

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING MARCH 9, 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.
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 23, 2010 Regular Meeting.
 - d. 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.
 - e. Adopt Resolution 2010- , A Resolution Of The City Council Of The City Of Newman Approving The Expansion Of The Stanislaus County Enterprise Zone Boundaries.
9. Public Hearings.
10. Regular Business
 - a. Report On Proposed CDBG Projects For Fiscal Year 2010/2011.
 - b. Approval Of The Stanislaus County Annual Action Plan (Fiscal Year 2010/2011) And Open 30 Day Public Comment Period.
 - c. Adopt Resolution No. 2010- , A Resolution Accepting The Proposed Contract Changes And Authorizing The City Manager To Renew A Contract With Bertolotti Disposal Inc. For Solid Waste Collection And Curbside Recycling Services.
 - d. Adopt Resolution 2010- , A Resolution Awarding The Bid For The Howard B. Hill Park Parking Lot Construction Project To Permagreen Hydroseeding, Inc. In The Amount Of \$93,719.85.

- e. Adopt Resolution 2010- , A Resolution Establishing A Prequalification Procedure And An Appeals Procedure For Use In The Bidding Process For Construction Of The City Of Newman Historic Downtown Plaza Project.
- f. Report On Resolutions Consenting To The Joint Public Hearing And Authorizing Transmittal Of Certain Redevelopment Documents.
 - I. Adopt Resolution No. 2010- , A Resolution Consenting To A Joint Public Hearing With The Redevelopment Agency In Connection With The Proposed 2010 Amendment To The Redevelopment Plan For The Newman Redevelopment Project; Environmental Documents Prepared For The Project; And Directing Notification Of The Same.
 - II. Adopt RDA Resolution No. 2010- A Resolution Of The Redevelopment Agency Consenting To A Joint Public Hearing With The City Council In Connection With The Proposed 2010 Amendment To The Redevelopment Plan For The Newman Redevelopment Project; Environmental Documents Prepared For The Project; And Directing Notification Of The Same; And Authorizing Transmittal Of The Draft Plan Amendment Language To The Newman Planning Commission.

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 Real Property Negotiator - Stanislaus County APN 049-42-005, Merced County APNs 054-040-010, 054-040-011, 054-050-009, And 054-060-0001 - G.C. 54956.8.
- b. Public Employee Personnel Annual Evaluation - City Manager - G.C. 54957.
- c. Return To Open Session.

15. 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 - 4:00 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 26, 2010
Time..: 11:15 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
037046	02/22/10	-80916.27	WELLS FARGO BANK, N.A./AC# 159	Ck# 037046 Reversed
037186	02/22/10	56.00	CHICAGO TITLE CO.	RECORDING & RECONVEYANCE FEES/POMETTA-CAETANO
Sub-Total:		-80860.27		
Grn-Total:		-80860.27		
Count:	2			

Date.: Mar 5, 2010
Time.: 10:16 am
Run by: EMILY M. FARIA

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Ck #	Check Date	CK Amount	Vendor Name	Description
037187	03/05/10	50.00	AMERICAN MOBILE SHREDDING, INC	MONTHLY DOCUMENT SHREDDING/POLICE DEPT
037188	03/05/10	322.06	AT&T MOBILITY	WIRELESS ACCESS 1/3/10 TO 2/02/10/PD
037189	03/05/10	11.59	AT&T	LOCAL TOLL CHARGES FOR 862-3725/1-13-10-2-12-10
037189	03/05/10	481.98	AT&T	MONTHLY TELEPHONE CHARGES/1-13-10 TO 2-12-10
037189	03/05/10	334.42	AT&T	T1 LINE @ PD/1-20-10 TO 2-19-10
037189	03/05/10	146.53	AT&T	EMERGENCY DISPATCH LINE/1-20-10 TO 2-19-10/PD
037190	03/05/10	521.21	BASIC CHEMICAL SOL./INC.	195 GALLONS SODIUM HYPOCHLORITE/WELLS
037191	03/05/10	756.00	BAY ALARM	ALARM MONITORING FEE 3/1/10-3/1/11/MUSEUM
037192	03/05/10	244.40	JAMES J. BELL	CONTRACT SERV/EVIDENCE CLERK/2-22-10 TO 2-26-10
037193	03/05/10	49908.42	BERTOLOTTI DISPOSAL	MONTHLY GARBAGE SERVICE/FEB 2010
037194	03/05/10	9912.00	BLUE SHIELD OF CALIFORNIA	HEALTH INS PREMIUM/MARCH 2010
037194	03/05/10	2949.00	BLUE SHIELD OF CALIFORNIA	COBRA HEALTH INS/FEB & MAR 2010/HEIBERGER/GOSSELIN
037195	03/05/10	40.00	NOEL T. BORDEN, II	PER DIEM/STOP TRAINING/NOEL BORDEN
037196	03/05/10	3057.80	BRUCE BUDMAN	INTERIM FINANCE DIR/2/22/10-02/26/10/BUDMAN
037197	03/05/10	54.22	BUSINESS CARD	MEALS/TRAVEL/CAR WASH/PD
037198	03/05/10	100.00	JEFF CARTER	PARKING LOT RENT/MAR 2010
037199	03/05/10	217.75	CBA (ADMIN FEES)	DENTAL-VISION ADMIN FEES/MARCH 2010
037200	03/05/10	31.93	CHEVRON	GASOLINE PURCHASES/PD
037201	03/05/10	50.00	CARL J. COELHO (CHUCK)	Veh Operation FIRE/MAR 2010
037202	03/05/10	7.49	ELAINE COLLISON (NT)	REIMBURSE FOR SUPPLIES FOR PD/COLLISON
037203	03/05/10	94.90	COMCAST CABLE	HIGH SPEED INTERNET/2/22/10-3/21/10
037204	03/05/10	2025.00	CONTRACT SWEEPING SERVICES, IN	STREET SWEEPING PER CONTRACT/FEB 2010
037205	03/05/10	778.38	CORBIN WILLITS SYS, INC.	SERVICE & ENHANCEMENT FOR MARCH 2010
037206	03/05/10	1456.74	CROP PRODUCTION SERVICES	AQUAMASTER/AMINE/OXYSTAR/WWTP

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Ck #	Check Date	CK Amount	Vendor Name	Description
037206	03/05/10	642.47	CROP PRODUCTION SERVICES	MAD DOG PLUS/PW
037206	03/05/10	549.40	CROP PRODUCTION SERVICES	SHARK EW/ACTIVATOR 20/WWTP
037206	03/05/10	503.69	CROP PRODUCTION SERVICES	AMINE/ACTIVATOR/WWTP
037207	03/05/10	2354.50	ECO:LOGIC, INC	WASTEWATER ON-CALL 2009-2010
037208	03/05/10	7972.00	EMPLOYMENT DEV DEPT/SUI	UNEMPLOYMENT BENEFITS/4TH QUARTER 2009/EXTENDED BE
037209	03/05/10	655.00	ENERPOWER	ELECTRIC ENERGY SERVICES 12/16/09 TO 01/14/10
037210	03/05/10	34.95	FIREtoWIRE, INC	WEB HOSTING 3/17/010 TO 4/17/10
037211	03/05/10	65.35	GARTON TRACTOR	DIFFERENCE ON LIGHT ASSEMBLY
037211	03/05/10	66.61	GARTON TRACTOR	SKIDS FOR BRUSH HOG
037211	03/05/10	156.00	GARTON TRACTOR	BATTERY FOR BACKHOE
037211	03/05/10	887.37	GARTON TRACTOR	CONTAMINANTS IN FUEL/FUEL LINES PLUGGED/MOWER
037211	03/05/10	804.93	GARTON TRACTOR	LEAKY HYDRAULIC LINE/SHARPEN BLADES/MOWER
037212	03/05/10	73.02	GRANDFLOW	100 CALIF 941 FORMS
037212	03/05/10	71.29	GRANDFLOW	100 CALIF DE6 FORMS
037213	03/05/10	1222.52	GROENIGER & CO.	PO #10-35
037214	03/05/10	590.86	HEWLETT-PACKARD FINANCIAL SERV	HARDWARE LEASE/3/18/10 TO 4/17/10/PD
037215	03/05/10	186.06	STEPHANIE HOUSE	REIMBURSEMENT FOR TEEN CENTER SNACKS/HOUSE
037216	03/05/10	135.58	HSBC BUSINESS SOLUTIONS	TRACTOR TOOL BOX/WWTP
037217	03/05/10	146.64	HUB INTERNATIONAL OF CA INS SE	LIABILITY INS PREMIUM/JAVIER HERNANDEZ
037218	03/05/10	147.25	WILLIAM HURST (NT)	REIMBURSMENT FOR BATH FAN/FIRE DEPT/HURST
037219	03/05/10	321.87	IKON OFFICE SOLUTIONS	COPIER LEASE 2/10/10 TO 3/09/10/CITY HALL
037220	03/05/10	300.00	INFOSEND, INC	PROGRAMMING MODIFICATION TO UTILITY BILLING SYST
037221	03/05/10	1105.43	IN-SYNCH SYSTEMS	MOBILE RECORDS MANAGEMENT SYSTEM/APRIL 2010
037222	03/05/10	4335.00	JOHN DEERE LANDSCAPES	TURF SUPREME & TRIMEC/LIGHTING & LANDSCAPE
037223	03/05/10	375.98	MALLARD EXPRESS AUTO	REPLACED BRAKE PADS/TIRE REPAIR/UNIT 596

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CITY OF NEWMAN
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Ck #	Check Date	CK Amount	Vendor Name	Description
037223	03/05/10	30.00	MALLARD EXPRESS AUTO	TIRE REPAIRS/UNIT 596
037224	03/05/10	22.72	LANA MAYS	REIMBURSE FOR SUPPLIES/LANA MAYS
037225	03/05/10	5850.00	ADAM MCGILL	CONTRACT POLICE CHIEF/03/01/10-03/15/10/MCGILL
037226	03/05/10	404.17	MEDINA AUTO REPAIR	FUEL PUMP MODULE/LOW CONTROL ARM BUSHING
037226	03/05/10	463.10	MEDINA AUTO REPAIR	BALL JOINT/DISC ROTOR/LABOR
037227	03/05/10	1534.34	MID VALLEY IT, INC	MONTHLY IT SERVICES/MARCH 2010
037228	03/05/10	497.22	N&S TRACTOR-TURLOCK	PARTS FOR CASE 580-C TRACTOR
037229	03/05/10	364.64	NEWMAN ACE HARDWARE/JACT, INC	GALV COUPLINGS/TAPE/BLADE/PAINT/LIGHTS/GLOVES/
037230	03/05/10	1365.58	NEXTEL COMMUNICATIONS	CELL PHONE MONTHLY SERVICE AND USAGE/MARCH 2010
037231	03/05/10	12.00	OUR LADY OF ROSES #221 YLI	24 LISTINGS ON 2010-2011 CALENDAR
037232	03/05/10	501.55	PATTERSON AUTO CARE, INC	MOUNT AND BALANCE 4 TIRES/2006 CROWN VIC/PD
037233	03/05/10	250.00	CITY OF PATTERSON	FIRE DATA COLLECTION INPUT/NOV 2009
037233	03/05/10	250.00	CITY OF PATTERSON	FIRE DATA COLLECTION INPUT/JAN 2010
037233	03/05/10	660.00	CITY OF PATTERSON	COUNCIL MEETING VIDEO REIMBURSEMENT/JAN 2010
037234	03/05/10	579.47	P G & E	ELECTRIC 8/27/09 TO 1/15/10/HWY 33
037235	03/05/10	39.58	PIONEER DRUG	CUPS/DISPOSABLE CAMERA/PICTURE DEVELOPING
037236	03/05/10	165.00	PITNEY BOWES CREDIT CORP.	POSTAGE METER RENTAL 11/30/09 TO 02/28/10
037237	03/05/10	370.00	RANDHAWA MEDICAL GRP, IN	PRE-EMPLOYMENT PHYSICAL/ELNESS/PD
037238	03/05/10	75.00	LYDIA RENTERIA	REFUND MEMORIAL BLDG DEPOSIT/CORRAL-APOSTOLIC CH
037239	03/05/10	3440.00	ROCHA BACKHOE SERVICE, INC	LABOR/BACKHOE WORK/INSTALL ELECTRIC CONDUIT/HILLPK
037240	03/05/10	5326.83	RRM DESIGN GROUP, INC.	PROFESSIONAL SERVICES/DOWNTOWN PLAZA/JAN 2010
037241	03/05/10	12.00	STAN CNTY CLERK RECORDER	RELEASE OF LIEN/534 FLOUR MILL/719 ELYAR MOUNTAIN
037242	03/05/10	14.25	STAPLES BUSINESS ADVANTAGE	SANITARY DISPOSABLE CLOTH TOWELS/PD
037242	03/05/10	41.52	STAPLES BUSINESS ADVANTAGE	COLOR PAPER/ADHESIVE/HANGING FOLDERS
037242	03/05/10	19.50	STAPLES BUSINESS ADVANTAGE	DUST DESTROYER/PD

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Ck #	Check Date	CK Amount	Vendor Name	Description
037242	03/05/10	25.88	STAPLES BUSINESS ADVANTAGE	CALCULATOR TAPE/CASH REGISTER TAPE
037243	03/05/10	813.00	STANISLAUS REGIONAL TRAINING D	REGISTRATIO/S.T.O.P. TRAINING/BORDEN
037244	03/05/10	100.00	SUMMERS ENGINEERING, INC	REFUND MEM BLDG DEPOSIT/SAN JOAQUIN VALLEY DRAINAG
037245	03/05/10	155.83	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL-SERVICE
037246	03/05/10	150.00	BARBARA J. TOSTA	YOUNG AT HEART INSTRUCTOR/FEB 2010
037247	03/05/10	101.86	YANCEY LUMBER COMPANY	2 BAGS DOG FOOD/K-9
037248	03/05/10	40.65	BARAJAS, ZEYDI J.	MQ CUSTOMER REFUND FOR BAR0074
037249	03/05/10	98.03	DARCEY, BRIAN	MQ CUSTOMER REFUND FOR DAR0007
037250	03/05/10	68.89	MORAN, MARTIN G.	MQ CUSTOMER REFUND FOR MOR0103
037251	03/05/10	30.10	WACHOVIA MORTGAGE,	MQ CUSTOMER REFUND FOR WAC0019
037252	03/05/10	85.30	WACHOVIA WORLD,	MQ CUSTOMER REFUND FOR WAC0020
Sub-Total:		----- 123563.86		
Grn-Total:		----- 123563.86		
Count:	86			

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING FEBRUARY 23, 2010
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 Candea.
4. Roll Call **PRESENT:** Davis, Candea, Martina And Mayor Katen.
ABSENT: Kelly (Excused).
5. Declaration Of Conflicts Of Interest - None.

6. Ceremonial Matters

- a. Presentation By County Librarian, Vanessa Czopek (Annual Report - Fiscal Year 08/09).

Stanislaus County Librarian Vanessa Czopek Reviewed The Annual Library Systems & Local Library Report For The 2008/2009 Fiscal Year.

Newman Librarian, Barbara Alexander Talked About The Events, Programs And Services That The Newman Library Offers.

Sharon Andrade With The Friends Of The Newman Library Thanked The City For Allowing The New Library Signs And Spoke To The Council About Her Organization.

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 February 9, 2010 Regular Meeting.
- d. Adopt Resolution No. 2010-08, 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. 2010-09, 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.

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

9. Public Hearings - None

10. Regular Business

- a. Authorize A Budget Adjustment Of \$33,000 For The Landscape And Lighting District Assessment And Adopt Resolution 2010-10, A Resolution Approving An Amendment To The Contract To NBS To Provide Proposition 218 Services For The Landscape And Lighting District Zones 1-15.

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, A Budget Adjustment Of \$33,000 For The Landscape And Lighting District Assessment And Resolution No. 2010-10, Approving An Amendment To The Contract To NBS To Provide Proposition 218 Services For The Landscape And Lighting District Zones 1-15 Were Approved.

- b. Adopt Resolution 2010-11, 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.

ACTION: On Motion By Davis Seconded By Candea And Unanimously Carried, Resolution No. 2010-11, 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 Was Adopted.

11. Items From District Five Stanislaus County Supervisor - None

12. Items From The City Manager And Staff.

City Manager Holland Reminded The Council To Return Their Form 700s. Holland Mentioned That The First Redevelopment Plan Amendment And A Request To Renew Bertolotti Disposal's Contract Would Be On The Agenda For The Next Regularly Scheduled Council Meeting. Holland Explained That The Bid Opening For The Hill Park Parking Lots And Wall Would Be On March 2, 2010 And That The Bid Award Would Also Likely Be On The March 9, 2010 Agenda. Holland Noted He Would Be Asking The Council To Approve Prequalification Standards For Contractors Bidding On The Plaza Project And That This Process Would Help Ensure That Only Qualified Contractors Would Be Able To Participate In The Bidding Process. Holland Updated The Council As To The Status Of The Capital Facility Fee Update And Stated That It Would Be Approximately Two To Three Weeks Before It Was Ready For Public Review. Holland Pointed Out The City Office Would Be Closed On March 12, 2010 For A Furlough Day.

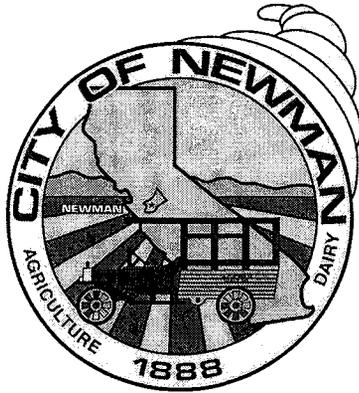
Chief McGill Thanked The Council For Agreeing To Fill The Vacant Police Officer Position And Explained That The Department Had Hired An Experienced Officer. McGill Stated That He Was Pleased To Announce That Two Auto Theft Suspects Had Been Apprehended And That The Recent Graffiti Has Subsided.

13. Items From City Council Members.

Mayor Katen Urged Everyone To Attend The Upcoming Chamber Mixer. Katen Mentioned That He Has Had Ongoing Conversations With Mayor Ridenour Of Modesto Regarding The W.H. Breshears Tax Issue. Katen Thanked The Council For Their Support Of The High Speed Rail Resolution And Reminded Everyone That The High Speed Rail Maintenance Facility Would Bring Approximately Fifteen-Hundred Jobs To The Area.

14. Adjournment.

ACTION: On Motion By Katen Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 7:38 P.M.



**City of Newman
Community Development Department
Memorandum**

From: Stephanie Ocasio, Assistant Planner *SO*
To: Honorable Mayor and Members of the City Council
Date: March 9, 2010
Subject: Capital Facility Fee Adjustment
Attachments:

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

Due to a calculation error, the 2009 ENR CCI inflation index presented to Council at the February 23rd meeting was incorrect. The 2009 ENR CCI inflation index for the San Francisco region (of which we are a part of) was -0.6%. This decrease 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, please refer to the attached spreadsheet.

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 and Notices will be forwarded to the BIA.

I am more than happy to answer any questions that you may have, thank you.

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 -0.6%.

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 9th of March, 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:

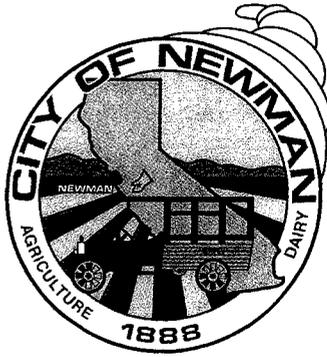
Deputy City Clerk of the City of Newman

nan - Development Fees 2010-2011

Factor: -0.6% (ENR - SF CCI 2009)

	MUNICIPAL FACILITY FEES														TOTALS PER UNIT	
	Com Bldg		Police		Fire		Govt Bldg		Corp Yard		Wildlife		Gen Admin		Old	New
	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New		
52.67	365.11	362.92	357.11	354.96	661.36	657.39	409.95	407.49	198.56	197.37	46.44	46.16	182.59	181.49	9,821.04	9,762.11
42.13	328.29	326.32	321.90	319.96	595.71	592.13	368.33	366.12	179.36	178.28	41.64	41.39	163.35	162.37	7,212.87	7,169.59
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
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

	MUNICIPAL FACILITY FEES														TOTALS PER UNIT	
	Com Bldg		Police		Fire		Govt Bldg		Corp Yard		Wildlife		Gen Admin		Old	New
	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New		
55.60	N/A	N/A	819.56	814.64	430.47	427.89	1,101.63	1,095.02	N/A	N/A	46.44	46.16	189.26	188.12	14,515.00	14,427.91
98.09	N/A	N/A	809.69	804.83	425.27	422.72	1,088.35	1,081.82	N/A	N/A	41.64	41.39	186.95	185.83	12,262.64	12,189.07
71.09	N/A	N/A	736.06	731.64	386.62	384.30	989.39	983.46	N/A	N/A	36.84	36.62	169.97	168.95	10,275.66	10,214.00
															PER 1000 SQ FT	
N/A	N/A	N/A	265.00	263.41	139.17	138.34	356.18	354.05	N/A	N/A	N/A	N/A	61.19	60.82	2,263.73	2,250.15
N/A	N/A	N/A	265.00	263.41	139.17	138.34	356.18	354.05	N/A	N/A	N/A	N/A	61.19	60.82	5,207.60	5,176.35
N/A	N/A	N/A	176.66	175.60	92.79	92.23	237.46	236.03	N/A	N/A	N/A	N/A	40.79	40.54	3,481.18	3,460.30
N/A	N/A	N/A	176.66	175.60	92.79	92.23	237.46	236.03	N/A	N/A	N/A	N/A	40.79	40.54	2,900.17	2,882.77
N/A	N/A	N/A	176.66	175.60	92.79	92.23	237.46	236.03	N/A	N/A	N/A	N/A	40.79	40.54	2,609.65	2,594.00
N/A	N/A	N/A	265.00	263.41	139.17	138.34	356.18	354.05	N/A	N/A	N/A	N/A	61.19	60.82	3,755.03	3,732.50



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

Date: March 5, 2010
To: City Council
From: Michael E. Holland *MEH*

Subject: Item 8.e. – Expansion of Enterprise Zone Boundaries - Hughson

As a member jurisdiction of the Enterprise Zone, we are being asked to support Hughson's request to expand their zone by 101.65 acres. Attached is the information regarding the request and a resolution approving said expansion. With this expansion, there will be 1,416.2 acres of land remaining to be annexed into Stanislaus Enterprise Zone – Zone 40.

Staff recommends the Council attached resolution approving the expansion request.

Stanislaus Enterprise Zone – Zone 40 Expansion 2010

Instructions: Applicant to complete Sections 1, 2, & 3. See *Expansion Application Submission Guidelines* for further instructions.

Section 1.		Contact Information	Expansion Acreage	
Enterprise Zone:	Stanislaus Enterprise Zone – Zone 40		Original Zone Acreage:	67508.98
Jurisdictions:	City of Ceres	City of Hughson	Basis* 15% X <u> </u> 20% <u> </u>	
	City of Modesto	City of Newman	Current Expansion Capacity	
	City of Oakdale	City of Patterson	1517.85 Acres	
	City of Riverbank	City of Turlock	Expansion Acreage Requested	Acres
City of Waterford	Stanislaus County Uni.	101.65 Acres		
Keyes	Salida	Acres		
Contact Name:	Rey Campanur		New Cumulative Zone Acreage	
Telephone Number:	209.567.4940			
Proposed Expansion Name:	Duarte Trees & Vines a.k.a. California Winelands, LLC		Balance (Remaining Capacity)	1416.2 Acres
Expansion Type:	<i>Intra-jurisdictional Expansion:</i> <input checked="" type="checkbox"/> Contiguous <input type="checkbox"/> Non-Contiguous		<i>Inter-jurisdictional Expansion:</i> <input type="checkbox"/> Adding a contiguous jurisdiction <input type="checkbox"/> Using a right-of-way to establish contiguity.	

Section 2.			Required Documentation
Exhibit Name	Document		(Optional) Applicant Comments
Exhibit A	Cover Letter		
Exhibit B	Certified Resolution or Ordinance (Jurisdiction Name) (Resolution #)		
Exhibit C	Map		
Exhibit D	Infrastructure Assessment		
Exhibit E	Street Range Listing		
Exhibit F	Boundary Description	<input checked="" type="checkbox"/> Digitized Map	
		<input type="checkbox"/> Description	
Exhibit G (if applicable)	<i>Intra-jurisdictional Non-Contiguous Justification</i>	<input type="checkbox"/> Exhibit G1	Exhibit G not applicable
	<i>Inter-jurisdictional Right-of-way Description</i>	<input type="checkbox"/> Exhibit G2	

* Basis: If the original enterprise zone area is no greater than 13 square miles (8,320 acres), the zone may be expanded by 20%.

Expansion Application (cont)

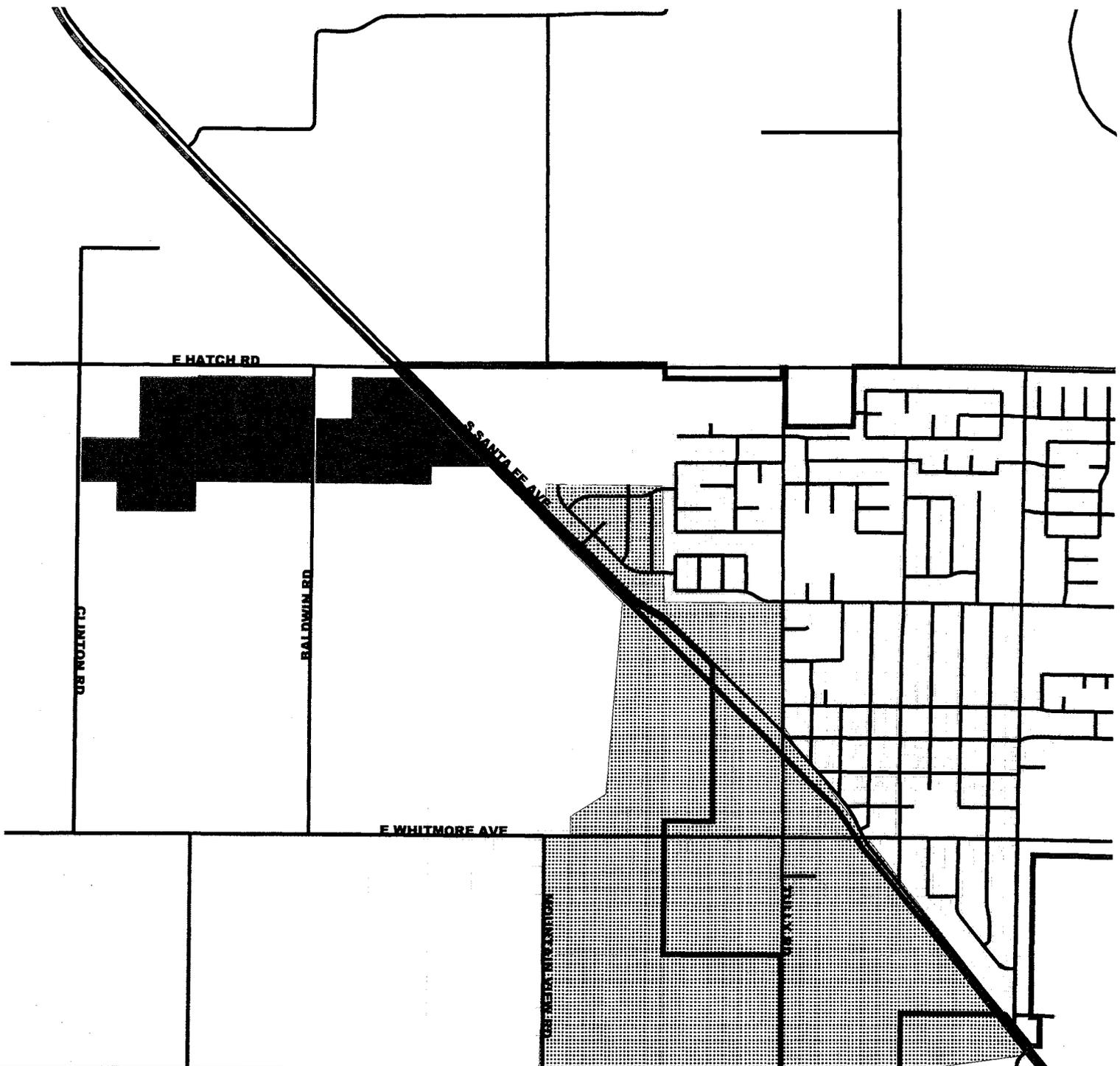
Section 3 Instructions: For each expansion identify the number of acres and the number of existing businesses within the proposed expansion area.

Section 3. Expansion History						
Original Zone Acreage: 67508.98			Original Expansion Capacity (acres): 10126.35			
Exp #	Expansion Name	Expansion Acreage Requested: 101.65			Effective Date	Balance (Remaining Acres)
		Number of Businesses				
		Industrial	Commercial	Total		
40-08	Duarte Trees & Vines a.k.a. California Winelands, LLC		1	1	2010	1416.2

I have approved the information contained in this expansion application. I understand that the effective date of the expansion will be the date the expansion approval letter is mailed by the Department.

