

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING OCTOBER 13, 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 September 22, 2009 Regular Meeting.
 - d. Adopt Resolution No. 2009- , Rejecting The Claim Of Pat Maisetti.
9. Public Hearings
 - a. Public Hearing On Supplemental Law Enforcement Services Fund (SLESF).
10. Regular Business
 - a. Adopt A Resolution No. 2009- , A Resolution Approving The Form Of And Authorizing The Execution And Delivery Of A Purchase And Sale Agreement And Related Documents With Respect To The Sale Of The Seller's Proposition 1A Receivable From The State; And Directing And Authorizing Certain Other Actions In Connection Therewith.
 - b. Approval Of Payment Towards California Redevelopment Association Legal Defense Fund.
11. Items From District Five Stanislaus County Supervisor.
12. Items From The City Manager And Staff.
13. Items From City Council Members.

14. Adjourn To Closed Session

- a. Conference With Legal Council - Potential Litigation - One Case - G.C. 54956.9.
- b. Public Employment - Police Chief - G.C. 54957.
- c. Return To Open Session.

15. Adjournment.

Calendar of Events

- October 12 - Baseball Board Meeting - 6:00 P.M.
- October 12 - Columbus Day - City Offices Closed
- October 13 - City Council - 7:00 P.M.
- October 15 - Planning Commission - 7:00 P.M.
- October 19 - Two-On-Two Meeting With The School Board - 4:30 P.M.
- October 21 - Mayors Meeting - 6:00 P.M. - Modesto
- October 22 - Orestimba Creek Flood Control Meeting - 10:00 A.M. - Sacramento
- October 27 - City Council - 7:00 P.M.

Date.: Oct 8, 2009
Time.: 4:36 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
036479	10/09/09	275.00	ANIMAL CARE CONFERENCE	REGISTRATION FOR ANIMAL CARE CONF/TOBIN
036480	10/09/09	20744.00	ANTHEM BLUE CROSS	HEALTH INSURANCE PREMIUM/NOV 2009
036481	10/09/09	24.42	AT&T LONG DISTANCE	LONG DISTANCE FOR 862-4636/AUG & SEPT 09
036482	10/09/09	32.62	AT&T	LONG DISTANCE/862-3665/862-3199/862-3659/862-3725
036482	10/09/09	510.58	AT&T	MONTHLY TELEPHONE SERVICE/8/13/09 TO 9/12/09
036482	10/09/09	427.27	AT&T	T1 LINE @ PD/8/20/09 TO 9/19/09
036482	10/09/09	146.58	AT&T	EMERGENCY DISPATCH LINE @ PD/8/20/09 TO 9/19/09
036483	10/09/09	50.00	BARTON OVERHEAD DOOR, INC	TRAVEL FEE/REPAIRS TO OVERHEAD DOOR/FD
036483	10/09/09	675.00	BARTON OVERHEAD DOOR, INC	REPAIRS TO OVERHEAD DOOR/FIRE STATION
036484	10/09/09	566.81	BASIC CHEMICAL SOL./INC.	213 GALLONS SODIUM HYPOCHLORITE
036485	10/09/09	2451.96	B.C. CONSTRUCTION	PIONEER PARK REHAB PHASE II
036486	10/09/09	549.90	JAMES J. BELL	CONTRACT SERV/EVIDENCE CLERK/JIM BELL THRU 9/30
036487	10/09/09	49814.70	BERTOLOTTI DISPOSAL	GARBAGE SERVICE FOR SEPT 2009
036488	10/09/09	1029.04	BERTOLOTTI DISPOSAL	LANDFILL FEES/SEPT 2009
036489	10/09/09	2.81	B G AUTO	10430 SAE/1 QUART
036489	10/09/09	2.16	B G AUTO	MINITURE LAMP
036489	10/09/09	2.82	B G AUTO	SPARK PLUG FOR WEED EATER
036489	10/09/09	3.21	B G AUTO	SPARK PLUG
036490	10/09/09	7472.67	W.H. BRESHEARS, INC.	GASOLINE AND DIESEL PURCHASES/SEPT 2009
036491	10/09/09	100.00	JEFF CARTER	PARKING LOT RENT/OCT 2009
036492	10/09/09	247.00	CBA (ADMIN FEES)	DENTAL-VISION ADMIN FEES/OCT 2009
036493	10/09/09	174.26	CHEVRON	GAS AND DIESEL PURCHASES/PD
036494	10/09/09	162.87	CIT TECHNOLOGY FIN SERV, INC	MS GSA OFFICE PRO PLUS/OCT 2009/PD
036495	10/09/09	50.00	CARL J. COELHO (CHUCK)	Veh Operation FIRE/OCT 2009

