

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

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters
 - a. Badge Pinning Of Officer Bryon Elness.
 - b. Recognition Of Sergeant Richardson Receiving A Bachelor's Degree.
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 March 9, 2010 Regular Meeting.
 - d. Adopt Resolution No. 2010- , Declaring Certain Personal Property Surplus Property And Authorizing Disposal And/Or Sale Of Property.
9. Public Hearings
 - a. Adopt Resolution No. 2010- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.
10. Regular Business
 - a. First Reading And Introduction Of Ordinance No. 2010- , An Ordinance Amending Title 9 Police Regulations, Prohibiting The Consumption Of Alcoholic Beverages In Public.
 - b. First Reading And Introduction Of Ordinance No. 2010- , An Ordinance Eliminating The Time Limit On Incurring Debt And Extending The Time Limitation For The Effectiveness Of The Redevelopment Plan And The Repayment Of Debt For The Newman Redevelopment Project.

- c. Council Review And Direction On Draft Letter To County Board Of Supervisors Regarding Public Facility Impacts Fee Study.

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. Public Employee Personnel Evaluation - City Manager - G.C. 54957.
- b. Return To Open Session.

15. Adjournment.

Calendar of Events

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

March 25 - League Of California Cities Central Valley Quarterly Meeting - 6:00 P.M. - Modesto

April 2 - City Furlough Day - City Offices Closed

April 8 - Recreation Commission - 7:00 P.M.

April 12 - Baseball Board Meeting - 6:00 P.M.

April 13 - City Council - 7:00 P.M.

April 15 - Tax Day

April 15 - Planning Commission - 7:00 P.M.

April 20 - Two-On-Two Meeting With The School Board - 4:00 P.M.

April 27 - City Council - 7:00 P.M.

Date.: Mar 16, 2010
Time.: 11:46 am
Run by: BECKI GOMEZ

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 1
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Ck #	Check Date	CK Amount	Vendor Name	Description
037228	03/15/10	-497.22	N&S TRACTOR-TURLOCK	Ck# 037228 Reversed
037253	03/08/10	2681.00	OPERATING ENGINEERS/	HEALTH INSURANCE PREMIUM/APRIL 2010
037277	03/16/10	4005.93	ALLIED AFFILIATED FUNDING, LP	ANNUAL MAINTENANCE FOR METER READERS/4/1-3/31/11
037278	03/16/10	69.62	ARAMARK UNIFORM SERVICES	RUBBER MAT SERVICE/LAUNDRY BAG/TOWELS/PD
037278	03/16/10	78.48	ARAMARK UNIFORM SERVICES	RUBBER MAT SERVICE/FEB 2010
037278	03/16/10	22.07	ARAMARK UNIFORM SERVICES	LAUNDRY BAG/BAR TOWELS/RUBBER MATS/FIRE DEPT
037278	03/16/10	257.58	ARAMARK UNIFORM SERVICES	SHIRT CLEANING/PW WET MOP HEADS/NEW SHIRTS/ROCHA
037279	03/16/10	48.68	ARROWHEAD MOUNTAIN SPRING	BOTTLED WATER/FEBRUARY 2010
037280	03/16/10	67.49	AT&T	MONTHLY CHARGES FOR 668-3946/03/01 TO 03/31/10
037281	03/16/10	525.00	BARTKIEWICZ, KRONICK	LEGAL SERVICES/FEB 2010/WATER ISSUES
037282	03/16/10	49743.11	BERTOLOTTI DISPOSAL	REFUSE COLLECTION FOR DEC 2009
037282	03/16/10	49954.62	BERTOLOTTI DISPOSAL	REFUSE COLLECTION FOR JAN 2010
037283	03/16/10	434.73	BERTOLOTTI DISPOSAL	LANDFILL FEES/FEBRUARY 2010
037284	03/16/10	218.36	B G AUTO	ALTERNATOR/AIR, FUEL, OIL FILTERS
037284	03/16/10	1.56	B G AUTO	POWER STEERING FLUID
037285	03/16/10	255.48	BUSINESS CARD	NIMS/WATER RATE STUDY-MEALS/IGO WALLMAX/MANUALS
037285	03/16/10	309.00	BUSINESS CARD	YOUTH BASKETBALL MEDALS
037286	03/16/10	920.07	C B MERCHANT SERVICES, INC	REIMBURSE BAD DEBT
037287	03/16/10	618.00	E&M ELECTRIC, INC.	REPAIRED CONDUIT STORM DRAIN/INYO & UPPER LIT STAO
037287	03/16/10	1492.42	E&M ELECTRIC, INC.	REPAIRED 2 STREET LIGHTS/FRESNO & POLES 785/787
037287	03/16/10	1420.09	E&M ELECTRIC, INC.	REPLACED STARTER @ AERATION BASIN #1/WWTP
037287	03/16/10	72.50	E&M ELECTRIC, INC.	CHECK ON INSTALL TIMER FOR SPRINKLER PUMPS
037287	03/16/10	108.75	E&M ELECTRIC, INC.	PARTS: CONTACTORS/TIMERS/PUSH BUTTON/AERATION/WWTP

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Ck #	Check Date	CK Amount	Vendor Name	Description
037287	03/16/10	36.25	E&M ELECTRIC, INC.	CHECKED CONTROL PANEL @ LIFT STA HILLS FERRY
037287	03/16/10	5.09	E&M ELECTRIC, INC.	300 WATT LAMP
037287	03/16/10	592.63	E&M ELECTRIC, INC.	CHANGED CONTACTOR & TIME DELAY/AERATION #1/WWTP
037288	03/16/10	18.42	ECONOMIC TIRE SHOP	ONE LARGE TIRE PATCH
037288	03/16/10	16.01	ECONOMIC TIRE SHOP	TIRE REPAIR ON LAWNMOWER #2
037289	03/16/10	1728.65	FERGUSON ENTERPRISES, INC	8 FIREFLIES/WIRES/LABOR TO WIRE TO WATER METERS
037289	03/16/10	864.33	FERGUSON ENTERPRISES, INC	4 FIREFLIES & WIRE/LABOR ATTACHED TO WATER METERS
037290	03/16/10	573.75	GEOANALYTICAL LAB, INC.	WEEKLY BACATIS/WATER DEPT/BOD/TSS/NITRATES/WWTP
037291	03/16/10	56603.16	GROVER LANDSCAPE, INC.	PROGRESS BILL/HILL PARK/JAN 2010
037291	03/16/10	17249.40	GROVER LANDSCAPE, INC.	PROGRESS BILL/HILL PARK/JAN 2010
037291	03/16/10	8968.32	GROVER LANDSCAPE, INC.	PROGRESS BILLING/LANDSCAPE HILL PK/FEB 2010
037291	03/16/10	8434.53	GROVER LANDSCAPE, INC.	PROGRESS BILLING/HILL PARK LANDSCAPE/FEB 2010
037292	03/16/10	2952.44	GROENIGER & CO.	PO #10-34
037293	03/16/10	75.00	GUSTINE-NEWMAN SOROPTOMIS	REFUND MEMORIAL BLDG DEPOSIT/SOROPTIMIST
037294	03/16/10	1069.39	HOWK SYSTEMS, INC.	WORK ON COMPUTER LIFT STA HILLS FERRY & CANAL SCH
037295	03/16/10	558.22	IKON OFFICE SOLUTIONS	COPIER LEASE/ADDTL COPIES/2/25/10-3/24/10/PD
037296	03/16/10	1552.70	INFOSEND, INC	UTILITY & LATE STATEMENTS/FEB 2010
037297	03/16/10	7690.00	JOE'S LANDSCAPING &	LIGHTING & LANDSCAPE SERVICES/FEB 2010
037298	03/16/10	119.21	JOHN DEERE LANDSCAPES	100 LBS TEAM MATES PLUS
037299	03/16/10	1052.00	KAISER PERMANENTE	HEALTH INSURANCE PREMIUM/APRIL 2010
037300	03/16/10	3292.80	LEC CORPORATION	EXT/INT DIVE ASSESSMENT/SEDIMENT REMOVAL/WATER TOW
037301	03/16/10	28.56	MALLARD EXPRESS AUTO	REPLACED HEAD LIGHT BULB/PD
037302	03/16/10	77.44	FRANK B. MARKS & SON, INC	6 TONS GRAVEL

