

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING APRIL 13, 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. Proclamation - Library Week.
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 23, 2010 Regular Meeting.
 - d. Approval Of City Manager Contract Extension And Amendment.
 - e. Adopt Resolution No. 2010- , A Resolution Rejecting The Claim Of Maria Gonzalez.
9. Public Hearings
 - a. Adopt Resolution No. 2010- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.
 - b. Second Reading And Adoption Of Ordinance No. 2010- , An Ordinance Amending Title 9 Police Regulations, Prohibiting The Consumption Of Alcoholic Beverages In Public And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.
 - c. Second Reading And Adoption 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 And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.
 - d. Approval Of The Stanislaus County CDBG Annual Action Plan (Fiscal Year 2010/2011) And Close 30 Day Public Comment Period.

10. Regular Business

- a. Adopt Resolution No. 2010- , A Resolution Approving The Application For Grant Funds For The Urban Greening Planning Grant Program Under The Safe Drinking Water, Water Quality And Supply, Flood Control, River And Coastal Protection Bond Act Of 2006 (Proposition 84).
- b. Report On Boat\RV Off Street Parking Ordinance Options.
- c. Report On Stephens Avenue Parking Issue.
- d. Adopt Resolution No. 2010- , A Resolution Awarding The 2010 Sewer Pump Station SCADA Additions Project To Telstar Instruments, Inc. For \$83,671.00.
- e. Adopt Resolution No. 2010- , A Resolution Initiating Proceedings For A Proposed Increase Of Assessments Within The City Of Newman Landscape And Lighting District, The Levy And Collection Of Assessments Therein And Ordering The Preparation Of An Assessment Engineer's Report.
- f. Report On Employee Home Loan Program.
- g. Consideration Of Method For Filling City Council Vacancy Created By The Resignation Of Council Member Ted Kelly.

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. 54957.6.
- b. Public Employment - Police Chief - G.C. 54957.
- c. Conference With Labor Negotiator - Operating Engineers Local #3 Miscellaneous Bargaining Unit - G.C. 54957.6.
- d. Conference With Labor Negotiator - Operating Engineers Local #3 Police Bargaining Unit - G.C. 54957.6.
- e. Conference With Legal Council - Potential Litigation - One Case - G.C. 54956.9.
- f. Return To Open Session.

15. Adjournment.

Calendar of Events

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

May 9 - Mother's Day
May 10 - Baseball Board Meeting - 6:00 P.M.
May 10 - NCLUSD Board Meeting - 6:00 P.M.
May 11 - City Council - 7:00 P.M.
May 13 - Recreation Commission - 7:00 P.M.
May 18 - Two-On-Two Meeting With The School Board - 4:00 P.M.
May 20 - Planning Commission - 7:00 P.M.
May 25 - City Council - 7:00 P.M.
May 28 - City Furlough Day - City Offices Closed
May 31 - Memorial Day - City Offices Closed

June 6 - City Softball Game - 10:00 A.M.
June 8 - City Council - 7:00 P.M.
June 10 - Recreation Commission - 7:00 P.M.
June 14 - Baseball Board Meeting - 6:00 P.M.
June 14 - NCLUSD Board Meeting - 6:00 P.M.
June 15 - Two-On-Two Meeting With The School Board - 4:00 P.M.
June 17 - Planning Commission - 7:00 P.M.
June 20 - Father's Day
June 22 - City Council - 7:00 P.M.

Proclamation

of the Mayor of the City of Newman

WHEREAS, library use is up nationwide among all types of library users, continuing a decade long trend; and,

WHEREAS, a literate society is essential to the health of our community; and,

WHEREAS, reading is a basic key to achieving personal success in school, in business and in life; and,

WHEREAS, libraries ensure equal access to knowledge, information and offer valuable reading resources and services; and,

WHEREAS, librarians are actively building partnerships in the community and making special efforts to reach out to parents, children and low-literate adults; and,

WHEREAS, librarians and libraries are actively involved in providing equitable access to the Internet and other computer technologies; and,

WHEREAS, libraries provide free resources such as employment searches and computer training classes that are particularly important during difficult economic times; and

WHEREAS, libraries offer pre-school Story Times and summer reading programs to encourage children to begin a habit of reading that will serve to benefit their personal and professional lives,

NOW, THEREFORE, I, Ed Katen, Mayor of the City of Newman do hereby proclaim April 11-17, 2010, National Library Week in the City of Newman and urge everyone to visit libraries and to take advantage of the wonderful resources they provide

Signed _____



Date.: Mar 31, 2010
Time.: 4:19 pm
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 1
List.: NEW1
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
037326	03/18/10	75.00	RORY ROCHA	REIMB FUEL CHARGED ON PERSONAL CC IN ERROR/PW
037327	03/23/10	88.00	CITY OF MODESTO/ C/O KATHY ESP	LCC QUARTERLY DINNER CV/HOLLAND/MCGILL/KATEN/REYNO
037328	03/30/10	549.90	JAMES J. BELL	CONTRACT SERV/EVIDENCE CLERK/3-01-10 TO 3-15-10
037329	03/30/10	272.00	WYATT BRAZIL	REF & SCOREKEEPER/YOUTH BASKETBALL/W. BRAZIL
037330	03/30/10	160.00	ROXANNE CORELLA	REF & SCOREKEEPER/YOUTH BASKETBALL/CORELLA
037331	03/30/10	80.00	JULIO CUEVAS	REF & SCOREKEEPER/YOUTH BASKETBALL/CUEVAS
037332	03/30/10	5850.00	ADAM MCGILL	CONTRACT SERV/POLICE CHIEF/3-16-10 TO 3-31-10/MCGI
037333	03/30/10	256.00	CHRIS MESSER	REF & SCOREKEEPER/YOUTH BASKETBALL/CHRIS MESSER
037334	03/30/10	56.00	KAHUA MOORE	REF & SCOREKEEPER/YOUTH BASKETBALL/KAHUA MOORE
037335	03/30/10	168.00	KRISTEN MOORE	SCOREKEEPER/YOUTH BASKETBALL/KRISTIN MOORE
037336	03/30/10	224.00	FRANK RIVAS	YOUTH BASKETBALL REFEREE/FRANK RIVAS
037337	03/30/10	224.00	SHANE SEQUEIRA	YOUTH BASKETBALL REFEREE/SHANE SEQUEIRA
037338	03/30/10	288.00	SARAH SPAULDING	REF & SCOREKEEPER/YOUTH BASKETBALL/SARAH SPAULDING
037339	03/30/10	216.00	TIFFINY THELE	SCOREKEEPER/YOUTH BASKETBALL/TIFFINY THELE
037340	03/30/10	5079.15	SHELL FLEET PLUS	GAS AND DIESEL PURCHASES/FEB 2010
Sub-Total:		----- 13586.05		
Grn-Total:		----- 13586.05		
Count:	15			

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Time.: 12:04 pm
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Ck #	Check Date	CK Amount	Vendor Name	Description
037341	04/05/10	1006.82	BUSINESS CARD	MEALS/PARKING/DARTS/CARWASHES/DIGITAL CAMERS/BELT
037342	04/06/10	88.00	UNITED STATES POSTMASTER	2 ROLLS POSTAGE STAMPS/PD
037343	04/06/10	100.00	MOORE TWINING ASSOCIATES	CERTIFIED WATER SAMPLING CLASS REGIST/CANTU
037344	04/07/10	10806.00	BLUE SHIELD OF CALIFORNIA	HEALTH INSURANCE PREMIUM/APRIL 2010
037345	04/09/10	298.16	ABBOTT & KINDERMANN, LLP	PLAZA EASEMENT SERVICES RENDERED THRU 3/20/10
037346	04/09/10	1443.75	AECOM USA, INC	UTILITY DISTRICT SERVICES 11/28/09 TO 02/01/10
037346	04/09/10	1761.75	AECOM USA, INC	REVIEW IMPROVEMENT PLANS/NEWMAN FAMILY APTS
037346	04/09/10	210.60	AECOM USA, INC	PG& E EASEMENT SERVICES 01/02/10 TO 02/26/10
037346	04/09/10	7436.35	AECOM USA, INC	HOWARD HILL PARKING LOT/01/02/10 TO 02/26/10
037346	04/09/10	1039.50	AECOM USA, INC	SANITARY SEWER GRADES/PRINCE RD/01/02/10-2/26/10
037347	04/09/10	322.26	AT&T MOBILITY	WIRELESS ACCESS 2/3/10 TO 3/2/10/PD
037348	04/09/10	67.30	AT&T	MONTHLY CHARGES FOR 668-3946
037348	04/09/10	141.58	AT&T	TELEPHONE CHARGES FOR 634-0508 3/1 TO 4/30/10/PD
037349	04/09/10	456.71	AT&T	MONTHLY TELEPHONE CHARGES/2/13/10 TO 03/12/10
037349	04/09/10	334.42	AT&T	T1 LINE AT PD/02/20/10 TO 03/19/10
037349	04/09/10	146.53	AT&T	EMERGENCY DISPATCH LINE @ PD/2/20/10 TO 3/19/10
037350	04/09/10	549.90	JAMES J. BELL	CONTRACT SERVICES/EVIDENCE CLERK/03/15-03/31/10
037351	04/09/10	50163.05	BERTOLOTTI DISPOSAL	GARBAGE SERVICES FOR MARCH 2010
037352	04/09/10	6.48	B G AUTO	CHEVRON OIL 10W30
037353	04/09/10	1142.00	W.H. BRESHEARS, INC.	400 GALLONS GAS DELIVERED TO WWTP
037354	04/09/10	4892.48	BRUCE BUDMAN	INTERIM FINANCE DIRECTOR/3/8/10 TO 3/18/10
037355	04/09/10	216.90	CALIF BUILDING STANDARDS COMMI	SB1473 FEES JAN-MARCH 2010
037356	04/09/10	100.00	JEFF CARTER	PARKING LOT RENT/APR 2010
037357	04/09/10	8500.00	CBA (CALIFORNIA BENEFITS)	PRE-PAID DENTAL-VISION DEPOSIT

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Ck #	Check Date	CK Amount	Vendor Name	Description
037359	04/09/10	104.66	C B MERCHANT SERVICES, INC	REIMBURSE BAD DEBT
037360	04/09/10	326.44	CENTRAL SANITARY SUPPLY	CANLINERS/PAPER TOWELS/LATEX GLOVES
037360	04/09/10	331.70	CENTRAL SANITARY SUPPLY	HANDSOAP/LIQUID SWABBY/PINESOL/FACIAL TISSUE
037361	04/09/10	20.00	ESMERALDA CERNA	REFUND PARK DEPOSIT/HIGAREDA
037362	04/09/10	130.22	CHEVRON	GASOLINE PURCHASES/PD
037363	04/09/10	162.87	CIT TECHNOLOGY FIN SERV, INC	MS GSA OFFICE PRO PLUS/PD MAR 2010
037364	04/09/10	50.00	CARL J. COELHO (CHUCK)	Veh Operation FIRE/APR 2010
037365	04/09/10	94.90	COMCAST CABLE	HIGH SPEED INTERNET 3/22/10 TO 4/21/10
037366	04/09/10	2025.00	CONTRACT SWEEPING SERVICES, IN	STREET SWEEPING/JAN 2010
037366	04/09/10	2025.00	CONTRACT SWEEPING SERVICES, IN	STREET SWEEPING SERVICES/MARCH 2010
037367	04/09/10	778.38	CORBIN WILLITS SYS, INC.	SERVICE & ENHANCEMENT FEE/APRIL 2010
037368	04/09/10	2140.04	CROP PRODUCTION SERVICES	WARRIOR/DIMETHOATE/FC 8-8-2/GERVIMAX/WWTP
037369	04/09/10	33308.00	CSJVRMA	09/10 4TH QRTR WORKERS COMP/LIABILITY
037370	04/09/10	288.99	DEPART. OF CONSERVATION	1ST QUARTER SMOT FEES/JAN-MARCH 2010
037371	04/09/10	16.71	ECONOMIC TIRE SHOP	1 TIRE REPAIR
037371	04/09/10	28.21	ECONOMIC TIRE SHOP	1 NEW TIRE TUBE
037372	04/09/10	1699.45	ECO:LOGIC, INC	4TH QUARTER MONITORING REPORT 11/09-01/10/WWTP
037372	04/09/10	7070.25	ECO:LOGIC, INC	WASTEWATER ON-CALL 09/10/WWTP
037372	04/09/10	957.50	ECO:LOGIC, INC	WATER ON-CALL 2009/2010
037373	04/09/10	526.00	ENERPOWER	ELECTRIC ENERGY CHARGES 01/15/10 TO 02/16/10
037374	04/09/10	110.10	ENTENMANN-ROVIN CO.	DOME BADGE FOR ELNESS/PD
037375	04/09/10	437.50	ENVIRO SIGNS, LTD	DEPOSIT ON FREESTANDING SIGN/MUSEUM
037376	04/09/10	40248.00	ENVIRONMENTAL TECHNIQUES INT	BIO-DREDGING SERVICE/WWTP
037377	04/09/10	5255.00	FGL ENVIRONMENTAL, INC	BACTI ANALYSES/INORGANIC/ORGANIC/SUB CONTR/WWTP
037377	04/09/10	590.00	FGL ENVIRONMENTAL, INC	ORGANIC & INORGANIC /SUB CONTR ANALYSES/WWTP

