

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING SEPTEMBER 8, 2009
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters
7. Items from the Public - Non-Agenda Items.
8. Consent Calendar
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants.
 - c. Approval Of Minutes Of The August 25, 2009 Regular Meeting.
9. Public Hearings
 - a. Conduct Public Hearing And Approve The Consolidated Annual Performance And Evaluation Report (CAPER) For The Community Development Block Grant (CDBG) Program.
 - b. Second Reading And Adoption Of Ordinance No. 2009- , Amending Title 10 Traffic Regulations And Authorization To Publish A Summary Of Said Ordinance.
10. Regular Business
 - a. Authorize The City Manager To Execute A Contract With Eco:Logic Engineering For On-Call Consulting Services.
11. Items From District Five Stanislaus County Supervisor.
12. Items From The City Manager And Staff.
13. Items From City Council Members.
14. Adjournment.

Calendar of Events

September 2-6 - Fall Festival

September 8 - City Council - 7:00 P.M.

September 10 - Recreation Commission - 7:00 P.M.

September 14 - Baseball Board Meeting - 6:00 P.M.

September 16 - Mayors Meeting - 6:00 P.M. - Patterson

September 17 - Planning Commission - 7:00 P.M.

September 21 - Two-On-Two Meeting With The School Board - 4:30 P.M.

September 22 - City Council - 7:00 P.M.

Date.: Sep 3, 2009
Time.: 4:14 pm
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 1
List.: NEW1
Group: PYCPDP

| Ck # | Check Date | CK Amount | Vendor Name | Description |
|------------|------------|-----------|---------------------------|--|
| 036408 | 09/04/09 | 23522.24 | STANISLAUS COUNTY OFFICE | TAX INCREMENT PASS THRU/FISCAL 08/09 |
| 036409 | 09/04/09 | 22.04 | WESTSIDE ANIMAL CLINIC | COMMUNAL CREMATION |
| 036409 | 09/04/09 | 91.65 | WESTSIDE ANIMAL CLINIC | OFFICE VISIT/EXAM HEALTH CHECK/BOARDING |
| 036409 | 09/04/09 | 143.30 | WESTSIDE ANIMAL CLINIC | OFFICE VISIT/HEALTH EXAM/BOARDING FEE |
| 036409 | 09/04/09 | 91.65 | WESTSIDE ANIMAL CLINIC | OFFICE VISIT/HEALTH EXAM/BOARDING FELINE |
| 036409 | 09/04/09 | 25.52 | WESTSIDE ANIMAL CLINIC | EUTHANASIA/COMMUNAL CREMATION |
| 036410 | 09/04/09 | 30177.15 | YOSEMITE COMM COLLEGE DIS | TAX INCREMENT PASS THRU FOR FISCAL 08/09 |
| Sub-Total: | | 54073.55 | | |
| Grn-Total: | | 54073.55 | | |
| Count: | | 7 | | |

REPORT.: Sep 03 09 Thursday
UN. ~~Sep 03 09~~ e: 09:48
un By.: EMILY M.

CITY OF NEWMAN
Invoice/Pre-Paid Check Audit Trail
Batch A90903 - 09:48

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

*** VENDOR.: DEPA2 (DEPART OF HEALTH SERVICES)

| INVOICE-TYPE DESCRIPTION | PERIOD | DATE | TERM-DESCRIPTION | G/L ACCOUNT No |
|---|--------|----------------|-----------------------|----------------|
| A90831-P RE-EXAM/WATER TREATMENT OPERATOR/CANTU | 08-09 | 08/31/09 N N N | -Unknown Discount Trm | 99 1000 |

| line | Description | G/L Account No | Unit(s) | Unit Cost | Amount |
|--|--|----------------|---------|-----------|--------|
| 001 | RE-EXAM/WATER TREATMENT OPERATOR/CANTU | 63 6635 56 | 1 | 30.00 | 30.00 |
| (WATER FUND Due/Publication WATER DEPT) | | | | | |
| and Check # 036337 Date.: 08/31/09 Paid This Invoice | | | | | -30.00 |

| | |
|--------------------------|-------|
| Invoice Extension ----> | .00 |
| Vendor Total -----> | 30.00 |
| ===== | |
| ** Total Invoices -----> | .00 |
| ** Total Checks -----> | 30.00 |
| ----- | |
| *** Total Purchases ---> | 30.00 |
| ===== | |

Date.: Sep 3, 2009
Time.: 10:24 am
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 1
List.: NEW1
Group: PYCPDP

| Ck # | Check Date | CK Amount | Vendor Name | Description |
|--------|------------|-----------|--------------------------------|---|
| 036210 | 08/31/09 | -1700.00 | MENEZES SALES | Ck# 036210 Reversed |
| 036338 | 09/04/09 | 200.00 | VERONICA C. ALCANTER | REFUND MEM BLDG DEPOSIT/CANCELLED USE/ALCANTAR |
| 036339 | 09/04/09 | 196.15 | ARROWHEAD MOUNTAIN SPRING | BOTTLED WATER/JULY 31, 2009/ALL DEPTS |
| 036340 | 09/04/09 | 1500.00 | ASI ADMINISTRATIVE SOLUT | PRE-PAID DENTAL/VISION DEPOSIT |
| 036341 | 09/04/09 | 3.39 | AT&T LONG DISTANCE | LONG DISTANCE FOR 862-4636/PD JULY 09 |
| 036342 | 09/04/09 | 32.20 | AT&T | MONTHLY PHONE SERV 7/13/09 TO 8/12/09 |
| 036342 | 09/04/09 | 527.33 | AT&T | MONTHLY TELEPHONE SERVICE/7/13/09 TO 8/12/09 |
| 036342 | 09/04/09 | 427.27 | AT&T | T1 LINE @ PD 7/20/09 TO 8/19/09 |
| 036342 | 09/04/09 | 146.58 | AT&T | EMERGENCY DISPATCH/PD/7/20/09-8/19/09 |
| 036343 | 09/04/09 | 461.14 | AVID TRAFFIC SUPPLIES | 25 GALLONS WHITE OIL PAINT/STREET PAINTING |
| 036343 | 09/04/09 | 135.47 | AVID TRAFFIC SUPPLIES | 250 LBS OF GLASS BEADS/STREET PAINTING |
| 036344 | 09/04/09 | 587.45 | JAMES J. BELL | CONTRACT SERV/EVIDENCE CLERK/8/16/09-8/31/09/BELL |
| 036345 | 09/04/09 | 49667.07 | BERTOLOTTI DISPOSAL | GARBAGE SERVICE/AUGUST 2009 |
| 036346 | 09/04/09 | 537.70 | BIG DAN'S CUSTOM POWDER COATIN | 4 NEW TIRES/PW PICK-UP |
| 036346 | 09/04/09 | 446.48 | BIG DAN'S CUSTOM POWDER COATIN | 4 NEW TIRES/PW PICK-UP |
| 036347 | 09/04/09 | 5122.92 | W.H. BRESHEARS, INC. | GASOLINE AND DIESEL PURCHASES/AUG 2009 |
| 036348 | 09/04/09 | 145.63 | BURTON'S FIRE, INC | SUPPLY & INSTALLED 40 AMP RELAY BREAKER/FD |
| 036349 | 09/04/09 | 848.54 | BUSINESS CARD | TRAVEL/DUES/BATTERIES/T-SHIRTS-YOUTH BASKETBALL |
| 036350 | 09/04/09 | 100.00 | JEFF CARTER | PARKING LOT RENT/SEPT 2009 |
| 036351 | 09/04/09 | 221.00 | CBA (ADMIN FEES) | DENTAL-VISION ADMIN FEES/SEPT 2009 |
| 036352 | 09/04/09 | 3568.91 | CDW GOVERNMENT, INC | 1 HP COMPUTER/MSGSA OFFICE/TREND MICRO/3 MONITORS |
| 036352 | 09/04/09 | 443.36 | CDW GOVERNMENT, INC | HP I GB NETBOOK/CITY MANAGER |
| 036352 | 09/04/09 | 725.13 | CDW GOVERNMENT, INC | PO #10-12 |
| 036353 | 09/04/09 | 712.45 | CENTRAL SANITARY SUPPLY | LIQUID SWABY/CANLINERS/ANTIBAC SOAP/PINESOL |

Date...: Sep 3, 2009
Time...: 10:24 am
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 2
List.: NEW1
Group: PYCPDP

| Ck # | Check Date | CK Amount | Vendor Name | Description |
|--------|------------|-----------|---------------------------------|---|
| 036354 | 09/04/09 | 544.00 | CEN*CAL AUTO BODY WORKS | REPLACED HEADER PANEL/R FR BUMPER/R FRNT MARKER |
| 036355 | 09/04/09 | 189.90 | CHEVRON | UNLEADED GASOLINE PURCHASES/7/22/09-8/21/09/PD |
| 036356 | 09/04/09 | 11470.00 | CITY OF MODESTO/SDEA | SDEA CONTRIBUTION FY 09/10 |
| 036357 | 09/04/09 | 50.00 | CARL J. COELHO (CHUCK) | Veh Operation FIRE/SEPT 2009 |
| 036358 | 09/04/09 | 94.90 | COMCAST CABLE | HIGH SPEED INTERNET 8/22/09 TO 9/21/09 |
| 036359 | 09/04/09 | 2025.00 | CONTRACT SWEEPING SERVICES, IN | STREET SWEEPING/CONTRACT SERVICES/JULY 2009 |
| 036359 | 09/04/09 | 2025.00 | CONTRACT SWEEPING SERVICES, IN | STREET SWEEPING/CONTRACT SERVICES/AUG 2009 |
| 036360 | 09/04/09 | 778.38 | CORBIN WILLITS SYS, INC. | SERVICE & ENHANCEMENT FEE/SEPT 2009 |
| 036361 | 09/04/09 | 611.76 | DISH NETWORK | 12 MONTHS LOCAL CHANNELS/12 MONTHS MAXVIEW/FD |
| 036362 | 09/04/09 | 959.08 | E&M ELECTRIC, INC. | 2 150 W STREET LIGHTS/REPAIRS |
| 036362 | 09/04/09 | 196.92 | E&M ELECTRIC, INC. | 10 LITTEL FUSE KLK/INDUSTRIAL PK LIFT STATION |
| 036363 | 09/04/09 | 53.08 | CHAD EARLE (NT) | REIMBURSE DOG FOOD/MED SUPPLIES/K-9 DOG/EARLE |
| 036364 | 09/04/09 | 1691.29 | ECO:LOGIC, INC | 2ND QUARTER 2009 GROUNDWATER MONITOR REPORT |
| 036365 | 09/04/09 | 5348.81 | FGL ENVIRONMENTAL, INC | BACTI/INORGANIC/ORGANIC SUB CONTR ANALYSES/WWTP |
| 036366 | 09/04/09 | 34.95 | FIREtoWIRE, INC | WEB HOSTING 9/17/09 TO 10/17/09 |
| 036367 | 09/04/09 | 64.90 | GEMPLERS ACCT #5224757 | FRONT FLOOR MAT/CHEVY TRUCK/WWTP |
| 036368 | 09/04/09 | 200.00 | MARA GIL | REFUND MEMORIAL BLDG DEPOSIT/MARA GIL |
| 036369 | 09/04/09 | 2461.19 | GROENIGER & CO. | 1 FIRE HYDRANT/1 STREET VALVE/3 CONNECTORS |
| 036370 | 09/04/09 | 135.00 | CITY OF GUSTINE | FIT KIDS SWIM POOL PARTY/8/06/09 |
| 036371 | 09/04/09 | 80.78 | HARD DRIVE GRAPHICS | BALANCE ON T-SHIRTS FOR PD/INV 3890 |
| 036372 | 09/04/09 | 2520.00 | HARRITY CONSULTING | DOWNTOWN PLAZA CONSULTING/7/23 TO 8/13/09 |
| 036373 | 09/04/09 | 590.86 | HEWLETT-PACKARD FINANCIAL SERV | HARDWARE LEASE 9/18/09 TO 10/17/09/PD |
| 036374 | 09/04/09 | 27.90 | HINDERLITER, DELLAMAS & ASSOCI | SALES TAX AUDIT 1ST QUARTER/2009 |
| 036375 | 09/04/09 | 910.00 | HOGUE, FENTON, JONES & APPEL, I | EMPLOYMENT ADVICE & COUNSEL/JULY 2009 |
| 036375 | 09/04/09 | 833.92 | HOGUE, FENTON, JONES & APPEL, I | JOHN LEMUS WRIT/JULY 2009 |