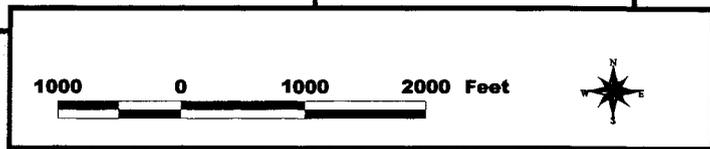
Enterprise Zone Signatory

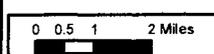
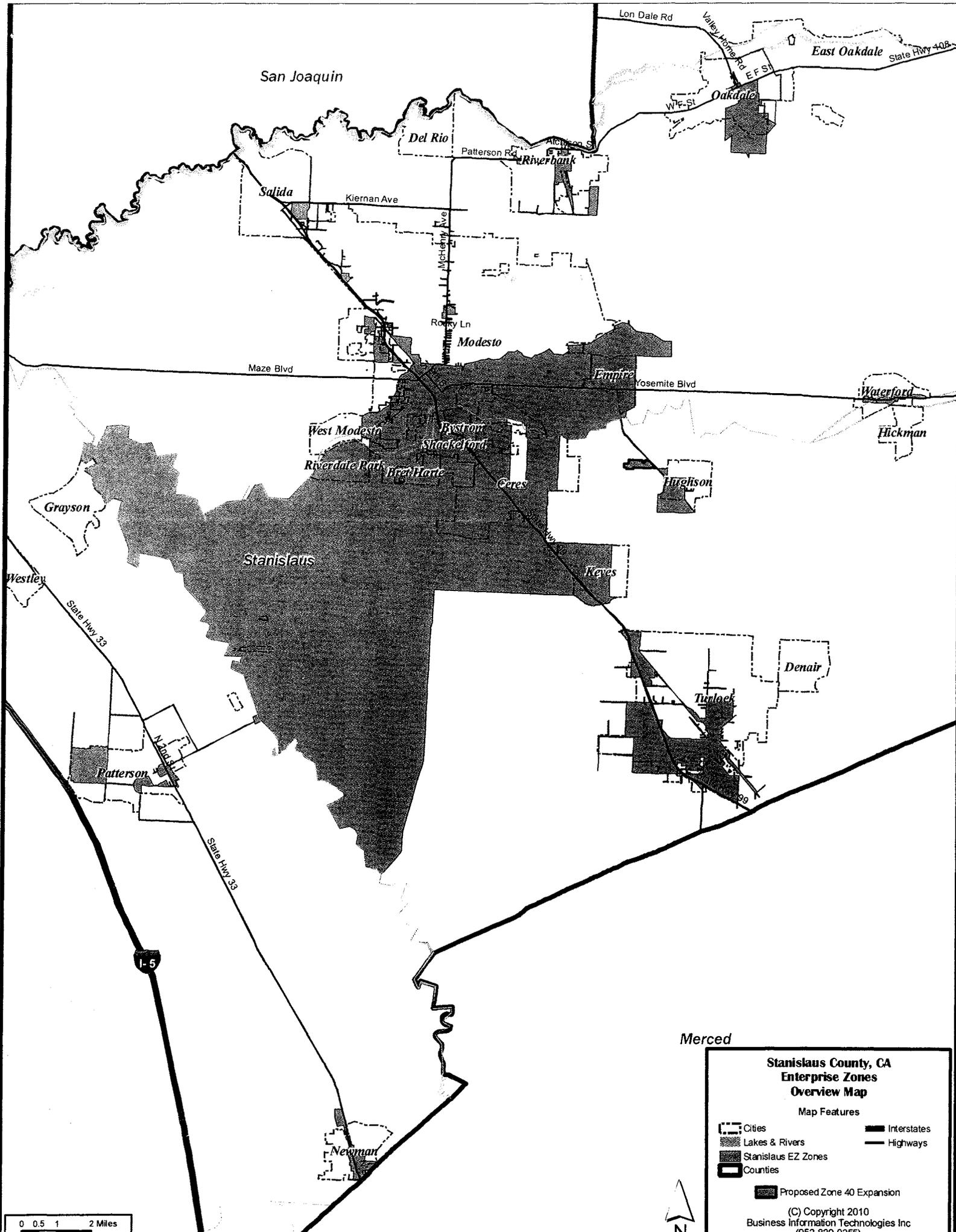
Date



**Stanislaus Enterprise Zone - Zone 40
Duarte Nursery Expansion - 40-08
2010**

-  Proposed Expansion Area
-  Existing Enterprise Zone
- Assessors Parcels
-  Railroad
-  HUGHSON CITY LIMITS





Merced

**Stanislaus County, CA
Enterprise Zones
Overview Map**

Map Features

- Cities
- Lakes & Rivers
- Stanislaus EZ Zones
- Counties
- Interstates
- Highways
- Proposed Zone 40 Expansion

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RESOLUTION NO. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN APPROVING THE EXPANSION OF THE STANISLAUS COUNTY ENTERPRISE ZONE BOUNDARIES

WHEREAS, the County of Stanislaus currently has an enterprise zone that was established on November 16, 2005 and has jurisdiction over the existing zone, as well as the proposed expansion area;

WHEREAS, existing law allows an enterprise zone to expand its geographic boundaries by up to a maximum of 15% of the original zone boundaries; and

WHEREAS, the Stanislaus Enterprise Zone (Zone 40) has the current expansion capacity of approximately 10,100 acres; and

WHEREAS, the Stanislaus County Board of Supervisors (on February 7, 2006) approved an expansion criteria protocol which includes all initial zone participants - designated as the zone 40 workgroup; and

WHEREAS, there have been five successful Zone expansions to date; and

WHEREAS, the Stanislaus Enterprise Zone expansions approved to date have totaled 8,582.15 acres leaving an expansion zone remainder of 1,517.85 acres as balance for future expansion activities; and

WHEREAS, Stanislaus County desires to initiate the Phase Six Enterprise Zone expansion application for approximately 101.65 total acres.

NOW, THEREFORE, BE IT RESOLVED that the City of Newman approves of this expansion request and directs the Stanislaus Economic Development and Workforce Alliance, as the Stanislaus EZ Administrator, to submit the written request and required accompanying documentation to expand the enterprise zone by 101.65 acres.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 9th day of March 2010 by Council Member _____, who moved its adoption which motion was duly seconded and the resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.a.**
City Council Meeting
of March 9, 2010

REPORT ON PROPOSED CDBG PROJECTS - FY 10-11

RECOMMENDATION:

Review and consider the proposed CDBG Project List for the 2010/2011 Fiscal Year

BACKGROUND:

In 2005, the City of Newman became a part of the six-member CDBG/ESG consortium that is lead by Stanislaus County. As an entitlement program, the Consortium allows the City to receive an annual allotment of CDBG funds without having to apply and compete for CDBG grants.

The Federal Community Development Block Grant (CDBG) encompasses the following three specific goals:

1. Provide decent housing
2. Provide a suitable living environment
3. Expand economic opportunities

The general goal of the CDBG program is to strengthen partnerships among all levels of government and the private sector, including for/non-profit organizations, to enable them to provide decent housing, establish and maintain a suitable living environment, and expand economic opportunities for every American, particularly those with incomes below fifty percent (very low) and eighty percent (low) of the area's median income, respectively.

ANALYSIS:

Based on eligibility requirements and existing need, staff has prepared a preliminary list of projects (attached) for the 2010/2011 fiscal year. The project list will be finalized upon Council approval and funding allocation.

FISCAL IMPACT:

Positive, staff anticipates a 2010/2011 allocation in the mid \$200,000 range (in addition to any roll-over funding).

CONCLUSION:

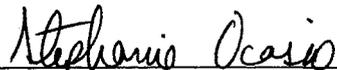
Planning and Public Works' staff compiled a list of projects within the CDBG Target Area. This list was developed to help the Council determine the most appropriate uses for CDBG funds and should not be considered all-inclusive. Staff recommends that the Council select one of the following two options:

1. Approval
Review and approve the proposed CDBG Project List for the 2010/2011 Fiscal Year
2. Amendment
Review and amend the proposed CDBG Project List for the 2010/2011 Fiscal Year

ATTACHMENTS:

1. Exhibit A – Proposed CDBG Project List

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR:



Michael Holland
City Manager

Proposed CDBG Project List FY 2010-2011

PQRST/Fresno/Merced/West Ave Infrastructure Project (3 phase project) – Phase II

Tentative Timeline: Pre-development: July – October 2010, Development: November 2010 – April 2011

Install curb, gutter and sidewalk in the following areas:

- | | |
|---|---|
| <ul style="list-style-type: none">▪ S Street, from Yolo to Inyo Streets▪ T Street, from Yolo to Inyo Streets▪ P Street, from Yolo to Stanislaus Streets▪ Q Street, from Tulare to Kern Streets▪ R Street, from Yolo to Merced Streets | } Phase II (FY 10-11)

} Phase III (FY 11-12) |
|---|---|

These areas either lack basic infrastructure such as curb, gutter and sidewalk or have badly damaged infrastructure due to age, tree roots, etc. and pose potential health and safety threats. This project would engineer a project and install curb, gutter and sidewalk along the above-mentioned areas.

Number of People to Be Served:

Approximately 4000 drivers per day* (averaged amount per GP EIR Traffic report)

790 students drive, get dropped of, bike or walk to Orestimba High every school day

453 students get dropped of, bike or walk to Hunt Elementary every school day

491 students get dropped of, bike or walk to Yolo Jr. High every school day

284 Households have primary frontage/reside within the project boundaries and will benefit from the improvements.

Street Reconstruction Project - Phase II (in concurrence with Fresno/T Street and PQRST/Fresno/Merced/ West Ave Infrastructure Projects)

Tentative Timeline: Pre-development: July – October 2010, Development: November 2010 – April 2011

Street repair and overlay (due to infrastructure repairs) in the following areas:

- | | |
|---|---|
| <ul style="list-style-type: none">▪ S Street, from Yolo to Inyo Streets▪ T Street, from Yolo to Inyo Streets▪ P Street, from Yolo to Stanislaus Streets▪ Q Street, from Tulare to Kern Streets▪ R Street, from Yolo to Merced Streets | } Phase II (FY 10-11)

} Phase III (FY 11-12) |
|---|---|

Number of People to Be Served:

Approximately 2050 drivers per day* (averaged amount per GP EIR Traffic report)

790 students drive, get dropped of, bike or walk to Orestimba High every school day

453 students get dropped of, bike or walk to Hunt Elementary every school day

491 students get dropped of, bike or walk to Yolo Jr. High every school day

163 Households have primary frontage/reside within the project boundaries and will benefit from the improvements.

Community Computer Training (T3)

Timeline: Pre-development: July – August 2010, Development: August 2010 – April 2011

Sponsor a community based computer training program: Through a grant received by Stanislaus County, a computer learning curriculum has been developed. This curriculum teaches residents computer skills that will assist them with finding a job and/or progressing within the employment field. This program will serve approximately 300 people and will be hosted in a computer lab located at the McConnell Adult Education Center.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.b.**
City Council Meeting
of March 9, 2010

**CONSIDER FOR APPROVAL THE STANISLAUS COUNTY ANNUAL ACTION PLAN
(FY 10-11) AND OPEN 30 DAY PUBLIC COMMENT PERIOD**

RECOMMENDATION:

1. Release draft plan for the required 30 day public comment period
2. Set public hearing for April 13, 2010 at 7:00 pm or thereafter to close public comment period and consider approval of the Draft Annual Action Plan and amendments to the FY 2008-2009 NSP Annual Action and FY 2007-2012 Consolidated Plans.

BACKGROUND:

The City of Newman is part of a six-member CDBG/ESG consortium that is lead by Stanislaus County.

The Annual Action Plan has been developed to aid the consortium in achieving both federal and general CDBG goals. The 2010-2011 Annual Action Plan outlines the goals and policies for utilizing CDBG and HOME funds to assist low income households and persons in the areas of housing, associated infrastructure and economic development. The overriding consideration required by the CDBG and ESG programs is to benefit those members of the population that meet the definition of "Targeted Income". A person under this definition is one who earns 80% or less of the median area income. The 2009 median area income in Stanislaus County for one person is \$33,400.00. Furthermore, if a project benefits a neighborhood or community, at least 51% of the population within that geographic boundary must be within the Targeted Income Group.

ANALYSIS:

The Stanislaus County CDBG Consortium is anticipating the following allocations:

- \$2,491,699.00 Community Development Block Grant (CDBG)
- \$1,129,172 Home Investment Partnerships Program (HOME)
- \$109,687.00 Emergency Shelter Grant (ESG) Award

In order to receive these funds, the CDBG Consortium is required to prepare an Annual Action Plan outlining its goals and projects for the upcoming fiscal year. Each member of the consortia must adopt the plan in order for the lead agency (Stanislaus County) to prepare and finalize the AAP and submit it to the Department of Housing and Urban Development (HUD).

In addition to the AAP, the Stanislaus County CDBG Consortium is proposing to amend the FY 2008-2009 Neighborhood Stabilization Plan AAP and FY 2007-2012 Consolidated Plan. The Amendment to the NSP FY 2008-2009 Annual Action Plan will permit the NSP Program to utilize NSP Program Income funds to provide first time home buyer down payment assistance and incorporate acquisition and rehabilitation/reconstruction within additional Consortia target areas, including Newman. An amendment to the Consolidated Plan FY 2007 - 2012 will allow the adoption of Stanislaus County as lead administrator of HOME funds for participating Consortium jurisdictions and incorporate the HOME program into the Consortium's goals in the FY 2007-2012 Consolidated Plan to comply with HUD regulatory requirements.

FISCAL IMPACT:

Positive, approval of the AAP and amendments will allow the Consortia lead agency (Stanislaus County) to prepare and finalize the plan for HUD submittal and subsequent CDBG funding qualification and allocation(s) and increased program flexibility.

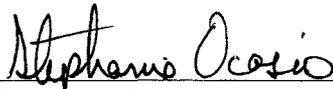
CONCLUSION:

Staff recommends that the Council release the draft plan for the required 30 day comment period and set the public hearing for April 13, 2010 at 7:00 pm or thereafter to close public comment period and consider approval of the Draft Annual Action Plan and amendments to the FY 2008-2009 NSP Annual Action and FY 2007-2012 Consolidated Plans.

ATTACHMENTS:

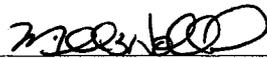
An excerpted copy of the Draft Annual Action Plan (AAP) will be provided at the City Council meeting.

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR:



Michael Holland
City Manager

COMMUNITY DEVELOPMENT BLOCK GRANT CONSORTIUM



Annual Action Plan *Fiscal Year 2010-2011* **DRAFT**

Prepared by the Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto CA, 95354
209.525.6330

APRIL 2010

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District 2 Vito Chiesa
District 3 Vice-Chair Jeff Grover
District 4 Dick Monteith
District 5 Chair Jim DeMartini



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Vice Mayor Chris Vierra
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Councilmember Ken Lane
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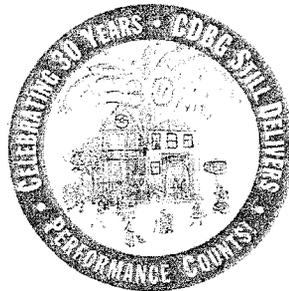
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Councilmember Jose Aldaco



Fourth Program Year 2010-2011 Action Plan **GENERAL OVERVIEW**



Annual Action Plan includes the SF 424 and Narrative Responses to Action Plan questions that CDBG, HOME, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations. The Executive Summary narratives are optional.



As required by the U.S. Department of Housing and Urban Development, (HUD) this document is part of Stanislaus County's Consolidated Plan which describes the needs and strategy for using HUD funds for housing and community development. This Annual Action Plan describes the specific projects and/or programs that will be undertaken during the period from July 1, 2010 to June 30, 2011.

Stanislaus County, along with the Cities of Ceres, Newman, Oakdale, Patterson, and Waterford, hereinafter referred to as the "Consortium", annually receive Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) entitlement funds from HUD, and is recognized as the "lead entity" under the entitlement programs. The Consortium will be entering its ninth year as an Entitlement Jurisdiction for CDBG and the seventh year as a recipient of ESG funds.

Since 1992, Stanislaus County has also been a member of the "City of Turlock and Stanislaus County Home Investment Partnerships Program (HOME) Consortium" which includes Stanislaus County unincorporated communities and the Cities of Turlock, Ceres, Newman, Oakdale, Patterson, and Waterford. The City of Turlock is recognized as the lead entity under this entitlement program.

For Fiscal Year 2010-2011, the grant allocation amounts under each respective program are estimated at approximately:

Stanislaus County CDBG Consortium

CDBG	\$ 2,491,699
ESG	\$ 109,687
HOME	<u>\$ 1,129,172</u>
TOTAL	\$ 3,730,558

OBJECTIVES:

There are three specific goals of the Federal CDBG/ESG and HOME programs. They are:

1. Provide decent housing;
2. Provide a suitable living environment; and,
3. Expand economic opportunities

The Annual Action Plan has been developed to assist the six participating jurisdictions achieve these three goals. The overriding consideration that is required of the CDBG and ESG programs is to benefit those members of the population that meet the definition of Targeted Income. A Targeted Income person is one who earns 80% or less of the median area income. The current area median income in Stanislaus County for one person is \$33,400. Additionally, if a project benefits a specific neighborhood or community, at least 51% of the population within that geographic boundary must be within the Targeted Income Group (TIG).

There is a need in the unincorporated areas of the County, as well as in Oakdale, Patterson, Ceres, Newman, and Waterford for new or rehabilitated community infrastructure. From sidewalks and storm drainage to community facilities, the lack of these improvements does not promote safe and healthy communities, which in turn negatively impacts quality of life.

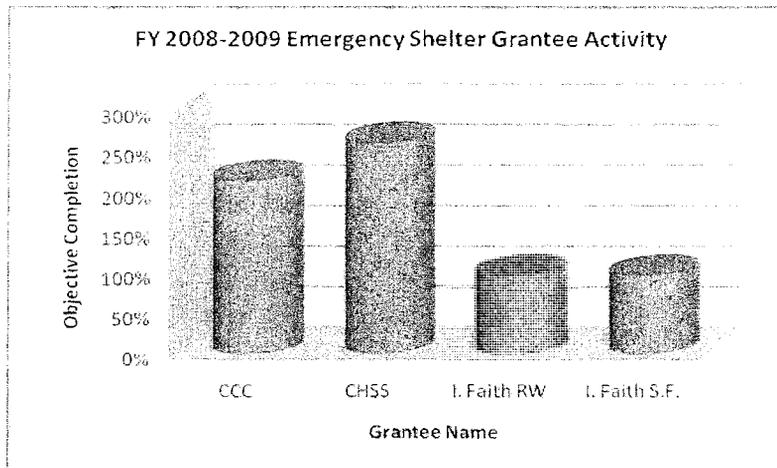
Further, there are opportunities for the County and the Cities to fund non-profit agencies that provide public services to the community. Staff has received and reviewed thirty-five (35) CDBG and eight (8) ESG competitive applications to obtain funds for the public service and emergency shelter components of the programs, respectively. The Board of Supervisors is presented the eligible applicants for partial or full funding based on scoring recommendations made by a review panel that consisted of five representatives from CDBG Consortia participating jurisdictions, a representative from the County Behavioral Health and Recovery Services Department, and a representative from the County Chief Executive Office. Although federal guidelines permit a grantee to budget up to 15% of its allocation to public service programs, the Consortium has agreed to utilize \$249,169 or approximately ten percent, for this purpose. This allows the Consortia to utilize the additional 5% of the allocation for targeted workforce and economic development related activities.

The following are non-profit organizations that have applied for FY 2010-2011 funding under the CDBG/ESG Public Services/Emergency Shelter Programs:

- | | |
|--------------------------------------|--|
| Catholic Charities | Healthy Start Orville Wright |
| Center for Human Services | Hughson Family Resource Center |
| Children's Crisis Center | Inter-Faith Ministries |
| Community Housing & Shelter Services | National Alliance on Mental Illness |
| DMC Foundation | Parent Institute for Quality Education |
| DRAIL | Red Cross |
| Family Promise | Salvation Army |
| Habitat for Humanity | Second Harvest Food Bank |
| Healthy Aging Association | Stanislaus Literacy Center |

Stanislaus County CDBG Consortium

The following graph shows similar information from the perspective of the Emergency Shelter Grant Program (some programs do not begin operations until the winter months):



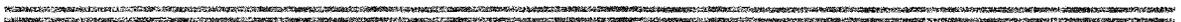
County and City Infrastructure projects are tracked by timeline criteria. Consortium members are encouraged to begin their environmental work on projects in early March of each year so that the construction phase of the project can begin in July at the beginning of the fiscal year. Request for funds are made on a quarterly basis and timeline compliance is confirmed at that time to assure the membership that the Consortia's collective projects are on task.

County staff will also collaborate with a qualified consultant to develop a strategy for incorporation of revitalization areas (within county unincorporated areas) in order of specific need and eligibility criteria. This will enable the stimulation of economic opportunities for local residents who will be better positioned to move themselves and their community out of slum or blighted conditions. The results will be utilized as a tool to evaluate the community's performance activities and specific needs from year to year.

Reasonable Efforts

Stanislaus County and the Cities of Ceres, Newman, Oakdale, Patterson, and Waterford identified their program areas through several combined methods. For the development of the Annual Action Plan, the participating jurisdictions used population information derived from the U.S. Census regarding median household income, housing tenure, housing occupancy, disability status, employment status, and poverty status. Information was also compiled from the County's Continuum of Care annual report, state-certified Housing Elements of the respective Consortium members, and California State Department of Finance reports. The target areas for the County and the Cities of Ceres, Newman, Oakdale, Patterson, and Waterford are the very low and low-income areas of the jurisdictions. Although funds are used for all residents of the Consortium's participating jurisdictions, priority is given to programs and projects in the target areas.

The following represents each participating jurisdiction's focus in relation to the use to their respective CDBG allocations:



2010-2011 Action Plan

City of Newman



The City of Newman's ongoing focus towards much needed infrastructure improvements will help alleviate some of the target area's current blighting conditions. These infrastructure improvements will include related curb, gutters, sidewalks, sewer and waterline replacement, and ADA curb cuts. Newman is also focusing on workforce development activities within their local community to offer classes that develop computer skills to provide residents with a competitive edge in their employment search.

City of Oakdale



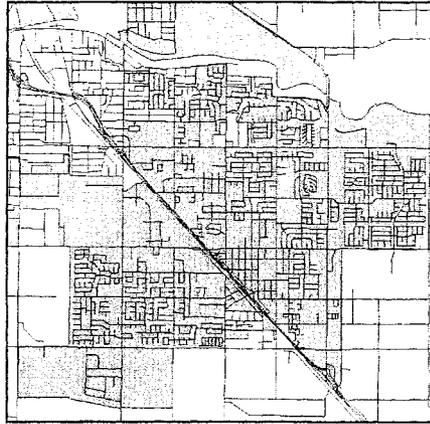
The City of Oakdale's focus is similar and in accord with our partnering members with a focus towards much needed infrastructure improvements that will help alleviate some of the target area's current blighting conditions. These infrastructure improvements will include related curb, gutters, sidewalks, sewer and waterline replacement, replacement of damaged street overlay, and ADA curb cuts.

City of Patterson



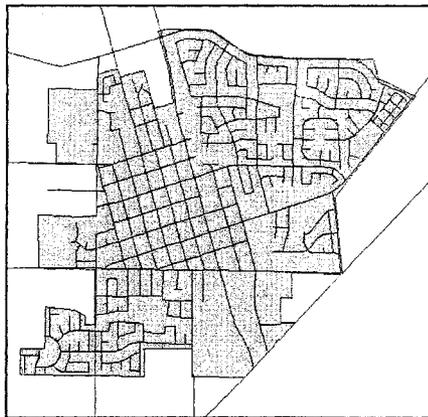
The City of Patterson's multi-phased approach towards much needed infrastructure improvements is an efficient approach to help alleviate some of the target area's current blighting conditions. These infrastructure improvements will include related curb, gutters, sidewalks, storm drain, sewer and waterline replacement, and related street overlay. The City of Patterson is also a partner through workforce development activities within its local community.

Ceres



The City of Ceres is located in the heart of Stanislaus County along the Highway 99 corridor. Ceres is in one of the Central Valley's richest and most diverse agricultural areas and is the home of the County's Agriculture Center. Ceres is a growing community with an approximate population of 42,690 in 2008. Source: U.S. Census Bureau.

Newman



The City of Newman is located thirty miles southwest of Modesto, the County seat. The city is located in an agriculturally rich geographical area that includes a large food processing facility, historic downtown buildings, and a variety of light industrial and highway commercial development. Newman is a growing community with an approximate population of 10,000. Source: City of Newman.

1. Provide a summary of the citizen participation process.

Citizen Participation is an integral part of the planning and implementation processes for the Community Development Block Grant (CDBG), Home Investment Partnership Program (HOME), and the Emergency Shelter Grant (ESG) Program, pursuant to the rules and regulations governing administration of the programs. In their attempt to assure adequate opportunity for participation by program beneficiaries and the general public, the County Board of Supervisors have set Annual Action Plan pre-submission, Plan amendment, grantee performance, sub-recipient monitoring, and record maintenance requirements. The Consortium not only complies with federal regulations, but also wishes to insure that all residents of the participating jurisdictions, and principally families with low or moderate incomes, have the opportunity to participate in the needs identification and strategy formulation process for these programs. This Annual Action Plan outlines the steps developed by the County to insure compliance with federal regulations governing implementation of the federal programs administered by the Stanislaus County Planning and Community Development Department, and meet their mandate to involve local residents in the planning and implementation of related projects and programs. All required elements are contained herein including: encouragement of citizen participation; information to be provided (including specific information regarding public hearings and Plan amendments); access to records; technical assistance; and comments and complaints.

The Annual Action Plan process involves: scheduling, publicizing and conducting meetings and public hearings; providing technical assistance to applicants and other interested persons/groups; and maintaining accurate and current information regarding the CDBG/ESG and HOME programs which are available to citizens upon request.

2. Provide a summary of citizen comments or views on the plan.

In order to solicit public participation in the preparation of the Draft Annual Action Plan, public notices were published defining the development process and how persons, agencies and interested groups could participate. This year the County was able to post announcements regarding the CDBG/ESG and HOME programs on the Planning and Community Development internet homepage, which facilitates the receipt of citizen input online. A series of public meetings were/are being held in February/March 2010 to discuss the preparation of the Draft Annual Action Plan. The series of meetings includes:

<u>JURISDICTION</u>	<u>DATE</u>	<u>TIME</u>	<u>LOCATION</u>
<u>County/Cities</u>			
Stanislaus County	February 10, 2010	10:00am/6:00 pm	1010 10 th St. Modesto
City of Ceres	February 17, 2010	4:00 pm	2701 Fourth St, Ceres
City of Newman	March 2, 2010	5:00 pm	1200 Main St. Newman
City of Oakdale	March 31, 2010	5:30 pm	120 South Sierra Ave. Oakdale
City of Patterson	February 10, 2010	6:00 pm	1 Plaza, Patterson
City of Waterford	February 11, 2010	6:00 pm	540 C St. Waterford

Stanislaus County CDBG Consortium

Municipal Advisory Councils / Communities

Denair	February 2, 2010	7:00 pm	3460 Lester Rd., Denair
Empire	February 8, 2010	7:00 pm	18 S. Abbie, Empire
Hickman	February 4, 2010	7:00 pm	13306 4 th St., Hickman
Keyes	February 18, 2010	7:00 pm	5601 7 th St. Keyes
Salida	February 23, 2010	7:00 pm	4835 Sisk Rd, Salida
South Modesto	February 11, 2010	6:00 pm	3800 Cornucopia Way, Mod.

The availability of the Draft Annual Action Plan for public review and comment was noticed through newspaper announcements, web posting, and by notification at various community meetings in prior months. The Draft Annual Action Plan is released for its official public review and comment period on March 16, 2010.

Copies of the Draft Annual Action Plan are 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 Plans will also be taken to the city councils of Ceres, Oakdale, Newman, Patterson, and Waterford for review. A final public hearing will be held April 27, 2010 before the Stanislaus County Board of Supervisors.

The Planning and Community Development Department will consider all oral and written public comments received in preparing and revising the Plan. A summary of responses to public comments on the review of the Draft Annual Action Plan will be included in the Citizen Comment Summary section of this Annual Action Plan.

Throughout the months of February and March, CDBG staff conducts several public meetings throughout the unincorporated areas and at least one general meeting in each of the CDBG participating jurisdictions.

Thirteen (13) general meetings were held to discuss needs within the Consortium areas and CDBG participating jurisdictions. A morning and evening presentation was conducted on February 10th, 2010 at the County Administration Building.

Stanislaus County

On February 10th, 2010 the County held two meetings (morning and evening). No comments received.

City of Ceres

A community meeting was held on February 17, 2010. A discussion of proposed projects took place. Community representatives of the Parklawn/Midway neighborhood of South Modesto expressed the need for infrastructure improvements in the neighborhood. Staff reiterated the recommendations made to the community at the February 11, 2010 South Modesto MAC meeting (reference South Modesto section below) and encouraged members who attended to provide written clarification on the specific projects and bounding of the community in question.

City of Newman

A community meeting was held on March 2nd, 2010. A discussion of proposed projects took place. No comments received.

2010-2011 Action Plan

Public Improvement & Facilities

All of the participants in the Consortium are faced with either the non-existence of certain public infrastructure (e.g. sewer, sidewalks) or the deterioration of existing infrastructure caused by time, material, and installation methodology used decades ago. Examples include water systems and distribution lines and community facilities.

Funding for public improvements and facilities can come from a variety of resources that include, but are not limited to: redevelopment agency, CDBG, USDA/RD, state infrastructure bank, and regional water board.

Non-Homeless Persons with Special Needs

Stanislaus County continues the implementation of a workforce development. The program assists low-income residents receive training through work experience with a potential employer.

This program will expand into the communities of Newman and Oakdale in the coming fiscal year, where the program intends to assist an additional 400 individuals in their goals to attain the necessary technological related skills necessary to be employable within growing technology sector of our community.

Public Services

The Consortium has agreed to set aside approximately ten percent (10%), or \$249,170, of the CDBG FY 2009-2010 allocation to fund non-profit organizations under the Public Service Grant Program. Non-profit organizations and service providers may competitively apply for grants of up to \$20,000. The Consortium is also expecting \$109,687 to be available in Emergency Shelter Grant Program (ESG) funds that will also be distributed in a competitive grant process.

Grant applications were made available in a CDBG/ESG Technical Workshop, which was held on January 12, 2010. Applications received were reviewed and scored by a committee consisting of four (4) representatives from the Consortium (from four of five participating cities), a representative from the county's CEO office, and a representative from the county's Behavioral Health and Recovery Services office and Planning and Community Development. After scores are tallied, the recommendation will be presented to the Board of Supervisors for approval. Grantee award announcements will be made on April 27, 2010 at a County Board of Supervisors public hearing. The activities funded will further the goals and objectives of the Consolidated Plan.

Stanislaus County CDBG Consortium

Annual Allocations

The 2010-2011 annual jurisdictional allocations of the CDBG Program funding are as follows:

Jurisdiction	Community Development Block Grant
Stanislaus County (includes admin.)	\$988,811
City of Ceres	\$274,068
City of Newman	\$209,730
City of Oakdale	\$239,215
City of Patterson	\$250,634
City of Waterford	\$202,828
<hr/>	
Public Service Grant Program	\$249,170
Workforce Development	\$19,934
Economic Development	\$19,934
Fair Housing	\$37,375
<hr/>	
Total	\$2,491,699

A summary of the activities to be funded by the above noted allocations follows. Specific activity information is contained in the section below.

It is anticipated that all projects included in this Annual Action Plan will be implemented during this fiscal year 2010-2011. However, there may be some projects (e.g. extensive infrastructure) that may require funding from multiple years to complete the project. It is expected that for these projects, at least preliminary work will begin in the year in which the projects are initially funded.

Stanislaus County

Stanislaus County-CDBG Program Administration

Stanislaus County will provide management and administration services to the Consortium program participating jurisdictions. The funds will cover the costs of salary, publications, public notices, and other eligible costs directly related to the program. These funds will also cover administration costs incurred from administering the ESG program.

Empire Infrastructure Project

The area generally bounded by "A" Street to the West, McCoy Avenue to the north, North & South Avenue to the east, and South Avenue to the south. Construction work will continue consisting of the installation of curb, gutters, handicap returns, associated replacement of street sections damaged by improvements, and a self-contained French drain.

Stanislaus County CDBG Consortium



Fair Housing Program

The County will be contracting with a qualified fair housing agency during the 2010-2011 fiscal year to carry on its Fair Housing Program. Funds will be used to provide fair housing information, housing counseling and tenant/landlord mediation services to residents of the unincorporated areas of Stanislaus County and the Cities of Ceres, Newman, Oakdale, Patterson and Waterford. The qualified agency will provide housing advocacy to the Consortium's jurisdictions through community forums, town-hall meetings, and housing fairs.

Stanislaus Workforce Development (T3) Program

One of the main goals of the program is create pathways that lead to increased skills, wages and opportunities for low-income residents, families and communities through the involvement of technology training.

CDBG funds will be used to add a new component to the program. A third additional site (City of Waterford) that serves a new segment of the population of the County that had not been previously reached will join the existing communities (County unincorporated areas and the Cities of Newman, Oakdale, and Patterson) that offer Workforce Development training. Through the County's Workforce Development Collaborative there is a commitment to provide job and career development opportunities to the under-served in the community. Through the utilization of the T3 Program, the Center will be able to assist its program participants develop and further their computer skills.