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Ck #	Check Date	CK Amount	Vendor Name	Description
037303	03/16/10	223.53	MEDINA AUTO REPAIR	REPLACED SERPINTINE BELT/TENSIONER
037304	03/16/10	8.44	NEWMAN S & S AUTO SUPPLY	SAFETY GLASSES
037305	03/16/10	7261.14	NTDSTICHLER ARCHITECTURE	PROFESSIONAL SERVICES/AQUATIC CENTER/FEB 2010
037305	03/16/10	250.55	NTDSTICHLER ARCHITECTURE	PROFESSIONAL SERVICES/HILL PARK/FEB 2010
037306	03/16/10	3444.00	GEORGE OSNER	PLANNING SERVICES THRU 02/28/10/PINEHURST PLAN
037307	03/16/10	2578.80	PACIFIC MUNICIPAL CONSULTANTS	PROFESSIONAL SERV/CAPITAL FACILITIES FEE UPDATE
037308	03/16/10	34867.03	P G & E	GAS AND ELECTRIC 1/5/10 TO 2/17/10
037308	03/16/10	53892.75	P G & E	GAS AND ELECTRIC 8/12/09-10/15/09
037309	03/16/10	3496.91	PRECISION INSPECTION, INC	Bldg Reg Inspec BLDG REGU/FEB 2010
037310	03/16/10	1059.00	SELF HELP ENTERPRISES	LOAN SERVICING/FEB 2010
037310	03/16/10	1034.00	SELF HELP ENTERPRISES	LOAN SERVICING/JAN 2010
037311	03/16/10	296.66	SIRCHIE	SUPPLIES FOR EVIDENCE ROOM/PD
037312	03/16/10	2184.75	SUNSHINE EXPRESS, INC.	24 TONS COLD MIX ASPHALT
037313	03/16/10	173.35	T.H.E. OFFICE CITY	5 CASES COPY PAPER
037314	03/16/10	41.18	UNIFIRST CORPORATION	MAT RENTAL/SERVICE/CITY HALL
037315	03/16/10	17111.01	URBAN FUTURES, INC	PROFESSIONAL SERVICES/RDA PLAN AMENDMENT
037316	03/16/10	174.44	USA BLUEBOOK	MEMBRANE KIT/US FLAG/TRAFFIC VESTS
037317	03/16/10	4270.30	USA STEEL BUILDINGS	PO #10-38
037318	03/16/10	230026.25	USBANK CORPORATE TRUST SE	1999 REFUNDING CERTIFICATES OF PARTICIPATION/WWTP
037319	03/16/10	5000.00	US BANK	HSA DEPOSIT/ELNESS
037320	03/16/10	261.16	VALLEY PARTS SERVICE	BLOWER/V-BELT/AIR & FUEL FILTERS/FUEL LINE
037321	03/16/10	1641.99	MATTOS NEWSPAPERS, INC.	LEGAL ADS/HILL PARK/COPIES/SUPPLIES
037322	03/16/10	199.50	WESTSIDE ANIMAL CLINIC	TELAZOL/ACEPROMAZINE/STERILE WATER/SYRINGES

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Ck #	Check Date	CK Amount	Vendor Name	Description
037322	03/16/10	11.25	WESTSIDE ANIMAL CLINIC	COMMUNAL EUTHANASIA
037322	03/16/10	75.82	WESTSIDE ANIMAL CLINIC	EUTHANASIA
037323	03/16/10	1573.00	WEST SIDE AERIAL APPLICAT	AERIAL APPLICATION TR-10/ALFALFA/WWTP
037323	03/16/10	990.00	WEST SIDE AERIAL APPLICAT	AERIAL APPLICATION WITH SHARK TO OATS/WWTP
037324	03/16/10	904.51	YANCEY LUMBER COMPANY	HEX & CARRIAGE BOLTS/WIRE/CONDUIT/LUMBER
037325	03/16/10	54.35	ZEE MEDICAL SERVICE CO	PAIN-AID/BANDAGES/DILOTAB II/PD
Sub-Total:		599471.29		
Grn-Total:		599471.29		
Count:		75		

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING MARCH 9, 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- Mayor Katen.
4. Roll Call **PRESENT:** Davis, Candea, Martina And Mayor Katen.
ABSENT: Kelly (Excused).
5. Declaration Of Conflicts Of Interest - None.
6. Ceremonial Matters - None.
7. Items from the Public - Non-Agenda Items

Maritza Meza, 1537 Oak Canyon Drive, Explained To The Council That She Was Concerned About The Recent Enforcement Of The Local Ordinance Prohibiting Boats Being Parked In Driveways. Meza Stated That Her Family's Boat Was Properly Registered And Parked In Their Driveway. Meza Stated That Her Father Did Not Understand The Warning Notice Because It Was Printed In English And He Mistook The Warning For An Advertisement Because He Only Speaks And Reads Spanish. Meza Pointed Out That Her Family Has No Other Place To Park The Boat And That It Would Not Fit In Their Backyard. Meza Commented That She Did Not Feel That The City Had Been Evenly Enforcing The Ordinance.

Jeremy Addington, 1220 Duck Blind Circle, Noted That His Boat Is Parked On A Concrete Slab In His Side Yard. Addington Remarked That He Is Concerned That His Case Is Different Than Most Because His Boat Is In A Side Yard And Not The Front Yard. Addington Stated That If City Requires Him To Build A Six-Foot Fence Around His Boat That That The Fence Itself Would Be More Of An Eyesore Than His Boat. Addington Told The Council That He Would Like To See The Ordinance Changed.

Melvin Souza, 1447 "T" Street, Stated That He Received Both A Warning And A Citation But Noted That His Boat Has Been Parked In The Same Place For More Than Ten Years. Souza Presented The Council With Pictures Of Other Recreational Vehicles That Were Illegally Parked Within The City Limits. Souza Reiterated That His Boat Had Been There For Ten Years And That He Had Never Had Trouble Previously.

City Manager Holland Reported That The City's Community Services Officer Began Issuing Warnings To All Boats That Were Illegally Parked Approximately Thirty To Forty-Five Days Earlier. Holland Clarified The Differences Between Long-Term Storage And Current Use; Which Allows For Temporary Short-Term Parking. Holland Pointed Out That The City Had Initially Received Ninety Percent Initial Compliance With Another Fifty Percent Compliance Of The Remaining Ten Percent

After The Second Visit; Leaving Approximately Fifteen People That Did Not Comply Who Were Then Subsequently Issued Citations. Holland Commented That The Intent Of The Ordinance Is To Reduce Clutter By Limiting Storage Of Recreational Vehicles. Holland Reiterated That Two Warnings Were Given Prior To Citations Being Issued.

Pat Davis, Harmon Financial, Asked For Information Regarding The Marquez Manor\Monte Vista Estates Subdivision Improvements And Inquired As To Whether Or Not A Notice Of Completion Had Been Approved And Filed.

City Manager Holland Explained To Mr. Davis That The Council Had Approved The Notice Of Completion And That It Had Been Filed With Stanislaus County.

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. 2010-12, 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 2010-13, A Resolution Of The City Council Of The City Of Newman Approving The Expansion Of The Stanislaus County Enterprise Zone Boundaries.

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

9. Public Hearings - None.

10. Regular Business

- a. Report On Proposed CDBG Projects For Fiscal Year 2010/2011.

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

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, The Council Approved The Stanislaus County Annual Action Plan (Fiscal Year 2010/2011) And Opened The 30 Day Public Comment Period For Said Projects And Set The Public Hearing Date For April 13, 2010.

- c. Adopt Resolution No. 2010-14, 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.

ACTION: On Motion By Candea Seconded By Martina And Unanimously Carried, Resolution No. 2010-14, 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 Was Adopted.

- d. Adopt Resolution 2010-15, A Resolution Awarding The Bid For The Howard B. Hill Park Parking Lot Construction Project To Permagreen Hydroseeding, Inc. In The Amount Of \$140,759.85.

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2010-15, A Resolution Awarding The Bid For The Howard B. Hill Park Parking Lot Construction Project To Permagreen Hydroseeding, Inc. In The Amount Of \$140,759.85 Was Adopted.

- e. Adopt Resolution 2010-16, 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.

ACTION: On Motion By Davis Seconded By Candea And Unanimously Carried, Resolution No. 2010-16, 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 Was Adopted.

- f. Report On Resolutions Consenting To The Joint Public Hearing And Authorizing Transmittal Of Certain Redevelopment Documents.
 - I. Adopt Resolution No. 2010-17, 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.