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Ck #	Check Date	CK Amount	Vendor Name	Description
036497	10/09/09	1400.00	COMPUTER TUTOR	COMPUTER CLASSES 4/1/09 TO 4/30/09
036497	10/09/09	1400.00	COMPUTER TUTOR	COMPUTER CLASS FEES 8/1/09 TO 8/31/09
036498	10/09/09	94.90	COMCAST CABLE	HIGH SPEED INTERNET SERVICES 9/22/09 TO 10/21/09
036499	10/09/09	2025.00	CONTRACT SWEEPING SERVICES, IN	CONTRACT STREET SWEEPING SERVICES/SEPT 2009
036500	10/09/09	778.38	CORBIN WILLITS SYS, INC.	SERVICE AND ENHANCEMENT FEE/OCT 2009
036501	10/09/09	1417.29	CROP PRODUCTION SERVICES	30 GALLONS MAD DOG LPI/60 GALS NEUTRALIZER/WWTP
036501	10/09/09	8982.71	CROP PRODUCTION SERVICES	GYPSUM-SUN SCREENED BULK/WWTP
036502	10/09/09	34315.00	CSJVRMA	2009/2010 2ND QUARTER DEPOSITS/
036503	10/09/09	651.50	GARY WHITE	HAY HAULING/WWTP/2ND CUTTING
036504	10/09/09	60.00	CASHIER, DEPT OF PESTICIDE	PESTICIDE CERTIFICATE RENEWAL/PARDO
036505	10/09/09	555.52	E&M ELECTRIC, INC.	LIGHT BULBS ON DOWNTOWN BULLARDS
036505	10/09/09	582.53	E&M ELECTRIC, INC.	REPLACED DUSK TO DAWN LIGHT @ MEMORIAL BLDG
036506	10/09/09	66510.42	ECO:LOGIC, INC	PROGRESS BILL #5/STORAGE BASIN/8/1 TO 8/31/09
036507	10/09/09	965.02	ENERGY SYSTEMS	HEAT HOSE/SILCONE CLAMP/ANTIFREEZE/WELL #8
036508	10/09/09	34.95	FIREtoWIRE, INC	WEB HOSTING 10/17/09 TO 11/17/09
036509	10/09/09	200.00	KARINA GARCIA	REFUND MEMORIAL BLDG DEPOSIT/GARCIA
036510	10/09/09	81.98	GOLDEN STATE IRRIGATION	GLOVES/HORNET SPRAY
036510	10/09/09	32.47	GOLDEN STATE IRRIGATION	CUFF GLOVES/SAFETY GLASSES
036511	10/09/09	190.94	GROENIGER & CO.	PO #10-18
036512	10/09/09	1705.00	CITY OF GUSTINE	ANIMAL CONTROL SERVICES/AUG 2009
036513	10/09/09	33.03	HOWARD A. HEINTZ	REIMBURSE FOR SUPPLIES/LINERS/VELLUM PAD/HEINTZ
036514	10/09/09	590.86	HEWLETT-PACKARD FINANCIAL SERV	HARDWARE LEASE/10-18-09 TO 11-17-09/PD
036515	10/09/09	144.58	HUB INTERNATIONAL OF CA INS SE	LIABILITY INSURANCE/KARINA GARCIA
036516	10/09/09	321.87	IKON OFFICE SOLUTIONS	COPIER LEASE/CITY HALL 9/10/09 TO 10/09/09
036516	10/09/09	328.38	IKON OFFICE SOLUTIONS	COPIER LEASE/PD/9/25/09 TO 10/24/09

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Ck #	Check Date	CK Amount	Vendor Name	Description
036517	10/09/09	133.13	INFOSEND, INC	LATE NOTICE MAILING/SEPT 2009
036518	10/09/09	623.00	KAISER PERMANENTE	HEALTH INSURANCE PREMIUM/NOV 2009
036519	10/09/09	1442.00	KLEINFELDER, INC.	COMPACTION TESTING/SOIL SAMPLING/CANAL SCH RD
036520	10/09/09	1202.10	MALLARD EXPRESS AUTO	BATTERY/TIRE REPAIR/OIL CHANGE/ALTERNATOR/
036521	10/09/09	52.31	MOORE WALLACE DBA RR DONNELLEY	PROOF & COMPOSITION CHARGE/JUVENILE CONTRACT/PD
036522	10/09/09	2000.00	NEWMAN FIREFIGHTERS, INC.	REIMBURSEMENT FOR MONTHLY DINNER MEETING SUPPLIES
036523	10/09/09	450.04	NEWMAN ACE HARDWARE/JACT, INC	GRAFFITI REMVR/STAIN/BLADE/CORD/WRENCH/MASK/
036524	10/09/09	140.89	NORMAC, INC.	MODULAR CONTROL/STATION MODULE
036525	10/09/09	12101.90	NTDSTICHLER ARCHITECTURE	AQUATICS CENTER/PHASE 1
036525	10/09/09	852.20	NTDSTICHLER ARCHITECTURE	HOWARD B. HILL PARK PROFESSIONAL SERVICES
036525	10/09/09	190.03	NTDSTICHLER ARCHITECTURE	REIMBURSEMENT FOR BLUEPRINTS/HILL PARK
036526	10/09/09	1329.00	OPERATING ENGINEERS/	HEALTH INSURANCE PREMIUM/NOV 2009
036527	10/09/09	43411.00	OSHKOSH CAPITAL	LEASE PAYMENT ON 2006 PIERCE FIRE TRUCK
036528	10/09/09	5036.30	PACIFIC MUNICIPAL CONSULTANTS	INVOICE #4/CAPITAL FACILITIES FEE UPDATE
036529	10/09/09	639.47	PATTERSON AUTO CARE, INC	MOUNT AND BALANCE 4 NEW TIRES/K-P VEHICLE
036530	10/09/09	60.60	PATTERSON IRRIGATOR	EMPLOYMENT AD/MAINTENANCE WORKER
036531	10/09/09	59546.83	P G & E	GAS AND ELECTRIC 7/9/09 TO 9/16/09
036532	10/09/09	18.26	PIONEER DRUG	CLOROX WIPES/BINDERS/FOAM CUPS
036533	10/09/09	202.50	PRECISION INSPECTION, INC	PUBLIC WORKS INSPECTIONS/PIONEER PARK REHAB
036534	10/09/09	370.00	RANDHAWA MEDICAL GRP, IN	PRE-EMPLOYMENT PHYSICAL/CSO OFFCR/TOBIN
036534	10/09/09	140.00	RANDHAWA MEDICAL GRP, IN	PRE-EMPLOYMENT PHYSICAL/REC DEPT/S. HOUSE
036535	10/09/09	187.27	RANDIK PAPER	6 HAND SANITIZER DISPENSERS/3 CASES SANITIZER
036536	10/09/09	400.00	JOCELYN ROLAND, Ph.D.	PRE-EMPLOYMENT PYSCHOLOGICAL SCREENING/TOBIN
036537	10/09/09	11000.00	ROPER MOBILE TECHNOLOGY	2 MONITOR COMPUTERS WITH KEYBOARDS/ PATROL CARS
036538	10/09/09	646.99	SAFE-T-LITE	RENTAL OF BARRICADES FOR FALL FESTIVAL