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037377	04/09/10	618.00	FGL ENVIRONMENTAL, INC	BACTI/INORGANIC & ORGANIC/SUB CONTR ANALYSES/WWTP
037378	04/09/10	34.95	FIREtoWIRE, INC	WEB HOSTING 04/17/10 TO 05/17/10
037379	04/09/10	227.48	GARTON TRACTOR	SEATS FOR FORD TRACTOR & FORD BACKHOE
037379	04/09/10	18.47	GARTON TRACTOR	BUSHINGS FOR MOWER #1
037380	04/09/10	30.03	GOLDEN STATE IRRIGATION	GLOVES/TEES/BUSHINGS/ELBOWS/CAPS
037380	04/09/10	9.45	GOLDEN STATE IRRIGATION	PVC BALL VALVE
037380	04/09/10	5.93	GOLDEN STATE IRRIGATION	RED HOT BLUE GLUE/CAPS
037380	04/09/10	25.88	GOLDEN STATE IRRIGATION	PALM CUFF GLOVES
037380	04/09/10	5.69	GOLDEN STATE IRRIGATION	FIRE STAKES
037380	04/09/10	5.36	GOLDEN STATE IRRIGATION	OLSON 13" R-5 STAKE
037381	04/09/10	2875.00	CITY OF GUSTINE	ANIMAL CONTROL SERVICES/FEB 2010
037382	04/09/10	1995.00	HARRITY CONSULTING	DOWNTOWN PLAZA CONSULTING/09/18/09 TO 03/25/10
037383	04/09/10	95.57	STEPHANIE HOUSE	REIMBURSEMENT FOR TEEN CENTER SNACK SUPPLIES
037384	04/09/10	545.68	IKON OFFICE SOLUTIONS	COPIER LEASE & ADDTL COPIES @ CH/3/10-04/09/10
037384	04/09/10	328.38	IKON OFFICE SOLUTIONS	COPIER LEASE @ PD/03/25/10 TO 04/24/10
037385	04/09/10	303.64	IDEXX LABORATORIES, INC.	SUPPLIES FOR WATER SAMPLING
037386	04/09/10	1539.88	INFOSEND, INC	UTILITY BILL & LATE STATEMENTS/MARCH 2010
037387	04/09/10	1105.43	IN-SYNCH SYSTEMS	MOBILE RECORDS MANAGEMENT SYSTEM/MAY 2010/PD
037388	04/09/10	519.74	JOE'S LANDSCAPING &	CLEAN-UP OF 1440 P STREET
037388	04/09/10	479.76	JOE'S LANDSCAPING &	CLEAN-UP SERVICES @ 751 BANFF DR
037388	04/09/10	439.78	JOE'S LANDSCAPING &	CLEAN-UP OF 2113 CREEK PARK
037389	04/09/10	1052.00	KAISER PERMANENTE	HEALTH INSURANCE PREMIUM/MAY 2010
037390	04/09/10	37.51	MALLARD EXPRESS AUTO	OIL & FILTER CHANGE/UNIT 503
037390	04/09/10	40.76	MALLARD EXPRESS AUTO	MOTOR OIL & FILTER CHANGE/UNIT 505
037390	04/09/10	40.76	MALLARD EXPRESS AUTO	MOTOR OIL & FILTER CHANGE/K-9 UNIT #595

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037391	04/09/10	172.34	FRANK B. MARKS & SON, INC	13.4 TONS GRAVEL
037392	04/09/10	1713.92	McDONOUGH, HOLLAND, ALLEN	LEGAL SERVICES RENDERED THRU 02/28/10/RDA
037393	04/09/10	5850.00	ADAM MCGILL	CONTRACT SERVICES/POLICE CHIEF/04/01/10-4/15/10
037394	04/09/10	1534.34	MID VALLEY IT, INC	MONTHLY IT SERVICES/APRIL 2010
037395	04/09/10	2305.49	NBS	ADMIN FEES/LMD ADMINISTRATION/4/1/10 TO 6/30/10
037396	04/09/10	403.63	NEWMAN ACE HARDWARE/JACT, INC	CAULK/SPREADER/GRAFITTI RMVR/TRASH BAGS/RAKE/HOE
037397	04/09/10	1418.92	NEXTEL COMMUNICATIONS	CELL PHONE USAGE/MARCH 2010
037398	04/09/10	30.35	NORMAC, INC.	SPRINKLER PARTS FOR DOWNTOWN POTS
037399	04/09/10	2681.00	OPERATING ENGINEERS/	HEALTH INSURANCE PREMIUM/MAY 2010
037400	04/09/10	45.00	LILA PARKS	CANCELLED PIONEER PARK/PARKS
037401	04/09/10	554.35	PATTERSON AUTO CARE, INC	4 NEW TIRES MOUNTED AND BALANCED/PD
037402	04/09/10	250.00	CITY OF PATTERSON	FIRE DATA INPUT/FEB 2010
037402	04/09/10	660.00	CITY OF PATTERSON	COUNCIL MEETING VIDEO REIMBURSEMENT/MARCH 2010
037403	04/09/10	173.88	P G & E	NATURAL GAS PURCHASES 2/5/10 TO 03/08/10
037403	04/09/10	2000.00	P G & E	DEPOSIT FOR NEW GAS AND ELECTRICAL/AQUATIC CENTER
037403	04/09/10	15672.30	P G & E	GAS & ELECTRIC 2/4/-3/19/10 & ELECT PROCURE CREDIT
037404	04/09/10	13.71	PIONEER DRUG	SUPPLIES FOR WATER DEPT
037405	04/09/10	2039.75	PERS	CORRECT JULY 15, 2009 PERS REPORTING
037406	04/09/10	265.00	R&S ERECTION TRI COUNTY	AUTOMATIC GATE REPAIR @ PD
037407	04/09/10	8550.00	ROCHA BACKHOE SERVICE, INC	REPLACED SEWER LINE ON PRINCE ROAD
037408	04/09/10	65.00	ROPERS, MAJESKI, KOHN & BENTLEY	EMPLOYMENT ADVICE
037408	04/09/10	97.50	ROPERS, MAJESKI, KOHN & BENTLEY	EMPLOYMENT ADVICE
037409	04/09/10	5726.10	RRM DESIGN GROUP, INC.	PROFESSIONAL SERVICE/DOWNTOWN PLAZA/FEB 2010
037410	04/09/10	240.00	MELVIN SOUZA	REIMBURSE FOR IT ROOM LABOR/MEL SOUZA
037411	04/09/10	176.00	STANISLAUS COUNTY	HAZARDOUS MATERIALS/CUPA-GENERAL/CORP YARD

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Ck #	Check Date	CK Amount	Vendor Name	Description
037411	04/09/10	231.00	STANISLAUS COUNTY	GENERATOR/HAZARDOUS MATERIALS/CUPA/WWTP
037412	04/09/10	1395.00	STATE OF CALIFORNIA	FINGERPRINT APPS/FBI FINGERPRINTS/FIREARMS
037412	04/09/10	35.00	STATE OF CALIFORNIA	HAIR AND SKIN ANALYSES/PD
037413	04/09/10	30687.00	STANISLAUS COUNTY	EMERGENCY DISPATCH/JAN-MARCH 2010
037414	04/09/10	12.12	STAPLES BUSINESS ADVANTAGE	RECEIPT BOOK/FINANCE DEPT
037414	04/09/10	7.37	STAPLES BUSINESS ADVANTAGE	SLIDE FILES/FIN DEPT
037414	04/09/10	56.25	STAPLES BUSINESS ADVANTAGE	PEN REFILLS/COLORED PAPER/LABELS
037414	04/09/10	17.83	STAPLES BUSINESS ADVANTAGE	MONTHLY PLANNER/PD
037414	04/09/10	278.76	STAPLES BUSINESS ADVANTAGE	BATTERIES/BINDERS/COPY PAPER/COIN ENVELOPES
037414	04/09/10	14.29	STAPLES BUSINESS ADVANTAGE	DISPOSABLE ANI TOWELS/PD
037414	04/09/10	32.69	STAPLES BUSINESS ADVANTAGE	CLIPBOARD/CORRECTION TAPES/POST-ITS
037414	04/09/10	96.71	STAPLES BUSINESS ADVANTAGE	HANG BINDERS/WIPES/PAPER/TYPEWRITER RIBBON/GLUE
037415	04/09/10	155.83	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL-SERVICE
037416	04/09/10	2160.00	TEL STAR INSTRUMENTS, INC	CHARGES FOR RADIO SURVEY AT 10 SEWER/STORM STA/WWT
037417	04/09/10	32.49	T.H.E. OFFICE CITY	STAPLER
037418	04/09/10	195.00	BARBARA J. TOSTA	YOUNG AT HEART INSTRUCTOR/MARCH 2010
037419	04/09/10	33.97	UNITED RENTALS NORTHWEST, INC	CERAMIC NOZZLE
037420	04/09/10	110.00	UNITED STATES POSTMASTER	POST OFFICE BOX YEARLY RENTAL
037421	04/09/10	47.32	VALLEY PARTS SERVICE	OIL & AIR FILTET/RATCHET/COUPLER
037421	04/09/10	31.07	VALLEY PARTS SERVICE	HEATER CORE/HOSE CLAMP
037421	04/09/10	5.72	VALLEY PARTS SERVICE	NAPA BRAKE FLUID
037422	04/09/10	23.33	WESTSIDE ANIMAL CLINIC	CONTRACT SERVICES FOR ANIMAL CONTROL
037423	04/09/10	1815.00	WEST SIDE AERIAL APPLICAT	AERIAL APPLICATION FOR WEEVILS/121 ACRES/WWTP
037424	04/09/10	50.93	YANCEY LUMBER COMPANY	1 BAG NUTRO LAMB DOG FOOD
037425	04/09/10	52.12	CARILLO, ARELI D.	MQ CUSTOMER REFUND FOR CAR0089

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Ck #	Check Date	CK Amount	Vendor Name	Description
037426	04/09/10	104.76	GONZALEZ, ALFREDO	MQ CUSTOMER REFUND FOR GON0129
037427	04/09/10	41.95	GONZALEZ, JAIRO	MQ CUSTOMER REFUND FOR GON0144
037428	04/09/10	13.86	GUZMAN, ISAIAS & AMANDA	MQ CUSTOMER REFUND FOR GUZ0003
037429	04/09/10	118.56	MADRIGAL, SOYLA	MQ CUSTOMER REFUND FOR MAD0016
037430	04/09/10	19.50	MEJIA, MARTHA	MQ CUSTOMER REFUND FOR MEJ0009
037431	04/09/10	89.70	MENDONCA, MARIA	MQ CUSTOMER REFUND FOR MEN0076
037432	04/09/10	74.65	MENEZES, LOUIE M.	MQ CUSTOMER REFUND FOR MEN0099
037433	04/09/10	81.66	MURILLO, VENTURA	MQ CUSTOMER REFUND FOR MUR0007
037434	04/09/10	41.96	NOLTE, THOMAS DWAYNE	MQ CUSTOMER REFUND FOR NOL0006
037435	04/09/10	69.47	RICO, VANESSA	MQ CUSTOMER REFUND FOR RIC0026
037436	04/09/10	91.24	ROBLES, HILDA	MQ CUSTOMER REFUND FOR ROB0024
037437	04/09/10	39.95	SEARS, DEBBY	MQ CUSTOMER REFUND FOR SEA0003
037438	04/09/10	16.81	TAPIA, ANNA	MQ CUSTOMER REFUND FOR TAP0003
037439	04/09/10	45.80	TELLY, ROMEO	MQ CUSTOMER REFUND FOR TEL0003
037440	04/09/10	5.25	VILLAGRAN, MARTIN/CLAUDIA	MQ CUSTOMER REFUND FOR VIL0011
Sub-Total:		----- 293627.09		
Grn-Total:		----- 293627.09		
Count:	140			

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

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

5. **Declaration Of Conflicts Of Interest** - None

6. **Ceremonial Matters**

- a. **Badge Pinning Of Officer Bryon Elness.**

Chief McGill Introduced And Performed The Swearing In Of New Officer Bryon Elness.