The T-3 Program participants will be able to acquire and further develop computer skills that will allow them to re-enter the workforce and in many cases gain a competitive edge in the field they select to enter. Approximately 400 individuals will be participating in the technology program.

Economic Development

Stanislaus County will undertake a pilot program designed to provide economic development opportunities for eligible individuals that have participated in the Workforce Development Targeted Technology Training (T3) Program. The program will be designed as a second step in the Consortium's Workforce Development Program by seeking to provide entrepreneurial opportunities to qualified individuals, through a partnership with the

2010-2011 Action Plan

Stanislaus County CDBG Consortium

5th Street Infrastructure Project

The City of Ceres will continue construction of the 5th Street infrastructure improvements project. The project will include the installation of curb, gutter, and sidewalks, ADA accessible ramps, storm drain, and matching pavement in low income residential areas of town that currently do not benefit from these facilities. The project is to be undertaken along 5th Street from North Street on the south to Whitmore Avenue on the North.



Neighborhood Stabilization Program (NSP)

The City will continue the implementation of its NSP program through the Consortium partnership. The City of Ceres will incorporate the entire City as an eligible area for use of NSP funds. A portion of the City of Ceres' NSP program income will be used for first time homebuyer down payment assistance as needed, as allowed via the Consortium's FY 2008-2009 Annual Action Plan NSP Amendment.

City of Newman

Project Administration

This expenditure includes costs associated management, oversight, and coordination of the related CDBG infrastructure projects.

PQRST/Fresno/Merced/Patchett/West Ave Infrastructure Project

The City of Newman will begin the construction phase of this project. The project areas either lack basic infrastructure such as curb, gutter and sidewalk or have badly damaged infrastructure due to age, tree roots, etc. and pose potential health and safety threats. This project will consist of installation of curb, gutter, and sidewalks. Construction of this project will be carried out in two phases. In fiscal year 2010-2011, construction will be conducted in the following areas:

Stanislaus County CDBG Consortium

- S Street, from Yolo to Inyo Streets
- T Street, from Yolo to Inyo Streets



Street Reconstruction Project

This project is in concurrence with PQRST/Fresno/Merced/Patchett/West Ave Infrastructure Project and Storm Drain Replacement Project. Construction to include street repair and overlay (partially due to infrastructure repairs) in the following areas:

- S Street, from Yolo to Inyo Streets
- T Street, from Yolo to Inyo Streets

T3 Workforce Technology Development

This program will provide participants the opportunity to acquire and further develop computer skills that will allow them to re-enter the workforce and in many cases gain a competitive edge in the field they select to enter. Up to 300 individuals will be participating in the technology program.

Neighborhood Stabilization Program (NSP)

The City will continue the implementation of its NSP program through the Consortium partnership. The City of Newman will incorporate the entire City as an eligible area for use of NSP funds. A portion of the City of Newman's NSP program income will be used for first time homebuyer down payment assistance as needed, as allowed via the Consortium's FY 2008-2009 Annual Action Plan NSP Amendment.

City of Oakdale

Project Administration

This expenditure includes costs associated management, oversight, and coordination of the related CDBG infrastructure projects.

Stanislaus County CDBG Consortium

community programs. The Utility Assistance Program will help over 70 families find financial peace in these troubling times.

Center for Human Services **Eastside Community Support**

Center for Human Services (CHS), in partnership with the Oak Valley Hospital District's Family Support Network (FSN), will provide outreach and support services for homeless and low-income individuals and families living in the Eastside communities of Oakdale, Knights Ferry and Valley Home. This project offers outreach, resource and referral for identified needs/services, brief case management, and emergency food and clothing provision and workshops regarding nutrition/food budgeting. For this project, CHS will target those families and individuals for service who are homeless, experiencing sudden financial crisis, and those to whom food assistance has been provided during the past year. CHS currently partners with FSN to provide Family Resource Center (FRC) programming for parents and children ages 0-5 at FSN's site in Oakdale.

Center for Human Services **HOST (Helping Others Sleep Tonight) Shelter Support**

CHS and our non-profit partner, HOST, are collaborating to provide shelter services to (70) unduplicated homeless men in Patterson. HOST currently operates a temporary shelter that houses (6) homeless men per night at CHS' Patterson Teen Center facility, providing them with accommodations, meals and supervision from 7 p.m. – 7 a.m. daily. HOST and their partners will provide program outreach to homeless individuals through their lunch program at North Park, and work with local churches, schools, government and other community agencies to promote the program and provide information to potential homeless clients.

Center for Human Services **Patterson Teen Center**

The Patterson Teen Center, which has been serving young people in Patterson since 2002, impacts the lives of youth through quality programming including: homework assistance, life skill development, employment training, youth leadership/development activities, access to computers and the provision of healthy snacks. The program offers opportunities for meaningful youth/adult partnerships, community service, prevention work, youth friendly activities like movie nights, teen forums, dances, and foster an ongoing partnership with the City of Patterson Parks and Recreation Department in supporting the Patterson Youth Action Commission.

Center for Human Services **Westside Family Resource Center**

The Patterson and Newman Family Resource Centers will provide brief case management and crisis intervention, utility assistance and resource and referral for low and moderate-income individuals and families residing in the Westside communities of Patterson, Newman, Crows Landing, Westley and Grayson. CHS will work with many community partners on the Westside to maximize the number and depth of resources provided to the homeless or low-income residents seeking our services and support.

Children's Crisis Center **The At-Risk Homeless Child Project at Guardian House**

This project will address the shelter and essential needs of homeless or at risk children residing in Oakdale, Waterford, Valley Home, and Hickman. This project will offer at-risk children immediate shelter, providing them with reassurance, therapeutic play opportunities, nutritionally balanced meals, and developmental activities that promote cognitive, physical, emotional, and social development. I will also offer supportive services

**AUTHORIZE CITY MANAGER TO RENEW CONTRACT WITH BERTOLOTTI DISPOSAL INC. FOR
SOLID WASTE AND CURBSIDE RECYCLING SERVICES**

RECOMMENDATION:

It is recommended that the City Council approve Resolution No. 2010- , accepting the proposed contract changes and authorizing the City Manager to Renew a contract with Bertolotti Disposal Inc. for solid waste collection and curbside recycling services.

BACKGROUND:

Bertolotti Disposal Incorporated provides solid waste collection and curbside recycling services to Newman residents and businesses per a 2002 contract agreement with the City of Newman. The current rates for service have remained unchanged since 1998. While the City of Newman was not required to follow Proposition 218 guidelines for a rate increase, the City elected to proceed forward with the proposed rate increase in compliance with its provisions. On February 9, 2010 the City Council passed resolution declaring the results of 218 proceedings and approved certain actions for rates, fees, and charges for solid waste collection and curbside recycling services.

ANALYSIS:

The City's current contract with Bertolotti Disposal expires this year. Both parties expressed an interest in renewing the contract with some modifications. Contract modifications include:

- The addition of an automatic two-year renewal should neither party file written notice not to extend prior to the completion of the second year.
- Automatic rate adjustment every second year. Rates will be adjusted using 80% of the 12-month average of Consumer Price Index and 20% of the Stanislaus County Landfill Tipping fee.
- The franchise Fee charged to Contractor will increase from 10% to 14%.
- The contractor agreed to pay a Street Sweeping fee of 5% to offset the impact of the trucks.
- The City agreed to extend the period for the Contract to supply Financial Statements from 90 to 150 days.
- Minor clean up language changes that bear no impact on the residents.

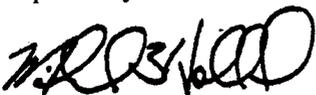
FISCAL IMPACT:

There will be a minor positive impact upon the City's General Fund based upon the increased Franchise Fee and new Street Sweeping Fee.

CONCLUSION:

Overall, the City remains happy with the service being provided by Bertolotti Diposal Inc. While there are proposed changes to the contract language, the contract essentially remains the same; include the length of the contract. As a result, staff recommends the Council accept the changes to the proposed 8-year contract with Bertolotti and authorize the City Manager to renew said contract for Solid Waste and Curbside Recycling Services.

Respectfully Submitted:



Michael E. Holland
City Manager

2010

**AGREEMENT FOR THE COLLECTION OF GARBAGE AND REFUSE IN THE CITY
OF NEWMAN, CALIFORNIA**

THIS AGREEMENT, made and entered into in duplicate this 1st day of April, 2010, by and between the CITY OF NEWMAN, a Municipal Corporation of the County of Stanislaus, State of California, the party of the First Part, hereinafter called "City", and BERTOLOTTI DISPOSAL, INC., the party of the Second Part, hereinafter called "CONTRACTOR".

WITNESETH

Pursuant to section 16 of Ordinance No. 77-23 of the City of Newman, the City Council is authorized to negotiate a contract for the collection and disposal of garbage and refuse in the City of Newman; and,

WHEREAS, after due consideration of various mandatory provisions affecting Solid Waste, the City Council has determined that it would be desirable and in the best Interests of the citizens of the City of Newman to re-enter into a contract with BERTOLOTTI DISPOSAL, INC., for the collection and disposal of garbage and refuse in the City of Newman.

NOW, THEREFORE, in consideration of the covenants and agreements on the part of the Contractor, hereinafter set forth, the City hereby agrees that said Contractor shall have the exclusive right of collection and disposing of garbage and refuse within the corporate limits of the City of Newman, subject to the following terms, covenants and conditions:

1. TERM OF AGREEMENTS. This agreement shall be for a term of eight (8) years commencing April 1, 2010. On April 1st of every second year of the agreement, two years shall be automatically added to the term of this agreement unless either party, prior to April 1st gives written notice to the other party of its intention not to extend the term by two years. If such written notice is given prior to April 1st the term of this agreement shall remain in effect for the unexpired term, except as it may be canceled as provided in Section 32 of this agreement. Nothing herein shall be deemed or construed to impair or affect in any way the rights of the City to acquire the equipment and assume the operations of the Contractor at any time during the term of this agreement by purchase of the equipment at its fair market value at the time of purchase.

2. EXCLUSIVE RIGHT-EXCLUSIONS. This agreement shall be deemed to grant an exclusive right to the Contractor to collect and dispose of all garbage, trash and refuse within the City of Newman, California; except as follows:

- (a) It shall not be exclusive with respect to swill or salvageable waste which is collected and disposed of by a collector thereof for no consideration or compensation, or for ownership of the swill or salvageable waste so collected and disposed by him. Further, it shall not be exclusive with respect to collection of industrial garbage and refuse hereinafter defined as garbage and refuse produced by any person, firm or corporation engaged in the business of

processing or manufacturing agriculture products, animals, poultry, goods, wares, or other products or materials, who processes or manufactures the same for the purpose of wholesale and processed or manufactured form.

- (b) Any person may remove or cause to be removed from premises occupied by that person or under their control, such solid waste as created or produced on said premises in excess of the regular solid waste collection made by City's collection if the following conditions have been or will be complied with: subsection (c)(1)&(2) below:
- (c) Any person may remove or may cause to be removed from premises occupied by that person or under their control, all solid waste created or produced on such premises if all of the following conditions have been met or will be complied with:
 - (1) Such removal shall be made only by the owner or occupant personally, or by employees of such owner or occupant.
 - (2) All vehicles used in carrying out such removal shall be owned by or under the exclusive control of the owner or occupant, and such vehicle and activities shall meet all the requirements of this chapter and all other laws and ordinances of the State of California and the City relating to solid waste disposal.

- (3) Persons removing solid waste in excess of normal annual residential volume (defined herein as 3,000 pounds per year) shall comply with the following additional requirements:
- (i) No waste shall be permitted to leak, blow, litter or fall from any vehicle engaged in such removal.
 - (ii) All removal shall be done safely and quietly with due regard to the property of others.
 - (iii) No person shall remove solid waste from any location within two hundred (200) feet of a public or private elementary, junior high, or high school, where such school is shown on an official map of the City, as designated by the Public Works and Transportation Director, as said map shall be periodically updated, during the forty-five (45) minutes before the commencement of the regular school day and forty-five (45) minutes following the conclusion of the regular school day, where such locations are accessible to and used by children as routes to or from school.
 - (iv) Persons engaged in solid waste removal pursuant to these requirements shall be responsible for any damage in excess of

normal wear and tear to the City's driving surfaces, whether or not paved, resulting from the illegal weight of, or any leakage or spillage or oils, fluids or solids by vehicles used in such solid waste removal.

- (v) Vehicles used shall comply with CHP and D.O.T regulations, and shall be thoroughly washed and disinfected inside the collection body following each use.
- (vi) No driver shall operate a vehicle as in (v) above, without a valid and appropriate driver's license. All vehicles as in (v) above shall be clearly identified with the name and local telephone number of its operator affixed thereto.
- (viii) Garbage shall be disposed of at a permitted transfer facility or at the Fink Road Sanitary Landfill. If disposed of outside of Stanislaus County, the county where disposal occurs shall have an export agreement with the City of Newman.
- (ix) Insurance requirements as specified from time to time by the City's Risk Manager shall be complied with.

- (4) A cash security deposit shall be deposited with the City in an amount set from time to time by Council Resolution to endure prompt removal of solid waste in the event it is not removed from the premises on a regular weekly basis by a noncustomer owner or person in control of the premises. The security deposit shall be made for each separate residential property or business location owned or controlled by a noncustomer, based on the frequency and volume of past collection. Events requiring City to use a noncustomer's deposit for solid waste removal shall be treated as a public nuisance subject to immediate abatement and charged to such noncustomer. Conduct requiring City to expend noncustomer deposit monies shall constitute a misdemeanor.
- (5) Persons engaged in solid waste removal shall procure and retain a receipt from a Permitted Solid Waste Facility for each week they remain a noncustomer and collection and display all such receipts for the preceding one-quarter calendar year upon reasonable request by appropriate City authority. Failure to show proof of solid waste disposal for each week that a person is a noncustomer shall constitute a public health and safety risk sufficient to permit City to

administratively require such person to become a Customer.

- (c) Any producer of industrial garbage or swill, or their employees, may transport the same upon or through any street or public place of the City for disposal at a permitted disposal facility or site.
- (d) It Shall be unlawful for any person acting as an employee of a producer of industrial garbage or swill to collect or transport such industrial garbage or swill from more than (1) industrial producer thereof.
- (e) Any person engaged in the business of gardening or tree trimming, or building demolition, or construction cleanup work, including both yards and buildings interiors, is authorized to remove and dispose of yard waste, rubbish or salvageable waste produced as an incident to such business.

3. AGREEMENT SUBJECT TO PROVISIONS OF CHAPTER 1 OF THE NEWMAN MUNICIPAL CODE. In accepting this agreement, the Contractor covenants and agrees that during the life of this agreement he will collect and dispose of all garbage, trash, and refuse within the corporate limits of the City in such a manner as to fully comply with the provisions of Ordinance No. 77-23 of the City of Newman as same may be amended from time to time, the provisions of which ordinance are incorporated herein by reference.
4. SERVICE AREA. This agreement shall apply to all areas within the City

limits of the City of Newman and shall automatically extend to any area which is hereafter annexed to the City, except that City may permit any person or firm licensed by the County of Stanislaus and then serving such area or portion thereof to continue to serve such area or portion thereof for such period of time not to exceed three years from the date of annexation, as the City deems proper. The Contractor, when required to serve new portions of the City, shall promptly extend his routes and services, and, when necessary, shall hire additional personnel and obtain additional equipment

5. GARBAGE AND REFUSE DEFINED. For the purposes of this agreement, the terms "garbage", "trash" and "refuse" shall have the meanings given in Title 8 Chapter 1 of the Newman Municipal Code.
6. RATES. The Contractor agrees that during the life of this agreement he will not charge for the collection of garbage, trash and refuse in excess of the maximum rates which are set forth in resolutions passed by the Council from time to time. It is understood by and between the parties hereto that said rates have been reviewed by the parties and deemed satisfactory for the term of this agreement except as hereinafter set forth. It is further mutually understood and agreed that the rates set forth in Newman City Code Section 8-1-10 are maximum rates and that they do not prohibit Contractor from charging less for any of the services therein listed.
7. REVIEW OF RATES. The rates and charges as set by City Council Resolution shall remain in effect for a period of not less than two (2) years after their adoption. Rates and Changes set by the City Council may only

change every two (2) years after their adoption in the following two (2) ways:

- (a) Every other (even year) July 1st, 80% of the rates and charges may be adjusted by any increase or decrease of the twelve month (12) average of Consumer Price Index (CPI) for the previous twenty four (24) months.
- (b) Every other (even year) July 1st, 20% of the rates and charges may be adjusted by any increase or decrease in the Stanislaus County Waste To Energy Facility Tipping Fee and the Stanislaus County Fink Road Landfill Tipping Fee.

The City reserves the right to require adjustments in operations of the Contractor due to changing community needs and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

8. FREE SERVICES TO City.

- (a) City facilities. The Contractor shall, without charge to the City, furnish garbage, trash and refuse bin collection service to all buildings and facilities that require garbage service.

9. COLLECTION OF FEES. All charges for all services performed by the Contractor as set forth in the Schedule attached hereto and made a part hereof and adopted by the City Council shall be billed and collected by the Contractor; provided, however, that the Contractor may enter into an agreement with the City whereby all billings for said services may be handled by the City in conjunction with the normal billing procedures by the City as a part of the municipal utility bills. City shall take all reasonable

steps to collect said billings, but it is distinctly understood that the City shall not be a guarantor of said collections nor shall City use its Police Power in order to collect. City shall report, within a reasonable time, to Contractor any uncollected billings. City shall be entitled to a fee equal to six percent (6%) of the gross receipts for billing services provided by the City. Said fee shall be deducted from the amounts so collected before they are paid to Contractor.

Payments to Contractor by City for his share of the gross receipts for collection, removal and disposal of garbage, trash and rubbish, less the above deductions, shall be made monthly. In the event the Contractor enters into an agreement with the City to do the billing, Contractor shall make no direct billing to the citizens of the City for any other services provided under this agreement.

10. FRANCHISE AND COLLECTION FEE. The Contractor shall pay to the City a franchise fee a sum equal to ten (14) percent of the annual gross receipts collected pursuant to this agreement. Including in gross receipts shall be all funds received by Contractor from bin or container rentals. This fee shall be payable 30 days from bills collected the previous quarter.
11. STREET SWEEPING AND MAINTENANCE FEE. The Contractor shall pay to the City a Street Sweeping and Maintenance fee a sum of five (5) percent of the annual gross receipts collected pursuant to this agreement. Including in gross receipts shall be all funds received by Contractor from bin and container rentals. This fee shall be payable 30 days from bills collected the previous quarter.
12. CHANGES IN ORDINANCE. City reserves the right to revise the

provisions of Ordinance No. 77-23 from time to time as required in order to protect the public health, safety and welfare of the City.

13. COMPLIANCE WITH LAW. The Contractor shall comply with all existing and future State and Federal laws, and all ordinances and regulations which in any manner affect those engaged or employed in the work, or which may in any way affect the conduct of the work under the terms and conditions of this agreement.
14. ADMINISTRATION OF AGREEMENT. The City Manager of the City of Newman shall administer and supervise the Contractor's operations under the terms of this agreement and in accordance with the provisions of Ordinance No. 77-23 as amended.

In the event of any disagreement between the Contractor and Customers regarding the amount of charges for collection service, the City Manager shall make an investigation and determination of the service needs from the point of collection, and the decision of the City Manager shall be final.
15. MAINTENANCE OF RECORD-AUDIT. The Contractor shall maintain full and complete books of account and other records showing all business transactions in connection with the agreement by said Contractor, and by each and every of his assignees, if any, including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents accurately reflecting and showing all business of the Contractor. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized

officers, agents or employees and shall be made available at said office upon request or demand of the authorized City official.

The Contractor shall provide the City annually, within one hundred fifty ninety (150) days of the end of the preceding calendar year, with five copies of an annual Financial Statement which includes an Annual Balance Sheet and Profit and Loss Statement.

Financial Statements submitted by the Contractor to the City shall be regarded by the City as confidential records of the Contractor and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a Certified Public Accountant with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

16. FAILURE TO COLLECT GARBAGE. The Contractor shall remove from any and all premises, within twenty-four hours and no later, after notice, demand or request, any and all garbage which Contractor shall have failed to collect and remove as required by this agreement, at the regularly scheduled time. The Customer's failure to place garbage for collection at the regularly scheduled time shall not be deemed a "missed collection".
17. DETACHABLE CONTAINERS. The Contractor shall have approved detachable containers for residential, apartment, commercial, business and industrial services. The Contractor shall be responsible for the general repair and upkeep of all detachable containers. Containers shall be kept in serviceable condition at all times. All single-family residences and other

appropriate customers will be provided with approved waste wheelers for garbage service.

Containers shall be of metal or plastic and shall be so constructed that no liquid can leak from said containers. However, containers made of materials other than metal or plastic in the case of waste wheelers may be proposed by the Contractor for approval of the City Manager during the term of this agreement. No materials may be substituted without prior approval.

18. TIMES OF COLLECTION AND ROUTES. All collections by Contractor shall be made between the hours of 6:00 AM and 6:00 PM. The Contractor shall conduct a city-wide collection of garbage, trash and refuse at least once each calendar week, on a Monday through Friday basis for residential collections. For purposes of such collection, the Contractor may divide the city into collection districts or routes and provide for different days of collection in each of the districts. Such collection districts or routes shall be approved by the City Manager. Upon approval of the proposed routes by the City Manager, the Contractor shall prepare Route Books for each district as soon as possible which indicate the address of each service, number of containers, frequency of collection and such other information as the City Manager may require. The Contractor shall keep Route Books up to date at all times. No changes in district collections schedules shall be made without the approval of the City Manager and reasonable notice thereof to the customers concerned by the Contractor.

The Contractor shall supply all occupants or premises in the City with printed information cards approved by the City Manager containing the days and times for collection in each district, information regarding the amounts of garbage, trash and refuse which will be collected, complaint procedures, charges, regulations and days of collection. Such cards shall be replaced every two years, and in addition, upon request by occupants or owners of any premises, and in advance of route, charge or regulation changes. Said information cards may be mailed by the City with monthly utility billings, with Contractor reimbursing the City for any additional mailing costs.

The Contractor will not be required to make collections on Sundays or legal holidays observed by the sanitary landfill. Scheduled collections not made on such legal holidays shall be made up within twenty-four (24) hours, Sundays excepted. In special cases, such as building demolition, where unusual quantities of materials or special type of materials, or where special methods of handling and/or disposing is required, the City Manager may permit independent arrangements with the Contractor.

When such permission is granted, the payment for such special service shall be made directly to the Contractor and shall not be included in any billing by the City if billing is done by the City.

In addition the Contractor during the months of November through March shall provide curbside pick up of garden and yard clippings provided such refuse is in lengths no longer than four feet and is securely bagged, boxed or tied. The Contractor will provide a city-wide Fall and Spring cleanup as mutually agreed to with the City. The Contractor will also provide

expanded pick up during the week following Christmas and the week following New Years, provided such materials are bagged, boxed, tied or in garbage containers.

19. MANNER OF COLLECTION – CONDUCT OF CONTRACTOR. The Contractor shall not litter any premises or public property in making collections of garbage, trash, or refuse, nor shall garbage be allowed to leak, blow or fall from collection vehicles; however, if, in spite of normal precaution against spillage, a litter is made on any premises or public property, the Contractor shall immediately remove same and clean up the area of spillage. The Contractor shall, without delay, after removing garbage from any container, replace the container in its designated position on the premises with its cover on, and shall repair or replace at his expense any containers damaged as a result of his handling thereof, normal wear and tear excepted. The Contractor shall close all gates after making collections and shall avoid crossing private or public planted areas in climbing or jumping over hedges and fences. Contractors' personnel shall make all collections in a quiet, orderly manner and shall refrain from making unnecessary disturbances and noise. If, for any reason, garbage is not picked up, such as overweight container, not in a container, or otherwise, the Contractor shall attach a tag to the container explaining the reason therefore, and shall maintain a log or record of such refusals. The Contractor's vehicle shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body

each day, or as approved by the City manager, and the outside of each vehicle shall be cleaned and washed at least once each week

20. EQUIPMENT. All equipment used for the collection and hauling of garbage, trash and refuse shall be approved by the City Manager and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code.

All garbage collection vehicles shall be well-maintained, properly identified, painted, clean and in a satisfactory mechanical condition. The Contractor shall institute a complete and comprehensive system of preventative maintenance on all vehicles and shall keep them lubricated and in good repair. The trucks shall be repainted at least every three years. The Contractor shall use no trucks older than eight (8) years without the express approval of the City Manager. Records in a form approved by the City Manager to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.

All vehicles and equipment used in the collection of garbage, if kept within the boundaries of the city, shall at all times when not in use in the collection of garbage, be kept on private property in the appropriate zone and not on streets or other public ways.

21. INTERRUPTION OF SERVICE. For purposes of this paragraph, the following definitions shall apply:

A. "Interruption of Service" shall mean:

- (1) Any time period during which garbage collection services by

the Contractor are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or,

- (2) Any time period after notice by the City of the termination of the agreement by reason of a breach or default by the Contractor and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.

B. "Equipment" shall mean any and all vehicles and equipment used by the Contractor for the purpose of performing the services provided for in the agreement at any time within the ninety (90) days immediately prior to the commencement of the interruption of service.

C. "Payment for Use" shall have the following meaning:

- (1) In the case of a piece of equipment subject to a contract, "Payment for Use" shall mean any installment payment coming due under a contract for such piece of equipment while the City is possessing and using such piece of equipment pursuant to this paragraph during an interruption of service. Payment For Use shall not be deemed to include any payment coming due under such contract either prior to or after the expiration of such period. The Payment For Use shall be made by the City from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall

constitute full compensation to all persons for the City's temporary use of such piece of equipment.

(2) In the case of a piece of equipment not subject to a contract, "Payment For Use" shall mean the reasonable rental value of such piece of equipment for such period of time during which the City possesses and uses such piece of equipment pursuant to the terms of this paragraph during an interruption of service. Such a payment shall at the expiration of the term of the interruption of such service, be applied against any sums then owed to the City by the Contractor, or, if none, it shall be paid by the City to the Contractor.

D. "Contract" shall mean any conditional sales contract, mortgage, encumbrance, lease, security agreement, rental agreement or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service with regard to a piece of equipment.

E. "Notice" shall mean written notification actually received by the person to be notified or mailed to him by registered or certified mail at the most recent address furnished by him to the City Clerk of the City of Newman. As to the holder of a contract, the City shall be required to give notice only if the identity of the holder is known to the City and the holder has furnished his address to said City Clerk. In the event of an interruption of service, the City shall be entitled to have the temporary possession of or all or any portion of the

equipment of Contractor on the condition that the City shall from time to time make the payment for use as provided in subparagraph "C" hereof. Upon taking such temporary possession, the City shall forthwith give notice thereof to the Contractor and to the then holder of a contract on such equipment, if any. Such temporary use shall not be deemed to be a breach of the terms of any contract regarding said equipment, but is shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in subparagraph "C" hereof shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

So long as the City continues to make a payment for use of a piece of equipment when due, or within ten days thereafter such equipment may be retained by the City and may not be repossessed from the City. In the event the City fails to make the payment for use when due, or within ten days thereafter, right of the City to the continued temporary use of such piece of equipment shall cease, and possession of such equipment may be retaken by the Contractor or by the holder of any contract thereon.

At the expiration of the temporary possession of such equipment by the City, the City shall give written notice of such expiration to the Contractor and to the then-holder of a contract on such equipment, if any. In the event the Contractor shall fail to take possession of

such equipment within ten days after such notice, the Contractor shall be deemed to have abandoned such equipment and waive all interest therein, and the City shall be free to use and dispose of such equipment without liability or compensation to the Contractor, subject to the terms of any contract that may then exist with regard to such equipment.

All equipment used by the Contractor for the purpose of performing the services provided for in this agreement, shall be solely owned by the Contractor except that the Contractor may, with the prior approval of the City Manager, enter into contracts as defined in Sub-paragraph "D" hereof with the respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

22. OWNERSHIP OF VEHICLES- TEMPORARY BY CITY. All vehicles and equipment used by the Contractor for the collection and hauling of garbage, trash and refuse shall be solely owned by the Contractor, except that the Contractor may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, security agreements, rental agreements and other appropriate agreements for the purpose of purchasing, leasing, or renting vehicles and equipment to be used in providing the services provided for in this agreement. All such documents shall provide for temporary possession by the City as set forth in the foregoing paragraph and shall provide that such temporary possession shall not be deemed a breach of the agreement.

23. SALVAGEABLE MATERIALS. Contractor shall have the full and exclusive right to all salvageable materials collected in connection with the collection of garbage, trash and refuse under this agreement, and shall have the sole right to any and all funds received from the sale of said salvageable materials. Such funds shall be accounted for as part of the gross revenues of contract.
- Salvaging or scavenging by the Contractor or any of his employees is prohibited on the collection routes and at the sanitary landfill. Salvaging at a suitable location is encouraged, however.
24. WALK-IN COLLECTION SERVICE. The Contractor shall provide "walk-in" collection service for residential dwelling units at no additional charge only to those persons who are verified by the City to be infirm, disabled, or otherwise handicapped to the extent that they are incapable of placing a container at the curb line or alleyway, and there is no other person who is capable of doing so who is occupying the premises. Walk-in service for non-handicapped persons will not be provided.
25. COLLECTION OF NON-CONFORMING MATERIALS. All garbage, trash, refuse and domestic discards that cannot be tied in bundles, box, placed in strong plastic bags, standard waste wheeler cans may be picked up on a date and for a charge to be specified by the Contractor with the approval of the City Manager as provided by Ordinance No. 77-23.
26. RECYCLING. The Contractor agrees to provide bi-weekly curbside recycling of aluminum, tin, glass, plastic, paper products and motor oil. The Contractor shall provide totes for such curbside recycling and issue clear instructions to residents on material to be placed in recycle totes.

The Contractor agrees to keep the City Manager advised as to any current developments in recycling programs and to participate in such recycling programs when it can be done on a sound, economical basis or is mandated by the State. The Contractor agrees to cooperate on any reasonable basis with local civic organizations who desire to participate in a recycling program. The term "recycling" as used herein means any process which has as its goal the conversion of garbage, rubbish or salvageable waste into a usable product.

27. EQUAL OPPORTUNITY EMPLOYER. Contractor agrees, in connection with the performance of all operations under or pursuant to this agreement, to be an equal opportunity employer.

28. LIABILITY AND WORKERS' COMPENSATION INSURANCE. It is understood and agreed that the contractor shall carry public liability and property damage insurance on the equipment used by him with said city for the protection of the city as well s/as the contractor against the negligence of the contractor, his agents, servants or employees in the operation of said equipment in the city of Newman or elsewhere, in a sum of at least \$200,000 for the injury or death of one person and not less than the sum of \$500,000 for the injury or death of more than one person, and not less than the sum of \$100,000 property damage.

The said insurance policy or policies shall protect said City to the limits of the said policy and said policy shall be maintained in full force and effect at all times during the terms of this agreement in a company or companies satisfactory to the City of Newman.

The contractor shall also carry Workers' Compensation Insurance as required by the laws of the State of California upon any and all employees employed by him in said business and it is distinctly understood and agreed that said employees are not the employees of the city of Newman, but solely the employees of the contractor.