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Ck #	Check Date	CK Amount	Vendor Name	Description
036539	10/09/09	106.00	SAN JOAQUIN VALLEY AIR POLLUTI	09/10 PORTABLE EQUIPMENT REGISTRATIONS/CORP YARD
036540	10/09/09	81.33	SCORE AMERICAN SOCCER CO	PO #10-14
036540	10/09/09	65.89	SCORE AMERICAN SOCCER CO	PO #10-14
036540	10/09/09	100.13	SCORE AMERICAN SOCCER CO	PO #10-14
036540	10/09/09	48.78	SCORE AMERICAN SOCCER CO	PO #10-14
036540	10/09/09	30.01	SCORE AMERICAN SOCCER CO	PO #10-14
036541	10/09/09	75.00	SES COUNCIL # 10	REFUND MEMORIAL BLDG DEPOSIT/SES #10
036542	10/09/09	247.00	STATE OF CALIFORNIA	FINGERPRINTS/REC DEPT/PD
036543	10/09/09	47064.00	STANISLAUS COUNTY	EMERGENCY DISPATCH JUL-SEPT 2009
036544	10/09/09	21.65	STAPLES CREDIT PLAN	100 PACK DVDS
036545	10/09/09	230.00	STANISLAUS COUNTY FIRE CHIEFS'	ANNUAL DUES STAN COUNTY FIRE CHIEFS' ASSOC
036546	10/09/09	62.46	STAPLES BUSINESS ADVANTAGE	DUST-OFF/POST ITS/BINDER CLIPS/CD'S
036546	10/09/09	268.75	STAPLES BUSINESS ADVANTAGE	BATTERIES/PAPER/TONER/DESK PAD/COUNTERFEIT PEN
036546	10/09/09	43.42	STAPLES BUSINESS ADVANTAGE	COIN TRAY/HAND SANITIZER/FILE LABELS
036546	10/09/09	63.13	STAPLES BUSINESS ADVANTAGE	ANTISEPTIC REFILLS/REC
036547	10/09/09	155.83	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL AND SERVICE/
036548	10/09/09	75.00	TEAMSTERS LOCAL UNION 948	REFUND MEMORIAL BLDG DEPOSIT/TEAMSTERS #948
036549	10/09/09	300.00	TOM MAYO CONSTRUCTION	REFUND HYDRANT DEPOSIT/TOM MAYO CONSTRUCTION
036550	10/09/09	150.00	BARBARA J. TOSTA	YOUNG AT HEART INSTRUCTOR/SEPT 2009
036551	10/09/09	50.00	GEORGE VARGAS	VEH OPERATION FIRE/OCT 2009
036552	10/09/09	16.00	WEST SIDE PUBLIC SCALE	WEIGHT TAGS/WWTP HAY/SEPT 09
036553	10/09/09	101.86	YANCEY LUMBER COMPANY	DOG FOOD/K-9 DEPT
036554	10/09/09	20342.30	ALAN YENGOYAN, ATTORNEY AT LAW	HEARING OFFICER ON APPEAL OF J. LEMUS
036555	10/09/09	15.73	ALEXANDER, FRANCELINA A.	MQ CUSTOMER REFUND FOR ALE0013
036556	10/09/09	96.32	BURRESS, YVONNE	MQ CUSTOMER REFUND FOR BUR0021

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Ck #	Check Date	CK Amount	Vendor Name	Description
036557	10/09/09	93.75	BURESS, YVONNE	MQ CUSTOMER REFUND FOR BUR0022
036558	10/09/09	88.79	PEREZ, LUZ MARIA	MQ CUSTOMER REFUND FOR PER0087
036559	10/09/09	52.87	ROSA, MICHAEL	MQ CUSTOMER REFUND FOR ROS0061
036560	10/09/09	67.08	RUIZ, RAFAEL	MQ CUSTOMER REFUND FOR RUI0016
Sub-Total:		----- 421297.06		
Grn-Total:		----- 421297.06		
Count: 104				

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING SEPTEMBER 22, 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 - Mayor Katen.
4. Roll Call **PRESENT:** Kelly, Davis, Candea, Martina And Mayor Katen.
ABSENT: None.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters

- a. Proclamation - Family Day.