Date.: Sep 3, 2009
Time.: 10:24 am
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 3
List.: NEW1
Group: PYCPDP

| Ck # | Check Date | CK Amount | Vendor Name | Description |
|--------|------------|-----------|-------------------------------|--|
| 036376 | 09/04/09 | 144.58 | HUB INTERNATIONAL OF CA | INS SE LIABILITY INSURANCE/MAIRA GARCIA |
| 036377 | 09/04/09 | 689.16 | IKON OFFICE SOLUTIONS | COPIER LEASE/8/10/09 TO 9/09/09/CITY HALL |
| 036378 | 09/04/09 | 623.00 | KAISER PERMANENTE | HEALTH INSURANCE PREMIUM/OCT 2009 |
| 036379 | 09/04/09 | 30.00 | LEAGUE OF CA CITIES | QUARTERLY DINNER MEETING/LCCC/KATEN |
| 036380 | 09/04/09 | 135.91 | MALLARD EXPRESS AUTO | NEW BATTERY/TESTED ALTERNATOR/PD |
| 036381 | 09/04/09 | 99.61 | FRANK B. MARKS & SON, INC | 7.89 TONS CONCRETE SAND/PW |
| 036382 | 09/04/09 | 28.32 | LANA MAYS | REIMBURSE ITEMS FOR GUM REMOVAL/DOWNTOWN |
| 036383 | 09/04/09 | 1360.00 | MENEZES SALES | STEEL-TOE WORK BOOTS/PW |
| 036384 | 09/04/09 | 388.39 | NEWMAN ACE HARDWARE/JACT, INC | KEYS/PAINT STRAINR/SEALER/GLOVES/CHAIN/FLUR BULB |
| 036385 | 09/04/09 | 53.10 | NORMAC, INC. | RAINBIRD Q.C. VALVE |
| 036385 | 09/04/09 | 13.14 | NORMAC, INC. | ELL SCH80 PVC/PVC NIPPLE |
| 036385 | 09/04/09 | 95.06 | NORMAC, INC. | PEB VALVE |
| 036385 | 09/04/09 | 169.67 | NORMAC, INC. | 2" VALVE/WEATHERMATIC SOLENOID |
| 036386 | 09/04/09 | 1329.00 | OPERATING ENGINEERS/ | HEALTH INSURANCE PREMIUM/OCT 2009 |
| 036387 | 09/04/09 | 165.00 | PITNEY BOWES CREDIT CORP. | POSTAGE METER RENT 5/30/09 TO 8/30/09 |
| 036388 | 09/04/09 | 25.35 | RALEY'S IN STORE CHARGE | ITEMS FOR WESTSIDE HEALTH MEETING |
| 036389 | 09/04/09 | 115.86 | RELIABLE OFFICE SUPPLIES | DAILY REMINDER/PENS/TAPE/ENVELOPE MOISTNER/WWTP |
| 036390 | 09/04/09 | 17564.97 | RRM DESIGN GROUP, INC. | PROFESSIONAL SERVICES/DOWNTOWN PLAZA/JULY 09 |
| 036391 | 09/04/09 | 82.83 | SONYA SILVA (NT) | MILEAGE REIMBURSEMENT/LEADERSHIP TRNG/INTERVIEW |
| 036392 | 09/04/09 | 520.08 | SIRCHIE | LATENT PRINT TECH KIT.BRUSH/TAPE PAD/PD |
| 036393 | 09/04/09 | 330.00 | STATE OF CALIFORNIA | FINGERPRINT APPS/FINGERPRINTS-FBI/CCW |
| 036394 | 09/04/09 | 12.00 | STAN CNTY CLERK RECORDER | RELEASE OF LIEN/1211 GERANIUM LN |
| 036395 | 09/04/09 | 380.46 | STAPLES BUSINESS ADVANTAGE | HP LASERJET CARDTRIDGES |
| 036396 | 09/04/09 | 550.00 | STEVE'S QUALITY CLEANING | CARPET CLEANING/FLOOR BUFFING/PD |
| 036397 | 09/04/09 | 155.83 | TRAVIS BORRELLI | PORTABLE RESTROOM RENTAL/SERVICE |

Date.: Sep 3, 2009
Time.: 10:24 am
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 4
List.: NEW1
Group: PYCPDP

| Ck # | Check Date | CK Amount | Vendor Name | Description |
|------------|------------|--------------------|--------------------------|--|
| 036398 | 09/04/09 | 14.34 | T.H.E. OFFICE CITY | BLACK SIGNATURE STAMP |
| 036398 | 09/04/09 | 97.00 | T.H.E. OFFICE CITY | DOUBLE DRAWER STORAGE UNIT/CITY HALL |
| 036398 | 09/04/09 | 8.29 | T.H.E. OFFICE CITY | UNIBAL PENS/PW |
| 036399 | 09/04/09 | 195.00 | BARBARA J. TOSTA | YOUNG AT HEART INSTRUCTOR/AUGUST 2009 |
| 036400 | 09/04/09 | 88.00 | UNITED STATES POSTMASTER | 2 ROLLS STAMPS/PD |
| 036401 | 09/04/09 | 20.97 | VALLEY PARTS SERVICE | FHP BELT/PENZOIL |
| 036401 | 09/04/09 | 8.43 | VALLEY PARTS SERVICE | EDGER REPAIR PARTS |
| 036402 | 09/04/09 | 50.00 | GEORGE VARGAS | VEH OPERATION FIRE/SEPT 2009 |
| 036403 | 09/04/09 | 57.08 | WESTSIDE ANIMAL CLINIC | COMMUNAL CREMATION |
| 036403 | 09/04/09 | 154.01 | WESTSIDE ANIMAL CLINIC | OFFICE VISIT/HEALTH EXAM/SHOTS/BOARDING |
| 036404 | 09/04/09 | 175.75 | WEST SIDE AMBULANCE | REIMBURSE FOR 2 BATTERIES FOR DEFIBRILLATOR/FD |
| 036405 | 09/04/09 | 54.57 | FIELD ASSET SERVICES, | MQ CUSTOMER REFUND FOR FAS0004 |
| 036406 | 09/04/09 | 65.21 | FIELD ASSETT SERVICES, | MQ CUSTOMER REFUND FOR FIE0001 |
| 036407 | 09/04/09 | 49.50 | SERRETA PROPERTIES, | MQ CUSTOMER REFUND FOR SER0019 |
| Sub-Total: | | ----- 125234.98 | | |
| Grn-Total: | | ----- 125234.98 | | |
| Count: | 89 | | | |

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING AUGUST 25, 2009
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** – Mayor Katen 7:00 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** – Council Member Kelly
4. **Roll Call PRESENT:** Kelly, Candea, Martina And Mayor Katen.
ABSENT: Davis (Excused)
5. **Declaration Of Conflicts Of Interest** – None
6. **Ceremonial Matters** – None
7. **Items from the Public - Non-Agenda Items** - None
8. **Consent Calendar**
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants.
 - c. Approval Of Minutes Of The August 11, 2009 Regular Meeting.

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

9. **Public Hearings** - None

10. **Regular Business**

- a. First Reading And Introduction Of Ordinance No. 2009- , Amending Title 10 Traffic Regulations.

David Reed, 1541 Kern Street, Asked Questions About Specific Sections Of Title 10, Pertaining to Crosswalks, Sidewalks, Speed Limits And Parking.

Chief McGill Explained That All Of The Issues Raised By Mr. Reed Were In The Existing Code And That The Sections In Question Were Not What Staff Had Recommended Amending. McGill Reminded The Council That The Municipal Code Is Used To Supplement The Existing Vehicle And Penal Codes. McGill Mentioned That Some Of The Sections In Question Might Need To Be Revised Or Stricken.

ACTION: Ordinance No. 2009- , Amending Title 10 Traffic Regulations, Of The Newman City Code Was Introduced By Council Member Kelly. Ordinance Had Its First Reading By Title Only.

b. Award Bid For The Fresno Street Sidewalk And Storm Drain Project.

ACTION: On Motion By Candea Seconded By Kelly And Unanimously Carried, Resolution No. 2009- , A Resolution Awarding The Bid For The Fresno Street Sidewalk And Storm Drain Project To McElvany, Inc. In The Amount Of \$251,125.50 And Authorizing The City Manager To Execute An Agreement For Said Project, Was Adopted.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Commented That The West Side Health Care Taskforce Healthier Choices Summit Held On August 6, 2009 Was A Successful Event And He Reminded Everyone That The Biggest Loser Weigh-Out Will Be September 12, 2009 In Patterson. DeMartini Mentioned That Stewart And Jasper Orchards Would Be Hosting A Release Party For The Self Guided Tour Of The West Side On Friday, August 28, 2009 At 6:00 P.M. DeMartini Explained That The Orestimba Creek Flood Control Project Had Stalled And That He Is Working To Get It Moving Once Again.

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 Mentioned That He Had Scheduled A Meeting With Congressman Cardoza's Office To Discuss Local Projects. Holland Updated The Council As To The Status Of Joe Winters' Variance Denial And Pool Permit. Holland Explained That The City Was Ready To Extend An Employment Offer To One Of The Recreation Coordinator\Leader Candidates And That We Should Have That Person On Staff In The Near Future.

Chief McGill Reported That Despite The Graffiti Issues In The Monte Vista Estates Subdivision, The Overall Graffiti Problem Has Decreased. McGill Informed The Council That Beginning On August 27, 2009, People Who Owned Certain Types Of High Risk Vehicles Would Be Eligible To Receive A Free "Club" Anti Theft Device From The Police Department. McGill Announced That The Boy Scout Day Camp Would Be Held On September 26, 2009 At Sherman Park, That The Fall Animal Clinic Would Be Held On October 10, 2009 At A Local Park And That The Police Department Would Be Participating In The "Avoid The 12" Program On Labor Day Looking For People Driving Under The Influence. McGill Updated The Council Regarding The Status Of The Recruitments For Both The Community Services Officer Position And The Police Officer Position.