ACTION: On Motion By Candea Seconded By Martina And Unanimously Carried, Resolution No. 2010-17, 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 Was Adopted.

- II. Adopt RDA Resolution No. 2010-18, 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.

ACTION: On Motion By Candea Seconded By Martina And Unanimously Carried, Resolution No. 2010-18, 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 Was Adopted.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Reminded The Council That The Next West Side Healthcare Taskforce Meeting Would Be In Gustine On April 29, 2010. DeMartini Mentioned The Taskforce Had Sponsored A Healthy Choices Workplace Safety Breakfast On February 18, 2010 And That It Was A Success. DeMartini Stated That It Was Very Important That A Flood Control District Be Formed To Further The Orestimba Creek Flood Control Project.

12. Items From The City Manager And Staff.

City Manager Holland Informed The Council That Staff Believed That The County's Proposed Public Facility Fee Structure Would Put The City Of Newman At An Economic Disadvantage And He Would Soon Be Asking Them For Direction On This Topic. Holland Noted That The County Has Informed Him That The City's Property Tax Revenues Are Expected To Drop An Additional Eighteen Percent This Year. Holland Pointed Out That Newman Was Ranked First In The County For The Use Of CDBG Funds Thanks To The Efforts Of City Staff. Holland Reminded Everyone That City Offices Would Be Closed Friday, March 12, 2010 For A Furlough Day. Holland Asked The Council Members To Return Their Form 700s On Or Before March 19, 2010 If They Had Not Done So Already. Holland Reported That The Plaza Project Would Be Going Out To Bid On March 17, 2010 And Asked The Council For Feedback Regarding The Scheduling Of A Ground Breaking Ceremony.

Information Systems Consultant Cullen Byrne Reviewed Each City Department's 2009 Technology Accomplishments And Explained What The City's 2010 Technology Goals Were. Byrne Explained That The City Planned To Maximize The Value Of Existing Technology And Work On Process Improvement For 2010.

Public Works Director Reynolds Noted That His Department Had Been Working On Improvements At The Corporation Yard. Reynolds Stated That The Hill Park Project Is Progressing And That The Hydroseeding Should Be Completed By March. Reynolds Mentioned That His Department Is Trying To Organize A Downtown Improvement Day On April 2, 2010 From 9:00 A.M. To 12:00 P.M. Reynolds Reported That The SCADA Project RFPs Were Out And Available For Bid And That He Would Be Bringing A Request For Award To The Council On April 13, 2010.

13. Items From City Council Members.

Council Member Martina Inquired About The Status Of The City's Emergency Operations Plan.

Mayor Katen Invited Everyone To Attend The Next Chamber Mixer At Rabobank On March 16, 2010 From 6:00 P.M. To 8:00 P.M.

14. Adjourn To Closed Session - 8:57 P.M.

- 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. - 9:12 P.M.

No Reportable Action Was Taken.

15. Adjournment.

ACTION: On Motion By Katen Seconded By Candea And Unanimously Carried, The Meeting Was Adjourned At 9:13 P.M.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **8.d.**
City Council Meeting
of March 23, 2010

DECLARE CERTAIN PROPERTY AS SURPLUS AND APPROVE OF ITS DISPOSAL

RECOMMENDATION:

Staff recommends the City Council:

Adopt Resolution No. 2010- , approving the requests of the City Department to surplus obsolete, un-repairable, or otherwise unneeded City property.

BACKGROUND:

From time to time the City has property that becomes obsolete, is not repairable, has been replaced or the city has no use for the property. Additionally, the Police Department commonly collects property in the form of found, evidence, or safekeeping. Much of this property by law cannot be returned or in some cases the rightful owners cannot be identified. In those cases the property must be sold at auction or destroyed.

ANALYSIS:

All items submitted for consideration by the Police Department are ready to be released to auction. The Police Department uses the services of Propertyroom.com to auction items. The other items from the other city departments were originally property of the city that has served its use and is ready for disposal or auction.

FISCAL IMPACT:

Minimal revenue will be generated from the sales of these items.

ATTACHMENTS:

Attachment A: Police Department Surplus Items
Attachment B: Public Works Surplus Items
Attachment C: City Administration Surplus Items

CONCLUSION:

This staff report is submitted for City Council consideration and action. Staff recommends adoption of Resolution # 2010- , a resolution declaring certain property as surplus property.

Respectfully submitted,



Adam McGill, Chief of Police

REVIEWED/CONCUR:



Michael Holland
City Manager

RESOLUTION NO. 2010-

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS PROPERTY
AND AUTHORIZING THE DISPOSAL OR SALE OF PROPERTY**

WHEREAS, the City Manager of the City of Newman has recommended that certain items of personal property are no longer needed by the City and should be declared surplus and sold; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman and in accordance with the recommendations of the City Manager those certain items more particularly described in Attachment A, B, & C and made a part hereof, are hereby declared surplus and in the public interest should be disposed by a host of legal remedies such as sale, auction, donation, destruction or taken to a refuse site and that found property held over the legal time limits and no owner located be declared property of the City.

BE IT FURTHER RESOLVED that the City Manager is authorized to sell said items of personal property to the highest responsible bidder.

BE IT FURTHER RESOLVED that the City Council reserves the right to reject any and all bids.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 27th day of May 2008 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

Attachment A

Date 04/01/2010

NEWMAN POLICE DEPARTMENT SURPLUS ITEMS

#	Case #	Item	Serial #	Model #	Size	Boy/ Girl	Speed	Color
1	09-0000374	Bicycle	01TD1157469	Next-BMX	20	Boy	1	Blue
2	09-0000374	Bicycle	CS070600458	Next-Beach Cruiser	26	Boy	1	Red
3	09-0000458	Bicycle	309970X9101392	Murray-Explorer	26	Boy	18	Red
4	09-0000721	Bicycle	6573012-120740061	Murray-Spectra	26	Girls	1	Red/white
5	09-0000721	Bicycle	K6567-9210716H3811	Huffy- Ironman-Mt	26	Boy	18	Blue
6	09-0000655	Bicycle		J.C.Higgins	26	Girls	1	Blue
7	09-0001384	Bicycle	01TD884400	Mountain	26	Boy	21	Silver/Black
8	09-0001871	Bicycle	SNCAB04F48726	Mongoose-DXE-AL	26	Boy	21	Chrome
9	09-0002027	Bicycle	POLS51262	Specialized-Mt	26	Boy	21	Blue
10	09-0003331	Bicycle	15C01659	Diamonback-Outlook	26	Boy	21	Black
11	09-0003480	Bicycle	SNFSD07KD1229	Roadmaster-5X	24	Girls	18	Silver/purple
12	09-0003882	Bicycle	SD06H95622	Mongoose-XR75	26	Boy	21	Silver/orange

Date 04/01/2010

Attachment A

NEWMAN POLICE DEPARTMENT SURPLUS ITEMS

#	Case #	Item	Serial #	Model #	Size	Boy/ Girl	Speed	Color
1	09-0003921	RCA-Speaker	Subwoofer	RS2656				
2	09-0003921	AIWA-Speakers	200 mm Subwoofer System	SX-WNAJ86				
3	09-0003921	Sony-DVD	Player/Recorder VHS-S/N-0267566	SLV-D100				
4	09-0003921	AIWA-Digital	Auto System	CX-NMA845503PM8 8N0696				
5	09-0003304	Sony-Stereo	Compact Disk Deck Rec S/N-8144557	HCD-GX555				
6	09-0003304	Sony-Speakers	810174925 810474925	SS-GX555				
7	09-0002360	Blackberry Cell Phone	T-Mobile	DL-B6159351				
8	09-0002360	Sony	Gaming System					

Memo

DATE- 03/11/2010

TO- Chief McGill

FROM; Jim Bell 

SUBJECT: Surplus Items

Attach is a list of items that should be declared surplus.
Property.com will pick them up in April to sell, if the council approves

Thank You-

ATTACHMENT B

Item #1

Public Works Department

Five Swimming Pool Heaters (From The Old Newman Plunge)
Model # HI-EZ

These can be seen at the Corp. Yard by appointment only Please.

