



**AGENDA**  
**NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY**  
**REGULAR MEETING FEBRUARY 23, 2010**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET**

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters
  - a. Presentation By County Librarian, Vanessa Czopek (Annual Report - Fiscal Year 08/09).
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 February 9, 2010 Regular Meeting.
  - d. Adopt Resolution No. 2010- , A Resolution Pledging Support Of The Merced County High Speed Rail Committee And The Submittal Of Proposals For The State High Speed Rail Heavy Maintenance Yard At Castle Commerce Center And At A Location In The Vicinity Of The City Of Merced.
  - e. Adopt Resolution No. 2010- , A Resolution Approving The Automatic Annual Inflation Adjustment For Capital Facility And Impact Fees For The Period Of March 1, 2010 Through February 28, 2011.
  - f. Approval Of A Renewed Joint-Use Agreement With The Newman Crows Landing School District.
9. Public Hearings
10. Regular Business
  - a. Authorize A Budget Adjustment Of \$33,000 For The Landscape And Lighting District Assessment And Adopt Resolution 2010- , A Resolution Approving An Amendment To The Contract To NBS To Provide Proposition 218 Services For The Landscape And Lighting District Zones 1-15.
  - b. Adopt Resolution 2010 - , A Resolution Awarding A Contract For The Water Rate And Connection Fee Study To Eco:Logic Engineering And Authorize The City Manager To Execute The Agreement.

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

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

March 8 - Baseball Board Meeting - 6:00 P.M.

March 9 - City Council - 7:00 P.M.

March 11 - Recreation Commission - 7:00 P.M.

March 12 - City Furlough Day - City Offices Closed

March 16 - Two-On-Two Meeting With The School Board - 4:30 P.M.

March 18 - Stanislaus County Disaster Council Meeting - 1:00 P.M. - Modesto

March 18 - Planning Commission - 7:00 P.M.

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

Date.: Feb 19, 2010  
Time.: 9:01 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
037131	02/19/10	550.00	CHARLIE ALAMO	REFUND DEPOSIT & RENT/MEMORIAL BLDG/CANCELED/ALAMO
037132	02/19/10	284.27	ARAMARK UNIFORM SERVICES	UNIFORM CLEANING/MAT RENTAL/MOP HEADS
037133	02/19/10	105.00	ARMCO ROOFING	ROOF REPAIRS TO YOUTH CENTER
037133	02/19/10	4990.00	ARMCO ROOFING	PO #10-31
037134	02/19/10	204.96	ARROWHEAD MOUNTAIN SPRING	BOTTLED WATER/JAN 2010
037135	02/19/10	67.11	AT&T	MONTHLY SERVICE FOR 668-3946/0201-02/28/10
037136	02/19/10	28.22	AT&T	THRIFTY BILL/ATT FOR MISCALCULATIONS ON 862-3658
037137	02/19/10	1625.63	BASIC CHEMICAL SOL./INC.	3 SAFETY SHOWER & EYEWASH STATIONS
037138	02/19/10	488.80	JAMES J. BELL	CONTRACT SERVICES/EVIDENCE CLERK/2/1-2/15/10/BELL
037139	02/19/10	2446.24	BRUCE BUDMAN	LODGING/CONTRACT SERV/FIN DIR/2/8-2/11/10/BUDMAN
037140	02/19/10	290.11	BUSINESS CARD	SUPPLIES/WATER DIST & TRMNT MANUAL/PAPA/MUTOZA/PAR
037141	02/19/10	517.76	CAL TRAFFIC SIGNS	6 POLLS/ANCHERS/4 STREET SIGNS/END OF 35MPH SIGN
037142	02/19/10	131.01	C B MERCHANT SERVICES, INC	REIMBURSE BAD DEBT
037143	02/19/10	268.99	CENTRAL EQUIPMENT CO, INC	STARTER FOR CASE TRACTOR
037144	02/19/10	163.60	CRESCENT SUPPLY CO. #1	UNIFORM SUPPLIES FOR VIP THOMPSON
037145	02/19/10	16.71	ECONOMIC TIRE SHOP	TIRE REPAIR
037145	02/19/10	120.98	ECONOMIC TIRE SHOP	TRUCK TIRE REPAIR/NEW TUBE
037146	02/19/10	7500.00	EDWARDS, LIEN & TOSO, INC	LUCAS PROPERTY @STANISLAUS/MERCED APPRAISAL
037147	02/19/10	975.00	ENERPOWER	ELECTRIC ENERGY SERVICES 11/11/09-12/10/09
037148	02/19/10	189.26	GOLDEN STATE IRRIGATION	NITRILE GLOVES/COUPLINGS/SAFETY GLASSES/RAINSUITS
037149	02/19/10	1400.00	CITY OF GUSTINE	ANIMAL CONTROL SERVICES/JAN 2010
037150	02/19/10	252.00	HARTFORD INS CO OF THE MIDWEST	FLOOD INSURANCE/WWTP/BUILDINGS
037150	02/19/10	1741.00	HARTFORD INS CO OF THE MIDWEST	FLOOD INSURANCE @ WWTP/LAND
037151	02/19/10	200.00	JAVIER HERNANDEZ	REFUND MEMORIAL BLDG DEPOSIT/HERNANDEZ