- b. **Recognition Of Sergeant Richardson Receiving A Bachelor's Degree.**

Chief McGill Congratulated Sgt. Richardson For Receiving A Bachelor's Degree.

7. **Items From The Public - Non-Agenda Items**

Scott Pasco, 1338 Stephens Avenue, Stated That He Lives Near Orestimba High School And Its Multi-Purpose Room. Pasco Reviewed The Names Of Other Stephens Avenue Residents And Explained That There Have Been Several Incidents Regarding Parking That Had Recently Taken Place That Involved Both Students And Teachers. Pasco Asked The Council To Institute A Permit Parking System During Weekdays To Help Alleviate The Long Standing Parking Issues In His Neighborhood. Pasco Indicated That He Would Be Willing To Pay For The Cost Of The Signs If The City Was Unwilling To Do So.

Chief McGill Commented That The School Is Supportive Of The Idea Because Some Students Park Off Campus To Try To Avoid School Regulations. McGill Mentioned That The Department Had Previously Explored The Idea Of Permit Parking On Stephens Avenue And That He Had Previously Corresponded With Mr. Pasco But That He Did Not Recall The Estimated Costs For Implementing Such A Program.

The City Council Directed City Staff To Bring This Item Back To The Council At A Future Meeting.

William Davis, Fighting Dragons Martial Arts Group, Requested The Council's Monetary Support Of His Group's Karate Tournament. Davis Mentioned That This Would Be The First Martial Arts Tournament Hosted By The Fighting Dragons. He Explained That The Tournament Would Take Place At Yolo Middle School On May 15th With The Possibility Of Bringing In Over 1,000 Visitors Into The City. Davis Reminded The Council That His Group Continues To Provide A Year-Round Free/Low Cost Martial Arts Training To Children Regardless Of Their Financial Status. Davis Thanked The City For Their Support And Stated That They Are Putting Newman On The Karate Map.

The Council Directed Staff To Donate The Remaining \$192.74 From The Community Promotions Fund To The Tournament And Mayor Katen, Council Member Kelly, City Manger Holland And The Police K9 Association Donated The Remainder Of The Funds Needed To Reach The Fighting Dragons Request Of \$500.00

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. 2010-19, Declaring Certain Personal Property Surplus Property And Authorizing Disposal And/Or Sale Of Property.

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

9. Public Hearings

- a. Adopt Resolution No. 2010-20, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Katen Opened The Public Hearing At 7:37 P.M.

There Being No Public Comment Martina Closed The Public Hearing At 7:38 P.M.

ACTION: On Motion By Kelly Seconded By Davis And Unanimously Carried, Resolution No. 2010-20, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted.

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.

ACTION: Ordinance No. 2010- , Amending Title 9 Police Regulations Of The Newman City Code Adding Chapter 9.01.021 Drinking In Public Was Introduced By Council Member Martina, Ordinance Had Its First Reading By Title Only.

- 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.

ACTION: 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 Was Introduced By Council Member Candeia, Ordinance Had Its First Reading By Title Only.

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

ACTION: The Council Directed Staff To Send The Letter As Presented And Attend The Board Of Supervisor's Meeting.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Informed The Council That The Regional Transportation Fee Portion Of The PPF Update Has Been Pulled From The Board's Agenda And That The County Is Willing To Work With The City To Find A Resolution. DeMartini Reminded The Council The Next West Side Health Care Taskforce Meeting Would Be On April 29, 2010 In Gustine And That The Taskforce Sponsored Hiking And Biking Tours Will Be Held On April 17th, May 15th, And June 19th As Part Of The Healthy Choices Campaign. DeMartini Explained That The Orestimba Creek Flood Control Project Has Suffered A Delay And Will Not Be Able To Meet The Funding Deadline Due To The Additional Core Samples And Studies Requirements.

12. Items From The City Manager And Staff.

City Manager Holland Mentioned That The City Had Received A Letter Thanking Fire Department For Their Response To A Motor Vehicle Crash Along Interstate-5. Holland Reminded Everyone That City Offices Would Be Closed On April 2, 2010 For A Furlough Day And That The Chamber Luncheon Would Be On March 31, 2010 . Holland Noted That Staff Would Be Presenting Options To The Council Regarding Boat Issues On April 13, 2010. Holland Indicated That He Would Be Attending The Stanislaus County Board Of Supervisors Meeting On March 30, 2010.

Chief McGill Stated That He Was Happy To Report That Officer Gonzalez Received A Commendation For His Work On Recent Graffiti Cases. McGill Reminded Everyone That The K-9 Association Crab Feed Was Scheduled For April 24, 2010 And That The Next Animal Clinic Would Be On May 1, 2010 At Pioneer Park. McGill Commented That Three Officers Had Recently Competed In The Modesto Half Marathon And That Two Groups Would Be Running In The Big Sur Mud Run.

Public Works Director Reynolds Informed The Council That Plaza Project Is Out To Bid And That The Downtown Improvement Day Would Be Held On April 17, 2010.

13. Items From City Council Members.

Council Member Candea Noted That The Newman Sign Has Been Replaced Along Interstate-5

Council Member Martina Congratulated Sergeant Richardson For Obtaining His Degree.

Council Member Kelly Stated That He Had To Regrettably Resign From The City Council. Kelly Thanked Several Local Residents And Officials. He Expressed That He Will Miss Newman But That His Need To Be Closer To His Grandchildren Is Far Greater.

Mayor Katen Asked About The Removal Of Graffiti Along Fig Lane. Katen Mentioned That He Had Spoken With Congressman Cordoza Regarding The Orestimba Creek Flood Control Project And The Congressman Had Volunteered To Call The Army Corps Of Engineers To See If There Was Any Way To Speed Up The Process.

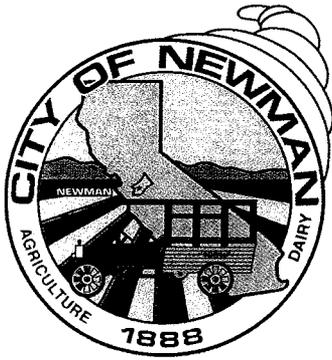
14. Adjourn To Closed Session - 8:29 P.M.

- a. Public Employee Personnel Evaluation - City Manager - G.C. 54957.
- b. Return To Open Session. - 9:07 P.M.

Mayor Katen Reported That The City Council Had Given City Manger Holland A Positive Evaluation.

15. Adjournment.

ACTION: On Motion By Kelly Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 9:11 P.M.



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

Date: April 9, 2010

To: City Council

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

Subject: Contract extension and amendment

Over that past month, the City Council scheduled two (2) closed sessions to conduct a performance review of the City Manager. Following a positive evaluation, the Council elected to increase the administrative leave time a total of forty (40) hours in lieu of a merit increase. This increase will result in no impact to the general fund and can not be cashed out. The contract extension is for two years and will run from April 1, 2010 through March 31, 2011. The attached extension and amendment language was draft by the City Attorney.

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AMENDMENT TO EMPLOYMENT AGREEMENT

WHEREAS, the City of Newman agreed to employ Michael Holland as City Manager for a 2-year term April 1, 2008, and

WHEREAS, the parties wish to extend said agreement,

NOW THEREFORE, the parties agree as follows:

The term of the agreement shall be extended for 2 years (April 1, 2010 – March 31, 2011);

Administrative leave shall be 120 hours per year;

All other terms and conditions of the original agreement shall remain the same and shall only be amended by mutual agreement of the parties in writing.

DATED:

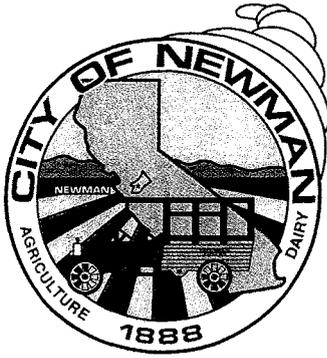
Ed Katen
Mayor

DATED:

Michael Holland
City Manager

Approved as to Form

Tom Hallinan
City Attorney



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

Date: April 7, 2010
To: City Council
From: Michael E. Holland *MEH*

Subject: Rejection of claim.

A claim against the City of Newman was filed by Maria Gonzalez on March 1, 2010. Based upon the recommendation of our insurance provider, Staff recommends the Council reject said claim. A copy of the claim submitted by Ms. Gonzalez and the proposed resolution rejecting the claim are attached. Any discussions of the claim must be done in closed session as potential litigation.

RESOLUTION NO. 2010-

A RESOLUTION REJECTING THE CLAIM OF MARIA GONZALEZ

WHEREAS, a claim for damages in an amount within the Superior Court jurisdiction was filed against the City of Newman by MARIA GONZALEZ, on March 1, 2010 for alleged damages.

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 13th day of April, 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

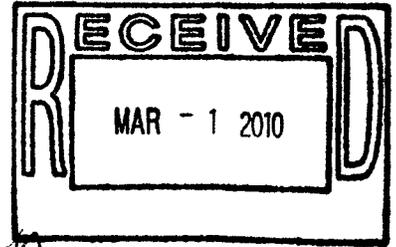
ATTEST:

Deputy City Clerk



CITY OF NEWMAN
CLAIM FORM
FORM B

(Please Type Or Print)



CLAIM AGAINST City of Newman
(Name of Entity)

Claimant's name: Maria Gonzalez

SS#: 605-94-9514 DOB: 8-25-1961 Gender: Male Female

Claimant's address: 604- Rodeo grounds wy, Newman

Address where notices about claim are to be sent, if different from above: Same as above

Date of incident/accident: 2-28-2010

Date injuries, damages, or losses were discovered: 2-28-2010

Location of incident/accident: INYO Ave -

What did entity or employee do to cause this loss, damage, or injury? Pot Holes ON ROAD - Badly

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

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

What specific injuries, damages, or losses did claimant receive? Damage to R/L Tire & wheel Hubcap - ~~cap~~ Susp R/Side fit of Car 2004-chew mpha

