON MORTGAGE SERVICES			
1610 E ST ANDREW PL STE B150			
SANTA ANA CA 92705			
<b>Ownership</b>			
<b>Owner Name</b>	<b>Own %</b>	<b>Pri</b>	<b>Granting Doc No.</b>
WELLS FARGO BANK NA TRUSTEE	100.00%	Y	2008R0102080
			<b>Title Type</b>
			<b>RT Code</b>
<b>Situs</b>			
<b>Street Address</b>		<b>City State Zip</b>	
1522 LOCHBREA PL		Newman CA 95360	
<b>Parcel Description</b>			
<b>Assessment</b>	<b>Description</b>		
128-059-046-000			

Carrington Mortgage Services  
1610 E St Andrews Pl Ste B150  
Santa Ana, Ca 92705

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: **1522 Lochbrea Pl. Newman Ca 95360., APN No. 128-059-046-000,** **Tall weeds and grass throughout front and backyards 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.

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Dated: June 9, 2009

William Davis  
Community Service Officer

Carrington Mortgage Services  
1610 E St Andrews Pl Ste B150  
Santa Ana, Ca 92705

## **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: **1522 Lochbrea Pl. Newman Ca 95360., APN No. 128-059-046-000,** **Tall weeds and grass throughout front and backyards of property.,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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Dated: June 23, 2009

William Davis  
Community Service Officer



# CITY OF NEWMAN POLICE DEPARTMENT

ADAM MCGILL, CHIEF OF POLICE

Carrington Mortgage Services  
1610 E St Andrews Pl Ste B150  
Santa Ana, Ca 92705

## FINAL NOTICE

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

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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: **1522 Lochbrea Pl. Newman Ca 95360., APN No. 128-059-046-000,** **Tall weeds and grass throughout front and backyards of property.,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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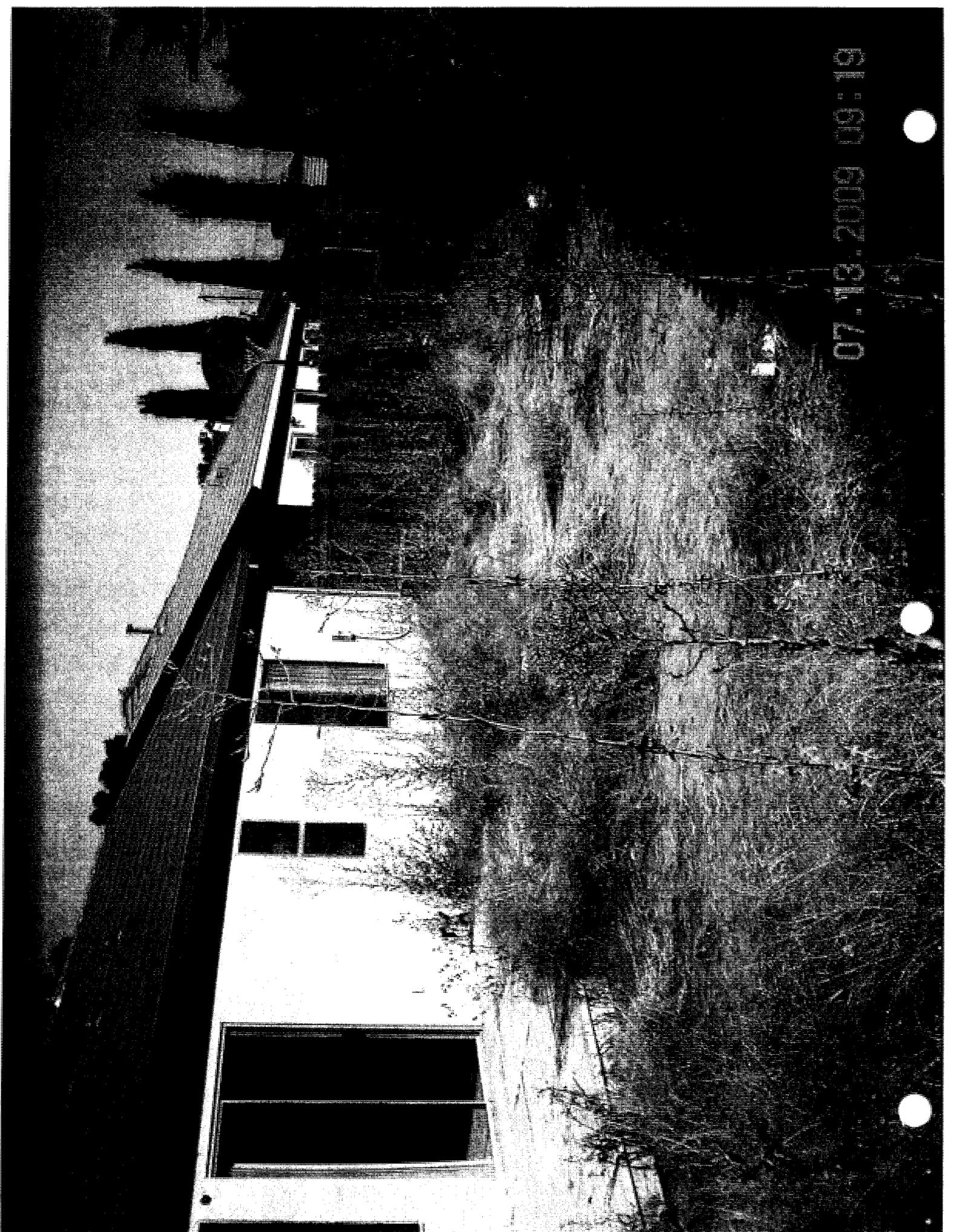
Dated: July 3, 2009

William Davis  
Community Service Officer

“PROFESSIONALISM, INTEGRITY, SERVICE”

07.18.2009 09:20

1111  
1111  
1111  
1111



07.18.2009 09:19

1st 6-9-09  
 2nd 6-23-09  
 3rd 7-3-09

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

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

<b>Situs</b>	
<b>Street Address</b>	<b>City State Zip</b>
534 FLOUR MILL DR	Newman CA 95360

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

Garry & Maria Tucker  
534 Flour Mill  
Newman, Ca 95360

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **534 Flour Mill Dr Newman Ca 95360., APN No. 049-052-027-000,** **Tall grass and weeds throughout 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.

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Dated: June 9, 2009

William Davis  
Community Service Officer

Garry & Maria Tucker  
534 Flour Mill Dr  
Newman, Ca 95360

## **SECOND NOTICE**

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **534 Flour Mill Dr. Newman, Ca 95360. APN No. 049-052-027-000,** **Tall grass and weed throughout property and Unkept pool in backyard of property,** which must be abated by the destruction, or removal thereof within **10** days of the date of the notice.

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

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Dated: June 23, 2009

William Davis  
Community Service Officer



# CITY OF NEWMAN POLICE DEPARTMENT

ADAM MCGILL, CHIEF OF POLICE

Garry & Maria Tucker  
534 Flour Mill Dr  
Newman, Ca 95360

## FINAL NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

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

at: **534 Flour Mill Dr. Newman, Ca 95360. APN No. 049-052-027-000,**

**Vacant House with trash and Unkept pool in backyard of property,** which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

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Dated: July 3, 2009

William Davis  
Community Service Officer

Adam McGill  
Chief of Police

“PROFESSIONALISM, INTEGRITY, SERVICE”



07-13-2009 19:29

1st 6-9-09  
 2nd 6-23-09  
 3rd 7-3-09

<b>Assessment Roll</b>			
<b>General Information</b>			
<b>Assessment</b>	128-008-024-000	<b>Parcel Number</b>	128-008-024-000
<b>Current Document</b>	2004R0188074	<b>Current Document Date</b>	11/12/2004
<b>Acres / Sq Ft</b>	.00	<b>Tax Rate Area (TRA)</b>	003-027
<b>Taxability</b>	000 -- NORMAL OWNERSHIP		
<b>Land Use</b>	101 -- SINGLE FAMILY RESIDENCE		
<b>Assessment Description</b>			
Roll Values as of: January 1st, 2008			
<b>Land</b>	\$11,195	<b>Personal Property</b>	\$0
<b>Structure(s)</b>	\$29,303	<b>Personal Property (MH)</b>	\$0
<b>Fixtures</b>	\$0	<b>Exemption</b>	\$0
<b>Growing Improvements</b>	\$0	<b>Exemption</b>	\$0
<b>Total Land &amp; Improvements</b>	\$40,498	<b>Net Assessment</b>	\$40,498
<b>Assessee</b>			
GONZALES DONNA C TR			
<b>Address</b>			
DONNA C GONZALES 2004 TRUST			
2520 WOODVALE DR			
MODESTO CA 95355-0000			
<b>Ownership</b>			
<b>Owner Name</b>	<b>Own %</b>	<b>Pri</b>	<b>Granting Doc No. Title Type RT Code</b>
GONZALES DONNA C	100.00%	Y	2004R0188074
<b>Situs</b>			
<b>Street Address</b>		<b>City State Zip</b>	
1619 P ST		Newman CA 95360	
<b>Parcel Description</b>			
<b>Assessment</b>	<b>Description</b>		
128-008-024-000			

Donna Gonzales  
2520 Woodvale Dr  
Modesto, Ca 95355

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: **1619 P St. Newman Ca 95360., APN No. 128-008-024-000,** **Dead tree in front yard 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.

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Dated: June 9, 2009

William Davis  
Community Service Officer

Donna Gonzales  
2520 Woodvale Dr.  
Modesto, Ca 95355

## **SECOND NOTICE**

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

NOTICE IS HEREBY GIVEN THAT:

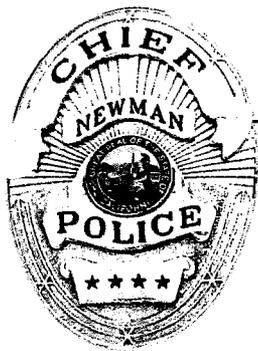
Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **1619 P st, Newman, Ca 95360. APN No. 128-008-024-000,** **Dead tree in the front yard of property,** which must be abated by the destruction, 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.

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Dated: June 23, 2009

William Davis  
Community Service Officer



# CITY OF NEWMAN POLICE DEPARTMENT

ADAM MCGILL, CHIEF OF POLICE

Donna Gonzales  
2520 Woodvale Dr  
Modesto, Ca 95355

## FINAL NOTICE

NOTICE TO ABATE PUBLIC NUISANCE BY THE REMOVAL OF WEEDS,  
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Dated: July 3, 2009

William Davis  
Community Service Officer

"PROFESSIONALISM, INTEGRITY, SERVICE"

07-18-2009 09:17



Honorable Mayor and Members  
of the Newman City Council

**DISORDERLY SOCIAL EVENTS OR GATHERINGS**

**RECOMMENDATION:**

1. Open Public Hearing
2. Conduct a Second Reading of Ordinance No. 2009- , amending Title 9 Police Regulations, adding Chapter 9.14 Disorderly Social Events Or Gatherings to the Newman City Code.
3. Adopt said Ordinance and authorize staff to publish a summary of said ordinance.

**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 police department using existing personnel, practices and resources will administer the issuance of citations, management of cost recovery and the facilitation of administrative hearings. 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. Adopt 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.

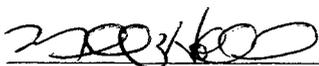
Staff recommends Alternative 1.

Respectfully submitted,



Adam McGill  
Chief of Police

**REVIEWED/CONCUR:**



Michael Holland  
City Manager

**ORDINANCE NO. 2009-6**

**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 July 14, 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 23<sup>rd</sup> day of June, 2009 by Council Member Candea, and adopted at a regular meeting of said City Council held on the 14<sup>th</sup> day of July 2009 by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

**DRIVING UNDER THE INFLUENCE EMERGENCY COST RECOVERY ORDINANCE**

**RECOMMENDATION:**

1. Open Public Hearing
2. Conduct a Second Reading of Ordinance No. 2009- , amending Title 9 Police Regulations, adding Chapter 9.15 Driving Under The Influence Emergency Cost Recovery To The Newman City Code.
3. Adopt said Ordinance and authorize staff to publish a summary of said ordinance.

**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 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. Adopt the ordinance and charge individuals based on current local case law.
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. 2009-7

**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 July 14, 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 23<sup>rd</sup> day of June, 2009 by Council Member Candea, and adopted at a regular meeting of said City Council held on the 14<sup>th</sup> day of July 2009 by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

**REPORT ON PROPOSED ORDINANCE AMENDING TITLE 5, ZONING,  
OF THE NEWMAN MUNICIPAL CODE**

**RECOMMENDATION:**

It is recommended the City Council introduce by title and waive further reading of the attached ordinance amending Title 5, Zoning, of the Newman Municipal Code.

**BACKGROUND:**

An issue often arising in the Code Enforcement field is the utilization of temporary storage containers in residential districts. More frequently, these temporary storage containers are left for months, if not years and can become not only a visual nuisance but a health and safety hazard as well. Additionally, the permanent placement of such containers in residential areas has the potential to adversely affect lot coverage, set back and the aesthetic quality of Newman's neighborhoods.

Taking a proactive approach by prohibiting/regulating the amount of time a storage container may be placed on residential property will address this matter and assist in maintaining the neighborhood quality expected by our residents.

**ANALYSIS:**

Currently, the municipal code does not include language pertaining to the use of storage containers. Given the emergence of said containers in recent years, staff felt that an ordinance amendment was necessary to regulate the issue. The proposed ordinance will (1) provide a definition of storage containers and (2) regulate the usage of said containers.

The intent of the proposed ordinance is as follows:

1. To prohibit the utilization of storage containers as an accessory buildings in residentially zoned areas.
2. To regulate the temporary keeping of storage containers for residential remodel/addition purposes.

The proposed ordinance would add a definition for "Storage Containers" and regulations for the temporary usage of said containers to Title 5 of the Newman Municipal Code. This ordinance will prohibit the utilization of storage containers as accessory buildings in residential zones and provide for the temporary usage of storage containers for locations with an active building permit for a residential remodel or addition of 100 square feet or more (or extenuating circumstances that exist that necessitate the use of a storage container for a temporary use). Examples of this would include homes that are currently being remodeled where building materials and/or equipment need to be secured.

The temporary usage of storage containers will be monitored through the use of a temporary storage container permit issued by the Community Development Department. This permit will allow a storage container to be utilized for a period not to exceed 60 days and may be extended once for 30 days; for a maximum of 90 days total. Should a temporary storage container permit be approved, the following conditions would apply:

1. An insurance certificate (explicitly covering said container) providing liability insurance in the amount of \$100,000 provided by the company supplying the storage container or proof of homeowner's insurance coverage by the property owner.
2. Temporary storage containers shall not be used as living space.
3. The storage container shall be kept in good condition and free of graffiti.
4. Electrical power shall not be provided to the storage container.
5. No more than one container may be located on a lot at any time, and the container shall be no larger than 8 feet in height and 8 feet wide by 20 feet long.
6. In no instance shall the container encroach into or be located within the public right-of-way.

**Agenda Item: 10.a.**

7. The placement of the container shall be located within the side or rear yard of the property.
  - a. Such storage container shall be situated no closer than five feet to any building or property line unless otherwise approved by City staff.
8. In the case where placement of a storage container in a side or rear yard is determined not feasible by the City, said container may be placed in the front yard or driveway of a residentially zoned lot with City approval.
  - a. Storage container location shall be determined by City staff.
9. In the case of a corner lot abutting upon two streets, no storage container shall be positioned so as to project beyond the front yard required on any adjacent lot, nor shall it be located closer to either street line than is permitted for the main building on the lot.
10. The maximum time period for the storage container to be on site is 60 days from the date of the temporary storage container permit issuance. The Community Development Department may grant up one 30-day extension (for a total of 90 days) if it is determined that construction activities are diligently being carried out towards a timely completion.
  - a. Temporary storage containers may only be placed on property once during a calendar year and shall not be reutilized for a minimum of twelve months from the date of removal.

In the event that a storage container is placed in a residential zone and does not qualify for a temporary storage container permit, the Community Development Department shall cause written notice to be served upon the owner of the property on which the storage container is located by registered mail or by personal service. This notice will notify the property owner that the storage container must be removed within 10 business days of receipt of said notice. If no response is received from the property owner at the conclusion of the ten (10) day period, the City will then have the right to proceed (without further notice) with the abatement of the storage container at the property owner's expense. If not reimbursed, the abatement cost will be assessed upon the subject property and such costs will constitute a lien upon the land until paid in full. This provision will further assist in maintaining neighborhood aesthetics by providing an abatement procedure for non-compliant storage containers.

**FISCAL IMPACT:**

1. Costs associated with the adoption of this ordinance are nominal.
2. Permit and extension fees will be presented by Council at a later date to recover processing and staff time costs.

**CONCLUSION:**

In summary, staff believes the draft ordinance will place reasonable controls on the use of storage containers while still allowing their utilization for appropriate uses. The proposed ordinance will assist in maintaining neighborhood quality while managing storage container use. Staff recommends that the Council approve the proposed ordinance.

**ATTACHMENTS:**

1. Exhibit A – Proposed Ordinance
2. Exhibit B – Proposed Temporary Storage Container Permit Application

Respectfully submitted,

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Stephanie Ocasio  
Assistant Planner

**REVIEWED/CONCUR**

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Michael Holland  
City Manager

ORDINANCE NO. 2009-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING  
TITLE 5 ZONING**

WHEREAS, the placement of Storage Containers by private parties on City streets, roadways or alleys, has generated complaints from citizens regarding safety, parking and aesthetic value; and

WHEREAS, the current Municipal Code does not address the regulation of Storage Containers placed on City streets, roadways or alleys; and

WHEREAS, there is a need for adequate land use regulation related to the placement of storage containers in order to promote use of property that is compatible with the character of surrounding properties; and

WHEREAS, The placement and use of storage containers as permanent accessory structures or for long-term storage is detrimental to the appearance of residential property and surrounding properties within the City of Newman; and

WHEREAS, the absence of a provision in the Municipal Code addressing the regulation of said containers in the City is not practical; and

WHEREAS, there is a legitimate public purpose in the adoption of regulations that restrict the use of such structures;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWMAN DOES ORDAIN AS FOLLOWS:

Section 1.

Title 5, Chapter 5.01.070 of the Newman City Code is amended as follows:

5.01.070 Definitions.

For the purposes of this title certain terms are hereby defined. All definitions shall apply unless the context clearly indicates or requires a different meaning. Words used in the present tense shall include the future; words used in the singular shall include plural; the word "shall" is mandatory, and the word "may" is permissive. Definitions of the terms used in this title are as follows:

"A-frame sign" means a freestanding sign usually hinged at the top, or attached in a similar manner, and widening at the bottom to form a shape similar to the letter "A." Such signs are usually designed to be portable, hence they are not considered permanent signs.

"Abandoned sign" means any display remaining in place or not maintained for a period of 120 days or more which no longer advertises or identifies an ongoing business, product, or service available on the business premises where the display is located.

"Abutting" or "adjoining" means having district boundaries or lot lines in common.

"Accessory building" means a building or structure which is subordinate to, and the use of which is customarily incidental to that of the main building, structure or use on the same site, not including arbors, patio covers, lath houses, pergolas, *storage containers* or similar structures. If any accessory building is attached to the main building by a common wall or connecting roof, such accessory building shall be deemed to be a part of the main building.

"Accessory residential unit (also known as secondary or second dwelling unit)" means an attached or detached dwelling unit that is located on a single lot with another primary dwelling unit and provides complete facilities for independent living for one or more persons. These facilities include permanent provisions for living, sleeping, cooking and sanitation.

“Accessory use” means a use incidental, related, appropriate and clearly subordinate to the main use of the site or building, which accessory use does not alter the principal use of the site.

“Acre, gross” means a measure of total land area of any lot including future streets, parks, and other land dedications.

“Acre, net” means the gross area of a site excluding:

1. Land to be dedicated for required rights-of-way, either public or private;
2. Land determined to be hazardous and unbuildable;
3. Land to be dedicated for schools and parks or other facilities dedicated for public use.

“Adult businesses” include the following:

1. Any business conducted for the entertainment of adults, engaged in the selling, renting, or displaying of publications depicting the specified anatomical areas or specified sexual activities described herein or other material of a sexually explicit nature.
2. A particular business at a particular location that sells, offers for sale, rents, exhibits, shows or displays specified anatomical areas or specified sexual activities in the form of a book, magazine, newspaper, pamphlet, film, video, or other form or medium, or sexually oriented devices intended for use in the specified sexual activities, which receives 25 percent or more of the gross revenue from, or devotes 25 percent or more of the stock on hand or 25 percent or more of the gross floor area to such activity, is presumed to be engaging in “substantial or significant” conduct with respect to such activity.
3. Any business wherein the selling of any food or beverage served by employees engaged in partial or total nudity or exposed anatomical areas is conducted.
4. Any business conducted for the entertainment of adults wherein an employee, patron or any other person engages in or is shown specified sexual activities or exhibits or engages in partial or total nudity or otherwise exposes specified anatomical areas as set forth elsewhere in this Code.
5. Any business, which as a substantial or significant portion of its business, provides live or filmed entertainment wherein specified anatomical areas of the human anatomy are exposed.

“Alley” means a public or private thoroughfare which affords a secondary means of access to abutting property.

“Alter” means to make a change in the exterior appearance or the supporting members of a structure, such as bearing walls, columns, beams, or girders, that will prolong the life of the structure. Routine maintenance is not considered an alteration.

“Animal, domestic” means a small animal of the type generally accepted as a pet, including dog, cat, rabbit, songbird, fish, and the like, but not including chicken, duck, goose, pea fowl, goat, sheep, hog, horse or the like.

“Animal, exotic” means a wild animal not customarily confined or cultivated for domestic or commercial purposes but kept as a pet or for display.

“Animal hospital” means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use, and within an enclosed soundproof structure.

“Animal, large” means an adult animal larger than three and one-half feet in height or 250 pounds or more. This term includes horse, cow, and any other mammal customarily kept in a pen, corral or stable.

“Animal, small” means an animal no larger than three and one-half feet in height or less than 250 pounds. This term includes fish, bird, and any mammal customarily kept as a domestic pet within a dwelling unit.

“Animated or moving sign” means any sign which uses movement, lighting, or special materials to depict action or create a special effect or scene.

“Apartment” means any building or portion thereof which is designed and built for occupancy of four or more families.

“Arbor” means an arbor, patio cover, lath house, pergola, trellis or other similar structure without walls or a solid roof, intended specifically to enhance the appearance of the garden or which has a

function relating to the use of outdoor space, but not including a house, garage, carport or storage building; provided, that it is not located within the front-yard setback or side-yard setback area of a main building.

“Arcade” means any establishment operating or exhibiting six or more amusement devices. An amusement device is a machine operated for the purpose of gaming as a contest of skill, or for amusement of any description, for which a fee is charged.

“Attached sign” means any sign which is affixed to and made an integral part of a building or structure. Attached signs include, but are not limited to, wall signs, roof signs, and projecting signs, to distinguish them from freestanding and ground signs.

“Awning” means a temporary or permanent structure attached to, or supported by, a building, designed for aesthetics, or shelter over a pedestrian or vehicular way and which may or may not project over public property.

“Balcony” means a platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade or parapet.

“Banner, flag, pennant or balloon” means any cloth, plastic, paper, or similar material used for advertising purposes attached to any structure, staff, pole, line, framing or vehicle, including captive balloons and inflatable signs but not including official flags of the United States, the State municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

“Base density” means the number of dwelling units on a particular parcel of land which is in conformance with the General Plan and zoning.

“Basement” means any area of the building having its floor subgrade – i.e., below ground level – on all sides.

“Bed and breakfast inn” means an owner-occupied single-family dwelling where overnight lodging and a breakfast meal are provided to transient guests in a home atmosphere for compensation and where said accommodation is clearly subordinate to the primary residential function of the property.

“Block” means all property fronting upon one side of a street, between intersecting and intercepting streets, or between a street and railroad right-of-way, waterway, dead-end street or unsubdivided land. An intercepting street shall determine only the boundary of the block on the side of a street which it intersects.

“Blockface” means the properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street, unsubdivided land, watercourse, or City boundary.

“Boardinghouse” means a dwelling other than a hotel where lodging or lodging and meals for three or more persons is provided for financial or other compensation.

“Breezeway” means a roofed, open-sided passageway connecting two structures, such as a house and a garage.

“Building” means any structure having a roof supported by columns or by walls and designed for the shelter, housing or enclosure of any person, animal, chattel or property of any kind and having a fixed location upon the ground.

“Building height” means the vertical distance from the finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or from average grade to the highest gable of a pitch or hip roof.

“Building, main” means a building in which is conducted the principal use of the lot and/or building site on which it is situated.

“Building setback line” means the minimum distance as prescribed by this title between any property line, and the closest point on the foundation or any supporting post or pillar of any building or structure related thereto.

“Building site” means a lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings,

together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, highway or waterway.

**Business Frontage.** The primary "business frontage" is that portion of the building elevation facing a street, parking lot or walkway in which the primary entrance to the building is located. All other business frontage is secondary business frontage. If more than one business is located in a single building, then such length shall be limited to that portion which is occupied by each individual business.

"Business, retail" means the retail sale of any article, substance, service or commodity, within a building, but not including the sale of lumber or other building materials.

"Business, wholesale" means the wholesale handling of any article, substance, service or commodity, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity, and not including the processing or manufacture of any product or substance.

"Canopy" means any fixed overhead shelter used as a roof, which may or may not be attached to a building and which does not project over public property.

"Carport" means an accessory structure or portion of a main structure open on two or more sides designed for the storage of motor vehicles, without full enclosure.

"Cemetery" means land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such premises.

"Charitable films" means commercials, motion pictures, television, or videotapes produced by a nonprofit organization, which qualifies under Section 501(c)(3) of the Internal Revenue Code as a charitable organization. No person, directly or indirectly, shall receive a profit from the marketing and production of the film(s) or from showing the films, tapes or photographs.

"City" means the City of Newman.

"City Council" means the City Council of the City of Newman.

"Clinic" means a place for the provision of group medical services.

"Club" means an association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

"Collection buildings" means buildings with a gross floor area of 225 square feet or less used for the deposit and storage of recyclables.

"College" means an education institution offering advanced instruction in any academic field beyond the secondary level, but not including trade schools or business colleges.

"College, trade." See "educational institutions."

"Combining district" means any district in which the general district regulations are combined with those special districts defined in NCC 5.02.010 for the purpose of adding additional special regulations.

"Commercial office" means any administrative or clerical office maintained as a business and any office established by a public service over which this chapter has jurisdiction.

"Communications equipment building" means a building housing electrical and mechanical equipment necessary for the conduct of a public communication business, with or without personnel.

"Conditional use" means a use generally compatible with other uses in a zoning district which requires individual review of its location, design, configuration and density and intensity and may require imposition of conditions to ensure the appropriateness of the use at a particular location.

"Convalescent home." See "rest homes or homes for the aged."

"Court" means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

"Coverage, lot or site" means the percentage of a site covered by a roof and any soffit, trellis, eave or overhang extending more than two and one-half feet from a wall, and/or by a deck more than 30 inches in height.

"Cultural resource" means improvements, buildings, structures, signs, features, sites, landscapes, trees or other objects of scientific, aesthetic, educational, cultural, architectural or historical significance

to the citizens of the City, the Central Valley, the Northern California region, the State as a whole, or the Nation which may be eligible for designation or designated and determined to be appropriate for historic preservation by the Architectural Review Commission, or by the City Council on appeal, pursuant to the provisions of this chapter.

**Day, Working and Calendar.** For purposes of applying time periods within the context of this title, a period of 10 days or less will utilize a "working day" standard and 11 or more days will utilize a "calendar day" standard. A "working day" shall mean Monday through Friday except where one of these days is a recognized holiday and the City of Newman Business Offices are not open to conduct public business. "Calendar day" is considered any consecutive span of 24-hour days within a 365-day calendar.

**"Deck"** means a platform, either freestanding or attached to a building, that is supported by pillars or posts. See also "balcony."

**"Demolition"** means any act or process that destroys in whole or in part a building or structure.

**"Design Review Committee"** means the Architectural Review Committee of the City.

**"Development"** means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**"Dilapidated sign"** means any sign or element of a sign which is excessively weathered or structurally unsound, or where the copy can no longer be seen or understood by a person with normal eyesight under normal viewing conditions.

**"District"** means a portion of the City within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this title.

**"Driveway"** means a paved area on a lot necessary to provide direct access for vehicles between a street and either:

1. An area on a residential lot containing four or fewer parking spaces;
2. An aisle adjacent to parking spaces and providing access to a parking lot;
3. A loading berth; or
4. A refuse storage area.

**"Dump"** means a place used for the disposal, abandonment or discarding by burial, incineration or by any other means of any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals.

**"Duplex."** See "dwelling, two-family or duplex."

**"Dwelling"** means a building or portion thereof designated and used exclusively for residential occupancy, including one-family, two-family, three-family dwellings and apartments, multiple-family dwellings, but not including hotels, motels or boarding houses.

**"Dwelling groups"** means a group of two or more detached or semi-detached, one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common.

**"Dwelling, multiple"** means a building or portion thereof, used and designed as a residence for four or more families living independently of each other and doing their own cooking in said building, including apartment houses, apartment hotels and flats, but not including motels, boarding houses and hotels.

**"Dwelling, single-family"** means a building designated for, or used to house not more than one family, including all necessary employees of such family.

**"Dwelling, two-family (halfplex)"** means a building designed for occupancy by two families living independently of each other, where each dwelling unit is attached and located on a lot which may be separately owned or conveyed.

**"Dwelling, two-family or duplex"** means a building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other, including all necessary employees of each such family.

“Dwelling, three-family or triplex” means a building containing not more than three kitchens, designed and/or used to house not more than three families, living independently of each other, including all necessary employees of each such family.

“Dwelling unit” means one or more rooms, a kitchen, and a restroom designed for occupancy by one family for living and sleeping purposes.

“Educational institutions” means public or other nonprofit institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary and collegiate levels, and including graduate schools, universities, nonprofit research institutions and religious institutions. Such institutions must either offer general academic instruction equivalent to the standards prescribed by the State Board of Education, confer degrees as a college or university of undergraduate or graduate standing, conduct research, or give religious instruction. This definition does not include schools, academies or institutes, incorporated or otherwise, which operate for a profit, nor does it include commercial or trade schools.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a public roadway, street, sidewalk, right-of-way or floodplain which may impede or alter the flow capacity of a floodplain.

“Exterior (building or improvement)” means an arrangement and components of all of the outer surfaces of a building or improvement including, but not limited to, the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

“Family” means a reasonable number of persons occupying a dwelling, as determined by State housing code occupancy standards, living as a single housekeeping unit. A family shall be deemed to include live-in household support staff, if any.

“Fast food restaurant” means a food establishment at which customers order from a menu board and pay for food at time of order.

“Fence” means any structural device forming a physical barrier by means of hedge, wood, mesh, chain, brick, stake, plastic or other similar materials.

“Floor area, gross” means the total area of all floors in a building as measured to the outside surface of exterior walls or to the centerline of common walls. It excludes any crawl space, area used exclusively for vehicle parking or loading, breezeway, attic without floor, and any open porch, deck, balcony or terrace.

“Floor area, net” means the total area of all floors in a building as measured to the outside surface of exterior walls or to the centerline of common walls. It excludes any crawl space, area used exclusively for vehicle parking or loading, breezeway, attic without floor, and an open porch, deck, balcony or terrace. It also excludes any corridor, hallway, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven feet, and, in industrial areas, storage sheds with less than 150 square feet of space, bunkers, electrical substations, smoking shelters, instrument shelters and similar enclosures.

“Floor area ratio (FAR)” means the ratio of the gross square footage of a building permitted on a lot to the net square footage of the lot.

“Freestanding pole sign” means a freestanding sign independently supported by one or more poles, columns, or uprights to be located immediately adjacent to the road right-of-way. The guideline for setback shall be 10 feet from the property line immediately abutting the road right-of-way.

“Frontage” means the property line of a site abutting on a street, other than the side line of a corner lot.

“Frontage, building.” The frontage of a building is the maximum horizontal dimension of that side of a building abutting on or generally parallel to the front lot line or, in the case of a corner building, the combined maximum horizontal dimensions of the sides of the building abutting or generally parallel to the front lot line and the corner side line.

Frontage, Street. The “street frontage” is the length of the front lot line or, in the case of a corner lot, the front lot line plus the corner side lot line.

“Garage or carport” means accessible and usable covered space of not less than nine feet by 20 feet each for a storage of motor vehicles.

“Garage, repair” means a structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

“Garden structure” means an arbor, deck, fountain, lath house, pergola, raised planting bed, trellis or other similar structure intended specifically to enhance the appearance of the garden or which has a function relating to the use of outdoor space, but not including a house, garage, carport or storage building.

“General Plan” means the City of Newman General Plan, as amended.

“Grade, average” means the average level on the surface defined as the shortest distance between finished grade at the highest and lowest sides of a structure.

“Grade, existing” means the level of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by this title.

“Grade, finished” means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

“Grade, street” means the top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

“Guesthouse” means detached living quarters of a permanent type of construction and without kitchens or cooking facilities, and where no compensation in any form is received or paid.

“Hazardous waste” means any waste, or combination of wastes as specified in Title 22 of the California Code of Regulations, which because of its quantity, concentration, physical, chemical or infectious characteristics may either cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating irreversible illness, or pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed.

“Height” means the vertical dimension measured from finished grade, unless otherwise specified.

“Height of building” means the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof, excluding elevator equipment rooms, ventilating and air conditioning equipment.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Highway-oriented use” means any professional, retail/commercial, or industrial use located on property within 200 feet of the State Highway 33 right-of-way.

“Historic district” means any area containing a concentration of improvements which have a special character, historical interest or aesthetic value, which possess integrity of location, design, setting, materials, workmanship, feeling and association, or which represent one or more architectural periods or styles typical of the history of the City, and that has been designated a historic district.

“Home occupation” means a use or activity in any R District that is incidental, secondary and in addition to the principal use of a lot or site as a residence, conducted on the site of such residence, and established in accordance with the provisions of Chapter 5.20 NCC.

“Hotel.” See “motel or hotel.”

“Household pets” means domestic animals ordinarily permitted in a place of residence, kept for company and pleasure, such as dogs, cats, domestic birds, guinea pigs, white rats, rabbits, mice and other similar animals generally considered by the public to be kept as pets, excluding fowl and not including animals maintained as part of a formal school or 4-H sponsored youth animal husbandry project. For one-family residences, three adult dogs maximum, three adult cats maximum, two adult rabbits maximum, domestic birds and other similar animals are permitted, where the total number of adult animals in one place of residence shall not exceed 10. For multiple-family residences, including mobile homes in mobile home parks, one adult dog maximum, one adult rabbit maximum, two adult cats maximum, domestic birds and other similar

animals are permitted, where the total number of adult animals in one place of residence shall not exceed five. For purposes of this definition "adult" shall mean an animal that is weaned from its mother and more than six months of age.

"Illumination, direct" means illumination by means of light that travels directly from its source to the viewer's eye.

"Illumination, indirect" means illumination by means only of light cast upon an opaque surface from a concealed source.

"Junk" means any old iron, brass, wire, copper, tin, lead, or any other scrap metals, and any rags, papers, trash, cardboard, bags, lumber, bottles, bones, and old parts of bicycles, tricycles, baby carriages, automobiles, other vehicles or machinery, or other scrap materials, and also bicycles, tricycles, baby carriages, automobiles, other vehicles or machinery, dismantled for salvage or "wrecked," and similar personal property ordinarily classified as junk, all regardless of whether the same is being held for sale or storage.

"Junkyard" means more than 100 square feet of the area of any lot used for the storage of junk, including scrap metals, salvage or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether for sale or storage.

"Kennel" means any lot or premises on which four or more dogs and/or cats at least four months of age are kept, boarded or trained, whether in special buildings or runways or not. Also, it can be an establishment for the breeding of these animals.

"Kitchen" means any room or part of a room which is designed, built, used, or intended to be used for food preparation and dish washing; but not including a bar, butler's pantry or similar room adjacent to or connected with a kitchen.