Date.: Feb 19, 2010  
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CITY OF NEWMAN  
CASH DISBURSEMENTS REPORT

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Ck #	Check Date	CK Amount	Vendor Name	Description
037153	02/19/10	328.38	IKON OFFICE SOLUTIONS	COPIER LEASE 1/25/10 TO 2/24/10/PD
037154	02/19/10	1562.04	INFOSEND, INC	UTILITY & LATE STATEMENTS MAILED/JAN 2010
037155	02/19/10	6180.00	JOE'S LANDSCAPING &	LIGHTING & LANDSCAPE DISTRICT SERVICES/JAN 2010
037156	02/19/10	94.07	ED KATEN (NT)	REIMBURSEMENT FOR MAYOR'S MEETING/KATEN
037157	02/19/10	273.11	LC ACTION POLICE SUPPLY	18 FIRST DEFENSE PEPPER SPRAY
037158	02/19/10	141.54	MALLARD EXPRESS AUTO	OIL & FILTER CHANGE/TIRE ROTATION/ALIGNMENT
037158	02/19/10	70.76	MALLARD EXPRESS AUTO	OIL & FILTER CHANGE/TRANSMISSION SERVICE
037159	02/19/10	3591.64	McDONOUGH, HOLLAND, ALLEN	LEGAL SERVICES THRU 1/31/10/RDA PLAN AMENDMENT
037160	02/19/10	5850.00	ADAM MCGILL	CONTRACT SERVICES/CHIEF OF POLICE/2/16 TO 2/28/10
037161	02/19/10	5.83	NEWMAN S & S AUTO SUPPLY	2 QUARTS 10w30 OIL
037162	02/19/10	51.46	NEWMAN-CROWS LANDING	4 CASES OF MILK
037163	02/19/10	75.00	NEWMAN HISTORICAL SOCIETY	REFUND MEMORIAL BLDG DEPOSIT/HISTORICAL SOCIETY
037164	02/19/10	471.30	NEWMAN ACE HARDWARE/JACT, INC	GLOVES/BATTERIES/PRUNER/GRAFITTI RMVR/CLEANERS/
037165	02/19/10	1356.15	NEXTEL COMMUNICATIONS	CELL PHONE MONTLY SERVICE/JAN 2010
037166	02/19/10	4840.76	NTDSTICHLER ARCHITECTURE	PROFESSIONAL SERVICES THRY 1/31/10/AQUATICS CENTER
037166	02/19/10	250.55	NTDSTICHLER ARCHITECTURE	PROFESSIONAL SERV THRU 1/31/10/HILL PARK
037166	02/19/10	37.82	NTDSTICHLER ARCHITECTURE	PROFESSIONAL SERV THRU 1/31/10/HILL PARK
037167	02/19/10	647.41	PACIFIC WATER RESOURCES	VACUUM REPAIR KIT/ELECTRODE RETROFIT KIT
037168	02/19/10	36176.88	P G & E	ELECTRIC AND GAS 12/4/09 TO 01/15/10
037168	02/19/10	204.67	P G & E	NATURAL GAS PURCHASES 1/6 TO 2/5/10
037169	02/19/10	26692.12	PRECISION INSPECTION, INC	Bldg Reg Inspec BLDG REGU
037170	02/19/10	850.00	RANGEL FENCE COMPANY	FENCE REPAIR @ WWTP FROM ACCIDENT OF 1/30/10
037171	02/19/10	164.74	RELIABLE OFFICE SUPPLIES	HIGHLIGHTERS/PAPER/PENS/LIQUID PAPER/CORRECTION
037171	02/19/10	47.11	RELIABLE OFFICE SUPPLIES	INKJET CARTRIDGE/WWTP
037172	02/19/10	400.00	JOCELYN ROLAND, Ph.D.	PRE-EMPLOYMENT PHYCHOLIGICAL SCREENING/PD