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

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

To Repl. damage parts APPROX. \$800-

How was this amount calculated (please itemize)? 1- Tire \$160 - 1 Rim \$212

1- Hubcap ~~cap~~ - 53³⁷ 1- R/Lower arm \$245- Labor app \$130

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

Date Signed: 3-1-2010 Signature: Maria Gonzalez

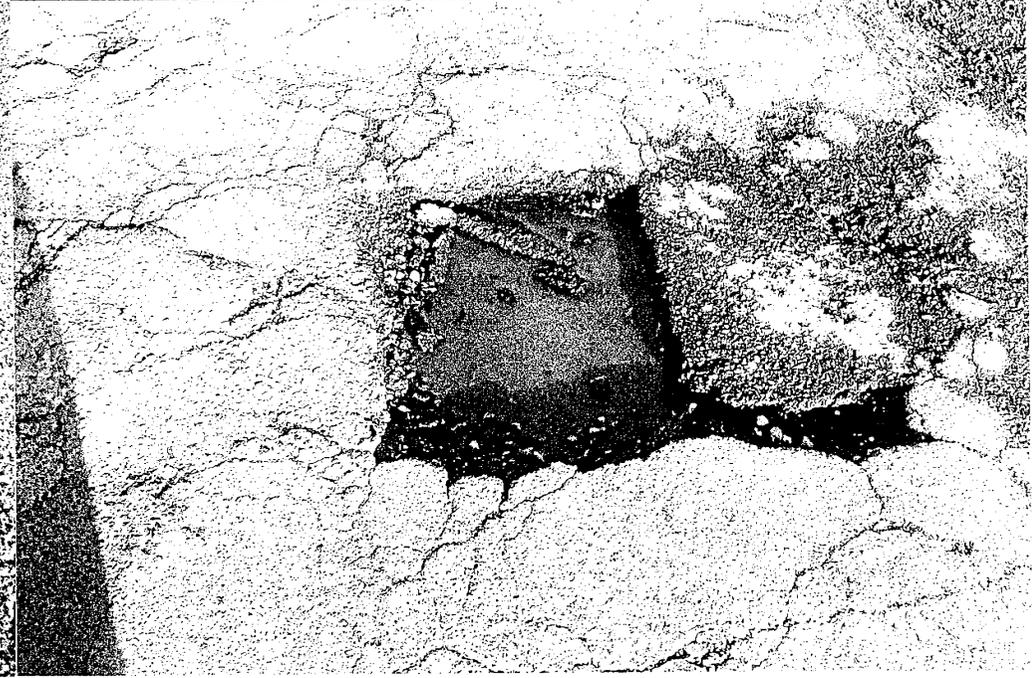
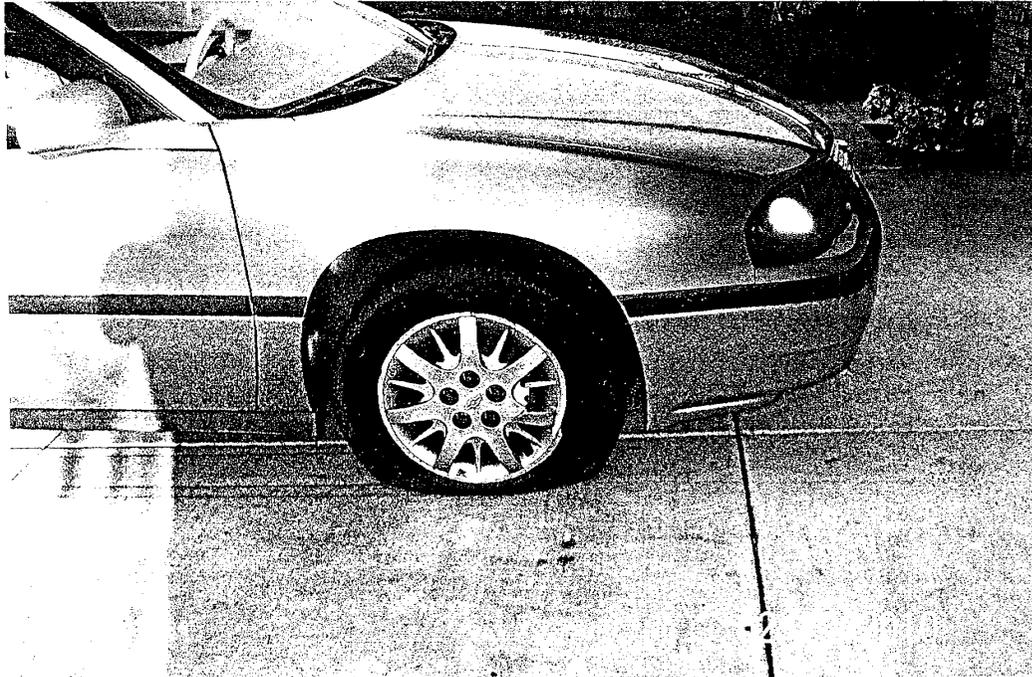
If signed by representative:

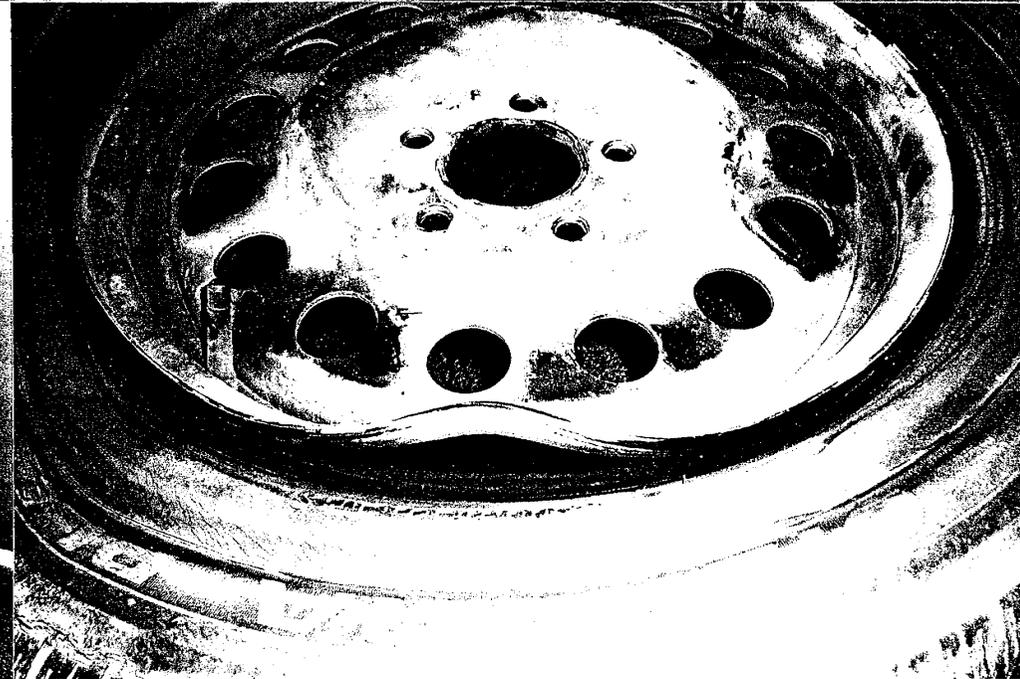
Representative's Name Victor Gonzalez Address 604- Rodeo grounds way

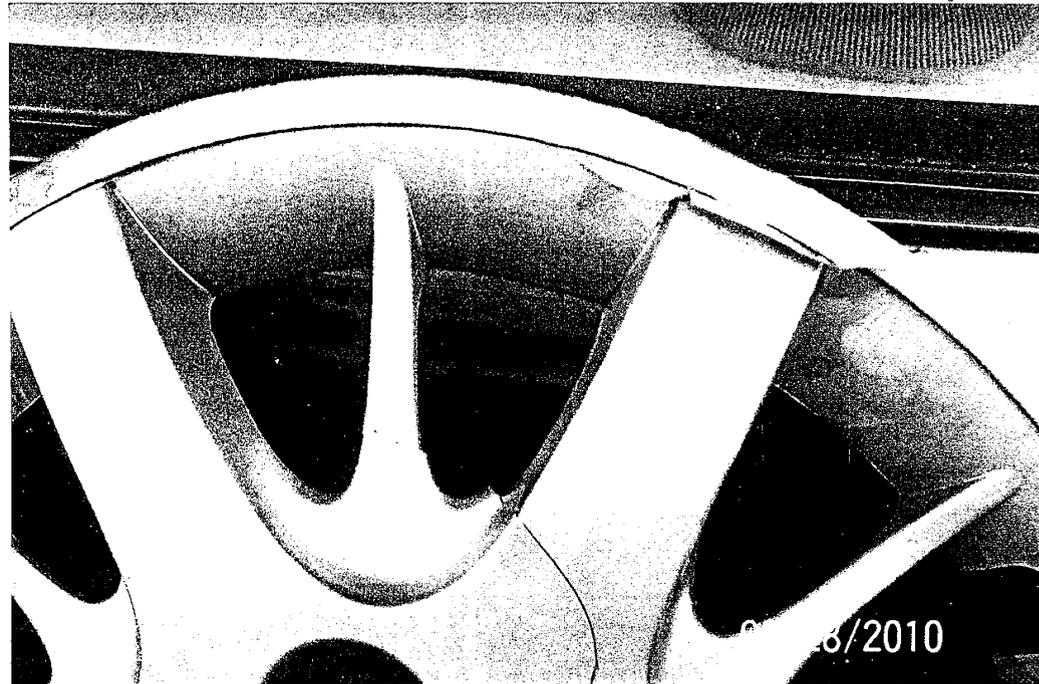
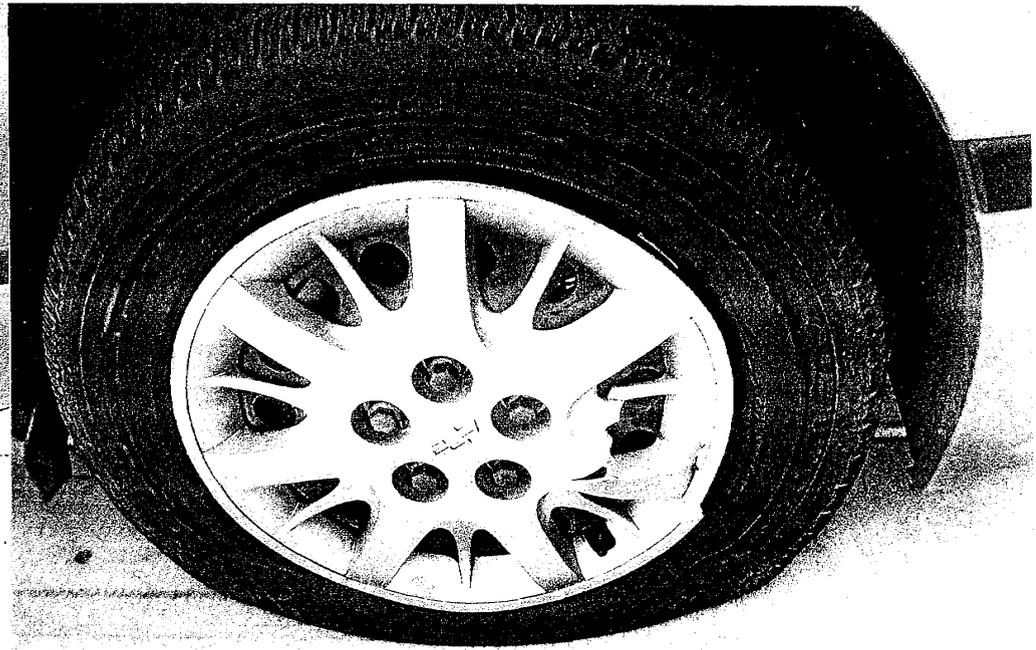
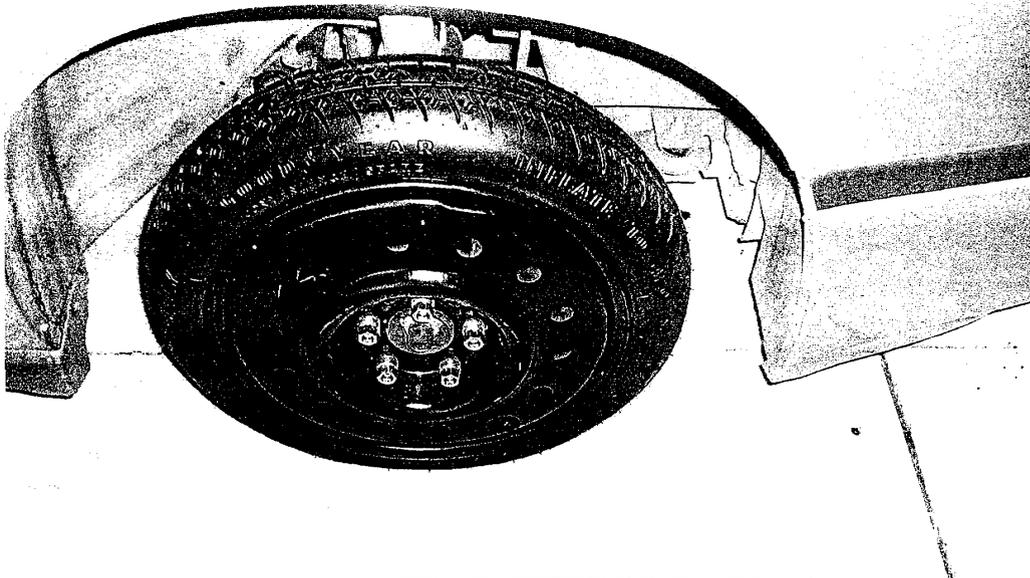
Telephone # 209-829-8650