"Landscape" means to plant and maintain some combination of trees, ground cover, shrubs, vines, flowers or lawn. Required landscaping may include natural features such as existing or imported rock and structural features including fountains, pools, art work, screens, walls, fences or benches. A landscaped area may also include a walkway or concrete plaza if it is an integral part of the elements of landscaping described above. Plants on rooftops, porches, or in boxes attached to buildings are not considered landscaping.

"Landscape area" means a maintained area comprised principally of live vegetative matter (plants, shrubs, ground cover, trees, etc.) with no more than 20 percent covered by nongrowing or nonvegetative matter (rocks, bark, concrete, etc.) after three years of growth.

"Landscaping" means the placement of materials such as grass, flowers, ground cover, shrubs, hedges, trees, decorative walls and fences, and berms, within a designated area.

"Lodge" means an order or society of persons organized for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

"Logo" means a trademark or company name symbol.

"Lot" means a site or parcel of land.

"Lot area" means the horizontal area within the property lines excluding public-access corridors, vehicular easements, and areas to be included in future street rights-of-way as established by easement, dedication, or ordinance.

"Lot, average width" means the average horizontal distance between the side lot line measured at right angles to the lot depth, at the required front setback line.

"Lot depth" means the average horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

"Lot, front" means the shortest dimension of a lot fronting on a street.

"Lot, interior" means a lot other than a corner lot.

"Lot line" means a line separating the front from a street; the side from a street or adjoining property.

"Lot, rear" means the lot boundary opposite, or approximately opposite the lot front; in the case of a triangular or gore-shaped lot, a line 10 feet in length, within the lot, parallel to and at the maximum distance from the front line of the lot.

"Lot, side" means any lot boundary not a front or rear lot line.

“Lot, through” means a lot having frontage on two parallel or approximately parallel streets.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

May. “May” is permissive; “shall” is mandatory.

“Medical building” means clinics or offices for doctors, dentists, oculists, chiropractors, osteopaths, chiropodists or similar practitioners of the healing arts, including accessory laboratories and a prescription pharmacy, but not including offices for veterinarians.

“Mobile recycling unit” means an automobile, truck, trailer, or van, licensed by the State Department of Motor Vehicles which is used for the collection of recyclable materials, including the bins, boxes or containers transported by trucks, vans or trailers and used for the collection of recyclable materials.

“Mobile home” means a structure having multiple sections equaling or exceeding exterior dimensions or eight feet in width and 40 feet in length, having a chassis and designed to be movable, with kitchen, bathroom and living facilities, designed for use as a single-family dwelling when connected to appropriate utility lines, with or without a permanent foundation.

“Mobile home parks” means any parcel or contiguous parcels of land under single ownership, designed or intended to be used to accommodate mobile homes on a permanent or semi-permanent basis.

“Motel or hotel” means a single building or a group of detached or semi-detached buildings containing guest rooms or guest apartments, which group is designed and used primarily for the accommodation of transient travelers.

“Motion picture and television filming” means all activity relevant to staging or shooting commercial motion pictures, television shows or programs, and commercials.

“Natural feature” means any tree, plant life, water feature, or rock outcropping.

“News media” means the filming or videotaping for the purpose of spontaneous, unplanned television news broadcast by reporters, photographers or cameramen.

“Nonconforming sign” means a sign, outdoor advertising structure, or display of any character that was lawfully erected or displayed, but that does not conform with currently applicable requirements prescribed for the district in which it is located by reason of adoption or amendment of this title, or by reason of annexation of territory to the City.

“Nonconforming structure” means a structure that was lawfully erected but which does not conform with the currently applicable requirements and standards for yard spaces, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this title, or by reason of annexation of territory to the City.

“Nonconforming use” means a lawful use of land which no longer conforms to the provisions of this title.

“Nursery school” means a school, family day care facility or the use of a site or a portion of a site for an organized program devoted to the education or day care of five or more pre-elementary school-age children, including those residents on the site.

“Nursing home” means a structure operated as a boardinghouse in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

- “Off-street loading facilities” means a site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.
- “Off-street parking” means a parking area located off any public right-of-way, alley, or private street which shall be provided as required by this title.
- “Off-street parking facility or lot” means a site or a portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.
- “Office” means a business establishment for rendering of service or administration, but excluding retail sales.
- “Open space – usable” means any area within a lot or parcel which is not covered with a structure.
- “Ordinary maintenance and repair” means any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same to its condition prior to the occurrence of such deterioration or damage.
- “Outdoor advertising structure” means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised product is produced.
- “Outdoor storage” means storage outside of a building of material not intended for immediate sale or exhibition.
- “Parking district” means a government parking district maintained by the Federal, State, County or City government, or special district.
- “Parking space” means an area for parking of a motor vehicle, plus those additional areas and facilities required to provide safe access to and from said space. The area set aside for a parking space must be usable and accessible for the type of parking need that must be satisfied within the context of this title.
- “Permitted” means allowed without a requirement for approval of a conditional use permit or temporary use permit.
- “Person” includes any individual, city, county or city and county; partnership, corporation, cooperative, association, trust or any other legal entity, including the State of California and the Federal Government.
- “Planning Commission” means the Planning Commission of the City of Newman.
- “Planning Department” means the Planning Department of the City of Newman.
- “Planning Director” means the Planning Director of the City of Newman.
- “Porch” means a covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.
- “Preexisting” means in existence prior to the effective date of the ordinance codified in this chapter.
- “Preservation” means the act or process of applying measures to sustain the existing form, integrity and material of a building or structure and the existing form and vegetative cover of a site.
- “Private open space” means an open area outside of a building adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.
- “Processing facility” means a building or enclosed space used for the collection and processing of recyclable material, and/or used motor oil, by such means as flattening, mechanical sorting, compacting, baling, shredding, grinding, crushing and cleaning.
1. A light-processing facility occupies less than 45,000 square feet and includes equipment for baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials, except ferrous metals other than food and beverage containers, and repairing of reusable materials.
  2. A heavy-processing facility is any processing facility other than a light-processing facility.
- “Project” means any proposal for new or changed use, or for new construction, alteration, or enlargement of any structure, that is subject to the provisions of this chapter.
- “Public utility service yard” means a site or portion of a site on which a public utility company may store, house and/or service equipment such as service trucks and other trucks and trailers, pumps,

spools of wire, pipe, conduit, transformers, cross-arms, utility poles or any other material, tool or supply necessary for the normal maintenance of the utility facilities.

“Railroad right-of-way” means a strip of land of a maximum width of 100 feet only for the accommodation of main lines or branch line railroad tracks, switching equipment and signals, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, section gang and other employee housing, yards or other uses are located.

“Reconstruction” means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure or object, or a part thereof, as it appeared at a specific period of time.

“Recreational vehicle” means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Recyclable material” means reusable material including, but not limited to, metals, glass, plastic and paper which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. “Recyclable material” does not include refuse or hazardous materials, but may include used motor oil.

“Recycling facility” means a center for the collection and/or processing of recyclable materials.

“Rehabilitation” means the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values.

“Residence” means a structure containing a dwelling unit designed for occupancy or occupied by one family or more.

“Residential care facility” means a structure or dwelling unit used for residential purposes as defined in State law that is licensed by the State of California for six or fewer residents and is exempt from local regulation under the licensing provisions of State law.

“Rest homes or homes for the aged” means an establishment or homes intended primarily for the care and nursing of invalids and aged persons, excluding cases of communicable diseases and surgical or obstetrical operations. Any premises licensed under Section 1253 or other applicable section of the Health and Safety Code of the State of California. The term shall not include nursing home.

“Restaurant” means an establishment which serves food or beverages primarily to persons seated within the building. This includes cafes and tearooms and outdoor cafes.

“Restoration” means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

“Reverse vending machine” means an automated mechanical device that accepts at least one or more types of empty beverage containers including aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip. A “reverse vending machine” may sort and process containers mechanically; provided, that the entire process is enclosed within the machine.

1. A single-feed reverse vending machine is designed to accept individual containers one at a time.
2. A bulk reverse vending machine is designed to accept more than one container at a time and to compute the refund or credit due on the basis of weight.

“Reversed corner lot” means a corner lot, the street side of which is substantially a continuation of the front lot line of the lot upon which it rears.

“Room, habitable” means a room meeting the requirements of the Uniform Building Code and Uniform Housing Code for its intended use (e.g., sleeping, living, cooking, or dining), excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors,

laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms, garages, and similar spaces.

“Rooming house.” See “boardinghouse.”

“School, elementary, middle or junior high or high” means public and other nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the State Board of Education.

“School, private or parochial” means an institution conducting regular academic instruction at kindergarten, elementary or secondary levels, operated by a nongovernmental organization.

“Screening” means the provision of a minimum six-foot high living or nonliving buffer designed to diffuse noise, glare and negative visual impacts. Living screening shall have a minimum depth of three feet.

“Secondary residential unit.” See “accessory residential unit.”

“Service station” means an occupancy engaged in the retail sales of gasoline, diesel or liquefied petroleum gas fuels, oil, tires, batteries and new accessories, and which provides for the servicing of motor vehicles and operations incidental thereto, including automobile washing, incidental waxing and polishing, tire changing and repairing (but not including recapping), battery service, charging and replacement (but not including repair or rebuilding), radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, and the testing, adjustment and replacement of motor parts and accessories.

“Setback line” means a line established by this title to govern the placement of buildings or structures with respect to lot lines, streets or alleys.

Shall. “Shall” is mandatory; “may” and “should” are permissive.

“Shared open space” means an open area within a residential development reserved for the exclusive use of residents of the development and their guests.

“Shopping center” means a unified group of retail businesses and service uses on a single site with common parking facilities. A “shopping center” may include pads for future buildings.

Side and front of corner lots. For the purpose of this title the narrowest frontage of a corner lot facing the street is the “front,” and the longest frontage facing the intersecting street is the “side,” irrespective of the direction in which the dwelling faces.

“Sign approval” means an approval issued by the Planning Department to any person or entity authorized by this chapter to erect a sign, except as exempted. A building permit issued by the Building Department may also be required prior to a sign being lawfully erected.

“Sign area” means the entire face of a sign, including the surface and any framing, projections or molding, but not including the support structure. Where a sign consists of letters individually attached to or painted on the wall of a building or structure where there is no distinguishable frame or border, the sign area will be considered that area around all words and symbols enclosed by no more than eight lines.

Sign Types.

1. Business Identification Sign. A sign that serves to identify only the name and address of the premises, business, building or portion of building upon which it is located and includes no other advertising such as product lists, phone numbers and hours of operation. Such a sign may include a logo or business symbol.
2. Construction Sign. Signs located on a site during construction, which informs of new buildings, opening dates, leasing opportunities, and/or identifies the architects, engineers, contractors, and financiers.
3. Directional Sign. Any sign erected for the sole purpose of providing direction to the general public. Directional signs include, but are not limited to, signs that: denote the route to any city, community facility, historic place, or hospital; signs directing and regulating traffic; signs directing visitors to any tourist-oriented business; notices of any utility or transmission company

necessary for the direction or safety of the public; and signs, notices or symbols as to the time and place of civic meetings.

4. Freestanding or Ground Sign. Any sign supported by structures or supports, placed or anchored in the ground and that is independent from any building or other structure.
5. Grand Opening Sign. A sign used by newly established businesses to inform the public of their location and services.
6. Ground Sign. A ground sign is a freestanding sign six feet or less in height.
7. Incidental Sign. A small sign pertaining to goods, products, services or facilities that are available on the premises where the sign occurs and intended primarily for the convenience of the public.
8. Nameplate Sign. A sign attached to a building that designates the names and/or address of a business, and/or the words "entrance" or "exit."
9. Marquee. A permanent roofed structure attached to and supported by a building and projecting over public property.
10. Monument Sign. A specific type of ground sign supported from grade to the bottom of the sign with the appearance of having a solid base. These signs are generally located at the primary entry points to a project, and identify the name of a center or group of buildings rather than that of an individual tenant.
11. Off-Site Advertising on Billboard. Any sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or offered at the property on which the sign is located.
12. Open House Sign. A temporary sign that identifies a building for sale or lease which is open and available for inspection, and sets forth no other advertisement.
13. Portable Sign. Any sign not permanently attached to the ground or other permanent structure, or uses that depend on frequently changing events.
14. Projecting Sign. Any sign permanently attached to a building and projecting at not more than four feet over a sidewalk or other pedestrianway. A projecting sign shall be a single perpendicular plane located not less than eight feet or more than 12 feet above a sidewalk or pedestrian walkway. Projecting signs shall be made of wood or wood-like material and shall not be directly illuminated. Each sign area is limited to six square feet per face.
15. Reader Board. A sign constructed so that individual letters or other advertising material can easily be changed, used only by businesses, activities or uses that depend on frequently changing events.
16. Special Events Sign. A temporary sign advertising or pertaining to any civic, patriotic, or special event of a general public interest taking place within the County.
17. Subdivision Directional Sign. A sign providing direction to a land development project within the City.
18. Temporary Sign. Nonilluminated signs which are designed to be displayed for a short period of time; are not permanently affixed to a building or property; and/or are constructed of lightweight materials such as paper, cloth, cardboard, wallboard, etc.
19. Window Sign. Any sign that is painted, applied or attached to a window or located in such a manner that it can be seen from the exterior of the structure.

"Signs" means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of a person or entity, or communicate information of any kind to the public.

"Site" means a lot, or group of contiguous lots not divided by a street, other right-of-way, or City limit, that is proposed for development in accord with the provisions of this chapter, and is in a single ownership or under unified control.

"Site area" means the total horizontal area included within the property lines of a site.

"Specific plan" means a plan for a defined area that is consistent with the General Plan and with the provisions of the California Government Code authorizing specific plans.

*"Storage Containers" shall mean any container (metal or otherwise) previously used as a shipping/cargo container, including but not limited to: all trailers and or shipping containers manufactured with or without axles and wheels; boxcars; box vans that have been disconnected from a chassis; busses; cargo containers; mobile storage trailers; passenger coaches; "Portable on-demand storage structures (PODS);" semi-truck trailers; storage structures or cargo boxes designed or once serving as commercial shipping or truck trailers or boxes; shed-like containers; streetcar bodies or similar enclosures and rolling stock; temporary storage units; tents; trains; truck/tractor trailers; the parking of tractor-trailers or separate tractors or cargo boxes and/or any and all other portable structure that can be or is used for the storage of personal property of any kind or other similar use as determined by the Community Development Department.*

"Story" means the portion of a building included between the upper surface of a floor and the upper surface of the floor next above. The topmost story is that portion of a building included between the upper surface of the topmost floor and the ceiling of the roof above.

"Story, half" means any story in which the floor area covers less than half of the building footprint. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such usable or unused under-floor space shall be considered a story.

"Street" means a public thoroughfare which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an "alley" as defined herein.

"Street line" means the boundary between a street right-of-way and property.

"Structural alterations" means any change in the supporting members of a structure, such as bearing walls, columns, beams or girders.

"Structure" means anything constructed or erected, the use of which requires location on or in the ground, or attachment to something having location on the ground, excluding swimming pools, driveways, patios, parking spaces or nonpermanent structures such as tool sheds, hot tubs, spas and similar movable structures.

"Swimming pools, fish ponds and hot tubs" means water-filled enclosures having a depth of 18 inches or more used for swimming or recreation or as a landscape feature.

"Trailer court" means land or premises used or intended to be used, let or rented for occupancy by one or more trailers, camp cars or movable dwellings, rooms or sleeping quarters of any kind, including trailer parks and mobile home parks.

"Trailer sales lot" means an open area where trailers are sold, leased or rented, and where no repairs, repainting or remodeling are done.

"Trailer, utility" means a vehicle with or without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code, and to be used only for carrying property.

"Transmission line" means an electric power line bringing power to a receiving or distribution substation.

"Travel trailer" means a vehicle with or without motive power, designed and constructed to travel on the public thoroughfares in accordance with provisions of the State Vehicle Code, designed for human habitation, with no footing or foundation other than wheels and temporary stabilizing units, with exterior dimensions less than eight feet in width and less than 40 feet in length. The terms "camper" and "motor home" are included within the meaning of the term "travel trailer."

"Travel trailer parks" means a parcel, or contiguous parcels of land under single ownership, designed or intended to be used to accommodate travel trailers on a transient basis (one month continuous occupancy or less).

"Use" means the purpose for which land or a building is designed, arranged or intended or for which either land or building is or may be occupied or maintained.

"Use, accessory" means a use incidental or subordinate to and devoted exclusively to the main use of a lot or a building located on the same lot.

“Use, conditional” means a use which is listed as a conditional use in any given district in this title.

Conditional uses may be required to meet certain requirements as a condition precedent to the granting of a use permit which will allow the establishing of a conditional use in any given district.

“Use, permitted” means a use which is listed as a permitted use in any given district in this title.

Permitted uses need not meet special requirements as a condition precedent to be allowed to establish in a given district.

“Used” means arranged, designed, constructed, altered, rented, leased, sold, occupied, and intended to be occupied.

“Visible” means capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

“Visitor-serving use” means a use that is oriented toward serving the traveling public including, but not limited to, hotels, motels, gas stations, and restaurants.

“Wetland” means an area that is inundated or saturated by water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

“Window, required” means an exterior opening in a habitable room meeting the area requirements of the Uniform Building Code and Uniform Housing Code.

“Yard” means an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward.

#### Yard Types.

1. Corner Side Yard. A side yard on the street side of a corner lot.
2. Yard, Front. A yard extending across the front of the lot between the side lot lines and measured from the front line of the lot to the nearest line of the building; provided, however, that if any Official Plan line has been established for the street upon which the lot faces, the front yard measurement shall be taken from such Official Plan line to the nearest line of the building.
3. Yard, Rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the main building.
4. Yard, Side. A yard between the side line of the lot and the nearest line of the building and extending from the front line of the lot to the rear yard.

“Zoning Ordinance” means the Zoning Ordinance of the City of Newman, as amended. (Ord. 2000-1 §§ 1, 2, 3, 5-23-2000; Ord. 97-17, 10-28-1997)

#### Section 2.

Title 5 of the Newman City Code shall be amended to add the following section:

##### *5.23.150 Storage Containers*

*It is the intent of this section to limit, except as provided herein, the placement and use of any storage container as an accessory building, storage building or living unit on residentially zoned and other zoned land where residential uses are established. This limitation is to protect the public health and safety and the aesthetic quality of the City of Newman.*

- A. *No person shall maintain, keep, allow, use, permit, place or cause the placement of a storage container to be utilized as an accessory building, storage building or living unit on residentially zoned land and/or land used for residential purposes.*
- B. *The City, through the issuance of a temporary storage container permit, may approve the temporary maintenance or keeping of a temporary storage container for a period not to exceed sixty (60) days, subject to the existence of an active building permit for a residential remodel or addition of 100 square feet or more or submitted evidence identifying extenuating circumstances that exist that necessitate the use of a storage container for a temporary use.*
  1. *Temporary Storage Container permits will be granted for a period of 60 (sixty) days. At the expiration of the sixty-day period, applicants may seek one thirty-day extension of*

*their permit by submitting an extension application to the Community Development Department. Temporary Storage Container and subsequent Extension Permit fees shall be set forth by Resolution of the City Council.*

2. *Should the City approve a temporary storage container permit and/or extension, the following shall apply:*
- a. *An insurance certificate (explicitly covering said container) providing liability insurance in the amount of \$100,000 provided by the company supplying the Storage Container or the property owner.*
  - b. *Temporary storage containers shall not be used as living space.*
  - c. *The storage container shall be kept in good condition and free of graffiti.*
  - d. *Electrical power shall not be provided to the storage container.*
  - e. *No more than one container may be located on a lot at any time, and the container shall be no larger than 8 feet in height and 8 feet wide by 20 feet long.*
  - f. *In no instance shall the container encroach into or be located within the public right-of-way.*
  - g. *The placement of the container shall be behind an enclosure and located within the side or rear yard of the property.*
    - i. *Such storage container shall be situated no closer than five feet to any building or property line unless otherwise approved by the City Fire Chief.*
  - h. *In the case where placement of a storage container in a side or rear yard is determined not feasible by the City, said container may be placed in the front yard or driveway of a residentially zoned lot with City approval.*
    - i. *Such storage container shall be situated no closer than five feet to any property line unless otherwise approved by the City Fire Chief.*
  - i. *In the case of a corner lot abutting upon two streets, no storage container shall be positioned so as to project beyond the front yard required on any adjacent lot, nor shall it be located closer to either street line than is permitted for the main building on the lot.*
  - j. *The maximum time period for the storage container to be on site is 60 days from the date of the temporary storage container permit issuance. The Community Development Department may grant one 30-day extension (for a total of 90 days) if it is determined that construction activities are diligently being carried out towards a timely completion.*
  - k. *Temporary storage containers may only be placed on property once during a calendar year and shall not be reutilized for a minimum of twelve months from the date of removal.*

C. *Whenever the City discovers or it is brought to their attention that there is a storage container located on residential property within the City, the Community Development Department shall cause written notice to be served upon the owner of the property on which the storage container is located by registered mail or by personal service. Such notice shall state that the storage container shall be removed within 10 business days of receipt of notice. If no response is received at the conclusion of the ten (10) day period, the City may proceed with the abatement of the storage container at the property owner's expense without further notice.*

- 1. *If not reimbursed, the cost of abatement by the City will be assessed upon the subject property and such costs will constitute a lien upon the land until paid in full.*

D. *If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and*

*adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.*

Section 3.

All other sections and provisions of Title 5 shall remain in full force and effect.

Section 4.

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

Section 5.

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

Introduced at a regular meeting of the City Council of the City of Newman held on the 14<sup>th</sup> day of July, 2009 by Council Member \_\_\_\_\_, and adopted at a regular meeting of said City Council held on the 28<sup>th</sup> day of July, 2009 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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

ATTEST:

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

Permit #: 200\_\_ - \_\_  
 Date Received: \_\_\_\_\_



# CITY OF NEWMAN

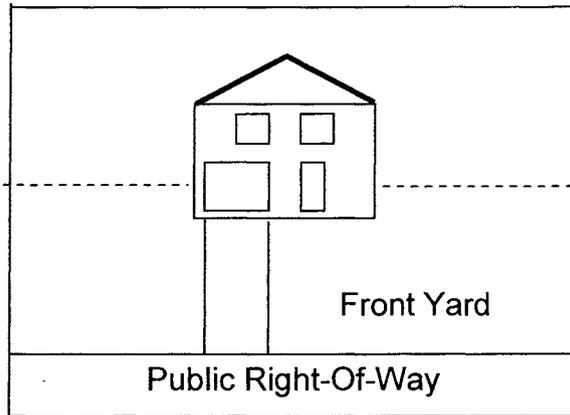
## TEMPORARY STORAGE CONTAINER PERMIT

APPLICANT INFORMATION					
NAME			PROPERTY OWNER NAME		
ADDRESS			ADDRESS		
CITY	STATE	ZIP	CITY	STATE	ZIP
E-MAIL ADDRESS			E-MAIL ADDRESS		
AREA CODE/PHONE NUMBER			AREA CODE/PHONE NUMBER		

PROPERTY INFORMATION			
Assessor's Parcel No(s) _____			
Building Permit No(s) _____			
Size of Parcel	Zoning/Designation	Corner Lot?	
_____ Acres/Sq. Ft.	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

CONTAINER INFORMATION	
Storage Container Company Name: _____	
Business License Number: _____	
Address: _____	
Telephone: _____	Fax: _____
Container Dimensions (h x w x l): _____	

Please Identify where the container will be located:



Please be aware that the issuance of a temporary storage container permit carries the following conditions:

- a. An insurance certificate (explicitly covering said container) providing liability insurance in the amount of \$100,000 provided by the company supplying the Storage Container or the property owner.
- b. Temporary storage containers shall not be used as living space.
- c. The storage container shall be kept in good condition and free of graffiti.
- d. Electrical power shall not be provided to the storage container.
- e. No more than one container may be located on a lot at any time, and the container shall be no larger than 8 feet in height and 8 feet wide by 20 feet long.
- f. In no instance shall the container encroach into or be located within the public right-of-way.
- g. The placement of the container shall be behind an enclosure and located within the side or rear yard of the property.
  - i. Such storage container shall be situated no closer than five feet to any building or property line unless otherwise approved by the City Fire Chief.
- h. In the case where placement of a storage container in a side or rear yard is not feasible, said container may be placed in the front yard or driveway of a residentially zoned lot with City approval.
  - i. Such storage container shall be situated no closer than five feet to any property line unless otherwise approved by the City Fire Chief.
- i. In the case of a corner lot abutting upon two streets, no storage container shall be erected or altered so as to project beyond the front yard required on any adjacent lot, nor shall it be located closer to either street line than is permitted for the main building on the lot.
- j. The maximum time period for the storage container to be on site is 30 days from the date of the temporary storage container permit issuance. The Community Development Department may grant up to two 30-day extensions (for a total of 90 days) if it is determined that construction activities are diligently being carried out towards a timely completion.
- k. Temporary storage containers may only be placed on property once during a calendar year and shall not be replaced for twelve months from the date of removal.

**I hereby understand and agree to the above conditions set forth by the NMC §5.23.150**

**INITIALS:** \_\_\_\_\_

**The foregoing information is true and correct to the best of my knowledge and belief. The applicant and property owner hereby acknowledge the requirements as set forth in the Newman Municipal Code and agree to comply with all County and State Laws. (BOTH MUST SIGN)**

\_\_\_\_\_  
**APPLICANT SIGNATURE**

\_\_\_\_\_  
**PROPERTY OWNER SIGNATURE  
(If Different Than Applicant)**

**For Office Use Only:**

Is application complete?

Yes  No

Permit Issuance Date: \_\_\_\_\_

Permit Expiration Date: \_\_\_\_\_

Proof of insurance?

Yes  No

Extension Date: \_\_\_\_\_

Extension Expiration Date: \_\_\_\_\_

Applicant/Property Owner Signature(s)?

Yes  No

Honorable Mayor and Members  
of the Newman City Council

**AWARD BID FOR THE CITY OF NEWMAN 2009 STREET REPAIRS PROJECT TO TOM MAYO  
CONSTRUCTION**

**RECOMMENDATION:**

It is recommended that the City Council consider:

1. Adopt Resolution No. 2009- , awarding the 2009 Street Repairs Project to Tom Mayo Construction in the amount of \$263,847.60.

**BACKGROUND:**

In 2008, Boyle Engineering (now conducting business as AECOM USA, Inc.) applied on behalf of the City of Newman for Proposition 1B Local Streets and Roads Funding with the State of California. In June 2008 the City's plan was certified by the State of California Department of Finance and the City received \$400,000.00 for the design and construction for repairs to the local roads within the City of Newman. On June 24, 2008 the City Council approved a contract with Boyle Engineering for engineering services for repairs to the local streets and roads, including the preparation of the contract documents and assistance with securing proposals for construction.

The specific areas approved for this work were: Corgiat Estates, Creek Canyon, Stonehenge, Lucas Ranch, and Oakwood Vista Subdivisions. In addition, Amy Drive and Basil Court were included. This project includes fog sealing, slurry sealing, and crack sealing of these areas to prevent water from intruding into the street base and weakening the structural stability of the roads. The repairs to these areas will extend the useful life a minimum of ten years. An alternative bid item has been included in the contract for repairs on P Street. The bid estimate for one city block on P Street is \$26,922.40.

The City of Newman advertised for bids for three weeks with bids open and read on July 7, 2009 at 2:00 pm.

**ANALYSIS:**

A total of 7 bids were submitted for this project, and included herewith are the bid results. The Engineer's Estimate for this project is \$356,519.35. The low responsible bidder for this project is Tom Mayo Construction with a base bid of \$263,847.60. The City's consultant, AECOM Engineering, has reviewed the bid documents and has found all bid forms and bonds to be in proper order, and the lowest responsible bidder to be in compliance with the contract documents and specifications.

**FISCAL IMPACT:**

Bid amount \$263,847.60

09/10 Budgeted amount \$4,000,000

**CONCLUSION:**

The City of Newman advertised and received for bids for the 2009 Street Repairs Project. Tom Mayo Construction has been determined to be the lowest responsible bidder. Therefore, staff recommends that the Council award the bid to Tom Mayo Construction for the estimated base bid amount of \$263,847.60.

Respectfully Submitted,



Garner Reynolds  
Director of Public Works

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager

**ABSTRACT OF BIDS FOR CITY OF NEWMAN  
YEAR 2009 STREET REPAIRS**

**Bid Opening: July 7, 2009; 2:00 p.m.**

Tom Mayo Construction  
4735 E. Fremont Street  
Stockton, California 95215

Granite Construction  
Post Office Box 151  
Stockton, California 95201

Ross F. Carroll, Inc.  
Post Office Box 1308  
Oakdale, California 95361

Knife River Construction  
655 W. Clay Street  
Stockton, California 95206

G. Hedgecock, Inc.  
2737 Nathan Avenue, Suite A  
Modesto, California 95354

**BASE SCHEDULE OF WORK ITEMS**

Item No.	Item	Quantity and Unit	Unit Price	Amount								
1	Traffic Control Plan	Lump Sum		2,500.00		17,500.00		4,000.00		12,000.00		10,000.00
2	Cold Plane Existing Asphalt Concrete (Edge Planing)	4,212 LF	2.00	8,424.00	2.00	8,424.00	1.50	6,318.00	2.10	8,845.20	1.78	7,497.36
3	Furnish and Install Pavement Fabric	8,221 SY	1.40	11,509.40	1.40	11,509.40	1.42	11,673.82	1.50	12,331.50	1.49	12,249.29
4	Asphalt Concrete Pulverizing and Mixing of Base Material and AC Grindings	Lump Sum		6,000.00		8,500.00		8,000.00		10,700.00		8,500.00
5	Furnish and Install Asphalt Concrete	910 TON	69.50	63,245.00	80.00	72,800.00	75.00	68,250.00	61.75	56,192.50	75.19	68,422.90
6	Furnish and Place Slurry Seal	75,002 SY	1.25	93,752.50	1.20	90,002.40	1.20	90,002.40	1.25	93,752.50	1.31	98,252.62
7	Furnish and Apply Fog Seal	152,073 SY	0.30	45,621.90	0.20	30,414.60	0.33	50,184.09	0.32	48,663.36	0.35	53,225.55
8	Adjust Manhole Frames and Covers to Grade	5 EA	500.00	2,500.00	325.00	1,625.00	400.00	2,000.00	400.00	2,000.00	350.00	1,750.00
9	Adjust Water Valve Covers to Grade	9 EA	350.00	3,150.00	225.00	2,025.00	400.00	3,600.00	400.00	3,600.00	200.00	1,800.00
10	Adjust Survey Monuments to Grade	2 EA	350.00	700.00	225.00	450.00	400.00	800.00	400.00	800.00	190.00	380.00
11	Furnish and Apply Thermoplastic Markings	4,002 SF	3.65	14,607.30	3.50	14,007.00	4.00	16,008.00	3.70	14,807.40	2.85	11,405.70
12	Furnish and Apply 4" Thermoplastic Striping	1,306 LF	1.05	1,371.30	1.00	1,306.00	1.30	1,697.80	1.05	1,371.30	1.15	1,501.90
13	Furnish and Apply 6" Thermoplastic Striping	5,591 LF	0.70	3,913.70	0.65	3,634.15	1.00	5,591.00	0.70	3,913.70	1.15	6,429.65
14	Furnish and Apply 8" Thermoplastic Striping	50 LF	1.05	52.50	1.00	50.00	1.00	50.00	1.05	52.50	2.00	100.00
15	Furnish and Install Catch Basin, 12" PVC Pipe, and Connect to Manhole	Lump Sum		6,500.00		8,637.45		8,000.00		10,000.00		7,634.00
<b>BASE TOTAL</b>				<b>\$263,847.60</b>		<b>\$270,885.00</b>		<b>\$276,175.11</b>		<b>\$279,029.96</b>		<b>\$289,148.97</b>
<b>ADDITIONAL SCHEDULE OF WORK ITEMS</b>												
<i>(Work on AREA 5 - "P" Street)</i>												
1A	Traffic Control Plan	Lump Sum		500.00		1,322.00		1,000.00		500.00		1,500.00
2A	Cold Plane Existing Asphalt Concrete (Edge Planing)	960 LF	3.75	3,600.00	2.00	1,920.00	1.50	1,440.00	3.65	3,504.00	7.81	7,497.60
3A	Furnish and Install Pavement Fabric	2,311 SY	2.00	4,622.00	2.00	4,622.00	2.00	4,622.00	2.20	5,084.20	2.11	4,876.21
4A	Furnish and Install Asphalt Concrete	210 TON	85.00	17,850.00	80.00	16,800.00	75.00	15,750.00	85.00	17,850.00	81.05	17,020.50
5A	Furnish and Apply Thermoplastic Markings	96 SF	3.65	350.40	3.50	336.00	4.00	384.00	3.75	360.00	4.00	384.00
<b>ADDITIONAL WORK TOTAL</b>				<b>\$26,922.40</b>		<b>\$25,000.00</b>		<b>\$23,196.00</b>		<b>\$27,298.20</b>		<b>\$31,278.31</b>
<b>BASE SCHEDULE OF WORK ITEMS PLUS</b>												
<b>ADDITIONAL SCHEDULE OF WORK ITEMS TOTAL:</b>				<b>\$290,770.00</b>		<b>\$295,885.00</b>		<b>\$299,371.11</b>		<b>\$306,328.16</b>		<b>\$320,427.28</b>

**ABSTRACT OF BIDS FOR CITY OF NEWMAN  
YEAR 2009 STREET REPAIRS**

**Bid Opening: July 7, 2009; 2:00 p.m.**

George Reed, Inc.  
Post Office 548  
Sonora, California 95370

Teichert Construction  
835 S. Kilroy Road  
Turlock, California 95380

Engineers Estimate

**BASE SCHEDULE OF WORK ITEMS**

Item No.	Item	Quantity and Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Traffic Control Plan	Lump Sum	Lump Sum	17,500.00	Lump Sum	26,690.00	Lump Sum	15,000.00
2	Cold Plane Existing Asphalt Concrete (Edge Planing)	4,212 LF	2.55	10,740.60	2.50	10,530.00	2.00	8,424.00
3	Furnish and Install Pavement Fabric	8,221 SY	1.45	11,920.45	1.40	11,509.40	2.00	16,442.00
4	Asphalt Concrete Pulverizing and Mixing of Base Material and AC Grindings	Lump Sum	Lump Sum	10,825.00	Lump Sum	16,825.00	Lump Sum	9,500.00
5	Furnish and Install Asphalt Concrete	910 TON	80.00	72,800.00	82.00	74,620.00	90.00	81,900.00
6	Furnish and Place Slurry Seal	75,002 SY	1.28	96,002.56	1.25	93,752.50	1.80	135,003.60
7	Furnish and Apply Fog Seal	152,073 SY	0.33	50,184.09	0.23	34,976.79	0.35	53,225.55
8	Adjust Manhole Frames and Covers to Grade	5 EA	212.00	1,060.00	650.00	3,250.00	500.00	2,500.00
9	Adjust Water Valve Covers to Grade	9 EA	136.00	1,224.00	500.00	4,500.00	400.00	3,600.00
10	Adjust Survey Monuments to Grade	2 EA	287.00	574.00	500.00	1,000.00	400.00	800.00
11	Furnish and Apply Thermoplastic Markings	4,002 SF	3.71	14,847.42	3.50	14,007.00	4.00	16,008.00
12	Furnish and Apply 4" Thermoplastic Striping	1,306 LF	1.06	1,384.36	1.00	1,306.00	1.10	1,436.60
13	Furnish and Apply 6" Thermoplastic Striping	5,591 LF	0.70	3,913.70	0.65	3,634.15	0.60	3,354.60
14	Furnish and Apply 8" Thermoplastic Striping	50 LF	1.06	53.00	1.00	50.00	1.50	75.00
15	Furnish and Install Catch Basin, 12" PVC Pipe, and Connect to Manhole	Lump Sum	Lump Sum	9,779.00	Lump Sum	10,000.00	Lump Sum	9,250.00
<b>BASE TOTAL</b>				<b>\$302,808.18</b>		<b>\$306,650.84</b>		<b>\$356,519.35</b>
<b>ADDITIONAL SCHEDULE OF WORK ITEMS</b> <i>(Work on AREA 5 - "P" Street)</i>								
1A	Traffic Control Plan	Lump Sum	Lump Sum	514.00	Lump Sum	1,200.00	Lump Sum	1,000.00
2A	Cold Plane Existing Asphalt Concrete (Edge Planing)	960 LF	3.30	3,168.00	2.50	2,400.00	2.00	1,920.00
3A	Furnish and Install Pavement Fabric	2,311 SY	2.00	4,622.00	1.90	4,390.90	2.00	4,622.00
4A	Furnish and Install Asphalt Concrete	210 TON	84.25	17,692.50	90.00	18,900.00	90.00	18,900.00
5A	Furnish and Apply Thermoplastic Markings	96 SF	3.71	356.16	3.50	336.00	4.00	384.00
<b>ADDITIONAL WORK TOTAL</b>				<b>\$26,352.66</b>		<b>\$27,226.90</b>		<b>\$26,826.00</b>
<b>BASE SCHEDULE OF WORK ITEMS PLUS</b>								
<b>ADDITIONAL SCHEDULE OF WORK ITEMS TOTAL:</b>				<b>\$329,160.84</b>		<b>\$333,877.74</b>		<b>\$383,345.35</b>

**RESOLUTION NO. 2009-**

**APPROVAL OF 2009 STREET REPAIRS CONTRACT WITH TOM MAYO  
CONSTRUCTION**

WHEREAS, the City Manager of the City of Newman has recommended that the City Council approve a contract with Tom Mayo Construction for the 2009 Street Repairs Project related to the City of Newman's street maintenance program; and

WHEREAS, the City Council is desirous of entering into a contract with Tom Mayo Construction; and

WHEREAS, the City Council of the City of Newman has determined it would be in the best interest of the City to enter into a contract with Tom Mayo Construction

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby approves the contract with Tom Mayo Construction and authorizes the City Manager to execute said contract for the 2009 Street Repairs Project.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14<sup>th</sup> day of July 2009 by Council Member \_\_\_\_\_, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.c.**  
City Council Meeting  
of July 14, 2009

**ACCEPT PROPOSAL FOR MASTER CITY ENGINEERING SERVICES FROM AECOM USA, INC.**

**RECOMMENDATION:**

It is recommended that the City Council accept the proposal for Master City Engineering Services from AECOM USA, Inc. and authorize the City Manager to execute the agreement.