ATTACHMENT C

Item #1

Administration Department

Computer No Tag # 0392, (Cleve Morris' Old Laptop Computer – Purchased Approximately 2001)
Toshiba Satellite Laptop
Model # 3005-s307
Serial No. 12018352c-1

Item #2

Administration Department

Computer No Tag #, (John French's Old Laptop Computer Purchased Approximately 2004) Toshiba
HP\Compaq Laptop
Model # Compaq nc6220
Serial No: CNU6080QHT

Honorable Mayor and Members
of the Newman City Council

Agenda Item: 9.a.
City Council Meeting
of March 23, 2010

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

Adopt Resolution No. 2010- , Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

BACKGROUND:

Abatement notices for property maintenance were sent to several properties in accordance with Ordinance 95-4, Chapter 2, Title 8-2-3.

ANALYSIS:

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Monday, March 22, 2010. A list of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

FISCAL IMPACT:

None

CONCLUSION:

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

Respectfully submitted,



Adam McGill, Chief of Police

REVIEWED/CONCUR:

Michael Holland, City Manager

RESOLUTION NO. 2010-

**A RESOLUTION DECLARING THE EXISTENCE OF A PUBLIC NUISANCE UNDER
ORDINANCE NO. 95-4**

WHEREAS, the Chief of Police has reported a nuisance as outlined in Section 8-2-2 of the Newman Municipal Code located and existing upon property in the City of Newman in violation of Ordinance No. 95-4 of the City of Newman, a description of said property being attached hereto and made a part of this resolution by this reference; and,

WHEREAS, the Chief of Police caused notice to be mailed to the respective owners of the subject properties as in said Ordinance provided, said notice giving notice to abate said nuisance and setting a time and place for hearing objections to the proposed abatement; and,

WHEREAS, said hearing was held on March 23, 2010, at 7:00 p.m., as in said notice provided; and,

WHEREAS, no objections to the proposed abatement were received at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that said City Council of the City of Newman finds that a condition exists with regard to the properties in said City which is dangerous to life, limb and property, and to the public health, safety and morals, in that weeds, rubbish, dirt and rank growth are growing, located and existing upon said property in violation of the provisions of Ordinance No. 95-4 of the City of Newman, which endangers and may injure neighboring property and endangers and injures the welfare of residents in the vicinity of said property, and which is a fire hazard; that a description of said properties is attached hereto and made a part of this resolution by this reference.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of March, 2010 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

Deputy City Clerk

City of Newman
Abatement list

1. 2113 Creek Park (UNOCCUPIED)

Tall grass through out the front and backyard of property.

2. 1440 P Street (UNOCCUPIED)

Tall grass through out the backyard of the property.

3. 751 Banff Drive (UNOCCUPIED)

Tall grass through out the backyard of property.

4. 1115 Wisteria Way (UNOCCUPIED)

Graffiti on fence along "M" Street

Assessment Roll			
General Information			
Assessment	128-009-069-000	Parcel Number	128-009-069-000
Current Document	2005R0125408	Current Document Date	07/19/2005
Land Sq Ft	9,300.00	Tax Rate Area (TRA)	003-027
Taxability	800 -- PROP 8 REDUCTION		
Land Use	101 -- SINGLE FAMILY RESIDENCE		
Assessment Description			
Roll Values as of: January 1st, 2009			
Land	\$35,000	Personal Property	\$0
Structure(s)	\$29,000	Personal Property (MH)	\$0
Fixtures	\$0	Exemption	\$0
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$64,000	Net Assessment	\$64,000
Assessee			
WINKLER ROLF			
Address			
1440 P ST			
NEWMAN CA 95360			

Ownership					
Owner Name	Own %	Pri	Granting Doc No.	Title Type	RT Code
WINKLER ROLF	100.00%	Y	2005R0125408		

Situs	
Street Address	City State Zip
1440 P ST	Newman CA 95360

Parcel Description	
Assessment	Description
128-009-069-000	

Rolf Winkler
1440 P Street
Newman, Ca 95360

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 1440 P Street., APN No. 128-0009-069-000,

Tall grass and weeds throughout front and backyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on March 23, 2010 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: February 16, 2010

Jessica Tobin
Community Service Officer

Rolf Winkler
1440 P Street
Newman, Ca 95360

Second Notice

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

NOTICE IS HEREBY GIVEN THAT:

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

at: 1440 P Street., APN No. 128-0009-069-000,

Tall grass and weeds throughout front and backyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **March 23, 2010** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: February 26, 2010

Jessica Tobin
Community Service Officer

Rolf Winkler
1440 P Street
Newman, Ca 95360

THIRD AND FINAL NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

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

at: 1440 P Street., APN No. 128-0009-069-000,

Tall grass and weeds throughout front and backyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on March 23, 2010 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: March 8, 2010

Adam McGill/Sgt. Richardson
Chief of Police



03.22.2010 11:58



03.22.2010 11:59



Assessment Roll			
General Information			
Assessment	026-048-032-000	Parcel Number	026-048-032-000
Current Document	2005R0093656	Current Document Date	06/02/2005
Land Sq Ft	6,500.00	Tax Rate Area (TRA)	003-012
Taxability	800 -- PROP 8 REDUCTION		
Land Use	101 -- SINGLE FAMILY RESIDENCE		
Assessment Description			
Roll Values as of: January 1st, 2009			
Land	\$35,000	Personal Property	\$0
Structure(s)	\$124,500	Personal Property (MH)	\$0
Fixtures	\$0	Exemption E01	\$7,000
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$159,500	Net Assessment	\$152,500
Assessee			
RODRIGUEZ MARIA G			
Address			
2113 CREEK PARK DR			
NEWMAN CA 95360-0000			

Ownership						
Owner Name	Own %	Pri	Granting Doc No.	Title Type	RT Code	
RODRIGUEZ MARIA G	100.00%	Y	2005R0093656			

Situs		
Street Address	City	State Zip
2113 CREEK PARK DR	Newman	CA 95360

Parcel Description	
Assessment	Description
026-048-032-000	

Maria Rodriguez
2113 Creek Park Drive
Newman, Ca 95360

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 2112 Creek Park Drive., APN No. 026-048-032-000,
Tall grass and weeds throughout front and backyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on March 23, 2010 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: February 16, 2010

Jessica Tobin
Community Service Officer

Maria Rodriguez
2113 Creek Park Drive
Newman, Ca 95360

Second Notice

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 2112 Creek Park Drive., APN No. 026-048-032-000,
Tall grass and weeds throughout front and backyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on March 23, 2010 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: February 26, 2010