29. BOND. The contractor shall file with the city Clerk and maintain during the term of this agreement, a corporate surety bond or such other form of security as approved by the City Attorney in the sum of \$25,000. The bond or security shall be conditioned upon the faithful performance of the terms and conditions of this agreement and provisions of Ordinance No. 77-23 of the City of Newman, as amended, by the contractor and his assignees, if any.
30. ASSESSMENTS. The City Manager may assess the contractor for violations by the contractor of any of the service or sanitation requirements of this agreement pursuant to the SCHEDULE OF ASSESSMENTS attached hereto and made a part thereof, and marked "SCHEDULE "B". The contractor shall be billed monthly for such assessments payments therefore shall be made within ten days after billing date.
31. NOT ASSIGNABLE. This agreement shall not be assignable without the written consent of the City Council of the City of Newman.
32. CANCELLATION OF AGREEMENT. Violations of the terms of this agreement by the contractor shall be grounds for cancellation of the agreement and recourse by the City through his bonding agent.

IN WITNESS WHEREOF, the city has hereto caused its corporate name to be subscribed and its corporate seal to be imprinted hereon by its officers thereto duly authorized, and the contractor has hereto set his hand the day and year first above written.

CITY OF NEWMAN

ATTEST:

BERTOLOTTI DISPOSAL, INC.

SCHEDULE "B"

SCHEDULE OF ASSESSMENTS

The following are the assessments for violations of the license or specifications to be used by the City Manager for each separate violation:

- | | | |
|----|--|----------|
| 1. | Early starts in residential area, prior to 6:00 A.M. | \$150.00 |
| | Early starts in commercial area, prior to 4:00 A.M. | |
| | Second and subsequent offenses. | \$500.00 |
| 2. | Equipment not washed as per specifications. | \$150.00 |
| 3. | Failure to tag containers which are left due to being overly full, etc. | \$50.00 |
| 4. | Failure to collect misses within 24 hours. | \$150.00 |
| 5. | If City equipment is used to pick up misses or respond to complaints, the minimum charge shall be. | \$100.00 |
| 6. | Repetition of complaints on a route after notification of unnecessary noise, failure to replace cans in designated position, pillage, not closing gate, crossing planted areas, or similar violations. | \$150.00 |
| 7. | For any violations not listed above, the amount of liquidated damages shall be as determined by the City Manager on the basis of similarity of the violation to those listed above. | |

RESOLUTION NO. 2010-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW A CONTRACT WITH BERTOLOTTI DISPOSAL, INC. FOR SOLID WASTE AND CURBSIDE RECYCLING SERVICES

WHEREAS, the City Council of the City of Newman entered into a contract with Bertolotti Disposal, Inc., for collection of garbage and refuse on January 1, 2002; and

WHEREAS, the City Council is desirous of revising the contract; and

WHEREAS the City council of the City of Newman has determined it would be in the best interest to extend the contract with Bertolotti Disposal, Inc.

NOW, THEREFORE, BE IT RESOLVED that the City of Newman hereby authorizes the City Manager to re-enter into a contract with Bertolotti Disposal, Inc. for solid waste and curbside recycling services.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 9th day of March 2010 by Council Member _____, who moved its adoption which motion was duly seconded 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

**AWARD BID FOR THE CITY OF NEWMAN HOWARD B. HILL PARK PARKING LOT
CONSTRUCTION PROJECT TO PERMAGREEN HYDROSEEDING, INC.**

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2010- , awarding the Howard B. Hill Park Parking Lot Construction Project to PermaGreen Hydroseeding, Inc. for \$93,719.85.

BACKGROUND:

The first phase of Howard B. Hill Park is nearing completion, with anticipated completion by the end of March. The first phase consisted of the park site including the installation of part of the sidewalks, storm drainage, play equipment, irrigation system, grass and trees.

The second phase consists of the installation of two parking lots (one on the Fresno Street side and the other on the Merced Street side), additional sidewalks, handicap access, and an option for either a 6-foot or 7-foot masonry wall along the eastern property line between the existing residences and the park. The City Engineer completed the design and the Engineer's Estimate for this project is \$115,117.00.

The City of Newman advertised for bids for three weeks with bids open and read on March 2, 2010 at 2:00 pm.

ANALYSIS:

A total of 14 bids were submitted for this project. The low responsible bidder for this project is PermaGreen Hydroseeding, Inc. with a base bid of \$93,719.85. The option for construction of the 6-foot masonry wall is \$43,120.00 and the option for the 7-foot masonry wall is \$47,040.00. The City Engineer, AECOM Engineering, has reviewed the bid documents and has found all bid forms and bonds to be in proper order, and the lowest responsible bidder to be in compliance with the contract documents and specifications. Included with this staff report is the bid tabulation for your review.

In 2009 the City was notified we had been approved for a grant in the amount of \$300,000.00 in grant funding with a required local match of \$128,571.00 (from the Park Facility Fee) for a total of \$428,571.00 for Howard B. Hill Park construction. Prior to beginning construction the City was notified that the grant was on hold due to budget issues. On February 10, 2009 this item was brought before City Council for direction. City Council elected at that time to proceed with the project and authorized the use of \$200,000.00 from the Park Facility Fees to fund the project. After construction started the City was notified that the grant was authorized for the \$300,000.00 with the local match of \$128,571.00 for a total of \$428,571.00. The construction of the park is nearing completion with a total cost of the project to date of \$302,795.33. The remaining balance from the grant is \$125,775.67, and the remaining funds by City Council for this project in the Park Facility Fees for this project are \$71,429.00.

The low bid for the parking lots is \$93,719.85 which leaves a balance of \$32,055.82. The bid amount for the option to construct the 6-foot masonry wall is \$43,120.00 and would require \$11,064.18 from the Park Facility Fee. The bid amount for the option to construct the 7-foot masonry wall \$47,040.00 and would require \$14,984.18 from the Park Facility Fee. Staff recommendation is to install the 7-foot masonry wall and to utilize the Park Facility Fee to cover the additional cost of \$14,984.18

FISCAL IMPACT:

		<u>Additional Funds Required</u>
Bid amount	\$93,917.85	\$0.00
6-foot Masonry Wall Option	\$43,120.00	\$11,064.18 (Park Facility Fees)
7-foot masonry Wall Option	\$47,040.00	\$14,984.18 (Park Facility Fees)

CONCLUSION:

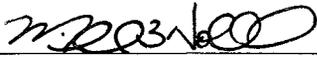
The City of Newman advertised and received 14 bids for the Howard B. Hill Parking Lot Project Construction. PermaGreen Hydroseeding, Inc. has been determined to be the lowest responsible bidder. Therefore, staff recommends City Council adopt Resolution No. 2010- awarding the Howard B. Hill Park Parking Lot Project to PermaGreen Hydroseeding, Inc. for the base bid amount of \$93,917.85 with the option for the 7-foot masonry wall, for a total project cost of \$140,759.85.

Respectfully Submitted,



Garner Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

**ABSTRACT OF BIDS FOR CITY OF NEWMAN
HOWARD B. HILL JR. PARK - PARKING LOTS**

Bid Opening: March 2, 2010; 2:00 p.m.

PermaGreen Hydroseeding, Inc. 7096 Holsclaw Road Gilroy, CA 95020-8026	Hensley's Paving & General Eng. P.O. Box 449 Hickman, CA 95323-0049	D.C. Grading & Paving, Inc. 2800 Fresno Road LeGrand, CA 95333	Garrett Thompson Construction 509 Robinhood Drive Modesto, CA 95350	Rodgers Const. & Engineering P.O. Box 6885 Stockton, CA 95206
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BASE SCHEDULE OF WORK ITEMS

Item No.	Item	Quantity and Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Storm Water Pollution Prevention	Lump Sum	Lump Sum	1,500.00	Lump Sum	1,400.00	Lump Sum	2,912.00	Lump Sum	3,500.00	Lump Sum	2,500.00
2	Demolition	Lump Sum	Lump Sum	4,000.00	Lump Sum	5,400.00	Lump Sum	3,401.00	Lump Sum	3,000.00	Lump Sum	5,000.00
3	Earthwork	Lump Sum	Lump Sum	16,000.00	Lump Sum	12,300.00	Lump Sum	10,891.00	Lump Sum	21,000.00	Lump Sum	24,000.00
4	Aggregate Base	780 TON	21.00	16,380.00	32.00	24,960.00	32.69	25,498.20 *	24.00	18,720.00	23.00	17,940.00
5	Asphalt Concrete Pavement	185 TON	114.00	21,090.00	112.44	20,801.40	103.90	19,221.50 *	90.00	16,650.00	90.00	16,650.00
6	Concrete Curb and Gutter	116 LF	25.00	2,900.00	20.90	2,424.40	22.63	2,625.08 *	22.00	2,552.00	22.00	2,552.00
7	Concrete Curb	604 LF	20.00	12,080.00	18.15	10,962.60	19.48	11,765.92 *	20.00	12,080.00	19.00	11,476.00
8	Driveway and Sidewalk	1,863 SF	4.95	9,221.85	4.13	7,694.19	6.88	12,817.44 *	5.00	9,315.00	4.50	8,383.50
9	Valley Gutter	174 LF	24.00	4,176.00	23.65	4,115.10	24.64	4,287.36 *	25.00	4,350.00	24.50	4,263.00
10	Curb Ramp	252 SF	11.00	2,772.00	9.57	2,411.64	6.41	1,615.32 *	11.00	2,772.00	10.00	2,520.00
11	Construct Drain Inlets	2 EA	900.00	1,800.00	1,220.00	2,440.00	384.00	768.00 *	2,000.00	4,000.00	1,800.00	3,600.00
12	Parking, Signs, Striping & Markings	Lump Sum	Lump Sum	1,800.00	Lump Sum	1,405.00	Lump Sum	3,094.00 *	Lump Sum	1,500.00	Lump Sum	2,900.00
BASE TOTAL				\$93,719.85 *	\$96,314.33	\$98,896.82 *	\$99,439.00	\$101,784.50				
ADDITIONAL SCHEDULE OF WORK ITEMS												
1A	6-Foot Masonry Wall	392 LF	110.00	43,120.00	120.40	47,196.80	104.81	41,085.52 *	116.00	45,472.00	102.04	39,999.68
1B	Additional Cost to Construct a 7-Foot Masonry Wall instead of a 6-Foot Wall	392 LF	10.00	3,920.00	7.70	3,018.40	8.14	3,190.88 *	8.00	3,136.00	7.65	2,998.80
ADDITIONAL WORK TOTAL				\$47,040.00	\$50,215.20	\$44,276.40	\$48,608.00	\$42,998.48				
BASE SCHEDULE OF WORK ITEMS PLUS ADDITIONAL SCHEDULE OF WORK ITEMS TOTAL:				\$140,759.85 *	\$146,529.53	\$143,173.22 *	\$148,047.00	\$144,782.98				

*Corrected Amount

**ABSTRACT OF BIDS FOR CITY OF NEWMAN
HOWARD B. HILL JR. PARK - PARKING LOTS**

Bid Opening: March 2, 2010; 2:00 p.m.

Arrow Asphalt, Inc.
P.O. Box 754
Ripon, CA 95366

George Reed, Inc.
P.O. Box 548
Sonora, CA 95370

American Paving Co.
P.O. Box 4348
Fresno, CA 93744

Teichert Construction
835 S. Kilroy Road
Turlock, CA 95380

Pacific Engineering & Assoc.
3015 Coffe Road
Modesto, CA 95355

BASE SCHEDULE OF WORK ITEMS

Item No.	Item	Quantity and Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Storm Water Pollution Prevention	Lump Sum		4,550.00	Lump Sum	1,600.00	Lump Sum	2,000.00	Lump Sum	6,500.00	Lump Sum	2,400.00
2	Demolition	Lump Sum		3,400.00	Lump Sum	1,070.00	Lump Sum	2,800.00	Lump Sum	1,500.00	Lump Sum	11,545.00
3	Earthwork	Lump Sum		17,297.00	Lump Sum	21,500.00	Lump Sum	17,200.00	Lump Sum	18,000.00	Lump Sum	6,957.00
4	Aggregate Base	780 TON	32.00	24,960.00	37.00	28,860.00	31.00	24,180.00	35.00	27,300.00	32.05	24,999.00
5	Asphalt Concrete Pavement	185 TON	115.00	21,275.00	101.00	18,685.00	122.00	22,570.00	113.00	20,905.00	100.17	18,531.45
6	Concrete Curb and Gutter	116 LF	20.50	2,378.00	19.00	2,204.00	31.00	3,596.00	26.00	3,016.00	48.34	5,607.44
7	Concrete Curb	604 LF	18.00	10,872.00	16.00	9,664.00	17.00	10,268.00	25.00	15,100.00	28.26	17,069.04 *
8	Driveway and Sidewalk	1,863 SF	4.00	7,452.00	6.00	11,178.00	8.00	14,904.00	6.00	11,178.00	5.81	10,824.03
9	Valley Gutter	174 LF	23.00	4,002.00	18.00	3,132.00	34.00	5,916.00	33.50	5,829.00	63.23	11,002.02
10	Curb Ramp	252 SF	9.25	2,331.00	11.00	2,772.00	17.00	4,284.00	10.50	2,646.00	16.12	4,062.24
11	Construct Drain Inlets	2 EA	1,740.00	3,480.00	1,950.00	3,900.00	1,320.00	2,640.00	1,000.00	2,000.00	2,721.00	5,442.00
12	Parking, Signs, Striping & Markings	Lump Sum		2,950.00	Lump Sum	1,600.00	Lump Sum	4,170.00	Lump Sum	3,000.00	Lump Sum	3,676.00
BASE TOTAL				\$104,947.00	\$106,165.00	\$114,528.00	\$116,974.00	\$122,115.22 *				
ADDITIONAL SCHEDULE OF WORK ITEMS												
1A	6-Foot Masonry Wall	392 LF	108.00	42,336.00	119.00	46,648.00	132.00	51,744.00	120.00	47,040.00	101.20	39,670.40 *
1B	Additional Cost to Construct a 7-Foot Masonry Wall instead of a 6-Foot Wall	392 LF	7.50	2,940.00	8.00	3,136.00	9.00	3,528.00	7.75	3,038.00	109.83	43,053.36 *
ADDITIONAL WORK TOTAL				\$45,276.00	\$49,784.00	\$55,272.00	\$50,078.00	\$82,723.76 *				
BASE SCHEDULE OF WORK ITEMS PLUS												
ADDITIONAL SCHEDULE OF WORK ITEMS TOTAL:				\$150,223.00	\$155,949.00	\$169,800.00	\$167,052.00	\$204,838.98 *				

*Corrected Amount

**ABSTRACT OF BIDS FOR CITY OF NEWMAN
HOWARD B. HILL JR. PARK - PARKING LOTS**

Bid Opening: March 2, 2010; 2:00 p.m.

Granite Construction Co.
P.O. Box 50085
Watsonville, CA 95077-5085

Folsom Lake Asphalt, Inc.
2591 A Mercantile Drive
Rancho Cordova, CA 95742

R.L Davis Construction Co., Inc.
P.O. Box 1356
Lathrop, CA 95330

Rockin R Grading & Excavating
9637 Rodden Road
Oakdale, CA 95361

Engineer's Estimate

BASE SCHEDULE OF WORK ITEMS

Item No.	Item	Quantity and Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Storm Water Pollution Prevention	Lump Sum	Lump Sum	2,500.00	Lump Sum	1,200.00	Lump Sum	8,000.00	Lump Sum	2,800.00	Lump Sum	5,000.00
2	Demolition	Lump Sum	Lump Sum	2,522.00	Lump Sum	1,875.00	Lump Sum	15,000.00	Lump Sum	4,600.00	Lump Sum	5,000.00
3	Earthwork	Lump Sum	Lump Sum	22,580.00	Lump Sum	24,750.00	Lump Sum	25,000.00	Lump Sum	69,200.00	Lump Sum	10,000.00
4	Aggregate Base	780 TON	40.50	31,590.00	33.68	26,270.40	30.00	23,400.00	42.00	32,760.00	40.00	31,200.00
5	Asphalt Concrete Pavement	185 TON	142.00	26,270.00	114.00	21,090.00	120.00	22,200.00	103.00	19,055.00	110.00	20,350.00
6	Concrete Curb and Gutter	116 LF	13.50	1,566.00	39.80	4,616.80	25.00	2,900.00	25.00	2,900.00	50.00	5,800.00
7	Concrete Curb	604 LF	23.50	14,194.00	36.07	21,786.28	20.00	12,080.00	22.00	13,288.00	30.00	18,120.00
8	Driveway and Sidewalk	1,863 SF	7.50	13,972.50	7.57	14,102.91 *	7.00	13,041.00	6.60	12,295.80	5.00	9,315.00
9	Valley Gutter	174 LF	31.00	5,394.00	31.97	5,562.78	20.00	3,480.00	40.00	6,960.00	20.00	3,480.00
10	Curb Ramp	252 SF	6.00	1,512.00	19.31	4,866.12	10.00	2,520.00	19.50	4,914.00	6.00	1,512.00
11	Construct Drain Inlets	2 EA	2,180.00	4,360.00	1,500.00	3,000.00	2,000.00	4,000.00	1,500.00	3,000.00	1,200.00	2,400.00
12	Parking, Signs, Striping & Markings	Lump Sum	Lump Sum	3,020.00	Lump Sum	2,400.00	Lump Sum	3,000.00	Lump Sum	2,800.00	Lump Sum	3,000.00
BASE TOTAL				\$129,480.50	\$131,520.29 *	\$134,621.00	\$174,572.80	\$115,177.00				
ADDITIONAL SCHEDULE OF WORK ITEMS												
1A	6-Foot Masonry Wall	392 LF	235.00	92,120.00	122.29	47,937.68 *	96.00	37,632.00	96.49	37,824.08 *	70.00	27,440.00
1B	Additional Cost to Construct a 7-Foot Masonry Wall instead of a 6-Foot Wall	392 LF	48.00	18,816.00	13.93	5,460.56 *	5.00	1,960.00	7.00	2,744.00	10.00	3,920.00
ADDITIONAL WORK TOTAL				\$110,936.00	\$53,398.24 *	\$39,592.00	\$40,568.08 *	\$31,360.00				
BASE SCHEDULE OF WORK ITEMS PLUS												
ADDITIONAL SCHEDULE OF WORK ITEMS TOTAL:				\$240,416.50	\$184,918.53	\$174,213.00	\$215,140.88 *	\$146,537.00				

*Corrected Amount

RESOLUTION NO. 2010-

**AWARDING A CONTRACT FOR THE HOWARD B. HILL PARK PARKING LOT PROJECT
CONSTRUCTION CONTRACT TO PERMAGREEN HYDROSEEDING, INC.**

WHEREAS, the City Manager of the City of Newman has recommended that the City Council approve a contract with PermaGreen Hydroseeding, Inc. for the Howard B. Hill Park Parking Lot Project Construction; and

WHEREAS, the City Council is desirous of entering into a contract with PermaGreen Hydroseeding, Inc.; 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 PermaGreen Hydroseeding, Inc..

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby approves the contract with PermaGreen Hydroseeding, Inc. and authorizes the City Manager to execute said contract for the Howard B. Hill Park Parking Lot Project Construction.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 9th day of March 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

ADOPT RESOLUTION 2010- ESTABLISHING A PREQUALIFICATION PROCEDURE AND AN APPEALS PROCEDURE FOR USE IN THE BIDDING PROCESS FOR CONSTRUCTION OF THE CITY OF NEWMAN HISTORIC DOWNTOWN PLAZA PROJECT

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2010- Establishing a prequalification procedure and appeals procedure for use in the bidding process for construction of the City of Newman Historic Downtown Plaza Project.

BACKGROUND:

The City of Newman Historic Downtown Plaza Project (Plaza) has been envisioned, planned, and designed for the last ten years. The design for the Plaza is complete and will be advertised for bid starting on March 17, 2010. The project is now nearing the construction phase of the project and is scheduled to start in June of this year with an anticipated completion date of November 2010.

The Plaza project is a highly visible aesthetic improvement to the core of downtown Newman with a substantial investment of public funds. The current economic climate for bidding this type of project attracts a lot of competitive bidders for this type of work and may lead to a very attractive price. However, in this competitive bidding climate there is a greater opportunity for contractors to bid on this project that have little or no experience in this type of construction. Therefore, in order to ensure the Plaza is constructed by a qualified contractor, it is recommended that prospective contractors be prequalified for this particular type of construction.

ANALYSIS:

The Public Contracting Code §20101 permits cities to prequalify contractors who wish to bid on public works contracts. In addition, the Department of Industrial Relations has developed a standard to support this process. Staff has researched this and has developed a uniform system for rating bidders based on objective criteria, and a process through which decisions regarding a prospective bidder's qualifications may be appealed in accordance with PCC§20101. The following forms and procedures for use as the basis for prequalifying prospective bidders include:

- A. Bidder Prequalification Questionnaire, "Exhibit A";
- B. Project Experience Interview Questions and Procedures, "Exhibit B";
- C. Uniform Rating System and Procedures, "Exhibit C";
- D. Bidder Prequalification and Appeal Procedures, "Exhibit D"

This process will be required to be completed by all prospective bidders during the bidding phase of the project. Establishing a prequalification procedure and an appeals procedure for use in the bidding process for construction of the City of Newman Historic Downtown Plaza Project will help ensure the Plaza is constructed by a reputable and qualified contractor at the best possible price.

FISCAL IMPACT:

None.

CONCLUSION:

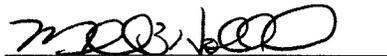
The City of Newman Historic Downtown Plaza Project is a highly visible aesthetic improvement to the core of downtown Newman. In order to ensure the Plaza is constructed by a qualified contractor it is recommended that prospective contractors be prequalified for this particular type of construction to ensure the Plaza is constructed by a reputable and qualified contractor at the best possible price. Therefore, staff recommends that the City Council adopt Resolution No. 2010- Establishing a prequalification procedure and an appeals procedure for use in the bidding process for construction of the City of Newman Historic Downtown Plaza Project.

Respectfully Submitted,



Garner Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

**EXHIBIT A
BIDDER PREQUALIFICATION QUESTIONNAIRE
FOR
THE NEWMAN DOWNTOWN PLAZA PROJECT**

CONTACT INFORMATION

Firm Name: _____ Check One: Corporation
(as it appears on license) Partnership
 Sole Prop.

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Contractor's License Number(s) and states in which they are held:

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 5 is "no."¹

Contractor will be immediately disqualified if the answer to any of questions 6, 7, 8 or 9 is "yes."² If the answer to question 8 is "yes," and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

1. Contractor is qualified to obtain upon award of the contract a California Contractor's license of the class stated in the Notice to Bidders.
 Yes No
2. Contractor has a liability insurance policy with a policy limit of at least \$2,000,000 per occurrence and \$4,000,000 aggregate.
 Yes No
3. Contractor has current workers' compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.
 Yes No Contractor is exempt from this requirement, because it has no employees
4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information?³
 Yes No

NOTE: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; or (if you are seeking pre-qualification valid for a year) (b) your current available bonding capacity?⁴
 Yes No
NOTE: Notarized statement must be from the surety company, not an agent or broker.
6. Has your contractor's license been revoked at any time in the last five years?
 Yes No

¹ A "no" answer to Question 4 will not be disqualifying if the contractor is exempt from complying with Question 4, for reasons explained in footnote 3.

² A contractor disqualified solely because of a "Yes" answer given to question 6, 7, or 9 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

³ Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is "no more than 25 per cent of the qualifying amount provided in section 14837(d)(1)." As of January 1, 2001, the qualifying amount is \$10 million, and 25 per cent of that amount, therefore, is \$2.5 million.

⁴ An additional notarized statement from the surety may be requested by *City of Newman* at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid.

7. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?

Yes No

8. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?

Yes No

If the answer is "Yes," state the beginning and ending dates of the period of debarment:

9. At any time during the last five years, has your firm, or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?

Yes No

PART II. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

A. Current Organization and Structure of the Business

For Firms That Are Corporations:

- 1a. Date incorporated : _____
- 1b. Under the laws of what state: _____
- 1c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten per cent of the corporation's stock.

Name	Position	Years with Co.	% Ownership	Social Security #

- 1d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or 10 per cent or more of its stock, if the business is a corporation.

Person's Name	Construction Firm	Dates of Person's Participation with Firm

For Firms That Are Partnerships:

- 1a. Date of formation: _____
- 1b. Under the laws of what state: _____
- 1c. Provide all the following information for each partner who owns 10 per cent or more of the firm.

Name	Position	Years with Co.	% Ownership	Social Security #

- 1d. Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person's Name	Construction Company	Dates of Person's Participation with Company

For Firms That Are Sole Proprietorships:

- 1a. Date of commencement of business. _____
- 1b. Social security number of company owner. _____
- 1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.
NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person's Name	Construction Company	Dates of Person's Participation with Company

For Firms That Intend to Make a Bid as Part of a Joint Venture:

- 1a. Date of commencement of joint venture. _____
- 1b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

Name of firm	% Ownership of Joint Venture

B. History of the Business and Organizational Performance

- 2. Has there been any change in ownership of the firm at any time during the last three years?
NOTE: A corporation whose shares are publicly traded is not required to answer this question.
 Yes No
 If "yes," explain on a separate signed page.
- 3. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?
NOTE: Include information about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.
 Yes No
 If "yes," explain on a separate signed page.
- 4. Are any corporate officers, partners or owners connected to any other construction firms.
NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.
 Yes No
 If "yes," explain on a separate signed page.

5. State your firm's gross revenues for each of the last three years:

6. How many years has your organization been in business as a contractor under your present business name and license number? _____ years

7. Is your firm currently the debtor in a bankruptcy case?

Yes No

If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

8. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)

Yes No

If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.

Licenses

9. List all construction license numbers, classifications and expiration dates of the contractor licenses held by your firm indicating state in which license is held and contact information for the licensing board of states other than California (list on separate signed sheet if necessary):

10. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed in the applicable state licensing board or agency records who meet(s) the experience and examination requirements for each license.

11. Has your firm changed names or license number in the past five years?

Yes No

If "yes," explain on a separate signed page, including the reason for the change.

12. Has any owner, partner or (for corporations:) officer of your firm operated a construction firm under any other name in the last five years?

Yes No

If "yes," explain on a separate signed page, including the reason for the change.

13. Has any contractor's license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?

Yes No

If "yes," please explain on a separate signed sheet.

Disputes

14. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?
 Yes No
If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, the contract price, the amount of liquidated damages assessed, and all other information necessary to fully explain the assessment of liquidated damages.
15. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?
NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.
 Yes No
If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.
16. In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?
 Yes No
If "yes," explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

* * * * *

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.

17. In the past five years has any claim against your firm concerning your firm's work on a construction project been **filed in court or arbitration?**
 Yes No
If "yes," on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).
18. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and **filed that claim in court or arbitration?**
 Yes No
If "yes," on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

* * * * *

19. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?
 Yes No

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

20. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?
 Yes No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

Criminal Matters and Related Civil Suits

21. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?
 Yes No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

22. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?
 Yes No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

23. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?
 Yes No

If "yes," identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

Bonding

24. Bonding capacity: Provide documentation from your surety identifying the following:

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

25. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

26. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds:

27. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

Yes No

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

C. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

28. Has CAL OSHA or other comparable agency of another state cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years?

NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.

Yes No

If "yes," attached a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

29. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

Yes No

If "yes," attach a separate signed page describing each citation.

30. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

Yes No

If "yes," attach a separate signed page describing each citation.

31. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

32. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

Current year: _____

Previous year: _____

Year prior to previous year: _____

If your EMR for any of these three years is or was 1.00 or higher you may, if you wish, attach a letter of explanation.

33. Within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

Yes No

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)

Prevailing Wage and Apprenticeship Compliance Record

34. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws?

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

Yes No

If "yes," attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

35. During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the **federal** Davis-Bacon prevailing wage requirements?

Yes No

If "yes," attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

36. Provide the **name, address and telephone number** of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any public work project for which you are awarded a contract by *[Public Entity]*.

37. If your firm operates its own State-approved apprenticeship program:

- (a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.
- (b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).
- (c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

38. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

NOTE: You may omit reference to any incident that occurred prior to January 1, 1998, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.

Yes No

If "yes," provide the date(s) of such findings, and attach copies of the Department's final decision(s).

PART III: RECENT COMPARABLE CONSTRUCTION PROJECTS COMPLETED

39. Contractor shall provide information on 3 public projects completed within the last 5 years that are comparable in scope and context as the Newman Downtown Plaza. Each comparable project should be primarily pedestrian-oriented site improvements that closely match or exceed the following attributes. It is not mandatory that each project have all of the attributes to any extent or to the extent indicated; however more points are given to projects that meet or exceed the stated amounts:

- a. Construction contract price of over \$2.0 million;
- b. Roadway construction within Caltrans ROW equaling at 15% of the construction contract price;
- c. Refined colored concrete pedestrian-oriented paving equaling approximately 15% of the construction contract price;
- d. Brick paving, mortared and sand set, equaling at least 5% of the construction contract price;
- e. Brick masonry walls and columns equaling at least 5% of the construction contract price;
- f. Architectural steel/ornamental metal structures equaling at least 10% of the construction contract price;

Names and contact information of references for each comparable project must be current and verifiable. Failure to list the above referenced number of comparable projects or determination of the City that the information is invalid will result in immediate disqualification.

For all listed projects, the prospective bidder must have acted in the role of general contractor.

Provide information about each comparable project on the following Project Data Form.

9. Construction Manager: _____
Company Name: _____
Phone Number: _____
Contact Person: _____

10. General Contractor's Project Manager: _____

11. General Contractor's Superintendent: _____

12. Project Attributes:

a. Provide a general description of the comparable project:

- b. Amount of Caltrans Roadway construction as percentage of total contract price: _____
- c. Amount of refined colored concrete pedestrian-oriented paving as percentage of total contract price _____
- d. Amount of brick paving, mortared and sand set, as percentage of total contract price: _____
- e. Amount of brick masonry walls and columns as a percentage of the total contract price _____
- f. Amount of architectural steel/ornamental metal structures as percentage of total contract price: _____

PRE-QUALIFICATION DECLARATION

I, _____, hereby declare that I am the
(Printed Name)

_____ of _____
(Title) (Name of Firm)

and certify and declare that I have read all the foregoing answers to this prequalification questionnaire and know their contents. The matters stated in the questionnaire answers and all attachments are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct and that this declaration was executed in _____ County/State, on _____, 2010.

Dated: _____

(Signature)

EXHIBIT B
PROJECT EXPERIENCE INTERVIEW QUESTIONS AND PROCEDURES
NEWMAN DOWNTOWN PLAZA PROJECT

The following questions will be used to interview randomly selected contacts from at least two completed projects. The City of Newman will conduct the interviews. No action on the contractor's part is necessary.

First, please give a brief description of the project.