**BACKGROUND:**

The City of Newman has a need for civil engineering services on an as needed basis. Typical services necessary include, but are not limited to; City Engineer services; Review of tentative subdivision maps, parcel maps, and development projects for compliance with City standards and the Subdivision Map Act; Review of environmental documents for compliance with CEQA; preparation and review of legal descriptions; Design and preparation of plans and specifications for public works projects; Construction observation; Consultation with City staff; and other similar activities. The work is detailed in attachment A (Master Consultant Agreement).

On March 22, 2005 City Council approved an agreement with Stoddard and Associates for engineering services. Since then Stoddard and Associates became Boyle Engineering and recently was acquired by AECOM USA, Inc. However, the AECOM USA, Inc. acquisition necessitates a new agreement. The existing staff will continue to be responsible for work with the City of Newman.

**ANALYSIS:**

Due to the name change and the acquisition by AECOM USA, Inc. a new proposal has been submitted for Master City Engineering Services from AECOM USA, Inc. based on a time and expense basis. This type of work is best performed by a registered civil engineer, and AECOM USA, Inc. is recommended for this type of work due to their expertise and experience in this field and their work on previous projects for the City. The Public Works Director has reviewed the proposal and has found the proposal to be in proper order.

**FISCAL IMPACT:**

Fiscal impact will be based on a time and expense basis as needed.

**CONCLUSION:**

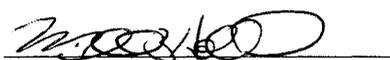
The Public Works Department has a need for civil engineering services as needed throughout the year. AECOM USA, Inc. has the experience and expertise necessary to complete the work and has provided these services on a limited basis in the past. AECOM USA, Inc. has submitted a proposal for these services on a time and expense basis. Therefore, staff recommends that the City Council accept the proposal from AECOM USA, Inc. and authorize the City Manager to execute the agreement.

Respectfully submitted,



Garner R. Reynolds  
Director of Public Works

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager

# MASTER CITY ENGINEERING SERVICES AGREEMENT

## CITY OF NEWMAN AND AECOM USA, INC.

This Agreement is made and entered into this \_\_\_ day of July, 2009, by and between the CITY OF NEWMAN, a municipal corporation, hereinafter CITY, and AECOM USA, Inc., a New York corporation, hereinafter CONSULTANT.

### WITNESSETH

WHEREAS, CITY has a requirement for City Engineer services and for other consulting civil engineering services.

WHEREAS, CONSULTANT is a corporate organization consisting of persons specially trained and experienced in civil engineering who are competent to perform the civil engineering services required by the CITY:

NOW, THEREFORE, CITY and CONSULTANT, for the consideration hereinafter set forth, agree as follows:

#### A. SERVICES BY ENGINEER

CONSULTANT shall employ engineers, draftsmen, technicians, clerical staff and professional consultants, all properly skilled in the various aspects of the services to be furnished under this agreement. Services to be performed by CONSULTANT shall fall under one of the following three categories:

##### 1. City Engineer Services

The following tasks are hereby defined as City Engineer Services and shall be provided on an on-call basis upon reasonable notice to Consultant:

- a. Attendance at Council meetings as requested;
- b. Attendance at Planning Commission meetings as requested;
- c. Consultation with City Manager as requested;
- d. Consultation with the Community Development Director and Assistant Planning Director as requested;
- e. Consultation with the Public Works Director as requested regarding street, water, sewage and drainage issues;
- f. Consultation with the Building Inspector as requested;
- g. Provide field surveys as requested;
- h. Review Tentative Subdivision Maps, Parcel Maps, and Subdivision Maps for compliance with Subdivision Map Act and the Newman Municipal Code;

- i. Review Subdivision Improvement Plans for compliance with the City of Newman Improvement Standards;
- j. Review developers' site plans and drainage plans;
- k. Maintain files of City maps;
- l. Update and correct City base maps for zoning, planning, sewer and storm drainage and water systems;
- m. Provide maps and mapping services as requested by various City departments;
- n. Preparation and review of legal descriptions for easements and rights-of-way;
- o. Maintain City Improvement Standards and Specifications as requested;
- p. Review and provide comments on environmental documents for proposed projects submitted to the CITY in accordance with the California Environmental Quality Act, and
- q. Other similar activities.

2. Consulting Engineering Services

Consulting Engineering services include services such as:

- a. Grant applications and grant monitoring;
- b. Design and preparation of plans and specifications for public works construction;
- c. Construction observation;
- d. Preparation of plans for infrastructure expansion; and
- e. Other similar activities.

Prior to CONSULTANT undertaking any activities under this category, a supplemental agreement in the form of a work order shall be prepared delineating the scope of the work, costs, methods of compensation and special conditions.

3. Intermittent Construction Observation

It is recognized that the CITY may require services of CONSULTANT for purposes of providing occasional construction observation on work for which no supplemental agreement pursuant to paragraph A.2 has been executed.

In providing such services, CITY agrees that in accordance with generally accepted construction practices, the construction contractor will be required to assume sole and complete responsibility for job site conditions during the course of construction, including safety of all persons and property, and that this requirement shall be made to apply continuously and not be limited to normal working hours. CONSULTANT shall not have control over or charge of, and shall not be responsible for, constructions means, methods, techniques, sequences or procedures, as these are solely the responsibility of the construction contractor. CONSULTANT shall not have the authority to stop or reject the work of the construction contractor and is not responsible for the acts or omissions of the contractor, subcontractors or other persons performing the work, or for the failure of them to carry out the work in accordance with the plans and specifications.

CITY will defend, indemnify and hold CONSULTANT harmless from any and all claims arising from or resulting from the performance of such services by others and CITY except claims caused by the sole negligence of CONSULTANT.

**B. CITY ENGINEER DESIGNEE**

Gary W. Rogers is hereby designated to serve as City Engineer for the City of Newman, and Mario B. Gouveia shall serve as alternate.

**C. COMPENSATION FOR CITY ENGINEER SERVICES AND INTERMITTENT CONSTRUCTION OBSERVATION**

Compensation for City Engineer services described in Section A.1, and Intermittent Construction Observation services described in Section A.3, shall be on a time and expense reimbursement basis. Reimbursable expenses, except mileage, shall be reimbursed at cost plus 12%.

Reimbursable expenses include auto travel for construction related and surveying services, meals and lodging while traveling, special equipment rental, and services of professional consultants or subcontractors.

CONSULTANT shall provide the CITY with a Rate Schedule and shall notify the CITY forty-five (45) days in advance of any proposed changes in the Rate Schedule. The Rate Schedule shall be changed no more than once in any calendar year.

CONSULTANT shall submit to CITY monthly itemized invoices for the services rendered. If the work is satisfactorily completed, CITY shall pay such invoice within thirty (30) days of its receipt. Should CITY dispute any portion of any invoice, CITY shall pay the undisputed portion within the time stated above, and at same time advise CONSULTANT in writing of the disputed portion.

**D. COMPLIANCE WITH LAWS**

CONSULTANT agrees that it shall conduct its work and perform its services in compliance with all applicable laws and regulations of Stanislaus County, California, and any office, department or agency thereof, as well as other laws and regulations as may be applicable thereto.

**E. INSURANCE**

CONSULTANT shall maintain insurance and shall submit certificates of insurance evidencing that insurance meeting the following requirements is being provided:

1. Errors and Omissions Insurance. CONSULTANT shall have such errors and omissions insurance as shall protect CITY, it's officers, directors, employees and agents from claims based on errors or negligent acts or omissions which may arise from CONSULTANT's operations or performance under this Agreement, whether claims be made during or subsequent to the term of this Agreement, and whether such operations or performance be by CONSULTANT or its employees,

consultants, agents or anyone else directly or indirectly employed by any of the foregoing. The amount of this insurance shall not be less than \$1,000,000.

Said policy shall be continued in full force and effect during the term of this Agreement. In the event of termination of said policy, new coverage shall be obtained for the required period to insure for the prior acts of CONSULTANT during the course of performing services under the terms of this Agreement.

2. Workers Compensation. CONSULTANT shall carry such insurance as will protect CITY and CONSULTANT from claims under Workers Compensation and Employer's Liability Acts; such insurance to be maintained as to the type and amount in strict compliance with State statutes. This insurance shall also waive all right to subrogation against CITY, its employees, directors, officers and agents.
3. General Liability. CONSULTANT shall obtain and keep in full force and effect general liability insurance including provisions for contractual liability, personal injury, independent consultants and broad form property damage coverages. This insurance shall be on a comprehensive occurrence basis form with a stand cross liability clause or endorsement. The limit for this insurance shall be no less than \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
4. Automobile Liability. CONSULTANT shall maintain automobile liability insurance with coverage for any vehicle including those owned, leased, rented or borrowed. This insurance shall have a standard cross liability clause or endorsement. The limit amount for this insurance shall be no less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage.
5. Within thirty (30) days of the date of this agreement, the CONSULTANT shall provide the CITY with Certificates of Insurance demonstrating compliance with provisions 1 through 4 above. Said certificates shall specify or endorse to provide that ten (10) days notice shall be given in writing to the CITY of any cancellations.
6. Such insurance, except workers compensation and professional liability, shall include a provision for endorsement naming CITY, its officers, directors, employees and agents as additional insured's with respect to liability arising out of the performance of any work under this Agreement, and providing that such insurance is primary insurance with respect to the interest of CITY and that any other insurance maintained by CITY is excess and not contributing insurance with the insurance required hereunder.

**F. INFORMATION FURNISHED BY CITY**

Consistent with the professional standard of care and unless specifically provided herein, CONSULTANT shall be entitled to rely upon the accuracy of data and information provided by CITY or others without independent review or evaluation.

**G. INDEMNIFICATION AND HOLD HARMLESS**

CONSULTANT shall protect, indemnify, hold harmless and defend CITY, its directors, officers, employees and agents, from any and all claims, fines, demands, costs, expenses (including but not limited to attorney fees and costs of litigation or arbitration), liability, losses, penalties, causes of action, awards, suits or judgments for damages of any nature whatsoever (hereinafter collectively referred to as Claims) to the extent arising out of the breach of this Agreement in whole or in part by willful or fraudulent misconduct or negligent acts, by CONSULTANT, its employees, agents or consultants, or the agent, employee or consultant of any one of them in the performance of their duties or in their operations under this Agreement.

CITY shall protect, indemnify, hold harmless and defend the CONSULTANT, its officers, directors, employees and subcontractors from any and all claims, fines, costs, demands, costs, expenses (including but not limited to attorney fees and costs of litigation or arbitration), liability, losses, penalties, causes of action, awards, suits or judgments for damages of any nature whatsoever (hereinafter collectively referred to as Claims) to the extent arising out of the breach of this Agreement in whole or in part by willful or fraudulent misconduct or negligent acts, by CITY, its employees, agents or consultants, or the agent, employee or consultant of any one of them in the performance of their duties or in their operations under this Agreement.

The CONSULTANT is not obligated to indemnify the CITY in any manner whatsoever for the CITY'S own negligence.

Neither termination of this Agreement nor completion of the acts to be performed under this Agreement shall release either party from its obligations to indemnify as to any Claims so long as the event upon which such Claims is predicted shall have occurred prior to the effective date of any such termination or completion and arose out of or was in any way connected with performance or operations under this Agreement by either party, its employees, agents or consultants, or the employee, agent or consultant of any one of them.

Submission of insurance certificates or other proof of compliance with the insurance requirements in this Agreement does not relieve CONSULTANT from liability under this indemnification and hold harmless clause. The obligation of this indemnity article shall apply whether or not such insurance policies shall have been determined to be applicable to any of such damages or claims for damages.

## **H. EMPLOYMENT OF CONSULTANTS BY CONSULTANT**

It is recognized that CONSULTANT is not fully qualified in certain specialties such as electrical and geotechnical engineering. In the event that engineering service are required that fall in such similar fields, CONSULTANT may employ qualified consultants to assist them, subject to approval by the CITY except for emergency situations.

## **I. RECORDS OF CONSULTANT**

Records of CONSULTANT's direct personnel and reimbursable expenses pertaining to the service hereunder shall be kept on a generally recognized accounting basis, and shall be available for inspection by CITY or its designees at reasonable times.

## **J. TERMINATION**

Either party may terminate this Agreement by giving thirty (30) days prior written notice to the other. Upon termination, CONSULTANT shall be paid for services performed to date of termination.

## **K. ASSIGNMENT**

CONSULTANT shall not assign this Agreement, nor any part thereof, nor any monies due hereunder, without the prior written consent of CITY.

## **L. OWNERSHIP OF DOCUMENTS**

- a. Originals of drawings, specifications, estimates, field notes and calculations prepared by CONSULTANT shall be and remain in the property of CONSULTANT.
- b. Reproduces of such documents, and models, prints, and photographs shall be and remain the property of the CITY. Such materials shall be kept by CONSULTANT for CITY and shall be delivered to the CITY on request or termination. Such documents are not intended or represented to be suitable for reuse by CITY or others on extensions of the project or any other project. Any use of completed documents for other projects and any use of incomplete documents without specific written authorization from CONSULTANT will be at CITY's sole risk and without liability to CONSULTANT. CITY assumes full responsibility for such changes unless CITY has give CONSULTANT prior notice and has received from CONSULTANT written consent for such changes. Electronic data delivered to CITY is for CITY's convenience and shall not include the professional stamp or signature of an engineer or architect. CITY agrees that CONSULTANT shall not be liable for claims, liabilities or losses arising out of, or connected with the decline of accuracy or readability of electronic data due to inappropriate storage conditions or duration.

**M. NON-DISCRIMINATION**

In connection with the performance of CONSULTANT pursuant to this Agreement, CONSULTANT will not willfully discriminate against any employee or applicant for employment because of race, color, religion, sex, ancestry, or national origin. CONSULTANT will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, ancestry or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

**N. NOTICES**

All notices, statements, reports, approvals, or requests or other communications, that are required either expressly, or by implication, to be given by either party to the other under this Agreement shall be in writing and signed for each party by such officers as each may, from time to time, authorize in writing to so act. All such notices shall be deemed to have been received on the date of delivery if delivered personally or three (3) days after mailing if enclosed in a properly addressed and stamped envelope and deposited in the U.S. Post Office for delivery. Unless, and until formally notified otherwise, all notices shall be addressed to the parties at their address shown below:

<u>CITY</u>	<u>CONSULTANT</u>
CITY OF NEWMAN Post Office Box 787 Newman, California 95360	AECOM, USA INC. 1120 West "I" Street, Suite C Los Banos, California 93635

**O. ATTORNEY FEES**

In the event of any arbitration, litigation, or other action or proceeding of any nature, between CITY and CONSULTANT becomes necessary to enforce or interpret all or any portion of this Agreement, or because of an alleged breach by either party of any of the terms hereof, it is mutually agreed that the losing or defaulting party shall pay the prevailing party reasonable attorney fees, costs and expenses incurred in connection with the prosecution or defense of such action or proceeding.

**P. ENTIRE AGREEMENT**

This writing constitutes the entire Agreement between the parties relative to the services specified herein, and no modifications hereof shall be effective unless and until such modification is evidenced by a writing signed by both parties to this Agreement. There are no understandings, agreements, conditions, representations, warranties or promises with respect to this Agreement except those contained or referenced to in this writing.

**Q. INDEPENDENT CONSULTANT**

It is expressly understood and agreed by the parties hereto that CONSULTANTS relationship to CITY is that of an independent CONSULTANT. All persons hired by CONSULTANT and performing the work shall be the CONSULTANTS employees or agents. CITY shall not be obligated in any way to pay any wages or other claims by any such employees or agents, or any other person, by reason of this Agreement. CONSULTANT shall be solely liable to such employees and agents for losses, costs, damages or injuries by said employees or agents during the course of the work.

**R. SEVERABILITY**

If any provision of this Agreement is held to be unenforceable, the remainder of this Agreement shall be severable and not affected thereby.

**S. WAIVER OF RIGHTS**

Any waiver at any time by either party hereto of its rights with respect to a breach or default, or any other matter arising in connection with this Agreement, shall not be deemed to be a waiver with respect to any other breach, default or matter.

**T. REMEDIES NOT EXCLUSIVE**

The use by either party of any remedy specified herein for the enforcement of this Agreement is not exclusive and shall not deprive the party using such remedy of, or limit the application of any remedy provided by law.

**U. MISCELLANEOUS PROVISIONS**

CITY will include in the general conditions of any construction contract, language which states that the construction contractor is required to hold harmless and defend the CITY, CONSULTANT, and their agents, employees and consultants, from all suits and actions, including attorneys' fees, and all costs of litigation and judgments of any nature and description arising out of or incidental to the performance of the construction contract or work performed thereunder. The CITY, CONSULTANT, their agents, employees and consultants shall also be named as additional insureds in any construction contractor's insurance policies.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF NEWMAN

ATTEST:

By: \_\_\_\_\_  
Name: Michael E. Holland  
Title: City Manager

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Name: Thomas P. Hallinan  
Title: City Attorney, City of Newman

AECOM USA, INC.

By: \_\_\_\_\_  
Name: Gary W. Rogers  
Title: Business Unit Manager

**AECOM USA  
LOS BANOS OFFICE**

**CHARGE RATE SCHEDULE**  
(January 1, 2009 to December 31, 2009)

CLASSIFICATION	HOURLY RATE RANGE
PRINCIPAL ENGINEER	\$160.00 - 210.00
PRINCIPAL SURVEYOR	\$ 130.00 - 160.00
SENIOR ENGINEER II	\$ 130.00 - 160.00
SENIOR ENGINEER I	\$ 110.00 - 130.00
ASSOCIATE ENGINEER	\$90.00 - 110.00
ASSISTANT ENGINEER II	\$ 70.00 - 90.00
ASSISTANT ENGINEER I	\$ 60.00 - 80.00
ENGINEERING ASSISTANT	\$ 70.00 - 90.00
DESIGNER/TECHNICIAN	\$ 65.00 - 100.00
CLERICAL	\$ 50.00 - 65.00
CADD SUPERVISOR	\$ 85.00 - 105.00
CADD OPERATOR	\$ 60.00 - 85.00
INSPECTOR	\$ 60.00 - 85.00
INSPECTOR	Under Merced and Stanislaus Counties Prevailing Wage Rates* Quotation
<b>FIELD SURVEYS</b>	<b>HOURLY RATE</b>
2-MAN SURVEY CREW	Under Merced and Stanislaus Counties Prevailing Wage Rates* Quotation
<p>*Note: Job Specifications charge rates are dependent upon Prevailing Wage Rates set by the State Department of Industrial Relations pursuant to California Labor Code, Part 7, Chapter 1, Article 2, Sections 1770, 1773 and 1773.01.</p>	
GENERAL PROJECT EXPENSES Includes mail, telephone, fax, office photo copies, computers and mileage(except as noted)	8 % of Labor
MISCELLANEOUS CHARGES AUTO TRAVEL FOR CONSTRUCTION PHASE AND SURVEYING SERVICES	\$ .60 per mile
REIMBURSABLE EXPENSES	Cost plus 12%

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.d.**  
City Council Meeting  
of July 14, 2009

**APPROVE AND ADOPT UPDATED CITY IMPROVEMENT STANDARDS**

**RECOMMENDATION:**

It is recommended that the City Council consider:

1. Adopt Resolution No. 2009- , approving and adopting the updated City Improvement Standards.

**BACKGROUND:**

A review of the City Improvement Standards (Standards) reveals a need to update them up to current development and construction standards of the industry. The current Standards were last updated in 1989, and do not meet the needs of the City. In January 2009 City Council approved a proposal from Boyle Engineering Corporation (AECOM USA, Inc.) to update the Standards.

**ANALYSIS:**

The Public Works Department, working with our consultant AECOM USA, Inc. has completed the update of the Standards. City staff and the Building Industry Association have had the opportunity to provide input in the update. The update includes the development of new Standards for the City and brings them current with the General Plan requirements. The new Standards provide requirements for improvement plan submittals, department review, traffic control, streets, lighting, water, sanitary sewer, storm drainage, and miscellaneous items related to public works improvements. A copy of the Standards are on file with the City Clerk.

**FISCAL IMPACT:**

None.

**CONCLUSION:**

The City Improvement Standards were last updated approximately 20 years ago and need to be updated to current construction and industry standards. AECOM USA Inc. has completed the update and the Public Works Department has approved the updated Standards. Therefore, the staff recommends City Council approve and adopt the update to the City Improvement Standards.

Respectfully submitted,



Garner R. Reynolds  
Director of Public Works

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager

RESOLUTION NO. 2009-

**APPROVAL OF THE UPDATED CITY IMPROVEMENT STANDARDS**

WHEREAS, the City Manager of the City of Newman has recommended that the City Council approve the updated City Improvement Standards related to the City of Newman's development standards; and

WHEREAS, the City Council is desirous of approving the updated Improvement Standards; and

WHEREAS, the City Council of the City of Newman has determined it would be in the best interest of the City to approve the updated Improvement Standards

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby approves the updated Improvement Standards.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14<sup>th</sup> day of July 2009 by Council Member \_\_\_\_\_, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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



# CITY OF NEWMAN

## IMPROVEMENT STANDARDS

DEPARTMENT OF PUBLIC WORKS  
1162 MAIN STREET  
POST OFFICE BOX 787  
NEWMAN, CALIFORNIA 95360  
PHONE: (209) 862-3725  
FAX: (209) 862-3199

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CITY. The City of Newman or any persons to whom the power of the City has been delegated.

CITY ENGINEER. The City Engineer of the City of Newman acting either directly or through properly authorized agents, such agents acting within the scope of the particular duties delegated to them.

CITY MANAGER. The City Manager for the City of Newman.

CONTRACTOR. An individual, firm, corporation, partnership or association duly licensed by the State of California who does work for City acceptance.

DESIGN ENGINEER. The registered engineer licensed by the State of California responsible for preparation of plans and specifications for work to be accepted by the City.

DIRECTOR. The Director of Public Works for the City of Newman.

ENGINEER. The registered engineer licensed by the State of California in responsible charge of the project. (Normally this is the Design Engineer.)

ENGINEER'S ESTIMATE. The list of estimated quantities of work and the estimated cost to perform the work.

IMPROVEMENT PLANS. Plans of proposed improvements prepared by the Design Engineer, after they have been approved by the City Engineer.

IMPROVEMENT STANDARDS. The Improvement Standards of the City of Newman which include design standards, construction standards and specifications and standard details.

PRODUCT DATA. All illustrations, standard schematics, performance charts, instructions, brochures, diagrams and other information furnished by the CONTRACTOR to illustrate a material, product or system for some portion of the work.

SHOP DRAWINGS. All drawings, diagrams, schedules and other data which are specifically prepared for the work by the Contractor, a subcontractor, manufacturer, supplier or distributor, which illustrates how specific portions of the work shall be fabricated or installed.

SPECIFICATIONS. Directions, provisions and requirements prepared by the Design Engineer pertaining to performance of the work.

- The entire project, drawn at a suitable engineering scale, including existing and proposed street names and lot numbers. Surrounding lot lines shall be shown within a minimum distance of 50 feet of the project.
- Vicinity map and north arrow.
- Index of sheets.
- Legend of symbols.
- Location, description and elevation of the reference City Benchmark as well as any temporary benchmark used for the project.
- Name, address, telephone number and designated agent of any agency whose facilities will be installed, utilized, interfered with, or crossed as part of the improvements, as well as a signature block for their approval. Where construction requires encroachment permits by other agencies, copies of signed encroachment permits together with evidence of any required insurance shall be submitted.
- Name, address and telephone number of the developer or his authorized representative.
- Signature block for approval by the City Engineer as follows:

APPROVED BY THE CITY ENGINEER, CITY OF  
NEWMAN REVIEWED FOR CONFORMANCE WITH  
CITY OF NEWMAN REQUIREMENTS ONLY. SINCE  
PLANS WERE PREPARED BY OTHERS, NO  
RESPONSIBILITY FOR THE ADEQUACY OF THE  
DESIGN IS EXPRESSED.

BY \_\_\_\_\_ DATE \_\_\_\_\_

b. The following notes shall be placed on the title sheet:

- This set of Improvement Plans is valid for construction purposes only after being signed by the City Engineer and upon issuance of permits.

- f. Location and height of any retaining walls or retaining fences. Concrete or masonry retaining walls shall be provided where the difference in grade at property line exceeds 12 inches. For grade differentials of 12 inches or less, a grading strip with a 6 horizontal:1 vertical slope may be utilized.

5. UTILITIES SHEET

A utilities sheet shall be included in the set of Improvement Plans and shall show street lights, conduits, pullboxes and connection points to the serving companies utilities, fire hydrants, water lines, valves, blowoffs, sanitary sewer lines, manholes and clean outs, sewer and water service locations, water wells, PUE's, driveways, centerline monuments, street signs, etc. If available prior to approval of improvement plans, power lines, gas lines, TV cable lines, telephone lines and mail box locations shall be provided. If not, these utilities shall be shown on the required Record Drawings. Utility company Record Drawings may be accepted in lieu of required Record Drawings provided sufficient detail is provided to coordinate the electrical, gas, telephone and TV cable line locations with other utilities as determined by the Director of Public Works.

6. PLAN AND PROFILE SHEET

A plan and profile sheet shall be included in the set of Improvement Plans showing the existing and proposed profiles of all roadways and other improvements in public rights-of-way. This sheet shall show elevations, grade breaks, vertical curves, slope, road stationing, storm drainage lines, water lines, sewer lines, irrigation lines and any areas of possible conflict between underground utilities. Indicate length and type of all sewer and storm drain pipes and catch basins. Show elevations of pipe inverts in manholes and catch basins. Indicate length and type of all water system pipes and locations of valve junctions.

7. DETAIL SHEET

A detail sheet shall be included in the set of Improvement Plans showing typical construction details. Construction details included in the Improvement Standards, that are applicable to the work, shall be reproduced and included on the detail sheet(s).

estimate shall be separated into items that deal with storm drainage, domestic water systems, sanitary sewers, etc., and shall include a separate 10% contingency for the total value of work to be performed.

#### 4. PRODUCT SPECIFICATIONS

When a product is mentioned in the Improvement Plans such as pumps, motors, street lights, etc., the Design Engineer shall submit the manufacturer's specifications upon request.

### 1.5 DEPARTMENTAL REVIEW

The Design Engineer shall submit for review to the Planning Department the number of sets of Improvement Plans requested, together with the initial plan check fee. When corrections are required, one set will be returned to the Design Engineer showing required changes. The Design Engineer shall then resubmit the corrected Improvement Plans for review. The number of sets resubmitted will be determined by the City Engineer. In order to reduce the man-hours required in checking resubmittals of Improvement Plans, the Design Engineer shall highlight, in yellow, all changes that have been made on one of the required Blueline sets resubmitted. The City will make every reasonable effort to provide all pertinent comments and identify all necessary corrections during the first improvement plan review. However, the Design Engineer's changes in response to the comments may themselves require further comments and corrections, and may necessitate changes in other areas of the design. Thus, the Design Engineer is cautioned not to assume all the changes have been identified during the first submittal review cycle.

After all corrections have been made to the satisfaction of the City Engineer and other departments, the entire set of originals shall be signed by the Design Engineer and a number of plan sets as determined by the City Engineer submitted to the City for approval.

### 1.6 IMPROVEMENT AGREEMENT

The Developer shall enter into an Improvement Agreement with the City for all of the improvements shown on the approved Improvement Plans. The Improvement Agreement shall be fully executed and required bonds or securities submitted prior to any construction being allowed to begin.

### 1.7 SHOP DRAWINGS AND SUBMITTALS

The Contractor shall provide the Design Engineer with Shop Drawings and Product Data required by the Specifications or Improvement Plans or as otherwise submitted for custom design work including but not limited to pumping stations,

1. Placement of culvert pipes, storm drains, sanitary sewer, waterlines and other utilities. Upon completion of the backfill of all trenches in the public rights-of-way, the Geotechnical firm providing compaction testing shall furnish the City a letter, that all trench backfill was accomplished per the recommendations of the Geotechnical Report and met the minimum compaction requirements per these Improvement Standards.
2. Placement of any layer of subbase, base or surfacing material, including the preparation of the subgrade for streets and roads, curb, gutters and sidewalk.
3. Installation of reinforcing steel and preparation of structural subgrade.
4. Placement of concrete
5. Placement of structure backfill material.
6. Testing and start-up.

In addition to the above, the Contractor shall notify the Director in writing whenever improvement work is to be performed on Saturdays, Sundays or holidays or during hours of the day when such work is normally not performed so that inspection may be provided.

The Contractor shall give the Director sufficient notice regarding proposed sources of materials to be used in the work so that such tests and inspections as the Director deems necessary can be performed to determine that the materials comply with these standards.

All tests of materials and work to determine compliance with these standards shall be in accordance with City approved methods and procedures. If required, the Contractor shall furnish to the Director, without charge, samples of all materials to be used in the work. Samples of material from which tests are to be made shall be taken under the supervision of the Director by a recognized laboratory.

The Contractor shall be responsible for coordinating all required testing, shall notify the Director when testing is to be performed and shall be responsible for the testing laboratory submitting results in a timely manner. Subsequent work shall not be started until all tests pass and written reports are filed with the Director.

The Developer, Contractor or Utility shall inspect and repair all defective work done in the public rights-of-way for a period of one year from the date the work is

## **General**

- Names, addresses, and telephone numbers of the manufacturer, the nearest representative of the manufacturer, and the nearest supplier of the manufacturer's equipment and parts.

In addition, one or more of the following items of information shall be provided as applicable, to the satisfaction of the Director of Public Works:

## **Operating Instructions**

- Safety precautions
- Operator prestart
- Startup, shutdown, and post shutdown procedures
- Normal operations
- Emergency operations
- Operator service requirements
- Environmental conditions

## **Preventive Maintenance**

- Lubrication data
- Preventive maintenance plan and schedule

## **Corrective Maintenance**

- Troubleshooting guides and diagnostic techniques
- Wiring diagrams and control diagrams
- Maintenance and repair procedures
- Removal and replacement instructions
- Spare parts and supply list
- Corrective maintenance man-hours

## **Appendices**

- Parts identification
- Warranty information
- Personnel training requirements
- Testing equipment and special tool information

## **2. ROUTINE MAINTENANCE ITEMS AND SUPPLIES**

Consumables, lubricants, gaskets, fuses, and similar routine maintenance items and supplies (not including fuel) sufficient for one (1) year operation.

## **2.4 BARRICADES**

Barricades are intended to impose an obstacle or close off the normal flow of travel. Approved barricades are shown on Std. Detail 2-C.

Barricades shall not be used unless they are needed to separate the motorist from objects of greater hazard than the barricades themselves. Barricades should never be used primarily for delineation. The use of non-standard types of barricades, such as drums, buckets, sandbags, etc., is prohibited.

## **2.5 FLASHER SUPPORTS**

Portable flasher supports shall be as required by the State Department of Transportation as shown on Std. Detail 2-C.

## **2.6 DELINEATORS**

The function of delineators is to channelize traffic. They shall consist of post and paddle type markers or cylindrical or cone shaped objects, 18 to 48 inches in height, as shown in Std. Detail 2-D.

Delineators should be uniformly positioned laterally and longitudinally relative to the line of traffic and they must be maintained in an erect position.

Delineators for night use shall be reflectorized or illuminated to be visible from 500 feet under normal conditions.

When placed in close proximity to the edge of a traffic lane, delineators should be made of a material that will withstand impact without damage to them or the striking vehicle.

Consideration must also be given to the necessity for stability against knockdown from wind or from the wind wash of passing traffic.

## **2.7 FLAGGER**

A flagger is one of the oldest and most basic means of controlling traffic. A flagger can observe changing conditions and transmit information to the motorist based on current conditions. The flagger also acts as a guard in advance of a work party by observing approaching traffic, and being prepared to warn the workmen.

A flagger should be used only when such discretionary capability is required, and not as a substitute for other warning signs and devices.

Permanent closures and temporary closures in new developments at dead end streets and where pavement narrows at the edge of the development shall be made as shown in Std. Detail 2-F.

Horizontal curves shall have the following minimum radii:

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Local and Cul-de-Sac Streets	-	300 feet
Collector Streets	-	500 feet
Commercial/Industrial Streets	-	650 feet
Arterial Streets	-	1,100 feet

---

There shall be a tangent between reversing curves of at least 150 feet on arterial and industrial streets and 50 feet on residential and collector streets.

Street intersections shall be as near right angles as practical. In no case shall the angle of an intersection be less than 70 degrees. Streets located on opposite sides of an intersecting street shall have a continuous centerline or have their centerline separated by not less than 125 feet. Greater distances may be required on higher classification streets based on anticipated turning volumes.

Where offset intersections are collector streets, commercial/industrial or arterial streets offset intersections shall be designed to avoid conflicting left turns.

Cul-de-sacs shall be constructed on all permanent dead-end streets. Temporary cul-de-sacs on dead-end streets that are to be extended may be required for turn-around depending on the length of the street.

The maximum length of a cul-de-sac shall be 500 feet as measured from the centerline of the intersecting street to the radius point of the cul-de-sac.

Cul-de-sacs shall be open end design to allow pedestrian access to adjacent streets unless otherwise approved by the Planning Director.

### 3.3 STRUCTURAL DESIGN

The R-value design method used by the California Department of Transportation shall be used as a basis to determine the structural section of the streets. Whenever the pavement calculations produce more than 8 inches of aggregate base, a safety factor may be used at the option of the Engineer.

The Traffic Index (T.I.) shall be determined from traffic counts where they are available, or as determined by the City Engineer. A 10-year design life shall be used.

Where sufficient information is not available to determine the structural section using the above data, the following minimums shall be used.