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Ck #	Check Date	CK Amount	Vendor Name	Description
037173	02/19/10	44.21	SALIDA FIRE PROTECTION DISTRIC	SHARED COSTS OF AFG FEDERAL A-133 AUDIT/FIRE
037174	02/19/10	100.00	DEE DEE SEQUEIRA	PARTIAL REFUND OF COLLECTION PAYMENT/MARTY'S INN
037175	02/19/10	4352.19	SHELL FLEET PLUS	GAS AND DIESEL PURCHASES/JAN 2010
037176	02/19/10	75.00	KARLING SKOGLUND	REFUND OF MEMORIAL BLDG DEPOSIT/FFA
037177	02/19/10	398.00	STATE OF CALIFORNIA	FINGERPRINT APPS/FINGERPRINT-FBI/CHILD ABUSE INDEX
037178	02/19/10	223.75	STAPLES BUSINESS ADVANTAGE	ALUMINUM FORM HOLDER/TRAYS
037178	02/19/10	108.75	STAPLES BUSINESS ADVANTAGE	CALENDAR DESKPAD/HP LASERJET INK/PAPER/ERASERS
037178	02/19/10	187.63	STAPLES BUSINESS ADVANTAGE	3TAB FOLDERS/HP TONER/FAX TONER
037178	02/19/10	436.84	STAPLES BUSINESS ADVANTAGE	HP INK CARTRIDGES/PAPER CLIPS/SANI CLOTHS/
037178	02/19/10	1.65	STAPLES BUSINESS ADVANTAGE	PAPER CLIPS
037179	02/19/10	380.00	STOMAR EQUIPMENT	DEBRIS CLEAN-UP @ ORESTIMBA CREEK @ RAILROAD TREST
037180	02/19/10	155.83	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL-SERVICE/JAN 2010
037181	02/19/10	14217.50	URBAN FUTURES, INC	PROFESSIONAL SERVICES/RDA PLAN AMENDMENT/JAN 2010
037182	02/19/10	2887.50	U.S. BANK	RDA 1997 TAX ALLOC & HOUSING BONDS ADMIN FEE
037183	02/19/10	88.00	UNITED STATES POSTMASTER	2 ROLLS STAMPS
037184	02/19/10	618.42	MATTOS NEWSPAPERS, INC.	LEGAL ADS/MICROFILM COPIES/500 PET LICENSES
037185	02/19/10	2116.00	ARMANDO GARCIA	CONCRETE WORK/CORP YARD SHELTER
Sub-Total:		141431.36		
Grn-Total:		141431.36		
Count:		67		

**MINUTES**  
**NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY**  
**REGULAR MEETING FEBRUARY 9, 2010**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET**

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

Council Member Candea Declared That He Might Have A Conflict With Item 10.c. And Would Be Excusing Himself From Those Proceedings.

**6. Ceremonial Matters**

Public Works Director Reynolds Introduced Maintenance Worker Carlos Cantu And Recognized Him For Passing The California Department Of Public Health Grade I Water Treatment Operator Exam. Reynolds Thanked Mr. Cantu And Presented Him With A Certificate Of Appreciation.

**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 January 26, 2010 Regular Meeting.
- d. Adopt Resolution No. 2010-03, A Resolution Approving Subdivision Improvements In The Monte Vista Estates Subdivision And Authorizing Ed Katen As Mayor, And Michael E. Holland, As City Clerk To Record A Notice Of Completion.
- e. Adopt Resolution No. 2010-04, A Resolution Approving Pioneer Park Rehabilitation Project Phase II And Authorizing Ed Katen As Mayor, And Michael E. Holland, As City Clerk To Record A Notice Of Completion.

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

**9. Public Hearings**

- a. Adopt Resolution No. 2010-05, A Resolution Of The City Council Of The City Of Newman, California, Declaring The Results Of A Noticed Protest Proceeding And Approving Certain Actions For Rates, Fees And Charges For Solid Waste Collection, Curbside Recycling And Street Sweeping Service(s).

City Manager Holland Reported That Only Four Protests Had Been Received To Date.

Mayor Katen Opened The Public Hearing At 7:12 P.M.

Kent Madenwald, 612 Waxwing Lane, Stated That Bertolotti Disposal Provides Excellent Services And He Told The Council That He Agreed With The Rate Increase.

There Being No Further Public Comment Mayor Katen Closed The Public Hearing At 7:14 P.M.

**ACTION:** On Motion By Kelly Seconded By Davis And Unanimously Carried, Resolution No. 2010- , A Resolution Of The City Council Of The City Of Newman, California, Declaring The Results Of A Noticed Protest Proceeding And Approving Certain Actions For Rates, Fees And Charges For Solid Waste Collection, Curbside Recycling And Street Sweeping Service(s) Was Adopted

- b. Second Reading And Adoption Of Ordinance No. 2010- , An Ordinance Amending Titles 5 Zoning And 8 Health And Sanitation Adding Chapter 5.23.160 Residential Resale Inspection Program.

Assistant Planner Ocasio Reviewed And Presented The Proposed Residential Resale Inspection Ordinance.

Mayor Katen Opened The Public Hearing At 7:19 P.M.

There Being No Public Comment Katen Closed The Public Hearing At 7:20 P.M.

**ACTION:** Ordinance No. 2010-02, An Ordinance Amending Titles 5 Zoning And 8 Health And Sanitation Adding Chapter 5.23.160 Residential Resale Inspection Program Had Its Second Reading By Title Only. On Motion By Kelly Seconded By Candea Said Ordinance Was Adopted And Staff Was Authorized To Prepare And Publish A Summary Of Said Ordinance By The Following Roll Call Vote. AYES: Kelly, Candea, Martina And Katen; NOES: Davis; ABSENT: None; NOT PARTICIPATING: None.

## 10. Regular Business

- a. Adopt Resolution No. 2010-06, Approving The City of Newman's Application for Statewide Park Program Grant Funds.