Jessica Tobin
Community Service Officer

Maria Rodriguez
2113 Creek Park Drive
Newman, Ca 95360

THIRD AND FINAL NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

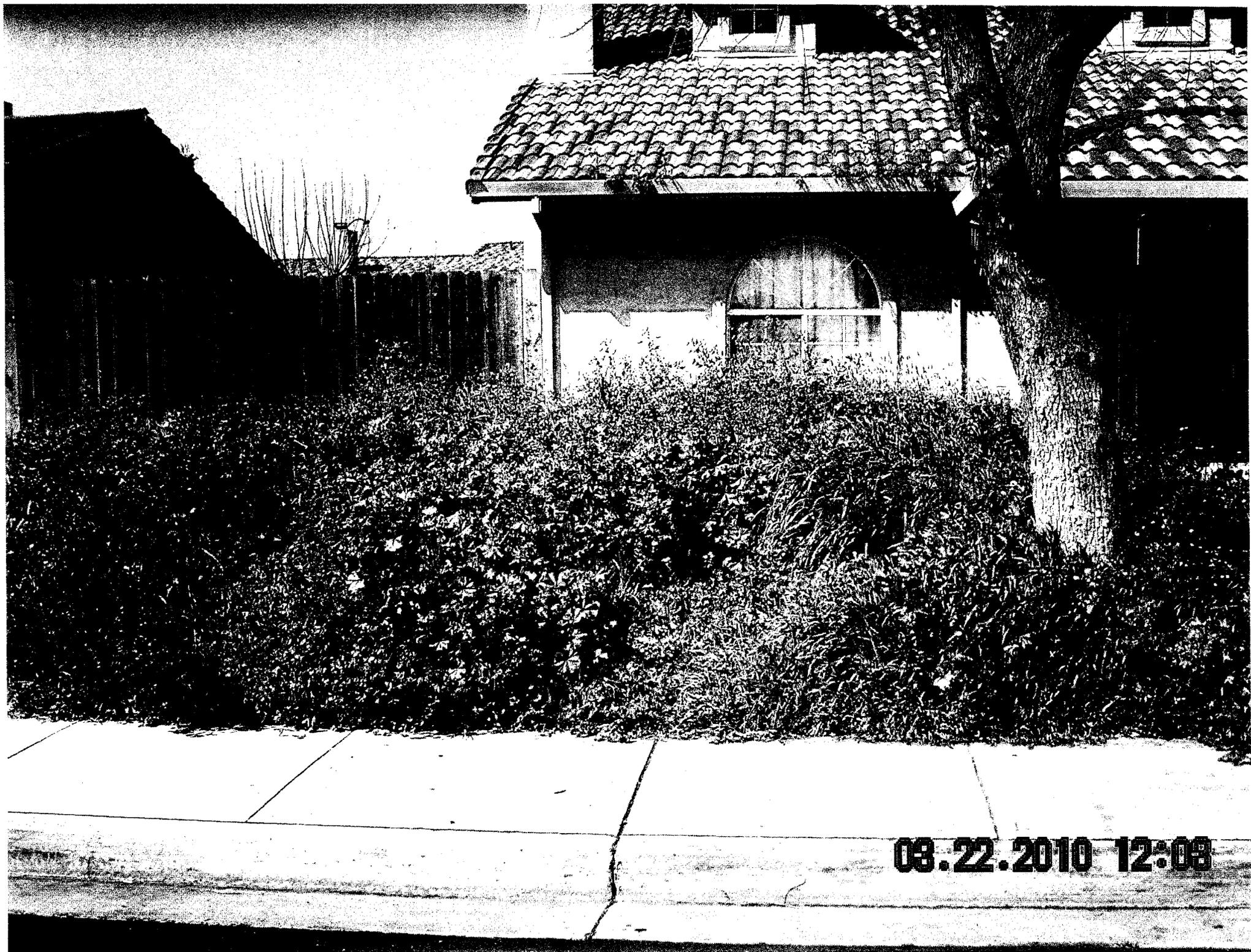
Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: 2112 Creek Park Drive., APN No. 026-048-032-000,
Tall grass and weeds throughout front and backyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on March 23, 2010 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: March 8, 2010

Adam McGill/Sgt. Richardson
Chief of Police



08.22.2010 12:08



03.22.2010 12:03



03.22.2010 12:04



03.22.2010 12:04

Assessment Roll			
General Information			
Assessment	026-063-012-000	Parcel Number	026-063-012-000
Current Document	2005R0095322	Current Document Date	06/06/2005
Land Sq Ft	11,935.00	Tax Rate Area (TRA)	003-048
Taxability	800 -- PROP 8 REDUCTION		
Land Use	111 -- SINGLE FAMILY W/POOL/SPA		
Assessment Description	HEARTHSTONE RANCH #1 (41M26) LOT 79		
Roll Values as of: January 1st, 2009			
Land	\$50,000	Personal Property	\$0
Structure(s)	\$246,500	Personal Property (MH)	\$0
Fixtures	\$0	Exemption E01	\$7,000
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$296,500	Net Assessment	\$289,500
Assessee			
OCHOA REGINO			
Address			
751 BANFF DR NEWMAN CA 95360			

Ownership					
Owner Name	Own %	Pri	Granting Doc No.	Title Type	RT Code
OCHOA REGINO	100.00%	Y	2005R0095322		

Situs		
Street Address	City	State Zip
751 BANFF DR	Newman	CA 95360

Parcel Description	
Assessment	Description
No parcel description found	

Regino Ochoa
751 Banff Drive
Newman, Ca 95360

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

NOTICE IS HEREBY GIVEN THAT:

Pursuant to the provisions of Chapter 2, Title 8 of the City Code of Newman, the following conditions, as declared in Section 8-2-3, constitutes a public nuisance at: **751 Banff., APN No. 026-063-012-000,**

Tall grass and weeds throughout backyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on **March 23, 2010** at **7:00 p.m.**, at which time and place all objections will be heard and given due consideration.

Dated: February 19, 2010

Jessica Tobin
Community Service Officer

Regino Ochoa
751 Banff Drive
Newman, Ca 95360

Second Notice

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

NOTICE IS HEREBY GIVEN THAT:

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

at: 751 Banff., APN No. 026-063-012-000,

Tall grass and weeds throughout backyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on March 23, 2010 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: March 4, 2010

Jessica Tobin
Community Service Officer

Regino Ochoa
751 Banff Drive
Newman, Ca 95360

THIRD AND FINAL NOTICE

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

NOTICE IS HEREBY GIVEN THAT:

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

at: 751 Banff, APN No. 026-063-012-000,

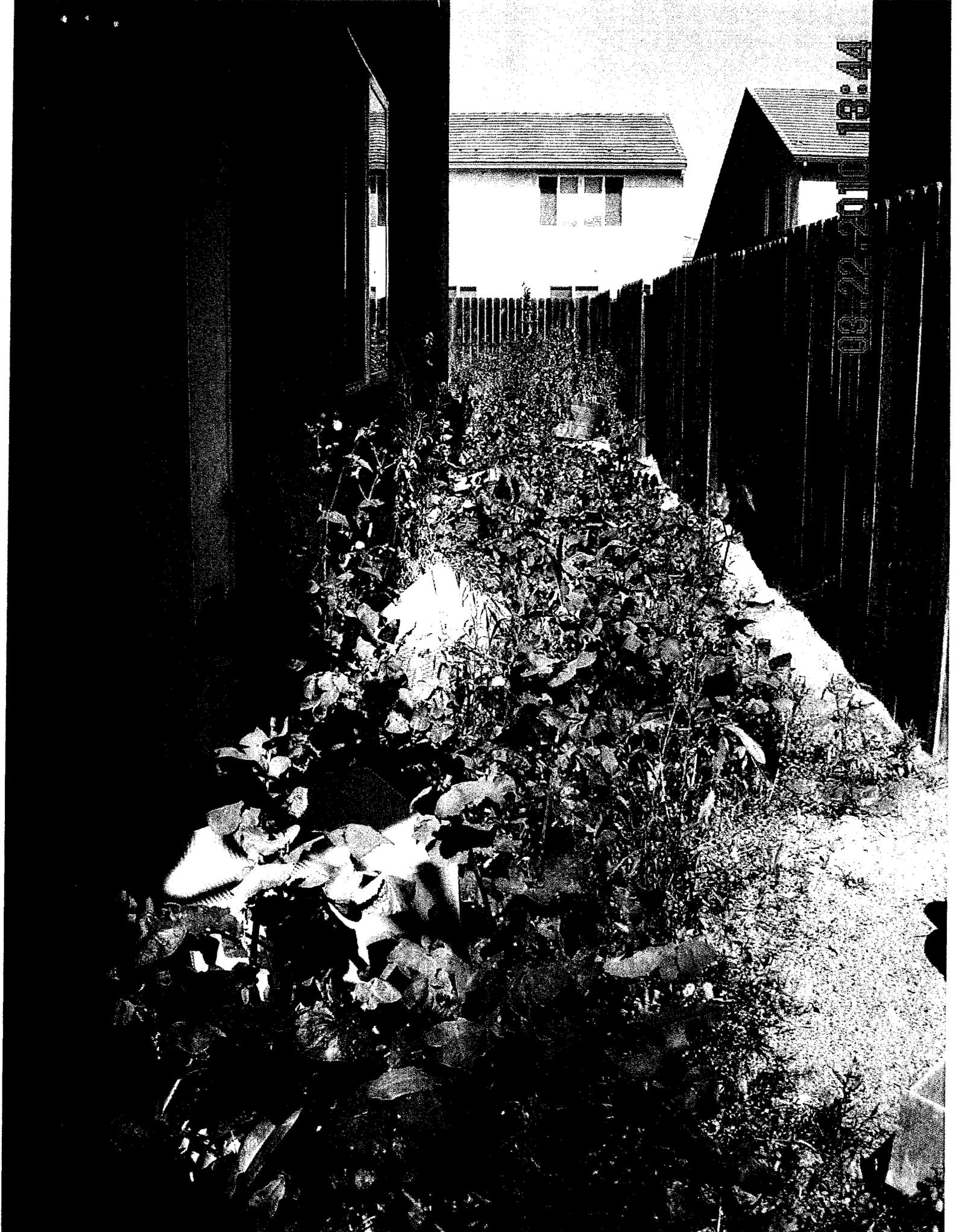
Tall grass and weeds throughout backyard of property, which must be abated by the destruction, or removal thereof within 10 days of the date of the notice.