### **3.7 AGGREGATE BASE**

The aggregate base material shall conform to the requirements of Section 26 of the State Standards for Class 2, 3/4-inch maximum combined grading.

An exception to Section 26-1.04 shall be that a single layer up to 0.7 foot may be permitted to be placed.

Motor graders may be permitted to spread and shape the aggregate base materials, provided this method does not result in segregation of material. The aggregate base shall be maintained in a well-mixed optimum moisture condition.

Contractor shall furnish the City a Certificate of Compliance for all aggregate base used.

### **3.8 ASPHALT CONCRETE**

The asphalt concrete shall conform to the requirements of Section 39 of the State Standards. Asphalt concrete used in all but the final course shall be Type B with 3/4-inch maximum medium grading. Asphalt concrete used in the final course shall be Type B as follows:

- Arterial and Commercial/Industrial Streets - 3/4-inch maximum, medium grading
- Collector and Residential Streets - 1/2-inch maximum, medium grading

The asphalt grade shall be PG 64-10 as specified by the latest revision of the State Standards unless otherwise approved by the City Engineer.

Contractor shall furnish the City a Certificate of Compliance for all asphalt concrete used.

### **3.9 ASPHALT PAINT BINDER (tack coat)**

An asphalt paint binder shall be applied in conformance with Section 39-4.02 of the State Standards.

### **3.10 HEADER BOARDS**

Header boards shall be constructed to protect the edges of the asphalt concrete where streets are partially completed.

The boards shall be either Redwood or Douglas Fir with an American Wood Preservers Bureau Stamp indicating its use for ground contact and application of LP22 water borne preservative or approved equal.

Sidewalks shall have a cross-slope toward the curb face of 1/8-inch per foot minimum to 1/4-inch per foot maximum.

Sidewalks shall be constructed utilizing fixed form construction in accordance with 73-1.05A of the State Standards.

Sidewalks which are required against the edge of right-of-way shall be placed 1 inch from the property line to provide space for lot corner monuments.

### **3.13 DRIVEWAY APPROACHES - GENERAL**

Approaches shall be constructed in accordance with these Improvement Standards and Section 73 of the State Standards.

Commercial, industrial or other high volume driveway approaches on arterial and collector/industrial streets shall be located as far as practical from the nearest curb return and may be prohibited within 200 feet where the intersection is signalized or planned for signalization. All driveway approaches located on arterial and major collector streets, shall be a minimum of 50 feet from the end of the curb return.

No residential driveway approaches shall be located on arterial streets.

Driveway transitions shall clear all public facilities such as street light and traffic signal standards, utility poles, fire hydrants and street trees located behind sidewalks by a minimum of 5 feet. (If public facilities are located within parkways or sidewalk areas, this distance shall be increased to a minimum of 8 feet.

Driveways shall be designed to minimize vehicles scraping the pavement in front of the driveway or high-centering at the back of the driveway. For new work, residential driveway grades shall not exceed 8 percent when measured from the back of the sidewalk grade to the beginning of the building setback line. Changes in grade beyond the building setback line shall not exceed 12 percent within any 10-foot distance.

In designing overlays or driveway replacements, the deflection angle at the flowline determined by a point on the pavement 4 feet out from the flowline and at a point on the driveway 10 feet behind the flowline should not exceed 9.75 degrees.

All abandoned driveways shall be completely removed and replaced with standard curb, gutter and sidewalk. (Driveways are considered abandoned when on-site development, fencing or other uses demonstrate that the driveway is no longer needed.)

Curb ramps must comply with the latest requirements of Section 1127B.5 “Curb Ramps” of the California Building Code.

### **3.19 RAISING UTILITY BOXES**

Utility boxes and manholes shall be raised by the Developer or Contractor to conform to these Improvement Standards. Utility boxes include, but are not limited to, sewer manholes, sewer cleanouts, water valves, storm drain manholes and survey monuments.

Where existing utility boxes are in the work area, their frames and covers shall be removed before subgrade compaction is made and a cover shall be placed to prevent dirt and loose materials from entering the facility.

Base and surface material shall be placed over the covers, after which the frames and covers shall be set to finish grade.

### **3.20 TESTING**

Material testing to show conformance with these Improvement Standards shall be done in accordance with Section 1.8 of these Improvement Standards.

### **3.21 ACCESS CONTROL WALLS**

Where required by the City, access control walls shall be constructed. Access control walls shall be reinforced masonry or concrete and shall be a minimum of 6 feet in height. Architectural approval of the wall design is required from the City Manager.

Walls shall be shown on the Improvement Plans. A building permit shall be obtained by the Developer from the Chief Building Official prior to commencement of work on the walls located outside public rights-of-way.

### **3.22 PAVING ADJACENT TO EXISTING STREETS**

Whenever new curb and gutter is constructed along an existing street, paving of the adjacent roadway is required. Pavement structural sections shall be designed in accordance with the traffic index of the street.

If the structural section of the existing street along which curb and gutter is to be constructed is inadequate or substandard, the street shall be reconstructed to the centerline or brought to standard by calculated overlay thickness.

If the adjacent road conforms to current standards, the paving may extend to the existing edge of pavement.

installed at finished grade. Pull boxes shall be placed on a bed of pea gravel of 12-inch minimum thickness to allow drainage. Also, four concrete pavers or bricks shall be placed underneath the pull box to minimize settlement. Sufficient extensions shall be used to provide connection of conduits without offsets.

#### **4.6 FOUNDATIONS**

Foundations for poles shall conform to Standard Detail 4-D. Foundations shall be placed monolithically to within 4 inches of the sidewalk grade. After the pole is set, a square cap equal to the foundation diameter shall be installed to bring the foundation to sidewalk grade.

#### **4.7 ANCHOR BOLTS**

Anchor bolts shall be 1 inch in diameter, 36 inches long with a 4-inch "L" bend at the bottom end. All anchor bolts shall conform to ASTM Designation A-307.

#### **4.8 CONDUCTORS**

Conductors shall conform to Section 86-2.08 of the State Standards.

#### **4.9 WIRING**

Wiring shall be in accordance with Section 86-2.09 of the State Standards. In addition, the Contractor shall pull through a test mandrel to remove any foreign matter that may damage the insulation before pulling the conductor. No conductors shall be pulled until the conduit run is complete. Extreme care shall be exercised when pulling conductors and cable into conduits to avoid kinking, twisting, nicking or scratching of the conductors and insulation, or the placement of extreme stress on the conductors or cable.

A fused splice connector shall be used to connect the light to the line in accordance with Section 86-2.095 of the State Standard Specifications. However, the fused splice connector shall not be located in the pullbox but shall be located within the pole.

#### **4.10 POLES**

Standard electrolier poles shall be hot-dip galvanized steel. Thirty foot poles, shall be Ameron Catalog No. N-3015, Pacific Union Metal Manufacturing Company Catalog No. FS1130 P15 or an approved equal. Twenty-five foot poles shall be Ameron Catalog No. N-2512, Pacific Union Metal Manufacturing Company No. 71041-Y3-12 or an approved equal.

Design Engineer shall include this information on the Record Drawings in accordance with Section 1.9 of these Improvement Standards.

Design fire flows shall be as follows unless otherwise approved by the City Fire Chief:

<u>Land Use</u>	<u>Fire Flow</u>
Low Density Residential	1,500 gpm
Medium & High Density Residential	1,500 gpm
Commercial & Industrial	3,500 gpm

#### **5.4 PIPE DESIGN**

The minimum size pipe used for new water mains shall be 8 inches. Larger water lines may be required based on required fire flow, service demand or planned extension of the City's distribution system.

Transmission mains shall be any water line larger than 12 inches in diameter.

Permanent dead-end runs shall be no longer than 500 feet unless specifically approved by the City Engineer. Reasonable looping of water mains will be required.

The system shall be designed to maintain a minimum residual pressure of 20 psi at the service point or fire hydrant under the following demand conditions:

- maximum day flow plus fire flow, or;
- peak hour flow.

The Hazen-Williams formula shall be used to calculate design flow, pressure loss, velocity and pipe diameter relationships. The coefficient of friction, "C", shall be 120 for 10-inch and smaller lines and 130 for 12-inch and larger.

There are no slope requirements for water mains. However, inverts and pipe slopes shall be shown on the profile sheets of the Improvement Plans.

All high points within the system shall be located at fire hydrants or air release valves unless waived by the City Engineer.

The minimum cover over water mains shall be 3 feet in both paved and unpaved areas. The maximum cover over water lines should not exceed 5 feet.

When crossing a wastewater or storm line, it is desirable that the water main be installed above the other pipeline with a clearance of 12 inches. If the desired clearance cannot be maintained, the water main shall be designed in accordance with the requirements of the California Department of Health Services for separation between water mains and sanitary sewers as shown in Std. Detail 5-K.

The valving requirements mentioned above are minimum. Additional valves may be required.

Fire hydrants shall be spaced and located in accordance with the following criteria:

- Spacing shall not exceed 300 feet in residential areas along one side of the street. Hydrants shall normally be placed at street intersections.
- Spacing shall not exceed 300 feet in industrial areas.
- On streets classified as arterial or greater, the above spacing shall apply to both sides of the street. If buildings are separated from the street by a 6-foot or higher restrictive wall, hydrants shall be placed only at street intersections.
- At the ends of cul-de-sacs and permanent dead-end mains.
- At the end of all temporary dead end mains for blow-off purposes.

In commercial developments, locations and spacing shall be determined on a project-by-project basis by the City Fire Chief and City Engineer.

## 5.5 PIPE

The following standard pipe materials shall be used for water main construction and shall conform to the latest edition of appropriate American Water Works Association (AWWA) Standards:

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<u>Pipe Materials</u>	<u>Standard</u>
Ductile Iron	AWWA C151
w/Cement Mortar Lining & Seal (std. thickness)	AWWA C104
Polyethylene Encasement	AWWA C105
PVC (iron pipe O.D.)	AWWA C900, DR 18 (Class 150) minimum

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All water mains and services from the main to the meter shall be installed with 12 gauge TW single strand tracer wire.

## 5.6 FITTINGS

Bends, tees and other fittings shall be ductile iron conforming to AWWA C153.

Fittings shall be furnished with a joint type suitable for attaching to valves or other pressure pipe. Adaptor gaskets are not acceptable. Thrust blocking shall be

A minimum horizontal clearance of 10 feet shall be maintained between water services and wastewater services, unless otherwise approved by the City Engineer.

For City maintained landscape areas, parks and detention basins, minimum water service sizes are as follows:

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<u>Parcel Size</u>	<u>Waterservice</u>
Parcels less than 1.5 acres	2-inch
1.5 acres - 4.5 acres	3-inch
4.5 acres - 9.5 acres	4-inch
Parcels greater than 9.5 acres	To be determined

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## **5.9 SAMPLING STATIONS**

One sampling station shall be provided for every 40 water services or fraction thereof. Sampling stations shall be installed per Std. Detail 5-D.

## **5.10 TRENCH EXCAVATION**

The Contractor shall, prior to beginning construction, obtain from the Division of Industrial Safety the permit required by California Labor Code, Section 6500, and pay any fee charged for such permit. In addition thereto, whenever the work under the Contract involves trench excavation 5 feet or more in depth, the Contractor shall submit for approval to a registered civil or structural engineer representing the City, in advance of excavation, a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation. If such plan varies from the shoring system standards established by the Construction Safety Orders of the Division of Industrial Safety, the plan shall be prepared by a registered civil or structural engineer. Nothing in this section shall be deemed to allow the use of shoring, sloping or other protective system less effective than that required by the Construction Safety Orders. Nothing in this section shall be construed to impose tort liability on the City, City Engineer, or any of their officers, agents or employees.

The pipe trench shall be dug with side walls sloped or otherwise supported in a safe manner in accordance with the Department of Industrial Relations, Division of Occupational Safety and Health Administration regulations pertaining to trenching.

Excavated material shall be placed on only one side of the trench unless otherwise directed. Separation distance between piles of excavated material and trench shall be consistent with the Construction Safety Orders.

The alignment and grade for the bottom of the trench shall be properly established before the trench is excavated and shall be approved by the City before the pipe is

Special care shall be exercised to insure proper compaction is made under curb stop so it is vertical and the meter idler is level. Compaction shall be made under and around the meter box so it remains level and at the finished sidewalk grade.

#### **5.15 FIRE HYDRANTS**

Hydrants shall meet the requirements of AWWA C-502 for dry barrel hydrants with the drain outlet omitted and shall have two 2½-inch nozzles and one 4½-inch pumper nozzle. The main valve body shall have a diameter of at least 5¼ inches. The hydrants shall be a “traffic” type with a replaceable breakaway unit immediately above the groundline. The main hydrant valve shall close with water pressure when the hydrant is severed.

Hydrants shall be furnished with caps with rubber gaskets and chains. The contractor shall adjust the “bury length” of the hydrant to provide proper installation. The pumper nozzle shall be rotated to face the street after installation.

Hydrants shall be Waterous WB-67 or American Darling B84. All hydrants shall be furnished with a factory traffic yellow enamel finish coat.

#### **5.16 CONNECTIONS WITH EXISTING WATER LINES**

The Contractor shall make all excavations for connection to existing water lines and shall make connections to existing water line in the presence of the City.

Developer shall use an approved reduced pressure backflow preventer between the existing water main and the new line to fill lines of chlorination. City personnel must be the only ones to open or close existing water valves.

Connections shall be made at such times as designated by the City and in such a manner as to insure the least inconvenience to water users. No connection shall be made until the new work has been tested and disinfected as specified hereinafter. The Contractor shall be responsible for safeguarding the existing system from all damage and possible contamination in the performance of his work.

#### **5.17 INSPECTION**

1. All water lines shall be inspected for proper installation by the City, prior to backfilling of trenches.
2. HYDROSTATIC TEST

After installing pipe and prior to complete backfilling of trenches, the entire length of each line shall be subjected to a hydrostatic pressure of not less than 150 psi for a period of not less than 2 hours. Curb stops, idler fittings and fire hydrant units shall also be included in the hydrostatic test.

After final flushing, a testing laboratory, approved by the Director, shall take two consecutive sets of water samples from the system at least 24 hours apart. All samples shall be drawn from locations designated by and in the presence of the Director.

The system must pass both consecutive negative bacteriological tests prior to removal of the backflow prevention device.

Valves or other connections between the existing system and new system shall not be opened or completed until certification of the passing bacteriological tests have been received and reviewed by the Director.

#### **5.18 BEDDING AND BACKFILL OF TRENCHES**

After placement of bedding material, installation of the pipe and inspection, place sand backfill material simultaneously on both sides of the pipe in maximum 8-inch lifts keeping the level the same on both sides of the pipe. Place sand backfill to 6 inches minimum above the top of the pipe. Compact each lift to 90% of maximum dry density in accordance with ASTM D 1557.

Subsequent backfill material, to the bottom of the aggregate base, shall be imported material as approved by the City Engineer. Material shall be placed in 8-inch maximum lifts and each lift compacted to the relative density shown on Std. Detail 5-J.

Compaction tests shall be performed on each lift by a testing laboratory approved by the City. The testing laboratory shall be retained by the Developer and all testing expenses shall be paid by the Developer.

#### **5.19 RESTORING SURFACE**

The surface of all trenches shall be filled and compacted so that the surface will conform to the condition of the surrounding ground. The repaving requirements of the plans shall be met regardless of type of existing surfacing.

Existing pavement shall be cut in neat parallel lines as shown on Std. Detail 5-J.

Aggregate base shall be Class II compacted to 95% relative compaction. Aggregate base shall have 3/4-inch maximum combined grading.

Asphalt concrete shall be Type B, PG 64-10 with 1/2-inch maximum aggregate, medium grading.

A paint binder of asphaltic emulsion shall be applied to all surfaces in conformance with Section 39-4.02 of the State Standards.

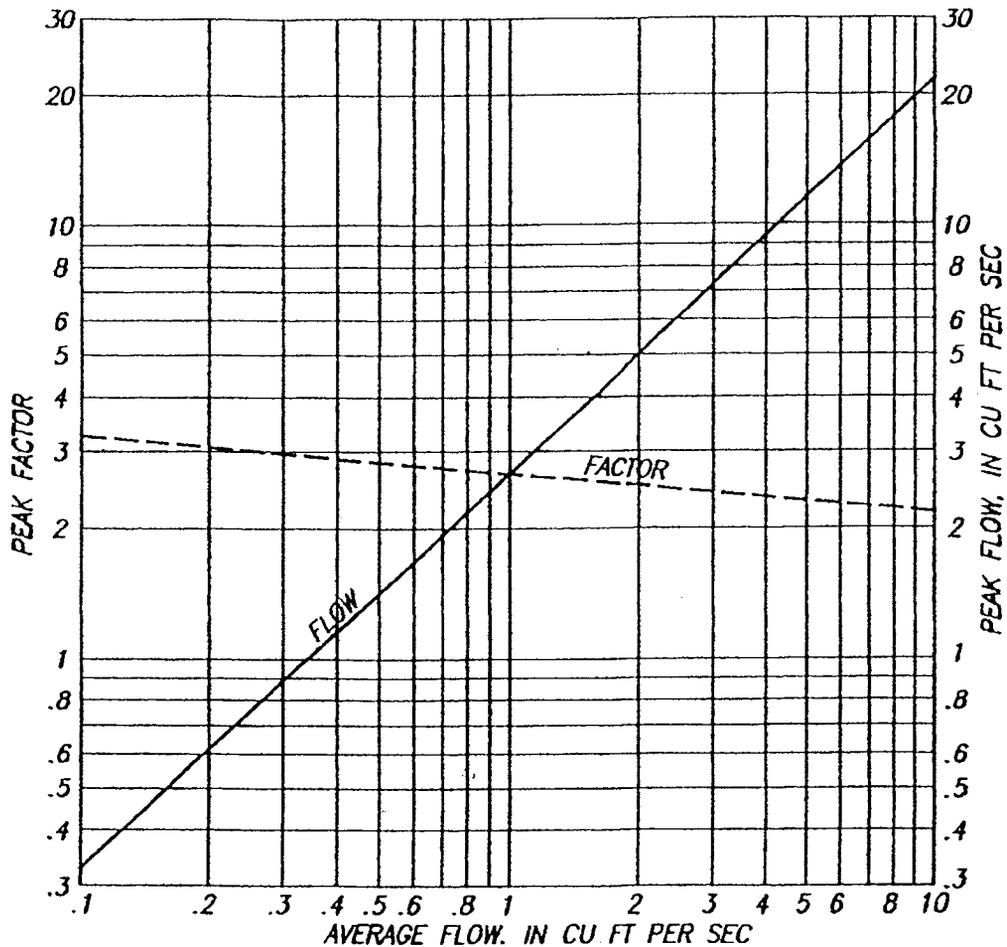
<u>Residential Development</u>	<u>Average Flow</u>
Single Family - Detached	300 gpud
Single Family - Attached	300 gpud
Multi Family - 2-4 Units	250 gpud
Multi Family - 5 Units or More	200 gpud

gpud = gallons per unit per day

For commercial, industrial and other types of development, anticipated sewage discharges shall be determined using typical discharge information from similar facilities.

Peak flow shall be obtained by multiplying the average flow by the peaking factor. The peaking factor is 3.0 for commercial flows and 2.0 for industrial flows.

Peaking factors for residential flow shall be selected from the following figure based upon total upstream average flow.



(This 0.1 foot of elevation difference does not apply for laying of pipe through a manhole.) Under no circumstances shall the crown of the incoming pipe be below the crown of the outflowing pipe.

Sanitary sewer pipes shall be placed within street rights-of-way unless placement in an easement is specifically approved by the City Engineer. Alignment shall be parallel to the street centerline whenever possible.

Permanent easements shall be provided for all mains not located in public rights-of-way. The minimum easement width shall be 15 feet. Wider easements may be required by the Director for any lines over 12 inches in width or with an invert elevation 5 feet or greater below ground line. The line shall be located in the center of the easement unless otherwise required by the Director.

A minimum horizontal clearance of 10 feet shall be maintained between sewer lines and water mains, unless otherwise approved by the City Engineer. If the 10 foot separation is waived, the requirements of the California State Department of Health Services for separation between water mains and sanitary sewers shall be adhered to.

#### **6.4 PIPE FOR SEWER MAINS**

The following standard pipe materials shall be used for gravity sewer construction and shall conform to the latest edition of American Society of Testing Materials standards (ASTM Standards).

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<u>Pipe Material</u>	<u>Standard</u>
PVC (Std. Wall)	ASTM D3034 (SDR 26)
Vitrified Clay	ASTM C700

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#### **6.5 SERVICES**

In general, only one sanitary service is allowed per parcel served. Additional services may be approved by the City Engineer in order to eliminate the need for on-site lift stations or monitoring requirements.

The minimum diameter for services (sewer laterals) shall be 4 inches.

A sewer lateral installed concurrently with a main sewer shall be of the same type and class of pipe material as the sewer main with the following exception:

- Where cover or water main separation require otherwise.

- An emergency overflow shall be provided between the wet well and the downstream collection system.
- Two non-clog centrifugal sewer pumps. Each pump shall be capable of pumping 100% of the design flowrate.
- A pole mounted yard light.

## 6.8 CONTROLS

Controls shall be mounted in a deadfront free standing self-contained NEMA 3R steel enclosure with a padlockable door. The control center and all electrical components shall bear the Underwriters Laboratory (UL) label.

An interior dead front aluminum door shall be provided with a continuous aircraft type hinge, shall contain cutouts for mounted equipment, and provide protection of personnel from live internal wiring. A breaker handle shall be provided on the main breaker and cutouts shall be provided on all other breakers to allow operation of breakers without entering the compartment. All control switches, indicator pilot lights, elapsed time meters, controller and other operational devices shall be mounted on the external surface of this door.

All circuit breakers shall be heavy-duty thermal magnetic or motor circuit protectors similar and equal to Square D type FAL. Each motor breaker shall be adequately sized to meet the pump motor operating characteristics and shall have a minimum interrupting capacity of 10,000 amps at 230 vac. Heavy-duty breakers shall individually control the control circuit and the duplex receptacle.

Circuit breakers shall be indicating type, providing "on-off-trip" positions of the operating handle. When the breaker is tripped automatically, the handle shall assume a middle position indicating "trip".

Thermal magnetic breakers shall be quick-make and quick-break on manual and automatic operation and have inverse time characteristics secured through the use of bimetallic tripping elements supplemented by a magnetic trip.

Breakers shall be designed so that an overload on one pole automatically trips and opens all legs.

A main circuit breaker sized for all pumps operating shall be installed in the enclosure.

Each pump shall be provided with the following:

- A motor starter that is NEMA rated sized for the pump horsepower per NEC. The overload heater shall be melting alloy type with protection

The following standard pipe materials shall be used for force main construction and shall conform to the latest edition of applicable AWWA Standards:

---

<u>Pipe Materials</u>	<u>Standard</u>
Ductile Iron	AWWA C151
W/Cement Mortar Lining & Seal (std thickness)	AWWA C104
Polyethylene Encasement	AWWA C105
PVC (iron pipe O.D.)	AWWA C900, DR 18 (Class 150) minimum

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There are no slope requirements for force mains. However, inverts and pipe slopes shall be shown on the profile sheet of the Improvement Plans.

Force mains shall enter the gravity sewer system through a manhole. The invert of the force main shall be 1 foot above the flow line of the outflow pipe. Cleanouts or automatic air release valves as required by the City Engineer shall be provided.

#### **6.11 TRENCH EXCAVATION**

The Contractor shall, prior to beginning construction, obtain from the Division of Industrial Safety the permit required by California Labor Code, Section 6500, and pay any fee charged for such permit. In addition thereto, whenever the work under the Contract involves trench excavation 5 feet or more in depth, the Contractor shall submit for approval to a registered civil or structural engineer representing the City, in advance of excavation, a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation. If such plan varies from the shoring system standards established by the Construction Safety Orders of the Division of Industrial Safety, the plan shall be prepared by a registered civil or structural engineer. Nothing in this section shall be deemed to allow the use of shoring, sloping or other protective system less effective than that required by the Construction Safety Orders. Nothing in this section shall be construed to impose tort liability on the City, City Engineer, or any of their officers, agents or employees.

The pipe trench shall be dug with side walls sloped or otherwise supported in a safe manner in accordance with the Department of Industrial Relations, Division of Occupational Safety and Health Administration regulations pertaining to trenching.

Excavated material shall be placed on only one side of the trench unless otherwise directed. Separation distance between piles of excavated material and trench shall be consistent with the Construction Safety Orders.

lateral shall be marked by imprinting an "S" on the curb face over the sewer lateral. All laterals shall be installed prior to air testing.

Lateral connections to existing sewers shall be made at a manhole or wye branch.

Whenever cut-in wyes are utilized that require the usage of rubber couplings, the couplings shall utilize stainless steel shear rings to assist in maintaining proper alignment of the sewer

Where, in the opinion of the Director, it is impractical to connect or to install a wye branch, the connection shall be made by the use of a tee saddle as described above.

Any lateral larger than 4 inches in diameter shall be connected to the main at a manhole.

#### **6.15 BACKFILL**

After the sewers and appurtenances have been properly constructed and inspected, the trench shall be backfilled and compacted as shown on Std. Detail 6-H for flexible walled pipe and as shown on Std. Detail 6-I for rigid walled pipe.

Class I or sand backfill material, as applicable, shall be placed simultaneously on both sides of the pipe in maximum 8-inch lifts keeping the level the same on both sides of the pipe. Place backfill to 6 inches minimum above the top of the pipe. Compact each lift to 90% of maximum dry density in accordance with ASTM D 1557.

Subsequent backfill material, to the bottom of the aggregate base, shall be imported material as approved by the City Engineer. Material shall be placed in 8-inch maximum lifts and each lift compacted to the relative density shown on Std. Detail 6-H for flexible walled pipe and as shown on Std. Detail 6-I for rigid walled pipe.

Compaction tests shall be performed on each lift by a testing laboratory approved by the City. The testing laboratory shall be retained by the Developer and all testing expenses shall be paid by the Developer.

#### **6.16 CLEANING AND FLUSHING**

After all backfilling is completed and manhole frames and covers set, but prior to placement of paving material, the Contractor shall clean and flush all sanitary sewer mains.

Pulling of the camera shall be stopped and locations recorded in typewritten letters on the video tape at the following locations:

- The beginning and ending locations of all areas where the depth of standing water exceeds 10% of the pipe diameter.
- All wye locations.
- Any problem areas.

Camera pulling speed shall not exceed 100 ft. per minute.

Copies of the videos shall be delivered to the Director for his review. The Contractor shall make all necessary repairs and corrections to the pipeline as required by the Director prior to paving.

#### **6.19 GREASE INTERCEPTORS**

Grease interceptors shall be constructed by the Developer on private property on the sewer service lateral for any facility whose operation will result in oil, grease, sand or other solids being discharged into the City's sanitary sewer system. (Interceptors or provisions to install future interceptors on all commercial/industrial shell buildings are also required.)

Interceptors shall conform to Section 708 and 711 of the Uniform Plumbing Code and Standard Detail 6-J. Interceptors shall be constructed outside the building where they can be easily inspected for proper operation by the City.

For additional information regarding specific requirements of grease interceptor, contact the Director.

Roof to gutter time shall be assumed to be 20 minutes.

## 7.4 PIPE DESIGN

### 1. GENERAL

Storm drainage piping shall be designed to handle a storm with a minimum return period of ten years. The minimum size of any storm drainage pipe shall be 15 inches in diameter except for pipes terminated in cul-de-sacs and catch basin laterals which shall be a minimum of 12 inches in diameter.

Manning's formula shall be used to calculate design flow, velocity, slope and pipe diameter. Manning's roughness coefficient "n" varies with the type of pipe used according to the following table:

<u>Pipe Material</u>	<u>n</u>
Reinforced Concrete	0.013
Cast-In-Place Concrete	0.015

Reinforced concrete pipe shall be the minimum class required to serve the purpose intended but in no case shall be less than Class III conforming to the specifications for Reinforced Concrete Culvert, Storm Drain and Sewer Pipe, ASTM Designation C76. The pipe shall be manufactured using the packer head method or shall be centrifugally spun. The pipe shall utilize a Bureau of Reclamation Type R-4 bell and spigot. Use of elliptical reinforcement is not allowed.

Cast-in-place concrete pipe shall only be used if approved by the City Engineer. Cast-in-place concrete pipe shall conform to Section 63 of the State Standards and these Improvement Standards.

### 2. SLOPE

Minimum slopes are as follows:

easements may be required by the Director for any lines over 18 inches in width or with an invert elevation 5 feet or greater below ground line. The line shall be located in the center of the easement unless otherwise required by the Director.

A minimum horizontal clearance of 10 feet shall be maintained between drain lines and water mains, unless otherwise approved by the City Engineer. If the 10-foot separation is waived, the requirements of the California State Department of Health Services for separation between water mains and sanitary sewers shall be adhered to.

## **7.5 DRAIN INLETS**

Drain inlets shall be as shown on Std. Detail 7-J. The structural channel iron shall be galvanized to conform to the requirements Section 75-1.05 of the State Standards.

Spacing of drain inlets shall be such that the surface flow to the drain inlet does not encroach into vehicular travel ways.

## **7.6 MANHOLES**

Manholes shall be located on storm trunk and lateral pipelines. Manholes shall be placed at all storm drain intersections, at sections where changes in slope, pipe size and alignment occur, and at the upstream ends of all storm drains.

Manholes shall have a maximum spacing of 500 feet.

Invert elevation drop across each manhole shall equal the difference in pipe diameter where there is a change in pipe size and a minimum of 0.1 foot at all bends.

## **7.7 TRENCH EXCAVATION**

The Contractor shall, prior to beginning construction, obtain from the Division of Industrial Safety the permit required by California Labor Code, Section 6500, and pay any fee charged for such permit. In addition thereto, whenever the work under the Contract involves trench excavation 5 feet or more in depth, the Contractor shall submit for approval to a registered civil or structural engineer representing the City, in advance of excavation, a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection from the hazard of caving ground during the excavation. If such plan varies from the shoring system standards established by the Construction Safety Orders of the Division of Industrial Safety, the plan shall be prepared by a registered civil or structural engineer. Nothing in this section shall be deemed to allow the use of shoring, sloping or other protective system less effective than that required by the

## **7.10 BACKFILL**

After the storm drains have been properly constructed and inspected, the trench shall be backfilled and compacted as shown in Std. Detail 7-C for rigid walled pipe and Std. Detail 7-D for cast-in-place pipe.

Sand backfill material, shall be placed simultaneously on both sides of the pipe in maximum 8-inch lifts keeping the level the same on both sides of the pipe. Place backfill to 6 inches minimum above the top of the pipe. Compact each lift to 90% of maximum dry density in accordance with ASTM D 1557.

Subsequent backfill material, to the bottom of the aggregate base, shall be imported material as approved by the City Engineer unless otherwise noted. Material shall be placed in 8-inch maximum lifts and each lift compacted to the relative density shown on Std. Detail 7-C for rigid walled pipe and Std. Detail 7-D for cast-in-place pipe.

Compaction tests shall be performed on each lift by a testing laboratory approved by the City. The testing laboratory shall be retained by the Developer and all testing expenses shall be paid by the Developer.

Jetting of backfill is not allowed.

During the compaction operation, the contractor must exercise extreme caution so as not to damage or disturb the pipe.

## **7.11 CLOSED CIRCUIT TV INSPECTION**

Prior to placing the final street surfacing, the Contractor will inspect all new storm drain piping with a closed circuit television system. This will be done after the pipe has been installed true to the prescribed lines and grades, the trench backfilled and compacted, the manhole and cleanout covers set to proper grade, the roadway subgrade compacted, aggregate subbases and bases placed and compacted, and the sewer system cleaned of all debris.

At the start of each storm drain section, the Contractor shall record the manhole location by street intersections the inspection is beginning and ending at. This information shall appear in typewritten letters on the videotape. A gauge shall be attached to and dragged behind the camera to indicate the depth of any standing water within the line. The gauge shall have a diameter of 10% of the pipe diameter being televised.

Pulling of the camera shall be stopped and locations recorded in typewritten letters on the videotape at the following locations:

- A reinforced concrete inlet/outlet structure will be provided in the side slope of the basin.
- Paved access shall be provided from the public travelway to the inlet/outlet structure to allow cleaning during storm events.
- A maintenance access roadway with a minimum width of 14 feet shall be provided from the top of the basin to the bottom of the basin to allow access for maintenance vehicles.

Maintenance access roadways may be required from the adjacent travel way, to and around the basin. Maintenance access requirements shall be determined by the City Engineer on a site by site basis. Requirements for maintenance access may include, but is not limited to the following:

- A paved access roadway with a minimum width of 14 feet.
- Minimum outer and inner turning radii for maintenance vehicles of 42 feet and 24 feet respectively.
- A turn around area for maintenance vehicles to prevent them from having to back out onto public roadway.

For dual use basins, the criteria listed for in-fill basins apply in addition to the following:

- Capacity shall be large enough to hold the total run-off from a 100-year frequency 24-hour duration storm.
- The maximum side slope shall be 6 horizontal:1 vertical.

## **7.13 PUMP STATION**

### **1. GENERAL**

Pumping stations shall be designed to efficiently handle the calculated run-off from a storm with a ten-year return period unless utilized in conjunction with a detention basin. Pumps designed in conjunction with basins shall be capable of draining 100 percent of the basin's storage capacity within 48 hours.

Pump stations shall be designed with a separator to remove settling and floating debris from the water entering the pump sump. They will also be designed with the following criteria:

- Pump stations shall be duplex style stations with non-clog submersible FLYGT sewer pumps and slide rail systems or

Trashracks shall be inclined 30 to 45 degrees from the vertical and shall extend from the floor to the top of the structure. A walkway, platform or other suitable level surface shall be provided at the top of all structures to allow for proper maintenance operations. Guardrails meeting the Industrial Safety Orders shall be provided. Sufficient clearance shall be provided between trashracks and surrounding fences or other obstacles to permit handling of cleaning rakes.

#### **7.15 ACCESS**

Pump station layout shall allow for proper access of maintenance vehicles. Vehicular access route from the adjacent travelway throughout the site and back onto the public travelway shall be shown on the site plan. Access roads to pump stations shall be paved. Minimum outer and inner turning radii for maintenance vehicles of 42 feet and 24 feet respectively, are required. Minimum access road pavement width shall be 14 feet.

- D. Right angle (90 degrees) parking is usually more efficient and provides two-way movement in the aisles and shorter cruise distance. However, it generally requires more turning effort.
- E. Angle parking (other than 90 degrees) affords greater ease in parking and allows for narrower aisles but it requires one-way circulation.
- F. Delineating Striping: All parking spaces shall be clearly delineated using 4 inch wide striping. Length of striping shall be 17 feet for standard parking spaces and 14 feet for compact parking spaces. Length of striping may be reduced by 2 feet if landscaped planters of sufficient width are used as curb stops.

With these factors in mind, an accurate drawing of the proposed parking area should be prepared showing such details as sidewalks, curb cuts for driveways, use of abutting properties, immovable obstacles, flow of on-street traffic in the area, and other pertinent information. This drawing can be used to aid in the determination of a layout pattern based on selection of the best of all possible parking arrangements. The best arrangement should provide the maximum number of parking spaces with aisles and stalls designed for one-turn driver parking.

### 8.1.3 HANDICAP PARKING REQUIREMENTS

- A. Each parking area associated with any type of land use listed in the Newman Zoning Code, except for single-family and two-family residential dwellings, shall include a number of parking spaces specifically reserved for vehicles licensed or authorized by the State of California for use by physically challenged/disabled drivers in accordance with the following:

Total Spaces in Parking Area	Minimum Number of Spaces Required for Physically Challenged/Disabled Drivers
1 - 25	1 Van Accessible Space
26 - 50	2 including 1 Van Accessible Space
51 - 75	3 including 1 Van Accessible Space
76 - 100	4 including 1 Van Accessible Space
101 - 150	5 including 1 Van Accessible Space
151 - 200	6 including 1 Van Accessible Space
201 - 300	7 including 1 Van Accessible Space
301 - 400	8 including 2 Van Accessible Space
401 - 500	9 including 2 Van Accessible Space
501 - 1000	2% of total (1 of every 8 handicap parking stalls must be Van Accessible)

shall be included in the calculation of head loss. Local loss coefficients (K) shall be as follows:

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<b>LOCAL LOSS COEFFICIENTS</b>	
<b><u>Local Loss</u></b>	<b><u>K</u></b>
Re-entrant Inlets	1.0
Square Edge and Beveled Inlets	0.5
All Exits	1.0
90° Elbow	0.3
45° Elbow	0.2
Line Flow Tee	0.2
Branch Flow Tee	1.0

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If curb drains are used, all grate elevations shall be a minimum of 0.6 feet above the invert of the discharge pipe at the curb (exit).