**ACTION:** On Motion By Candea Seconded By Martina And Unanimously Carried, Resolution No. 2010-06, A Resolution Approving The City of Newman's Application for Statewide Park Program Grant Funds Was Adopted.

- b. Report On Newman Historical Society's Request.

Mary Moore, President Of The Newman Historic Society, Stated That Her Group Has Been Working To Clean Up The Back Lot Of The Museum And That They Would Like To Move The Outhouse Building Next To The Historic Orestimba School House. Moore Explained That The Building Was

Originally Next To The Schoolhouse And That The Historic Society Would Like To Reunite Them. Moore Assured The Council That The Outhouse Would Be Secured And Safe.

**ACTION:** On Motion By Martina Seconded By Kelly And Unanimously Carried, The Council Directed Staff To Relocate The Outhouse Building Next To The Historic Orestimba Schoolhouse.

- c. Adopt Resolution No. 2010-07, A Resolution Authorizing Chief Of Police To Enter Into A Franchise Tow Agreement With Newman City Tow Pursuant To Police Towing Services Ordinance.

Council Member Candea Stepped Down From The Dais And Left The Chambers.

**ACTION:** On Motion By Kelly Seconded By Davis And Unanimously Carried, Resolution No. 2010-07, A Resolution Authorizing Chief Of Police To Enter Into A Franchise Tow Agreement With Newman City Tow Pursuant To Police Towing Services Ordinance Was Adopted.

Council Member Candea Returned To The Dais.

- d. Review Of The 2009-2010 Annual Budget At Mid-Year.

City Manager Holland Reviewed Budget At Mid-Year As Prepared By Finance Director Budman. City Holland Discussed That Both Revenues And Investment Interest Are Down Resulting In An Additional \$200,000.00 Deficit. He Explained That The Total Projected General Fund Budget Deficit Had Increased To \$309,000.00; Due To Lower Than Expected Revenues. Holland Asked The Council For Direction Regarding The Option Of Leaving The Existing Open Police Officer Position Unfilled.

**ACTION:** On Motion By Candea Seconded By Martina And Unanimously Carried, The Council Approved The Budget Adjustments With The Inclusion Of Funding For The Police Officer Position.

## **11. Items From District Five Stanislaus County Supervisor.**

Supervisor DeMartini Reminded Everyone That The Healthy Choices Business Roundtable Would Be In Patterson On February 18, 2010. DeMartini Mentioned That The Orestimba Creek Flood Control Project Is Moving Forward And Is In The Planning Stages But Warned That The Project Has A Total Cost Of Approximately Forty-Two Million Dollars.

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

City Manager Holland Thanked The Supervisor For His Efforts Regarding The Orestimba Creek Flood Control Project. Holland Mentioned That The School District Would Like To Partner With The City On A Multi-Purpose Room And Play Fields And Possibly Draft A New Memorandum Of Understanding For Joint Use Of Facilities. Holland Reminded The Council That The Two-On-Two Meeting With The School District Had Been Rescheduled For February 16, 2010. He Commented That The Recreation Commission Would Be Receiving Presentations From Both The Baseball Board And The Newman Youth Sports Alliance At Their Next Meeting. He Also Reminded The City Council

That Their NIMS Course Would On February 11, 2010. Holland Noted That City Offices Would Be Closed On The Upcoming Friday And Monday For A Furlough And Presidents Day.

Chief McGill Remarked That Graffiti Had Been An Issue And That The Police Department Was Requesting Help From The Public To Apprehend The Perpetrators. McGill Informed The Council That Legislation Has Been Proposed To Stop Cities From Issuing Administrative Citations For Traffic Violations. McGill Noted That The St. George Bar & Grill Would Be Closing But Marty's Illusion's Is Now Open.

Public Works Director Reynolds Noted That The Recent Rash Of Graffiti And Has Been Taxing On The Public Works Department And That They Had Recently Spent Sixty Hours Removing Graffiti. Reynolds Also Mentioned That The Public Works Department Is Doing Its Part To Try To Save Money During The Difficult Economic Times By Doing Repairs In House.

Assistant Planner Ocasio Gave The Council A Presentation That Included Information About The Community Development Department's Responsibilities, Duties, 2009 Accomplishments, Significant Projects Completed, Grants, 2010 Planned Projects And A New Set Of Goals For 2010.

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

Council Member Martina Thanked The Historical Society For Staying For The Entire Meeting Even After Their Item Was Adjudicated.

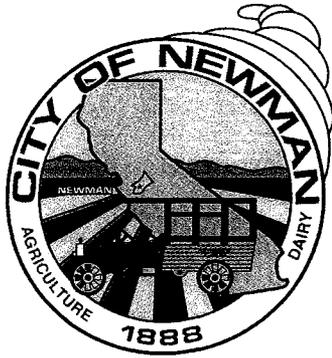
Council Member Kelly Thanked Staff For Working Quickly To Remove The Recent Graffiti.