Mayor Katen Presented The Family Day Proclamation.

- b. Badge Pinning Of Officer Noel Borden.

Chief McGill Introduced And Performed The Swearing In Of New Officer Noel Borden And Introduced Jessica Tobin As The City's New Community Services Officer.

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 September 8, 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. Adopt Resolution No. 2009- 58, A Resolution Establishing Administrative Fees Related To Newman City Code Traffic Ordinances.

ACTION: On Motion By Kelly Seconded By Candea And Unanimously Carried, Resolution No. 2009-58, A Resolution Establishing Administrative Fees Related To Newman City Code Traffic Ordinances, Was Adopted.

- b. Adopt Resolution No. 2009-59, A Resolution Authorizing The Submittal Of An Economic Development Bank Loan Application And Approving The Repayment Schedule.

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2009-59, A Resolution Authorizing The Submittal Of An Economic Development Bank Loan Application And Approving The Repayment Schedule, Was Adopted.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Informed The Council That The Biggest Loser Contest Was A Success And That The Cooperation Between The Three Cities Related To The West Side Healthcare Taskforce Was Commendable. DeMartini Mentioned That There Was An Orestimba Creek Flood Control Project Meeting The Previous Week And That They Are Moving Closer To A Final Project. DeMartini Added That They Would Be Asking For Public Input Reasonably Soon.

12. Items From The City Manager And Staff.

City Manager Holland Informed The Council That The Waste Water Treatment Plant Storage Basin Project Was Approximately Ninety-Five Percent Complete. Holland Mentioned That The Hill Park And Fresno Street Projects Would Be Starting Soon. He Also Informed The Council That The Public Works Position Application Period Was Closed And That The Interviews Would Take Place On September 29, 2009. Holland Noted That The City Offices Will Be Closed For Columbus Day On Monday October 12, 2009. He Reminded Everyone To Donate Blood On September 23, 2009 At The Fire Department Blood Drive And To Pick-Up Their Fire Department BBQ Tri-Tip Tickets. Holland Updated The Council On The Caltrans Highway 33 Re-Construction Project. He Commended The Police Department For Arresting A Shooting Suspect And For Solving All The Major Crimes Over The Previous Couple Of Years. Holland Asked For The Council's Concurrence To Allow Orestimba High School To Line Main Street With Spirit Flags In Preparation For Home Games.

Chief McGill Mentioned That On Saturday September 26, 2009, The Police Department And The Boy Scouts Would Be Hosting A "Scouts In The Park Day" At Sherman Park. McGill Reminded Everyone That The Police Department Would Be Sponsoring An Animal Control Clinic on October 10, 2009 At Pioneer Park. McGill Informed The Council That The City Is Partnering With Newman City Tow To Introduce A New Program Which Will Remove Resident's Inoperable Vehicles Free Of Charge Beginning On October 1, 2009.

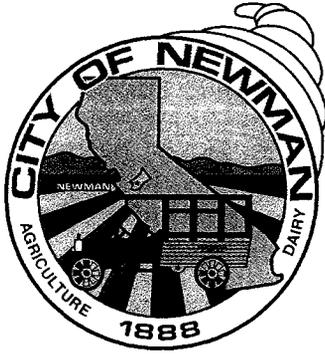
13. Items From City Council Members.

Council Member Kelly Congratulated Everyone On Their Weight Loss And Thanked Them For Participating In The Biggest Loser Contest. Kelly Also Thanked The Public Works Department For Fixing The Sidewalk He Had Reported And Congratulated And Commended The Police Department For A Job Well Done.

Mayor Katen Also Commended The Police Department. Katen Informed Everyone That The Orestimba Creek Flood Control Solution Is Getting Closer And That The Next Meeting Would Be On Monday, October 5, 2009.

14. Adjournment.

ACTION: On Motion By Katen Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 7:31 P.M.

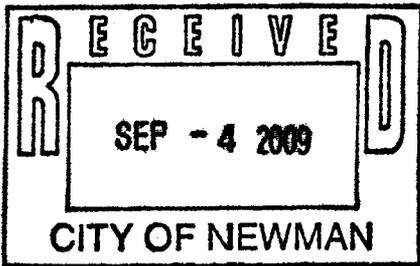


**City of Newman
City Manager's Office
Memorandum**

**Date: October 7, 2009
To: City Council
From: Michael E. Holland**

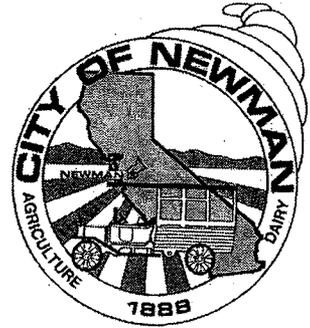
Subject: Rejection of claim.