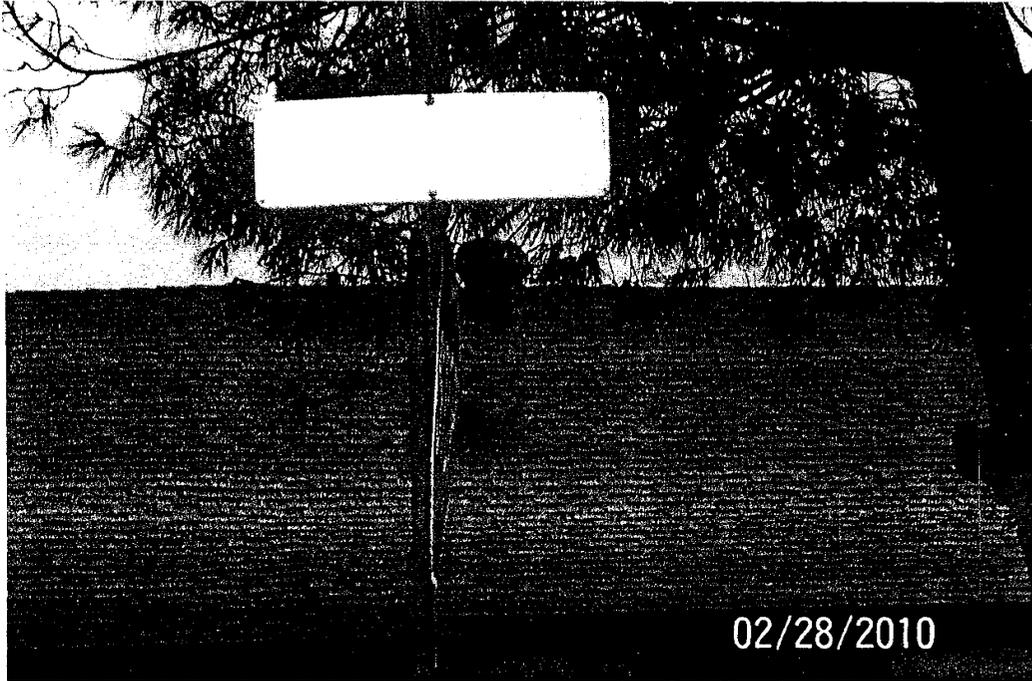
Relationship to Claimant Husband

see Pictures attached

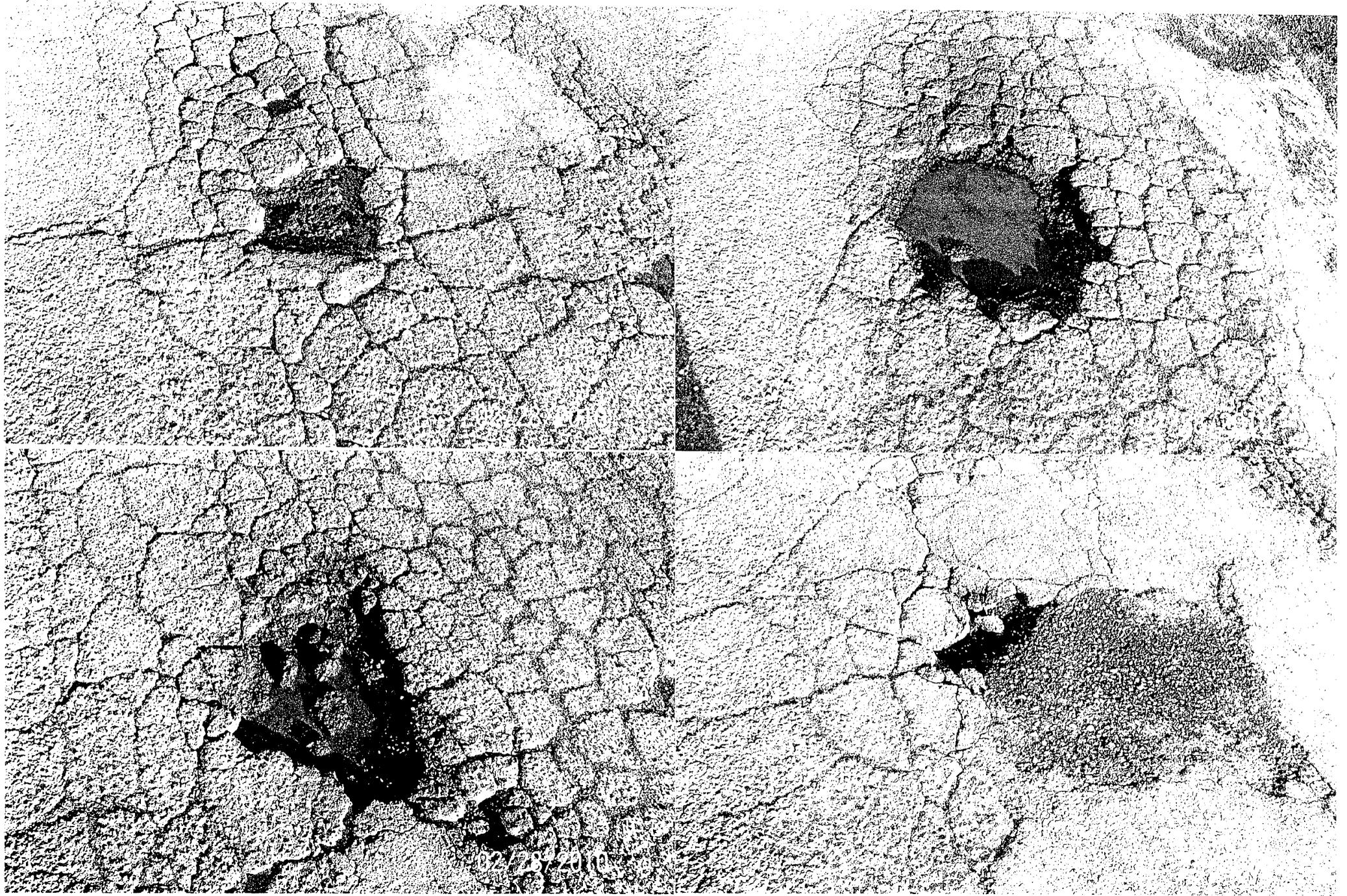




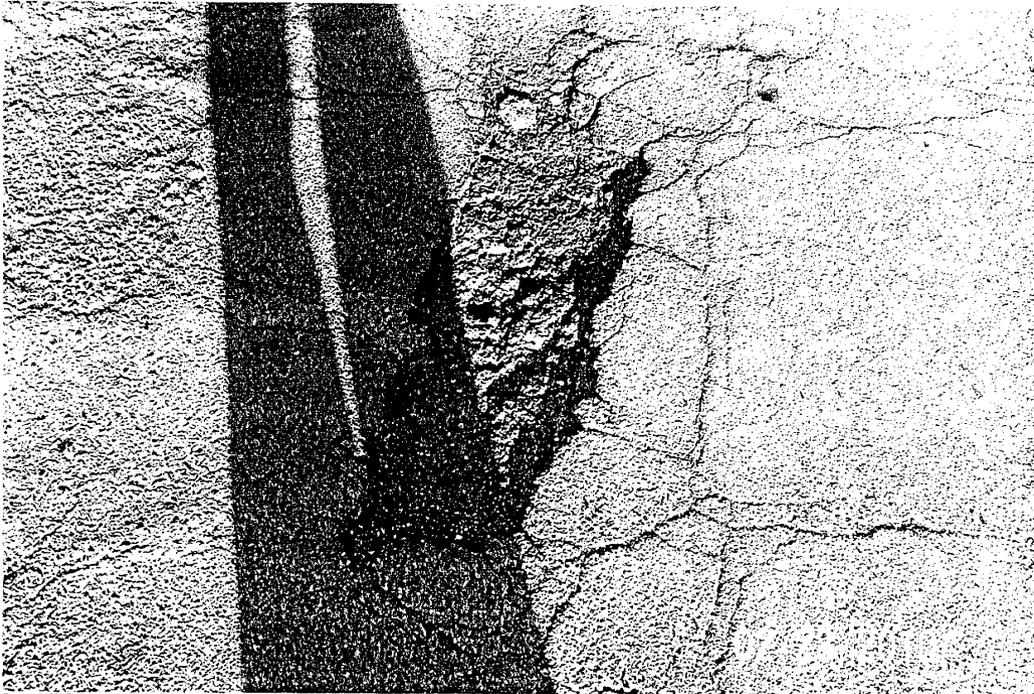








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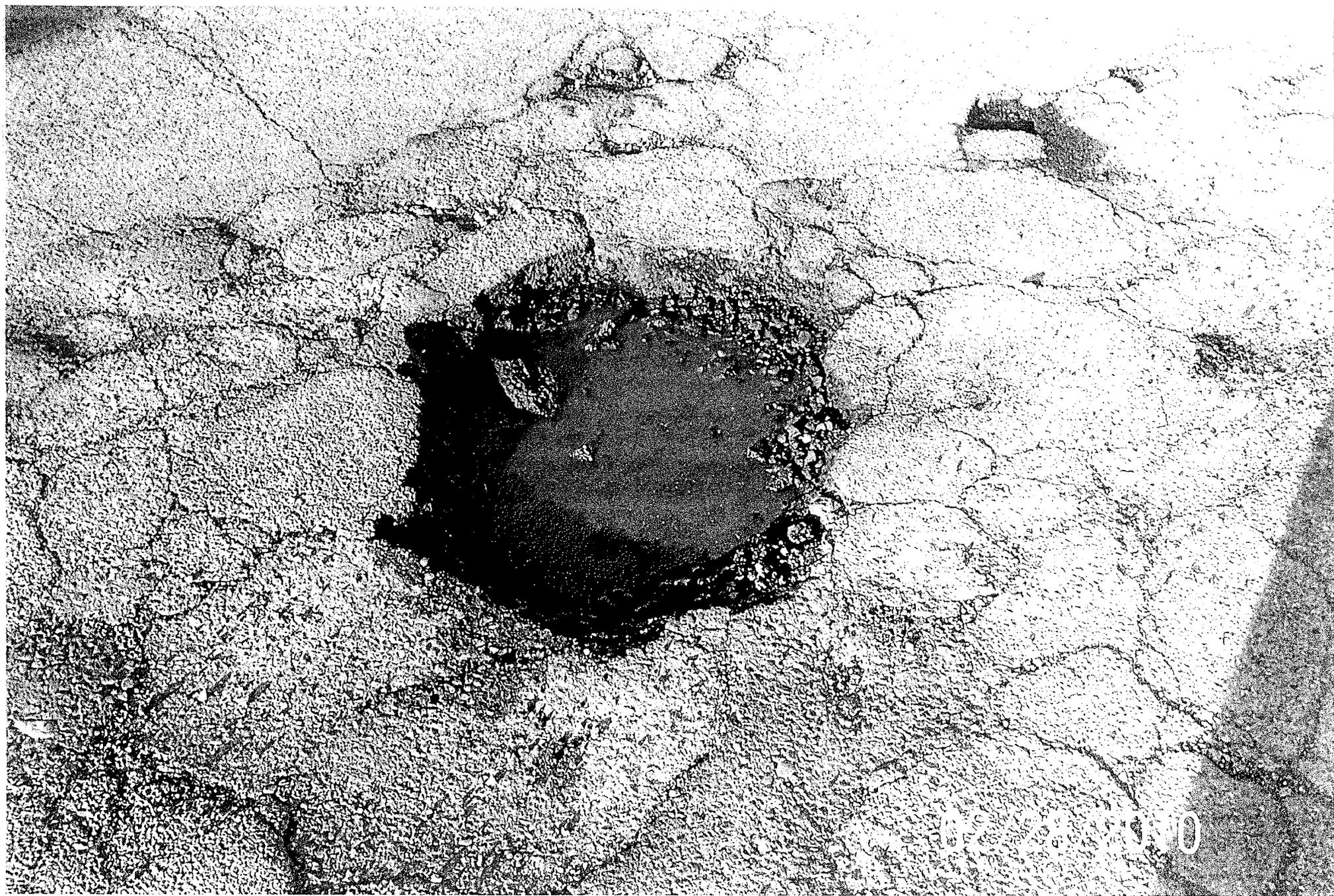
02/28/2010



02/28/2010



02/28/2010



Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.a.**
City Council Meeting
of April 13, 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, April 12, 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.