If drain basin lines discharge into the City's storm drain system at the back of a City catch basin, the grate elevations in the parking lot shall be a minimum of 0.3 feet above the City's catch basin grate.

## **SECTION 8.3**

### **MONUMENTS**

#### **8.3.1 GENERAL**

All survey monuments shall be visibly marked or tagged with the certificate number of the surveyor or civil engineer setting them, according to Section 8772 of the Professional Land Surveyors Act.

Permanent survey monuments set in pavement areas shall conform to Std. Detail 3-Q. Monuments found in a perishable condition shall be rehabilitated with a permanent monument according to Section 8773.3 of the Professional Land Surveyors Act.

The instructions as set forth in the 1973 "Manual of Instructions for the Survey of Public Lands of the United States", published by the Bureau of Land Management, Department of Interior, Washington, D.C., shall be followed for the restoration of lost or obliterated corners, for those corners that were established based on the Public Lands Surveying System.

Survey monuments shall be set at all lot corners, angle points and points of curvature. Monuments shall be 1-inch O.D. (3/4-inch I.D.) galvanized iron pipe, 24 inches in length set 6 inches below grade.

Subdivision boundary monuments, except those set in street pavement, shall be 1-1/2 inches O.D. (1-1/4-inches I.D.) galvanized iron pipe, 24 inches in length, set 12 inches below finish grade. Survey boundary monuments in street pavement shall conform to Std. Detail 3-Q.

Permanent survey monuments shall be set at all street centerline intersections, angle points and points of curvature. They shall also be placed at all section and quarter corners within the subdivision.

Section and quarter corner monuments shall be constructed and marked according to the 1973 "Manual of Instruction". Monuments located within street sections shall utilize a monument box conforming to Std. Detail 3-Q.

## **WATER**

- 5A 1" DIAMETER WATER SERVICE
- 5B 2" DIAMETER WATER SERVICE
- 5C WATER METER SERVICE DETAIL
- 5D SAMPLING STATION
- 5E DOUBLE CHECK VALVE BACKFLOW PREVENTER
- 5F REDUCED PRESSURE BACKFLOW PREVENTER
- 5G VALVE BOX DETAIL
- 5H FIRE HYDRANT INSTALLATION
- 5I THRUST BLOCKS DETAIL
- 5J WATER LINE TRENCH DETAIL
- 5K CROSSINGS

## **SEWER**

- 6A SANITARY SEWER MANHOLE
- 6B SANITARY SEWER DROP MANHOLE
- 6C TERMINAL MANHOLE
- 6D PAMREX MANHOLE FRAME AND COVER
- 6E SANITARY SEWER CLEANOUT
- 6F 4-INCH SEWER SERVICE
- 6G 4-INCH SERVICE CLEANOUT
- 6H FLEXIBLE WALL PIPE BACKFILL
- 6I RIGID WALL PIPE BACKFILL
- 6J GREASE & OIL INTERCEPTOR

## **STORM DRAINAGE**

- 7A STORM DESIGN SHEET
- 7B RAIN INTENSITY FREQUENCY CURVES
- 7C RIGID WALL PIPE BACKFILL
- 7D C.I.P.P. STORM DRAIN AND TRENCH
- 7E STORM DRAIN MANHOLE FOR 30" – 48" C.I.P.P.
- 7F STORM DRAIN MANHOLE FOR 54" – 96' C.I.P.P.
- 7G STORM DRAIN MANHOLE PLAN VIEW (C.I.P.P.)
- 7H STORM DRAIN MANHOLE
- 7I PAMREX MANHOLE FRAME AND COVER
- 7J TYPE "A" CATCH BASIN

## **MISCELLANEOUS**

- 8A OFF STREET PARKING STANDARDS
- 8B TYPICAL PARKING STALL STRIPING
- 8C CONCRETE WASHOUT – SMALL OPERATIONS

ROAD  
CLOSED

R11-2,  
48"x30"

DETOUR  
AHEAD

ONE LANE  
ROAD  
AHEAD

W20-2,  
48"x48"

W20-4,  
48"x48"

FLAGGER  
AHEAD

ROAD  
WORK  
AHEAD

ROAD  
CLOSED  
AHEAD

C9A (CA)  
48"x48"

W20-1,  
48"x48"

W20-3,  
48"x48"

OPEN  
TRENCH

C27 (CA)  
24"x24"

END  
ROAD WORK

G20-2,  
60"x24"

25  
MPH

W6  
24"x24"

←  
DETOUR

M4-10,  
48"x18"

END  
DETOUR

M4-8a,  
30"x18"

CITY OF NEWMAN IMPROVEMENT STANDARDS



TYPICAL CONSTRUCTION SIGNS

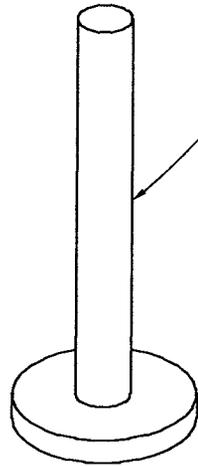
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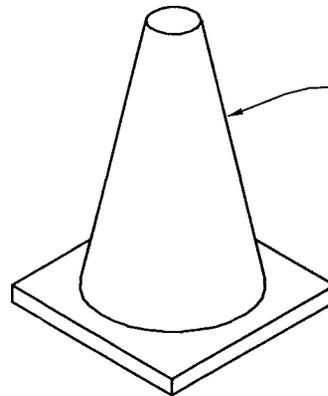
STD. DETAIL

2 - B

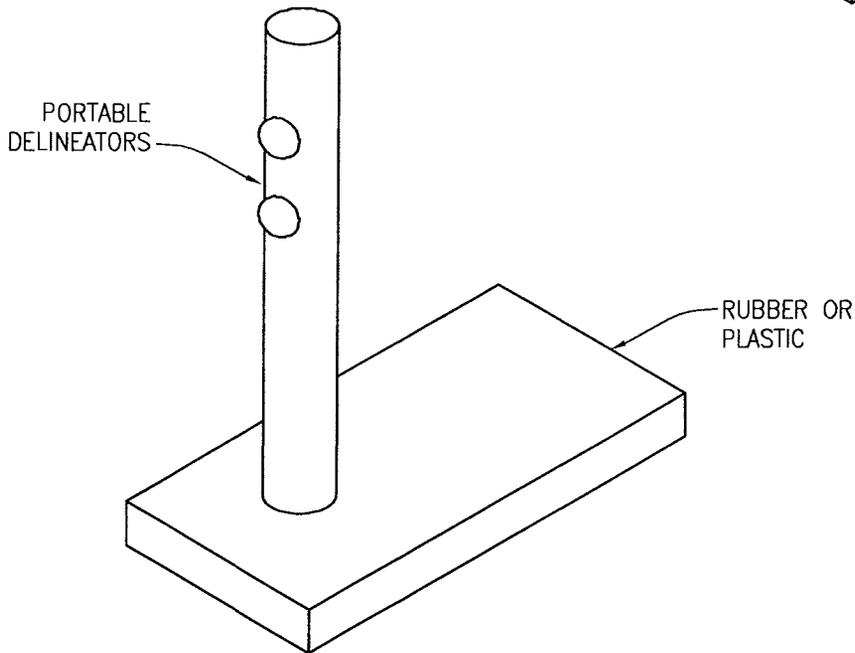
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RUBBER OR  
PLASTIC (TYP.)



TRAFFIC CONE



PORTABLE  
DELINEATORS

RUBBER OR  
PLASTIC

# CITY OF NEWMAN IMPROVEMENT STANDARDS



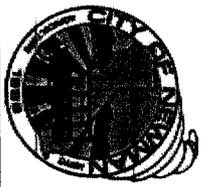
## TRAFFIC DELINEATORS

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STD. DETAIL

2 - D



CITY OF NEWMAN IMPROVEMENT STANDARDS

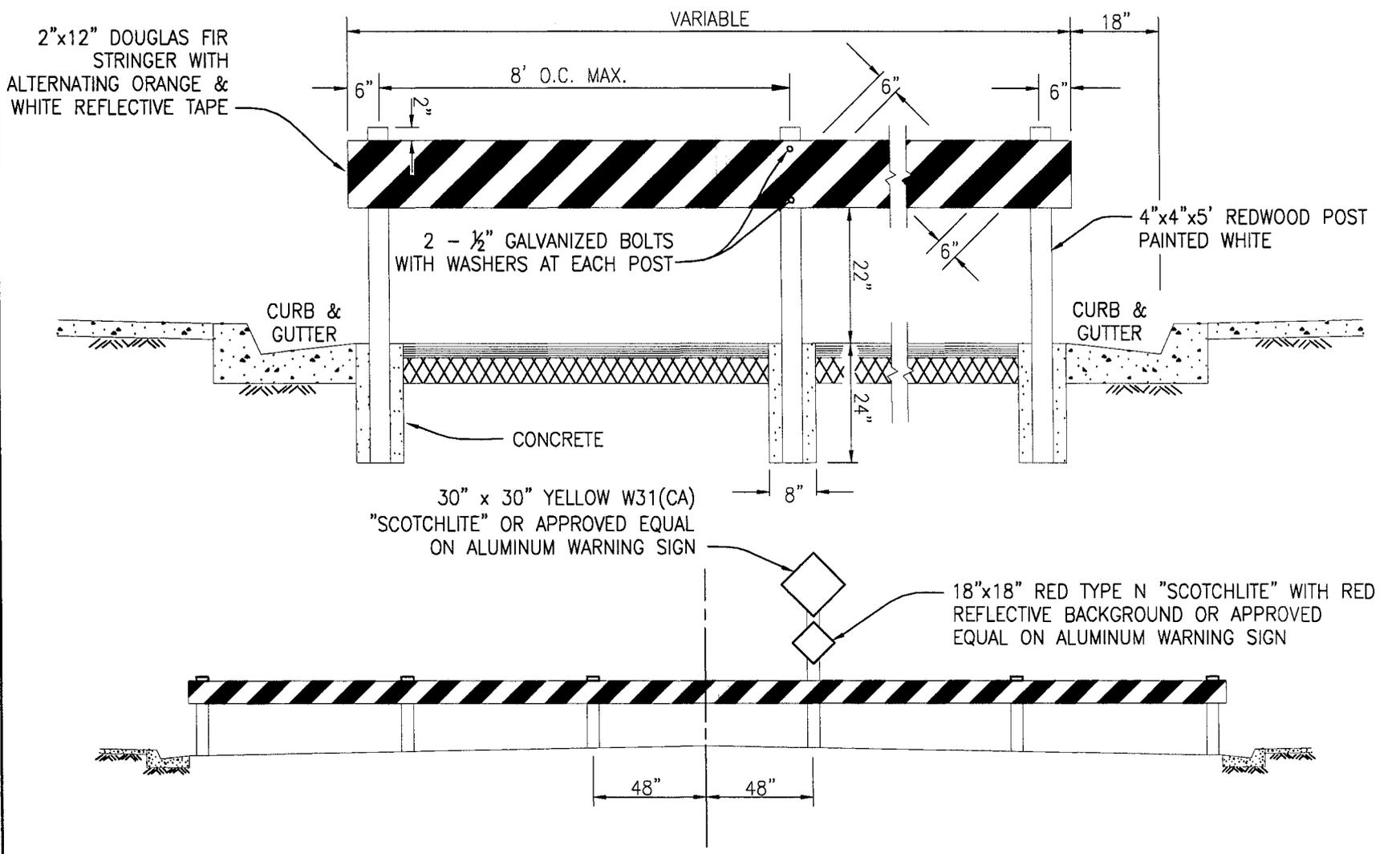
DEAD END STREET BARRICADE

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STD. DETAIL

2-F





CITY OF NEWMAN IMPROVEMENT STANDARDS

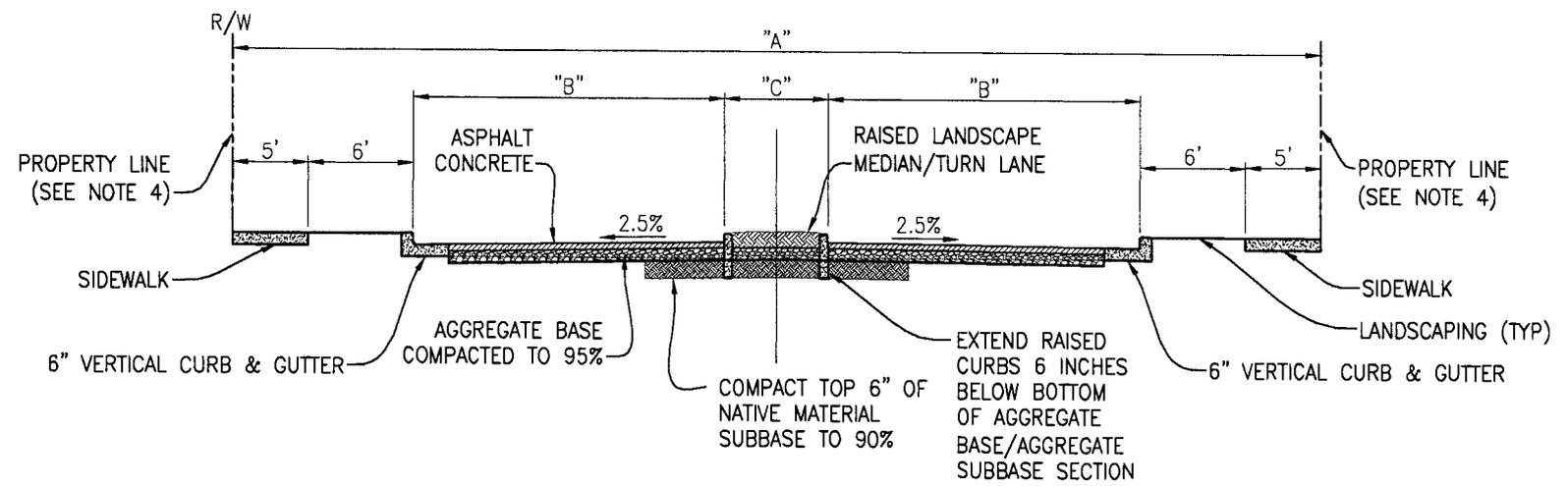
ARTERIAL STREET SECTIONS

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DATE:

STD. DETAIL

3 - A



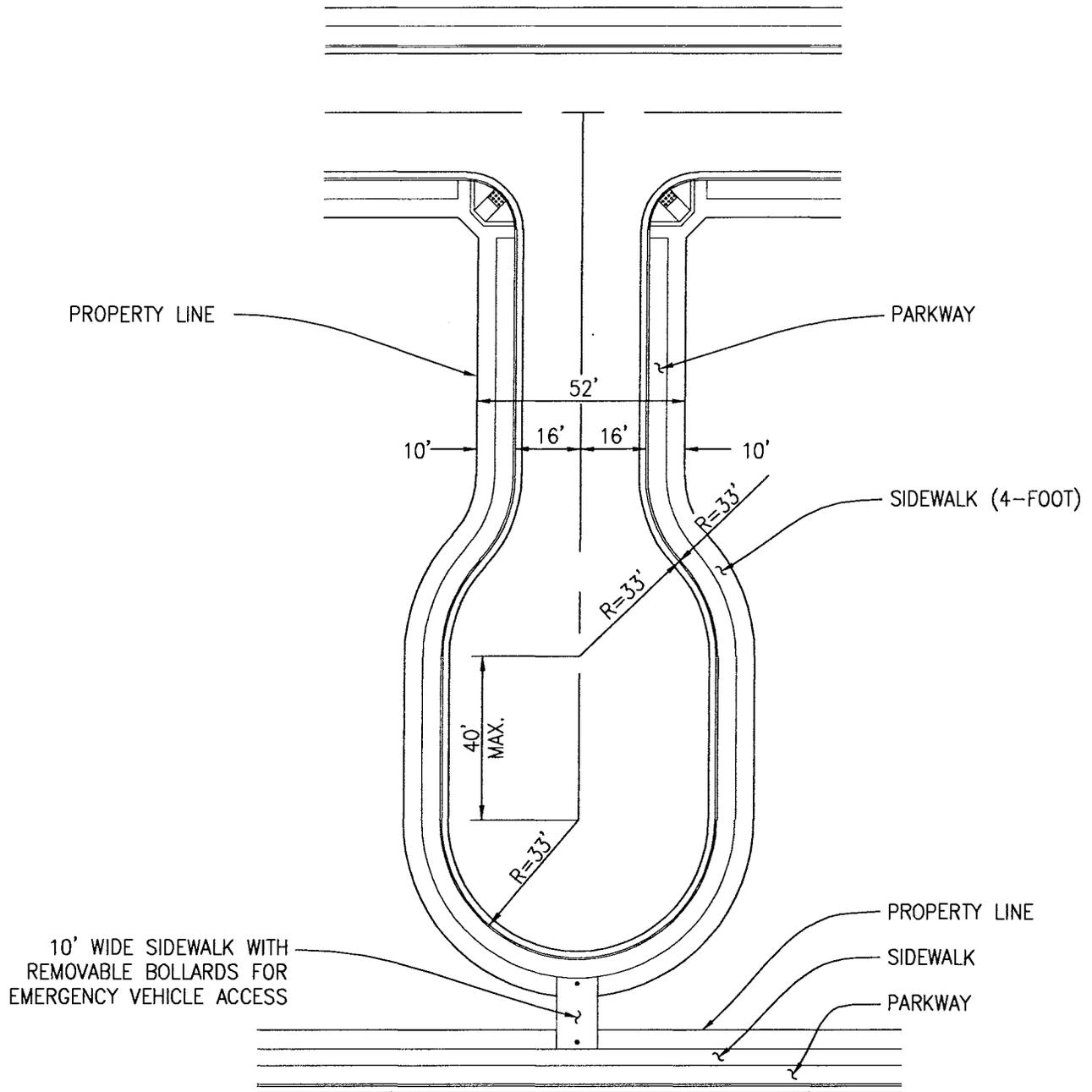
TYPICAL SECTION

STREET CLASSIFICATION	"A"	"B"	"C"
4-LANE ARTERIAL (PARKING AND BIKE LANES)	109'-0"	36'-0"	15'-0"
4-LANE ARTERIAL (NO PARKING AND 6-FOOT BIKE LANES)	96'-0"	30'-0"	14'-0"
2-LANE ARTERIAL (PARKING AND BIKE LANES)	70'-0"	24'-0"	0
2-LANE ARTERIAL (NO PARKING AND 6-FOOT BIKE LANES)	58'-0"	18'-0"	0

NOTES:

1. SOIL DENSITIES ARE EXPRESSED AS A PERCENTAGE OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM DESIGNATION D1557.
2. APPLY FOG SEAL TO PAVEMENT AFTER PAVING.
3. DUE TO SPECIFIC DESIGN CONSIDERATIONS THE ABOVE RIGHTS-OF-WAY AND CURB TO CURB WIDTHS MAY BE REVISED.
4. IF WALLS/FENCES ARE TO BE INSTALLED ALONG ARTERIALS, THE R/W WIDTH SHALL BE INCREASED TO PROVIDE LANDSCAPE BUFFERS BETWEEN THE BACK OF SIDEWALKS AND WALLS/FENCES.

SEE CITY OF NEWMAN STD. 3-D  
FOR ADDITIONAL INFORMATION.



NOTES:

1. RADII SHOWN ARE FOR RESIDENTIAL CUL-DE-SACS. FOR COMERCIAL OR INDUSTRIAL CUL-DE-SACS RADII SHALL BE APPROVED BY THE ENGINEER.
2. LOT LINES FOR THE CUL-DE-SAC SHOWN SHALL BE PERPENDICULAR TO THE CENTERLINE OF THE CUL-DE-SAC.

CITY OF NEWMAN IMPROVEMENT STANDARDS

WALK THROUGH CUL-DE-SAC



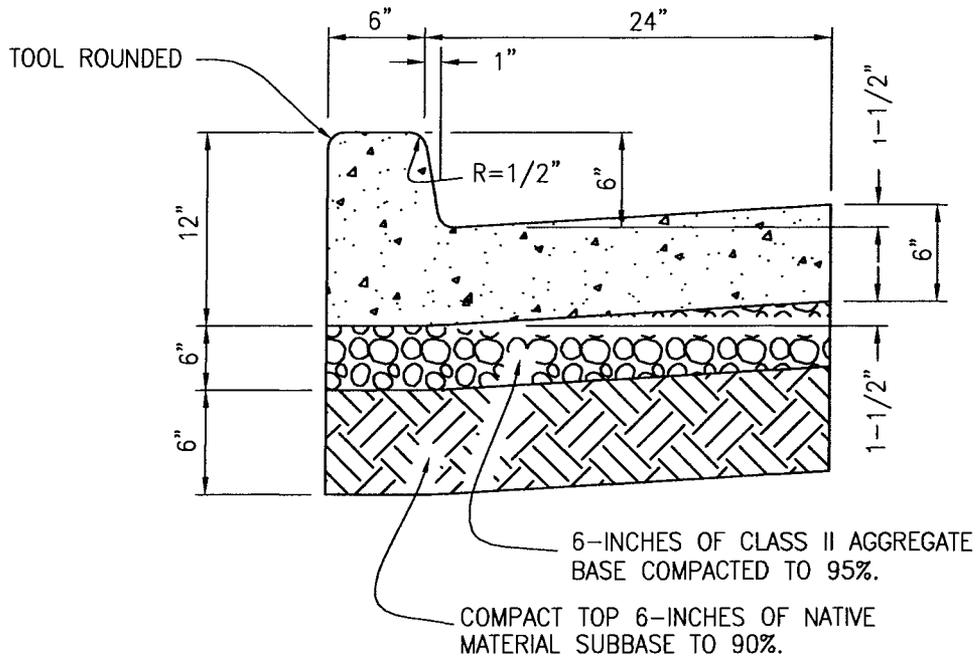
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STD. DETAIL

3 - C



### STANDARD CURB AND GUTTER SECTION

NOTES:

1. CITY SHALL APPROVE SUBGRADE AND AGGREGATE BASE PREPARATION PRIOR TO PLACEMENT OF CONCRETE.
2. SOIL DENSITIES ARE EXPRESSED AS A PERCENTAGE OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D 1557.
3. IMMEDIATELY PRIOR TO PLACEMENT OF CONCRETE, THE GEOTECHNICAL ENGINEER SHALL CERTIFY THE MOISTURE CONTENT OF THE NATIVE MATERIAL SUBBASE HAS A MOISTURE CONTENT OF NOT LESS THAN 2% ABOVE OPTIMUM TO A DEPTH OF 18 INCHES. IN ADDITION, AGGREGATE BASE SHALL HAVE A MOISTURE CONTENT AS SPECIFIED BY THE DIRECTOR.

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## CITY OF NEWMAN IMPROVEMENT STANDARDS

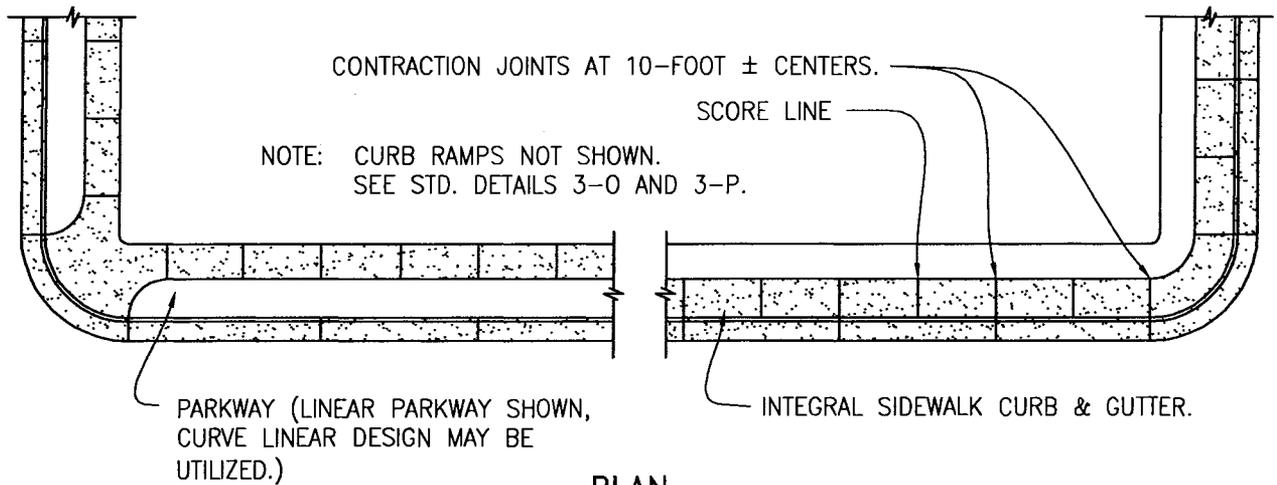
### STANDARD CURB & GUTTER SECTION

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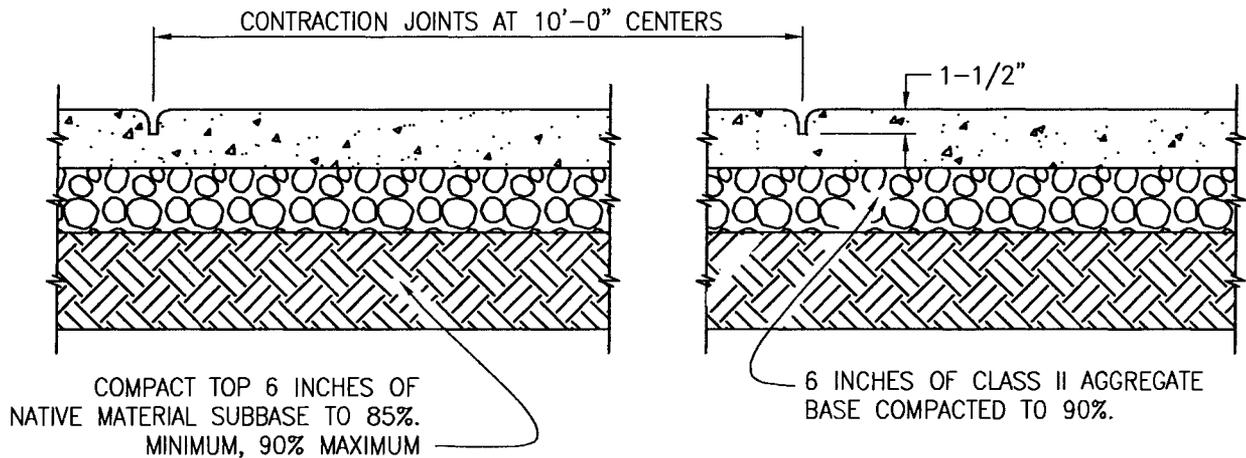
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STD. DETAIL

3 - E



PLAN  
TYPICAL CITY BLOCK



LONGITUDINAL SECTIONS

NOTES:

1. EDGES TO HAVE 1/2-INCH RADIUS.
2. WHEN BREAKING OUT SIDEWALK, CONCRETE SHALL BE REMOVED TO THE NEAREST CONTRACTION JOINT/SCORE LINE.
3. SOIL DENSITIES ARE EXPRESSED AS A PERCENTAGE OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D 1557.
4. CITY SHALL APPROVE SUBGRADE AND AGGREGATE BASE PREPARATION PRIOR TO PLACEMENT OF CONCRETE.
5. SEE STD. DETAIL 3-F FOR SUBGRADE AND BASE MOISTURE REQUIREMENTS.

CITY OF NEWMAN IMPROVEMENT STANDARDS

SIDEWALK CONSTRUCTION

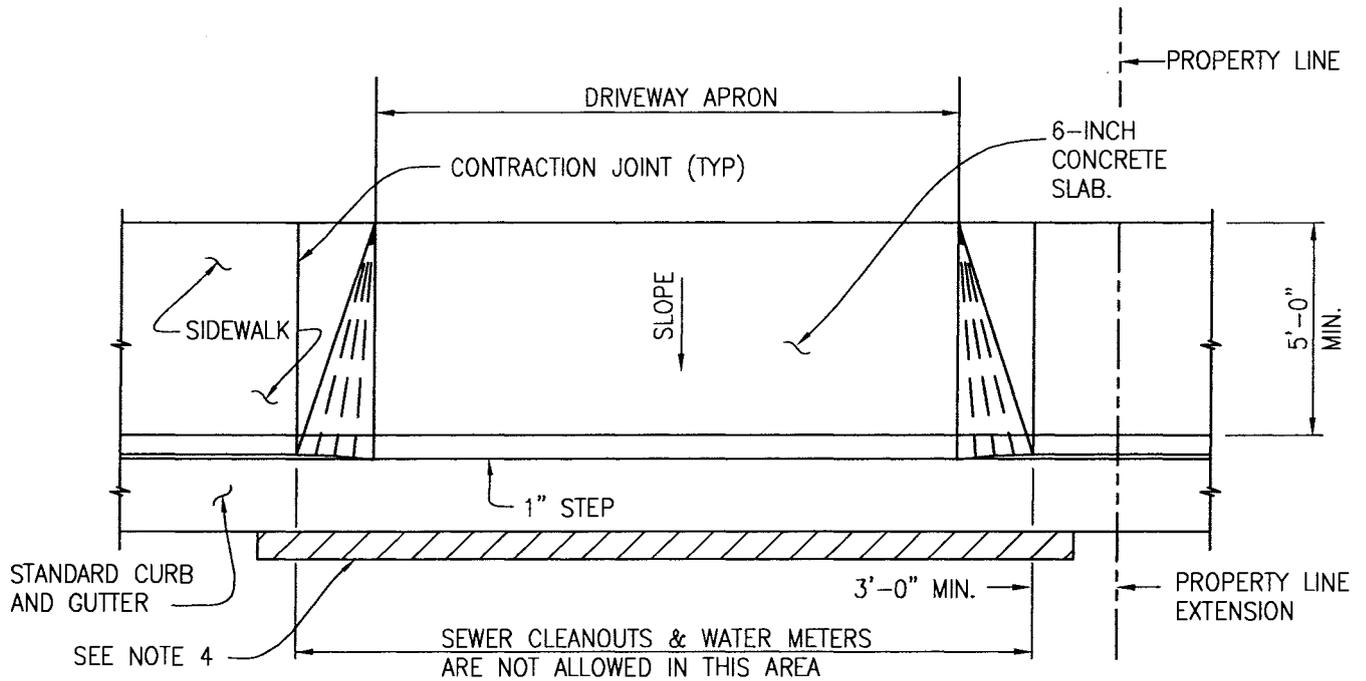


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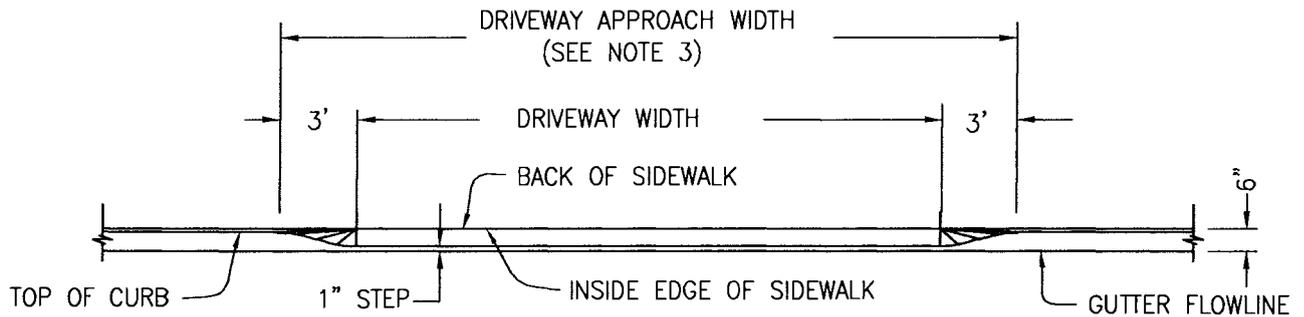
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STD. DETAIL

3 - G



PLAN



ELEVATION

NOTES:

1. DRIVEWAY APPROACHES SHALL BE INSTALLED OVER 6 INCHES OF CLASS II AGGREGATE BASE COMPACTED TO 90% OVER 6 INCHES OF NATIVE MATERIAL SUBBASE COMPACTED TO 85% MINIMUM, 90% MAXIMUM.
2. SOIL DENSITIES ARE EXPRESSED AS A PERCENTAGE OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D 1557.
3. DRIVEWAY LOCATION AND MAXIMUM DRIVEWAY APPROACH WIDTH SHALL CONFORM TO SECTIONS 3.13 AND 3.14 OF THESE STANDARDS.
4. WHEN INSTALLING A NEW DRIVEWAY IN EXISTING CURB, GUTTER AND SIDEWALK, SAWCUT TOP AND FACE OF CURB, GUTTER AND SIDEWALK TO A MINIMUM DEPTH OF 2 INCHES PRIOR TO REMOVAL. CHIP CONCRETE TO A VERTICAL PLANE BELOW SAWCUT. ALSO, SAWCUT, REMOVE AND REPLACE EXISTING A.C. IN FRONT OF DRIVEWAY AS REQUIRED BY PUBLIC WORKS DIRECTOR.
5. SEE STD. DETAIL 3-F FOR SUBGRADE AND BASE MOISTURE REQUIREMENTS.