Public Works Director Reynolds Informed The Council That His Department Currently Had Five Projects In Various Stages Of Construction. Reynolds Presented The Council With Pictures Of Pioneer Park And The Waste Water Treatment Plant Storage Basin Expansion Project. Reynolds Reported That The Park Structure Was Nearing Completion, That The Storage Basin Was About Ninety-Percent Complete And That The Street Project Repaired Eight Miles Of Roadway Or Approximately Thirty-Two Percent Of All The Streets Within The City Limits. Reynolds Mentioned That His Department Had Submitted A Regional Transportation Plan To StanCOG In An Attempt To Try To Secure Additional Local Funding For Street Repairs.

13. Items From City Council Members.

Mayor Katen Mentioned That He Had Attended A Breakfast Meeting With Congressman Cardoza And That He Asked Cardoza About The Orestimba Creek Flood Control Project. Katen Told The Rest Of The Council That He Asked Cardoza For His Help In Getting The Flood Control Project Moving Again. Katen Reminded Everyone To Attend The Next Fall Festival Meeting On August 26, 2009 At The Fantazia Home.

14. Adjourn To Closed Session - 7:50 P.M.

- a. Conference With Legal Council - Potential Litigation - One Case - G.C. 54956.9.
- b. Return To Open Session - 8:04 P.M.

No Reportable Action Was Taken.

15. Adjournment.

ACTION: On Motion By Candea Seconded By Kelly And Unanimously Carried, The Meeting Was Adjourned At 8:05 P.M.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.a.**
City Council Meeting
of September 8, 2009

**HOLD PUBLIC HEARING AND CONSIDER APPROVAL OF THE
CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)
RELATING TO ITS FY 2008-2009 PAST ACTIVITY**

RECOMMENDATION:

1. Conduct the Required Public Hearing
2. Approval of the Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program.

BACKGROUND:

The CAPER was presented to the Council on August 11, 2009; following its presentation, staff released the draft CAPER for a required 14-day public review. That period ends on September 8, 2009, and no comments have been received as of this date (9-2-09). The final requirement is to conduct a public hearing to further solicit comments relative to the implementation performance of our jurisdiction's Consolidated Plan and Annual Action Plans. Following adoption, the CAPER will be submitted by Stanislaus County to the Department of Housing and Urban Development (HUD).

ANALYSIS:

Whenever a jurisdiction participates in the Community Development Block Grant (CDBG) Entitlement program, a Consolidated Annual Performance Evaluation Report (CAPER) must be prepared. The CAPER assesses the progress of the Consortium and its members in its implementation of projects and programs listed and described in the Consolidated Plan. An excerpted copy of the CAPER is attached.

FISCAL IMPACT:

Positive, the City of Newman was allocated \$252,741.80 in fiscal year 2008-2009.

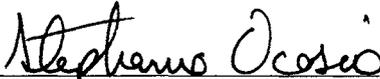
CONCLUSION:

Staff recommends that the Council conduct the required public hearing and adopt the Consolidated Annual Performance and Evaluation Report (CAPER) relating to its FY 2008/2009 past activity; \$2.46 million Community Development Block Grant and \$109,694.00 Emergency Shelter Grant.

ATTACHMENTS:

1. Exhibit A – Excerpted Draft 2008/2009 CAPER

Respectfully submitted,


Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR

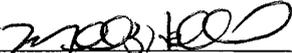

Michael Holland
City Manager

TABLE OF CONTENTS

| | |
|--|----|
| EXECUTIVE SUMMARY | 4 |
| General Questions (Summary of CDBG Program Accomplishments) | 5 |
| A. Stanislaus County | 5 |
| B. City of Ceres | 7 |
| C. City of Newman | 8 |
| D. City of Oakdale | 9 |
| E. City of Patterson..... | 10 |
| F. City of Waterford | 10 |
| G. Public Service Grantees..... | 11 |
| PERFORMANCE & EXPERIENCE | 16 |
| AFFIRMATIVELY FURTHERING FAIR HOUSING | 16 |
| OTHER ACTIONS TO ADDRESS OBSTACLES | 19 |
| LEVERAGING RESOURCES | 20 |
| MANAGING THE PROCESS | 22 |
| CITIZEN PARTICIPATION (Summary of Citizen Comments) | 24 |
| INSTITUTIONAL STRUCTURE | 25 |
| MONITORING | 26 |
| ASSESSMENTS | 29 |
| Stanislaus County..... | 29 |
| City of Ceres | 33 |
| City of Newman..... | 33 |
| City of Oakdale | 33 |
| City of Patterson..... | 34 |
| City of Waterford | 34 |
| LEAD BASED PAINT | 34 |
| HOUSING | 35 |
| Specific Housing Objectives | 37 |
| Public Housing Strategy..... | 38 |
| Barriers to Affordable Housing..... | 38 |
| HOMELESS | 39 |
| Homeless Needs | 39 |
| Specific Homeless Prevention Elements | 40 |
| Emergency Shelter Grants | 41 |
| Discharge Policy | 46 |
| COMMUNITY DEVELOPMENT | 50 |
| Anti-poverty Strategy | 54 |
| OTHER NARRATIVE | 54 |
| APPENDIX A | 56 |
| A. Table 3B: Annual Housing Completion Goals | 57 |
| B. Stanislaus County Consortium Summary of Specific Annual Objectives..... | 58 |
| C. Summary of Specific Annual Objectives for CDBG Public Service Grantees..... | 64 |
| D. Summary of Specific Annual Objectives for ESG Grantees | 69 |

C. CITY OF NEWMAN

Project Administration

Project # NE-08-01

\$25,274.00 Funds Budgeted
\$17,008.83 Funds Expended

This expenditure includes costs associated with general management, oversight, and coordination of the CDBG program. City staff track the time spent for project administration. Remaining funds will be rolled over into Newman's Fiscal Year 2009-2010 infrastructure project(s).

Fresno/T Street Infrastructure Project

Project # NE-08-02

\$150,000.00 Funds Budgeted
\$4,325.73 Funds Expended

The design and engineering phase for this project was completed during Fiscal Year 2008-2009. This project will consist of the installation of curb, gutter, and sidewalk in the residential area of Fresno Street bounded by R Street to the east and T Street to the west.

T3 Workforce Technology Development

Project # NE-08-03

\$10,000.00 Funds Budgeted
\$ 9,240.00 Funds Expended

This program provided job and career development opportunities to the underserved in the community. The Targeted Technology Training Program (T3) conducted training sessions 2-3 times weekly to low and moderate income residents of the City of Newman. A total of 239 individuals received T3 during this fiscal year as part of 36 classes offered in the community.

Pioneer Park Project

Project # NE-05-01

\$50,000.00 Funds Budgeted
\$50,000.00 Funds Expended

The Pioneer Park Project is in the final stages of construction and is scheduled to be completed in the month of August 2009. Funding from previous fiscal years will be utilized to cover the costs of remaining activity. This project consisted of the installation and construction/repair of restrooms, picnic shelter, and replacement of the damaged irrigation system and hardscape.

Sewer Replacement Infrastructure Project **Project # NE-06-02**

\$17,467.62 Funds Budgeted
\$0.00 Funds Expended

The City of Newman completed the Sewer Replacement Infrastructure Project during Fiscal Year 2008-2009. The project consisted of the replacement of archaic sewer lines and the refurbishment and replacement of old and non-conforming manholes on/in the street quadrant. This project will have stopped the potential contamination to the ground and surface water, and eliminate the infiltration of storm water and ex-filtration of sewage from the existing system. No budgeted Fiscal Year 2008-2009 funds were expended but previous fiscal year funds were spent to complete the

Healthy Aging Association
Young at Heart Program

Project # PSG-08-08

\$20,000.00 Funds Budgeted
\$19,991.58 Funds Expended

The mission of the Healthy Aging Association is "to help older Americans live longer, healthier, more independent lives by promoting increased physical activity and sound health and nutrition practices". Young at Heart classes help older adults manage diseases such as diabetes, osteoporosis, arthritis, depression, heart disease, and help to minimize the effects of strokes. The agency provided Strength Training classes to 265 income eligible persons residing within the cities of Oakdale, Patterson, Westley/Grayson, Newman, and Waterford during the 2008-2009 funding year.

Parent Resource Center
Oakdale Young Mothers' Program

Project # PSG-08-09

\$19,472.20 Funds Budgeted
\$15,378.06 Funds Expended

The Parent Resource Center provides on-site parenting education classes along with support services such as childcare and transportation for young mothers and families, who are at risk of child abuse and neglect and who are at 80% median income level or below. This year a pre-natal course was added to the Oakdale curriculum, which was taught out of the Family Support Network facility. The agency provided case management within the City of Modesto for those mothers that required additional supportive services. A total of 67 women and children completed the pre-natal or parenting courses during the 2008-2009 funding year within the City of Oakdale.

Second Harvest Food Bank
Food Assistance Program

Project # PSG-08-10

\$20,000.00 Funds Budgeted
\$20,000.00 Funds Expended

To break the cycle of hunger, Second Harvest Food Bank is committed to providing a cost effective and centralized system for collecting and distributing food that reduces waste and alleviates hunger throughout the valley. CDBG funds were used to expand the distribution efforts of the agency's Food Assistance Program. Through this program, this agency is able to collect, store, and distribute a large quantity and diversity of food product, and in turn make these groceries available to local non-profit charities. By centralizing the collection, storage, and distribution of product this agency is able to serve more families and individuals in need of food assistance in Stanislaus County. A total of 407,117 pounds of food, valued at \$610,675.50, were distributed during the fiscal year to the qualifying areas. 2008-2009 Stanislaus County CDBG funds were able to serve approximately 45,018 unduplicated low and low-income individuals.

unincorporated areas of Stanislaus County. Fair housing literature, such as brochures and flyers on housing discrimination and fair housing rights, was also distributed throughout the County.

3. Project Sentinel conducted mobile home park testing throughout the unincorporated areas of the county to examine the quality of the existing structures.

4. Project Sentinel has provided Fair Housing information in Ceres, Newman, Oakdale, Patterson, and Waterford and the unincorporated areas in both English and Spanish at community forums, collaborative meetings and in partnership with other non-profits and city and county departments.

5. In addition, the agency conducted an education/outreach campaign that included the use of mass media; radio, TV Public Service Announcements, newspaper ads, transit posters and billboards. An agency website is maintained at www.housing.org that provides fair housing education.

In 2008, the Analysis of Impediments to Fair Housing (AI) was updated. This analysis reviewed a broad array of public and private practices and policies. These included land use, zoning, lending, complaint referrals, advertising, and housing affordability. Local fair housing case activity was evaluated for capacity and impact. Demographic information such as income, housing stock and the geographic concentration of ethnic groups was reviewed. The report identified affordability and the need to educate program and managerial staff at social service and government offices how to identify a fair housing complaint and how to make appropriate referrals to combat the primary impediments to fair housing. Through the services provided by Project Sentinel, the County has taken steps to educate not only the public, but also staff on fair housing laws, procedures and regulations. The findings and recommendations of the 2008 AI, will take effect beginning Fiscal Year 2009-2010.

b. Identify actions taken to overcome effects of impediments identified.