Mayor Katen Mentioned That He Had Recently Traveled To Sacramento For An Orestimba Creek Flood Control Meeting And Stated That The Project Has Been Making Great Strides. He Noted That He Had Recently Attended The Boy Scouts Blue And Gold Dinner And They Had Raised Over \$800.00 That Night. Katen Informed The Council The He Had Received A Letter From Merced County Asking For The City Of Newman's Support To Locate A Heavy Maintenance Facility For High Speed Rail In Merced County.

### **14. Adjournment.**

**ACTION:** On Motion By Kelly Seconded By Katen And Unanimously Carried, The Meeting Was Adjourned At 8:36 P.M..

Agenda Item: **8.d.**



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

**Date: February 19, 2010**

**To: City Council**

**From: Michael E. Holland, City Manager**

*MEH*

**Subject: City Council Item No. 8.d. – February 23, 2010**

Per Council request, please find the attached Resolution supporting the Merced County High Speed Rail application.

**RESOLUTION NO. 2010-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN PLEDGING SUPPORT OF THE MERCED COUNTY HIGH SPEED RAIL COMMITTEE AND THE SUBMITTAL OF PROPOSALS FOR THE STATE HIGH SPEED RAIL HEAVY MAINTENANCE YARD AT CASTLE COMMERCE CENTER AND AT A LOCATION IN THE VICINITY OF THE CITY OF MERCED**

**WHEREAS**, the California High Speed Rail Authority (CHSRA) was created in 1996 for the purpose of constructing a high-speed train connecting San Francisco in the north to Los Angeles in the south, with stops in the Central Valley, and in November 2008 California voters approved \$9.95 billion in bond funds to finance the high-speed rail system; and

**WHEREAS**, maintenance facilities will be required for the California High-Speed Rail system for repairing, maintaining, cleaning, fueling and storing the vehicles that will serve the system and locations for possible maintenance facilities will be decided by the CHSRA in the near future; and

**WHEREAS**, the CHSRA has released a Request for Expression of Interest (RFEI) inviting interested parties to identify and submit potential sites for the planned California High-Speed Train Maintenance Facilities that meet the criteria described in the RFEI and established Technical Memoranda; and

**WHEREAS**, the CHSRA encourages communities and other interested parties along the proposed high-speed train route to express their interest in locating a maintenance facility in their community by identifying potential locations that could meet the Authority's maintenance facility site requirements, minimize environmental impacts, and offer financial incentives and other economic benefits to the State of California and the community; and

**WHEREAS**, the CHSRA has estimated that the construction and operation needs of a high-speed train heavy maintenance facility will require 1,500 employees including rolling stock maintenance staff, train operators, central control supervisors and staff, system-wide engineering, maintenance of way personnel, and CHSRA management staff; and

**WHEREAS**, a maintenance facility located in Merced County would mean immediate employment for a wide pool of diverse and qualified workers with sustainable wages and benefits and more direct and indirect economic benefits to Newman, Merced County, and the Valley regional community; and

**WHEREAS**, the City of Newman has a proven track record of support for the California High-Speed Rail Project and has previously resolved that the Greater Merced County High-Speed Rail Committee, Inc. should be the key organization to lead a unified regional effort in high-speed rail issues; and

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

**Section 1.** The City of Newman supports the continuing development of a high-speed rail system on a statewide basis.

**Section 2.** The City of Newman supports a unified regional approach involving the City of Atwater, City of Merced, the County of Merced, local business and industry, and others - identified as the Greater Merced County High-Speed Rail Committee, Inc. to advocate and to plan for the development of a rail station serving the community and for locating the Heavy Maintenance Facility within Merced County.

**Section 3.** The City of Newman supports the efforts of the Greater Merced County High-Speed Rail Committee, Inc. to develop and submit proposals in response to the CHSRA RFEI for the Heavy Maintenance Facility including a site proposal at Castle Commerce Center and at a location in the vicinity of the City of Merced.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23<sup>rd</sup> day of February 2010 by Council Member \_\_\_\_\_, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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

Honorable Mayor and Members  
of the Newman City Council

**REPORT ON THE AUTOMATIC ANNUAL INFLATION ADJUSTMENT FOR CAPITAL FACILITY  
AND IMPACT FEES FOR THE PERIOD OF MARCH 1, 2010 THROUGH FEBRUARY 28, 2011**

**RECOMMENDATION:**

Adopt Resolution No. 2010- , Authorizing the Automatic Annual Inflation Adjustment for Capital Facility and Impact Fees For the Period of March 1, 2010 through February 28, 2011

**BACKGROUND:**

In April 2002, the City Council adopted Resolution No. 2002-22 approving the comprehensive update of Capital Facility and Impact Fees. The resolution provides for the automatic adjustment of the fees based on current construction Indexes for the area. The following information is presented to the Council for review and approval.

**ANALYSIS:**

The City of Newman is considered a part of the Engineering News-Record's (ENR) San Francisco region. The 2009 ENR CCI inflation index for this region is 4.1%; this is down from 6.8% last year. This increase has been applied to the Capital Facility and Impact Fees to originate new rates for the period of March 1, 2010 through February 28, 2011.