CITY OF NEWMAN IMPROVEMENT STANDARDS



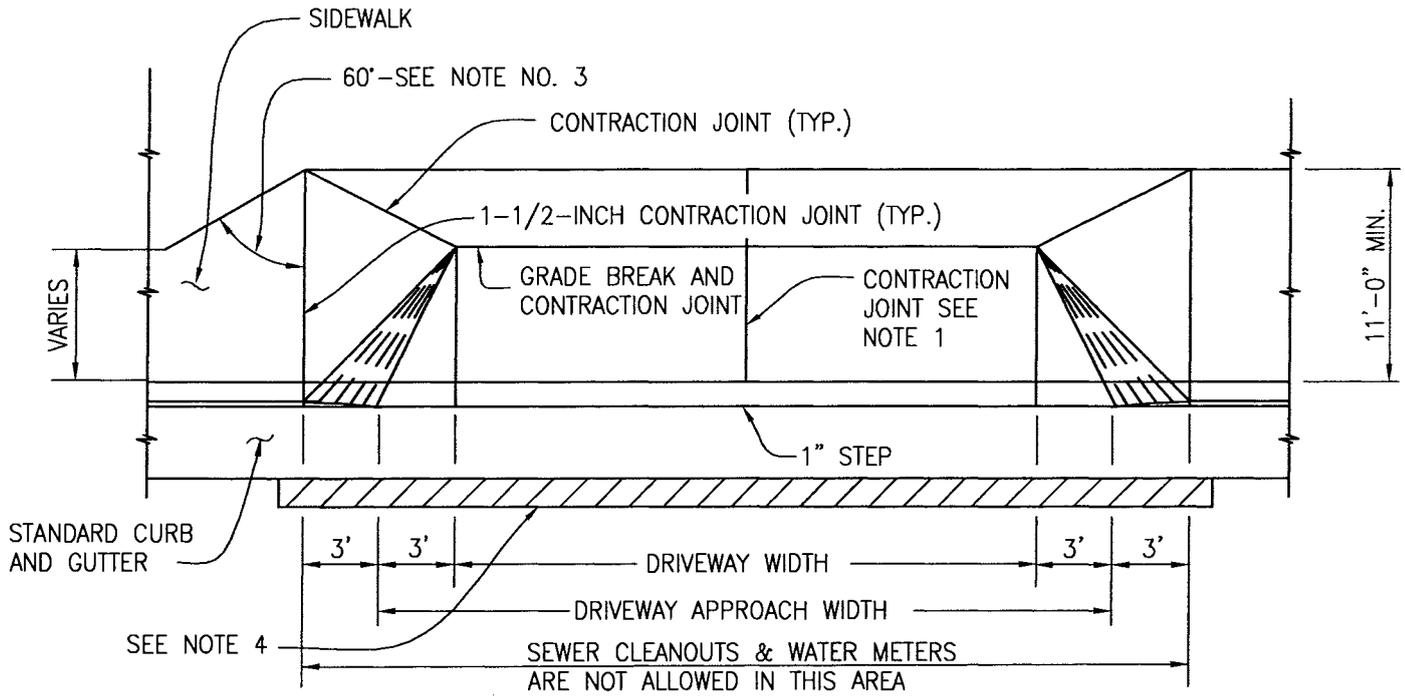
RESIDENTIAL DRIVEWAY-ATTACHED SIDEWALK

APPROVED BY:

DATE:

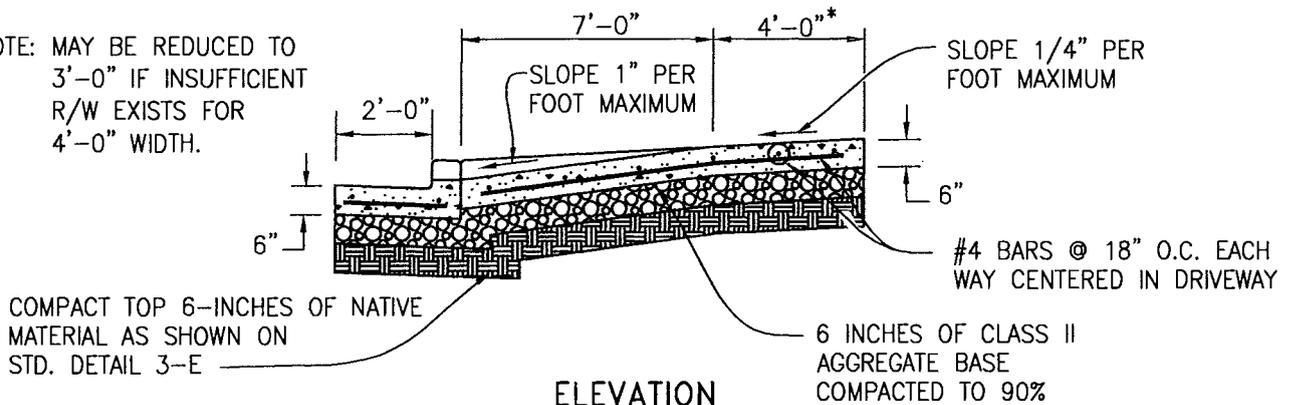
STD. DETAIL

3-1



PLAN

\* NOTE: MAY BE REDUCED TO 3'-0" IF INSUFFICIENT R/W EXISTS FOR 4'-0" WIDTH.



ELEVATION

NOTES:

1. CONTRACTION JOINT TO BE ADDED TO CENTER OF APPROACH IF IT IS OVER 20 FEET WIDE.
2. SOIL DENSITIES ARE EXPRESSED AS A PERCENTAGE OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D 1557.
3. PROVIDE TRANSITION TO SIDEWALKS THAT ARE LESS THAN 11 FEET IN WIDTH.
4. WHEN INSTALLING A NEW DRIVEWAY IN EXISTING CURB, GUTTER, AND SIDEWALK, SAWCUT TOP AND FACE OF CURB, GUTTER AND SIDEWALK TO A MINIMUM DEPTH OF 2 INCHES PRIOR TO REMOVAL. CHIP CONCRETE TO A VERTICAL PLANE BELOW SAWCUT. ALSO SAWCUT, REMOVE AND REPLACE EXISTING A.C. IN FRONT OF DRIVEWAY AS REQUIRED BY PUBLIC WORKS DIRECTOR.
5. SEE STD. DETAIL 3-F FOR SUBGRADE AND BASE MOISTURE REQUIREMENTS.

CITY OF NEWMAN IMPROVEMENT STANDARDS

COMMERCIAL/INDUSTRIAL DRIVEWAY

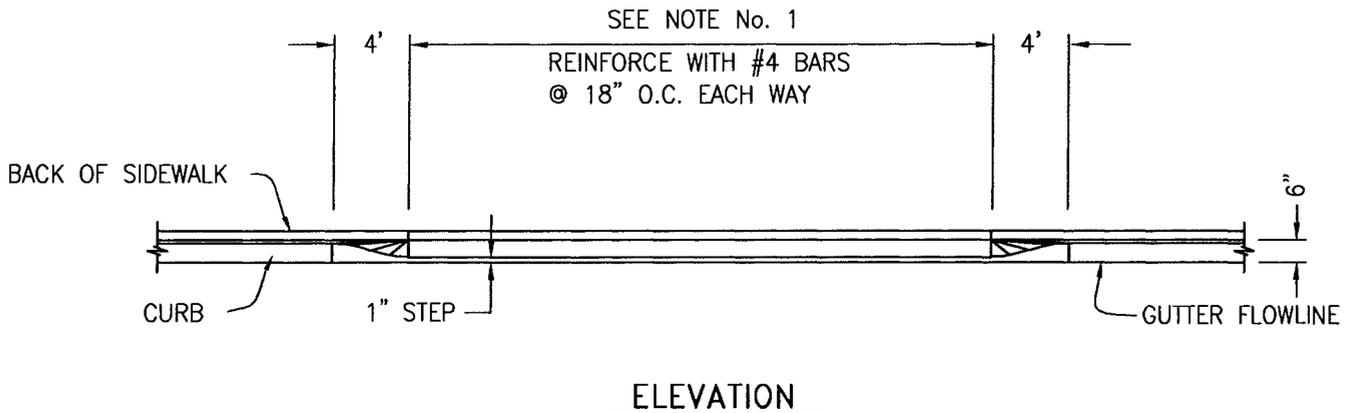
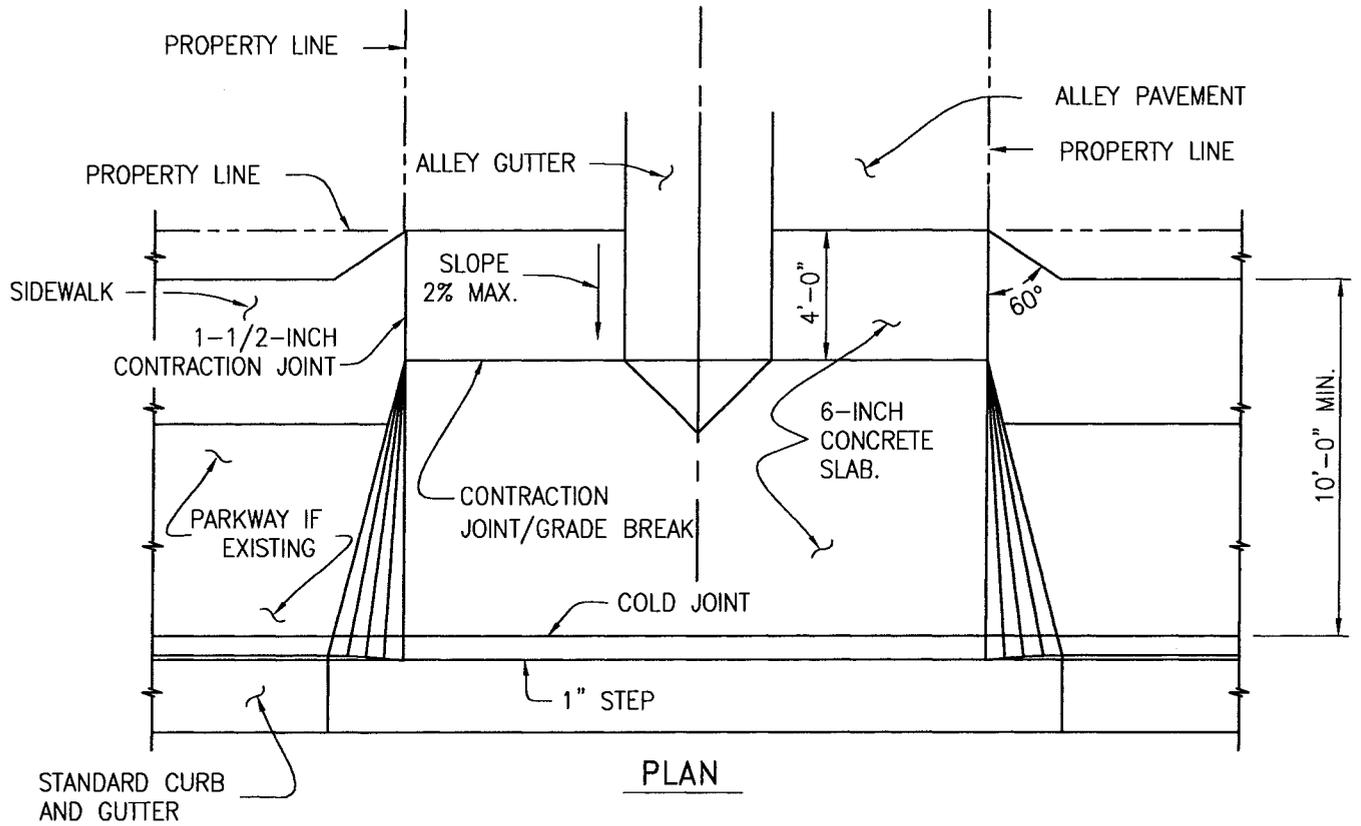


APPROVED BY:

DATE:

STD. DETAIL

3 - K



NOTES:

1. ALLEY APPROACHES SHALL BE INSTALLED OVER 6 INCHES OF CLASS II AGGREGATE BASE COMPACTED TO 95%, OVER 6 INCHES OF NATIVE MATERIAL SUBBASE COMPACTED TO 90%.
2. SOIL DENSITIES ARE EXPRESSED AS A PERCENTAGE OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D 1557.
3. ALLEY SHALL BE SYMMETRICAL ABOUT CENTERLINE.
4. SEE STD. DETAIL 3-F FOR SUBGRADE AND BASE MOISTURE REQUIREMENTS.

CITY OF NEWMAN IMPROVEMENT STANDARDS



ALLEY APPROACH DETAILS

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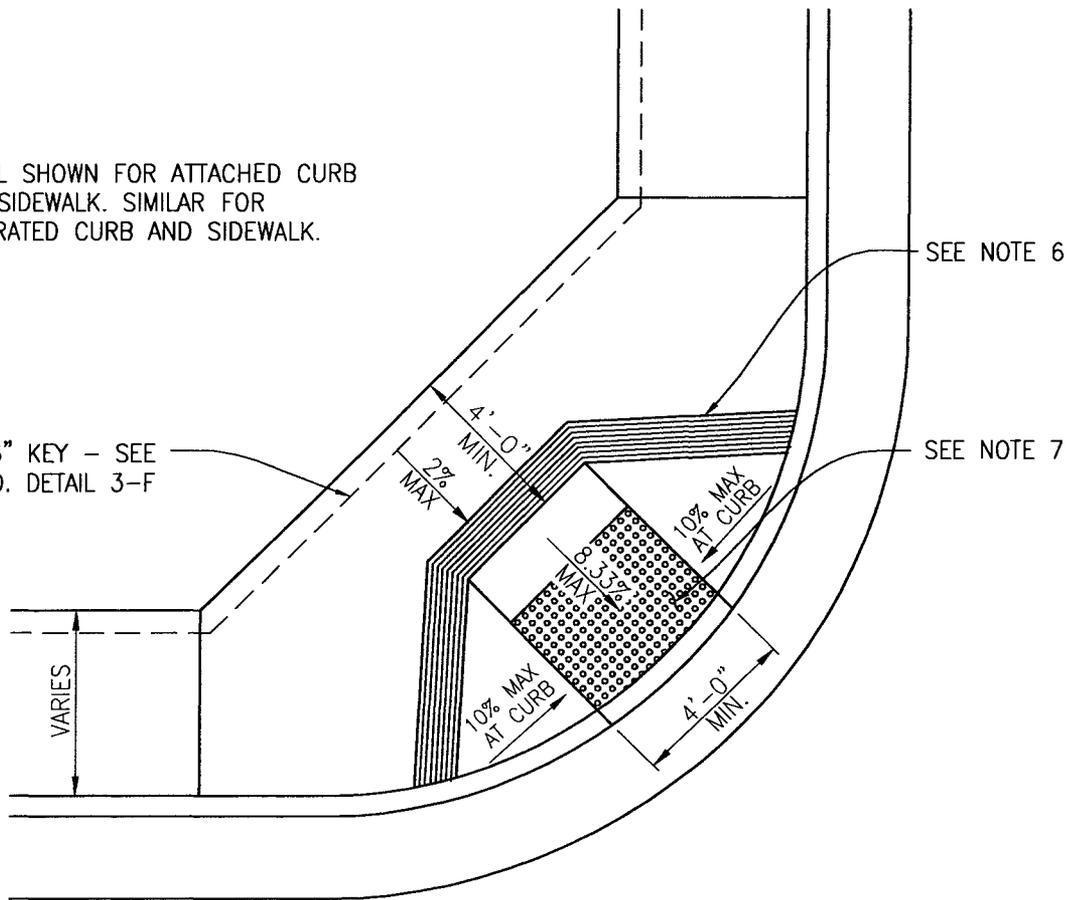
STD. DETAIL

3 - M

NOTE:

DETAIL SHOWN FOR ATTACHED CURB AND SIDEWALK. SIMILAR FOR SEPARATED CURB AND SIDEWALK.

6" x 6" KEY - SEE STD. DETAIL 3-F



NOTES:

1. CURB RAMP TYPE 1 IS FOR NEW CONSTRUCTION.
2. SIDEWALK AND CURB RAMP IN RETURN AREA SHALL BE 5 1/2 INCHES THICK MINIMUM.
3. TOP OF CURB SHALL BE FLUSH WITH GUTTER FLOWLINE AT RAMP.
4. PLACE 6 INCHES OF CLASS II AGGREGATE BASE COMPACTED TO 95% OVER 6 INCHES OF NATIVE MATERIAL SUBBASE COMPACTED TO 90% UNDER RAMP. SEE STD. DETAIL 3-E FOR SUBGRADE AND BASE MOISTURE REQUIREMENTS.
5. SOIL DENSITIES ARE EXPRESSED AS A PERCENTAGE OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D1557.
6. THE CURB RAMP SHALL BE OUTLINED, AS SHOWN, WITH A 1-FOOT WIDE BORDER WITH 1/4-INCH WIDE GROOVES 1/4-INCH ON CENTER. GROOVES SHALL BE 1/4 INCH DEEP.
7. DETECTABLE WARNING SURFACE (TRUNCATED DOMES) SHALL EXTEND THE FULL WIDTH AND 3 FEET DEEP ON THE RAMP. THE DETECTABLE WARNING SURFACE SHALL MEET THE LATEST REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (ADA). THE EDGE OF THE DETECTABLE WARNING SURFACE NEAREST THE STREET SHALL BE BETWEEN 6 INCHES AND 9 INCHES OF THE GUTTER FLOWLINE.
8. THE SLOPE AT BOTTOM OF RAMP, INCLUDING GUTTER, SHALL NOT EXCEED 5% FOR 4 FEET FROM GUTTER FLOWLINE.

CITY OF NEWMAN IMPROVEMENT STANDARDS

CURB RAMP - TYPE 1



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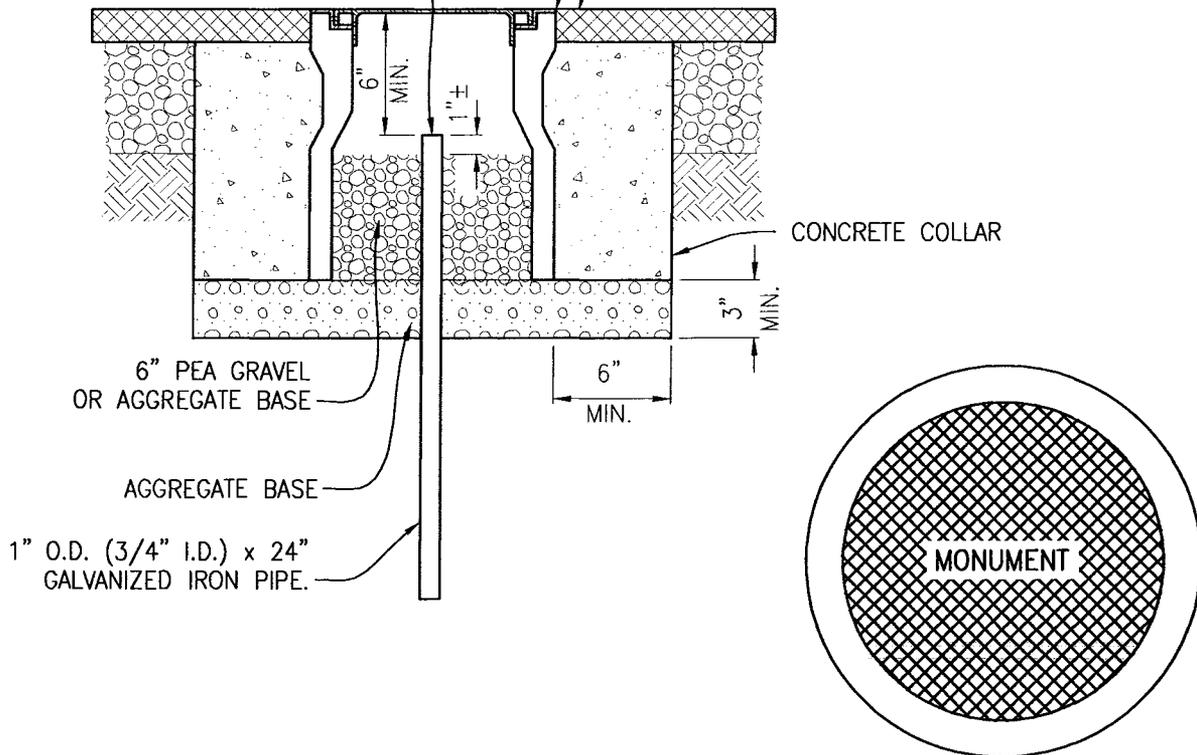
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STD. DETAIL

3 - 0

MARKED OR TAGGED WITH  
CERTIFICATE NUMBER OF  
L.S. OR APPROVED R.C.E.

FINISHED GRADE  
ASPHALT CONCRETE



6" PEA GRAVEL  
OR AGGREGATE BASE

AGGREGATE BASE

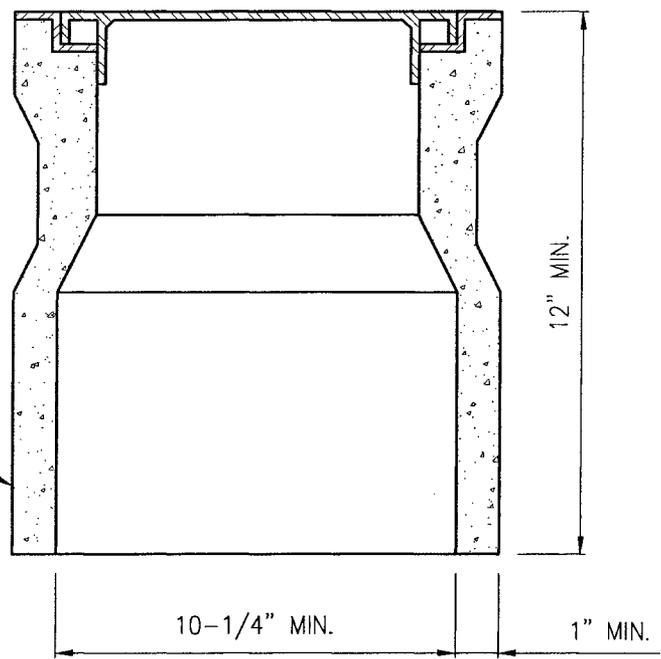
1" O.D. (3/4" I.D.) x 24"  
GALVANIZED IRON PIPE.

CONCRETE COLLAR

MONUMENT

NOTE:  
1. FOR INSTALLATION INSIDE STREET  
SECTIONS ONLY.

CHRISTY G5 OR BROOKS 3RT  
TRAFFIC BOX.



CITY OF NEWMAN IMPROVEMENT STANDARDS

SURVEY MONUMENT AND WELL



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DATE:

STD. DETAIL

3 - Q

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Jul 08, 2009 - 2:5  
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# CITY OF NEWMAN IMPROVEMENT STANDARDS

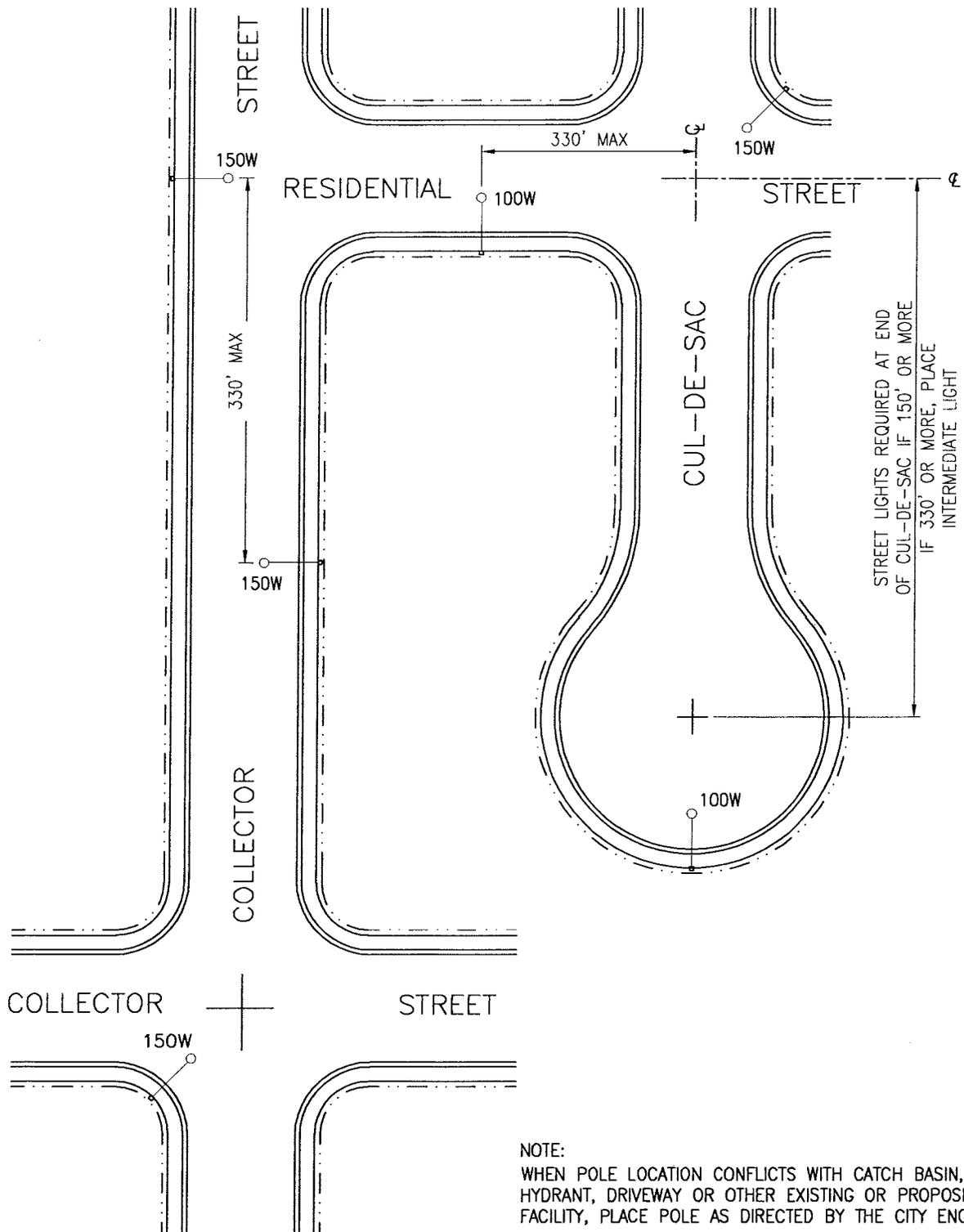
## ELECTROLIER LOCATIONS

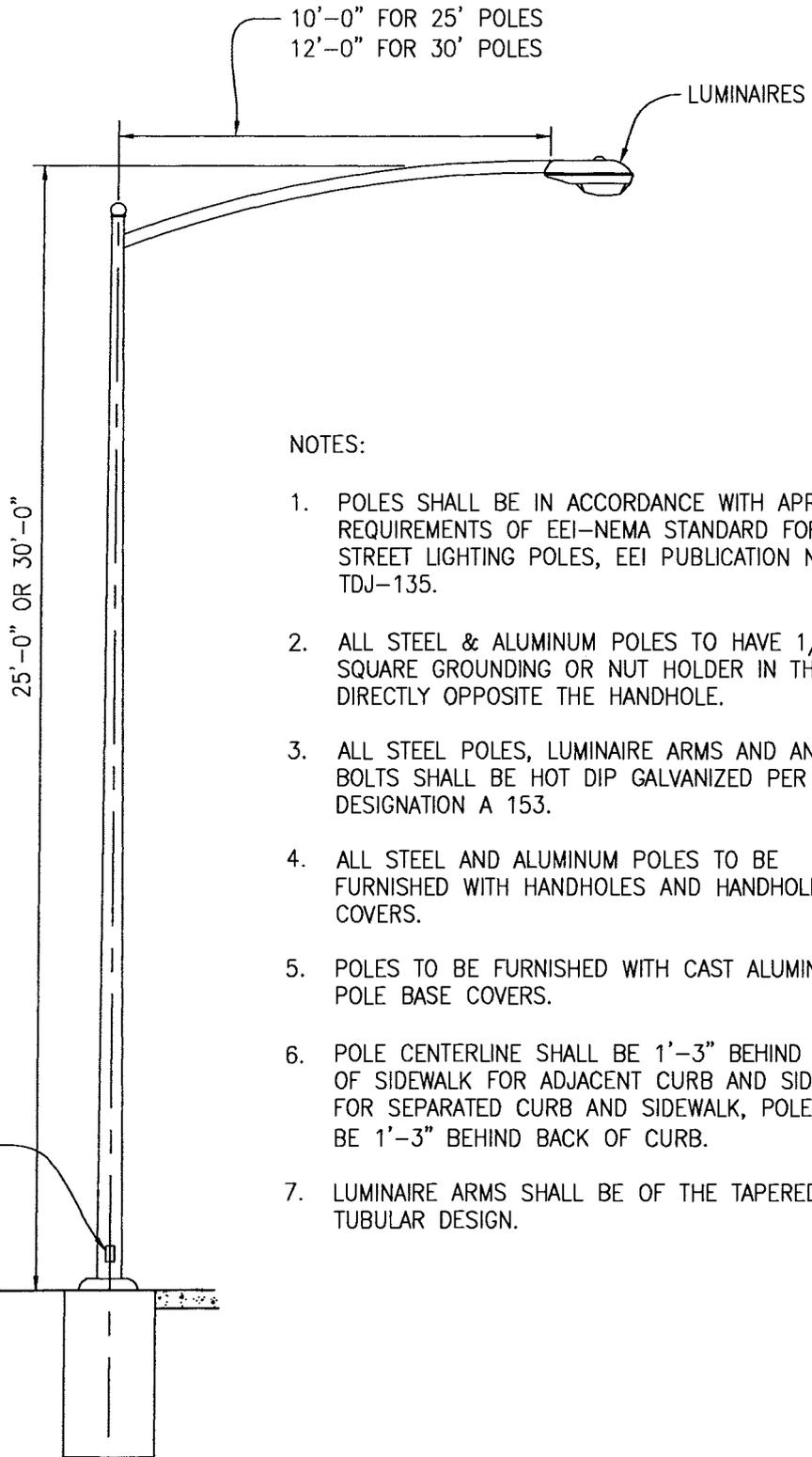
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STD. DETAIL

4 - A





NOTES:

1. POLES SHALL BE IN ACCORDANCE WITH APPLICABLE REQUIREMENTS OF EEI-NEMA STANDARD FOR STREET LIGHTING POLES, EEI PUBLICATION NO. TDJ-135.
2. ALL STEEL & ALUMINUM POLES TO HAVE 1/2" SQUARE GROUNDING OR NUT HOLDER IN THE POLE DIRECTLY OPPOSITE THE HANDHOLE.
3. ALL STEEL POLES, LUMINAIRE ARMS AND ANCHOR BOLTS SHALL BE HOT DIP GALVANIZED PER ASTM DESIGNATION A 153.
4. ALL STEEL AND ALUMINUM POLES TO BE FURNISHED WITH HANDHOLES AND HANDHOLE COVERS.
5. POLES TO BE FURNISHED WITH CAST ALUMINUM POLE BASE COVERS.
6. POLE CENTERLINE SHALL BE 1'-3" BEHIND BACK OF SIDEWALK FOR ADJACENT CURB AND SIDEWALK. FOR SEPARATED CURB AND SIDEWALK, POLE SHALL BE 1'-3" BEHIND BACK OF CURB.
7. LUMINAIRE ARMS SHALL BE OF THE TAPERED TUBULAR DESIGN.

CITY OF NEWMAN IMPROVEMENT STANDARDS

ELECTROLIER INSTALLATION



APPROVED BY:

DATE:

STD. DETAIL

4 - C



CITY OF NEWMAN IMPROVEMENT STANDARDS

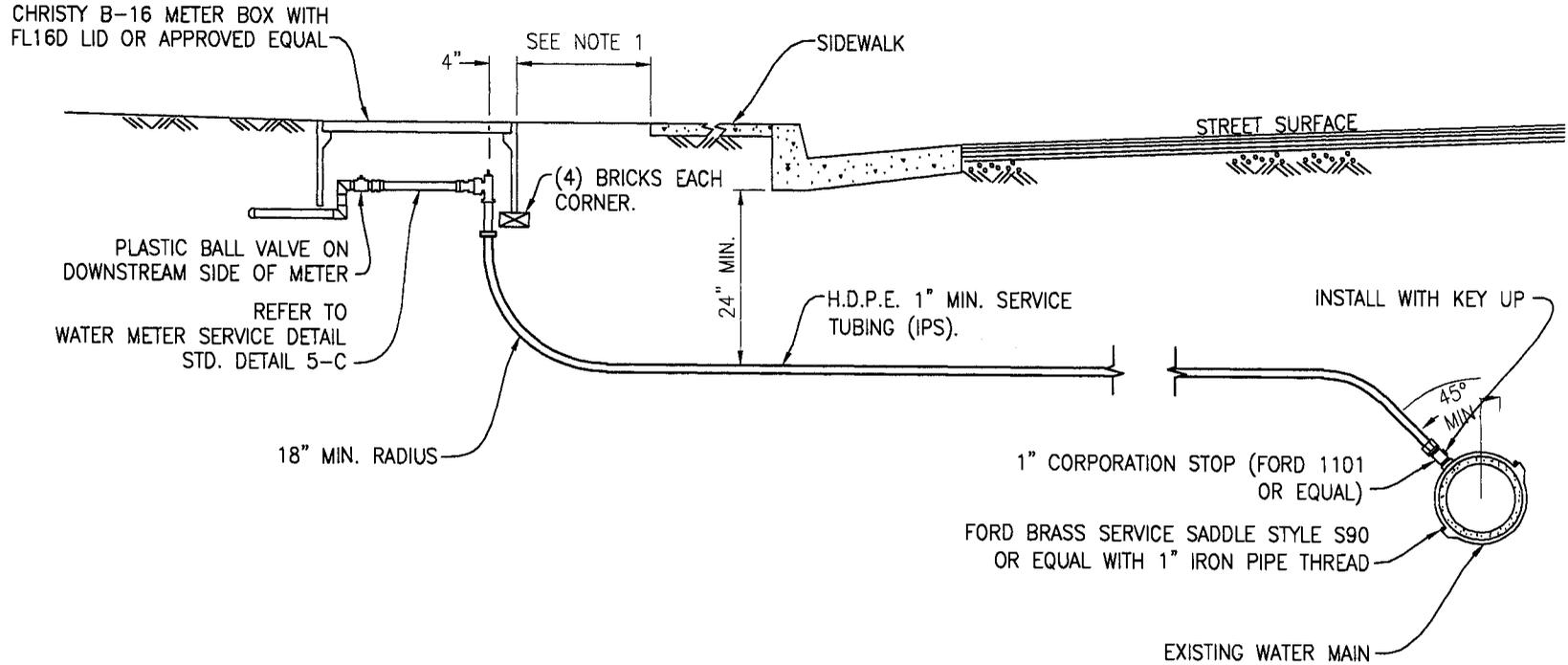
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1" DIAMETER WATER SERVICE

STD. DETAIL

5 - A

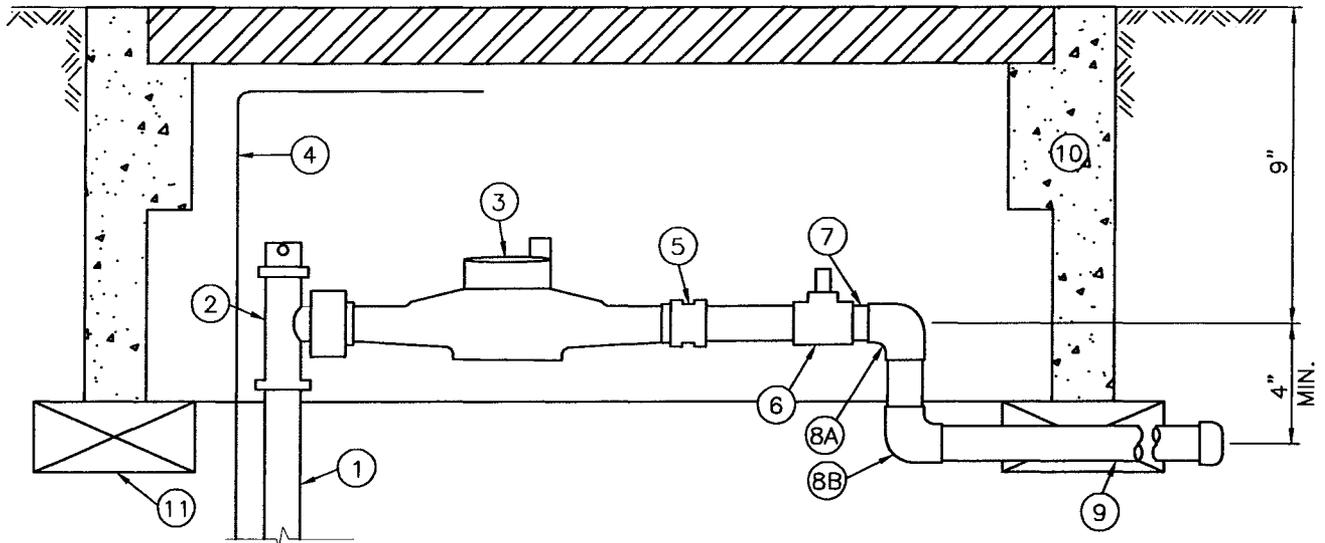


NOTES:

1. ONE FOOT FROM BACK OF SIDEWALK FOR ATTACHED CURB AND SIDEWALK. FOR AREAS WITH SEPARATED CURB AND SIDEWALK ONE FOOT FROM BACK OF CURB.
2. SERVICE LATERALS SHALL BE POLYETHYLENE PLASTIC PIPE (PE3408, SDR7, PR160 P.S.I.) IN IRON PIPE SIZES AND SHALL BE SUITABLE FOR TRANSPORTING POTABLE WATER. POLYETHYLENE PIPE SHALL COMPLY WITH A.S.T.M. STANDARD D2239.
3. TRAFFIC LID REQUIRED IF LOCATED IN TRAVELED AREA.
4. STAINLESS STEEL INSERT STIFFENERS SHALL BE USED INSIDE P.E. TUBING AT ALL PACK JOINT CONNECTIONS.
5. CURB STOPS SHALL BE DIRECTLY OPPOSITE SERVICE SADDLES UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER.
6. INSTALL TRACER WIRE ALONG SERVICE FROM MAIN TO METER.