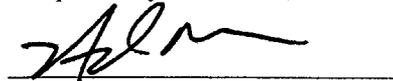
FISCAL IMPACT:

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 April 13, 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 13th day of April, 2010 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor Pro Tem

Deputy City Clerk

City of Newman
Abatement list

1. 744 Balsam Ave. (UNOCCUPIED)

Tall grass through out the front and backyard of property.

ADOPTION OF ORDINANCE TITLE 9, CHAPER 9.01.021 DRINKING IN PUBLIC

RECOMMENDATION:

1. Open Public Hearing
2. Second Reading of 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.

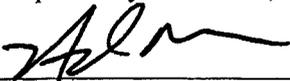
CONCLUSION:

Based upon the information contained in this report, the following option are available:

1. Adopt the ordinance as written.
2. Adopt the ordinance with changes.
3. Reject the ordinance in whole.

Staff recommends Option #1.

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, 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 Martina 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:

1. Conduct Public Hearing
2. Conduct Second Reading of Ordinance #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.
3. Adopt said Ordinance and authorize staff to publish a summary of said ordinance.

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.

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.

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

Agenda Item: 9.c.

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 7 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:

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 approval 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

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

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 Candea, 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

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

RECOMMENDATION:

1. Conduct a public hearing regarding the Draft Annual Action Plan (FY 2010-2011)
2. Approval of the Draft Annual Action Plan (FY 2008-2009)
3. Approval of the amendment to the FY 2008-2009 NSP Annual Action Plan
4. Approval of the amendment to the FY 2007-2012 Consolidated Plan
3. Close required 30 day public comment period.

BACKGROUND:

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

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:

In order to receive CDBG funds, the Consortium prepares 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).

Additionally this year, the Stanislaus County CDBG Consortium is proposing to amend the FY 2008-2009 Neighborhood Stabilization Plan AAP and FY 2007-2012 Consolidated Plan. These amendments 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; and allow the adoption of Stanislaus County as the 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).

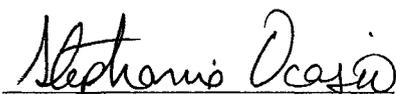
FISCAL IMPACT:

Positive, approval of the AAP and amendments allows 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 approval of the Stanislaus County Draft FY 2010-2011 Annual Action Plan and amendments to the FY 2008-2009 NSP Annual Action and FY 2007-2012 Consolidated Plans.

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR:



Michael Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

APPROVAL AND SUPPORT OF THE CITY'S APPLICATION FOR URBAN GREENING PLANNING GRANT PROGRAM FUNDS UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006

RECOMMENDATION:

Adopt Resolution No. 2010- , Approving The Application For Grant Funds For The Urban Greening Planning Grant Program Under The Safe Drinking Water, Water Quality And Supply, Flood Control, River And Coastal Protection Bond Act Of 2006 (Proposition 84).

BACKGROUND:

California voters passed the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) on November 7, 2006. Proposition 84 authorized the Legislature to appropriate up to \$17.5 million for the purpose of creating urban greening plans that will serve as the master document guiding and coordinating greening projects in the applicant's jurisdiction and established the Strategic Growth Council (SGC). One of the many goals of the SGC is to improve California's urban areas by advocating for and supporting development of greener, public spaces.

The City was approached by the Great Valley Center in late February to discuss the option of a regional application. Upon further discussion, it was agreed that the Cities of Gustine, Patterson and Newman would present the item to their respective Councils for direction.

ANALYSIS:

The Urban Greening Planning Program will provide funds to assist entities in developing a master urban greening plan. Given that the plan must outline or layout projects that reduce greenhouse gas emissions and provide benefits such as decreasing air and water pollution, reducing the consumption of natural resources and energy, increasing the reliability of local water supplies, and/or increasing adaptability to climate change; it will assist the City in meeting its SB 732 requirement.

The Great Valley Center is proposing to write and manage the grant and, if awarded, hire a grant consultant for the development of the above-mentioned plan. City staff will be involved through data provision and general grant support.

FISCAL IMPACT:

Positive, potential City grant award up to \$250,000.00 (no match required)
Great Valley Center and Local Staff Time reimbursement is eligible under the grant.

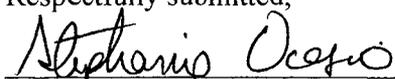
CONCLUSION:

Adoption of Resolution No. 2010- , will allow the City of Newman to file an Urban Greening Plan Grant application with the Great Valley Center. Staff recommends approval of Resolution No. 2010- , Approving The Application For Grant Funds For The Urban Greening Planning Grant Program Under The Safe Drinking Water, Water Quality And Supply, Flood Control, River And Coastal Protection Bond Act Of 2006 (Proposition 84).

ATTACHMENTS:

1. Exhibit A – Resolution No. 2010-
2. Exhibit B – Great Valley Center Interest Letter

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael E. Holland
City Manager

RESOLUTION NO. 2010-

A RESOLUTION OF THE CITY OF NEWMAN APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN GREENING PLANNING GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84)

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the Strategic Growth Council has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the Strategic Growth Council require a resolution certifying the approval of application by the Applicants governing board before submission of said application to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out development of the Urban Greening Plan

NOW, THEREFORE, BE IT RESOLVED that the City of Newman City Council:

1. Approves the filing of an application for the Great Valley Center Urban Greening Plan;
2. Certifies that applicant understands the assurances and certification in the Application, and
3. Certifies that applicant will have sufficient funds to develop the plan; or will secure the resources to do so, and
4. Certifies that applicant will work towards the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1, and
5. Appoints the City Manager or his/her designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for development of the aforementioned plan.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 13th of April, 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



ENERGY
PROGRAM

201 Needham Street
Modesto, CA 95354
Phone: (209) 522-5103
Fax: (209) 522-5116
www.greatvalley.org
www.gvc-energy.org

March 19, 2010

The Great Valley Center Energy Program is entertaining the prospect of submitting a grant application to the **Urban Greening for Sustainable Communities Program** of the Sustainable Growth Council. This program provides funding for the development of an 'urban greening' plan by local governments that do not currently have one. I have attached the solicitation for your review.

Urban Greening is a community-based effort to plan, plant, care, and manage flora, structures and spaces, which lead to increased forest canopy, reduced storm water runoff, improved air and water quality, energy conservation, open space and ultimately, more sustainable communities.

Work Plan means a plan that specifies what steps will be taken to develop the Urban Greening Program, including benchmarks with target completion dates and a project cost estimate. You may get additional information at <http://www.sgc.ca.gov/>. We are seeking cities who may have an interest in participation.

It would be our intention to develop several coalitions of small, underserved, low income valley communities which possess similar environmental conditions [rainfall, soil, solar exposure, hydrology, etc.]. A coalition of 3-5 similar cities could achieve economies of scale by developing generic plans for urban greening based on these similar conditions. We would anticipate city staff involvement for the provision of base data, liaison and general plan compliance. Grant funding would provide a qualified consultant for the development of the planting palette, parking standards and long term maintenance plan. Funding also allows reimbursement to Cities for 'billable' hours of staff time expended in this effort. The generic plans would be adjusted for each local condition as apart of the work plan

I am hopeful that a coalition of the cities of Newman, Patterson, Gustine, Los Baños & Dos Palos would work well in this grant & in conjunction with some of your current joint activities.

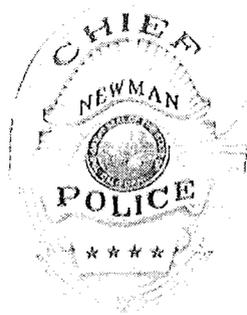
If you do not have an urban greening plan & have a desire to participate, please advise me as soon as possible. We will need to submit a Council resolution (template included in the solicitation). At this point I obviously cannot make or request any commitment to this project but I would like to ascertain interest. I am hoping there is adequate interest to develop a successful grant application.

Sincerely,

Tim Fisher
Energy Program Manager

Ofc: (209) 522-5103
Cell: (209) 996-9919

tim@greatvalley.org



CITY OF NEWMAN POLICE DEPARTMENT

ADAM MCGILL, CHIEF OF POLICE

TO : CITY COUNCIL

FROM : ADAM MCGILL, CHIEF OF POLICE *AM*

DATE : April 7, 2010

SUBJECT : BOAT/RV'S OFF STREET PARKING ORDINANCE

The ordinance addressing recreational vehicles including boats appears to have originated in 1997 with modifications made in 1998. In 2007, the Newman City Council added the following section:

"Vehicles parked on lawns or other areas in front yards, or side yards not behind a solid fence six feet in height where such vehicle is plainly visible from the street or other public or private property, other than on a driveway, is prohibited."

The ordinance prohibits the permanent storage of boats and/or recreation vehicles in residential areas under most circumstances. The intent of the ordinance was to protect home owners from unsightly vehicles being stored in the neighborhood thereby potentially decreasing home values or complicating home sales in the neighborhood.

I cannot speak to any enforcement efforts prior to 2008 other than I know the City did officially hire a code enforcement officer in 2007. Since that time the Department has made an effort to enforce all laws in the many code books available to the Department. This particular issue was brought to the attention of the Department several times over the last few years. The City Planning Department, City Council, and residents have requested enforcement of the ordinance. In the fall of 2008 the Department completed a city wide campaign reminding those with boats to lawfully store them. Shortly after that time, personnel issues arose with the CSO. The Department went without a CSO for a number of months because of the recruitment process. This prevented any follow up with those that did not comply with the warnings.

Since that concentrated effort, the Department has enforced the ordinance based on requests from residents, requests from City Council members and as the CSO discovered violations in her travels around the City. The City Council has made it a priority over the last two years for the Department to enforce quality of life issues in an effort to make Newman as attractive as possible.

In early 2010, the Department received a complaint about a boat from a City Council Member. We discussed the complaint with the CSO and she indicated she was observing an increase in the number of boats throughout neighborhoods in the City.

The Department asked the CSO to conduct a citywide campaign on all boats issuing all those in violation a 10 day warning notice. This process was completed with 40-50 warning notices being issued. This first notice reduced the number of boats to approximately 20, meaning about 50% of boat owners voluntarily complied with the first warning notice. About 3 weeks later, the remaining 20 boat owners were given a second 10 day warning notice and personal contact was attempted with each resident. After about 2 weeks, the remaining 20 had been reduced to 13. The 13 remaining boat owners were contacted again and issued citations for being in violation of the ordinance. Of the 13 boat owners who received citations, 4 contacted the Department expressing concern about the citations. We did not hear from anyone else. One citation was paid immediately. The others were suspended by the City Council pending a decision on the current ordinance.

The full ordinance is attached to this memo for review. The key points are as follows:

"PROFESSIONALISM, INTEGRITY, SERVICE"

"In any residential district, no recreation type vehicle, including motor home, camping trailer, boat trailer, boat, pick-up camper units, fifth wheel, or dune buggy shall be stored or parking for more than 72 hours, except within a side or rear yard or within any garage, without first obtaining a temporary permit from the Newman Police Department which would permit up to a maximum of 72 more hours of parking. The following restrictions apply:

Such vehicle shall not be maintained in any required front yard unless located on a driveway and the recreational type vehicle is 42 inches in height or less and a "zoning exemption" permit is issued by the Newman Chief of Police or designee based on the following findings:

The vehicle cannot be stored on any other portion of the property; and

The storage of the vehicle on a driveway located in the front setback area is not likely to create a public nuisance or hazard; and

The stored vehicle is fully operable and not likely to become unsightly or otherwise detract from the general appearance of the residential neighborhood within which it is to be located.

Such vehicle shall be situated no closer than five feet to any main building or property line unless otherwise approved by the City Fire Chief.