**FISCAL IMPACT:**

The adjusted rates will increase development fees due at time of development. For example, a vested single-family residential unit will go from \$9,821.04 to \$10,223.70 in impact fees. The adjusted fees apply to all development types; business park, commercial, industrial and residential.

**CONCLUSION:**

Staff recommends approval of Resolution No. 2010- , Authorizing the Automatic Annual Inflation Adjustment for Capital Facility and Impact Fees for the Period of March 1, 2010 Through February 28, 2011. Upon approval, adjusted Fees will be initiated on March 1, 2009 and Notices will be forwarded to the BIA.

**ATTACHMENTS:**

1. Exhibit A - Fee Comparison Spreadsheet
2. Exhibit B - Resolution No. 2010-

Respectfully submitted,



Stephanie Ocasio  
Assistant Planner

**REVIEWED/CONCUR**



Michael Holland  
City Manager

**RESOLUTION NO. 2010-**

**A RESOLUTION AUTHORIZING THE AUTOMATIC ANNUAL INFLATION ADJUSTMENT  
FOR CAPITAL FACILITY AND IMPACT FEES FOR THE PERIOD OF  
MARCH 1, 2010 THROUGH FEBRUARY 28, 2011**

WHEREAS, the City Council of the City of Newman has adopted Resolution No. 2002-22 "Approving Comprehensive Update of Capital Facility Fees Program"; and

WHEREAS, the City Council of the City of Newman has provided for the annual adjustment of the Capital Facility Fees by the inflation factor; and

WHEREAS, the accepted inflation factor for 2009 is 4.1%.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman accepts and implements the adjusted Capital Facility Fee Schedule (Exhibit A).

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23<sup>rd</sup> of February, 2010 by Council Member \_\_\_\_\_, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED:

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

ATTEST:

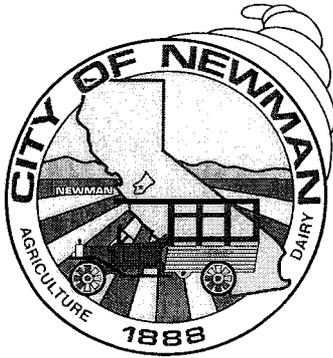
\_\_\_\_\_  
Deputy City Clerk of the City of Newman

man - Development Fees 2010-2011

n Factor - 4.1% (ENR - SF CCI 2009)

S	MUNICIPAL FACILITY FEES														TOTALS		
	Com Bldg			Police		Fire		Govt Bldg		Corp Yard		Wildlife		Gen Admin		PER UNIT	
	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New
	673.37	365.11	380.08	357.11	371.75	661.36	688.47	409.95	426.76	198.56	206.70	46.44	48.34	182.59	190.07	9,821.04	10,223.70
	138.69	328.29	341.75	321.90	335.09	595.71	620.13	368.33	383.43	179.36	186.71	41.64	43.35	163.35	170.05	7,212.87	7,508.60
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
																PER 1000 SQ FT	
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

S	MUNICIPAL FACILITY FEES														TOTALS		
	Com Bldg			Police		Fire		Govt Bldg		Corp Yard		Wildlife		Gen Admin		PER UNIT	
	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New
	180.47	N/A	N/A	819.56	853.16	430.47	448.12	1,101.63	1,146.80	N/A	N/A	46.44	48.34	189.26	197.02	14,515.00	15,110.12
	120.23	N/A	N/A	809.69	842.88	425.27	442.71	1,088.35	1,132.97	N/A	N/A	41.64	43.35	186.95	194.62	12,262.64	12,765.41
	73.05	N/A	N/A	736.06	766.24	386.62	402.47	989.39	1,029.96	N/A	N/A	36.84	38.35	169.97	176.94	10,275.66	10,696.96
																PER 1000 SQ FT	
	N/A	N/A	N/A	265.00	275.86	139.17	144.88	356.18	370.79	N/A	N/A	N/A	N/A	61.19	63.69	2,263.73	2,356.54
	N/A	N/A	N/A	265.00	275.86	139.17	144.88	356.18	370.79	N/A	N/A	N/A	N/A	61.19	63.69	5,207.60	5,421.11
	N/A	N/A	N/A	176.66	183.90	92.79	96.59	237.46	247.19	N/A	N/A	N/A	N/A	40.79	42.46	3,481.18	3,623.91
	N/A	N/A	N/A	176.66	183.90	92.79	96.59	237.46	247.19	N/A	N/A	N/A	N/A	40.79	42.46	2,900.17	3,019.08
	N/A	N/A	N/A	176.66	183.90	92.79	96.59	237.46	247.19	N/A	N/A	N/A	N/A	40.79	42.46	2,609.65	2,716.65
	N/A	N/A	N/A	265.00	275.86	139.17	144.88	356.18	370.79	N/A	N/A	N/A	N/A	61.19	63.69	3,755.03	3,908.99



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

**Date:** February 19, 2010

**To:** City Council

**From:** Michael E. Holland, City Manager *MH*

**Subject:** City Council Item No. 8.f. – February 23, 2010

Attached is a copy of an existing joint use agreement between the City of Newman and Newman Crows Landing Unified School District. Staff is submitting said agreement for renewal without change(s). Over the next couple of months, the Two-on-Two committee has agreed to review templates for a potential new agreement. In the meantime, this renewal is requested to show support for additional funding at the Hurd Barrington Elementary school. This item has been placed on the agenda for Council consideration.