1. Are there any outstanding stop notices, liens, or claims by the contractor that are currently unresolved on contracts for which notices of completion were recorded more than 120 days ago? (1 point for each is deducted from overall score; maximum amount to be deducted is 5 points)
2. On a scale of 1-10, with 10 being the best, did the contractor provide adequate personnel? (Max. 10 points)
3. On a scale of 1-10, with 10 being the best, did the contractor provide adequate supervision? (Max. 10 points)
4. On a scale of 1-10, with 10 being the best, was there adequate equipment provided on the job? (Max. 10 points)
5. On a scale of 1-10, with 10 being the best, was the contractor timely in providing reports and other paperwork, including change order paperwork and scheduling updates? (Max. 10 points)
6. On a scale of 1-10, with 10 being the best, did the contractor adhere to the project schedule that your [agency] [business] approved? (Max. 10 points)
7. Was the project completed on time? (10 points if the answer is "Yes").
Or, if the answer is "no," on a scale of 1-10, with 10 being the best, to what extent was the contractor responsible for the delay in completion?
8. On a scale of 1-10, with 10 being the best, rate the contractor on the timely submission of reasonable cost and time estimates to perform change order work. (Max. 10 points)
9. On a scale of 1-10, with 10 being the best, rate the contractor on how well the contractor performed the work after a change order was issued, and how well the contractor integrated the change order work into the existing work. (Max. 10 points).
10. On a scale of 1-10, with 10 being the best, rate how has the contractor been performing in the area of turning in Operation & Maintenance manuals, completing as-built drawings, providing required training and taking care of warranty items? (Max. 10 points)
11. On a scale of 1-10, with 10 being the best, rate the contractor on whether there were an unusually high number of claims, given the nature of the project, or unusual difficulty in resolving them. (Max. 10 points)
12. On a scale of 1-10, with 10 being the highest, rate the contractor with respect to timely payments by the contractor to either subcontractors or suppliers. (If the person being interviewed knows of no such difficulties, the score on this question should be "10.")
13. On a scale of 1-10, with 10 being the best, how would you rate the quality of the work overall? (Max. 10 points)

INSTRUCTIONS FOR INTERVIEW QUESTIONS

The following is meant to assist in the interviews of the managers of comparable projects previously completed (that is, the people who supervised the projects for the project owners) by the contractor wishing to pre-qualify. The interview questions allow qualitative review of work performance for contractors who choose to bid and pre-qualify for public works contracts. The interview questions will be used to examine randomly selected contacts from at least two completed past projects.

In each question, the person being interviewed is asked to rate a certain aspect of contractor's performance, using a scale of 1 to 10. The highest possible score is 120 points. A score of less than **55** points on any of the comparable projects disqualifies the contractor from bidding on projects that are proposed by the public agency. A score of **72 points or more** on each interview is sufficient for a contractor to qualify on this portion of the prequalification process. If the scores resulting from an interview are between 55 and 72, the public agency should conduct another interview to collect additional information.

It is possible that the score given to any interview answer may be challenged in an appeal. For that reason, be sure to: (a) ask the person being interviewed for specific information or details, to explain or substantiate the numerical answer given; and (b) take written notes of the information provided.

Selection of the interviewer:

- (a) The City Manager shall designate an individual who is at least moderately well informed about public works construction to serve as the interviewer.
- (b) The individual shall be unbiased during the interview; this is to ensure accurate implementation of the interview questions.
- (c) The individual shall not use examples or deviate from the questions unless the project manager is unclear and prompts further explanation. The interviewer shall offer additional explanation of the questions only if he/she is sure of the intent of the question in the interview.

Locating the respondent to interview:

- (a) The interviewer shall attempt to contact a project manager of a past project for the interview. The interviewer shall be aware that for one interview to be completed, there may be a need to interview multiple individuals. That is, the interviewer may have to contact multiple individuals, such as the project manager concerning the building process, and a financial manager for warranty items, assessed liens, and the like.
- (b) Once reached, the interviewer shall review the information contained in the questionnaire of the past project with the project manager. That is, review who is being interviewed and why (purposes of pre-qualifying for public works), the past project type, completion date, and other pertinent information to ensure that the project manager is sure of the project he/she is asked to review.

Interview Length:

- (a) The interview should take 8-12 minutes, under normal circumstances.
- (b) The interviewer, when contacting the project manager, should convey the expected time which it takes to conduct the interview. This is to ensure the individual is not discouraged from taking part in the interview

Conducting the interviews:

- (a) The interview shall examine at least two separate past projects listed in the questionnaire.
- (b) After the interview is scored, the interviewer shall compare the interview score with the same contractor's score on the written questionnaire. If the ratings (overall scores) are far apart, the interviewer shall conduct at least one/two more interviews to determine how past performance should be weighted.
- (c) While conducting the interview, the interviewer should be consistent with the way the questions are presented. That is, if the interviewer changes the way questions are presented during the review, it could potentially change the way the respondent answers the questions and jeopardize the overall scoring.

EXHIBIT C
UNIFORM RATING SYSTEM AND PROCEDURES
FOR THE NEWMAN DOWNTOWN PLAZA PROJECT

The prequalification questionnaires for the Newman Downtown Plaza project will be reviewed and scored by the City Manager or his designee. Part I of the Questionnaire contains "yes/no" type questions on essential requirements for qualifications. See the questionnaire for direction on how those questions are handled. The balance of the questionnaire has a mix of purely informational and scorable questions. The following uniform rating system shall be used to score the scorable questions in the questionnaire. The scorable questions arise in three different areas of the questionnaire:

- Part II.B. History of the business and organizational performance;
- Part II.C. Compliance with occupational safety and health laws, workers' compensation and other labor legislation; and
- Part III Interviews related to quality of performance on completion of recent comparable projects.

Note: Not all questions in the questionnaire are scorable; some questions simply ask for information about the contractor firm's structure, officers and history. This document includes only those questions that are "scorable." The question numbers referenced below correspond to the numbers used in the questionnaire. Thus, the questions included here begin with question number 6, and there are a few breaks in the numerical sequence.

Scores Needed for Prequalification

To prequalify, a contractor is required to have acceptable responses in Part I of the questionnaire and have a passing score within each of the three large categories referred to above.

Passing scores shall be as follows:

Part II.B., "History of the business and organizational performance," a score of 57 out of a maximum 76 points shall be considered as passing.

Part II.C., Compliance with occupational safety and health laws, workers' compensation and other labor legislation a score of 38 out of a maximum of 53 points shall be considered passing.

Part III, Completion of recent projects and quality of performance, includes a series of interview questions, and may also include questions about recently completed (public or private) construction projects. For the interview questions, DIR recommends that a public agency interview project managers for the owners of two completed projects. DIR recommends a scoring system that would allow a maximum score of 120 points for each interview. For these questions, DIR recommends qualification for a contractor whose score on each of two interviews is 72 points or more; a denial of pre-qualification for a contractor whose score on either interview is less than 55 points; and an additional interview with another reference if the score resulting from one interview is between 55 points and 72 points.

In addition, for Part III the prospective bidder must score at least 20 points out of the 30 possible points in scoring of the attributes of at least 2 of the comparable projects.

Scorable Questions from Part II.B. of Questionnaire: Questions about History of the Business and Organizational Performance(16 questions)

6. How many years has your organization been in business as a contractor under your present business name and license number? _____ years

*3 years or more = 2 points
4 years = 3 points
5 years = 4 pts.
6 years or more = 5 points*

7. Is your firm currently the debtor in a bankruptcy case?

Yes No

"No" = 3 points" "Yes" = 0 points

8. Was your firm in bankruptcy any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above).

Yes No

"No" = 3 points" "Yes" = 0 points

13. Has any contractor's license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?

Yes No

No = 5 points Yes = 0 points

14. At any time in the last five years, has your firm been assessed and paid liquidated damages after completion of a project, under a construction contract with either a public or private owner?

Yes No

No projects with liquidated damages of more than \$50,000, or one project with liquidated damages = 5 points.

Two projects with liquidated damages of more than \$50,000 = 3 points

Any other answer: no points

15. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

Yes No

No = 5 points Yes = 0 points

16. In the last five years, has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

Yes No

No = 5 points Yes = 0 points

* * * * *

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.

17. In the past five years, has any claim against your firm concerning your firm's work on a construction project, been filed in court or arbitration?

Yes No

If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" if more than 2 such instances.

If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

18. In the past five years, has your firm made any claim against a project owner concerning work on a project or payment for a contract, and filed that claim in court or arbitration?

Yes No

If your firm's average gross revenues for the last three years was less than \$50 million scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" if more than 2 such instances.

If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

19. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf in connection with a construction project, either public or private?

Yes No

5 points for either "No" or "Yes" indicating 1 such claim.

3 points for "Yes" indicating no more than 2 such claims

Subtract five points for "Yes" if more than 2 such claims

20. In the last five years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?
 Yes No

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" or if more than 2 such instances.

21. Has your firm, or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity?

Yes No

No = 5 points Yes = subtract 5 points

22. Has your firm, or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?

Yes No

No = 5 points Yes = subtract 5 points

23. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

Yes No

No = 5 points Yes = subtract 5 points

25. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

_____ %

5 points if the rate is no more than one per cent

3 points if the rate was no higher than 1.10 per cent.

0 points for any other answer.

27. During the last five years, has your firm ever been denied bond credit by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

Yes No

No = 5 points Yes = 0 points

Scorable Questions from Part II.C. of the Questionnaire: Questions about compliance with safety, workers compensation, prevailing wage and apprenticeship laws.(11 questions)

28. Has CAL OSHA or other comparable agency in another state cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years?

Note: If you have filed an appeal of a citation and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.

Yes No

If the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" if more than 2 such instances.

If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

29. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

Note: If you have filed an appeal of a citation and the appropriate appeals Board has not yet ruled on your appeal, you need not include information about it.

Yes No

If yes, attach a separate signed page describing each citation.

If the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" or if more than 2 such instances.

If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

30. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

Yes No

If the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

*5 points for either "No" or "Yes" indicating 1 such instance.
3 points for "Yes" indicating 2 such instances.
0 points for "Yes" or if more than 2 such instances.*

If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

*5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.
3 points for "Yes" indicating either 4 or 5 such instances.
0 points for "Yes" if more than 5 such instances.*

31. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

*3 points for an answer of once each week or more often.
0 points for any other answer*

32. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

Current year: _____

Previous year: _____

Year prior to previous year: _____

If your EMR for any of these three years is or was 1.00 or higher, you may, if you wish, attach a letter of explanation.

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

*5 points for three-year average EMR of .95 or less
3 points for three-year average of EMR of more than .95 but no more than 1.00
0 points for any other EMR*

33. Within the last five years, has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

Yes No

*5 points for either "No" or "Yes" indicating 1 such instance.
0 points for any other answer.*

34. Has there been more than one occasion during the last five years on which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws?

Yes No

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

If your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No," or "Yes" indicating either 1 or 2 such instance.

3 points for "Yes" indicating 3 such instances.

0 points for "Yes" and more than 3 such instances.

If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating no more than 4 such instances.

3 points for "Yes" indicating either 5 or 6 such instances.

0 points for "Yes" and more than 6 such instances.

35. During the last five years, has there been more than one occasion on which your own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements?

Yes No

If your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No," or "Yes" indicating either 1 or 2 such instance.

3 points for "Yes" indicating 3 such instances.

0 points for "Yes" and more than 3 such instances.

If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating no more than 4 such instances.

3 points for "Yes" indicating either 5 or 6 such instances.

0 points for "Yes" and more than 6 such instances.

36. Provide the **name, address and telephone number** of the apprenticeship program sponsor(s) (approved by the California Division of Apprenticeship Standards) that will provide apprentices to your company for use on any public work project for which you are awarded a contract by [Public Entity].

5 points if at least one approved apprenticeship program is listed.

0 points for any other answer.

37. If your firm operates its own State-approved apprenticeship program:
- (a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.
 - (b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).
 - (c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

5 points if one or more persons completed an approved apprenticeship while employed by your firm.

0 points if no persons completed an approved apprenticeship while employer by your firm.

38. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

NOTE: You may omit reference to any incident that occurred prior to January 1, 1998 if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.

Yes No.

If yes, provide the date(s) of such findings, and attach copies of the Department's final decision(s).

If your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No," or "Yes" indicating either 1 or 2 such instance.

3 points for "Yes" indicating 3 such instances.

0 points for "Yes" and more than 3 such instances.

If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating no more than 4 such instances.

3 points for "Yes" indicating either 5 or 6 such instances.

0 points for "Yes" and more than 6 such instances.

Scoring of Part III of the Questionnaire

See Exhibit B, Project Experience Interview Questions and Procedures, for interview questions and scoring guidelines.

Scoring of the attributes of each comparable project shall be as follows:

Project Attribute	SCORING GUIDELINE			
	5 points	3 points	1 point	0 points
a. Contract Price	≥\$2.0M	\$1.0M to <\$2.0M	\$500K to <\$1.0M	<\$500K
b. Amount of Caltrans Roadway construction as percentage of total contract price:	≥15%	7.5% to <15%	5% to <7.5%	<5%
c. Amount of refined colored concrete pedestrian-oriented paving as percentage of total contract price	≥15%	7.5% to <15%	5% to <7.5%	<5%
d. Amount of brick paving, mortared and sand set, as percentage of total contract price:	≥5%	2.5% to <5%	1.5% to <2.5%	<1.5%
e. Amount of brick masonry walls and columns as a percentage of the total contract price	≥5%	2.5% to <5%	1.5% to <2.5%	<1.5%
f. Amount of architectural steel/ornamental metal structures as percentage of total contract price:	≥10%	5% to <10%	2.5% to <5%	<2.5%

A prospective bidder must score a minimum of 20 points on the above attributes to be considered qualified.

**EXHIBIT D
BIDDER PRE-QUALIFICATION AND APPEAL PROCEDURES
FOR
THE NEWMAN DOWNTOWN PLAZA PROJECT**

The Notice to Bidders for the Newman Downtown Plaza shall include language that is substantially similar to the following:

NOTICE OF BIDDER PREQUALIFICATION REQUIREMENT

Notice is hereby given that the City of Newman has determined that all bidders on Newman Downtown Plaza to be undertaken by the City of Newman must be pre-qualified prior to submitting a bid on the project. It is mandatory that all Contractors who intend to submit a bid, fully complete the pre-qualification questionnaire, provide all materials requested herein, and be scored high enough to be approved by the City of Newman to be on the final qualified Bidders list. No bid will be accepted from a Contractor that has failed to comply with these requirements. If two or more business entities submit a bid as part of a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid. The last date to submit a fully completed questionnaire is 35 days prior to the bid closing date. Contractors are encouraged to submit pre-qualification packages as soon as possible, so that they may be notified of omissions of information to be remedied or of their pre-qualification status well in advance of the bid advertisement for this project.

Prequalification Procedure:

Answers to questions contained in the attached questionnaire, information about current bonding capacity, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required. City of Newman will use these documents as the basis of rating Contractors in respect to qualifications to bid on this project. City of Newman reserves the right to check other sources available. City of Newman's decision will be based on objective uniform evaluation criteria.

City of Newman reserves the right to adjust, increase, limit, suspend or rescind the pre-qualification rating based on subsequently learned information. Contractors whose rating changes sufficient to disqualify them will be notified, and given an opportunity for a hearing consistent with the hearing procedures described below for appealing a pre-qualification rating.

While it is the intent of the pre-qualification questionnaire and documents required therewith to assist City of Newman in determining bidder responsibility prior to bid and to aid City of Newman in selecting the lowest responsible bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude City of Newman from a post-bid consideration and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work, and has demonstrated the requisite trustworthiness.

The pre-qualification packages should be submitted under seal and marked "CONFIDENTIAL" to the City of Newman's City Clerk's office located at 1162 Main Street, Newman, CA 95360.

The pre-qualification packages (questionnaire answers and financial statements) submitted by Contractors are not public records and are not open to public inspection. All information provided will be kept confidential to the extent permitted by law. However, the contents may be disclosed to third parties for purpose of verification, or investigation of substantial allegations, or in the appeal hearing. State law requires that the names of contractors applying for pre-qualification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the Contractor on whose behalf that person is signing. If any information provided by a Contractor becomes inaccurate, the Contractor must immediately notify City of Newman and provide updated accurate information in writing, under penalty of perjury.

City of Newman reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted, to make all final determinations, and to determine at any time that the pre-qualification procedures will not be applied to a specific future public works project.

Contractors may submit pre-qualification packages during regular working hours on any day that the offices of City of Newman are open. Contractors who submit a complete pre-qualification package will be notified of their qualification status no later than ten business days after submission of the information.

City of Newman may refuse to grant pre-qualification where the requested information and materials are not provided, or not provided by the required date stated above. There is no appeal from a refusal for an incomplete or late application, but re-application for a later project is permitted. The closing time for bids will not be changed in order to accommodate supplementation of incomplete submissions, or late submissions.

Appeal Procedure:

Where a timely and completed application results in a rating below that necessary to pre-qualify, an appeal can be made. An appeal is begun by the Contractor delivering to the City of Newman's City Clerk's Office notice of its appeal of the decision with respect to its pre-qualification rating, no later than ten business days prior to the closing time for the receipt of bids for this public works project. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of City of Newman, whether by administrative process, judicial process or any other legal process or proceeding.

If the Contractor gives the required notice of appeal and requests a hearing, the hearing shall be conducted so that it is concluded no later than five business days after City of Newman's receipt of the notice of appeal, and no later than five business days prior to the last date for the receipt of bids on the project. The hearing shall be an informal process conducted by an outside hearing officer or a hearing panel established by the City Manager (the "Appeals Panel"). At or prior to the hearing, the Contractor will be advised of the basis for the City of Newman's pre-qualification determination. The Contractor will be given the opportunity to present information and present reasons in opposition to the rating. Within one day after the conclusion of the hearing, the Appeals Panel will render its decision. It is the intention of City of Newman that the date for the submission and opening of bids will not be delayed or postponed to allow for completion of an appeal process.

Qualification of Subcontractors

NOTICE: To contractors who are using subcontractors for this job, please be advised that the City of Newman is requiring qualification of subcontractors in the following crafts or trades, following acceptance of your bid, but before the award is made:

- a. Concrete Flatwork,
- b. Brick Masonry Walls and Paving,
- c. Architectural Steel Fabrication

RESOLUTION NO. 2010-

ESTABLISHING A PREQUALIFICATION PROCEDURE AND APPEALS PROCEDURE FOR USE IN THE BIDDING PROCESS FOR CONSTRUCTION OF THE CITY OF NEWMAN HISTORIC DOWNTOWN PLAZA PROJECT

WHEREAS, the City of Newman will be advertising for bids for construction of the City of Newman Historic Downtown Plaza (Plaza) project; and

WHEREAS, the City Council of the City of Newman recognizes that the Plaza is a highly visible aesthetic improvement to the core of downtown Newman requiring substantial investment of public funds; and

WHEREAS, the City Council of the City of Newman has determined that it is in the public interest for the City to adopt a procedure that will help ensure the Plaza is constructed by a reputable and qualified contractor at the best possible price; and

WHEREAS, the Public Contracts Code (PCC) §20101 permits cities to prequalify contractors (prospective bidders) who wish to bid on public works contracts; and

WHEREAS, the City staff has developed a uniform system of rating prospective bidders based on objective criteria in accordance with PCC§20101; and

WHEREAS, the City staff has also developed a process through which decisions regarding a prospective bidder's qualifications may be appealed in accordance with PCC§20101; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby resolve to require prospective bidders on the Plaza project to be prequalified in accordance with PCC §20101, and in so resolving the City Council of the City of Newman adopts the following forms and procedures for use as the basis for prequalifying prospective bidders:

- A. Bidder Prequalification Questionnaire, "Exhibit A";
- B. Project Experience Interview Questions and Procedures, "Exhibit B";
- C. Uniform Rating System and Procedures, "Exhibit C";
- D. Bidder Prequalification and Appeal Procedures, "Exhibit D"

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 9th day of March 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:

ATTEST:

Mayor of the City of Newman

Deputy City Clerk of the City of Newman

**REPORT ON RESOLUTIONS CONSENTING TO THE JOINT PUBLIC HEARING AND
AUTHORIZING TRANSMITTAL OF CERTAIN REDEVELOPMENT DOCUMENTS**

RECOMMENDATION:

1. Adopt Resolution No. 2010- of the City Council of the City of Newman Consenting to a Joint Public Hearing with the Community Redevelopment Agency of the City of Newman in Connection with the Proposed 2010 Amendment to the Redevelopment Plan for the Newman Redevelopment Project; Environmental Documents Prepared for the Project; and Directing Notification of the Same
2. Adopt RDA Resolution No. 2010- A Resolution of the Community Redevelopment Agency of the City of Newman Consenting to a Joint Public Hearing with the City Council of the City of Newman in Connection with the Proposed 2010 Amendment to the Redevelopment Plan for the Newman Redevelopment Project; Environmental Documents Prepared for the Project; and Directing Notification of the Same; and Authorizing Transmittal of the Draft Plan Amendment Language to the Newman Planning Commission

BACKGROUND:

On September 22, 1992, by Ordinance No. 92-14, the City Council of the City of Newman (the "City Council") in conjunction with the Community Redevelopment Agency of the City of Newman (the "Agency") adopted the Redevelopment Plan (the "Plan") for the Newman Redevelopment Project (the "Project" or the "Project Area," depending on context.) The Plan was amended on November 15, 1994, by Ordinance No. 94-19 in response to the requirements of the Community Redevelopment Law Reform Act of 1993 (AB 1290), and thereby established time limits on incurring indebtedness, receiving tax increment, paying indebtedness, and carrying out activities for the Project.

The Agency has been active in the community with several rehabilitation, business expansion, and infrastructure improvements in the Project Area. Due to these activities, conservative projections indicate that the Agency will reach the Plan's cumulative tax increment limit well before the expiration of the timeframe during which it is authorized to receive such tax increments. This, in turn, has presented the need for additional bonding capacity. Therefore, the Agency is proposing to: i) increase the Plan's total tax increment allocation limit; ii) eliminate the Plan's annual limitation on tax increment allocation; iii) establish a bonded indebtedness limit; and iv) modify the Plan's projects and programs list, as appropriate to amend the Plan (the "2010 Amendment") all as a means to better attain the Agency's long-term goal to improve or alleviate the economic and physical conditions of blight within the Project Area.

ANALYSIS:

Joint Public Hearing

In accordance with the California Community Redevelopment Law (CCRL; Health & Safety Code, Section 33000, *et seq.*), the City Council and the Agency are each required to hold public hearings to hear public testimony before considering adoption of the 2010 Amendment and related Negative Declaration of Environmental Impact. The CCRL provides that the City Council and the Agency may conduct a joint public hearing with the consent of both entities.

The attached City Council and Agency resolutions respectively consent to holding a joint public hearing, and authorize the City Clerk and Agency Secretary, staff, and advisors to prepare, publish, and mail notice of the joint public hearing in accordance with applicable CCRL requirements. The joint public hearing will be held on May 11, 2010, at 7:00 p.m.

Transmittal of the Draft Plan Amendment Language

To facilitate the proposed 2010 Amendment, the draft Plan amendment language has been prepared and must be submitted to the Newman Planning Commission for its report and recommendation regarding the conformity of the draft Plan amendment language to the City of Newman's General Plan, pursuant to CCRL Section 33346.

FISCAL IMPACT:

None

CONCLUSION:

It is recommended that the City Council of the City of Newman and the Community Redevelopment Agency of the City of Newman adopt the respective resolutions consenting to the joint public hearing to be held on May 11, 2010, at 7:00 p.m., and authorizing transmittal of certain redevelopment documents as required by law.

ATTACHMENTS:

1. Exhibit A - City Council Resolution No. 2010- Consenting to Joint Public Hearing
2. Exhibit B - Agency Resolution No. 2010- Consenting to Joint Public Hearing and Authorizing Transmittal of the Draft Plan Amendment Language to the Newman Planning Commission
3. Exhibit C - Copies of draft Notice of Joint Public Hearing and Cover Letter (for mailing)
4. Exhibit D - Copies of draft Initial Study, Proposed Negative Declaration, and Notice of Intent to Adopt a Negative Declaration (for mailing)
5. Exhibit E - Copy of draft Plan amendment language

Respectfully submitted,



Urban Futures Inc.
Advisors to the Community Redevelopment Agency of the City of Newman

REVIEWED/CONCUR

A handwritten signature in black ink, appearing to read "Michael Holland", is written over a horizontal line.

Michael Holland
City Manager

RESOLUTION NO. 2010-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN CONSENTING TO A JOINT PUBLIC HEARING WITH THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF NEWMAN IN CONNECTION WITH THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE NEWMAN REDEVELOPMENT PROJECT; ENVIRONMENTAL DOCUMENTS PREPARED FOR THE PROJECT; AND DIRECTING NOTIFICATION OF THE SAME

WHEREAS, the Community Redevelopment Agency of the City of Newman (the "Agency") has initiated proceedings to amend (the "2010 Amendment") the Redevelopment Plan (the "Plan") for the Newman Redevelopment Project (the "Project Area") to: i) increase the Plan's total tax increment allocation limit; ii) eliminate the Plan's annual limitation on tax increment allocation; iii) establish a bonded indebtedness limit, and iv) modify the Plan's projects and programs list, as appropriate, all as a means to better attain the Agency's long-term goal to improve or alleviate the economic and physical conditions of blight within the Project Area; and

WHEREAS, Section 33458 of the California Community Redevelopment Law (CCRL; Health and Safety Code, Section 33000, et seq.) authorizes a joint public hearing on the proposed 2010 Amendment with the consent of both the Agency and the City Council; and

WHEREAS, it is the desire of the City Council of the City of Newman (the "City Council") and the Agency to hold a joint public hearing to consider the proposed 2010 Amendment and any related matters including the environmental documents prepared in connection therewith.

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

Section 1. The above recitals are true and correct and are a substantive part of this resolution.

Section 2. The City Council hereby consents to a joint public hearing with the Agency to be held on May, 11, 2010, at 7:00 p.m., at the City Council Chambers, Newman City Hall, for the purpose of considering the proposed 2010 Amendment, environmental documents, and any other related matters.

Section 3. The City Clerk, staff, and advisors are hereby directed, in cooperation with the Agency secretary, staff and advisors, to prepare, publish, and mail notices and documents, and do all other acts, as may be required by the CCRL in connection with giving notice of the joint public hearing to be held pursuant to this resolution.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 9th of March, 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

RESOLUTION NO. 2010-
RDA RESOLUTION NO. 2010-

A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF NEWMAN CONSENTING TO A JOINT PUBLIC HEARING WITH THE CITY COUNCIL OF THE CITY OF NEWMAN IN CONNECTION WITH THE PROPOSED 2010 AMENDMENT TO THE NEWMAN REDEVELOPMENT PROJECT; ENVIRONMENTAL DOCUMENTS PREPARED FOR THE PROJECT; AND DIRECTING NOTIFICATION OF THE SAME; AND AUTHORIZING TRANSMITTAL OF THE DRAFT PLAN AMENDMENT LANGUAGE TO THE NEWMAN PLANNING COMMISSION

WHEREAS, the Community Redevelopment Agency of the City of Newman (the "Agency") has initiated proceedings to amend (the "2010 Amendment") the Redevelopment Plan (the "Plan") for the Newman Redevelopment Project (the "Project Area") to: i) increase the Plan's total tax increment allocation limit, ii) eliminate the Plan's annual limitation on tax increment allocation, iii) establish a bonded indebtedness limit, and iv) modify the Plan's projects and programs list, as appropriate, all as a means to better attain the Agency's long-term goal to improve or alleviate the economic and physical conditions of blight within the Project Area; and

WHEREAS, Section 33458 of the California Community Redevelopment Law (CCRL; Health and Safety Code, Section 33000, et seq.) authorizes a joint public hearing on the proposed 2010 Amendment with the consent of both the Agency and the City Council; and

WHEREAS, it is the desire of the Agency and the City Council of the City of Newman (the "City Council") to hold a joint public hearing to consider the proposed 2010 Amendment and any related matters including the environmental documents prepared in connection therewith; and

WHEREAS, Sections 33346, 33356 and 33453 of the CCRL provide that, prior to a joint public hearing of the legislative body and redevelopment agency on a proposed amendment to a redevelopment plan, the redevelopment agency shall submit the proposed changes to the planning commission; and

WHEREAS, the Agency has prepared the draft Plan amendment language for the 2010 Amendment for submittal to the Newman Planning Commission for its report and recommendation regarding the conformity of the draft Plan amendment language to the City of Newman's General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Community Redevelopment Agency of the City of Newman as follows:

Section 1. The above recitals are true and correct and are a substantive part of this resolution.

Section 2. The Agency hereby consents to a joint public hearing with the City Council to be held on May 11, 2010, at 7:00 p.m., at the City Council Chambers, Newman City Hall, for the purpose of considering the proposed 2010 Amendment, environmental documents, and any other related matters.

Section 3. The Agency secretary, staff, and advisors are hereby directed, in cooperation with the City Clerk, to prepare, publish, and mail notices and documents, and do all other acts, as may be required by the CCRL in connection with giving notice of the joint public hearing to be held pursuant to this resolution.

Section 4. The transmittal of the draft Plan amendment language to the Newman Planning Commission for its report and recommendation regarding the language's conformity to the City of Newman's General Plan is hereby approved.

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Newman held on the 9th day of March 2010 by Board 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:

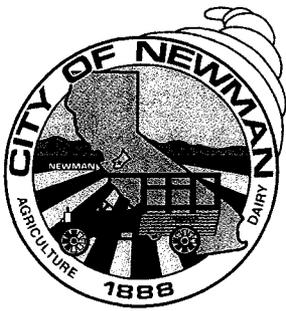
ABSENT:

APPROVED:

Chairperson of the RDA

ATTEST:

Secretary of the RDA



City of Newman

1162 Main Street • P.O. Box 787 • Newman, CA 95360 • (209) 862-3725 • Fax (209) 862-3199
www.cityofnewman.com • E-mail: info@cityofnewman.com

April 9, 2010

Re: Proposed 2010 Amendment to the Redevelopment Plan for the Newman Redevelopment Project and Notice of Intent to Adopt a Negative Declaration of Environmental Impact Related Thereto

Dear Resident/Business Tenant/Real Property Owner:

The Community Redevelopment Agency of the City of Newman (the "Agency") and the City Council of the City of Newman (the "City Council") are undertaking proceedings for the adoption of a proposed amendment (the "2010 Amendment") to the Redevelopment Plan (the "Plan") for the Newman Redevelopment Project (the "Project" or the "Project Area," as appropriate). Our records indicate that you are a **resident, a real property owner and/or a business tenant** within the Project Area.

The Agency is proposing the 2010 Amendment for the purposes of: i) increasing the Plan's total tax increment allocation limit; ii) eliminating the Plan's annual limitation on tax increment allocation; iii) establishing a bonded indebtedness limit; and iv) modifying the Plan's projects and programs list, as appropriate; all as a means to better attain the Agency's long-term goal to improve or alleviate the economic and physical conditions of blight within the Project Area, as permitted by the California Community Redevelopment Law (CCRL; Health and Safety Code, Section 33000, *et seq.*), specifically CCRL Sections 33333.4(a)(1) and (2) and 33334.1.

In connection with the 2010 Amendment, the Agency and City Council will also be considering adoption of a Negative Declaration of Environmental Impact (the "Negative Declaration") prepared for the 2010 Amendment.

The enclosed materials are your formal notice of the joint public hearing to be held by the Agency and City Council on May 11, 2010, at 7:00 p.m. in the Newman City Hall Council Chambers, 1162 Main Street, Newman, CA 95360, on the proposed 2010 Amendment and related Negative Declaration.

In order to give all interested persons an opportunity to better understand the proceedings, the Agency has scheduled the following community workshop:

Date: April, 29, 2010
Time: 7:00 p.m.
Place: City Council Chambers, Newman City Hall
1162 Main Street, Newman, CA 95360

If you have questions or comments pertaining to the workshop, the proposed 2010 Amendment, the Negative Declaration, or the joint public hearing please call Agency offices at (209) 862-3725, or send your written comments to the Community Redevelopment Agency of the City of Newman, 1162 Main Street, P.O. Box 787, Newman, CA 95360.