A claim against the City of Newman was filed by Pat Maisetti on September 4, 2009. Based upon the recommendation of our insurance provider, Staff recommends the Council reject said claim. A copy of the claim submitted by Ms. Maisetti and the proposed resolution rejecting the claim are attached. Any discussions of the claim must be done in closed session as potential litigation.



CITY OF NEWMAN

CLAIM FORM
Form B



CLAIM AGAINST City of Newman
(Name of Entity)

Claimant's name: Pat Maisetti

Claimant's address: 19163 Deanne Drive, Madera, CA 93638

Address where notices about claim are to be sent, if different from above: My attorney:

Frank T. Zumwalt, Esq. 1600 G Street, Ste.104, Modesto, CA 95354

Date of incident/accident: March 5, 2009

Date injuries, damages or losses were discovered: March 5, 2009

Location of incident/accident: Louie Newman Bldg. 649 Yolo St., Newman, CA

What did entity or employee do to cause this loss, damage or injury? See attached

(Use back of this form or separate sheet if necessary to answer this question in detail)

What are the names of the entity's employees who caused this injury, damage or loss (if known)?

Unknown at this time

What specific injuries, damages, or losses did claimant receive?

See attached

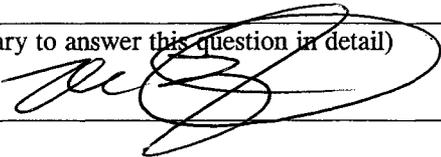
(Use back of this form or separate sheet if necessary to answer this question in detail)

What amount of money is claimant seeking, or if amount is in excess of \$10,000, which is the appropriate court of jurisdiction: Note: If Superior and Municipal Courts are consolidated you must represent whether it is a "limited civil case" [see Government Code 910(f)].

See attached

How was this amount calculated (please itemize)? According to proof

(Use back of this form or separate sheet if necessary to answer this question in detail)

Date Signed: September 3, 2009 Signature: 

If signed by representative:
Representative's Name Frank T. Zumwalt Address 1600 G St., Ste. 104

Telephone # (209) 577-6100 Modesto, CA 95354

Relationship to Claimant Attorney

Attachment to City of Newman Claim Form - Form B

Claimant: Pat Maisetti
19163 Deanne Drive, Madera, CA 93638
Entity: Louie Newman Building, Newman, CA
DOI: March 5, 2009
Date Filed: September 4, 2009

What did the entity or employee do to cause this loss, damage or injury?

Parking lot on West side of building was not lit - it was in total darkness - the City had no lights on the building in working order. Tire wells/parking stops were painted the same color as the black top and were therefore unidentifiable and a hazard to the patrons of the Louie Newman Building. I fell over the tire well that I was not able to see in the darkness.

What specific injuries, damages, or losses did claimant receive?

A sternal fracture, laceration to the chin, hurt my left thumb and both knees were skinned and bruised. I tore my new pants at the knees.

What amount of money is claimant seeking, or if amount is in excess of \$10,000.00, which is the appropriate court of jurisdiction:

Claimant has incurred medical expenses, lost wages and general damages in excess of \$100,000.00. The appropriate jurisdiction is Stanislaus Superior Court - Unlimited Civil Case.

RESOLUTION NO. 2009-

A RESOLUTION REJECTING THE CLAIM OF PAT MAISETTI

WHEREAS, a claim for damages in an amount within the Superior Court jurisdiction was filed against the City of Newman by PAT MAISETTI, on September 4, 2009 for alleged damages.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that it hereby rejects the said claim for alleged damages in an amount within the Superior Court jurisdiction against the City of Newman for alleged damages.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 13th day of October, 2009, by Council Member _____ who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.a.**
City Council Meeting
of October 13, 2009

PUBLIC HEARING ON SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND

RECOMMENDATION:

Hold a Public Hearing on accepting State of California Supplemental Law Enforcement Services Fund and authorize expenditures for this funding.

BACKGROUND:

The City is scheduled to receive \$100,000 in funding from the State of California as part of AB1913 Funding also referred to as Supplemental Law Enforcement Services Fund (SLESF). We have received this funding for the last eight years. The requirements of this program mandate the funds be spent on "front line needs of municipal police service", that a public hearing be held, and the funding is to supplement and not supplant items in the budget. The final requirement is the funds have to be expended by June 30, 2010, with any remaining funds returned to the State of California.

ANALYSIS:

During the building of FY 09/10 budget, these funds were anticipated revenue and were included in the general fund for of \$10,000 in overtime costs and \$90,000 towards the on going costs of emergency dispatch services from SR911. These additional funds supplement existing items in our budget but as indicated above these funds were already included in the FY 09/10 City Budget adapted by this Council.

FISCAL IMPACT:

There is no fiscal impact as this program does not require matching funds and all funds were already provided in the approved budget for FY 09/10.

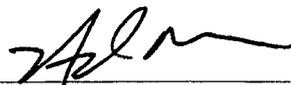
ATTACHMENTS:

Attachment "A" is the Budget Narrative for these funds.

CONCLUSION:

Staff recommends the City Council hold a Public Hearing for accepting and appropriating the Supplemental Law Enforcement Services Fund.