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

All Property owners having objections to the proposed abatement of the nuisance are hereby notified to attend a meeting of the City Council of the City of Newman to be held on March 23, 2010 at 7:00 p.m., at which time and place all objections will be heard and given due consideration.

Dated: March 15, 2010

Adam McGill
Chief of Police





08.22.2010 18:44



08.22.2010 18:44

Assessment Roll					
General Information					
Assessment	026-051-014-000	Parcel Number	026-051-014-000		
Current Document	2006R0039115	Current Document Date	03/16/2006		
Land Sq Ft	6,600.00	Tax Rate Area (TRA)	003-021		
Taxability	800 -- PROP 8 REDUCTION				
Land Use	101 -- SINGLE FAMILY RESIDENCE				
Assessment Description					
Roll Values as of: January 1st, 2009					
Land	\$50,000	Personal Property	\$0		
Structure(s)	\$67,500	Personal Property (MH)	\$0		
Fixtures	\$0	Exemption	\$0		
Growing Improvements	\$0	Exemption	\$0		
Total Land & Improvements	\$117,500	Net Assessment	\$117,500		
Assessee					
BARRERA FERNANDO MANJARREZ					
Address					
P O BOX 378 NEWMAN CA 95360					
Ownership					
Owner Name	Own %	Pri	Granting Doc No.	Title Type	RT Code
BARRERA FERNANDO MANJARREZ	100.00%	Y	2006R0039115		
Situs					
Street Address			City State Zip		
1115 WISTERIA WAY			Newman CA 95360		
Parcel Description					
Assessment			Description		
026-051-014-000					

February 2, 2010

Barrera Fernando Manjarrez
P.O. Box 378
Newman, Ca 95360

NOTICE OF INTENT TO REMOVE GRAFFITI

NOTICE IS HEREBY GIVEN that you are required at your expense to remove or paint over that graffiti located on the property commonly known as **1115 Wisteria Way**, Newman, California, which is visible to public view within three (3) days after the date of this Notice; or if you fail to do so, then City employees or private City contractors will enter upon your property and abate the public nuisance by removal or painting over the graffiti. The cost of the abatement by the City employees or its private contractors will be assessed upon your property and such costs will constitute a Lien upon the land until paid.

All persons having any objection to, or interest in said matters are hereby notified to submit any objections or comments to the Police Chief for the City of Newman or his/her designee within three (3) days from the date of this Notice. At the conclusion of this three (3) day period, the City may proceed with the abatement of the graffiti inscribed on your property at your expense without further notice.

Submitted By: _____
 Jessica Tobin
 Community Service Officer

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.a.**
City Council Meeting
of March 23, 2010

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

Adopt Resolution No. 2010- , Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

BACKGROUND:

Abatement notices for property maintenance were sent to several properties in accordance with Ordinance 95-4, Chapter 2, Title 8-2-3.

ANALYSIS:

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Monday, March 22, 2010. A list of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

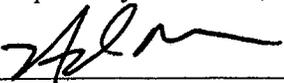
FISCAL IMPACT:

None

CONCLUSION:

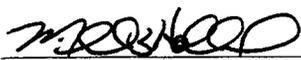
This staff report is submitted for City Council consideration and possible future action.

Respectfully submitted,



Adam McGill, Chief of Police

REVIEWED/CONCUR:



Michael Holland, City Manager

RESOLUTION NO. 2010-

**A RESOLUTION DECLARING THE EXISTENCE OF A PUBLIC NUISANCE UNDER
ORDINANCE NO. 95-4**

WHEREAS, the Chief of Police has reported a nuisance as outlined in Section 8-2-2 of the Newman Municipal Code located and existing upon property in the City of Newman in violation of Ordinance No. 95-4 of the City of Newman, a description of said property being attached hereto and made a part of this resolution by this reference; and,

WHEREAS, the Chief of Police caused notice to be mailed to the respective owners of the subject properties as in said Ordinance provided, said notice giving notice to abate said nuisance and setting a time and place for hearing objections to the proposed abatement; and,

WHEREAS, said hearing was held on March 23, 2010, at 7:00 p.m., as in said notice provided; and,

WHEREAS, no objections to the proposed abatement were received at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that said City Council of the City of Newman finds that a condition exists with regard to the properties in said City which is dangerous to life, limb and property, and to the public health, safety and morals, in that weeds, rubbish, dirt and rank growth are growing, located and existing upon said property in violation of the provisions of Ordinance No. 95-4 of the City of Newman, which endangers and may injure neighboring property and endangers and injures the welfare of residents in the vicinity of said property, and which is a fire hazard; that a description of said properties is attached hereto and made a part of this resolution by this reference.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of March, 2010 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

Deputy City Clerk

City of Newman
Abatement list

1. 2113 Creek Park (UNOCCUPIED)

Tall grass through out the front and backyard of property.

2. 1440 P Street (UNOCCUPIED)

Tall grass through out the backyard of the property.

3. 751 Banff Drive (UNOCCUPIED)

Tall grass through out the backyard of property.

4. 1115 Wisteria Way (UNOCCUPIED)

Graffiti on fence along "M" Street

Honorable Mayor and Members
of the Newman City Council

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

INTRODUCTION OF ORDINANCE TITLE 9, CHAPTER 9.01.021 DRINKING IN PUBLIC

RECOMMENDATION:

1. Introduce (first reading) Ordinance No. 2010- , an ordinance prohibiting the consumption of alcoholic beverages in public.

BACKGROUND:

The City of Newman currently has an ordinance prohibiting the consumption of alcoholic beverages in public parks. The current ordinance does not prevent someone of legal age from consuming alcoholic beverages in other public areas of the city, such as streets and sidewalks. Consumption of alcoholic beverages in public is a frequent problem in various locations of the city such as on Main Street. The police department frequently receives complaints regarding this issue.

ANALYSIS:

The proposed ordinance would make it illegal to consume an alcoholic beverage in public, in areas such as parking lots, streets, alleys, and sidewalks. State law does not prohibit consumption of alcoholic beverages in public requiring local communities to make the determination. The new ordinance provides that anyone consuming an alcoholic beverage in public (unless special permission is granted) is guilty of a misdemeanor or administrative violation.

FISCAL IMPACT:

The adoption of the ordinance would not create an expense to the city but may result is a small amount of new revenue through the issuance of administrative citations. The exact amount cannot be predicted.

ATTACHMENTS:

Exhibit A: Proposed ordinance.

CONCLUSION:

This staff report is submitted for City Council consideration and action. Staff recommends approval of the introduction and first reading of the proposed ordinance, ordinance No. 2010- . Staff will present the proposal in the form of a public Hearing at the next City Council meeting on April 13, 2010. At that time, Staff will recommend the City Council adopt the city-initiated amendments to Title 9, Chapter 9.01.021 of the Newman City Code, as proposed in Exhibit A.

Respectfully submitted,



Adam McGill, Chief of Police

REVIEWED/CONCUR:



Michael Holland, City Manager

ORDINANCE NO. 2010-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 9; POLICE REGULATIONS, CHAPTER 9.01 GENERAL OFFENSES AND ADDING
CHAPTER 9.01.021, AN ORDINANCE RELATING TO THE CONSUMPTION OF AN
ALCOHOLIC BEVERAGE IN PUBLIC, OTHER THAN PUBLIC PARKS.**

WHEREAS, staff has received complaints from the community regarding individuals consuming alcoholic beverages in public view, on heavy pedestrian traveled areas of the city, namely the downtown business district and alleyways in the general area.

WHEREAS, the this ordinance states it is unlawful for any person, except locations, which are legal to consume and possess an alcoholic beverage, to consume an alcoholic beverage in public.

WHEREAS, the ordinance will reduce people consuming an alcoholic beverage in public view.

WHEREAS, this ordinance allows the police department to contact individuals consuming an alcoholic beverage in public and deal with them in a manner prescribed by law and this city ordinance.

WHEREAS, based on the facts, testimony, and circumstances stated herein, it is appropriate and necessary to prohibit the consumption of an alcoholic beverage in public, in the City of Newman in order to provide for the public safety, health and welfare of its citizens; and

WHEREAS, the City Council finds that this is a matter of citywide importance and is not directed toward any particular parcel of property; and

WHEREAS, a public hearing was held regarding this matter by the City Council on April 13, 2010, and

WHEREAS, after the public hearing held on April 13, 2010, the City Council determined that the public necessity, convenience and general welfare support the proposed amendment.