Sincerely,
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF NEWMAN

Michael Holland
City Manager/Redevelopment Director

Enclosures: Notice of Joint Public Hearing

NOTICE OF JOINT PUBLIC HEARING

NOTICE OF JOINT PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF NEWMAN AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF NEWMAN REGARDING THE PROPOSED 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE NEWMAN REDEVELOPMENT PROJECT AND NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT RELATED THERETO

NOTICE IS HEREBY GIVEN that a joint public hearing will be held before the City Council of the City of Newman (the "City Council") and the Community Redevelopment Agency of the City of Newman (the "Agency"):

DATE OF HEARING: May 11, 2010
TIME OF HEARING: 7:00 p.m. or as soon thereafter as possible
PLACE OF HEARING: City Council Chambers, Newman City Hall
1162 Main Street
Newman, CA 95360

A purpose of this hearing is to consider approval and adoption of the proposed amendment (the "2010 Amendment") to the Redevelopment Plan for the Newman Redevelopment Project (the "Project" or the "Project Area," as appropriate) and to consider all evidence and testimony for or against the approval and adoption of the 2010 Amendment.

The Agency is proposing the 2010 Amendment, as permitted by the California Community Redevelopment Law (CCRL; Health and Safety Code, Section 33000, *et seq.*) specifically Sections 33333.4(g)(1,) and 33334.1 for the purposes of: i) increasing the Plan's total tax increment allocation limit; ii) eliminating the Plan's annual limitation on tax increment allocation; iii) establishing a bonded indebtedness limit; and iv) modifying the Plan's projects and programs list, as appropriate; all as a means to better attain the Agency's long-term goal to improve or alleviate the economic and physical conditions of blight within the Project Area.

NOTICE IS FURTHER HEREBY GIVEN that the City Council and the Agency will, at the same time and place, hold a joint public hearing to consider adoption of the Negative Declaration of Environmental Impact (the "Negative Declaration") for the 2010 Amendment in accordance with the California Environmental Quality Act (CEQA). The Initial Study and Environmental Checklist for the 2010 Amendment and the Negative Declaration are available for public inspection in the office of the City Clerk located at the address below. All evidence and testimony presented in writing prior to, or at the joint public hearing, or presented orally at the joint public hearing for or against adoption of the Negative Declaration will be considered by the City Council and the Agency. At the joint public hearing, any and all persons desiring to comment on, or having objections to the content or adequacy of the Negative Declaration may appear and be heard before the City Council and the Agency.

In accordance with CEQA Guidelines Section 15072(g)(5), no locations within the Project Area have been identified as hazardous waste facilities, land designated as hazardous waste property, and/or hazardous waste disposal sites on lists enumerated under Government Code Section 65962.5.

At any time not later than the hour set forth above for the hearing of objections to the proposed 2010 Amendment, any person or organization may file in writing with the City Clerk of the City of Newman, at the address below by 4:00 p.m., a statement of objections to the proposed 2010 Amendment and/or to the related Negative Declaration. At the day, hour and place of the hearing, any and all persons having any objections to the proposed 2010 Amendment, to the related Negative Declaration, or to the regularity of any of the prior proceedings, may appear before the City Council and the Agency and show cause why the proposed 2010 Amendment and/or the related Negative Declaration should not be adopted. Any person or organization desiring to be heard will be given an opportunity to be heard at the joint public hearing. At the joint public hearing, the City Council and the Agency shall proceed to hear and pass upon all written and

oral objections to the 2010 Amendment prepared in accordance with the CCRL, and proceed to hear and pass upon all oral and written objections to the Negative Declaration or related matters. The Agency and the City Council shall consider all evidence and testimony for and against approval and adoption of the 2010 Amendment and of the related Negative Declaration.

A map of the Project Area is included with this Notice. A legal description of the Project Area, (recorded with the Stanislaus County Recorder's Office, Instrument Nos.: 097937 OCT-992) is available for public review at the City Clerk's Office, at the address below, Monday through Friday, 8 a.m. to 5 p.m. A copy of the legal description is available, upon request, free of charge.

NOTICE IS FURTHER HEREBY GIVEN to any person or organization who desires to present objections to the 2010 Amendment, or allegations of noncompliance with the CCRL, CEQA, or other applicable laws, that such person or organization may be precluded from raising such issue(s) in a subsequent legal action or proceeding challenging the 2010 Amendment or related Negative Declaration, unless the objections or alleged grounds for noncompliance were presented by the person or organization in writing prior to the joint public hearing, or were presented orally or in writing at the joint public hearing.

In order to give all interested citizens in the Project Area an opportunity to fully understand the redevelopment plan amendment process, the Agency has scheduled the following informational workshop:

Date: April 29, 2010
Time: 7: 00 p.m.
Place: City Council Chambers, Newman City Hall
1162 Main Street
Newman, CA 95360

NOTICE IS FURTHER HEREBY GIVEN that interested persons may review the draft 2010 Amendment to the Plan, the related Negative Declaration, the Initial Study and Environmental Checklist for the Project, and other information pertaining to the 2010 Amendment, at the City Clerk's Office at the address below. The Agency's Report to the City Council on the 2010 Amendment will be presented at the joint public hearing and should be available for public review not less than one week prior to the date set for the joint public hearing.

Any person or organization having specific questions regarding the 2010 Amendment or the related Negative Declaration may contact the Agency at (209) 862-3725. Written objections must be submitted to the Agency through the City Clerk's Office, City of Newman, 1162 Main Street, Newman, CA 95360 prior to the hour set for the joint public hearing or presented at, or prior to the close of, the joint public hearing described in this notice.

Mike Maier, Deputy City Clerk

April 09, 2010

Date

Published: April 8, 15, 22 and 29, 2010

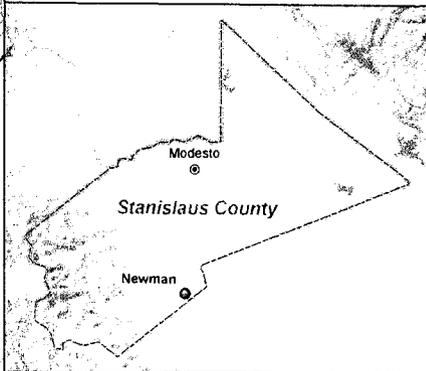
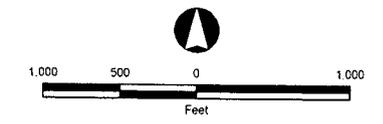
Attachment: Project Area Map

PROJECT AREA MAP



- LEGEND**
- Newman City Boundaries
 - Project Area*
 - Highways
 - Railroads

* Boundaries shown are for general reference and illustrative purposes only. Not intended to be a legal description of the metes and bounds.



Newman Redevelopment Agency

PROPOSED 2010 AMENDMENT TO
THE REDEVELOPMENT PLAN FOR
THE NEWMAN REDEVELOPMENT PROJECT

FIGURE _
PROJECT AREA MAP



Prepared By: Urban Futures, Inc.
Base Map Source: City of Newman
Date: 07/07/09
File: NM_PA.mxd

NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN that in accordance with the California Environmental Quality Act Guidelines Section 15063, the Community Redevelopment Agency of the City of Newman (the "Agency") has completed an "Initial Study" for the proposed 2010 Amendment (the "2010 Amendment") to the Redevelopment Plan (the "Plan") for the Newman Redevelopment Project (hereafter referred to as the "Project," or "Project Area," as appropriate). Initial Study conclusions indicate that preparation and adoption of a negative declaration of environmental impact (the "Negative Declaration") is the appropriate approach to CEQA compliance with regard to the 2010 Amendment action, because the Initial Study demonstrates that there is no substantial evidence that the Plan, as proposed to be amended, will have a significant effect on the environment, either as a result of previously completed CEQA compliance with mitigation measures previously adopted, or in and of itself. A map of the Project Area is included herewith and made part hereof by reference. The Initial Study is on file at the Agency's offices at the address below.

PROPOSAL: Proposed 2010 Amendment to the Redevelopment Plan for the Newman Redevelopment Project

APPLICANT: Community Redevelopment Agency of the City of Newman (as Lead Agency)

PREPARED BY: Lead Agency

PROJECT DESCRIPTION: The 2010 Amendment is proposed for the purpose of increasing established fiscal and time limits codified in the Plan, specifically to increase the Plan's total tax increment allocation limit, eliminate the Plan's annual limitation on tax increment allocation, establish a bonded indebtedness limit, and modify the Plan's projects and programs list, as appropriate, all as a means to better attain the Agency's long-term goal to improve or alleviate the economic and physical conditions of blight within the Project Area. These are administrative and fiscal changes to the Plan for the Project; no change in boundaries, designated land uses, land use policies, or site-specific development projects are being proposed by the 2010 Amendment.

LOCATION/ ENVIRONMENTAL SETTING: The Project Area is located within the incorporated limits of the City of Newman, County of Stanislaus, State of California. See the Project Area map included herewith. The Project Area is an urbanized area located in an urban setting. In accordance with CEQA Guidelines Section 15072(g)(5), no locations contained within the Project Area have been identified as hazardous waste facilities, land designated as hazardous waste property, and/or hazardous waste disposal sites on lists enumerated under Government Code Section 65962.5.¹

REVIEW PERIOD: From the date of this Notice shown below until May 11, 2010, by 4:00 p.m.

DOCUMENT(S) LOCATION: A copy of the Negative Declaration, including the Initial Study with Environmental Checklist and documents referred to therein, are available for review at the City Clerk's Office (see address below). The City Clerk's office hours are: Monday through Friday, 8 a.m. to 5 p.m.

PUBLIC HEARING: May 11, 2010, at 7:00 p.m., City Council Chambers, Newman City Hall, 1162 Main Street, Newman, CA 95360.

Written comments, if any, may be sent to Mr. Michael E. Holland, Executive Director, Community Redevelopment Agency of the City of Newman, 1162 Main Street, P.O. Box 787, Newman, CA 95360 on or before May 11, 2010, by 4:00 p.m. Please include the name and telephone number of a contact person in your letter. Comments on the Negative Declaration will also be accepted at the Public Hearing on the proposed 2010 Amendment (City Council Chambers, Newman City Hall, 1162 Main Street, Newman, CA 95360 on May 11, 2010, at 7:00 p.m.). If you have questions regarding the content of this notice, please call (209) 862-3725.

Be advised that if you challenge the adoption of the Negative Declaration in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk's Office at the address listed above at or prior to the Public Hearing.

Attachments: (Proposed) Negative Declaration, Initial Study and Map of the Project Area

Date: April 9, 2010

¹ Department of Toxic Substances Control, EnviroStor Database, <http://www.envirostor.dtsc.ca.gov/public/>.

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[PROPOSED] NEGATIVE DECLARATION

- LEAD AGENCY:** Community Redevelopment Agency of the City of Newman
1162 Main Street, Newman, P.O. Box 787, CA 95360
- PROJECT NAME:** Proposed 2010 Amendment (the "2010 Amendment") to the Redevelopment Plan (the "Plan") for the Newman Redevelopment Project (hereafter referred to as the "Project" or "Project Area," as appropriate).
- PROJECT PROPONENT:** Community Redevelopment Agency of the City of Newman (the "Agency")
- PREPARED BY:** Community Redevelopment Agency of the City of Newman (Lead Agency)
- PROJECT LOCATION:** City of Newman, County of Stanislaus, State of California. See Project Area Map, included herewith and made part hereof by reference.
- PROJECT DESCRIPTION:** The 2010 Amendment is proposed for the purposes of increasing established fiscal and time limits codified in the Plan, specifically to increase the Plan's total tax increment allocation limit, eliminate the Plan's annual limitation on tax increment allocation, establish a bonded indebtedness limit, and modify the Plan's projects and programs list, as appropriate, all as a means to better attain the Agency's long-term goal to improve or alleviate the economic and physical conditions of blight within the Project Area. These are administrative and fiscal changes to the Plan for the Project; no change in boundaries, designated land uses, land use policies, or site-specific development projects are being proposed by the 2010 Amendment.
- MITIGATION MEASURES:** None recommended.
- DETERMINATION:** Pursuant to the Initial Study, on file in the City Clerk's Office at the address above, potential physical impacts resulting from the 2010 Amendment have been evaluated within environmental impact analyses previously completed pursuant to the California Environmental Quality Act (CEQA) and applicable to the 2010 Amendment (see Initial Study, Section VI – Project Objective and Description, Responsible Agencies and Initial Study Purpose, and Section V – Documents Incorporated into the Initial Study by Reference); the 2010 Amendment is administrative in character, and the Plan, as proposed to be amended, will in and of itself effect no physical impacts in the Project Area. The Initial Study prepared for the 2010 Amendment shows there is no substantial evidence, in light of the whole record before the Agency as Lead Agency, that the 2010 Amendment will have any significant effect on the environment that has not been previously evaluated and, as necessary, mitigated as part of previous environmental analyses.
- Therefore, an Initial Study having been conducted and a finding made that the proposed action will have no significant effect on the environment in accordance with CEQA Guidelines 15070(a), the Agency, as Lead Agency, hereby determines that an environmental impact report is not required for the 2010 Amendment to the Plan for the Project and adoption of a Negative Declaration is appropriate.

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ENVIRONMENTAL CHECKLIST FORM

INITIAL STUDY

I. PROJECT INFORMATION

1. Project Title:

2010 Amendment to the Redevelopment Plan for the Newman Redevelopment Project

2. Lead Agency Name and Address:

Community Redevelopment Agency of the City of Newman
1162 Main Street, P.O. Box 787, Newman, CA 95360

3. Contact Person and Phone Number:

Mr. Michael E. Holland, City Manager/Community Redevelopment Agency Director
(209) 862-3725 - mholland@cityofnewman.com

4. Project Location:

City of Newman, County of Stanislaus (See Project Area Map), State of California

5. Project Sponsor's Name and Address:

Community Redevelopment Agency of the City of Newman
1162 Main Street, P.O. Box 787, Newman, CA 95360

6. Project Description Summary

The 2010 Amendment is proposed for the purposes of increasing established fiscal and time limits codified in the Plan, specifically to increase the Plan's total tax increment allocation limit, eliminate the Plan's annual limitation on tax increment allocation, establish a bonded indebtedness limit, and modify the Plan's projects and programs list, as appropriate, all as a means to better attain the Agency's long-term goal to improve or alleviate the economic and physical conditions of blight within the Project Area. These are administrative and fiscal changes to the Plan for the Project; no change in boundaries, designated land uses, land use policies, or site-specific development projects are being proposed by the 2010 Amendment

7. General Plan Land Use Designation(s):

Agriculture, Business Park Central Residential, Community Commercial, Downtown Commercial, Service Commercial, Heavy Industrial, High Density Residential, Industrial Reserve, Light Industrial, Low Density Residential, Medium Density Residential, Planned Mixed Residential, Public/Quasi-Public, Recreation and Parks, Urban Reserve.²

8. Zoning Designation(s):

C1 (Retail Commercial), C2 (General Service Commercial), I (Controlled Manufacturing), M (Industrial), OS (Open Space), PD (Planned Development), R-1 (Single Family Residential), R-2 (Duplex Residential), R-3 (Multiple Family Residential).³

9. Surrounding Land Uses and Setting: Briefly describe the project's surroundings:

Setting: Urban, Semi-Urban and Rural

² City of Newman *General Plan 2030 Land Use Map*, last amended on April 10, 2007; the Housing Element was last updated in 2003.

³ City of Newman, *City Zoning Map*, last amended 1990

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

City Council of the City of Newman, Planning Commission of the City of Newman

11. Individuals Involved in the Preparation of this Initial Study:

Jon Huffman, Managing Principal, Urban Futures, Inc.
Julie Myhra, Planner, Urban Futures, Inc.
Jung Seo, Planner, Urban Futures, Inc.
Jen Tran, Assistant Planner, Urban Futures, Inc.

II. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

III. LEAD AGENCY DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Michael E. Holland, Redevelopment Director
for Community Redevelopment Agency of the City of Newman

IV. DEFINITIONS

The following **bold** terms shall have the following meanings unless the context in which they are used clearly requires otherwise:

"2010 Amendment" or "Amendment" means the proposed amendment, as described herein, to the Plan, as defined below.

"Amended Plan" means the Redevelopment Plan as defined below as proposed to be amended by the 2010 Amendment.

"Agency" means the Community Redevelopment Agency of the City of Newman.

"Bonded indebtedness limit" means the limit on the amount of tax allocation bonded indebtedness which can be outstanding at one time without an amendment of the plan, established pursuant to Section 33334.1 of the CCRL, as defined below.

"CCRL" means the California Community Redevelopment Law, Section 33000, *et seq.* of the California Health and Safety Code, as currently drafted and as may be amended from time to time.

"CEQA" means the California Environmental Quality Act (CEQA; Public Resources Code, Section 21000, *et seq.*, referred to as the "CEQA Statutes," and Title 14, California Code of Regulations, Section 15000, *et seq.*, referred to as the "CEQA Guidelines") as currently drafted and as may be amended from time to time. **"EIR"** means an environmental impact report prepared, published and circulated according to CEQA requirements.

"City" and "City Council" mean the City of Newman and its City Council, respectively; the City Council is also the Agency's Board of Directors (the "Agency Board").

"County" means County of Stanislaus, State of California.

"General Plan" means the General Plan of the City, as it may be amended from time to time, and as more specifically described in Section V below.

"Project" means the Newman Redevelopment Project, which was adopted on September 22, 1992, by City Council's Ordinance No. 92-14. **"Project Area"** means the approximately 610 acres included in the Project. The Project Area is described in more detail under Project Description below and shown on the Map in Attachment "A" hereto, incorporated herein by reference.

"Redevelopment Plan" or "Plan" means the Redevelopment Plan for the Project, as defined above.

"State" means the State of California.

"Tax increment allocation limit" means the limit on the total amount of tax increment funds to be allocated to the Agency over the life of the Amended Plan.

"Zoning Ordinance" means the zoning ordinance in the City in effect at the time of the adoption of the 2010 Amendment and as it may be amended from time to time. The City's Zoning Ordinance as codified in Title 5 of the City's Municipal Code.

V. Documents Relied on in the Initial Study, Incorporation by Reference, and Availability for Public Review

- Community Redevelopment Agency of the City of Newman, *Preliminary Draft and Final Environmental Impact Reports for the Redevelopment Plan of the Newman Redevelopment Project*, SCH No. 91012091, September 1992, certified by City Council Resolution No. 92-64 adopted on September 22, 1992; collectively referred to hereafter as the "**Project EIR.**" The Project EIR was prepared as a part of the adoption proceedings for the Plan. The Project EIR evaluated potential significant environmental impacts related to the adoption of the Plan and the creation of the Project Area, as defined above. This Initial Study incorporates the mitigation measures contained within the Project EIR as they apply to Plan-related implementation activities within the Project Area. To the extent applicable, the Mitigation Measures Section found on pp. 3-7 in the Final Environmental Impact Report will be referred to hereafter as the "**Mitigation Monitoring Program**" while the Initial Study completed as part of the preparation of and attached to the Project EIR for adoption of the Redevelopment Plan will be referred to as the "**1991 Initial Study.**"
- City of Newman, *Newman 2030 General Plan*, adopted on April 10, 2007, by City Council Resolution No. 2007-12, and hereafter referred to as the "**General Plan.**" The General Plan of the City promulgates the policies that guide the community in its planning and decision-making process. CCRL Section 33331 requires that a redevelopment plan be consistent with the general plan of the community, as amended from time to time. This Initial Study incorporates the goals, policies and actions contained within the General Plan.
- City of Newman, *Draft and Final Environmental Impact Reports for the Newman 2030 General Plan*, SCH No. 2006072025, dated October 2006, certified by City Council Resolution No. 2007-12 adopted on April 10, 2007, collectively referred to hereafter as the "**General Plan EIR.**" The General Plan EIR was prepared as a part of the adoption proceedings for the comprehensive update of the General Plan, and it evaluated potential significant environmental impacts related to the adoption and implementation of the policies contained within the General Plan. To the extent applicable, this Initial Study incorporates the mitigation measures contained within the Mitigation Monitoring and Reporting Program of the General Plan EIR.

Copies of the above document(s) are available for public review at Agency/City offices, 1162 Main Street, Newman, California 95360.

VI. Project Description and Objectives, Responsible Agencies and Initial Study Purpose

1. Project Description

The City Council adopted the Plan pursuant to the requirements and procedures under the then current CCRL provisions on September 22, 1992, by Ordinance No. 92-14. The Project Area consists of approximately 610 acres generally bounded by Jensen Road on the north, the Waste-Way and Merced County Boundary on the south, approximately Barrington Avenue on the east, and Harvey Road on the west.

The Project Area consists of approximately 610 acres,⁴ and includes the historic downtown core of the City as well as neighborhoods consisting largely of single family residential uses located to the east and west of the urban core. The Project Area also contains industrial properties located mainly along the railroad tracks east of Highway 33, the City's highway-oriented commercial properties lie mainly along Main Street, east of Highway 33, with some properties located on the east side of Highway 33 toward the southern section of the City.

⁴ Based on 2006-07 State Controller Report and Project EIR.

VI. Project Description and Objectives, Responsible Agencies and Initial Study Purpose

The 2010 Amendment will amend fiscal and administrative limits of the Redevelopment Plan for the Newman Redevelopment Project; no change in Project Area boundaries, designated land uses, land use policies, or site-specific development or redevelopment projects are being proposed by the 2010 Amendment.

2. Project Objectives

The purpose of the 2010 Amendment, is to modify the Plan by: i) increasing tax increment allocation limit, ii) eliminating the Plan's annual limitation on tax increment allocation, iii) establishing a bonded indebtedness limit, and ii) modifying the Plan's projects and programs list, as appropriate; all as a means to better attain the Agency's long-term goal to improve or alleviate the economic and physical conditions of blight within the Project Area. The 2010 Amendment will allow the Agency to have greater flexibility with respect to long-term project financing and will permit the Agency to continue to implement redevelopment projects and programs within the Project Area that will eliminate blighting conditions, increase economic development opportunities, repair and/or upgrade substandard infrastructure, and increase the supply of affordable housing within the Project Area and the surrounding community. The 2010 Amendment is fiscal and administrative in character and does not contemplate any physical redevelopment implementation activities within the Project Area. Increasing the Plan's bonded indebtedness and tax increment allocation limits will permit the Agency to, among other things; more effectively alleviate blighting conditions, increase economic development opportunities, and provide affordable housing for eligible persons/families within the Project Area and the surrounding community. The 2010 Amendment will not: i) add territory to the Project Area; ii) propose new projects to the existing Projects/Programs list; or iii) affect existing or create new fiscal agreements. The 2010 Amendment will not authorize any other Plan amendment actions.

The Plan is the legal framework from which the Agency has been and will continue to implement redevelopment projects within the Project Area, shown on the Project Area Map attached hereto. Since adoption of the Plan, the Agency has undertaken many redevelopment activities within the Project Area to meet its redevelopment goals to lessen or eliminate blight. As previously amended, the term of the Plan for the Project is 45 years from the date it was originally adopted, or until September 22, 2037.

3. Responsible Agencies' Actions

The following agencies will be responsible for certain actions regarding adoption of the 2010 Amendment:

- Community Redevelopment Agency of the City of Newman (Lead Agency) –adopt the Negative Declaration and approve the Amendment and recommend Amendment Adoption to City Council
- City Council of the City of Newman (Responsible Agency, Legislative Body) – adopt the Negative Declaration, and consider ordinance adopting the Amendment
- Planning Commission of the City of Newman (Advisory Agency) – reviews the Negative Declaration and Amendment, and advises as to Amendment's conformity with the General Plan.

4. Purpose of the Initial Study

The Agency has caused an initial study ("Initial Study") to be prepared for the 2010 Amendment pursuant to the requirements and procedures found in CEQA to determine if adoption of the Amendment may have a significant effect on the environment. CEQA requires that the Lead Agency, when preparing the Initial Study, review the whole of a project. In this case, the "whole" of the project is the fiscal and administrative changes to the Redevelopment Plan contained in the 2010 Amendment.

VI. Project Description and Objectives, Responsible Agencies and Initial Study Purpose

The lead Agency is not required to revisit environmental effects that may result as a consequence of Plan implementation in the Project Area. These effects were evaluated at the time the Project EIR was certified as being in compliance with CEQA and the Plan adopted in 1992. This Initial Study is based on these earlier CEQA documents and relies on the conclusions reached therein, which are incorporated by reference.

Potential environmental impacts that could be caused by redevelopment activities in the Project Area have been previously evaluated within the Project EIR for the Project, which was certified by the Agency and the City Council in accordance with CEQA prior to the Redevelopment Plan's adoption on September 22, 1992.

CEQA and Other Compliance Material to the 2010 Amendment

The Project EIR, incorporated by reference above, was prepared as a part of Plan adoption proceedings in 1992. The Project EIR evaluated potential environmental impacts related to the adoption of the Plan and the creation of the Project Area and, as appropriate, recommended mitigation measures to reduce any identified significant environment effects to less than significant levels as feasible.

The Project EIR is an integral part of the analysis contained in this Initial Study (as are the City's General Plan and General Plan EIR, updated in April 2007 subsequent to Plan adoption). CCRL Section 33331 requires that a redevelopment plan, as it may be amended from time to time, be consistent with the general plan of the community.

Attached to this Initial Study is a map of the Project Area. Potential environmental impacts that could be caused by Redevelopment Plan adoption and implementation have been previously evaluated at the program level (as permitted by Section 21090 of the CEQA Statutes for redevelopment plans and amendments) within the Project EIR and are final and conclusive, no objection having been timely made.

Persons Participating in the Initial Study

CEQA Guidelines, Section 15063(d) (6) requires that the Initial Study include, in brief form, the name of the person or persons who prepared or participated in the Initial Study. The following persons provided information and/or participated in the preparation of the Initial Study:

The following members of Community Redevelopment Agency of the City of Newman, 1162 Main Street, P.O. Box 787, Newman, CA 95360 and Urban Futures, Inc. 3111 N. Tustin, Suite 230, Orange CA 92865, redevelopment consultants to the City:

Michael E. Holland, Community Redevelopment Agency Director
Stephanie Ocasio, Community Redevelopment Agency Assistant Planner.
Jon Huffman, Urban Futures Managing Principal
Julie Myhra, Urban Futures Planner
Jung Seo, Urban Futures GIS/Planner
Jen Tran, Urban Futures Assistant Planner

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
1. <u>Aesthetics</u>				
Would the Project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to aesthetics in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA. Adverse environmental impacts on aesthetics are addressed in pp. 91-94 of the Project EIR. Three mitigation measures recommended as a condition of Plan adoption are contained in the Mitigation Monitoring Program, p.6, Item 10: Aesthetics, which measures are incorporated herein by reference. The Project EIR concluded that with the identified mitigation measures, there were no potential environment impacts resulting from Plan Implementation which could not be mitigated to a level of insignificance.⁵

The 1991 Initial Study determined that there were no unavoidable adverse effects with respect to increased light and glare due to redevelopment activities; consequently no mitigation measures were recommended in this regard.⁶

No further environmental assessment with respect to aesthetics is required for purposes of 2010 Amendment adoption.

⁵ Project EIR, pp. 2, 8.

⁶ 1991 Initial Study, Item 7: Light and Glare, pp. 16-17.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
POTENTIALLY SIGNIFICANT IMPACT			

2. Agriculture Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific, development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to agricultural resources in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA.

The Project EIR identified no Williamson Act parcels in the Project Area, and further determined that redevelopment activities within the Project Area "should not effect [sic] long term agricultural productivity in the region."⁷

Based on the conclusion that there were no unavoidable adverse effects on Agricultural Land and Prime Farmland due to redevelopment activities in the Project Area, the Project EIR proposed no mitigation measure with respect to agricultural resources.⁸

No further environmental assessment with respect to agricultural resources is required for purposes of 2010 Amendment adoption.

⁷ Project EIR, Sec. IV.D., Plant Life Agriculture, p. 57.

⁸ *Ibid.*

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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3. Air Quality

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comments:

The State of California has recently enacted legislation which aims to reduce greenhouse gas emissions (carbon dioxide, methane, and nitrous oxide), assumed to be a cause of global climate change. The California Global Warming Solutions Act of 2006 (Assembly Bill 32) calls for a greenhouse gas emissions cap for 2020, to reduce such emissions to 1990 levels (essentially a 25% reduction below 2005 emission levels), and called for the California Air Resources Board to develop thresholds, methodologies and targets by January 1, 2008. The deadline has since been extended

The City (and therefore the Project Area) lies within the San Joaquin Valley Air Basin (SJVAB), which is comprised of eight county jurisdictions, including Stanislaus County. The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the responsible regional air quality management district of which the City and the Project Area are a part. The SJVAB, which is approximately 250 miles long and 35 miles across, is designated as nonattainment/serious for the federal 8-hour ozone standard; nonattainment/ severe for the State 1-hour and nonattainment for the State 8-hour ozone standards, respectively. In addition, the SJVAB is classified non-attainment for the federal fine particulate matter (PM_{2.5}) standard, and nonattainment for the State particulate matter (PM₁₀) and PM_{2.5} standards.⁹

⁹ San Joaquin Valley Air Pollution Control District, Ambient Air Quality Standards & Valley Attainment Status, July 2009; <http://www.valleyair.org/aqinfo/attainment.htm>

The City's recently adopted General Plan Natural Resources Element includes goals and policies to improve air quality in the City and the region in accordance with the requirements of State law. Climate change is presently thought to be both naturally occurring and induced by increases in the amounts of carbon dioxide (CO₂) and other greenhouse gases (GHGs) in the earth's atmosphere attributable to the burning of fossil fuels. The General Plan Natural Resources Element is intended to help the City, as well as the Basin, improve its air quality to meet State and Federal air quality requirements and growing climate change concerns.¹⁰

As a matter of law, the 2010 Amendment is required to be consistent with and conform to the City's General Plan, and to all other applicable local, regional, State and federal codes, statutes and regulations; consequently, the Amendment will not conflict or obstruct implementation of the SJVAPCD's air quality attainment plans.

The 2010 Amendment contemplates no site-specific development or any other physical implementation activities in the Project Area. In accordance with applicable legal requirements, at such time as specific Plan implementation projects are proposed, the City/Agency may require site-specific project analyses to determine environmental impacts with respect to any potential increases in greenhouse gas emissions as a part of the specific project environmental review and approval process

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to air quality in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA. Adverse environmental impacts on air quality are addressed in pp. 39-47 of the Project EIR. Several mitigation measures recommended as a condition of Plan adoption are contained in the Mitigation Monitoring Program, pp.4-5, Item 2: Air Quality, which measures are incorporated herein by reference.

Air quality will not be physically affected as a result of 2010 Amendment adoption. No further environmental assessment with respect to air quality is required for purposes of 2010 Amendment adoption.

¹⁰ General Plan Natural Resources Element, pp. NR-22, 23; NR4.1 through NR 4.14 (pp NR-22, NR-23)

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
4. <u>Biological Resources</u>				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to biological resources in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA.

The 1991 Initial Study determined that there were no unavoidable adverse effects on animal life or any unavoidable adverse effect on plant life due to redevelopment activities in the Project Area.¹¹ Based on the 1991 Initial Study conclusion, the Project EIR did not further analyze impacts on biological resources and recommended no mitigation measures. Additionally with respect to Biological Resources, the City's General Plan promulgates Policies NR-3.1 through NR-3.11 in support of General Plan Goal NR-3 to protect sensitive native vegetation and wildlife communities and habitat.¹² As a matter of law, the Amended Plan is required to be consistent with the City General Plan.