NOTES

- ① SERVICE FROM MAIN
- ② ANGLE METER VALVE (FORD BA63 - 444W OR EQUAL FOR 1" SERVICE. FORD BFA43-777W OR EQUAL FOR 2" SERVICE)
- ③ METER - TO BE FURNISHED AND INSTALLED BY THE CITY
- ④ TRACER WIRE
- ⑤ 1" STRAIGHT METER COUPLING (MUELLER H-10896 OR EQUAL) FOR 1" SERVICE. 2" METER FLANGE BY 2" FEMALE IRON PIPE THREAD FOR 2" SERVICE.
- ⑥ PLASTIC BALL VALVE
- ⑦ SCHEDULE 80 THREADED PVC NIPPLE
- ⑧A SCHEDULE 40 THREADED X SLIP PVC ELBOW
- ⑧B SCHEDULE 40 SLIP X SLIP PVC ELBOW
- ⑨ SCHEDULE 40 PVC WITH CAP
- ⑩ METER BOX
- ⑪ BRICK (EACH CORNER OF BOX)



CITY OF NEWMAN IMPROVEMENT STANDARDS

WATER METER SERVICE DETAIL

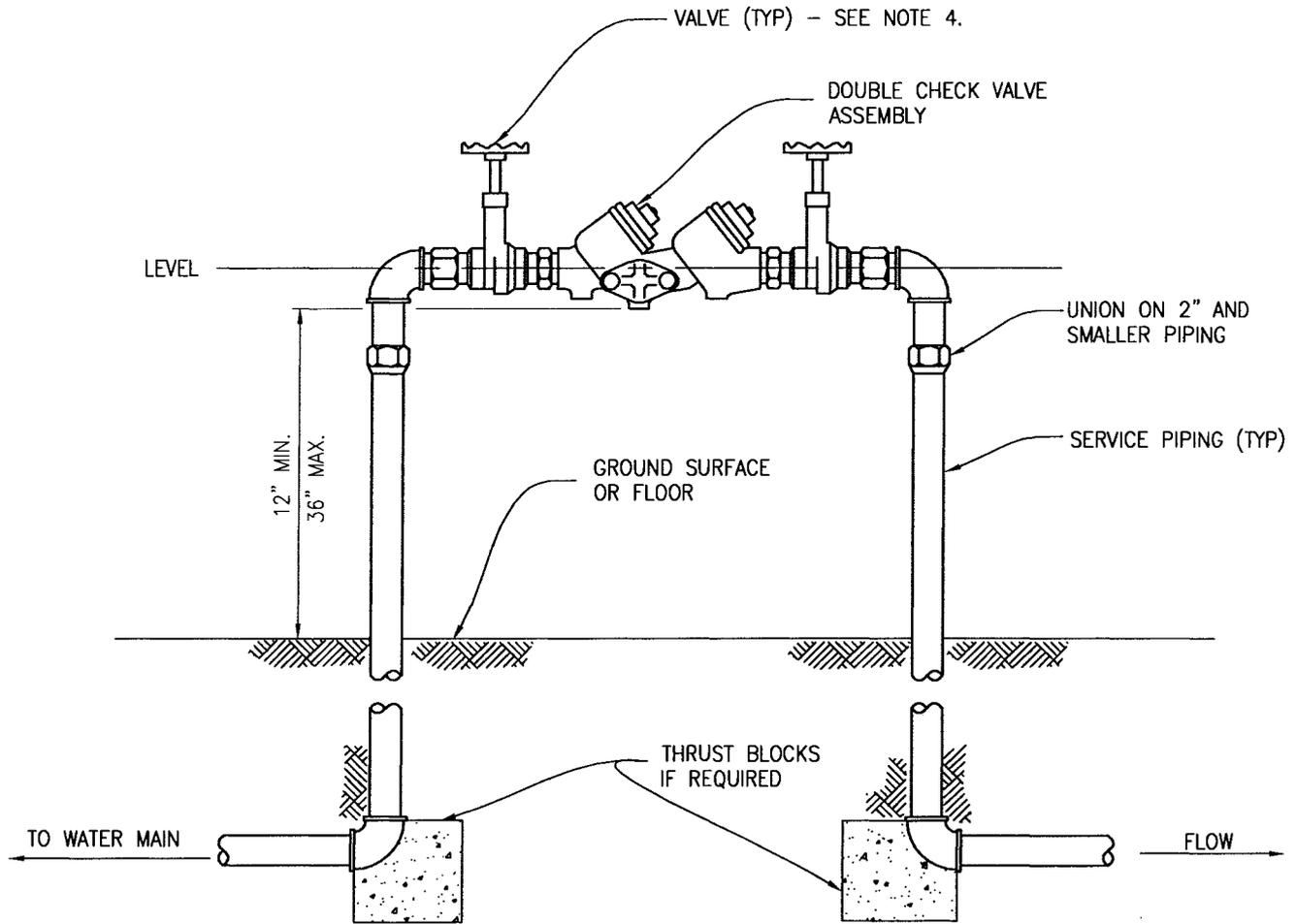


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STD. DETAIL

5 - C



NOTES:

1. MANUFACTURING AND MODEL NUMBER OF BACKFLOW PREVENTION ASSEMBLY SHALL BE APPROVED BY THE DIRECTOR PRIOR TO INSTALLATION.
2. ABOVE GROUND SERVICE PIPING FOR BACKFLOW PREVENTION DEVICES 2 INCHES IN DIAMETER AND SMALLER SHALL BE TYPE K COPPER OR BRASS. SERVICE LINES 4-INCH DIAMETER AND SMALLER BUT LARGER THAN 2-INCH IN DIAMETER SHALL BE GALVANIZED STEEL. WRAP ALL METALLIC PIPING BELOW GROUND AND WITHIN 6 INCHES OF GROUND SURFACE WITH 2 LAYERS OF 10-MIL CALPICO TAPE.
3. SUPPORTS WHERE PROVIDED SHALL NOT INTERFERE WITH TESTING AND MAINTENANCE.
4. BALL VALVES SHALL BE INSTALLED ON 2-INCH AND SMALLER BACKFLOW PREVENTION ASSEMBLIES. GATE VALVES SHALL BE UTILIZED ON BACKFLOW PREVENTION ASSEMBLIES LARGER THAN 2-INCH.
5. INSTALL AN INSULATING BAG AND EXPANDED METAL CAGE AS APPROVED BY DIRECTOR AROUND ASSEMBLY.
6. BACKFLOW PREVENTION ASSEMBLY SHOWN IS FOR NON-FIRE FLOW APPLICATION. BACKFLOW PREVENTION INSTALLATIONS FOR FIRE PREVENTION SHALL BE AS APPROVED BY THE FIRE CHIEF.

CITY OF NEWMAN IMPROVEMENT STANDARDS

DOUBLE CHECK VALVE BACKFLOW PREVENTER



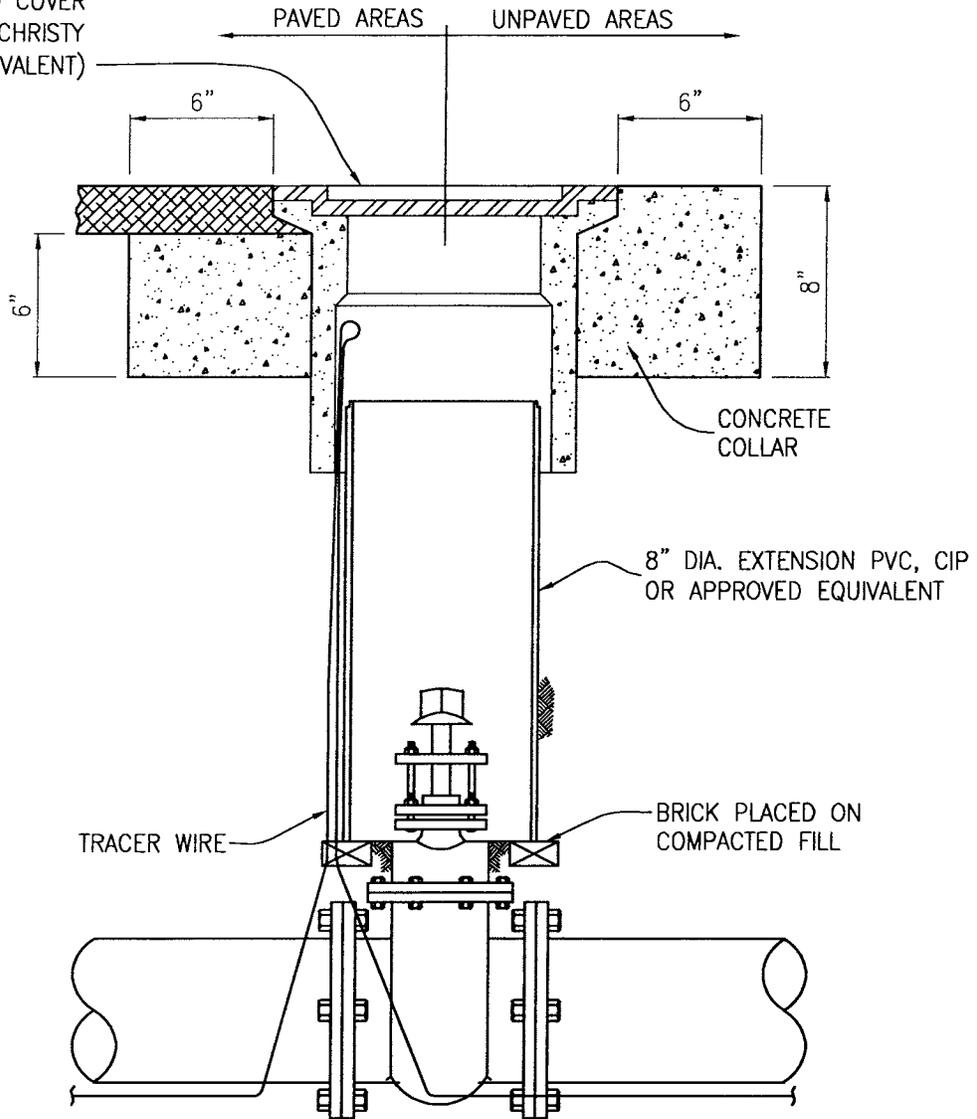
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STD. DETAIL

5 - E

VALVE BOX WITH CAST IRON FACE AND COVER MARKED WATER (CHRISTY G-5, OR EQUIVALENT)



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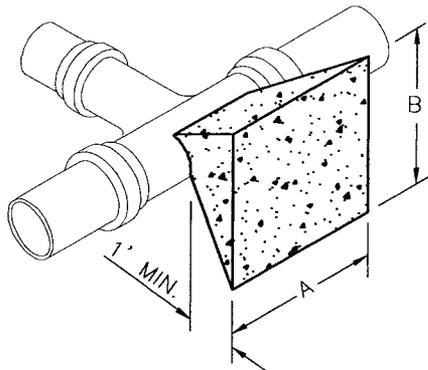
VALVE BOX DETAIL

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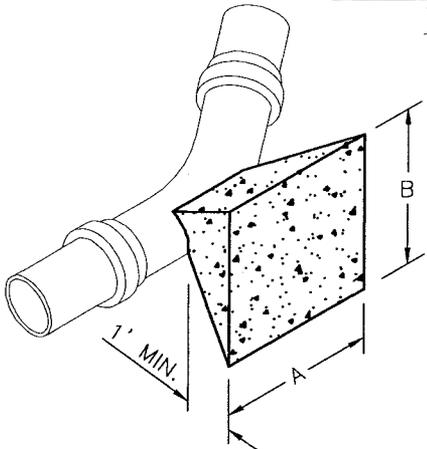
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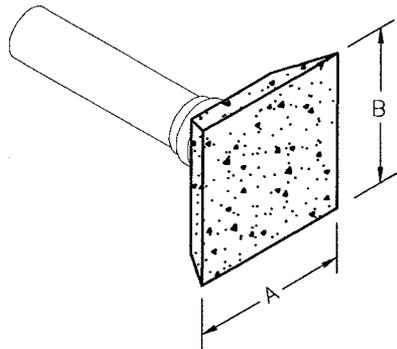
5 - G



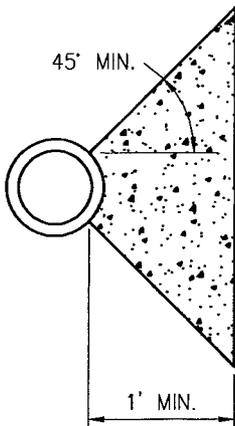
TYPICAL THRUST BLOCK  
TEE OUTLET



TYPICAL THRUST BLOCK  
CAST IRON BEND



TYPICAL THRUST BLOCK  
DEAD END



TYPICAL SECTION THROUGH  
THRUST BLOCK

THRUST BLOCK AREA REQUIRED

FITTINGS	ALLOWABLE SOIL BEARING VALUE	
	1,500 LBS. PER SQ. FT.	
6" LINE	"A"	"B"
22-1/2'	1'-6"	1'-0"
45'	2'-0"	1'-3"
90'	3'-0"	1'-6"
TEE OUTLET	2'-0"	1'-6"
DEAD END	2'-0"	1'-6"
8" LINE	"A"	"B"
22-1/2'	1'-6"	1'-6"
45'	2'-6"	1'-6"
90'	4'-0"	2'-0"
TEE OUTLET	2'-9"	2'-0"
DEAD END	2'-9"	2'-0"
10" LINE	"A"	"B"
22-1/2'	2'-3"	1'-6"
45'	3'-0"	2'-0"
90'	5'-0"	2'-6"
TEE OUTLET	3'-3"	2'-6"
DEAD END	3'-3"	2'-6"
12" LINE	"A"	"B"
22-1/2'	2'-6"	2'-0"
45'	4'-0"	2'-6"
90'	6'-0"	3'-0"
TEE OUTLET	4'-0"	3'-0"
DEAD END	4'-0"	3'-0"

NOTE:

1. ALL VALUES SHOWN ARE MINIMUM FOR A HYDROSTATIC PRESSURE OF 150 P.S.I. AND A SOIL RESISTANCE OF 1,500 LBS./SQ. FT. WITH A MINIMUM PIPELINE COVER OF 2'-6".
2. REDUCTION OF THE THRUST BLOCK SURFACE AREA WILL BE CONSIDERED UPON SUBMITTAL OF APPROVED SOIL BEARING TEST RESULTS GREATER THAN 1,500 LBS./SQ. FT.
3. ALL THRUST BLOCKS SHALL BE POURED AGAINST UNDISTURBED SOIL.
4. THRUST BLOCKS SHOWN ARE FOR HORIZONTAL THRUST RESTRAINT. FOR VERTICAL THRUST RESTRAINT, DETAILS SHALL BE PROVIDED BY DESIGN ENGINEER.

CITY OF NEWMAN IMPROVEMENT STANDARDS

THRUST BLOCK DETAILS

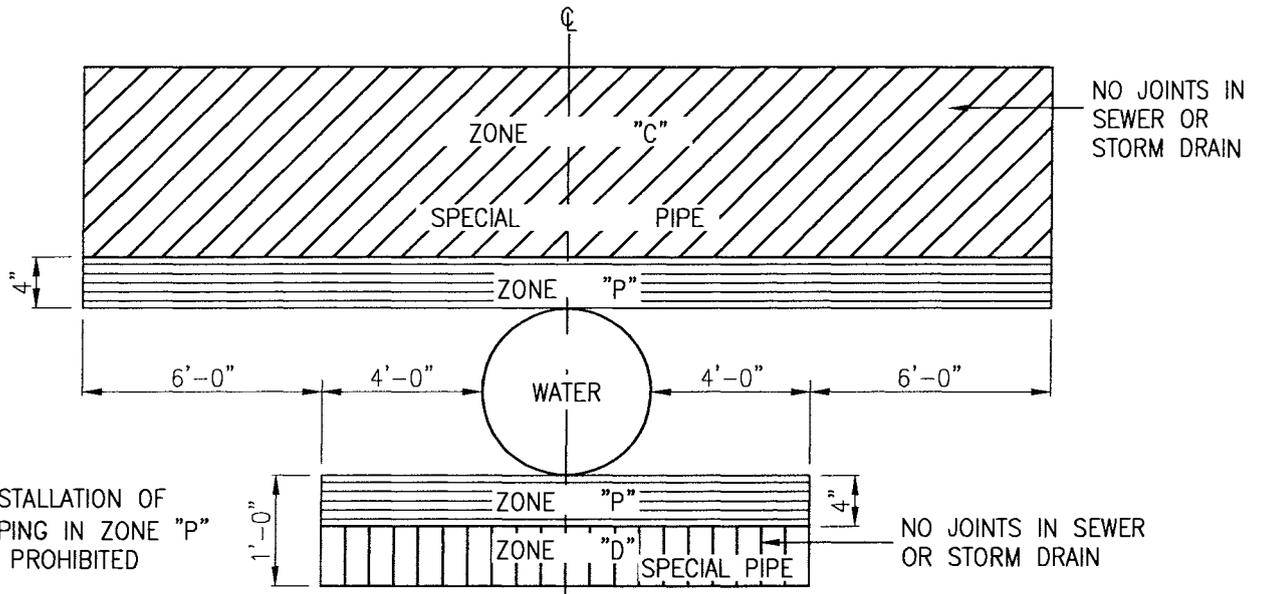


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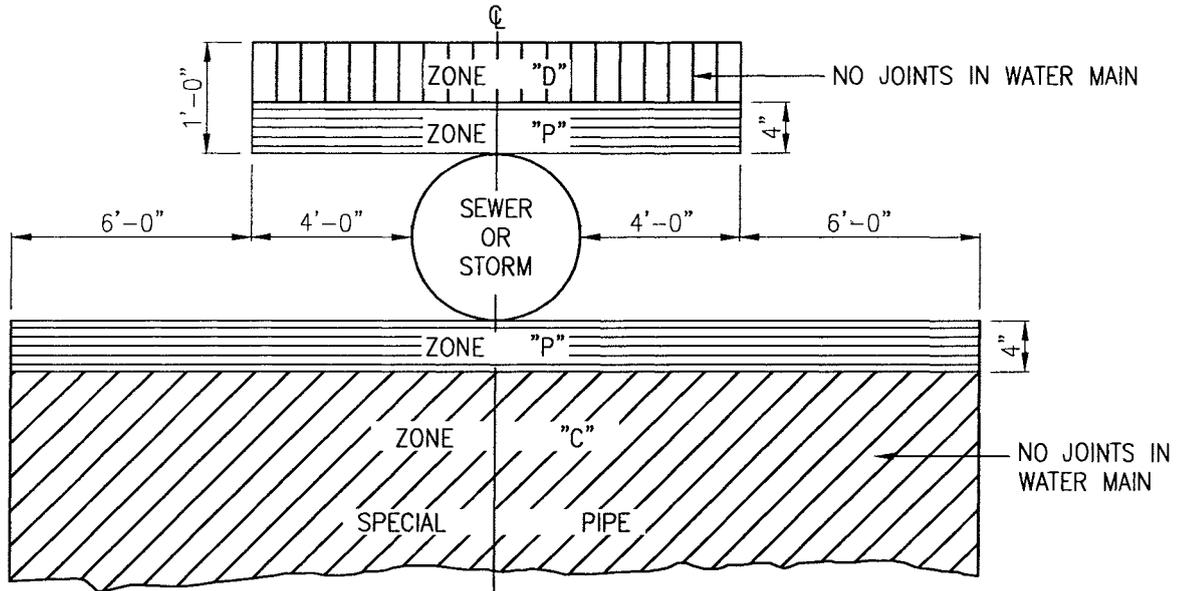
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STD. DETAIL

5-1



EXISTING WATERLINE - NEW SANITARY SEWER OR STORM DRAIN



EXISTING SEWER LINE OR STORM DRAIN - NEW WATERLINE

CITY OF NEWMAN IMPROVEMENT STANDARDS

CROSSINGS

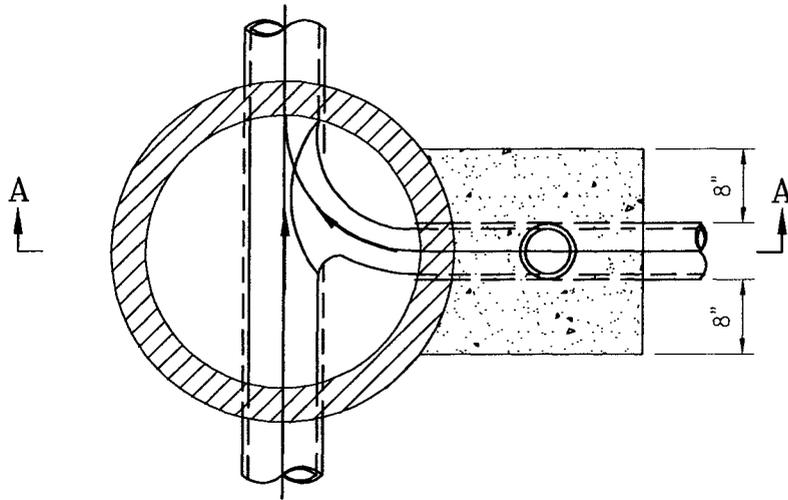


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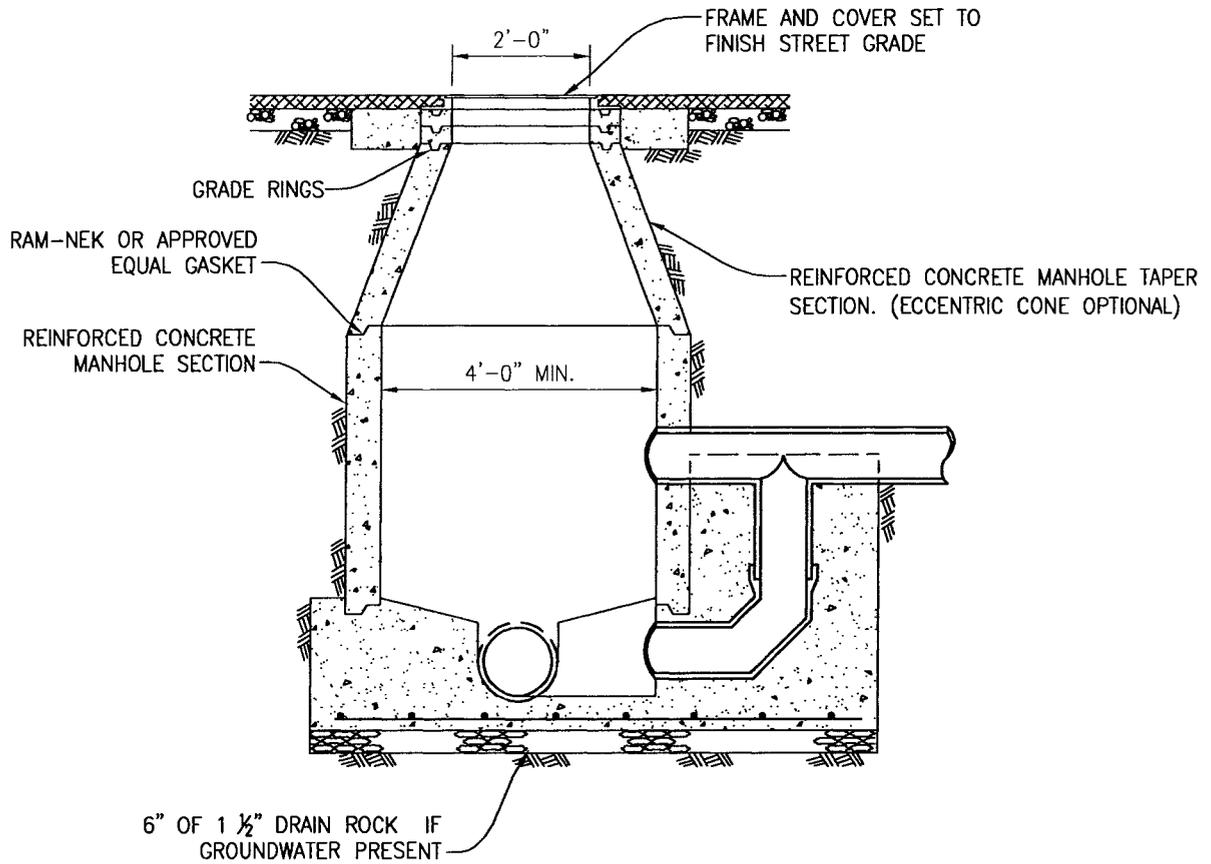
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5 - K



PLAN



SECTION "A-A"

NOTE:  
SEE STD. DETAIL 6-A FOR  
ADDITIONAL INFORMATION

CITY OF NEWMAN IMPROVEMENT STANDARDS

SANITARY SEWER DROP MANHOLE

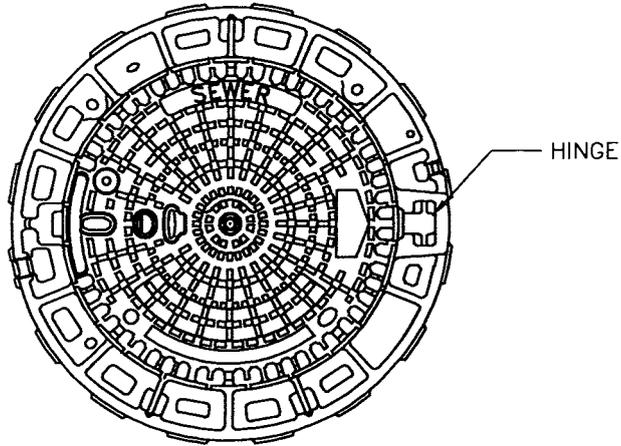


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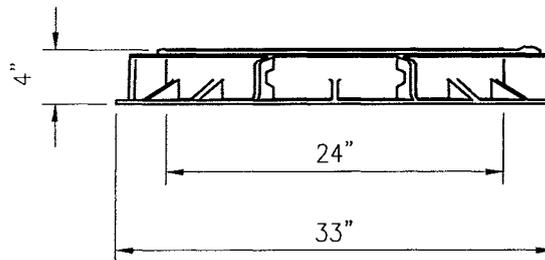
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6 - B



PLAN



ELEVATION

NOTES:

1. CERTAINTED PAMREX MANHOLE FRAME AND COVER SHALL BE UTILIZED.  
MINIMUM WEIGHT OF DUCTILE IRON FRAME AND COVER 195 LBS.

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CITY OF NEWMAN IMPROVEMENT STANDARDS



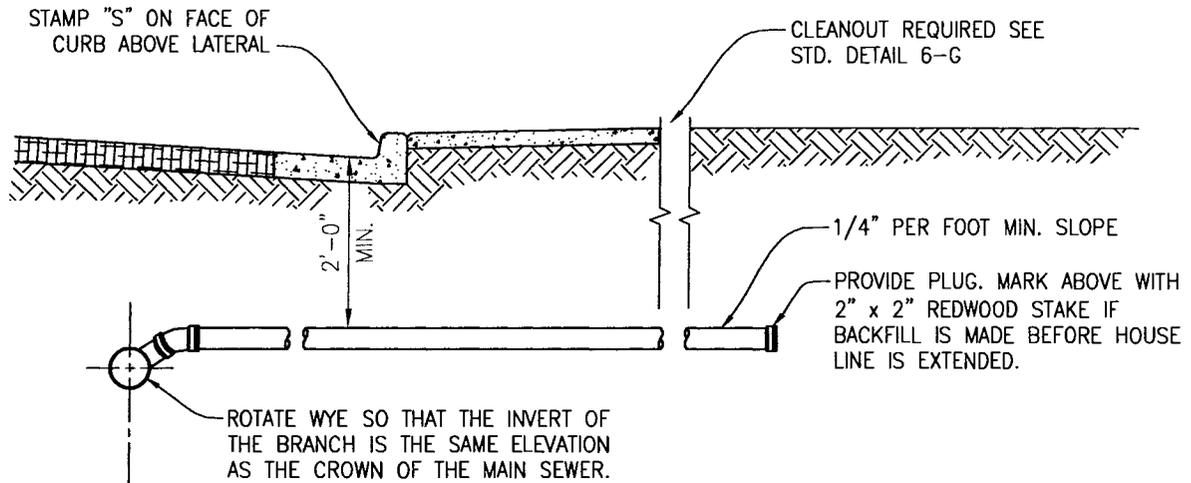
PAMREX MANHOLE FRAME AND COVER

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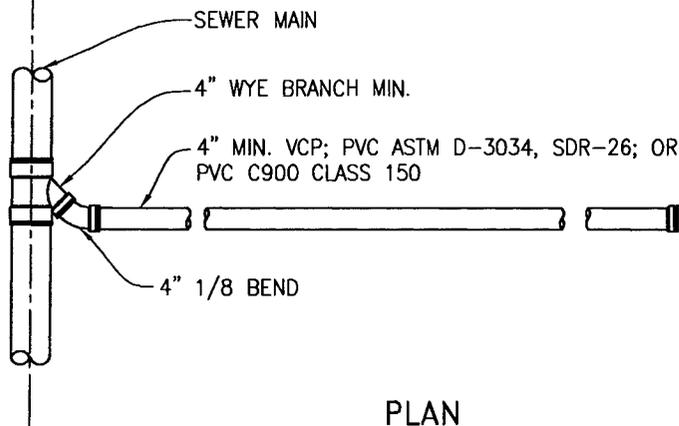
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6 - D



PROFILE



PLAN

NOTES:

1. LATERALS SHALL HAVE SAME BEDDING & BACKFILL AS SEWER MAIN. TRENCH WIDTH FOR 4-INCH OR SMALLER LINES SHALL BE SUFFICIENT TO ALLOW MECHANICAL COMPACTION OF BACKFILL AROUND CONDUIT.
2. SEWER SERVICE SHALL HAVE A MINIMUM OF 2 FEET COVER AT PROPERTY LINE WHENEVER LATERAL DEPTH AND SERVICE SLOPE OF 1/4 INCH PER FOOT (MIN.) PERMIT. SERVICE SHALL BE DEEP ENOUGH TO SERVE ADJACENT PROPERTY.
3. WHEN THE LATERAL SEWER DEPTH IS SUCH THAT 2 FEET COVER AT PROPERTY LINE CANNOT BE MET, THE LATERAL MUST BE ENCASED IN CONCRETE IN THE TRAVELED RIGHT OF WAY OR PVC PIPE MEETING THE REQUIREMENTS OF AWWA C900 CLASS 150 SHALL BE USED.

CITY OF NEWMAN IMPROVEMENT STANDARDS

4-INCH SEWER SERVICE

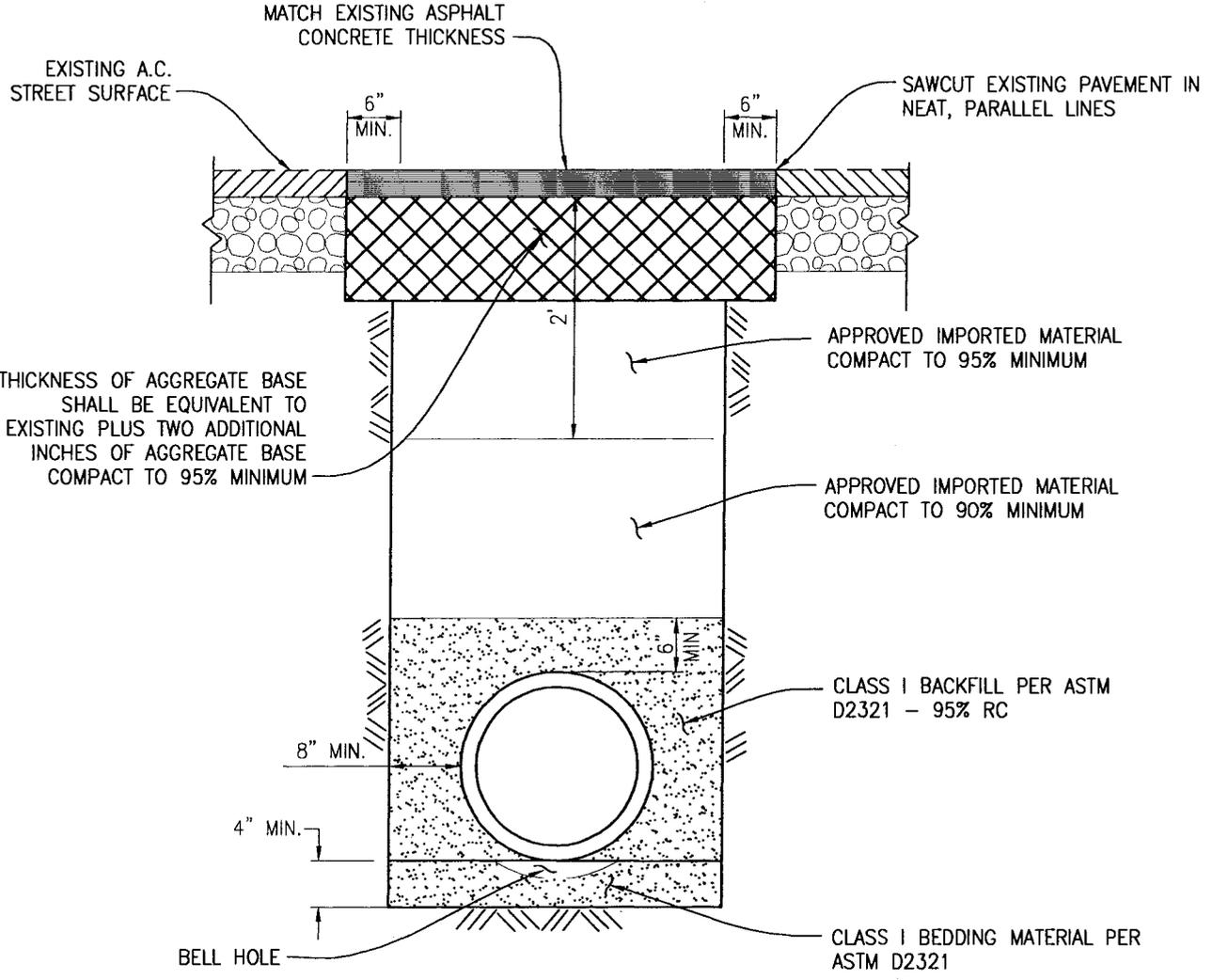


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STD. DETAIL

6 - F



NOTES:

1. IF THE BOTTOM OF TRENCH IS SOFT OR UNSTABLE, IT SHALL BE OVER-EXCAVATED 1 FOOT BELOW GRADE AND BACKFILLED WITH APPROVED IMPORTED MATERIAL.
2. TRENCHES NOT IN PAVED AREAS SHALL BE RESTORED TO MATCH EXISTING SURFACE CONDITIONS.
3. SOIL DENSITIES ARE EXPRESSED AS A PERCENTAGE OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D 1557.