Respectfully submitted,



Adam McGill
Chief of Police

Review/Concur



Michael Holland
City Manager

ATTACHMENT A

The Chief of Police and his staff have determined the front line needs of our municipal police service. The following identifies those needs:

1. **\$10,000 Overtime Funds**
Covers funding for overtime to cover the cost of increased coverage of officers in the field to offset for additional patrols such as significant investigations, bicycle patrol, training, special events, and other community needs. These funds are essential to maintain minimum staffing levels on patrol.

2. **\$90,000Emergency Dispatch**
These funds will assist in the on-going funding for contractual emergency dispatch services that is provided by Stanislaus Regional 911. The cost of these essential services continues to escalate based on improved technology and salaries provided to SR911 staff.

The Department will stay within the parameters of the listed items above but funds may be spend as needed in each of these areas.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.a.**
City Council Meeting
of October 13, 2009

APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

RECOMMENDATION:

It is recommended that the Newman City Council:

1. Adopt a Resolution No. 2009- , A Resolution Approving The Form Of And Authorizing The Execution And Delivery Of A Purchase And Sale Agreement And Related Documents With Respect To The Sale Of The Seller's Proposition 1a Receivable From The State; And Directing And Authorizing Certain Other Actions In Connection Therewith.

BACKGROUND:

Proposition 1A was passed by California voters in 2004 to ensure local property tax and sales tax revenues remain with local government thereby safeguarding funding for local services. Provisions can only be suspended if the Governor declares a fiscal necessity and two-thirds of the Legislature occurs.

The emergency suspension of Proposition 1A was passed by the Legislature and signed by the Governor as ABX4 14 and ABX4 15 as part of the 2009-10 budget packages on July 28, 2009. Under the provision, the State will borrow 8% of the amount of property tax revenue apportioned to the City of Newman. The eight percent being borrowed from the city includes \$179,000 from the General Fund.

ANALYSIS:

The Proposition 1A Securitization Program was instituted by California communities to enable Local Agencies to sell their respective Proposition 1A Receivables to California Communities. Under the Securitization Program, California Communities will simultaneously purchase the Proposition 1A Receivables, issue bonds ("Prop 1A Bonds") and provide each local agency with the cash proceeds in two equal installments, on January 15, 2010 and May 3, 2010 (to coincide with the dates that the State will be shifting property tax from local agencies). The purchase price paid to the local agencies will equal 100% of the amount of the property tax reduction. All transaction costs of issuance and interest will be paid by the State of California. Participating local agencies will have no obligation on the bonds and no credit exposure to the State.

If the City sells its Proposition 1A Receivables under the Securitization Program, California Communities will pledge the City's receivables to secure repayment of a corresponding amount of the Prop 1A Bonds. The City's sale of its Prop 1A Receivable will be irrevocable. Bondholders will have no recourse to the City if the State does not make the Prop 1A Repayment. The proposed purchase and sales agreement is included as attachment "A".

The interest rate has been set at 2% by the State Department of Finance for agencies that do not securitize the Proposition 1A receivable. If we do not choose to participate in the program the State has until June 30, 2013 to repay the City.

FISCAL IMPACT:

The benefits of participating in the Securitization Program include immediate cash relief, and no cost or obligation to the City. The City will receive the cash proceeds in two equal installments that offset the State's take.

Agenda Item: **10.a.**

CONCLUSION:

It is staff recommendation that the Council approve the proposed Proposition 1A Securitization Program, and approve the proposed Prop 1A Sale Resolution and Purchase and Sale Agreement.

Respectfully submitted:


Sonya Silva
Finance Director

REVIEWED/CONCUR:


Michael E. Holland
City Manager

The proposed Purchase and Sale Agreement:

- (1) Provides for the sale of the Proposition 1A Receivable to California Communities;
- (2) Contains representations and warranties of the City of Newman to assure California Communities that the Proposition 1A Receivable has not been previously sold, is not encumbered, that no litigation or other actions is pending or threatened to disrupt the transaction and the this is an arm's length "true sale" of the Proposition 1A Receivable.
- (3) Provides mechanics for payment of the Purchase Price
- (4) Contains other miscellaneous provisions.

Proposed Purchase and Sale Agreement Exhibits:

The proposed Proposition 1A Purchase and Sale Agreement Exhibits:

- (B1) Opinion of Counsel: This is an opinion of the counsel to the local agency (which may be an in-house counsel or an outside counsel) covering basic approval of the documents, litigation, and enforceability of the document against the Seller. It will be dated as of the Pricing date of the bonds (currently expected to be November 10, 2009).
- (B2) Bringdown Opinion: This simply "brings down" the opinions to the closing date (currently expected to be November 19, 2009).
- (C1) Certificate of the Clerk of the Local Agency: A certificate of the Clerk confirming that the resolution was duly adopted and is in full force and effect.
- (C2) Seller Certificate: A certification of the Seller dated as of the Pricing Date confirming that the representations and warranties of the Seller are true as of the Pricing Date, confirming authority to sign, confirming due approval of the resolution and providing payment instructions.
- (C3) Bill of Sale and Bringdown Certificate: Certificate that brings the certifications of C2 down to the Closing Date and confirms the sale of the Proposition 1A Receivable as of the Closing Date.
- (D) Irrevocable Instructions to the Controller: Required in order to let the State Controller know that the Proposition 1A Receivable has been sold and directing the State to make payment of the receivable to the Trustee on behalf of the Purchaser.
- (E) Escrow Instruction Letter: Instructs Transaction Counsel (Orrick) to hold all documents in escrow until closing, and if closing does not occur by December 31, 2009 for any reason, to destroy all documents.