No further environmental assessment with respect to biological resources is required for purposes of 2010 Amendment adoption.

¹¹ 1991 Initial Study, Item 5: Animal Life, p.16 and Project EIR, Section IV.D: Plant Life-Agriculture, pp.56-57.

¹² General Plan, Natural Resources Element, pp. NR-20-Nr-21.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
5. <u>Cultural Resources</u>				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific, development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to cultural resources in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA. Adverse environmental impacts on cultural resources are addressed in pp. 94-95 of the Project EIR. Five mitigation measures recommended as a condition of Plan adoption are contained in the Mitigation Monitoring Program, pp.6-7, Item 11: Cultural Resources, which measures are incorporated herein by reference. The Project EIR concluded that, with mitigation, significant impacts to cultural resources are reduced to less than significant levels.¹³

No further environmental assessment with respect to cultural resources is required for purposes of 2010 Amendment adoption.

¹³ Project EIR, pp. 2, 8; Section IV.K, Cultural Resources, pp. 94-95.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	No IMPACT
6. <u>Geology and Soils</u>				
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to geology and soils in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA.

The 1991 Initial Study determined that because there are no unstable earth or geologic conditions or features of significance in the Project Area, consequent risk from landslides, mudslides, or ground failure is "essentially non-existent."¹⁴

Potential adverse environmental impacts with respect to geology and soils are addressed in pp. 32-39 of the Project EIR. Five mitigation measures recommended as a condition of Plan adoption are contained in the Mitigation Monitoring Program, p.3, Item 1: Earth, which mitigation measures are incorporated herein by reference. The Project EIR concluded that with the mitigation incorporation, potential significant impacts related to geologic events would be reduced to less than significant levels.¹⁵

Additionally, the General Plan EIR determined that since the degree of groundshaking in the City Planning Area is not expected to be high, it is unlikely to expect any significant liquefaction.¹⁶ General Plan Policies HS-1.1 through HS-1.5 support General Plan Goal HS-1 to prevent loss of life, injury, and property damage due to geologic and seismic hazards.¹⁷ As a matter of law, the Redevelopment Plan is required to be consistent with the General Plan.

No further environmental assessment with respect to geology and soil is required for purposes of 2010 Amendment adoption.

¹⁴ 1991 Initial Study, p.14.

¹⁵ Project EIR, pp. 2, 8.

¹⁶ General Plan, Sec. 8A.1, Geologic Seismic Hazards, pp. HS-2 – HS-5.

¹⁷ *Ibid*, pp. HS-16 through HS-18.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
7. Hazards and Hazardous Materials				
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to hazards and hazardous materials in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA.

The Project Area is not located within an airport land use plan nor is it located within two miles of a public airport or public use airport or within the vicinity of a private airstrip.

In accordance with CEQA Guidelines Section 15072(g)(5), no locations contained within the Project Area have been identified as hazardous waste facilities, land designated as hazardous waste property, and/or as hazardous waste disposal sites on lists enumerated under Government Code Section 65962.5.¹⁸

The 1991 Initial Study determined that there were no unavoidable adverse effects with respect to hazards and hazardous materials (Risk of Upset) due to redevelopment activities in the Project Area.¹⁹ Consequently, the Project EIR did not further evaluate such risks in the Project Area and recommended no mitigation measures.

The City General Plan Health and Safety Element promulgates Policies HS-4.1 through HS-4.5 in support of General Plan goal HS-4 to "prevent the loss of life, injury and property damage due to the release of hazardous materials"; Policies HS-5.1 through HS-5.4 for General Plan Goal HS-5 to "maintain emergency response procedures that are adequate in the event of natural or man-made disaster," and policies HS-3.1 through 3.6 in support of Goal HS-3 to "prevent the loss of life, injury and property damage due to fires."²⁰ The Amended Plan is required as a matter of law to be consistent with the City General Plan.

No further environmental assessment with respect to hazards and hazardous materials is required for purposes of 2010 Amendment adoption.

¹⁸ Department of Toxic Substances Control, EnviroStor Database, October 01, 2009; <http://www.envirostor.dtsc.ca.gov/public/>.

¹⁹ 1991 Initial Study, Item 10: Risk of Upset, p. 18

²⁰ General Plan Health and Safety Element, pp.HS-19-HS-22.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
8. <u>Hydrology and Water Quality</u>				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
8. <u>Hydrology and Water Quality</u>				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to hydrology and water quality in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA.

Adverse environmental impacts on hydrology and water quality are addressed in pp. 47-56 of the Project EIR. The Project EIR determined that stormwater runoff and stormwater discharge into receiving bodies would be minimal because much of the Project Area is over-covered with hard surfaces. It further concluded that provision of storm drain improvements in the Downtown area facilitated by the Redevelopment Plan would serve to improve existing stormwater drainage- a positive impact.²¹ Three mitigation measures recommended as a condition of Plan adoption are contained in the Mitigation Monitoring Program, p.5, Item 3: Water, which measures are incorporated herein by reference. The Project EIR concluded that, after mitigation, the potentially significant adverse hydrologic effects of redevelopment activities within the Project Area would be reduced to less than significant levels.²²

No further environmental assessment with respect to hydrology and water quality is required for purposes of 2010 Amendment adoption

²¹ *Ibid.*

²² Project EIR, pp. 2, 8.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
9. <u>Land Use and Planning</u>				
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to land use and planning in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA.

The Project EIR and 1991 Initial Study determined that there were no unavoidable adverse effects on land use and planning due to redevelopment activities in the Project Area.²³ No mitigation measures were recommended with respect to land use and planning.

No further environmental assessment with respect to land use and planning is required for purposes of 2010 Amendment adoption.

²³ Project EIR, Sec. III.D, Relationship to Public Plans and Policy, pp. 28-31 and 1991 Initial Study, Item 8: Land Use, p. 17.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
10. <u>Mineral Resources</u>				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific, development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts in the Project Area resulting from Plan Implementation with respect to mineral resources. Neither the Project EIR nor the General Plan EIR identify any mineral resources in the Project Area that could be lost as the result of urban activities in the Project Area and City Planning Area, respectively.

No further environmental assessment with respect to mineral resources is required for purposes of 2010 Amendment adoption.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
11. Noise				
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to noise in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA.

The Project Area is not located within an airport land use plan nor is it located within two miles of a public airport or public use airport or within the vicinity of a private airstrip. The 1991 Initial Study determined that there were no significant impacts to the noise environment due to redevelopment activities in the Project Area therefore no mitigation measures were proposed.²⁴

²⁴ 1991 Initial Study, Item 6: Noise, p. 16.

The General Plan Health and Safety Element promulgates Policies HS-6.1 through HS-6.11 in support of General Plan Goal HS-6 to “provide compatible noise environments for new developments and control sources of excessive noise.”²⁵ The Amended Plan is required, as a matter of law, to be consistent with the City General Plan. No further environmental assessment with respect to noise is required for purposes of 2010 Amendment adoption.

²⁵ General Plan Health and safety Element, pp. HS-22-HS-27.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
12. <u>Population and Housing</u>				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to population and housing resources in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA.

The Project EIR determined that there were no unavoidable adverse effects on population and housing due to redevelopment activities in the Project Area.²⁶

No further environmental assessment with respect to population and housing is required for purposes of 2010 Amendment adoption.

²⁶ Project EIR, Section I.H: Growth Inducing Effects of Proposed Project, pp. 12-13.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
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13. Public Services

Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to public services in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA.

The Project EIR determined that there were no unavoidable adverse effects on public services due to redevelopment activities in the Project Area.²⁷

No further environmental assessment with respect to public services is required for purposes of 2010 Amendment adoption.

²⁷ Project EIR, Sec. IV.H., Public Services, pp. 70-90

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
14. Recreation				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to recreation in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA.

The 1991 Initial Study determined that there were no unavoidable adverse effects on recreation due to redevelopment activities; consequently, the environmental topic was not evaluated further in the Project EIR and no mitigation measures were recommended.²⁸

No further environmental assessment with respect to recreation is required for purposes of 2010 Amendment adoption.

²⁸ 1991 Initial Study, Item 19: Recreation, p. 19.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
15. <u>Transportation/Traffic</u>				
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to transportation/traffic in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA. Adverse environmental impacts on Transportation/Traffic are addressed in pp. 66-69 of the Project EIR. Three mitigation measures recommended as a condition of Plan adoption are contained in the Mitigation Monitoring Program, pp.5-6, Item 7: Transportation and Circulation, which measures are incorporated herein by reference.

No further environmental assessment with respect to transportation/traffic is required for purposes of 2010 Amendment adoption.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
16. <u>Utilities and Service Systems</u>				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment will have no significant environmental impacts resulting from Plan Implementation with respect to utilities and service systems in the Project Area beyond those impacts identified in previously adopted Project EIR and General Plan EIR in compliance to CEQA.

The 1991 Initial Study determined that there were no significant impacts from the increased use of energy due to redevelopment activities in the Project Area.²⁹ The Project EIR determined that there were no unavoidable adverse effects on utilities due to redevelopment activities in the Project Area.³⁰

²⁹ 1991 Initial Study, Item 15: Energy, p. 20.

³⁰ Project EIR, Sec. IV.I, Utilities, pp. 90-91

The Project EIR concluded that, with respect to Utilities, because several redevelopment implementations projects are extensions or improvements to utilities such as sewer, water and storm drainage facilities, they will enhance the Project Area's present utility system and are seen as positive.³¹

No further environmental assessment utilities and service systems is required for purposes of 2010 Amendment adoption.

³¹ *Ibid*, p.14.

VII. EVALUATION OF POTENTIAL ENVIRONMENTAL IMPACTS

	POTENTIALLY SIGNIFICANT IMPACT	LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATION	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
17. <u>Mandatory Findings of Significance</u>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments:

The 2010 Amendment will not impact any of the environmental issue areas as evidenced by the assessment contained in the preceding checklist. The 1991 Initial Study determined that there were no unavoidable adverse effects on animal life or any unavoidable adverse effect on fish and wildlife species and their habitats due to redevelopment activities.³² As site-specific projects are proposed and assessed in compliance with CEQA requirements, additional project-specific CEQA analysis and specific mitigation measures may be required for project approval. The 2010 Amendment proposes no new development, nor any change in land uses, therefore the adoption of the 2010 Amendment will not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

³² 1991 Initial Study, Item 5: Animal Life, p.16 and Project EIR, Section IV.D: Plant Life-Agriculture, pp.56-57.

As detailed in Section VI of this Initial Study, the 2010 Amendment is administrative and fiscal in nature and proposes no site-specific development or redevelopment activities, no changes to land use policy or circulation design, and no Project Area boundary modification; therefore, it is reasonable to conclude that the 2010 Amendment does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals, and it will not result in cumulatively considerable impacts that have not previously been considered by the Project EIR previously prepared and certified as part of the Plan adoption. Furthermore, due to the fiscal and administrative nature of the 2010 Amendment, no environmental effects which will directly or indirectly cause substantial adverse effects on human beings are expected to occur as a consequence of adoption of the 2010 Amendment.

No further environmental assessment with respect to mandatory finding of significance is required for purposes of 2010 Amendment adoption.

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APPENDIX A-

PROJECT AREA MAP

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2010 Amendment

to the

Redevelopment Plan

for the

Newman Redevelopment Project

COMMUNITY REDEVELOPMENT AGENCY OF
THE CITY OF NEWMAN



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1. INTRODUCTION

This is the 2010 Amendment (the "2010 Amendment") to the Redevelopment Plan, as previously amended, (the "Plan" or "Redevelopment Plan") for the Newman Redevelopment Project (the "Project"). The purpose of the 2010 Amendment is to amend the Redevelopment Plan to state the amount of bonded indebtedness that can be outstanding at one time (\$40,000,000); increase the existing limit on the total amount of tax increment funds to be allocated to the Agency pursuant to the Redevelopment Plan from \$30,000,000 to \$85,000,000; eliminate the limitation on the amount of tax increment allocated to the Agency on an annual basis; and modify the list of projects and programs included in the Redevelopment Plan.

The 2010 Amendment has been prepared pursuant to Article 12, Sections 33450 through 33458 of the California Community Redevelopment Law (CCRL; Section 33000 *et seq.* of the California Health and Safety Code). The 2010 Amendment amends Section VI B. of the Redevelopment Plan. The 2010 Amendment proposes no other changes to the Redevelopment Plan. The legal authority to amend the Redevelopment Plan is codified under CCRL Sections 33354.6 and 33451.5.

The Redevelopment Plan, as amended by this 2010 Amendment, shall continue to be the regulatory and policy instrument controlling the Agency's redevelopment activities within the boundaries of the Project.

2. BACKGROUND

The Redevelopment Plan was originally adopted by the Newman City Council on September 22, 1992, by Ordinance No. 92-14 and was amended by Ordinance No. 94-19 on November 22, 1994, in response to the requirements of the Community Redevelopment Law Reform Act of 1993 (AB 1290). The Redevelopment Plan, as previously amended, is attached hereto and incorporated herein by reference as Appendix A.

3. 2010 AMENDMENT TO THE REDEVELOPMENT PLAN

Upon approval of the 2010 Amendment by the Agency and subsequent adoption by the City Council of the ordinance amending the Redevelopment Plan, the Redevelopment Plan shall effectively be amended as follows:

At page 27, Section VI. A. General Description of the Proposed Financing Methods, paragraph 5, shall be amended to read as follows:

The Agency is hereby authorized to issue bonds (as such term is defined in the Redevelopment Law) as needed, provided the Agency is advised by appropriate financing counsel that the Agency has or will have adequate revenues to meet principal and interest payments on such bonds as they become due and payable. Unless changed by amendment of this Plan, the total outstanding principal of any bonds, so issued and repayable from said tax increments, shall not exceed Forty Million Dollars (\$40,000,000) at any one time.

At page 30, Section VI. B. Tax Increments, Subsections 1 through 3 shall be amended to read as follows:

Consistent with Section 33333.2 of the Health and Safety Code of the State of California, the following limitations are imposed on this Plan:

1. Unless changed by amendment of this Plan, the number of dollars of taxes, as defined in Section 33670 of the California Health and Safety Code (CHSC), shall not which may be divided and allocated to the Agency pursuant to this Plan shall not exceed a total of in excess of ThreeEighty-Five Million Dollars (\$853,000,000), during any one fiscal (tax) year except by amendment hereof.
2. No loans, advances or indebtedness to finance in whole or in part of the Plan to the extent they are to be repaid from the allocation of those taxes described in Subsection (1) above shall be established or incurred by the agency beyond Twenty (20) years from the original date of adoption of this Plan by the Newman City Council unless such time limitation is extended by amendment of this Plan. Such loans, advances or indebtedness, however, may be repaid over a period of up to Fifty (50) years from the original date of adoption of this Plan by the Newman City Council.
3. ~~Unless changed by amendment of this Plan, the number of dollars of taxes which may be divided and allocated to the Agency pursuant to this Plan shall not exceed Thirty Million Dollars (\$30,000,000).~~

The list of projects and programs included as Appendix B shall be included within the Redevelopment Plan as the Agency's list of proposed projects and programs for the Project.

All other sections and paragraphs in the Redevelopment Plan not specifically modified as described above shall remain in full force and effect.

APPENDIX A

**REDEVELOPMENT PLAN FOR THE NEWMAN
REDEVELOPMENT PROJECT**



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ORIGINAL REDEVELOPMENT PLAN

**ADOPTED ON SEPTEMBER 22, 1992,
BY ORDINANCE NO. 92-14**



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NEWMAN REDEVELOPMENT AGENCY
CITY OF NEWMAN, CALIFORNIA

REDEVELOPMENT PLAN

for

REDEVELOPMENT PROJECT NO. 1

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PART 1

TEXT

REDEVELOPMENT PLAN

NEWMAN

REDEVELOPMENT PROJECT NO. 1

REDEVELOPMENT PLAN
FOR THE
NEWMAN REDEVELOPMENT PROJECT NO. 1

I. INTRODUCTION

This Redevelopment Plan for the Newman Redevelopment Project No. 1 consists of Part I (Text) and Part II (Map). This Redevelopment Plan has been prepared by the Newman Redevelopment Agency, City of Newman, California, pursuant to the Community Redevelopment Law of the State of California, the California Constitution and all applicable local laws and ordinances.

The purpose of this Redevelopment Plan is to designate the boundaries of Newman Redevelopment Project No. 1 of the Newman Redevelopment Agency, and to provide certain provisions required by law applicable to the area being annexed.

II. GENERAL DEFINITIONS

The following references will be used in this Redevelopment Plan unless the context otherwise requires:

- A. "Agency" means the Newman Redevelopment Agency, City of Newman, California.
- B. "City" means the City of Newman, California.
- C. "County" means the County of Stanislaus, California.
- D. "Map" means the Redevelopment Plan Map for the Newman Redevelopment Project No. 1, included herein as Part II.
- E. "Owner" means any individual or entity owning "real property" as defined herein.

F. "Person" means any individual or entity owning "real property" as defined herein.

G. "Plan" means the Redevelopment Plan for the Newman Redevelopment Project No. 1.

H. "Planning Commission" means the Planning Commission of the City of Newman, California.

I. "Project Area" means the area included within the boundaries of the Newman Redevelopment Project No. 1.

J. "Real Property" shall mean land, buildings, structures, fixtures, and improvements on the land; and property appurtenant to or used in connection with the land; every estate, interest, privilege, easement, franchise, and right in land, including rights-of-way, terms for years, and liens, charges, or encumbrances by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

K. "Redevelopment Law" means the Community Redevelopment Law of the State of California (California Health and Safety Code, Section 33000 et. seq.).

L. "State" means the State of California.

III. PROJECT AREA BOUNDARIES

The boundaries and legal description of the Project Area are described and illustrated on Exhibit "A" (pages 1 through 4) attached hereto.

IV. PROPOSED REDEVELOPMENT ACTIONS

The Agency proposes to eliminate and prevent the spread of blight and deterioration in the Project Area by:

- (1) Installation, construction, or reconstruction of

streets, utilities, landscaping, and other on-site and off-site improvements;

- (2) Disposition of property for uses in accordance with this Plan;
- (3) Redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan;
- (4) Providing participation opportunities for owners and business tenants.

A. Cooperation With Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction or operation of the Project Area. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. The Agency shall have the right to impose on all public bodies the planning and design controls contained in the Plan to insure that present uses and any future development by public bodies conform to the requirements of this Plan. Any public body which owns

or leases property in the Project Area will be afforded all the privileges of owner and tenant participation if such public body is willing to enter into a participation agreement with the Agency.

B. Property Acquisition

1. Acquisition of Real Property

The Agency may acquire, but is not required to acquire, any real property (or interest in real property) located in the Project Area by gift, devise, exchange, lease, purchase, eminent domain (as limited by Section 511) or any other lawful method, for one or more of the following purposes:

- a. To remove a deteriorated structure requiring clearance as demonstrated by a structural inspection of the property;
- b. To eliminate a deficiency, including, but not limited to, incompatible land uses, small and irregular lot subdivision, inadequate street layout, or overcrowding of the land;
- c. To provide for needed public facilities, including among others, rights-of-way, school, public safety facilities, protective services, community centers and recreational facilities;
- d. To eliminate impediments to land development through assembly of land into parcels of reasonable size and shape, served by an improved street system and public utilities;

e. To encourage development in the Project Area provided for in this Plan; and

f. Any purpose allowed pursuant to Redevelopment Law.

The Agency, except as is expressly authorized pursuant to the provisions of this Plan, is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency shall not acquire real property, by eminent domain, for redevelopment purposes, i.e., for the purposes of casing buildings, structures and/or uses thereon, to be redeveloped by third parties, if a Certificate of Conformance has been properly issued by the Agency with reference to such property.

The Agency may not acquire property to be retained by an owner pursuant to a participation agreement if the owner fully performs under the agreement. The Agency may not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless such building requires structural alteration, improvement, modernization, or rehabilitation or the site or lot on which the building is situated requires modification in size, shape or use, or it is necessary to impose upon such property any of the standards, restrictions and controls of this Plan and the owner fails or refuses to participate in the Plan and the owner fails or refuses to participate in the Plan by executing a participation agreement.

Any covenants, conditions, or restrictions existing on any real property within the Project Area prior to the time the agency acquires title to such property, which covenants, conditions, or restrictions restrict or purport to restrict the use of, or building upon, such real property, shall when the Agency complies with the procedures of Section 33397 of the Community Redevelopment Law, be void and unenforceable as to the Agency and any other subsequent owners, tenants, lessees, easement holders, mortgagees, trustees, beneficiaries under a deed of trust, or any other persons or entities acquiring an interest in such real property from such time as title to the real property is acquired by the Agency, whether acquisition is by gift, purchase, eminent domain, or otherwise.

2. Personal Property

Generally, personal property may not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain.

3. Limitations on the Use of Eminent Domain

It is in the public interest and is necessary in order to implement the provisions of this Plan and the Community Redevelopment Law.

Notwithstanding any of the provisions this Plan may contain to the contrary, the power of eminent domain is restricted as follows:

a. The Agency may not commence eminent domain proceedings to acquire property in the Project Area beyond twelve (12) years following the date of adoption of the ordinance approving and adopting this Plan. Such time limit may be extended only by amendment of this Plan.

b. The Agency may exercise its power of eminent domain on all property within the Project Area except the Agency shall not have the power of eminent domain on single family residential development located on property zoned R-1 pursuant to the City of Newman Municipal Code.

C. Property Management

During such time as property in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment.

D. Demolition, Clearance, Public Improvements, Building and Site Preparation

1. Demolition and Clearance

The Agency is authorized to demolish and clear building, structures, and other improvements from any real property, owned by the Agency, in the Project Area as necessary to carry out the purposes of this Plan.

2. Public Improvements

The Agency is authorized to acquire land and install and construct or to cause to be installed and constructed and pay the cost thereof the public improvements

and public utilities (within or outside the Project Area) necessary to carry out this Plan with tax increment revenue. Such public improvements include, but are not limited to, over- or under-passes, bridges, streets, curbs, gutters, sidewalks, street lights, sewers, storm drains, traffic signals, electrical distribution systems, natural gas distribution systems, water distribution systems, buildings (including fire stations, city service facilities, .), parks, off-street parking, plazas, playgrounds, and landscaped areas.

3. Preparation of Building and Redevelopment Sites

The Agency is authorized to prepare or cause to be prepared as building and development sites any real property in the Project Area owned by Agency.

E. Relocation of Occupants Displaced by Agency Acquisition

1. Relocation Housing Requirements

No persons or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be a decent, safe, sanitary, and otherwise standard dwelling. The Agency shall not displace such person or family until such housing units are available and ready for occupancy.

The Agency may, in order to facilitate the rehousing of families and single persons who are displaced from their homes in the Project Area, utilize the aids made available through federal urban renewal, redevelopment and housing legislation and may use funds derived from any public or private source to carry out the purposes of this Plan.

In accordance with Section 33412 of the Code, permanent housing facilities shall be made available within three years from the time occupants are displaced. Pending the development of such facilities, there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

2. Replacement Housing

Not less than thirty days prior to the execution of any agreement for acquisition of real property, or the execution of an agreement for the disposition and development of property, or the execution of an owner participation agreement, which agreement would lead to the destruction or removal of dwelling units from the low and moderate income housing market, the Agency shall adopt by resolution a replacement housing plan.

The replacement housing plan shall include:

- a. The general location of housing to be rehabilitated, developed, or constructed pursuant to Section 33413 of the Community Redevelopment Law;

b. An adequate means of financing such rehabilitation, development, or construction;

c. A finding that the replacement housing does not require the approval of the voters pursuant to Article XXXIV of the California Constitution, or that such approval has been obtained;

d. The number of dwelling units housing persons and families of low- and moderate-income planned for rehabilitation or construction; and

e. The timetable (not to exceed one year) for meeting the plan's relocation, rehabilitation, and replacement housing objectives.

A dwelling unit whose replacement is required by Health & Safety Code Section 33413 but for which no replacement housing plan has been prepared, shall not be destroyed or removed from the low- and moderate-income housing market and no person, family or business shall be displaced by the Agency, City or any person with an agreement with the Agency or City until and unless the Agency has by resolution adopted a replacement housing plan meeting the requirements of this Section.

3. Finding Other Locations For Displaced Persons

The Agency shall fully assist all persons (including individuals and families) business concerns, and others displaced as a result of actions by the Agency or City in implementing this Redevelopment Plan in finding other locations and facilities. In order to carry out the

Plan with a minimum of hardship to persons, businesses, and others displaced from their respective places of residence or business, the Agency shall take all actions required to fully inform such persons and ensure that they are able to relocate to new locations that are decent, safe, sanitary, within their respective financial means, in reasonable convenient locations, and otherwise suitable to their respective needs. The Agency may also provide housing units or business locations within or outside the Project Area for such displaced persons or businesses.

F. Property Disposition and Development

1. Real Property Disposition and Development

a. General

For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property.

To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated leases or sales without public bidding.

All real property acquired by the Agency in the Project Area shall be sold or leased for development for the uses permitted in the Plan, subject to restrictions contained in the Redevelopment Law. Real property may be conveyed by the Agency to the City or any other public body without charge.

The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention, or use of any property for speculative purposes and to insure that development is carried out pursuant to this Plan.

All purchasers or lessees of property shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

b. Purchase and Development Documents

To provide adequate safeguards to insure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the zoning ordinance, conditional use permits, or other means. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the office of the Recorder of the County.

The leases, deeds, contracts, agreements, and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of

reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, sex, color, creed, religion, national origin, or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a participation agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as are required by Redevelopment Law.

c. Development

To the extent now or hereafter permitted by Redevelopment Law, the Agency is authorized to pay for all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement either within or outside the Project Area for itself or for any public body or entity to the extent that such improvement would be of benefit to the Project Area.

During the period of development in the Project Area, the Executive Director of the Agency, acting as an agent of the Agency, shall insure that the provisions

of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with development documents and time schedules.

Prior to the issuance of any entitlements to develop, the Agency must first review preliminary plan\& and approve the general concept of the proposed project. Upon approval by the Agency, development plans must be submitted to the City of Newman, and any other public agencies having jurisdiction over the proposed development, for approval in accordance with applicable regulations, standards, and policies.

Following receipt of necessary entitlements, the Agency shall, within twenty five (25) days after receipt of the submitted project plans, either reject or approve the proposed development. Upon Agency approval of the proposed development, construction plans and documents shall be submitted the City of Newman for review and issuance of building permits and other authorizations to construct.

2. Personal Property Disposition

For the purposes of this Plan the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber, or otherwise dispose of personal property.

G. Participation Opportunities For Owners and Business Tenants

1. Opportunities For Owners and Business Tenants

The Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area, to continue or re-enter in business within the redeveloped area if they meet the requirements prescribed in this Plan. For that purpose the Agency will adopt rules (see Exhibit "B attached) for re-entry of owners and business tenants.

It is the intention of the City and the Agency that owners of parcels of industrial, commercial and other types of real property within the Project Area be encouraged and allowed to participate in this redevelopment; by retaining all or a portion of their properties, by acquiring adjacent or other properties in the Project Area, by selling their properties in the Project Area to the Agency and purchasing other properties in the Project Area and by upgrading and developing their properties in conformance with this Plan. In the event a participant fails or refuses to rehabilitate or develop his real property pursuant to this Plan and/or the participation agreement, as an alternate thereto, the real property or any interest therein may be acquired by the Agency and sold or leased for rehabilitation or development in accordance with this Plan.

The Agency may determine that certain real property within the Project Area presently meets the requirements of this Plan and the owners of such property

will be permitted to remain as conforming owners without a participation agreement with the Agency provided such owners continue to operate and use the real property within the requirements of this Plan.

The Agency may also determine that certain real property within the Project Area is substantially in conformance with the requirements of this Plan and the owners of such property shall be allowed to remain as conforming owners provided such owners shall continue to operate and use the real property within the requirements of this Plan.

The Agency shall not acquire, through the use of eminent domain, conforming property owned by conforming owners.

In the event any of the conforming owners desire to (1) construct any additional improvements or substantially alter or modify existing structures on any of the real property described above as conforming, or (2) acquire additional real property within the Project Area, then such conforming owners shall be required to enter into a participation agreement with the Agency.

2. Rules for Participation Opportunities,
Priorities and Preferences

Owners of property and business tenants may participate in the redevelopment of property in the Project Area in accordance with the participation rules adopted by the Agency. In general, these rules provide (1) that

existing business owners and tenants within the Project Area be given preference for re-entry into business within the Project Area, and (2) that certain buildings in the Project Area be retained provided the owners enter into agreements with the Agency whereby the owners agree to rehabilitate their properties to conform with the standards of this Plan at the owner's expense.

In both instances owners will be required to submit proof to the Agency of their qualifications and financial ability to carry out their agreement with the Agency. The participation rules to be adopted by the Agency are set out in Exhibit "B" attached hereto and will be on file with the Newman City Clerk.

3. Participation Agreements

Each participant not a conforming owner shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop, or use the property in conformance with this Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties.

V. **USES PERMITTED IN THE PROJECT AREA**

A. Map

The Map illustrates the location of the Project Area, the immediately adjacent streets, the principal public rights-of-way and public easements, and the proposed land

uses to be permitted in the Project Area (both public, semi-public, and private).

B. Land Uses

All areas shall be developed in accordance with the applicable provisions of the Newman General Plan, Land Use Element, and shall include but not be limited to, business and professional offices, retail stores, manufacturing, residential dwelling units and other related and compatible uses.

Except as inconsistent with this Plan, all requirements of the City's zoning ordinance as it now exists or is hereafter amended shall apply to development hereunder. In such development, the type of buildings shall be required by the building and safety laws and regulations applicable from time to time in the City of Newman; and there is no additional Plan limitation on height and/or number of buildings.

C. Public Uses

1. Rights-of-way and Easements

The principal existing public streets in or near the Project Area are listed on Exhibit "C" attached. Such streets, and any others within the Project Area, may be widened, altered, abandoned, or closed as necessary for proper development of the Project Area. Additional public streets, alleys and easements may be created in the Project Area as needed for proper development.

The public rights-of-way shall be used for vehicular and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

D. Semi-Public, Institutional and Non-Profit Uses

In any area, the Agency is authorized to permit the establishment or enlargement of public, institutional, or non-profit uses, including, but not limited to, park and recreational facilities, fire stations, landscaped public ways, flood control protection facilities, libraries, hospitals, education, fraternal, employee philanthropic and charitable institutions and other types of public facilities and facilities of similar associations or organizations. All such uses shall conform so far as possible to the provisions of this Plan applicable to the uses in the specific area involved. The Agency shall impose such other reasonable restrictions as are necessary to protect the development and use of the Project Area.

E. General Controls and Limitations

All real property in the Project Area is hereby made subject to the controls and requirements of this Plan. No real property shall be developed, rehabilitated, or otherwise changed after the date of the adoption of the Plan except in conformance with the provisions of this Plan.

1. New Construction

All new construction shall comply with all applicable Federal, State and Local laws in effect from time

to time. Standards for parking, loading, circulation, building placement, height and design, parcel size and building site, and landscaping shall be as stipulated in the City of Newman Municipal Code, except as otherwise specified herein.