1. Stanislaus County and some Consortium partners provide a Down Payment Assistance Program for first time homebuyers. During the last fiscal year, the County's program was able to provide five (5) families up to \$75,000 each in down-payment assistance. The County utilized HOME, CalHome, and Redevelopment Agency Housing Set-Aside funds for the program and assists an average of 10-12 families a year. Due to the State's fiscal crisis, the County's CalHome funding source was frozen by the State of California. This prevented the County from reaching its annual goal of serving 10-12 families. However, the County was recently notified of the release of CalHome funds. The County projects to meet this annual target during Fiscal Year 2009-2010 utilizing a combination of the above mentioned funding sources.

2. During 2008 the County was awarded a CalHome grant, through the State of California Department of Housing and Community Development, in the amount of \$750,000. This funding was awarded and became available in May 2009 and was incorporated into the existing Housing Rehabilitation Programs. As loan funds are distributed, the repayment of principal and interest over time will be made by the program participants.

Citizen Participation

1. Provide a summary of citizen comments.

In order to elicit public participation in the preparation of the Draft CAPER, public notices were published defining the process and how persons, agencies and interested groups could participate. The County posted announcements regarding the CDBG program on the Planning and Community Development internet homepage, which facilitated the receipt of citizen input online. A series of public meetings **will be held in August 2009** to discuss the Draft CAPER. These include:

| <u>JURISDICTION</u> | <u>DATE</u> | <u>LOCATION</u> | <u>ADDRESS</u> |
|-----------------------------|-------------|------------------------------|--|
| Stanislaus | 8/10/09 | <u>10:00 am & 6:00pm</u> | County Admin. Building Tenth Street Place Basement Training Room 1010 10 th St., Modesto |
| Ceres | 8/6/09 | <u>4:00pm</u> | Ceres City Council Chambers 2210 Magnolia St., Ceres |
| Newman | 8/4/09 | <u>5:00pm</u> | Newman Council Chambers 1200 Main St., Newman |
| Oakdale | 8/12/09 | <u>4:30pm</u> | Community Dev. Dep. Conference Room 120 S. Sierra Ave., Oakdale |
| Patterson | 8/11/09 | <u>6:00pm</u> | City Hall 1 Plaza, Patterson |
| Waterford | 8/18/09 | <u>6:00pm</u> | Beard Community Center 540 C St., Waterford |
| MUNICIPAL ADVISORY COUNCILS | | | |
| Denair | 8/4/09 | <u>7:00pm</u> | Denair Senior Center 3756 Alameda, Denair |
| Hickman | 8/6/09 | <u>7:00pm</u> | Hickman Charter School Office Hickman |
| Salida | 8/25/09 | <u>7:00pm</u> | Salida Library Community Room 4835 Sisk Rd., Salida |
| Empire | 8/10/09 | <u>7:00pm</u> | Empire Community Center 18 S. Abbie, Empire |
| South Modesto | 8/13/09 | <u>6:00pm</u> | Stanislaus County Ag Center 3800 Cornucopia Way., Modesto |
| Keyes | 8/20/09 | <u>7:00pm</u> | Keyes Sub-station 5463 7 th St., Keyes |

Stanislaus County CDBG Consortium **will follow** its citizen participation plan by releasing the Draft CAPER for a 30 day public comment period (exceeding the minimum requirement of 15 days) commencing on August 18, 2009 and ending on September 22, 2009. **An English and Spanish public notice will be published in The Modesto Bee on September 6, 2009** announcing the release of the Draft CAPER and opening of the public comment period. Furthermore, the Draft CAPER will also be made available on August 19, 2009 for public review and input, via the internet, on Stanislaus County's Planning and Community Development website.

Copies of the Draft CAPER will be made available for review at the County Planning and Community Development Department, the Planning Departments of the Cities of Ceres, Newman, Oakdale, Patterson, and Waterford and the Stanislaus County Main Library. The Draft CAPER will also taken to the city councils of Ceres, Oakdale, Newman, Patterson, and Waterford for review. **A final public hearing will be held September 22, 2009 before the Stanislaus County Board of Supervisors.**

Furthermore, the County will continue making it its goal of assisting an average of seven (7) housing units per fiscal Year as it recently acquired a grant from the California Department of Housing and Community Development for this purpose.

HOME/ American Dream Down Payment Initiative (ADDI)

1. Assessment of Relationship of HOME Funds to Goals and Objectives

- a. Evaluate progress made toward meeting goals for providing affordable housing using HOME funds, including the number and types of households served.**

Stanislaus County is a partner in the City of Turlock/Stanislaus County HOME Consortium, which includes the Cities of Oakdale, Patterson, Ceres, and Newman. As the lead agency, the City of Turlock administers the HOME program for the County and reports the partnering jurisdictions' activities in the HOME Consortium's CAPER

HOMELESS

Homeless Needs

1. Identify actions taken to address needs of homeless persons.

During Program Year 2008-2009, Stanislaus County partnered with three (3) homeless service providers through the Emergency Shelter Grant Program.

- The Children's Crisis Center received \$28,289 to provide shelter services to homeless children who are abused, neglected, and at-risk.
- Community Housing and Shelter Services (CHSS) received \$25,000 for homeless prevention activities. CHSS provided rental assistance vouchers to families at risk of becoming homeless.
- Inter-Faith Ministries was funded \$11,097 for rehabilitation of the Redwood Family Center. The Center is a shelter for homeless women with children working to gain full custody of their children while addressing obstacles that contribute to homelessness such as drug and alcohol addiction, lack of education, and poor job skills.
- Santa Fe Winter Shelter, operated by Inter-Faith Ministries, received \$39,822 to provide emergency winter shelter to families with minor children. The agency provides food, bedding, blankets, towels, pots, dishes, cleaning and, laundry supplies, and bus passes as needed. While at the shelter, program staff works with families to set goals and work on a case plan in order to identify and connect with needed services such as Temporary Assistance for Needy Families (TANF), Food Stamps, Veterans Benefits, and Affordable Permanent Housing.

2. Identify actions to help homeless persons make the transition to permanent housing and independent living.

Stanislaus County partnered with Inter-Faith Ministries in efforts to help homeless persons and families make a transition to permanent housing and independent living. Through the Santa Fe Winter Shelter, families with children are provided with shelter and basic living needs. While at the shelter, program staff worked with families to set

Homeless prevention activities are provided by various non-profits within the community. These non-profits accept referrals from publicly funded institutions that would otherwise have to release very-low income individuals onto the streets, with nowhere to reside upon release. These non-profits such as Community Housing and Shelter Services and Inter-Faith Ministries regularly attend P.A.C.T. meetings to assist those leaving incarceration in their quest to find stable housing.

EMERGENCY SHELTER GRANT PROGRAM GRANTEES

The Emergency Shelter Grant (ESG) program is designed to be the first step in a continuum of assistance to prevent homelessness and to enable homeless individuals and families to move toward independent living. The ESG program was originally established by the Homeless Housing Act of 1986, in response to the growing issue of homelessness among men, women, and children in the United States. In 1987, the ESG program was incorporated into subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371-11378).

ESG is a formula-funded program that uses the CDBG formula as the basis for allocating funds to eligible jurisdictions, including states, territories, and qualified metropolitan cities and urban counties. While flexible in terms of serving all homeless subpopulations and preventing persons from becoming homeless, the ESG program legislation and implementing regulations do limit the types of activities and amount of funds that can be spent on different activities. The following are the five categories of eligible activities and their relative percentage caps of total ESG funds:

- Rehabilitation/Renovation/Conversion (no cap)
- Essential Services (30%)
- Operational Costs (10%)
- Homeless Prevention Activities (30%)
- Administrative Costs (5%)

The ESG Program is intended to supplement state, local and private efforts to improve the quality and number of emergency shelters and transitional facilities for homeless people. The purpose of ESG funds is to help operate these facilities, to provide essential support services to residents, and to help prevent at-risk families or individuals from becoming homeless.

Stanislaus County became eligible for ESG program funds for the first time during the 2004-05 Fiscal Year. Funds were set aside for this program to allow non-profits and service providers to apply through a competitive process for an ESG grant. Funds must be utilized to assist eligible Stanislaus County Consortium residents within the framework of HUD approved ESG activities.

Available Resources/Use of Funds

During the 2008-2009 Fiscal Year, Stanislaus County's ESG funds included \$104,209 for Operational, Essential, Prevention and Rehabilitation costs and \$5,485.00 for administrative funds.

Applications were released in January 2008 and were due in February 2008. Applications were then received by the County Planning and Community Development Department and reviewed and scored by a review team, consisting of a

The CDBG program will interface with the Stanislaus County Community Services Agency to respond with shelter needs of those persons 'aging-out' of the Foster care system.

County Staff will also work with agencies (e.g. Behavioral Health and Recovery Services (BHRS) to develop housing projects that respond to needs beyond a stand-alone shelter (i.e. a facility that would include among other things medical services).

COMMUNITY DEVELOPMENT

Community Development

- a. Assess use of CDBG funds in relation to the priorities, needs, goals, and specific objectives in the Consolidated Plan, particularly the highest priority activities.**

The priorities for "Non-Housing Community Development Needs" identified in the Consolidated Plan are public infrastructure and public services. In many neighborhoods and communities of the planning area, public infrastructure is minimal or non-existent, causing this to be a high priority need. Infrastructure such as sewer, water, curb, gutter, sidewalk, and storm drainage are typical development standards in newer neighborhoods, but are non-existent in older neighborhoods. The cities of Ceres, Newman, Oakdale, Waterford, as well as Stanislaus County utilized CDBG funds for infrastructure improvement related projects. As a result of these improvements, residents of the surrounding project area enjoy an improved quality of life.

Through the Public Services Program, the County sets aside 10% of its annual CDBG allocation for programs that provide services to low to moderate-income families or individuals. In Fiscal Year 2008-2009, a total of fourteen (14) public service programs were awarded \$246,370. Over 57,000 individuals received a form of service through the funded agencies. Funded services ranged from meal and shelter for low-income children to emergency food assistance programs. The services provided through the funded programs positively impact the lives of the individuals served.

- b. Evaluate progress made toward meeting goals for providing affordable housing using CDBG funds, including the number and types of households served.**

The second year CAPER for this Consolidated Plan cycle has met or exceeded the goals set by the community and staff within the Entitlement area. All homes served meet the moderate-income limits and fall below the 80% area median income (AMI) for the area. Over 5% of the population served by program funds falls below the 0%-50% AMI for the area, and approximately 95% of the population served falls within the 50%-80% AMI for the community being served. Specific numbers are reflected in project charts at the conclusion of this document.