Such recreational vehicle shall not be used for sleeping quarters nor shall any sanitary or cooking facilities contained therein be used except as may be provided for within a valid temporary-parking permit issued by the Newman Police Department.

Parking on Lawns. Parking of any vehicles on lawns or other areas in front yards, or side yards not behind a solid fence six feet in height where such vehicle is plainly visible from the street or other public or private property, other than on a driveway, is prohibited. (Ord. 2007-11 § 1(1, 2), 12-11-2007; Ord. 98-4 § 3, 8-25-1998; Ord. 97-17, 10-28-1997)

As written the ordinance provides clear direction for all city departments. The Department recognizes the private property concerns of residents and those same rights weighed against their neighbor's right to a quality neighborhood. The Department has to balance these concerns fully knowing that it cannot please everyone on every issue.

The Department is concerned about any modifications to the ordinance that would put the Department in the position of being the "beauty police" and subjectively having to decide what vehicles are unsightly and what vehicles are not.

The Department is concerned that an attempt to appease everyone on this issue will not be successful. Modifications to the ordinance allowing all boats or even some boats to remain will certainly upset the 70% of boat owner who voluntarily complied and may have been forced to enter into storage contracts. Leaving the ordinance as is will certainly upset the vocal few who received citations under the existing law.

In regards to consistent enforcement of the ordinance, the Department does what it can with the resources available. The Department is charged with enforcing thousands of laws and

ordinances. It is impractical to expect the CSO to complete a systematic patrol of each street in the City during her work week or to even try to keep track over the course of a month.

The CSO is one of the most complex and demanding positions in the City. The CSO is responsible for animal control, code enforcement, and other duties that support the Department's mission. 60% of her time is consumed with animal control activities leaving the remaining time for other activities. She is called to various parts of the city throughout her work day and cannot maintain a consistent patrol pattern to monitor all code enforcement issues. She attempts to monitor them during her travels throughout the City as her duties take her to various neighborhoods. She responds to complaints from residents and during any free time will conduct random patrol. If she did not have to handle calls for service and only conducted self initiated activity it would be more likely she could apply a systematic approach to her duties and visit each street on an established time table. This is unheard of in law enforcement and an unrealistic expectation of her.

This ordinance is not a high priority for the department and it prioritized against the many other demands on the Department. It has been addressed on an as needed, case by case basis as violations are observed or complaints received by the Department. What commonly occurs and did occur in this case as well, someone receives a citation and complains to the Department that others in the City are in violation as well and that they were singled out for some purpose. This creates a situation where the Department must be fair and consistent forcing the Department to take action. The only options being; dismiss the citation for the complainant (creating a dangerous precedence that complaining will result in the citation being dismissed) or enforce the ordinance uniformly throughout the City, which is the option the Department chose.

The Police Department recommends one of the following options:

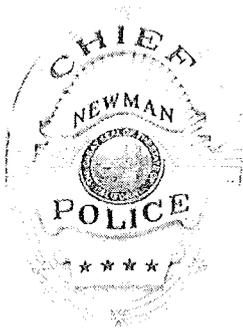
1. Maintain the existing ordinance as and require the 13 citations to be paid
2. Strike boats entirely from the ordinance and void the 13 citations
3. Strike the entire ordinance as written, voiding the 13 citations

Each option carries with it ramifications for residents, staff, and the City Council. The question is which option best supports the needs of the many versus the few.

5.17.020 General off-street parking provisions.

- A. Provision of Spaces. At the time any building is constructed, structurally altered, enlarged, or increased by 25 percent or there is an increase in land use intensity or occupancy, additional off-street parking spaces shall be provided in accordance with the requirements of this chapter.
 - 1. However, where common parking has been duly authorized or where parking can be provided through a municipal parking lot, this requirement shall not apply. Special parking provisions apply to the Downtown Parking District, NCC 5.17.090.
- B. Existing Structures. The minimum number of parking spaces designated for specific commercial and industrial land uses shall not be applied to existing structures where no structural alteration, extension, expansion, enlargement or an increase in land use intensity occurs.
- C. Minimum Requirements. These off-street parking provisions are deemed the minimum requirements and nothing shall preclude the installation of more parking spaces.
- D. Unobstructed Access. Each parking space shall have unobstructed access from a street or alley, or from an aisle or drive connecting with a street or alley, without requiring moving another vehicle.
- E. Multiple Uses. When two or more uses are located in the same building or in a common development, or when parking facilities for different buildings or uses are provided collectively, the parking requirements shall be the sum of the separate requirements for each use, except as specifically provided elsewhere in this chapter.
- F. Use Restricted. Off-street parking and loading areas shall not be used for the repair or servicing of vehicles, the storage of materials or merchandise, the sale of any goods or services, as a display area, or business work area.
- G. Fractional Spaces. Fractional space requirements of one-half or greater of a parking space shall be counted as a whole parking space.
- H. Nonresidential Uses. Off-street parking spaces for nonresidential uses shall be located on the same lot as, or immediately contiguous to, the use being served.
- I. Limitations. Off-street parking facilities for one use shall generally not be considered as providing the required off-street parking facilities for any other use except as otherwise provided in this chapter.
- J. Restriction By Owner. To ensure the perpetuation of the parking space requirements herein, owners of any lots upon which common parking is permitted to occur shall execute a declaration of restrictions and covenants, in a form acceptable to the Planning Director and City Attorney duly recorded at the Stanislaus County Recorder's office, setting aside the required spaces or areas for parking only. These restrictions, when submitted in a form acceptable to the Planning Director and City Attorney, may be waived only when the prescribed parking is no longer required by this chapter as determined by the City Council.
- K. Merged Lots. Where the use of two or more separate lots under common ownership is proposed for an off-street parking lot, the lots shall be merged or appropriate deed restrictions, in a form acceptable to the Planning Director and City Attorney, shall be recorded with the Stanislaus County Recorder's office.
- L. Application. If more than one standard is applicable in any individual case, the more restrictive regulation shall apply.
- M. Unlisted Uses. The requirements for buildings or uses which are not specifically listed herein shall be determined by the Planning Director or Planning Commission as deemed necessary based upon the requirements for similar uses and the particular characteristics of the building or use.
- N. Waiver. The off-street parking space requirements for any residential or nonresidential use may

- be added or reduced by the Planning Commission only when said uses are located within a parking district, the function of which is to provide off-street parking facilities.
- O. Variations. No proposed parking and/or traffic circulation design which deviates from the standards set forth in this chapter and which could create a safety hazard(s) shall be permitted unless the developer provides a detailed, stamped report or study prepared by a licensed traffic engineer which demonstrates, to the satisfaction of the Planning Commission, that said parking, and/or traffic circulation design, is a viable alternative and is consistent with the purposes stated in this chapter.
- P. Special Provisions in Residential Areas. In any residential district, no recreational type vehicle, including motor home, camping trailer, boat trailer, boat, pick-up camper units, fifth wheel, or motorcycle shall be stored or parked for more than 72 hours, except within a side or rear yard or within any garage, without first obtaining a temporary permit from the Newman Police Department which would permit up to a maximum of 72 more hours of parking. The following conditions apply:
1. Such vehicle shall not be maintained in any required front yard unless located on a driveway and the recreational type vehicle is 42 inches in height or less and a "zoning exemption" permit is issued by the Newman Chief of Police or designee based on the following findings:
 - a. The vehicle cannot be stored on any other portion of the property; and
 - b. The storage of the vehicle on a driveway located in the front setback area is not likely to create a public nuisance or hazard; and
 - c. The stored vehicle is fully operable and not likely to become unsightly or otherwise detract from the general appearance of the residential neighborhood within which it is to be located.
 2. Such vehicle shall be situated no closer than five feet to any main building or property line unless otherwise approved by the City Fire Chief.
 3. Such recreational vehicle shall not be used for sleeping quarters nor shall any sanitary or cooking facilities contained therein be used except as may be provided for within a valid temporary-parking permit issued by the Newman Police Department.
- Q. Inoperative Vehicles. In any residential district, all motor vehicles incapable of movement under their own power, other than in case of emergency accident or breakdown, shall be stored in an entirely enclosed space, or garage. No more than one such vehicle shall be so stored at any time, and no more than one vehicle shall be allowed to be under repair at any time.
- R. Parking on Lawns. Parking of any vehicles on lawns or other areas in front yards, or side yards not behind a solid fence six feet in height where such vehicle is plainly visible from the street or other public or private property, other than on a driveway, is prohibited. (Ord. 2007-11 § 1(1, 2), 12-11-2007; Ord. 98-4 § 3, 8-25-1998; Ord. 97-17, 10-28-1997)



CITY OF NEWMAN POLICE DEPARTMENT

ADAM MCGILL, CHIEF OF POLICE

TO : CITY COUNCIL
 FROM : ADAM MCGILL, CHIEF OF POLICE *AM*
 DATE : March 29, 2010
 SUBJECT : STEPHENS AVENUE PARKING ISSUE

In the fall of 2009 the Police Department worked in partnership with the residents of Stephens Avenue and the NCLSD to find solutions to habitual parking problems on Stephens Avenue. Students and staff park on Stephens Avenue during school hours often leaving garbage and creating nuisances in the neighborhood. This also makes it difficult for residents to park their own vehicles or those of their visitors. Residents and district officials have been unsuccessful in getting students and staff to use available parking on campus.

The concept of permitted parking only was agreed upon by all of the parties but was stalled when funding for this project could not be identified. As you recall, Mr. Scott Pasco, a Stephens Avenue resident appeared before the Council on March 26th and requested the permitted parking plan move forward and offered to pay for the project himself if other funds could not be identified.

The Police Department has conferred with all of the involved parties again and support for the project remains. Additionally, OHS campus safety is enhanced if this project is approved. Stephens Avenue is the only public area students and staff currently park. By restricting their access to Stephens Avenue, it is our hope students and staff will be compelled to park on campus where their vehicles are more closely monitored and allowed to be searched under certain circumstances.

The Police Department has consulted with Public Works. We are estimating the cost of the signs and permits will be in the range of \$1000-1200. Public Works would install the signs at no charge. The Police Department recommends the Council approve permit parking for residents only on Stephens Avenue, M-F, during school hours. Each household would be issued no more than four permits (Resident 1 a-d, et.al.) that would be affixed to the lower left area of the windshield.

Although, this is an added task for the Police Department we do not foresee it being overly time consuming. The area would be monitored, time permitting, by the SRO and CSO. The Police Department recognizes the concern of creating precedence for other neighborhoods that suffer from parking problems. Each situation is unique and requires a unique solution. In this case the circumstances support permit parking because of enhanced campus safety and an improved quality of life for the residents. Additionally, because there is ample parking available on the OHS campus, parking on Stephens Avenue is not a necessity as it may be in other neighborhoods with schools.

Another area of concern, deals with the possibility of pushing the problem to R Street. We do not believe this will occur to the point of a problem. Driveways on R Street are near the corner of R Street and Stephens Avenue which forces motorists to park too far south on R Street outweighing the benefits of parking closer on campus.

The Police Department does not support the project with City funds other than the staff time dedicated by the Police Department and Public Works. The Police Department recommends the City Council instruct Staff to present an ordinance change restricting parking on Stephens Avenue by permit only during school hours. Additionally, the Police Department recommends the residents prepay at least \$1000. before signage is ordered and installed. Additional balance remaining or due will be addressed when the project is complete.