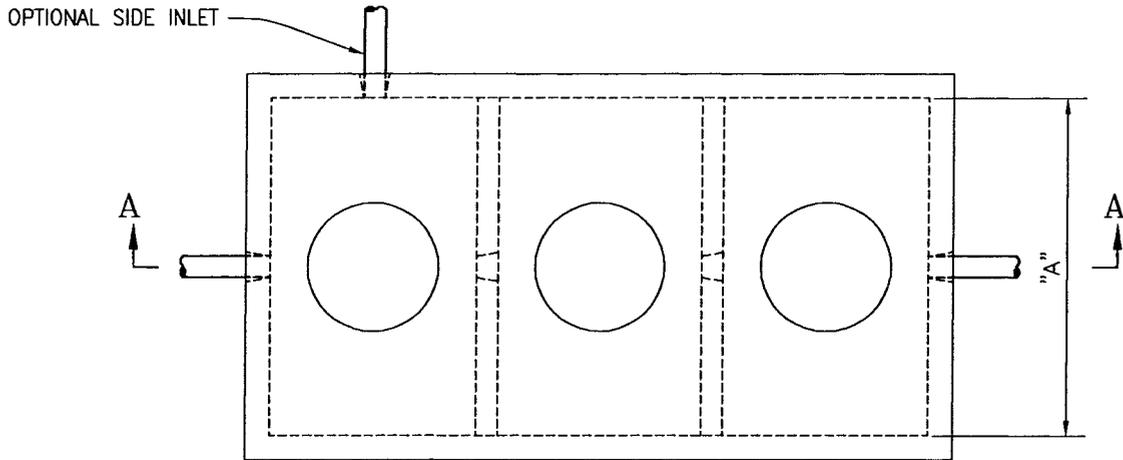
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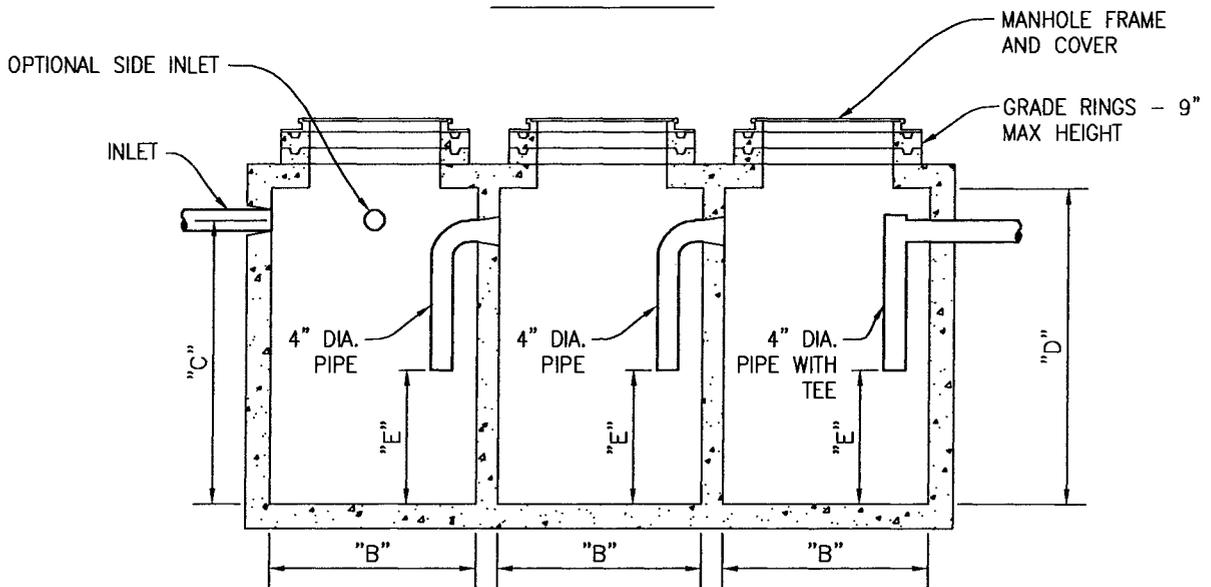
CITY OF NEWMAN IMPROVEMENT STANDARDS

FLEXIBLE WALL PIPE BACKFILL

APPROVED BY:	DATE:	STD. DETAIL	6 - H
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PLAN VIEW



SECTION "A-A"

NOTES:

1. GREASE AND OIL INTERCEPTOR SHOWN IS TO PROTECT PUBLIC IMPROVEMENTS NOT PRIVATE IMPROVEMENTS. SEPARATE KITCHEN GREASE INTERCEPTOR MAY BE REQUIRED.
2. PROVIDE CLEANOUTS AND VENTS AS REQUIRED BY PLUMBING CODE.
3. WALL THICKNESS AND REINFORCING STEEL FOR INTERCEPTORS TO BE DETERMINED BY MANUFACTURER.

CAPACITY GALLONS	DIMENSIONS				
	A	B	C	D	E
1,000	3'-3"	3'-2"	4'-5"	4'-3"	2'-0"
1,500	5'-0"	3'-2"	4'-5"	4'-3"	2'-0"

CITY OF NEWMAN IMPROVEMENT STANDARDS

GREASE & OIL INTERCEPTOR

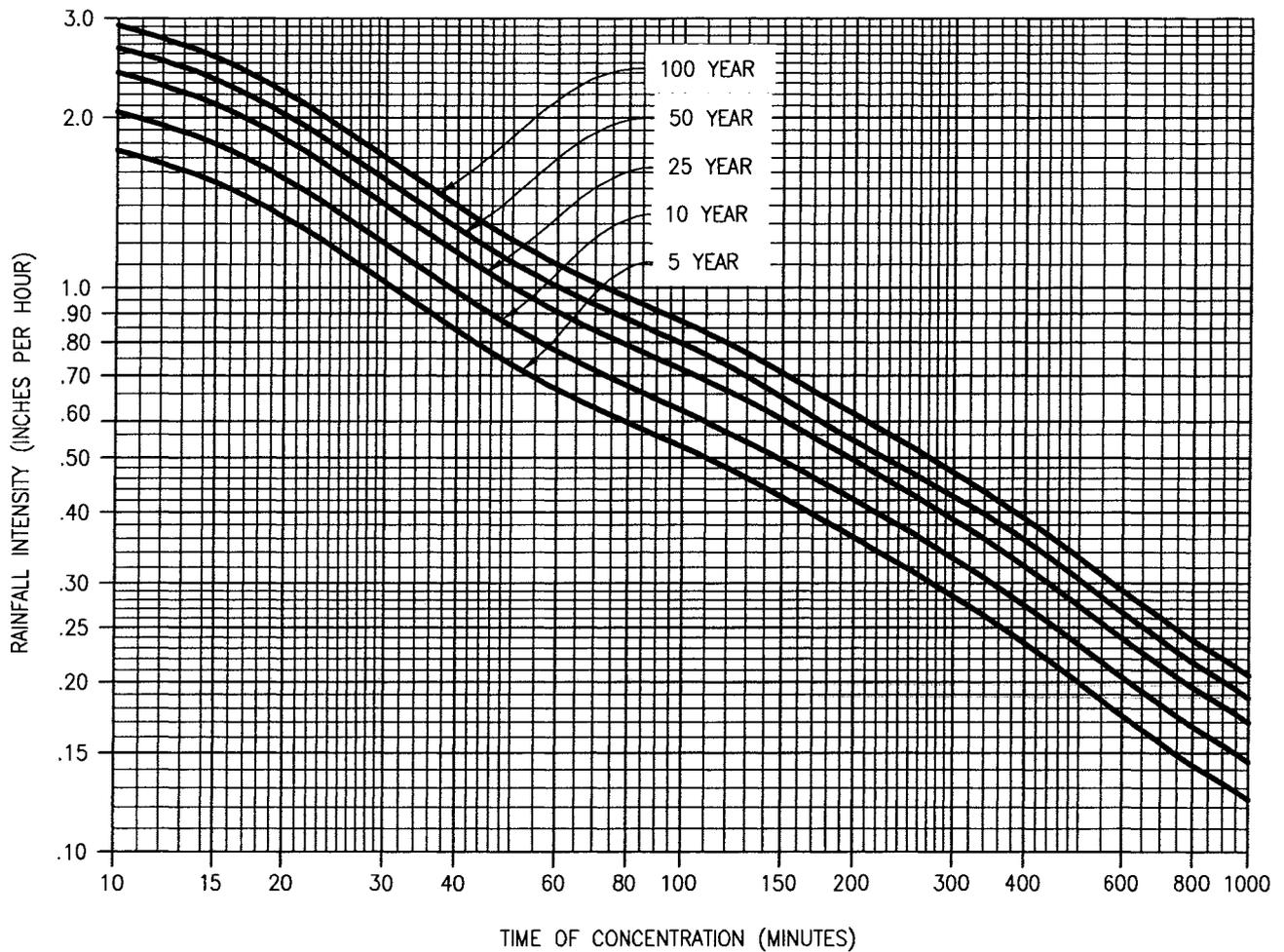


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STD. DETAIL

6 - J



NOTES:

1. ALL STORM DRAINAGE PIPING SHALL BE DESIGNED TO HANDLE A STORM WITH A MINIMUM RETURN INTERVAL OF 10 YEARS.
2. ROOF TO GUTTER TIME SHALL BE ASSUMED TO BE 20 MINUTES.
3. THE 10 YEAR-24 HOUR RAINFALL IS 2.55 INCHES.
4. THE 50 YEAR-24 HOUR RAINFALL IS 3.32 INCHES.
5. THE 100 YEAR-24 HOUR RAINFALL IS 3.63 INCHES

RUNOFF COEFFICIENTS	
ZONING	"c"
R1, R2	0.50
R3	0.60
COMMERCIAL	0.80
INDUSTRIAL	0.70

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# CITY OF NEWMAN IMPROVEMENT STANDARDS



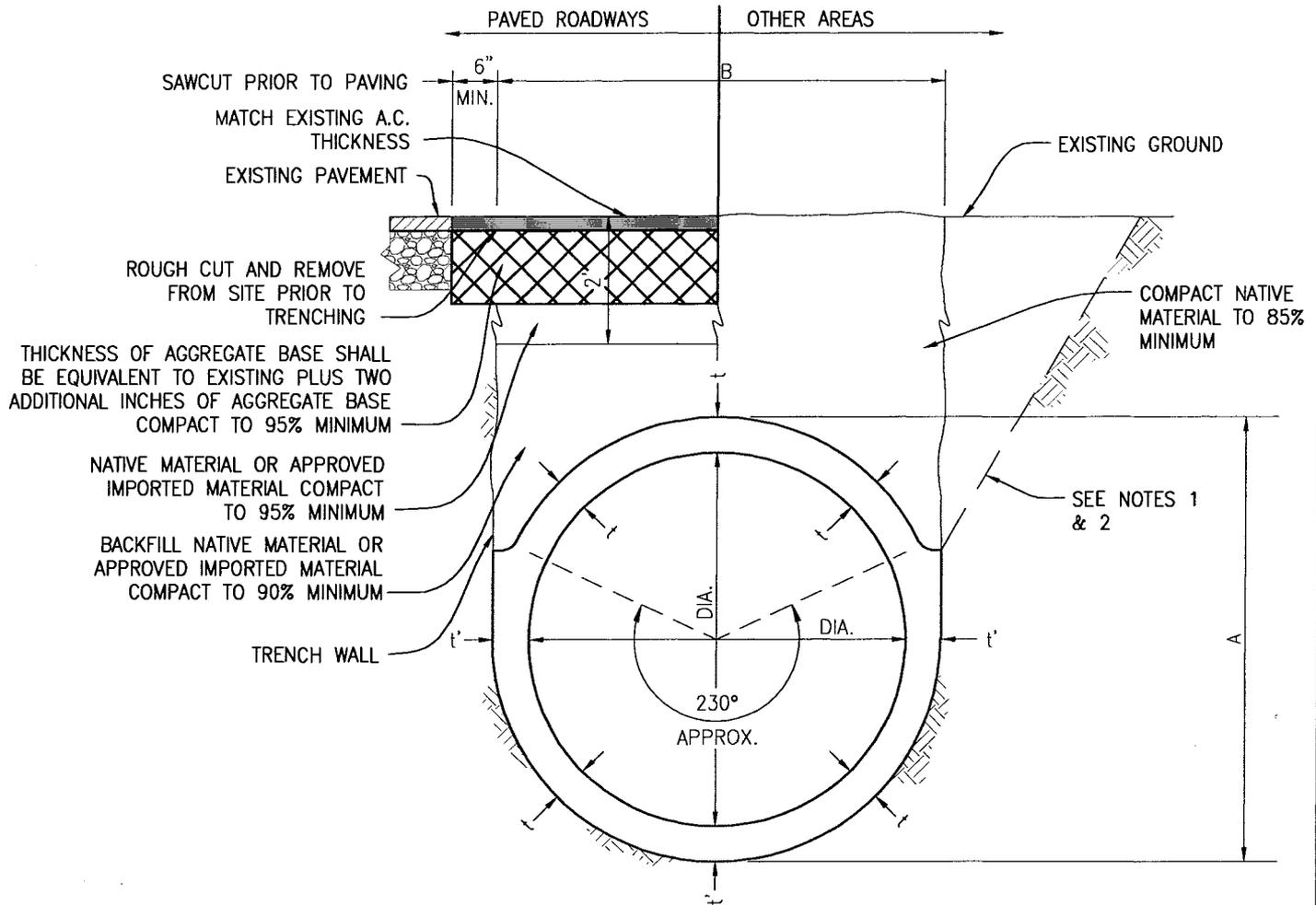
## RAIN INTENSITY FREQUENCY CURVES

APPROVED BY:

DATE:

STD. DETAIL

7-B



THICKNESS OF AGGREGATE BASE SHALL BE EQUIVALENT TO EXISTING PLUS TWO ADDITIONAL INCHES OF AGGREGATE BASE COMPACT TO 95% MINIMUM

NATIVE MATERIAL OR APPROVED IMPORTED MATERIAL COMPACT TO 95% MINIMUM

BACKFILL NATIVE MATERIAL OR APPROVED IMPORTED MATERIAL COMPACT TO 90% MINIMUM

DIA.	A	MIN. B	t	t'
30"	36"	37"	3"	3"
36"	43"	44"	3 1/2"	3 1/2"
42"	50"	51"	4"	4"
48"	58"	59"	5"	5"
54"	65"	66"	5 1/2"	5 1/2"
60"	72"	73"	6"	6"
66"	79"	80"	6 1/2"	6 1/2"
72"	86"	87"	7"	7"
84"	100"	101"	8"	8"
96"	114"	115"	9"	9"

TYPICAL PIPE SECTION  
30" THRU 96"

NOTES:

1. THE CONTRACTOR SHALL SUBMIT A DETAILED PLAN TO THE CITY ENGINEER PRIOR TO EXCAVATION, SHOWING DESIGN OF SHORING, BRACING, SLOPING OR OTHER PROVISIONS TO BE MADE FOR WORKER PROTECTION, IN ACCORDANCE WITH SECTION 6422 OF THE LABOR CODE OF CALIFORNIA.
2. THE MINIMUM REQUIRED WORKER PROTECTION SHALL BE AS DESCRIBED IN THE CONSTRUCTION SAFETY ORDERS OF THE DIVISION OF INDUSTRIAL SAFETY. VARIANCES THEREFROM SHALL BE PREPARED AND SIGNED BY A REGISTERED CIVIL ENGINEER OF THE STATE OF CALIFORNIA.
3. TRENCHES IN EXISTING PAVED AREAS SHALL BE EXCAVATED VERTICALLY, OR TO THE MOST NARROW PRACTICAL WIDTH AS SOIL CONDITIONS WILL PERMIT.
4. SOIL DENSITIES ARE EXPRESSED AS A PERCENTAGE OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D 1557.

CITY OF NEWMAN IMPROVEMENT STANDARDS

C.I.P.P. STORM DRAIN AND TRENCH



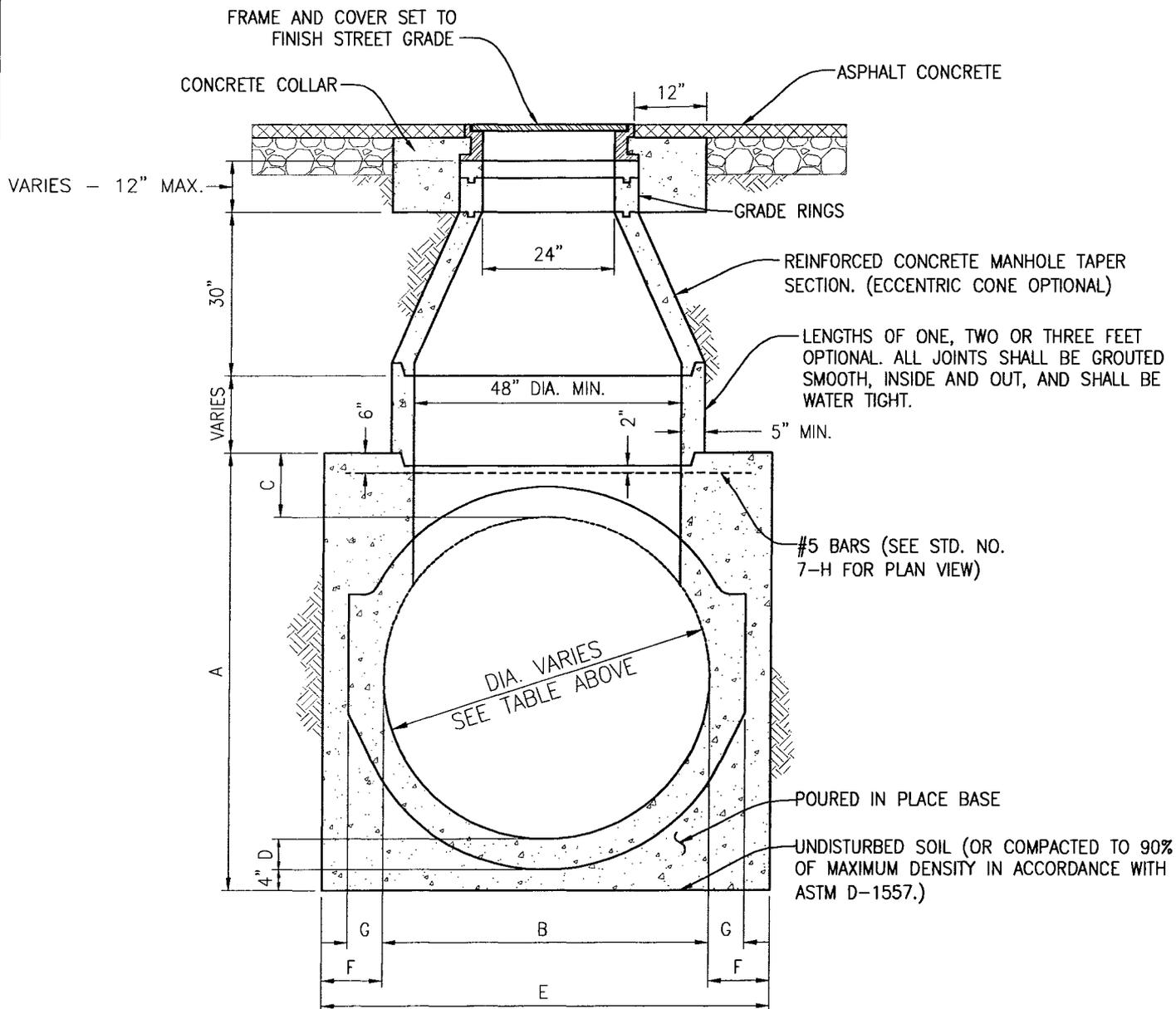
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STD. DETAIL

7 - D

DIA.	A	B	C	D	E	F	MIN. G
54"	75"	54"	11 1/2"	5 1/2"	75"	10 1/2"	5 1/2"
60"	82"	60"	12"	6"	82"	11"	6"
66"	89"	66"	12 1/2"	6 1/2"	89"	11 1/2"	6 1/2"
72"	96"	72"	13"	7"	96"	12"	7"
84"	110"	84"	14"	8"	110"	13"	8"
96"	124"	96"	15"	9"	124"	14"	9"



# CITY OF NEWMAN IMPROVEMENT STANDARDS

## STORM DRAIN MANHOLE FOR 54" - 96" C.I.P.P.

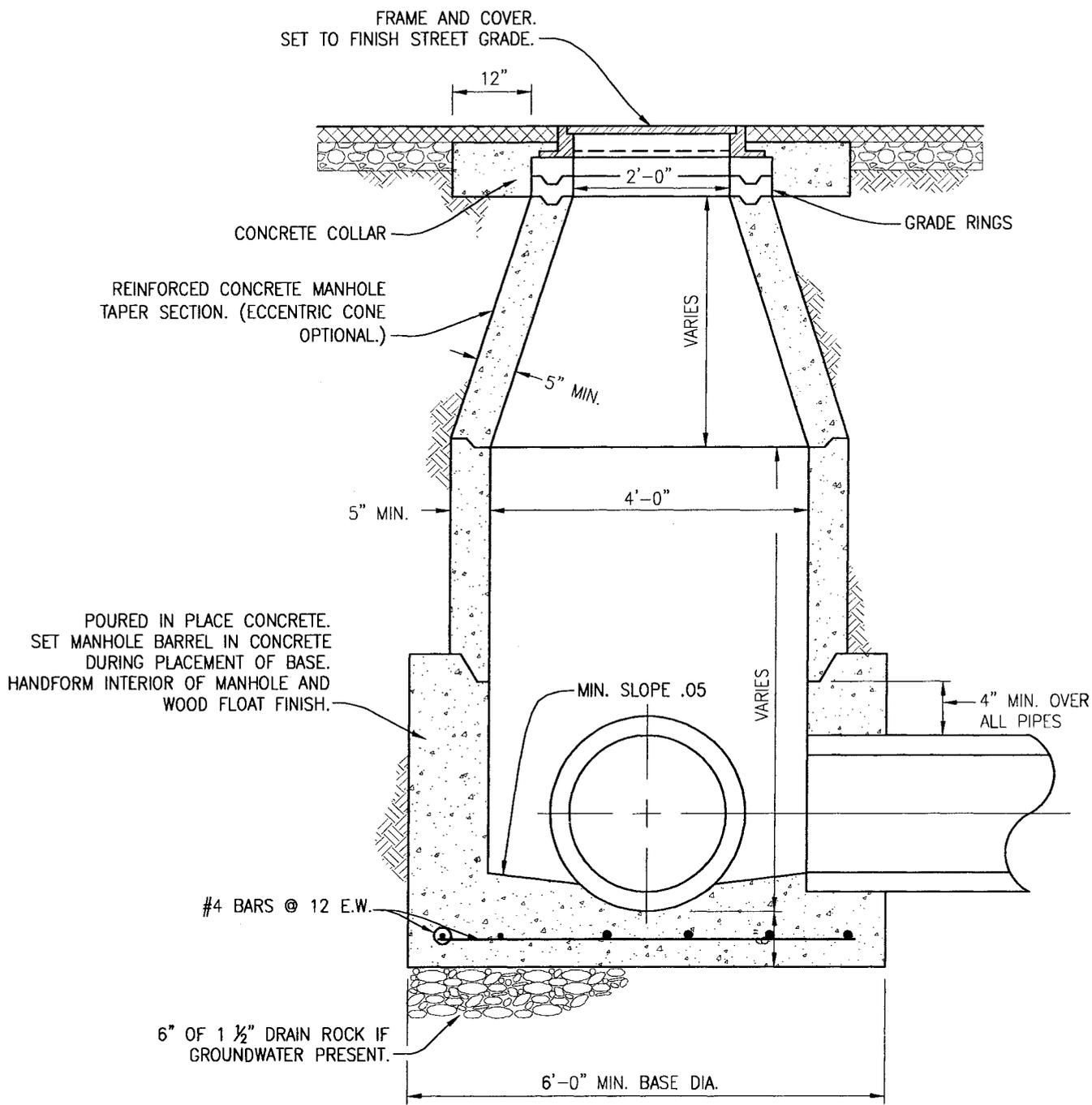


APPROVED BY:

DATE:

STD. DETAIL

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CITY OF NEWMAN IMPROVEMENT STANDARDS

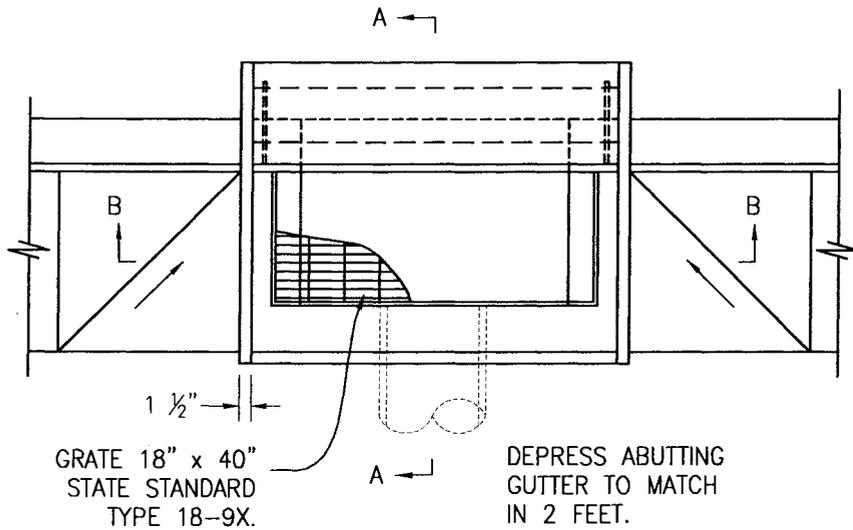
STORM DRAIN MANHOLE



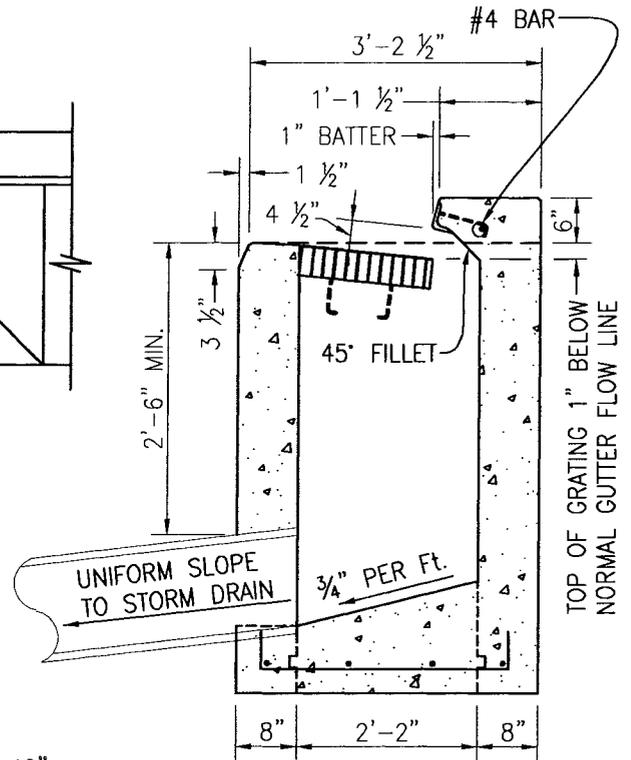
APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

STD. DETAIL **7 - H**

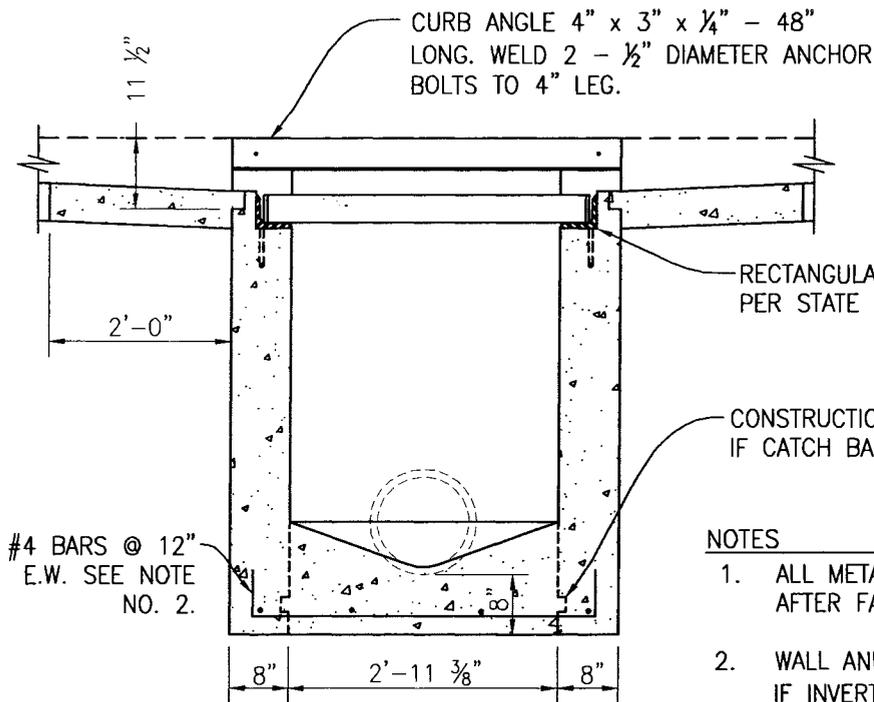
Jul 08, 2009 - 3:44pm  
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PLAN



SECTION A-A



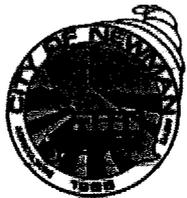
SECTION B-B

NOTES

1. ALL METAL SHALL BE HOT DIP GALVANIZED AFTER FABRICATION.
2. WALL AND FLOOR REINFORCING NOT REQUIRED IF INVERT LESS THAN 8' DEEP, OTHERWISE USE No. 4 BARS AT 12" EACH WAY, CENTER IN WALLS.

CITY OF NEWMAN IMPROVEMENT STANDARDS

TYPE 'A' CATCH BASIN

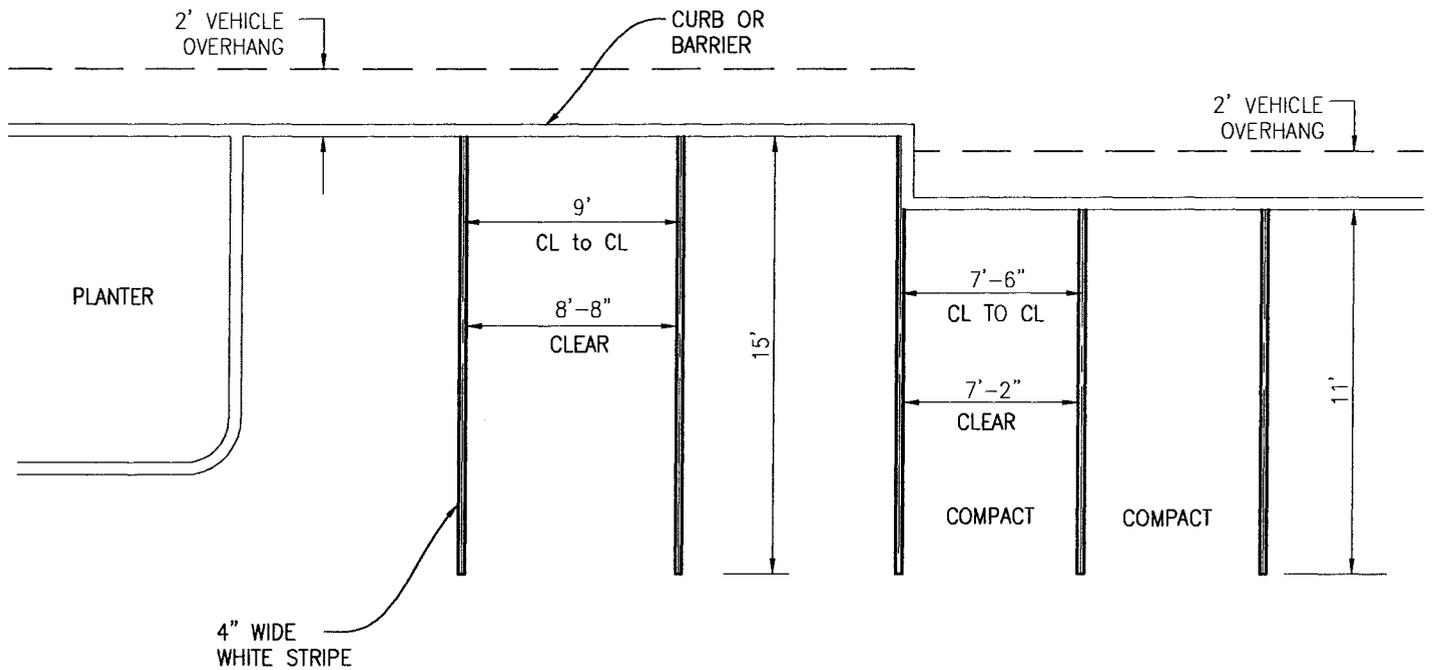


APPROVED BY:

DATE:

STD. DETAIL

7 - J



NOTE:  
STALL STRIPE IS SHORTER THAN LENGTH OF STALL.

Jul 08, 2009 - 3:46pm  
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# CITY OF NEWMAN IMPROVEMENT STANDARDS

## TYPICAL PARKING STALL STRIPING

APPROVED BY:

DATE:

STD. DETAIL

8 - B

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.e.**  
City Council Meeting  
of July 14, 2009

**APPROVE RESOLUTION FOR THE PICK-UP OF EMPLOYEE CONTRIBUTIONS TO  
CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM (CALPERS)**

**RECOMMENDATION:**

It is recommended that the City Council consider:

1. Adopt Resolution No. 2009- , approving the pick-up of employee contributions to CalPERS

**BACKGROUND:**

Internal Revenue Code (IRC) Section 414(h)(2) allows public agencies to designate required employee contributions as being "picked-up" by the employer and treated as employer contributions for tax purposes. The effect of a pick-up is to defer tax on employee contribution amounts until the member retires and receives retirement benefits.

Revenue Ruling 2006-43 provides, in general, that an employee contribution will not be treated as "picked-up" under IRC 414(h)(2) unless:

1. The employer specifies that the contributions, although designated as employee contributions, are being paid by the employer, and
2. The employer does not permit participating employees to opt out of the pick up or to receive the contributed amounts directly instead of having them paid by the employer plan.

**ANALYSIS:**

Absent the 414(h)(2) provision applicable to governmental plans, employee contributions to a defined benefit pension plan qualified under Section 401(a) would automatically be after-tax contributions (e.g. taxable income to the employee at the time the contribution was made).

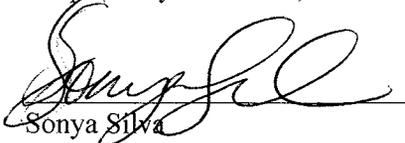
**FISCAL IMPACT:**

The fiscal impact lies with the employees, absent the attached resolution all Employee Contributions would be taxable income to the employee at the time the contribution is made (semi-monthly). There is no fiscal impact to the City.

**CONCLUSION:**

Staff recommends that the Council approve the resolution implementing the provisions of section 414(h)(2) of the Internal Revenue Code.

Respectfully submitted,

  
Sonya Silva  
Finance Director

**REVIEWED/CONCUR:**

  
Michael E. Holland  
City Manager

**RESOLUTION 2009-**

**A RESOLUTION FOR EMPLOYER PICK-UP**

**WHEREAS**, the City of Newman has the authority to implement the provisions of section 414(h) (2) of the Internal Revenue Code (IRC); and

**WHEREAS**, the Board of Administration of the Public Employees' Retirement System adopted its resolution regarding section 414(h) (2) IRC on September 18, 1985; and

**WHEREAS**, the Internal Revenue Services has stated in December 1985, that the implementation of the provisions of section 414(h)(2) IRC pursuant to the Resolution of the Board of Administration would satisfy the legal requirement of section 414(h)(2) IRC; and

**WHEREAS**, the City of Newman has determined that even though the implementation of the provisions of section 414(h) (2) IRC should be provided to its employees who are member of the Public Employees' Retirement System:

**NOW, THEREFORE, BE IT RESOLVED:**

- I. That the City of Newman will implement the provisions of section 414(h) (2) Internal Revenue Code by making employee contributions pursuant to California Government Code section 20691 to the Public Employees' Retirement System on behalf of its employees who are members of the Public Employees' Retirement System. "Employee contributions" shall mean those contributions to the Public Employees' Retirement System which are deducted from the salary of employees and are credited to individual employee's accounts pursuant to California Government Code section 20691.
- II. That the contributions made by the City of Newman to the Public Employees' Retirement System, although designated as employee contributions, are being paid by the City of Newman in lieu of contributions by the employees who are members of the Public Employees' Retirement System.
- III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the City of Newman to the Public Employees' Retirement System.
- IV. That the City of Newman shall pay to the Public Employees' Retirement System the contribution designated as employee contributions from the same source of funds as used in paying salary.
- V. That the amount of the contributions designated as employees contributions and paid by the City of Newman to the Public Employees' Retirement System on behalf of an employee shall be the entire contribution required of the employee by the Public Employees' Retirement Law (California Government Code sections 20000, et seq.).
- VI. That the contributions designated as employee contributions made by the City of Newman to the Public Employees' Retirement System shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the Public Employees' Retirement System.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14<sup>th</sup> day of July, 2009 by \_\_\_\_\_, 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