RESOLUTION NO. 2009-

A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Section 25.5 of Article XIII of the California Constitution and Chapter 14XXXX of the California Statutes of 2009 (Assembly Bill No. 15), as amended (the "Act"), certain local agencies within the State of California (the "State") are entitled to receive certain payments to be made by the State on or before June 30, 2013, as reimbursement for reductions in the percentage of the total amount of ad valorem property tax revenues allocated to such local agencies during the State's 2009-10 fiscal year (the "Reimbursement Payments"), which reductions have been authorized pursuant to Sections 100.05 and 100.06 of the California Revenue and Taxation Code;

WHEREAS, the City of Newman, a local agency within the meaning of Section 6585(f) of the California Government Code (the "Seller"), is entitled to and has determined to sell all right, title and interest of the Seller in and to its "Proposition 1A receivable", as defined in Section 6585(g) of the California Government Code (the "Proposition 1A Receivable"), namely, the right to payment of moneys due or to become due to the Seller pursuant to Section 25.5(a)(1)(B)(iii) of Article XIII of the California Constitution and Section 100.06 of the California Revenue and Taxation Code, in order to obtain money to fund public capital improvements or working capital;

WHEREAS, the Seller is authorized to sell or otherwise dispose of its property as the interests of its residents require;

WHEREAS, the California Statewide Communities Development Authority, a joint exercise of powers authority organized and existing under the laws of the State (the "Purchaser"), has been authorized pursuant to Section 6588(x) of the California Government Code to purchase the Proposition 1A Receivable;

WHEREAS, the Purchaser desires to purchase the Proposition 1A Receivable and the Seller desires to sell the Proposition 1A Receivable pursuant to a purchase and sale agreement by and between the Seller and the Purchaser in the form presented to this City Council (the "Sale Agreement") for the purposes set forth herein;

WHEREAS, in order to finance the purchase price of the Proposition 1A Receivable from the Seller and the purchase price of other Proposition 1A Receivables from other local agencies, the Purchaser will issue its bonds (the "Bonds") pursuant to Section 6590 of the California Government Code and an Indenture (the "Indenture"), by and between the Purchaser and Wells Fargo Bank, National Association, as trustee (the "Trustee"), which Bonds will be payable solely.

WHEREAS, the Seller acknowledges that (i) any transfer of its Proposition 1A Receivable to the Purchaser pursuant to the Sale Agreement shall be treated as an absolute sale and transfer of the property so transferred and not as a pledge or grant of a security interest by the City of Newman to secure a borrowing, (ii) any such sale of its Proposition 1A Receivable to the Purchaser shall automatically be perfected without the need for physical delivery, recordation, filing or further act, (iii) the provisions of Division 9 (commencing with Section 9101) of the California Commercial Code and Sections 954.5 to 955.1 of the California Civil Code, inclusive, shall not apply to the sale of its Proposition 1A Receivable, and (iv) after such transfer, the Seller shall have no right, title, or interest in or to the Proposition 1A Receivable sold to the Purchaser and the Proposition 1A Receivable will thereafter be owned, received, held and disbursed only by the Purchaser or a trustee or agent appointed by the Purchaser;

WHEREAS, the Seller acknowledges that the Purchaser will grant a security interest in the Proposition 1A Receivable to the Trustee and any credit enhancer to secure payment of the Bonds;

WHEREAS, a portion of the proceeds of the Bonds will be used by the Purchaser to, among other things, pay the purchase price of the Proposition 1A Receivable;

WHEREAS, the Seller will use the proceeds received from the sale of the Proposition 1A Receivable for any lawful purpose as permitted under the applicable laws of the State;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby resolves as follows:

Section 1. All of the recitals set forth above are true and correct, and this City Council hereby so finds and determines.

Section 2. The Seller hereby authorizes the sale of the Proposition 1A Receivable to the Purchaser for a price equal to the amount certified as the Initial Amount (as defined in the Sale Agreement) by the County auditor pursuant to the Act. The form of Sale Agreement presented to the City Council is hereby approved. An Authorized Officer (as set forth in Appendix A of this Resolution, attached hereto and by this reference incorporated herein) is hereby authorized and directed to execute and deliver the Sale Agreement on behalf of the Seller, which shall be in the form presented at this meeting.

Section 3. The City Manager is hereby authorized and directed to send, or to cause to be sent, an irrevocable written instruction to the State Controller (the "Irrevocable Written Instruction") notifying the State of the sale of the Proposition 1A Receivable and instructing the disbursement pursuant to Section 6588.6(c) of California Government Code of the Proposition 1A Receivable to the Trustee, on behalf of the Purchaser, which Irrevocable Written Instruction shall be in the form presented at this meeting.