- c. Indicate the extent to which CDBG funds were used for activities that benefited extremely low-income, low-income, and moderate-income persons.**

Summary of Specific Annual Objectives

| Specific Obj. # | Outcome/Objective Specific Objectives | Sources of Funds | Performance Indicators | Year | Expected Number | Actual Number | Percent Completed |
|---|--|---------------------------------|--|-------------|-----------------|---------------|-------------------|
| SL-1 Availability/Accessibility of Suitable Living Environment | | | | | | | |
| SL-1.1 City of Newman Water & Sewer Line Infrastructure | Address the need for infrastructure improvements to rural residential deteriorated water and sewer lines and manholes in the eligible residential area east of HWY 33, Inyo Avenue (south) and T Street (west), Yolo Street (north), and R Street. Project Status: Complete | CDBG \$17,468 | Number residents benefiting from infrastructure improvements in the eligible residential area. | 2007 | | | |
| | | | | 2008 | 1919 | 1919 | 100% |
| | | | | 2009 | | | |
| | | | | 2010 | | | |
| | | | | 2011 | | | |
| | | | | GOAL | | | |
| SL-1.1 City of Newman Fresno Street Infrastructure Improvements Project | Address the need for infrastructure improvements to the low-income residential area of Fresno Street, bounded by R Street to the east and T Street to the west. Improvements include the installation of curb, gutter, and sidewalks. Project Status: Underway | CDBG \$150,000 | Number for low-income residents with access to improved infrastructure facilities. | 2007 | | | |
| | | | | 2008 | | | |
| | | | | 2009 | | | |
| | | | | 2010 | | | |
| | | | | 2011 | | | |
| | | | | GOAL | | | |
| SL-1.1 City of Newman Pioneer Park Project | Address the need for the rehabilitation of Pioneer Park located within one of Newman's two project Areas. Work to include rehabilitation of the picnic shelter. Project Status: Complete | CDBG \$50,000 | Number of target area residents benefiting from improved park facilities. | 2007 | | | |
| | | | | 2008 | 1919 | 1919 | 100% |
| | | | | 2009 | | | |
| | | | | 2010 | | | |
| | | | | 2011 | | | |
| | | | | GOAL | | | |
| SL-1.1 City of Newman T3 Workforce Technology Development | Address the need for workforce technology development training programs that will enhance participants' computer skills and, in turn, allow them to re-enter the workforce. Project Status: Complete | CDBG \$10,000 | Number of program participants with enhanced computer skills therefore enabled to enter the workforce. | 2007 | | | |
| | | | | 2008 | 200 | 239 | 120% |
| | | | | 2009 | | | |
| | | | | 2010 | | | |
| | | | | 2011 | | | |
| | | | | GOAL | | | |

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.b.**
City Council Meeting
of September 8, 2009

**SECOND READING AND ADOPTION OF MODIFICATIONS TO TITLE 10 TRAFFIC REGULATIONS
OF THE NEWMAN CITY CODE**

RECOMMENDATION:

1. Open Public Hearing
2. Second Reading Ordinance No. 2009- , adopting modifications to Title 10 Traffic Regulations of the Newman City Code and authorize staff to publishing a summary of said ordinance.

BACKGROUND:

The current ordinance requires all violations of the title to be handled as an infraction through the courts. Additionally, some of the chapters failed to clearly indicate the penalty for a violation of that particular chapter. Officers enforcing traffic violations through the city code are barred from having the option of issuing an administrative citation instead of a traditional traffic violation.

ANALYSIS:

Local governments have no authority over vehicular traffic control unless expressly provided by the State. Cal. Veh. Code § 21. The California Vehicle Code (CVC) uniformly applies throughout California and preempts the entire field covered by the CVC. *Id.* Thus, except as expressly provided by the CVC, no local government can enact or enforce any ordinance on the matters covered by the CVC. *Id.* The CVC does, however, expressly authorize local governments to regulate certain, specific aspects of traffic. *Id.* at § 21100.

Title 10 of the Newman City Code articulates various traffic rules for the City of Newman. The power of the City to enforce this is granted by section 21100 of the CVC which states that “local authorities may adopt rules and regulations by ordinance or resolution regarding... regulating traffic by means of official traffic control devices” which comply with the uniform standards prescribed by the Department of Transportation. “Official traffic control devices” include, but are not limited to: “stop signs, yield right-of-way signs, speed restriction signs, railroad warning approach signs, street name signs, lines and markings on the roadway, and stock crossing signs.” *Id.* at § 21400. Thus, since the ability to regulate traffic control devices is granted by the State to the City, the City has the ability to enforce their codes which regulate these areas through administrative citations.

Administrative citations are an enforcement tool for the Police Department. The Department currently uses administrative citations for a variety of other city code violations and experiences a high success rate relative to payment for the violations. Granting officers the authority to utilize administrative citations under certain circumstances for traffic violations provides another option to remedy the situation. Not all traffic violators will receive administrative citations. Most will continue to receive traditional traffic citations with infraction violations being heard in traffic court.

The advantages of administrative citations for traffic violations include: lower fines for violators, more convenient for our residents by not having to travel to Modesto, and high probability of increased revenue for the city (because the State and County do not get a portion of administrative fines like they do for traditional traffic fines). The disadvantages of administrative citations include: the administrative citation does not reflect on the violator's DMV record, allowing the violator to avoid higher insurance costs or suspension of license for frequent violators. To safeguard this concern, officers electing to use the administrative citation for a traffic offense will first carefully evaluate the driver's DMV records to determine if the violator is a suitable candidate for an administrative citation.

If the modifications are ultimately approved staff will return with a resolution to establish the fine amounts for traffic violations.

FISCAL IMPACT:

The financial impacts of this ordinance modification depend on the number of administrative citations issued and the success of the collection of the fee.

ATTACHMENTS:

Ordinance with modifications.

CONCLUSION:

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

1. Adopt the modifications to the ordinance and publish same.
2. Reject the modifications to the ordinance.

Staff recommends Alternative 1.

Respectfully submitted,



Adam McGill, Chief of Police

REVIEWED/CONCUR:



Michael Holland, City Manager

ORDINANCE NO. 2009-9

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 10 TRAFFIC REGULATIONS, OF THE NEWMAN CITY CODE**

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

Section 1.

That Title 10 Traffic Regulations be amended to read as follows:

Chapter 10.01 TRAFFIC, GENERAL PROVISIONS

10.01.010 Definitions.

Whenever in this title the following terms are used, they shall have the meanings respectively ascribed to them in this section:

“Business district” means the territory contiguous to a street when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for retail or wholesale business; also any territory contiguous to a street which is immediately adjacent to a continuation of a street within a business district when such territory is so designated by the Chief of Police.

“Crosswalk” means that portion of the roadway included within the prolongation of the curb and property lines at street intersections.

“Intersection” means the area embraced within the prolongation of the property lines of two or more streets which join at an angle, whether or not one such street crosses the other.

“Loading zone” means that space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

“Official warnings, direction signs and signals” means all warnings, direction signs and signals not inconsistent with this title heretofore or hereafter placed or erected under this title or by authority of the City Council.

“Operator” means any person who is in actual physical control of a vehicle.

“Park” means to stand a vehicle for a period of time greater than is reasonably necessary for the actual loading of persons or materials.

“Pedestrian” means any person afoot.

“Right-of-way” means the privilege of immediate use of the street.

“Roadway” means that portion of a street between the regularly established curb lines.

“Safety zone” means that marked portion of the roadway reserved for the exclusive use of pedestrians.

“Sidewalk” means that portion of a street between the curb lines and the adjacent property lines.

“Street” means every way set apart for public travel except alleyways, bridle paths and footpaths.

“Vehicle” means any device or animal by which any person or property is or may be transported or drawn upon a street, excepting devices moved by human power or used exclusively upon rails. For the purpose of this title a bicycle shall be deemed a vehicle.

10.01.020 Obedience to police.

Officers of the Police Department are hereby authorized to direct all traffic by means of visible or audible signal, and it shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a traffic or police officer. It shall be unlawful for any minor to direct or attempt to direct traffic unless authorized to do so by order of the Chief of Police.

10.01.030 Signs, obedience to.

- A. The City Council shall, by resolution, determine and designate the character of all official warning and direction signs and signals. Subject to this section, the Chief of Police is hereby authorized, and as to those signs required hereunder, it shall be his duty to place and maintain or cause to be placed and maintained all official warning and direction signs and signals. All signs authorized and required hereunder for a particular purpose shall be uniform.

- B. No provision of this title for which signs are required shall be enforceable against the alleged violator if at the time and place of the alleged violation the sign herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person.
- C. It shall be unlawful for any operator or pedestrian to disobey the instructions of any mechanical or electrical traffic signal, traffic sign or marks upon the street placed in accordance with the provisions of this title, provided every sign or mark by use of paint upon the curb shall bear thereon the official emblem of the Police Department.
- D. No public utility or department in the City shall erect or place any barrier or sign unless of a type first approved by the Chief of Police. It shall be unlawful for any operator or pedestrian to disobey the instructions of any barrier or sign approved, as above provided, erected or placed by a public utility or any department of the City.

10.01.040 Display of unauthorized signs prohibited.

- A. It shall be unlawful for any person to place, maintain or display any device, other than an official warning or direction sign or signal erected under competent authority, upon or in view of a street, which purports to be or is, an imitation of, or resembles an official warning or direction sign or signal or which attempts to direct the movement of traffic or the actions of operators, and any such prohibited device shall be a public nuisance and the Chief of Police may remove it, or cause it to be removed, without notice.
- B. It shall be unlawful for any person to wilfully deface, injure, move or interfere with any official warning or direction sign or signal.

10.01.050 Establishment of crosswalks.

- A. The Chief of Police is hereby authorized and required to establish, maintain and to designate upon the surface of the roadway, by appropriate devices, marks or white lines, crosswalks approximately equal in width to the adjacent sidewalks at all intersections where in his opinion there is particular danger to pedestrians crossing the roadway.
- B. ~~When crosswalks are established and maintained outside a business district the Chief of Police shall, by appropriate devices, marks or white lines, mark and maintain along the surface of the roadway an arrow not less than 12 inches wide in the shaft and not less than 30 feet long, pointing to the direction of such crosswalk, together with the word "Slow" in block letters not less than 24 inches high and not less than four inches wide, 100 feet distant from each crosswalk so established.~~

10.01.060 Police and fire vehicles exempt.

The provisions of this title regulating the movement, parking and standing of vehicles shall not apply to emergency vehicles of the police or sheriff's office or of the Fire Department or of a public utility while the driver of any such vehicle is engaged in the necessary performance of public emergency duties. (Ord. 108, 8-12-1930)

10.01.070 Penalty.

Any person violating any provisions of this chapter shall be guilty of an ~~infraction~~¹. (~~Ord. 77-22, 5-24-1977~~) *administrative violation.*

Chapter 10.02 PEDESTRIANS

10.02.010 Right-of-way at intersections.

- A. It shall be unlawful for the operator of any vehicle to drive into any crosswalk which is marked as provided in NCC 10.01.050, while there is in such crosswalk upon the half of the roadway upon which such vehicle is traveling any pedestrian engaged in crossing the roadway until such pedestrian shall have passed beyond the path of said vehicle.
- B. The operator of a vehicle shall stop before entering any crosswalk when any other vehicle proceeding in the same direction is stopped at such crosswalk.

- C. The foregoing provisions of this section shall not apply at the intersections where traffic is being directed by an officer or a traffic stop and go signal, at which intersections the mutual rights of pedestrians and operators of vehicles shall be exercised under the direction of the officer or traffic signals.

10.02.020 Limited use of roadway.

- A. When within a business district, no pedestrian shall cross a roadway other than by a crosswalk.
B. Outside of a business district no pedestrian shall cross a roadway other than by a route at right angles to the curb and when crossing at any place other than a crosswalk shall yield the right-of-way to all vehicles upon the roadway.
C. It shall be unlawful for any person to be in any roadway other than a safety zone or crosswalk; provided, that this provision shall not be construed to prevent the necessary use of the roadway by a pedestrian.
D. It shall be unlawful for any person to stand in a roadway for the purpose of or while soliciting a ride from the operator of any private vehicle.