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

Section 1.

Title 9 Police Regulations Chapter 9.01.General Offenses of the Newman City Code be amended to add and/or amend the following sections:

9.01.010(A) DEFINITIONS – AMENDMENT - ADDITION

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

Public Place - the area outside a home in which a stranger is able to walk without challenge.

Section 2

Title 9 Police Regulations of the Newman City Code be amended to add the following sections:

9.01.021 DRINKING IN PUBLIC

A. No person shall drink and/or be in possession .of an open container, including, but not limited to, any bottle, can or other receptacle containing any beer, wine or other intoxicating beverage on any public street, sidewalk, alley, playground, or walkway except:

(1) In the geographic area immediately surrounding a community-wide event which has received the prior written approval of the City Manager or designee which shall specify the boundaries of the exempted area and the duration of the exemption;

(2) In or on the property of an establishment, business place, outdoor dining area or other location properly licensed for the consumption of alcoholic beverages under the Alcoholic Beverage Control Act of the State of California.

B. No person shall drink and/or be in possession of an open container containing any intoxicating beverage on any private parking lot held open to the public except for intoxicating beverages dispensed or consumed on a private parking lot pursuant to a license issued for that purpose by the State of California. Nor shall any person drink and/or be in possession of any open container containing any intoxicating beverage on any public parking lot except those that directly abut a City park, and only with advance written approval of the Public Works Director. This section shall not be deemed to make punishable any act or acts which are prohibited by any law of the State of California.

(1) The City Council recognizes that there is an increasing problem both nationally and locally involving persons who consume alcoholic beverages in public. The City Council finds that there is risk to the public health and safety when:

- (a) Subsequent public intoxication occurs;
- (b) Opened and empty alcoholic beverage containers left behind;
- (c) Urination in public, from over consumption of alcoholic beverages.

Section 3.

All other sections and provisions of Title 9, shall remain in full force and effect.

Section 4.

That a duly noticed public hearing was held by the City Council on April 13, 2010.

Section 5.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the West Side Index, a newspaper of general circulation, published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of March, 2010 by Council Member _____ and adopted at a regular meeting of said City Council held on the 13th day of April, 2010 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk

**REPORT ON PROPOSED ORDINANCE FOR THE 2010 AMENDMENT TO THE
REDEVELOPMENT PLAN FOR THE NEWMAN REDEVELOPMENT PROJECT**

RECOMMENDATION:

It is recommended that the City Council introduce by title and waive further reading of attached Ordinance No. 2010- , eliminating the time limit on incurring debt and extending the time limitation for the effectiveness of the Redevelopment Plan and the repayment of debt for the Newman Redevelopment Project.

BACKGROUND:

In September 1992, by Ordinance No. 92-14, the City Council adopted the Redevelopment Plan (the "Plan") for the Newman Redevelopment Project (the "Project").

In 1994, Assembly Bill 1290 (AB 1290) became effective, which imposed certain time limits on redevelopment plans including time limits on incurring debt and effectiveness of the redevelopment plan. In response to AB 1290, in November 1994, by Ordinance No. 94-19, the City Council amended certain limitations with respect to the Plan, including the time limit on the establishment of loans, advances and indebtedness, and the time limitation for the effectiveness of the Plan.

Senate Bill 211 – Elimination of Debt Incurrence Limit

In 2001, the State Legislature passed Senate Bill 211 (SB 211) (codified in part at Health and Safety Code Section 33333.6(e)(2)) which allows a community to amend a pre-1994 plan to delete the debt incurrence limit previously established by AB 1290, with the result that an agency can incur debt under such a plan up to the deadline for the effectiveness of the plan. Such an amendment simply requires the adoption of an ordinance by the legislative body without any noticing, hearing, or documentation requirements normally applicable to a redevelopment plan amendment, although standard ordinance adoption procedures must be followed.

If a redevelopment plan is amended to eliminate the debt incurrence limit, Health and Safety Code Section 33607.7 requires that payments be made to affected taxing entities as follows: (1) if an agreement already exists that requires payments to the taxing entity, the taxing entity will continue to receive the amount required to be paid under that agreement, and (2) if an agreement does not exist, the taxing entity will be paid the statutory pass-through payments provided for under Section 33607.5, commencing in the first fiscal year following the fiscal year in which the limitation would have taken effect without the amendment, and continuing until termination of the redevelopment plan. Section 33607.5(b) of the Health and Safety Code requires the Agency to pay to the affected taxing entities an amount equal to 25 percent of the tax increments received by the agency after the amount required to be deposited in the Low and Moderate Income Housing Fund has been deducted. The payments are based on an adjusted base year value. The statute includes a formula for subsequent increases in years 11 and 31 if the Plan is still in effect at that time.

The Agency currently has tax sharing agreements with:

- Stanislaus County
- Stanislaus County Office of Education
- Yosemite Community College District (YCCD)
- Newman Crows Landing Unified School District (NCLUSD)
- Turlock Mosquito Abatement District

The other taxing agencies would receive the pass-through payments under Section 33607.7, if the Plan is amended to eliminate the debt incurrence limit. These other taxing agencies include:

- County Fire Service
- Hills Ferry Cemetery District
- West Stanislaus Fire Protection District.
- Westside Community Hospital District.
- Central California Irrigation District.
- West Stanislaus Resource Conservation District.
- City of Newman (optional - for Tier I only)

Senate Bill 1045 (ERAF Payment for Fiscal Year 2003-04)

Section 33681.9 of the Health and Safety Code was added by Senate Bill 1045 (SB 1045), which took effect on September 1, 2003. SB 1045 required a statewide revenue contribution of \$135 million from redevelopment

agencies to the Educational Revenue Augmentation Fund ("ERAF") in each county during the 2003-04 fiscal year. In order to lessen the financial burden caused to redevelopment agencies by this ERAF shift, SB 1045 also amended Health and Safety Code Section 33333.6 to provide that when a redevelopment agency is required to make a 2003-04 ERAF payment, the agency has the option to extend by one year both the time limit on the effectiveness of the redevelopment plan and the established time limit for repayment of indebtedness. In order for these new deadlines to become effective, the agency's legislative body must adopt an ordinance creating the extensions. There are no other noticing, hearing or documentation requirements for these extensions.

Senate Bill 1096 (ERAF Payments for Fiscal Years 2004-05 and 2005-06)

While Senate Bill 1096, which took effect on September 5, 2004, and required agencies to make an ERAF payment during the 2004-05 and the 2005-06 fiscal years, provided for similar extensions under certain conditions, the Newman Redevelopment Agency does not qualify for those extensions because the time limit for the effectiveness of the Newman Redevelopment Plan is more than 20 years from the last day of the fiscal year in which those ERAF payments must have been made. The requirements that an agency must meet to avail itself of the SB 1096 extensions are set forth in Health & Safety Code Section 33333.6(e)(2)(D).

ANALYSIS:

The time limit to incur debt with respect to the Newman Redevelopment Project Area will expire in September 2012. Elimination of the debt incurrence limit will enable the Agency to continue its redevelopment activities in the Project Area until termination of the Redevelopment Plan. If the current amendments are approved, the termination date of the Redevelopment Plan will also be extended by one additional year, to September 2033.

FISCAL IMPACT:

The proposed amendments do not affect payments to taxing entities with which the Agency has pass-through agreements. However, if the proposed amendment is adopted, the Agency will be required to make statutory payments to those taxing entities with which it does not have pass-through agreements. This will add _____ new pass-through payments beginning in 2012. Additionally, the City may elect to receive its proportionate share of the tax increment by adopting a resolution to that effect at that time.

CONCLUSION:

Ideally, the SB 211 Amendment should be adopted well before the proposed 2010 Amendment is considered by the Agency Board and City Council so that the 2010 Amendment language can reflect any modifications to the redevelopment plan made by the SB 211 Amendment.

This proposed ordinance will eliminate the time limit for incurring debt and extend the time limitation for the effectiveness of the plan and the repayment of debt.

Staff recommends that the Council introduce and hold the first reading of Ordinance No. 2010- , for the 2010 Amendment to the Redevelopment Plan for the Newman Redevelopment Project.

ATTACHMENTS:

1. Exhibit A – Proposed Ordinance No. 2010-

Respectfully submitted,



Urban Futures Inc.