1 AGREEMENT

2  
3 This agreement, made this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between the  
4 CITY OF NEWMAN, a Municipal Corporation, hereinafter referred to as the "CITY", and the  
5 NEWMAN-CROWS LANDING UNIFIED SCHOOL DISTRICT, hereinafter referred to as  
6 "DISTRICT", through their respective governing bodies,  
7

8 WITNESSETH:

9 WHEREAS, Sections 10900-10916, inclusive, of the Education Code of the State of California,  
10 authorized cities, counties and public school districts to organize, promote, and conduct such programs  
11 of community recreation as will contribute to the attainment of general education and recreational  
12 objectives for children and adults of the state; and,

13 WHEREAS, the governing bodies of any two or more such public authorities may cooperate  
14 with each other to carry out the purposes of the community recreation, and to that end may enter into  
15 agreement with each other and may do any and all things necessary to aid and cooperate in carrying  
16 out the purposes of community recreation; and,

17 WHEREAS, Section 6500-6515 of the Government Code of the State of California authorizes  
18 public agencies through their governing bodies, to jointly exercise any power common to the  
19 contracting agencies; and,

20 WHEREAS, each of the parties hereto is the owner of property, facilities and equipment used in  
21 conducting a community recreation program; and,

22 WHEREAS, it is the mutual desire of the City and the District to promote a program of  
23 community recreation in connection with the use of said property, facilities and equipment.

24 NOW, THEREFORE, it is agreed as follows:

25 1. The parties hereto shall cooperate in conducting a COMMUNITY RECREATION  
26 PROGRAM in connection with properties, facilities and equipment owned by each of them under the  
27 authority contained in sections 10900-10916, inclusive of the Education Code of the State of  
28 California.  
29

30 2. Property, Facilities and Equipment, owned by each party hereto shall be available to the  
31 other for recreational and instructional programs upon such terms and conditions, and at such times as  
32 the parties may hereafter agree as to each specific property, facility or piece of equipment.  
33

3. Each party shall pay its own costs in connection with any program carried on by it on  
the property or facilities or using the equipment of the other party.



NEWMAN-CROWS LANDING UNIFIED SCHOOL  
DISTRICT

\_\_\_\_\_  
President, Board of Trustees

ATTEST:

\_\_\_\_\_  
Clerk, Board of Trustees

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Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.a.**  
City Council Meeting  
of February 23, 2010

**AUTHORIZE A BUDGET ADJUSTMENT OF \$33,000 FOR THE LANDSCAPE AND LIGHTING DISTRICT ASSESSMENT AND ADOPT RESOLUTION 2010- APPROVING AN AMENDMENT TO THE CONTRACT TO NBS TO PROVIDE PROPOSITION 218 SERVICES FOR THE LANDSCAPE AND LIGHTING DISTRICT ZONES 1-15**

**RECOMMENDATION:**

1. Authorize a budget adjustment of \$33,000 for the Landscape and Lighting District.
2. Adopt Resolution 2010- Approving an amendment to the contract to NBS to provide Proposition 218 services for the Landscape and Lighting District Zones 1-15 and authorize the City Manager to execute the agreement.

**BACKGROUND:**

Pursuant to the Landscape and Lighting Act of 1972 the City of Newman has a total of 15 zones within the Landscape and Lighting District (District), in various locations throughout the City. These Zones represent the general nature, location and extent of improvements to be maintained, with an estimate of the costs to maintain and service the improvements. Improvements provided within the District include, but are not limited to, the weekly operation, maintenance, and servicing of all public landscaping improvements consisting of trimming and pruning, weed abatement, sidewalks, plant materials, pathways, irrigation systems, lighting systems, and graffiti removal. Zones 1-12 have not had a cost of service increase since their inclusion into the District. Costs for these services over time have continued to increase and yet the revenue has remained the same. Zones 13-15 include a provision for an annual increase consistent with the Consumer Price Index (CPI) with a cap of 3%.

The purpose of the amendment is to include a provision in Zones 1-15 for an annual adjustment equivalent to the CPI. The City has received a quote from NBS for \$30,000 (plus expenses estimated at \$3,000.00) for these services.

**ANALYSIS:**

A proposal has been submitted by NBS to perform these services for a cost of \$30,000 plus expenses, estimated at \$3,000, for a total estimated cost of \$33,000. This project cost was not included in the 2009/10 Fiscal Budget, however the City has the funds in the Landscape and Lighting District budget necessary to fund this work. This is an Enterprise Fund expenditure.