10.02.030 Obey signals.

At intersections where traffic is directed by a traffic or police officer or by a traffic stop and go signal, it shall be unlawful for any pedestrian to cross a roadway other than with released traffic.

~~**10.02.040 Standing on sidewalk.**~~

~~In any business district it shall be unlawful for any pedestrian to stand on the sidewalk, except as near as is physically possible to the building line or the curb line. (Ord. 108, 8-12-1930)~~

10.02.50 Penalty.

Any person violating the provisions of this chapter shall be guilty of an administrative violation.

Chapter 10.03 RULES OF THE ROAD

10.03.010 Speed limits.

- A. The City Council has determined upon the basis of an engineering and traffic survey that the prima facie speed limit of 55 miles per hour, as provided by the Vehicle Code of the State of California, for that portion of Orestimba Creek Road, between the westerly City limits of the City and the intersection of said Orestimba Creek Road and "T" Street, is more than is reasonable and safe and that a prima facie speed limit of 35 25 miles per hour for that portion of said Orestimba Creek Road is found to be most appropriate to facilitate the orderly movement of traffic and is reasonable and safe.
- B. The City Council has determined, upon the basis of an engineering and traffic survey, that a prima facie speed limit of 35 miles per hour for that portion of Merced Street and Hills Ferry Road easterly of the Southern Pacific Railroad right-of-way to the City limits is found to be most appropriate to facilitate the orderly movement of traffic and is reasonable and safe.
- C. The City Council has determined, upon the basis of an engineering and traffic survey, that a prima facie speed limit of 35 miles per hour for that portion of Upper Road from Patchett Drive to the southerly City limits is found to be most appropriate to facilitate the orderly movement of traffic and is reasonable and safe.
- D. The City Council has determined, upon the basis of a traffic survey, that a prima facie speed limit of 45 miles per hour for that portion of Canal School Road from Hills Ferry Road to the southerly City limits is found to be most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. (Ord. 2003-1, 2-11-2003; Ord. 89-17, 10-10-1989; Ord. 89-9, 6-13-1989; Ord. 168, 12-26-1950)

10.03.020 Driving through funeral processions.

It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral procession; provided, that such vehicles are conspicuously so designated.

10.03.030 Use of coasters, roller skates and similar devices.

It shall be unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device to go upon any roadway or upon any sidewalk in the business district. (Ord. 108, 8-12-1930)

10.03.040 One-way streets and alleys.

All vehicular traffic on Fresno Street, between its intersection with the westerly boundary of M Street and its intersection with the westerly boundary of the right-of-way of the Southern Pacific Railroad Company shall proceed in a westerly direction only, and driving in an easterly direction in said portion of said public street is hereby prohibited. Signs indicating the manner in which traffic shall move over said portion of said public street shall be installed. (Ord. 229, 1-23-1962)

10.03.050 Truck routes.

A. The following streets and portions of streets shall be designated and described as "truck routes" in the City:

1. Merced Street east of "N" (State Highway 33).
2. All of "N" Street (State Highway 33) within the City limits.
3. Inyo Street east of "N" Street (State Highway 33).
4. "O" Street from Merced Street to Inyo Street.
5. Stanislaus Street from "O" Street to "L" Street.
6. "L" Street from Merced Street to the City limits.
7. "M" Street from Kern Street to Inyo Street.
8. Kern Street from "N" Street (State Highway 33) to "M" Street.
9. Yolo Street between "N" Street (State Highway 33) and "S" Street.
10. Orestimba Creek Road westerly from "S" Street.
11. Upper Road southerly from Inyo Street.

B. When such "truck routes" are established and designated by appropriate signs, it shall be unlawful for the operator of any moving van, dump truck, tank truck used or designated for the purpose of transporting petroleum products, or any vehicle designed or used for the transportation of commodities or materials which vehicle exceeds a maximum gross weight of 10,000 pounds to operate said vehicle upon any street other than upon and over a "truck route" for any purpose other than to make a pickup or delivery, or to service or secure repairs to said vehicle. In travelling to or from the point of delivery, pickup service to or repair of said vehicle, the operator of said vehicle shall drive as far as possible upon and over a truck traffic route or truck route.

C. It shall be unlawful for the operator of any vehicle to tow or pull or push any other vehicle on any street of the City other than upon a "truck route" for any distance greater than is absolutely necessary.

D. Nothing herein shall be construed to prevent the driving and operating of fire apparatus upon any streets of the City, nor shall this section, by its terms, prevent equipment owned by the City from being operated upon any of the streets of the City. Neither shall this section by its terms be construed to apply to the moving of houses, buildings or structures upon and over the streets of the City where the permits required by ordinances or resolutions of the City, or any amendments thereto, have been first obtained. The provisions of this section shall not apply to:

1. Passenger buses under the jurisdiction of the Public Utilities Commission.
2. Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

E. Any police officer shall have the authority to require any person driving or in control of any vehicle not proceeding over a "truck route" to proceed to any private or public scales available for the purpose of weighing and determining whether this section has been complied with.

- F. Any person violating any provision of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$500.00, or by imprisonment not to exceed 90 days, or by both such fine and imprisonment. (Ord. 87-7, 4-14-1987)

10.03.060 Terminal access for interstate trucks.

- A. Authority. California Vehicle Code Section 35401.5(b) and 35780.
- B. Definitions. The following words and phrases shall have the meanings set forth, and if any word or phrase used in this section is not defined in this section, it shall have the meaning as set forth in the California Vehicle Code; provided, that if any such word or phrase is not defined in the Vehicle Code, it shall have the meaning attributed to it in ordinary usage:
"Director of Public Works" means the Director of Public Works of the City of Newman, or his authorized representative.
"Interstate truck" means a truck tractor and semi-trailer or truck tractor, semi-trailer and trailer with length as required by the Vehicle Code.
"Oversized interstate trucks" means a semi-trailer while being towed by a motor truck or truck tractor, if the distance between the king pin to the rear most axle of the semi-trailer exceeds 40 feet for semi-trailers having two or more axles, or 38 feet for semi-trailers having one axle. Oversized interstate truck includes a combination of vehicles coupled together, including any attachments thereto, which consist of a truck tractor, a semi-trailer, and a trailer, exceeding 75 feet or a combination of any other vehicles exceeding a total length of 65 feet.
"Terminal" means any facility at which freight is consolidated to be shipped or when full load consignments may be loaded and off loaded, or at which the vehicles are regularly maintained, stored or manufactured.
- C. Oversized Interstate Truck Permits Required.
1. Oversized interstate truck special permits shall be required for all oversized interstate trucks operating within the City.
 2. This subsection shall not apply to State highways, the National System of Interstate and Defense Highways, or to highways specifically established and identified as providing reasonable access to facilities for fuel, food, lodging, and repair services.
- D. Application for Oversized Interstate Truck Special Permit.
1. Application for an oversized interstate truck special permit shall be filed with the Department of Public Works, in writing, on a form prescribed by the Director, and shall be signed by the owner or operator of such interstate truck.
 2. The application shall be accompanied by route maps as required by the Director, to show the proposed oversized interstate truck route requested with sufficient detail to show how such trucks can be accommodated on the proposed route.
 3. A filing fee, in such amount as may be fixed from time to time by order or resolution of the City Council, shall be paid at the time the application is filed.
 4. Special permits issued pursuant to this authority may be issued on a daily or annual basis as requested by the applicant and approved by the Director.
- E. Special Permit Approval by the Director of Public Works.
1. Upon receipt of a completed application, the required application fees, and the proposed route maps, the Director of Public Works may, in his discretion, issue or deny the special permit requested.
 2. The Director of Public Works shall consider public safety and preservation of highways when determining whether to issue a special permit for oversized interstate trucks pursuant to this section.
 3. The Director of Public Works is authorized to issue permits for oversized interstate trucks when, at his discretion, it is determined that public safety and the preservation of highways justifies issuance of a special permit as authorized in this section.
 4. An applicant denied a special permit or granted a conditional special permit under this section may appeal such action to the City Council within 10 days of said special permit action.
 5. Upon receipt of an appeal from an applicant for review of special permit action, the City

Council shall fix a time and place for public hearing of the application and give notice to all parties thereof no later than 10 days before such hearing.

6. At the conclusion of any hearing held by the City Council, the Council may approve or deny the application or may modify any of the proposed conditions attached to the approval of the application by the Director of Public Works.
7. Upon approval of an application, the City Council shall direct the Director of Public Works to issue the special permit. (Ord. 87-10, 10-27-1987)

10.03.70 Penalty.

Any person violating the provisions of this chapter shall be guilty of an administrative violation.

Chapter 10.04 STOPPING, STANDING AND PARKING

10.04.010 Angle parking.

The City Council is hereby authorized to determine, by resolution, upon what streets angle parking shall be permitted and to indicate such places by the painting of white lines upon the surface of the roadway to indicate the proper angle for parking; provided, that such lines shall not be placed upon any street for such parking to diminish the width of the roadway available for travel to less than 20 feet, nor upon any street which is a continuation of or part of a County trunkline highway or a State highway unless a clear width of 40 feet is left for the movement of vehicles when angle parking is permitted. (Ord. 77-22, 6-14-1977)

10.04.020 Parking vehicles for sale.

It shall be unlawful for the operator of any vehicle to park the same upon any street for the purpose of displaying it for sale, or to park any vehicle upon any street in any business district from which said vehicle merchandise is being sold.

10.04.030 Parking of certain size vehicles.

It shall be unlawful for any person to park any vehicle or combination of vehicles on any street, avenue or alley in the City where any part of said vehicle or combination of vehicles, extends more than 15 feet from the closest point on the curb line or top of curb. (Ord. 108, 8-12-1930)

10.04.040 Boulevard stops.

The following streets and parts of streets and those streets subsequently so designated by resolution are hereby declared to constitute boulevards for the purposes of this section:

"N" Street from the north line of Yolo Street to the south line of Inyo Avenue.

Every operator of a vehicle traversing any street intersecting any street designated as a boulevard shall bring his vehicle to a controlled stop at the intersection thereof. Signs requiring vehicles to stop before entering such intersections shall be erected and maintained. (Ord. 77-22, 6-14-1977)

10.04.050 Parking restrictions enumerated.

Parking restrictions will be regulated by the adoption of a resolution by the City Council except restrictions on "N" Street (Highway 33) which shall be regulated by the adoption of an ordinance.

- A. Parking of Motor Vehicles Prohibited. It shall be unlawful to park motor vehicles at any time in the following locations in the City:

On the easterly side of "N" Street, a distance of 40 feet southerly from the southeast corners of the intersections of "N" Street and Mariposa, Tulare, Fresno, Merced and Stanislaus Streets.

On the easterly side of "N" Street, a distance of 25 feet northerly from the northeast corners of the intersections of "N" Street and Mariposa, Tulare, Merced and Stanislaus Streets.

On the westerly side of "N" Street, a distance of 40 feet northerly from the northwest corners of the intersection of said "N" Street and Mariposa, Tulare, Fresno, Merced and Stanislaus Streets.

On the westerly side of "N" Street, a distance of 25 feet southerly from the southwest corners of the intersections of said "N" Street and Mariposa, Tulare, Fresno, Merced and Stanislaus Streets.

On the easterly side of "N" Street commencing at the intersection of Kern Street and extending in a northerly direction for 30 feet.

On the easterly side of "N" Street commencing at the intersection of Kern Street and extending in a northerly direction for 40 feet.