Advisors to the Community Redevelopment Agency of the City of Newman

REVIEWED/CONCUR

Michael Holland
City Manager

ORDINANCE NO. 2010-

AN ORDINANCE OF THE CITY OF NEWMAN, CALIFORNIA, ELIMINATING THE TIME LIMIT ON INCURRING DEBT AND EXTENDING THE TIME LIMITATION FOR THE EFFECTIVENESS OF THE REDEVELOPMENT PLAN AND THE REPAYMENT OF DEBT FOR THE NEWMAN REDEVELOPMENT PROJECT

WHEREAS, the City Council of the City of Newman, California (the "City Council"), by Ordinance No. 92-14 dated September 22, 1992, approved and adopted the Redevelopment Plan (the "Redevelopment Plan") for the Newman Redevelopment Project (the "Project"); and

WHEREAS, on November 22, 1994, the City Council adopted Ordinance No. 94-19, establishing and amending certain limitations with respect to the Redevelopment Plan, including amending the time limit on the establishment of loans, advances and indebtedness, as set forth in Section VI.B.(2)2 of the Redevelopment Plan, and extending the time limitation for the effectiveness of the Plan, as set forth in Section IX of the Redevelopment Plan; and

WHEREAS, the Redevelopment Agency of the City of Newman, California (the "Agency"), has been designated as the official redevelopment agency in the City of Newman to carry out the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and to implement the Redevelopment Plan; and

WHEREAS, Section 33333.6 of the Health and Safety Code was amended by SB 211, which took effect on January 1, 2002, which authorizes redevelopment agencies to eliminate the time limit on the establishment of loans, advances, and indebtedness contained in redevelopment plans adopted on or before December 31, 1993; and

WHEREAS, Section 33681.9 of the Health and Safety Code was added by SB 1045, which took effect on September 1, 2003, which required the Agency during the 2003-04 fiscal year to make a payment for deposit in the County's Educational Revenue Augmentation Fund (an "ERAF Payment"); and

WHEREAS, Section 33333.6 of the Health and Safety Code was amended by SB 1045 to add subsection (e)(2)(C), which provides that when an agency is required to make a payment pursuant to Section 33681.9 the legislative body may amend the redevelopment plan by ordinance to extend by one year the time limit of the effectiveness of the plan and the time limit to repay indebtedness; and

WHEREAS, pursuant to Health and Safety Code Sections 33681.9, the Agency was required to make an ERAF payment for the fiscal year 2003-04 and the Agency did make such a payment; and

WHEREAS, the existing time limit on the effectiveness of the Redevelopment Plan, as set forth in Section IX of the Redevelopment Plan, and previously amended by Section 3 of Ordinance No. 94-19, is September 22, 2032 (40 years from the date of adoption of the Redevelopment Plan), and the existing time limit on the receipt of tax increment and repayment of indebtedness, established by Ordinance No. 94-19, is November 22, 2042 (10 years from the termination of the effectiveness of the Redevelopment Plan).

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

SECTION 1. The Redevelopment Plan for the Newman Redevelopment Project is hereby amended to eliminate the time limit on the establishment of loans, advances, and indebtedness contained

in Section VI.B.(2)2 of the Redevelopment Plan and previously amended by Section 2 of Ordinance No. 94-19.

SECTION 2.

A. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, the time limit on the effectiveness of the Redevelopment Plan, as set forth in Section IX of the Redevelopment Plan and previously amended by Section 3 of Ordinance No. 94-19, currently scheduled to terminate on September 22, 2032, shall be extended by one year. Based upon such extension, the effectiveness of the Redevelopment Plan shall terminate on September 22, 2033.

B. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to January 1, 1994, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 2.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after September 22, 2043; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to January 1, 1994, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after September 22, 2043, to repay such debt accordingly.

SECTION 3. Ordinances Nos.92-14, and 94-19 are continued in full force and effect except as amended by this Ordinance.

SECTION 4. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

SECTION 5. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance if such invalid portion thereof had been deleted.

SECTION 6. This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of March, 2010 by Council Member _____, and adopted at a regular meeting of said City Council held on the 13^h day of April, 2010 by the following vote:

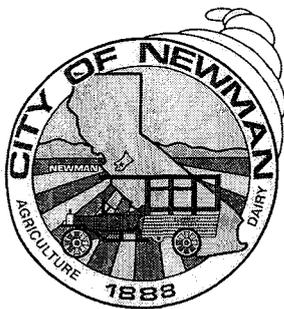
AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor of the City of Newman

Deputy City Clerk



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

Date: March 18, 2010
To: City Council
From: Michael E. Holland *MEH*

Subject: Item 10.c. – Council review and direction on draft letter to County Board of Supervisors.

The Stanislaus County Board of Supervisors is conducting a Public Hearing on the Public Facility Impacts Fee Study prepared by Willdan Financial Services on March 30th. Over the past several months, Newman staff has attended public meetings held by the County and voiced our concerns with the study. While County staff has been courteous and professional with our staff regarding this matter, our issues still remain.

As mentioned at the previous Council meeting, please find attached a copy of the letter I have prepared to the Board of Supervisors reiterating our concerns. Staff is requesting the Council review the letter and direct staff to either modify and/or deliver the letter prior to the March 30th Public Hearing.



March 24, 2010

Stanislaus County Board of Supervisors
c/o Richard W. Robinson
1010 10th Street, Suite 6800
Modesto, CA. 95354

Dear Honorable Chairman and Members of the Board,

The City of Newman has completed a review of the Stanislaus County Public Facility Impact Fee Study dated March 2, 2010 and has found some issues we believe need to be addressed prior to adoption. The City appreciates the County's desire to move forward with this important project. However, we respectfully request the County postpone adoption of the new fee structure for a minimum of sixty (60) days to allow County staff sufficient time to address these concerns and develop a solution acceptable to the City.

There are two main concerns the City wants the County to address prior to adoption. The single largest issue for Newman is the Regional Transportation Impact Fee (RTIF). First and foremost, the Study fails to establish a direct nexus between the identified transportation projects and the City of Newman. In fact, the RTIF fails to deliver any project(s) within six (6) miles of our Sphere of Influence and only one distinct project west of the San Joaquin River that may provide limited benefit to our residents.

In reviewing the RTIF, the Board will find that the RTIF fee covers three major categories of improvements; road projects, signal projects and State Highway projects. Newman is not comfortable collecting a RTIF fee that allots over 76% (\$316MM of \$412.4MM) of the road project funds to the North County Transportation Corridor project. Additionally, the RTIF proposes \$132.8MM for two (2) State Highway 99 interchange projects that support north county projects, including the above-mentioned corridor. These three projects account for over 76% (448.8MM of 583.2MM) of the total RTIF program. While the City understands and supports a regional approach toward development of an efficient countywide transportation network, these projects will have minimal, if any, benefit to Newman businesses and residents.

The City also maintains that business development in Newman (commercial and industrial) actually reduces the impact upon the County's transportation network. As a small community with limited services, our residents are sometimes forced to travel outside Newman to obtain goods and services. However, as more businesses locate within our community our residents will no longer be required to travel outside our boundaries for said goods and services. Consequently, more commercial opportunities in Newman will reduce impact on infrastructure outside of our community.

Our second concern centers on remaining competitive with cities and counties throughout the state with respect to economic development and job creation. In this current economic environment, every agency is searching for a competitive advantage to secure precious jobs and revenues. If a potential business evaluates the costs involved with locating within our City and paying two sets of fees (both City and County) versus locating within a different community or within an unincorporated area and only paying a single set of fees, most businesses will choose the latter. We believe this will place our community at an economic disadvantage in attracting businesses and jobs.

In closing, the City of Newman is uncomfortable with the methodology used to establish a single, county-wide fee structure that supports projects with minimal or no benefit to Newman residents and businesses. As a result, the City can not support collection of these fees based upon the fact that no direct nexus has been established under §66001(a)(3) *Benefit Relationship*, §66001(a)(4) *Burden Relationship*, and §66001(b) *Proportionality* of the Mitigation Fee Act (Assembly Bill 1600). Should the County elect to move forward with adoption of the fee structure at this time, the City of Newman will have no choice but to invoke the termination clause (section 303) of our agreement to collect Public Facility Fees on behalf of Stanislaus County. Thank you for your consideration.

Sincerely,

Michael Holland on behalf of Newman City Council
CITY MANAGER