**FISCAL IMPACT:**

Proposal Amount \$33,000

09/10 Requested Budgeted Adjustment \$33,000.00

**CONCLUSION:**

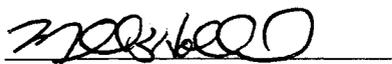
Staff recommends that the Council authorize a budget adjustment in the Landscape and Lighting District Fund in the amount of \$33,000, and adopt Resolution 2010- approving an amendment to the contract for consultant services with NBS for Proposition 218 services for the Landscape and Lighting District for an amount not to exceed \$33,000 (to allow for expenses), and authorize the City Manager to execute said agreement.

Respectfully Submitted,



Garner Reynolds  
Director of Public Works

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager

RESOLUTION NO. 2010-

**APPROVING AN ADDENDUM TO THE CONTRACT TO NBS TO PROVIDE PROPOSITION  
218 SERVICES FOR THE LANDSCAPE AND LIGHTING DISTRICT ZONES 1-15**

WHEREAS, the Director of Public Works of the City of Newman has recommended that the City Council approve An amendment to the contract with NBS to provide Proposition 218 Services related to the City of Newman's Landscape and Lighting District Zones 1-15; and

WHEREAS, the City Council is desirous of amending the contract with NBS; and

WHEREAS, the City Council of the City of Newman has determined it would be in the best interest of the City to amend said contract with NBS

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby approves the addendum to the contract with NBS and authorizes the City Manager to execute said addendum for Proposition 218 Services for Landscape and Lighting District Zones 1-15.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23<sup>rd</sup> day of February 2010 by Council Member \_\_\_\_\_, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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

Honorable Mayor and Members  
of the Newman City Council

**ADOPT RESOLUTION 2010 - AWARDING A CONTRACT FOR THE CITY OF NEWMAN WATER RATE AND CONNECTION FEE STUDY TO ECO:LOGIC ENGINEERING**

**RECOMMENDATION:**

It is recommended that the City Council Adopt Resolution 2010 - Awarding a contract for the Water Rate and Connection Fee Study to Eco:Logic Engineering and authorize the City Manager to execute the agreement.

**BACKGROUND:**

In September 2007 the City completed a Wastewater and Water Rate Study. As a result of the study, in 2008 a Proposition 218 process was undertaken and the water rates were increased to cover the increased cost of service related to the utility. However at that time the Water Master Plan, which identifies necessary capital improvements for the water system, was not completed. Therefore, the rate increase in 2008 did not provide for any additional capital improvements for the water system, and since that time the water rates have not been increased.

The purpose of this rate study is to examine the water rates and connection fees to ensure the water rates and fees recover the revenue required to operate the system in a safe reliable manor and in compliance with regulations and all governmental accounting requirements. Specific key objectives of the study include funding of infrastructure needs identified in the 2008 Water Master Plan, determining an equitable distribution of capital costs between existing users and future water system users, re-assess the water rate structure, and to provide a model that is flexible and easily updated as new information becomes available.

**ANALYSIS:**

The City of Newman advertised for Request for Proposals for four weeks and received two proposals. Eco:Logic Engineering - \$27,970.00, and NBS - \$30,000.00. A selection committee was formed and both consultants were invited for oral presentations. Of the two firms, the selection committee determined Eco:Logic Engineering to be the best firm for the Water Rate and Connection Fee Study. Eco:Logic Engineering has the experience and qualifications necessary to perform this type of work. Their proposed cost for the Study is \$27,970.00 and includes two additional tasks, at no cost to the City (for a Rate and Fee Comparison, and for Implementation Support estimated at \$4,728.00). This is a budgeted item in the Water Fund.

**FISCAL IMPACT:**

Bid amount \$27,970.00

09/10 Budgeted amount \$30,000

**CONCLUSION:**

The City of Newman advertised and received for proposals for the Water Rate and Connection Fee Study. Eco:Logic Engineering has been determined to be the most qualified and cost effective consultant. Therefore, staff recommends City Council adopt Resolution 2010 - Awarding a contract to Eco:Logic Engineering for the estimated proposal amount of \$27,970.00 and authorize the City Manager to execute the agreement.

Respectfully Submitted,



Garner Reynolds  
Director of Public Works

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager

**RESOLUTION NO. 2010-**

**AWARDING A CONTRACT TO ECO:LOGIC ENGINEERING FOR WATER RATE AND CONNECTION FEE STUDY**

WHEREAS, the City Council is desirous of conducting a Water Rate and Connection Fee Study; and

WHEREAS, the City of Newman has solicited for and received two proposals, Eco:Logic Engineering for \$27,970.00 and NBS for \$30,000.00; and

WHEREAS, the Eco:Logic Engineering offered the lowest qualified proposal in the amount of \$27,970.00; and

WHEREAS, funds for the project are available through the Water Fund; and

WHEREAS, the City Council of the City of Newman has determined it would be in the best interest of the City to enter into a contract with Eco:Logic Engineering

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby approves the contract with Eco:Logic Engineering and authorizes the City Manager to execute said for a Water Rate and Connection Fee Study.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23<sup>rd</sup> day of February 2010 by Council Member \_\_\_\_\_, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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