On the easterly side of "N" Street commencing at the intersection of Stanislaus Street and extending in a northerly direction to the intersection of Merced Street.

On the westerly side of "N" Street, distance of 20 feet southerly from the north entrance to Westside Shopping Center.

On the westerly side of "N" Street, distance of 41 feet northerly from the south entrance to Westside Shopping Center.

On the westerly side of "N" Street commencing at the intersection of Kern Street and extending in a southerly direction of 40 feet.

On the westerly side of "N" Street commencing at the intersection of Kern Street and extending in a southerly direction for 42 feet.

On the northerly side of Kern Street commencing at the intersection of "N" Street and extending in a westerly direction for 27 feet.

B. Limited Parking on "N" Street.

1. Limited parallel parking on both sides of "N" Street (State Highway 33) between its intersections with Merced Street on the south and Mariposa Street on the north is hereby established as follows:

Each parallel parking stall established by this provision shall be 20 feet in length.

Between each two such parking stalls there shall be, and hereby is, established a "no parking" zone, and "no parking" zone to be eight feet in length.

The Director of Public Works, in conjunction with the State Department of Transportation, shall indicate such parking stalls and "no parking" zones by the painting of white lines upon the curb and surface of the roadway sufficient to identify such parking stalls, and by the painting of red markings upon the curbs.

The provisions of this section shall not become effective until approved in writing by the State Department of Transportation, or such other agency of the State as may be appropriate. (Ord. 2007-3 § 1, 4-24-2007; Ord. 89-14, 6-27-1989; Ord. 84-14, 9-25-1984)

10.04.60 Penalty.

Any person violating the provisions of this chapter shall be guilty of an administrative violation.

Chapter 10.05 BICYCLES

10.05.010 Definition.

A "bicycle" is a device upon which any person may ride, propelled by human power through a belt, chain or gears, and having either two or three wheels in a tandem or tricycle arrangement. (Ord. 267, 1-23-1973)

10.05.020 Riding on bicycles, restrictions.

- A. Riding on Sidewalks. No person shall ride a bicycle upon any sidewalk in the business district of the City. "Business district" shall be defined as that portion of a street and the property contiguous thereto: (1) upon one side of which street for a distance of 600 feet, 50 percent or more of the contiguous property fronting thereon is occupied by buildings in use for business, or (2) upon both sides of which street, collectively, for a distance of 300 feet, 50 percent or more of the contiguous property fronting thereon is so occupied.

Any person riding a bicycle upon any sidewalk where such riding is permitted shall exercise due care and shall yield the right-of-way to all pedestrians.

- B. Clinging to Moving Vehicles. No person riding upon any bicycle, coaster, roller skates or toy vehicle shall attach the same or himself to any vehicle on the roadway.

- C. Passengers on Bicycles. A person propelling a bicycle shall not ride other than upon or astride a permanent regular seat attached thereto. No person operating a bicycle upon a street in the City shall permit any person to ride on the handlebars or any other portion of the bicycle other than upon a permanent regular seat attached thereto.
- D. Towing. No person riding or operating a bicycle in the City shall tow any other vehicle or person except for an approved bicycle trailer designed for that purpose. Any passenger under 18 years shall be wearing a properly positioned, fastened and approved safety helmet upon their head.
- E. Racing. A person propelling or operating a bicycle upon any street in the City shall not participate in any race, speed or endurance contest unless such race, speed or endurance contest has the written permission of the City Clerk under the supervision of the Chief of Police of the City.
- F. Trick Riding. A person riding or propelling a bicycle upon a street in the City shall not perform or attempt to perform any acrobatic, fancy or stunt riding.
- G. Rules of the Road. It shall be unlawful for any person in the City to propel, operate or maintain a bicycle in violation of the provisions of this chapter and the provisions of the Vehicle Code of the State of California pertaining to bicycles. (Ord. 96-2, 3-19-1996; Ord. 267, 1-23-1973)

10.05.030 Parking and parking spaces.

- A. When official signs or markings restricting parking of bicycles only, are in place in areas designated by the City Council upon recommendation of the Chief of Police, bicycles shall be parked only in such places, and it shall be unlawful for any person to park or stand any vehicle other than a bicycle in such designated space.
- B. No person shall park a bicycle against any window or on the main travelled portion of a sidewalk, nor in such manner as to constitute a hazard to pedestrians, traffic or property and where bicycle parking spaces have been established and designated by official signs and markings, no persons shall park a bicycle in the vicinity thereof except in such designated bicycle parking spaces. (Ord. 267, 1-23-1973)

10.05.040 Penalties.

- A. In addition to administrative penalties for violations of this chapter ~~other penalty provided by this chapter~~, the Police Department or any of the members thereof, may impound and retain possession for a period not to exceed 30 days of any bicycle operated in violation of any of the provisions of this chapter.
- B. At the expiration of the period of possession, the bicycle shall be delivered to its owner at the Newman Police Department.
- C. In addition to the penalties set forth above, the said Chief of Police is hereby authorized to require any minor under the age of 18 years, who operates a bicycle in violation of any of the provisions of this chapter, or of the California Vehicle Code, to attend a bicycle operators' school to be conducted under the supervision of the Chief of Police. Such school shall be for the purpose of educating the violator regarding proper operation of a bicycle and the provisions of law applicable to bicycles. (Ord. 303, 12-14-1976)

ⁱSee NCC 1.04.010

Section 2.

All other sections and provisions of Title 10, shall remain in full force and effect.

Section 3.

That a duly noticed public hearing was held by the City Council on September 8, 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 25th day of August, 2009 by Council Member _____, and adopted at a regular meeting of said City Council held on the 8th day of September 2009 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor of the City of Newman

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

**ACCEPT THE PROPOSAL FOR ON-CALL CONSULTING SERVICES
FROM ECO:LOGIC ENGINEERING**

RECOMMENDATION:

It is recommended that the City Council accept the proposal for on-call consulting services from Eco:Logic Engineering for an amount not-to-exceed \$70,000.00 and authorize the City Manager to execute the agreement.

BACKGROUND:

In 2008 Eco:Logic Engineering working for the City completed and approved the Wastewater Treatment and Disposal, Wastewater Collection System, and Water System Master Plans. In addition, in 2009 the City completed and approved the Wastewater Collection System – Sewer System Management Plan. Included in these plans are specific Capital Improvement Projects (CIP) and tasks that are recommended to be completed to ensure the continued health and safety of the City.

ANALYSIS:

The Public Works Department has a need for ongoing professional engineering services for wastewater collection, treatment, and disposal; and water production, distribution and planning. Following the completion of the Wastewater Treatment and Disposal Master Plan, Wastewater Collection System Master Plan, Water System Master Plan, and the Sewer System Management Plan there are several identified projects and tasks necessary for the City to complete to ensure the continued health and safety of the City. Some of the projects to be completed with this proposal are identification of potential locations for future potable water well, Sewer System Management Plan Program assistance, and Utility CIP costs for input in the future Water/Sewer Connection Fee Study and the Water Rate Study.

Eco:Logic Engineering is highly qualified and has in-depth knowledge of these systems due to there work on the master plans. The proposal is for on-call services and will be initiated by City staff only in response to specific requests by staff. Attached to this staff report is the proposal and contract.

FISCAL IMPACT:

Proposal amount \$70,000.00

09/10 Water and Sewer Fund \$70,000.00

CONCLUSION:

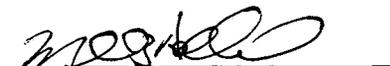
The Public Works Department has a need for professional engineering services for wastewater and water master plan projects and tasks. Eco:Logic Engineering is highly qualified and has in-depth knowledge of these systems. Therefore, staff recommends to City Council accept the proposal from Eco:Logic Engineering for an amount not to exceed \$70,000.00.

Respectfully Submitted,



Garner Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

CITY OF NEWMAN

This is the Agreement between ECO:LOGIC Engineering Incorporated, a California Corporation of consulting engineers, whose address is 3875 Atherton Road Rocklin, CA (hereinafter referred to as "ENGINEER"), and the client City of Newman (hereinafter referred to as "OWNER").

I. PROFESSIONAL SERVICES

- A. General Scope. OWNER hereby engages ENGINEER and ENGINEER shall do all work and shall serve as OWNER'S professional engineer for and during all phases of the project as herein set forth and shall consult with and advise OWNER and its staff as required and as directed during the performance of any work required by this agreement.
- B. Specific Services. ENGINEER shall do all work identified in the proposal letter dated August 21, 2009 titled "*Proposal for City of Newman Water and Wastewater On-Call Services*" attached hereto and incorporated herein as Exhibit A (the "Specific Services").
- C. Additional Services. ENGINEER shall perform additional services, as expressly directed and authorized by the OWNER. (the "Additional Services", and together with the Specific Services; collectively the "Services")

II. COMPENSATION

- A. Payment for all services performed by ENGINEER shall be as set forth in this Article and shall be considered as full compensation for all personnel, consultants, subcontractors, materials, supplies, services and equipment used in carrying out the work described by this agreement.
- B. Compensation shall be as follows:
 - 1) For Specific Services, the ENGINEER shall be compensated on a time and expense basis in accordance with the then current Hourly Rate Fee Schedule. The estimated fee for this project shall not exceed **\$70,000** without express authorization by OWNER.
 - 2) For additional services, ENGINEER shall be compensated on a time and expense basis in accordance with the then current Hourly Rate Fee Schedule.
- C. For all services, ENGINEER will submit statements ("Statements") showing the employee categories, appropriate hourly rates, and expenses incurred for personnel and subcontractors directly involved on the assignment.
- D. When ENGINEER has submitted monthly statements as required above, and they are approved by OWNER, such statements shall be paid by OWNER within thirty (30) days of their receipt. In the event payment is not received within 45 days of receipt, an interest charge of one and one half percent per month may be added thereafter to the amount due. Payment thereafter shall first be applied to any accrued interest and then to the principal unpaid balance.
- E. If OWNER fails to make payments when due or is otherwise in breach of this agreement, ENGINEER may suspend performance of services upon five (5) calendar days notice to OWNER. ENGINEER shall have no liability whatsoever to OWNER for any costs or damages that result from such suspension.

F. If the work is halted for any reason, compensation will be based on the services actually performed to date.

III. TERM OF AGREEMENT

ENGINEER is authorized to commence performance of the Services upon mutual approval of this Agreement.

This Agreement terminates on June 30, 2010 (*with option of extending the contract for two years*), unless terminated earlier pursuant to the terms and conditions of this Agreement. ENGINEER shall complete the Subcontracted Services in accordance with the time schedule set forth in Attachment A, including any intermediate milestones and phase submittals.

IV. STANDARD TERMS AND CONDITIONS

Attachment A is the Standard Terms and Conditions that are incorporated by reference as though set out in full.

V. NOTICE

Any notice or communication required or permitted by this Agreement shall be deemed sufficiently given if in writing and when delivered personally or upon receipt of registered or certified mail, postage prepaid with the U.S. Postal Service, and addressed as follows:

| | | |
|--|------------|---|
| <p>OWNER:</p> <p>City of Newman</p> <p>Attn: Garner Reynolds</p> <p>P.O. Box 787/ 1162 Main Street</p> <p>Newman, CA 95360</p> | <p>Or,</p> | <p>ENGINEER:</p> <p>ECO:LOGIC Engineering, Inc.</p> <p>Attn: Brandee Bews, Contracts</p> <p>3875 Atherton Road</p> <p>Rocklin, CA 95765</p> |
|--|------------|---|

or to such other address as the party to whom notice is to be given has furnished by the receiving party in writing.