Section 4. The City Manager and such other Seller officers, as appropriate, are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents, including but not limited to, if required, appropriate escrow instructions relating to the delivery into escrow of executed documents prior to the closing of the Bonds, and such other documents mentioned in the Sale Agreement or the Indenture, which any of them may deem necessary or desirable in order to implement the Sale Agreement and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. All consents, approvals, notices, orders, requests and other actions permitted or required by any of the documents authorized by this Resolution, whether before or after the sale of the Proposition 1A Receivable or the issuance of the Bonds, including without limitation any of the foregoing that may be necessary or desirable in connection with any default under or amendment of such documents, may be given or taken by the City Manager without further authorization by this City Council, and the City Manager is hereby authorized and directed to give any such consent, approval, notice, order or request, to execute any necessary or appropriate documents or amendments, and to take any such action that such City Manager may deem necessary or desirable to further the purposes of this Resolution.

Section 6. The City Council acknowledges that, upon execution and delivery of the Sale Agreement, the Seller is contractually obligated to sell the Proposition 1A Receivable to the Purchaser pursuant to the Sale Agreement and the Seller shall not have any option to revoke its approval of the Sale Agreement or to determine not to perform its obligations thereunder.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 13th day of October, 2009, by Council Member _____ who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor of the City of Newman

Deputy City Clerk

Honorable Chair and Members
of the Newman Redevelopment Agency

Agenda Item: **10.b.**
Redevelopment Agency Meeting
of October 13, 2009

APPROVAL OF PAYMENT TOWARDS CRA LEGAL DEFENSE FUND

RECOMMENDATION:

Authorize staff to pay into California Redevelopment Association (CRA) Legal Defense Fund.

BACKGROUND:

Last year, the State of California attempted to raid local Redevelopment Agencies to help balance the State budget. The CRA, along with Madera and Moreno Valley redevelopment agencies, brought suit against the State. In May 2009, the court ruled in favor of the redevelopment agencies and prevented the State from taking \$350 million in redevelopment funds. This year, the State is attempting to steal \$2.05 BILLION.

ANALYSIS:

The CRA has hired the same law firm for Round 2 of the fight. The CRA is asking member agencies to pitch in and help with the legal costs. The Newman Redevelopment Agency fee is \$140.

FISCAL IMPACT:

Minimal.

CONCLUSION:

Staff recommends the Council approve a \$140 payment to the California Redevelopment Association Legal Defense Fund .

Respectfully submitted,



Michael Holland
Executive Director

California Redevelopment Association

Redevelopment. Building Better Communities

September 28, 2009

Mr. Michael E. Holland
City Manager
Newman Redevelopment Agency
PO Box 787
Newman, CA 95360-0787

Dear Mr. Michael E. Holland:

Once again, CRA is preparing to wage a battle to prevent the State of California from raiding redevelopment funds to balance the State budget, this time for \$2.05 billion!

As you know, we won the court case brought by CRA and the Madera and Moreno Valley redevelopment agencies against the State to prevent the unconstitutional taking of \$350 million in redevelopment funds in the last budget. Consequently, redevelopment agencies, including yours, did not have to make the ERAF payments that were due on May 10 this year. Over 325 of CRA's agency members paid their share of the more than \$700,000 CRA incurred in legal expenses to prevail in that first lawsuit.

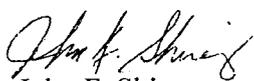
We have retained the same legal team that was successful in our first lawsuit to protect your interests in the second lawsuit, which will be filed in the next few weeks. After several years of successful efforts to defeat or pass ballot initiatives and protect redevelopment funds from unconstitutional takings, CRA is not in a position to absorb the cost of another lawsuit. We need your help. At their September 10 meeting, the CRA Board of Directors voted to ask our agency members for the legal defense funds needed for this effort. These funds will also be used to increase communication with the press and our members about the lawsuit and to keep the press informed about the repercussions the State's action will have on redevelopment.

Enclosed is the invoice for your agency for this special fee. The amount is based on the total amount of tax increment you receive annually.

The CRA Board members continue to be committed to this fight, and they are counting on participation by all agency members to defray the costs. We know that you face severe budgetary constraints and we are doing all we can to protect your redevelopment funds now and into the future. We need your support in order to continue our efforts.

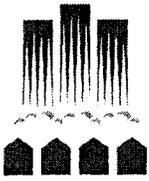
If you have questions, call me at (916) 448-8760. Thank you for your continuing support of CRA!

Sincerely,


John F. Shirey
Executive Director



1400 K Street, Suite 204 • Sacramento, CA 95814-3916
(916) 448-8760 • fax (916) 448-9397
www.calredevelop.org



California Redevelopment Association
 1400 K Street, Suite 204
 Sacramento, CA 95814
 (916) 448-8760 fax (916) 448-9397
 www.calredevelop.org

INVOICE

Date	Account #
10/01/2009	725

Mr. Michael E. Holland
 City Manager
 Newman Redevelopment Agency
 PO Box 787
 Newman, CA 95360-0787

Date	Reference	Description	Amount
1-Oct-09	24752	Fee for Legal Defense Fund	\$140.00
Total Due:			\$140.00

Payment Method:

Visa MC AMEX Check enclosed payable to CRA

Card Number: _____ CSC# _____

Name on _____ Exp. Date: _____

Signature: _____