Every building and/or portion of any approved project area building erected in the Project Area shall be provided with permanently maintained parking and loading facilities, as required by this Plan and pursuant to the City of Newman Municipal Code. Such facilities shall be made permanently available and accessible, and shall be permanently maintained for off-street parking and loading purposes.

Rights-of-way, public or private, for streets, pedestrian paths, malls, vehicular access to parking and loading areas, service roads, and for easements for utilities may be established by the Agency or others upon Agency approval.

2. Existing Non-Conforming Uses

The Agency is authorized to permit an existing use to remain in an existing building in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with the developments and uses in the Project Area. The owner of such a property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as are necessary to protect the development and use of the Project Area.

3. Open Spaces and Landscaping

The approximate amount of open space to be provided in the Project Area includes, but is not limited to, the total of all areas which will be in the public rights-of-way, parks and recreational areas, the space around buildings, and all other outdoor areas not permitted, through limits on land coverage, to be covered by buildings.

4. Signs

Exterior signs for identification of buildings, premises and uses of particular parcels shall be permitted within the Project Area, provided such signage is in conformance with the Newman Municipal Code. Prior to the issuance of any permit to install such sign(s), plans for the sign(s) shall be submitted to the Agency for review and approval. Upon written Agency approval therefor, permits for erection of the sign(s) shall be obtained through the City of Newman Building and Safety Department.

5. Utilities

The Agency shall require that all utilities be placed underground whenever physically and economically feasible, or when not feasible, all above ground utilities shall be placed in a location which will minimize any detrimental impact to the visual aesthetics of the Project Area.

6. Incompatible Uses

No use or structure which by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors that

would be incompatible with the surrounding areas or structures shall be permitted in any part of the Project Area.

7. Nondiscrimination and Nonsegregation

There shall be no discrimination or segregation based upon race, sex, color, creed, religion, national origin, or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of property in the Project Area.

8. Resubdivision of Parcels

After rehabilitation and development pursuant to this Plan, no parcel in the Project Area, including any parcel retained by a conforming owner or participant, shall be subdivided without the approval of the Agency.

9. Variations

Under exceptional circumstances the Agency is authorized to permit variations from the limits, restrictions, and controls established by the Plan. In order to permit such a variation the Agency must determine that:

(1) The application of one or more of the provisions of this Plan would result in unnecessary hardship to the property owner; and

(2) There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls; and

(3) That permitting a variation from the limits, restrictions or controls of this Plan will not be materially

detrimental to the public welfare or injurious to property or improvements in the area; and

(4) That permitting a variation will not be contrary to the objectives of this Plan.

No such variation shall be granted which changes a basic land use pursuant to this Plan or which permits other than a minor departure from the provisions of this Plan. In permitting any variation the Agency shall impose those conditions necessary to protect the public health, safety, or welfare, and to assure compliance with the objectives of the Plan.

F. Standards for Development

Within the limits, restrictions, and controls established in the Plan, the Agency is authorized to establish heights of buildings, land coverage, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area.

No new improvement shall be constructed and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with architectural, landscape, and site plans submitted to and approved in writing by the Agency unless allowed pursuant to the procedures of the following subsection G. One of the objectives of this plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space, and

other amenities to enhance the aesthetic quality of the Project Area. The Agency shall not approve any plans that do not comply with this Plan.

G. Building Permits

1. Review of Applications for Issuance of Permits

Upon the adoption of this Plan no permit shall be issued for the construction of any new building or any addition to an existing building in the Project Area until the application for such permit has been processed in the manner herein provided. Any permit that is issued hereunder must be for construction which conforms to the provisions of this Plan.

Upon receipt of an application for a building permit the City of Newman Planning Director shall review the application and construction plans to determine that all conditions of approval, including written Agency approval and Newman Municipal Code requirements, have been complied with. Within 25 days of receipt of such application, the Planning Director shall submit a report to the Agency Executive Director setting forth findings and facts regarding the proposed development including but not limited to the following:

- a. Whether the proposed improvements would be compatible with the standards and other requirements set forth in this Plan; and

b. What modifications, if any, in the proposed improvements would be necessary in order to meet the requirements of this Plan; and

c. Whether the applicant has entered into an agreement with the Agency for the development of said improvements and submitted architectural, landscape and site plans to the Agency.

After receipt of said report, the Executive Director may allow the issuance of the permits with conditions, or, he shall withhold the issuance of the permit, if he finds that the proposed improvement does not meet the requirements of this Plan. The Executive Director, within five (5) days after allowing or withholding issuance of the permit, shall notify the applicant and the Agency by mail of his decision.

2. Appeal By Applicant

The applicant or the Agency may appeal the decision of the Executive Director, withholding or allowing the issuance of such permit, to the City Council. Within ten (10) days from the mailing of the notice of decision of the Executive Director, and not thereafter, the appellant may file a notice of appeal in duplicate with the Secretary of the Agency. The notice of appeal shall set forth the grounds relied upon by appellant. Within twenty five (25) days following the filing of the appeal, the Agency shall set the matter for hearing and shall give notice of the time and place for said hearing to the applicant.

The Agency may reverse or affirm wholly or partly, or may modify any decision or determination or may impose such conditions as the facts warrant, and its decision or determination or may impose such conditions as the facts warrant, and its decision or determination shall be final. The hearing may be continued from time to time.

VI. METHODS FOR FINANCING THE PROJECT

A. General Description of the Proposed Financing Methods

Upon adoption of this Plan by the City Council, the Agency is authorized to finance this Plan with financial assistance from the City of Newman, State of California, Stanislaus County, Federal Government, property tax increments, interest income, Agency notes/bonds, or any other lawful source.

The advances for survey and planning and the operating capital for administration of this Plan will come through loans from the City. Such loans shall be on an annual basis or until adequate financing is available to repay the loans. The City may also supply additional assistance through City loans and grants for various public facilities.

As available, gas tax funds from the State of California and the Count of Stanislaus may be used toward the cost of the street system. There will also be some expendable revenue accruing to the Project Area from interest earned on investments of Agency funds.

The Agency is hereby authorized to obtain advances, borrow funds and create indebtedness and other obligations in carrying out this Plan. The principal and interest on such advances, funds, indebtedness or other obligations may be paid from tax increments or any other Agency funds.

The Agency is hereby authorized to issue bonds (as such term is defined in the Redevelopment Law) as needed, provided the Agency is advised by appropriate financing counsel that the Agency has or will have adequate revenues to meet principal and interest payments on such bonds as they become due and payable.

The Agency may, in any year during which it owns property in a redevelopment project area, pay directly to any city, county, district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon the property had it not been exempt, an amount of money in lieu of taxes.

The Agency may also pay to any taxing agency with territory located within a project area, other than the community which has adopted the project, any amounts of money which the agency has found are necessary and appropriate to alleviate any financial burden or detriment caused to any taxing agency by a redevelopment project. The payments to a taxing agency in any single year shall not exceed the amount of property tax revenues which would have been received by that taxing agency if all the property tax revenues from the project area had been allocated to all the affected taxing

agencies without regard to the division of taxes required by Section 33670, except that a greater payment may be established by agreement between the Agency and one or more taxing agencies, except a school district, if the other taxing agencies agree to defer payments for one or more years in order to accomplish the purposes of the project at an earlier time than would otherwise be the case. The amount of any greater payments shall not exceed the amount of payment deferred. The payments shall be approved by a resolution, adopted by the redevelopment agency, which shall contain findings, supported by substantial evidence, that the redevelopment project will cause or has caused a financial burden or detriment to the taxing agency and that the payments are necessary to alleviate the financial burden or detriment.

The requirement that the Agency may make payments to a taxing entity only to alleviate a financial burden or detriment as defined in California Health & Safety Code Section 33012 and only after Agency approval by a resolution which contains specified findings shall apply only to payments made by the Agency pursuant to an agreement between the Agency and a taxing entity.

B. Tax Increments

All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, County of Stanislaus, City of Newman, any district or other public corporation (hereinafter sometimes called

"taxing agencies") after the effective date of the ordinance approving this Plan, shall be divided as follows:

(1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the Project Area as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocated taxes levied by or for any taxing agency or agencies which did not include the territory of the Project Area on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the Project Area on the effective date); and

(2) That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, monies advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Plan. Unless and until the total assessed valuation of the taxable property in the Project Area as shown by the

last equalized assessment roll referred to in Paragraph (1) hereof, all of the taxes levied and collected upon the taxable property in the Project Area shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the Project Area shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

The portion of taxes mentioned in subdivision (2) above may be irrevocably pledged by the Agency for the payment of the principal of and interest on the advance of monies, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance in whole or in part the Plan.

The Agency is authorized to make such pledges as to specific advances, loans, indebtednesses and other obligations as are appropriate in carrying out the Plan.

Consistent with Section 33333.2 of the Health and Safety Code of the State of California, the following limitations are imposed on this Plan:

1. Taxes as defined in Section 33670 of the California Health and Safety Code (CHSC) shall not be divided and allocated to the Agency in excess of Three Million Dollars (\$3,000,000) during any one fiscal (tax) year except by amendment hereof.

2. No loans, advances, or indebtedness to finance in whole or in part the Plan to the extent they are to be repaid from the allocation of those taxes described in Subsection (1) above shall be established or incurred by the Agency beyond forty-five (45) years from the original date of adoption of this Plan by the Newman City Council unless such time limitation is extended by amendment of this Plan. However, such loans, advances, or indebtedness may be repaid over a period of time longer than such time limit.

3. Unless changed by amendment of this Plan, the number of dollars of taxes which may be divided and allocated to the Agency pursuant to this Plan shall not exceed Thirty Million Dollars (\$30,000,000).

Not less than twenty percent (20%) of all taxes which are allocated to the Agency pursuant to Section 33670 shall be used by the Agency for the purpose of increasing and improving the community's supply of low and moderate-income housing available at affordable housing cost, as defined by CH&SC Section 50052.5, to persons and families of low and moderate income, as defined by CH&SC Section 50093, and very low-income households, as defined in CH&SC Section 50105, unless one of the following findings is made annually by resolution:

(1) That no need exists in the community to improve or increase the supply of low and moderate-income housing in a manner which would benefit the project area and that this finding is consistent with the housing element of the Newman General Plan required by Article 10.6 (commencing with Section

65580) of Chapter 3 of Division 1 of Title 7 of the California Government Code; or

(2) That some stated percentage less than twenty percent (20%) of the taxes which are allocated to the Agency pursuant to Section 33670 is sufficient to meet such housing needs of the community and that this finding is consistent with the housing element of the Newman General Plan; or

(3) That the community is making a substantial effort to meet its existing and projected housing needs, including its share of regional housing needs, with respect to persons and families of low and moderate-income, particularly very low-income households, as identified in the housing element of the Newman General Plan, and that this effort, consisting of direct financial contributions of local funds used to increase and improve the supply of housing affordable to persons and families of low and moderate-income and very low-income households, is equivalent in impact to the funds otherwise required to be set aside pursuant to Section 33334.2(a) of the CH&SC. The legislative body shall consider the need that can be reasonable foreseen because of displacement of persons and families of low or moderate-income or very low-income households from within or adjacent to the project area, because of increased employment opportunities, or because of any other direct or indirect result of implementation of the Plan.

C. Other Loans and Grants

Any other loans, grants, or financial assistance from the United States, or any other public or private source may be utilized if available.

VII. ACTIONS BY THE CITY

The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence of conditions causing blight. Action by the City shall include, but not be limited to, the following:

A. Initiation and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City shall include proceedings for the abandonment and relocation of public utilities in the public rights-of-way as appropriate to carry out this Plan.

B. Initiation and completion of proceedings necessary for changes and improvements in publicly-owned public utilities within or affecting the Project Area.

C. Initiation of proceedings for revision of zoning, where necessary within the Project Area, to permit the land uses and development authorized by this Plan.

D. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls, within the

limits of this Plan, upon parcels in the Project Area to ensure their proper development and use.

E. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.

F. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.

G. The undertaking and completing of any other proceedings necessary to carry out the Plan.

VIII. ENFORCEMENT

After development, the administrative enforcement of this Plan or other documents implementing this Plan shall be performed by the City or the Agency.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions, or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the

benefit of owners of property in the Project Area may be enforced by such owners.

IX. DURATION OF THE PLAN

Except for the nondiscrimination and nonsegregation provisions, which shall run in perpetuity, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for forty five (45) years from the date of adoption of this Plan by the City Council, or until such time as all Project Area bonded indebtedness is retired.

X. PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in the Redevelopment Law (See CH&SC Sections 33450 to 33458) as the same now exists or as hereafter amended.

XI. NEIGHBORHOOD IMPACT ELEMENT

A. Traffic Circulation

There will be a positive long range impact upon the residents of the Project Area both in terms of an improved circulation system as well as in the general environmental quality. The eventual implementation of public improvements such as curbs, gutters and storm drains to help eliminate the ponding in the neighborhoods, sewers, undergrounding of utilities, street trees, landscaping, etc., will all help to correct blight and deterioration in the Project Area.

The principal regional transportation facilities serving the Project Area are State Route 33 and Interstate 5.

Circulation improvements will be consistent with the adopted City of Newman General Plan and with the Stanislaus County General Plan Circulation Element.

B. Environmental Quality

Generally, all of the activities undertaken by the Agency in the Project Area are intended to attract newer higher quality developments. These new developments will have public improvements which will accompany such developments and these public improvements will have a positive impact on the neighborhoods in the vicinity.

C. Effect on School Population and Quality of Education

Since new residential uses are contemplated in the Plan, there should be an increase in the population of school-age children and an effect on the quality of education of children in school districts serving the Project Area. The Environmental Impact Report on the proposed project adoption will address such impacts and mitigating measures applicable thereto.

D. Property Assessments and Taxes

The redevelopment of the Project Area should produce more tax revenues of all kinds. The City does presently levy a property tax and the increase in such tax revenues flowing from the redeveloped Project Area should more than support any new City services involved. As the Project Area is redeveloped, it is expected that most of the property therein, whether redeveloped or not, would become more valuable and that this increase in value would be reflected in increased

property assessments greater than the increase expected to result from inflation. Assuming that the present property tax rates remain constant, the rates, when applied to the increased property assessments, would result in larger taxes being paid to benefit those entities levying taxes.

E. Availability of Community Services and Facilities

The availability of community facilities and services should be enhanced as the Agency is authorized to permit the establishment or enlargement of public, semi-public, or institutional uses, such as park and recreational facilities, fire stations, landscaped public ways, flood control protection facilities, libraries, hospitals, educational, fraternal, employee philanthropic and charitable institutions. Many neighborhoods nearby the Project Area now lack some or all of these types of uses and thus their implementation will have a positive impact.

END OF PLAN

PART II

MAP

REDEVELOPMENT PLAN

NEWMAN

REDEVELOPMENT PROJECT NO. 1

EXHIBIT "A"

**NEWMAN REDEVELOPMENT AGENCY
REDEVELOPMENT PROJECT NO. 1**

BOUNDARIES AND LEGAL DESCRIPTIONS

EXHIBIT A

NEWMAN REDEVELOPMENT PLAN PROJECT NO. 1

Legal Description

Beginning at the point of intersection of the westerly right of way of California State Highway 33 (N Street) and the common line of Stanislaus County and Merced County as said highway and counties exist in 1991; thence northwesterly along the westerly right of way of said State Highway 33, 1360 feet more or less to a one-acre parcel designated as 26-16-09 by the Stanislaus County Tax Assessor in 1990; thence southwesterly along the southerly line of said one-acre parcel, 330 feet more or less to a three-acre parcel with the assessor's number 26-16-3; thence along the easterly line of said parcel, southerly 78.5 feet; thence westerly 444 feet to the westerly right of way of Moreno Avenue (16 feet wide); thence southerly along said right of way, 61 feet more or less to the southeasterly corner of assessor's parcel numbered 26-16-07 and westerly along its southerly boundary 250 feet to the easterly right of way of Prince Street (60 feet wide); thence northerly along the easterly right of way of Prince Street 690 feet more or less to the easterly prolongation of the northerly line of Lot 17 as shown on Parcel Map Book 41, page 22, Stanislaus County records, and the southerly line of Sunshine Park, Book 27 Maps, page 80, Stanislaus County records; thence westerly along this line 832 feet more or less to the northerly prolongation of the easterly line of Assessor's Parcel 26-15-18 (Von Renner School); thence along said prolongation and said easterly line, southerly 635

feet more or less to the south line of said Von Renner School and along said southerly line, westerly, 480.13 feet and 327.86 feet to the westerly line of said school; thence along said westerly line, northerly, 508.92 feet to the southerly line of Patchet Drive; thence along said southerly right of way, westerly 1020 feet more or less to the westerly right of way of Upper Road; thence along said westerly right of way, northerly 640 feet more or less to the southerly right of way of Hoyer Road; thence westerly along said right of way, 1500 feet more or less to the southerly prolongation of the westerly line of a 24.28 acre parcel as shown in Volume 10 of Parcel Maps, page 78, Stanislaus County Records, and the southwest corner of the Southwest Newman #7 Annexation to the City of Newman; thence northerly along the westerly line of said annexation, 1368 feet; thence along the Southwest Newman #7 Annexation and adjacent Silva Ranch Annexation, easterly 1169.15 feet, southerly 627.27 feet and easterly 318.70 feet to the westerly right of way of West Avenue; thence southerly along the westerly right of way of West Avenue 190 feet more or less to the westerly prolongation of the southerly right of way of Fresno Street; thence along said prolongation and the southerly line of Fresno Street, easterly 471 feet more or less to the northwesterly corner of Parcel A as shown on a Record of Survey recorded in Volume 10 of Surveys, page 126 Stanislaus County Records; thence along the westerly line of Parcels A through E as shown on said Record of Survey,

southerly, 440 feet to the northerly line of Merced Street; thence northeasterly along said line 1720 feet more or less to the westerly right of way of P Street; thence northwesterly along the westerly line of P Street, 2245 feet more or less to a point 75 feet south of the southerly right of way of Yolo Street which is the southeasterly corner of Assessor's Parcel 128-06-01; thence westerly along the southerly line, of said parcel, 170 feet to the westerly line of a 20-foot wide alley; thence northerly along said westerly line, 25.0 feet to a point 50 feet southerly of the southerly right of way of Yolo Street which is the southeasterly corner of Assessor's Parcel 128-06-16; thence along last said southerly line and its westerly prolongation, westerly 400 feet to the westerly line of a 20-foot wide alley between R and Q Streets; thence southerly along the westerly right of way of said alley, 50.0 feet to a point 100 feet south of the southerly right of way of Yolo Street; thence westerly along the southerly line of Assessor's Parcels 128-06-45 and 128-06-43 and their westerly prolongation, 230 feet to the westerly right of way of R Street; thence northerly along said right of way, 25 feet to a point 75 feet south of the southerly right of way of Yolo Street being the southeasterly corner of Assessor's Parcel 128-05-01; thence along the southerly line of last said parcel and its westerly prolongation, 170 feet to a point on the west line of a 20 foot wide alley between R and S streets; thence southerly 50 feet to a point 125 feet south of the southerly right of way of Yolo Street being the southeasterly corner of Assessor's Parcel 128-05-12; thence westerly along the southerly line of last said parcel, 150 feet to the easterly line

of S Street; thence northerly along said line, 75 feet; thence traversing S Street, westerly 80 feet to a point 50 feet southerly of the south line of Yolo Street being the southeasterly corner of Assessor's Parcel 128-05-13; thence westerly along the southerly line of last said Assessor's Parcel 128-05-13 and Assessor's Parcel 128-05-14, 320 feet to a point on the easterly right of way of T Street; thence southerly along said right of way, 500 feet more or less to the point of intersection of the easterly line of T Street and the easterly prolongation of the northerly line of Mariposa Street; thence northwesterly, 240 feet more or less along last said prolongation and northerly line of West Mariposa Street; thence along the easterly lines of Assessor's parcels 26-26-16 and 27, northerly 392.74 feet, easterly 40.46 feet, northerly 135.69 feet and 105.38 feet to the common point of Sections 18, 19, 13, and 24 in the centerline of Orestimba Road; thence northerly 25 feet to the northerly line of Orestimba Road; thence westerly along said northerly line, 1096.26 feet to the southwest corner of that six acre parcel designated as assessor's parcel 26-34-24; thence along the westerly line of said parcel, northerly 480.70 feet; thence westerly 226.74 feet to the southwest corner of the lands of Orestimba Union High School District shown as Assessor's parcels 26-34-22 and 23; thence along the westerly line, northerly 1348.72 feet; thence easterly along the northerly line of said High School District, 1322.44 feet to the westerly line of Hardin Road; thence along said westerly line, northerly 400

feet more or less to the westerly prolongation of the northerly line of that nine acre parcel designated Parcel C in Volume 6 of Parcel Maps, page 4, Stanislaus County Records being also Assessor's Parcel 26-41-46; thence along said prolongation and said northerly line, 576.11 feet to a point on the easterly right of way of Fig Lane; thence southerly along said right of way, 240 feet more or less to the northerly line of Parcel 1 as shown in Volume 9 of Parcel Maps, page 62, Stanislaus County records (Assessor's Parcel 26-49-2); thence easterly 157.44 feet to the northwesterly corner of North Manor Unit 4 as shown in Volume 32 of Maps, page 24, Stanislaus County Records; thence along the westerly boundary, southerly 658.64 feet and easterly 10.44 feet to the northerly corner of Assessor's Parcel 128-12-72; thence southerly 155.45 feet more or less to the northerly line of Ruth Avenue; thence westerly along said northerly line, 137.88 feet to the easterly line of Fig Lane; thence southerly along the easterly line of Fig Lane, 1040 feet more or less to a point 120 feet northerly of Yolo Street (60 feet wide) being the northwesterly corner of Assessor's Parcel 128-12-56 and being also the northerly line of Lot 8 of North Manor Unit 1, Volume 16 of Maps, page 57, Stanislaus County records; thence along a line parallel with and northerly 120 feet from the northerly line of Yolo Street easterly 699.74 feet to the easterly right of way of Lee Street; thence northerly 8.90 feet more or less to the northerly line of Parcels C and D as shown in Volume 38 of Parcel Maps, page 44, Stanislaus County Records; thence along said northerly line, easterly 126 feet to the westerly right of way of O Street; thence northerly along said westerly right of way, 191 feet; thence easterly, 10 feet to the easterly lines of parcels 1

through 7 as shown on the Record of Survey recorded in Book 11 of Surveys, page 102, Stanislaus County records; thence along said lines, northerly, 490.02 feet; thence along the northerly line of Parcel B as shown on said Record of Survey, easterly, 356.50 feet to the westerly line of Highway 33 (N Street); thence continuing easterly, traversing the highway and the northerly lines of two parcels designated assessor's parcels 26-40-20 and 26-40-25 and the Southern Pacific Railroad Company right of way (100 feet wide), 320 feet more or less to a point on the easterly right of way of the Southern Pacific Railroad Company right of way; thence along said right of way, southerly, 1070 feet more or less to the northerly corner of Lot 120, Oakwood Vista Subdivision, Volume 34 of Maps, page 67, Stanislaus County records; thence along the westerly line of Lot 121 of the Oakwood Vista Subdivision, northerly, 68.33 feet to the southwesterly corner of the Barrington Avenue Annexation to the City of Newman; thence along said annexation the following courses and distances:

N 00° 17' 28" E, 903.07 feet;
N 89° 18' 00" E, 963.73 feet;
S 82° 42' 00" E, 198.73 feet;
S 77° 42' 00" E, 231.86 feet;
S 73° 42' 00" E, 670.06 feet;
S 89° 07' 00" E, 594.23 feet;
S 00° 03' 55" E, 667.44 feet, and
N 89° 28' 00" W, 2630.06 feet to said

southwesterly corner of the Barrington Avenue Annexation; thence southerly, 68.33 feet to the easterly line of the Southern Pacific Railroad Company right of way and along said right of way, southerly, 182.67 feet; to the northwesterly corner of Assessor's Parcel 128-20-1; thence along the northerly boundaries of Assessor's Parcels 128-20-11, 2, and e, easterly 855.17 feet; thence along the easterly boundary of said Assessor's Parcel 128-20-8, southerly 396.05 feet more or less to the northerly right of way of Driskell Avenue; thence easterly along said right of way, 1605 feet more or less to the Section line in Barrington Avenue; thence along said Section line in Barrington Avenue and its southerly prolongation, 3300 feet more or less to the southeasterly corner of Assessor's Parcel 128-23-2; thence westerly 320 feet to the line common to Assessor's parcels 26-16-32 and 26-16-33; thence southerly along said line and its southerly prolongation, 1005 feet more or less to the Merced County line; thence along the line common to Stanislaus County and Merced County, southwesterly 1100 feet more or less to the Point of Beginning.

EXCEPTING THEREFROM the following described property:

All of Stephens Manor Subdivision, Volume 26 of Maps, page 34, Stanislaus County Records; all of Parcels A and B as shown in Volume 33 of Parcel Maps, page 39 (Assessor's Parcels 26-41-60 and 61); and all of that 196.98' x 123' x 230.02' x 180' parcel southerly and adjacent to said Parcel B and designated as Assessor's Parcel 26-41-38.

EXHIBIT "B"

**NEWMAN REDEVELOPMENT AGENCY
REDEVELOPMENT PROJECT NO. 1**

PARTICIPATION RULES

(TO BE FORMULATED BY AGENCY)

EXHIBIT "C"

**NEWMAN REDEVELOPMENT AGENCY
REDEVELOPMENT PROJECT NO. 1**

LIST OF PRINCIPAL STREETS

(See Text, Article V [C])

HIGHWAY 33

MERCED STREET

"N" STREET

AB 1290 AMENDMENT

**ADOPTED ON NOVEMBER 22, 1994,
BY ORDINANCE NO. 94-19**



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ORDINANCE NO. 94-19

1 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
2 SECTION VI AND SECTION IX OF THE NEWMAN REDEVELOPMENT PLAN FOR
3 REDEVELOPMENT PROJECT NO. 1

4 THE CITY COUNCIL OF THE CITY OF NEWMAN DOES ORDAIN AS FOLLOWS:

5 SECTION 1. The City Council of the City of Newman does hereby find, determine, and declare
6 as follows:

7 a. The Community Redevelopment Law Reform Act of 1993 (AB1290) requires that
8 existing redevelopment plans be amended by December 31, 1994, to conform to time limits on
9 incurring indebtedness, receiving tax increment or paying indebtedness, and carrying out plan
10 activities.

11 b. The proposed amendments do not affect the General Plan and no Planning
12 Commission review is required.

13 c. The City Council and Redevelopment Agency Board are comprised of the same
14 members and these two legislative bodies choose to hold a joint public hearing on this matter.

15 d. Public Notice of the Public Hearing on the amendments has been given.

16 e. A Public Hearing on the amendments was held November 15, 1994, and testimony
17 heard and considered.

18 SECTION 2. The Newman Redevelopment Plan for Project No. 1, Section VI B (2)2 "Methods
19 of Financing of the Project" is amended as follows:

20 No loans, advances or indebtedness to finance in whole or in part of the Plan to the extent
21 they are to be repaid from the allocation of those taxes described in Subsection (1) above
22 shall be established or incurred by the agency beyond Twenty (20) years from the original
23 date of adoption of this Plan by the Newman City Council unless such time limitation is
24 extended by amendment of this Plan. Such loans, advances or indebtedness, however,
25 may be repaid over a period of up to Fifty (50) years from the original date of adoption of
26 this Plan by the Newman City Council.

27 SECTION 3. The Newman Redevelopment Plan for Project No. 1, Section IX "Duration of the
28 Plan" is amended as follows:

29 Except for the nondiscrimination and nonsegregation provision which shall run in
30 perpetuity, the provisions of this Plan shall be effective and the provisions of other
31 documents formulated pursuant to this Plan may be made for Forty (40) years from the
32 date of adoption of this Plan by the City Council, or until such time as all Project area
bonded indebtedness is retired.

SECTION 4. The City Clerk is hereby directed to file a certified copy of this Ordinance with the
Secretary of the Redevelopment Agency, and the Agency is hereby vested with the responsibility
for carrying out the Redevelopment Plan.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this
Ordinance, or the application thereof to any person, firm or corporation, or circumstance, is for
any reason held to be invalid or unconstitutional by the decision of any court of competent
jurisdiction, such decision shall not effect the validity of the remaining portion thereof.

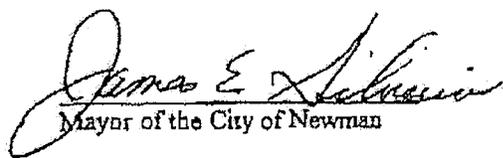
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SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk, or his duly appointed deputy, shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published as required by law.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Newman held on the 15th day of November, 1994, by Councilmember Drew, and adopted at a regular meeting of said City Council held on the 22nd day of November, 1995.

AYES: Novoa, Marquez, Drew and Mayor Silveira
NOES: None
ABSENT: None

APPROVED:


Mayor of the City of Newman

ATTEST:


City Clerk of the City of Newman

APPENDIX B

PROPOSED PROJECTS AND PROGRAMS LIST



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Proposed Projects and Programs List
Newman Redevelopment Project

- Infrastructure
 - Construct or reconstruct streets
 - Construct or reconstruct curbs, gutters and sidewalks
 - Construct or reconstruct traffic and circulation improvements
 - Construct or reconstruct water, sewer, and drainage systems
 - Construct or reconstruct pedestrian amenities, including landscaping
 - Construct or reconstruct public parking areas
- Community Facilities
 - Provide for public building rehabilitation, to improve building conditions, correct code deficiencies, increase functionality and desirability, and enhance aesthetic qualities
 - Provide for historic preservation to preserve the cultural and architectural value of a public property and its surroundings
 - Provide for financial or other assistance for public uses as authorized by the California Community Redevelopment Law (Health and Safety Code Section 33000 *et seq.*; CCRL) and the Redevelopment Plan to individual projects on an as-needed basis, and depending on the availability of Agency funds or other resources
 - Provide for the construction, reconstruction, or improvement of parks and other community facilities to enhance recreational opportunities in the Project Area
- Housing Programs
 - Increase, preserve, and improve the community's supply of low- and moderate-income housing using no less than twenty percent (20%) of the gross tax increment received by the Agency
 - Provide for residential rehabilitation, to improve building conditions, correct code deficiencies, increase functionality and desirability, and enhance aesthetic qualities
 - Provide for historic preservation to preserve the cultural and architectural value of a residential property and its surroundings
 - Provide for financial or other assistance for affordable housing as authorized by the CCRL and the Redevelopment Plan to individual projects on an as-needed basis, and depending on the availability of Agency funds or other resources
- Community Development and Economic Development
 - Provide for Business rehabilitation, to improve building conditions, correct code deficiencies, increase functionality and desirability, and enhance aesthetic qualities

- Provide for Historic preservation to preserve the cultural and architectural value of a business property and its surroundings
- Provide for financial or other assistance for business uses as authorized by the CCRL and the Redevelopment Plan to individual projects on an as-needed basis, and depending on the availability of Agency funds or other resources
- Assist existing businesses to market themselves, expand and/or improve their competitiveness to increase patronage to their business, surrounding businesses, and by extension, the Project Area
- Identify and attract new businesses to the Project Area on vacant or underutilized properties through recruitment programs, site acquisition assistance, and/or site development aid. Improve building conditions, correct code deficiencies, increase functionality and desirability, and enhance aesthetic qualities
- Improve economic growth opportunities by rehabilitating and revitalizing the downtown area