VI. APPROVAL

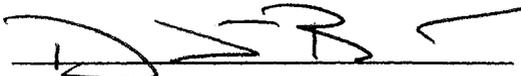
This is the entire agreement between the parties and there are no conditions, agreements or representations between the parties except as expressed herein.

The above is mutually agreed to this _____ day of _____ 2009.

City of Newman

ECO:LOGIC Engineering, Inc.

By: _____

By:  _____

Name: _____

Name: David R. Bennett

Title: _____

Title: CEO

EXHIBIT A



3875 Atherton Road
Rocklin, CA 95765

916.773.8100
916.773.8448

August 21, 2009

Michael Holland
City Manager
City of Newman
P.O. Box 787
1162 Main Street
Newman, CA 95360

RE: Proposal for City of Newman Water and Wastewater On-Call Services

Dear Michael,

ECO:LOGIC Engineering is pleased to submit the following proposal for On-Call Services for ongoing work related to wastewater collection, treatment, and disposal and water production, distribution, and planning at the City of Newman. As you are aware, with the completion of the Water, Wastewater Treatment and Disposal, and Wastewater Collection System Master Plans, there are still many steps that exist in the future. ECO:LOGIC is looking forward to assisting the City navigate the complex options and next steps. This On-Call Services Agreement covers tasks related to further water and wastewater items. Specific tasks that may be provided under this On-Call Services Agreement include, but are not limited to:

Wastewater:

- Assistance with SSMP elements, including the Design and Performance Provisions, Monitoring and Program Modifications, Program Audits, and Communication Program.
- Collection system model runs to determine the affect of potential new developments on the City's existing system.
- Providing input on Wastewater Treatment & Collection System CIPs costs to the rate/connection fee studies.
- Coordination and communication with the Regional Water Quality Control Board.
- Assistance with reclamation area groundwater monitoring well workplan.
- Initial environmental permit compliance needs for future disposal land.
- Other services related to wastewater collection, treatment, and disposal, as identified by City Staff.

Water:

- Provide assistance investigating potential location(s) for a new potable water well, including review of existing groundwater and subsurface geologic information.
- Review, comment and update (or prepare) water system monitoring plans (e.g., coliform, DBPs, LT2 sampling, IDSE requirements, sanitary surveys, cross connection control).
- Review water production and usage records to help quantify lost water and assist with water audits.
- Prepare/maintain distribution system hydraulic models.
- Provide overview of existing assets and assist with development and/or prioritization of implementation plan.
- Review and assist addressing Department of Public Health annual report requirements.
- Coordinate tank inspections.
- Review and comment on water quality monitoring.
- Provide input to Surface Water Rights Assessment.

Task work would be initiated only in response to specific requests by City Staff with your knowledge and approval. We will account separately for each authorized task assignment. Depending on the nature and extent of work involved, any specific task may warrant a separate authorization and fee limit at the discretion of the City.

We propose a, not to exceed without prior authorization, limit of \$70,000 for the City's 2009-2010 fiscal year (through 30 June 2010). We will bill for work on a time and expense basis using our fee schedule applicable at the time (2009 fee schedule attached). This proposal also provides for the option of extending the contract authorization, at the City's discretion, for up to two additional one-year periods. Fee limits for contract extensions would be determined for the 2010-2011 and 2011-2012 fiscal years prior to work commencing.



Michael Holland
City of Newman
August 21, 2009
Page 3

We look forward to continuing to assist the City with its water and wastewater issues. Please feel free to contact me if you have any questions regarding this proposal.

Sincerely,

ECO:LOGIC Engineering

A handwritten signature in cursive script, appearing to read "Tiffany Knapp".

Tiffany Knapp, P.E.
Senior Engineer

cc: Charlie Bunker, P.E., ECO:LOGIC Engineering
Garner Reynolds, City of Newman

ATTACHMENT A

Agreement for Professional Services Standard Terms and Conditions

Article 1. Authority

Each party has full power and authority to enter into and perform this contract, and the person signing this contract on behalf of each party has been properly authorized and empowered to enter into this contract. Each party further acknowledges that it has read this Agreement, understands it, and agrees to be bound by it.

Article 2. Documents

All documents, including drawings, specifications, and computer software, prepared by ENGINEER pursuant to this Agreement are instruments of service in respect to this Project. They are not intended or represented to be suitable for reuse by OWNER or others on extensions of this Project or on any other project. Any reuse without written verification or adaptation by ENGINEER for the specific purpose intended will be at OWNER'S sole risk and without liability or legal exposure to ENGINEER.; and OWNER shall indemnify and hold harmless ENGINEER against all claims, damages, losses, and expenses including attorney's fees arising out of or resulting from such reuse.

Article 3. Insurance

ENGINEER agrees to maintain (1) statutory workers' compensation insurance coverage; and (2) comprehensive general liability insurance coverage, and automobile liability insurance coverage in the sum of not less than one million dollars (\$1,000,000). ENGINEER also agrees to maintain professional liability insurance in the sum of not less than one million dollars (\$1,000,000) annual aggregate, on a claims-made basis, as long as it is reasonably available under standard policies at rates comparable to those currently in effect.

Article 4. Limitation of Liability

Notwithstanding any other provision of this agreement, OWNER agrees and covenants to limit the professional liability of ENGINEER, its subconsultants and all of its employees, agents and officers to the OWNER, arising from ENGINEER'S negligent acts, errors or omissions, such that the total aggregate liability of ENGINEER to all those named shall not exceed the amount of the fee.

Article 5. Dispute Resolution

Any claims, disputes or controversies arising out of, or in relation to the interpretation, application or enforcement of this agreement shall be submitted to non-binding mediation prior to the initiation of any suit or other litigation. The cost of said mediation shall be split equally between the parties. This agreement to mediate shall be specifically enforceable under the prevailing law of the jurisdiction in which this agreement is signed.

In the event of a dispute regarding the scope of work, OWNER and ENGINEER agree to meet and clarify any ambiguities as early and quickly as practicable.

Claims up to \$100,000, and disputes regarding ENGINEER'S fees under this agreement, shall be subject to binding arbitration in accordance with the then-most current rules of the American Arbitration Association, unless the parties mutually agree otherwise. The cost of the arbitration shall be split equally between the parties.

In the event that legal action is brought by either party against the other, the prevailing party shall be reimbursed by the other for the prevailing party's legal costs, in addition to whatever other judgments, or settlement sums, if any, may be due. Such legal costs shall include, but not be limited to, reasonable attorney's fees, court costs, expert witness fees and other documented expenses.

Article 6. Termination

This agreement may be terminated at any time by either party upon thirty (30) days written notice. In the event of any such termination, the ENGINEER shall be fairly compensated for all work performed to the date of termination.

If this agreement with the ENGINEER is terminated, and the work is completed by others, the ENGINEER shall be released from all responsibility for his uncompleted work and for work performed by others.

Article 7. Contingency

The OWNER and the ENGINEER agree that preparation of the contract drawings, specifications and documents without omissions, ambiguities, or inconsistencies is neither possible, practical, or cost

effective. In addition, the OWNER and ENGINEER agree that additional costs may be incurred during construction due to unforeseen site conditions and/or project changes required for any reason. As a consequence, the OWNER and the ENGINEER agree that certain increased costs and changes may be required during construction of the project and that the final construction cost of the Project may exceed the bid amount. The OWNER agrees to set aside an appropriate reserve as a contingency to be used, as required, to pay for any such increased costs and changes. OWNER further agrees to make no claim by way of direct or third-party action against ENGINEER or its subconsultants with respect to any increased costs within the contingency because of such changes or because of any claims made by the Contractor relating to such changes.

Article 8. Opinions of Cost and Schedule

Since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over contractors', subcontractors', or vendors methods of determining prices, or over competitive bidding or market conditions, ENGINEER'S cost estimates shall be made on the basis of qualification and experience as a professional engineer. Such opinions of probable cost do not constitute representations, warranties or guarantees of the accuracy of such opinions, as compared to bid or actual costs.

Since ENGINEER has no control over the resources provided by others to meet contract schedules, ENGINEER'S forecast schedules shall be made on the basis of qualification and experience as a professional engineer. ENGINEER cannot and does not guarantee that proposals, bids or actual project costs will not vary from his cost estimates or that actual schedules will not vary from his forecast schedules.

Article 9. Design Without Construction Administration

It is understood and agreed that the ENGINEER'S Basic Services under this Agreement do not include project observation or review of the Contractor's performance, and that such services may be provided for by the OWNER. The OWNER assumes all responsibility for interpretation of the Contract Documents and for construction observation, and the OWNER waives any claims against the ENGINEER that may be in any way connected thereto. In addition, the OWNER agrees, to the fullest extent permitted by law, to indemnify and hold harmless the ENGINEER, its officers, directors, employees and subconsultants (collectively, ENGINEER) against all

damages, liabilities or costs, including reasonable attorneys' fees and defense costs, arising out of or in any way connected with the performance of such services by other persons or entities and from any and all claims arising from modifications, clarifications, interpretations, adjustments or changes made to the Contract Documents to reflect changed field or other conditions, except for claims arising from the sole negligence or willful misconduct of the ENGINEER. If the OWNER requests in writing that the ENGINEER provide specific construction phase services and if the ENGINEER agrees in writing to provide such services, then they shall be compensated for as Additional Services as provided in Article 2.

Article 10. Jobsite Safety

Neither the professional activities of the ENGINEER, nor the presence of the ENGINEER or its employees or subconsultants at the construction site, shall relieve the General Contractor and any other entity of their obligations, duties, and responsibilities including but not limited to, construction means, methods, sequence, techniques or procedures necessary for performing, superintending or coordinating all portions of the work of construction in accordance with the contract documents and any health and safety precautions required by any regulatory agencies. The ENGINEER and its personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their work or any health or safety precautions. The OWNER agrees that the General Contractor is solely responsible for jobsite safety, and warrants that this intent shall be made evident in the OWNER'S agreement with the General Contractor. The OWNER also agrees that the OWNER, the ENGINEER, and the ENGINEERS consultants shall be indemnified and shall be made additional insureds under the General Contractor's general liability insurance policy.

Article 11. Personal Liability Protection

It is intended by the parties to this Agreement that the ENGINEER'S services in connection with the project shall not subject ENGINEER'S individual employees, officers, or directors to any personal legal exposure for the risks associated with this project. Therefore, and notwithstanding anything to the contrary herein, OWNER agrees that as the OWNER'S sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against the ENGINEER, a California Corporation, and not against any of the ENGINEER'S employees, officers, or directors.

Article 13. Miscellaneous Provisions

- A. This Contract shall be governed by the laws of California and constitutes the entire agreement between the parties relative to the engineering services specified herein, and no modification 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 the subject matter of this contract except those contained in or referred to in this writing or duly amended hereto.

- B. The OWNER, by signature of this agreement, recognizes that the scope of work is predicated upon the requisite level of work known to the ENGINEER. Should unknown factors occur, the OWNER will compensate the ENGINEER for those tasks that are not inclusive of this scope of services.

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