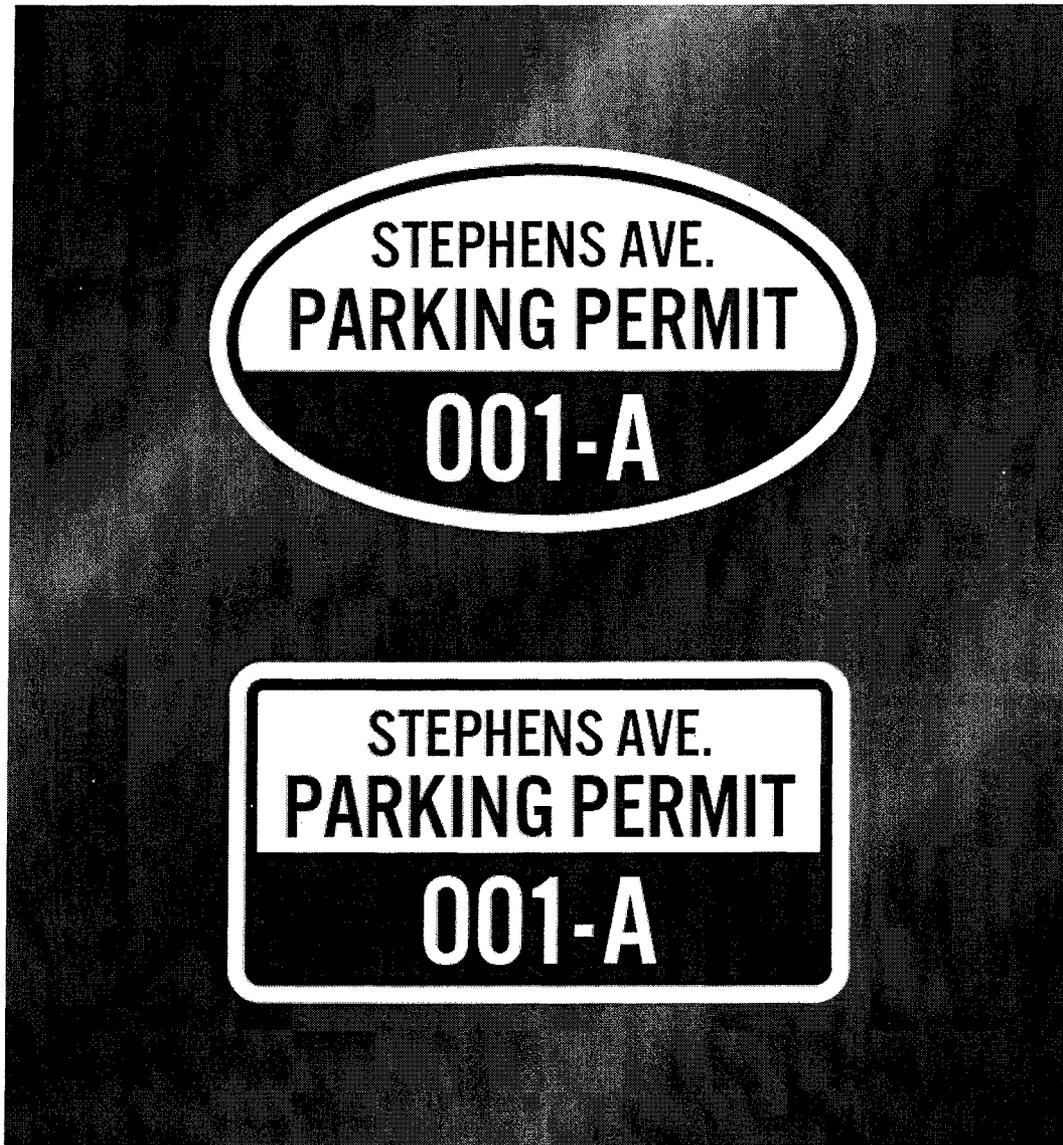
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HARD DRIVE

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Newman, CA 95360

ph 209.862.0800 • fx 209.862.0810

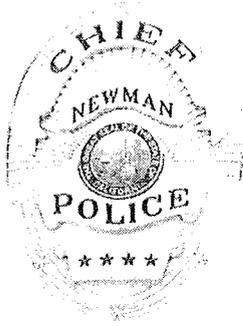


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Approve: _____

Changes: _____

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CITY OF NEWMAN POLICE DEPARTMENT

ADAM MCGILL, CHIEF OF POLICE

TO : CITY COUNCIL
 FROM : ADAM MCGILL, CHIEF OF POLICE *AM*
 DATE : March 29, 2010
 SUBJECT : STEPHENS AVENUE PARKING ISSUE

In the fall of 2009 the Police Department worked in partnership with the residents of Stephens Avenue and the NCLSD to find solutions to habitual parking problems on Stephens Avenue. Students and staff park on Stephens Avenue during school hours often leaving garbage and creating nuisances in the neighborhood. This also makes it difficult for residents to park their own vehicles or those of their visitors. Residents and district officials have been unsuccessful in getting students and staff to use available parking on campus.

The concept of permitted parking only was agreed upon by all of the parties but was stalled when funding for this project could not be identified. As you recall, Mr. Scott Pasco, a Stephens Avenue resident appeared before the Council on March 26th and requested the permitted parking plan move forward and offered to pay for the project himself if other funds could not be identified.

The Police Department has conferred with all of the involved parties again and support for the project remains. Additionally, OHS campus safety is enhanced if this project is approved. Stephens Avenue is the only public area students and staff currently park. By restricting their access to Stephens Avenue, it is our hope students and staff will be compelled to park on campus where their vehicles are more closely monitored and allowed to be searched under certain circumstances.

The Police Department has consulted with Public Works. We are estimating the cost of the signs and permits will be in the range of \$1000-1200. Public Works would install the signs at no charge. The Police Department recommends the Council approve permit parking for residents only on Stephens Avenue, M-F, during school hours. Each household would be issued no more than four permits (Resident 1 a-d, et.al.) that would be affixed to the lower left area of the windshield.

Although, this is an added task for the Police Department we do not foresee it being overly time consuming. The area would be monitored, time permitting, by the SRO and CSO. The Police Department recognizes the concern of creating precedence for other neighborhoods that suffer from parking problems. Each situation is unique and requires a unique solution. In this case the circumstances support permit parking because of enhanced campus safety and an improved quality of life for the residents. Additionally, because there is ample parking available on the OHS campus, parking on Stephens Avenue is not a necessity as it may be in other neighborhoods with schools.

Another area of concern, deals with the possibility of pushing the problem to R Street. We do not believe this will occur to the point of a problem. Driveways on R Street are near the corner of R Street and Stephens Avenue which forces motorists to park too far south on R Street outweighing the benefits of parking closer on campus.

The Police Department does not support the project with City funds other than the staff time dedicated by the Police Department and Public Works. The Police Department recommends the City Council instruct Staff to present an ordinance change restricting parking on Stephens Avenue by permit only during school hours. Additionally, the Police Department recommends the residents prepay at least \$1000. before signage is ordered and installed. Additional balance remaining or due will be addressed when the project is complete.

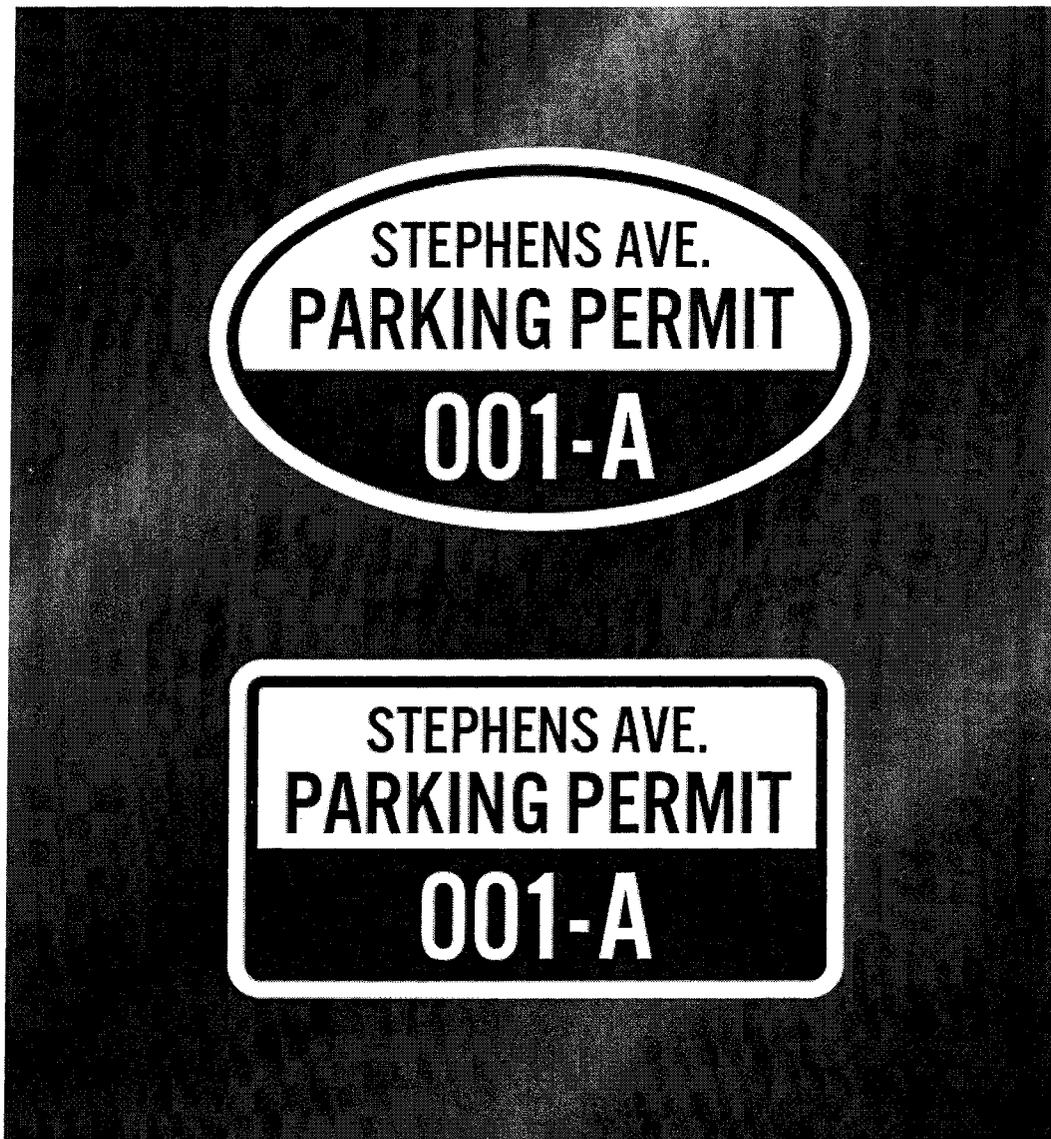
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Approve: _____

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Honorable Mayor and Members
of the Newman City Council

**AWARD BID FOR THE CITY OF NEWMAN 2010 SEWER PUMP STATION SCADA ADDITIONS
PROJECT TO TELSTAR INSTRUMENTS, INC.**

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2010- , awarding the 2010 Sewer Pump Station SCADA Additions Project to Telstar Instruments, Inc. for \$83,671.00.

BACKGROUND:

Supervisory Control and Data Acquisition (SCADA) systems utilize computers to provide a means of recording historical system information, continuous system monitoring and control, and the immediate reporting of system alarms for utility infrastructure such as wells and pump stations. Currently, the Public Works Department utilizes a SCADA system for the monitoring and control of the water system. This project is to integrate the same technology for the sewer pump stations. This project will provide a means to monitor the pump stations, record pump station system information, record and send alarm notifications via phone, help in preventing future sanitary sewer overflows due to the sewer pump stations, increase operating efficiencies, and reduce operating costs related to the pump stations. It is estimated that the project will reduce the number of hours currently required to check and monitor the sewer pump stations by approximately eleven (11) hours per week, or 572 hours per year.

The Public Works Department advertised for bids for the 2010 Sewer Pump Station SCADA Additions Project in the West Side Index on March XX, 2010 and XX, 2010; bids were opened on Tuesday March 30, 2010 at 2:00 P.M. and read aloud. The solicited services included the design, manufacture, programming, integration, and installation for a SCADA system at all of the sewer pump stations through out the City of Newman.

ANALYSIS:

The City advertised and received bids; the bids were opened and read on March 30, 2010 at 2:00 pm. A total of three bids were submitted for this project with the Engineer's Estimate for this project estimated at \$100,000.00. The lowest responsible bidder for this project has been determined to be Telstar Instruments, Inc. with a low bid amount of \$83,671.00. The Public Works Department 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.

The bid results are as follows:

Telstar Instruments, Inc.	\$83,671.00
Tesco Controls, Inc.	\$92,500.00
Howk Systems	\$133,000.00

FISCAL IMPACT:

Bid amount	\$83,671.00	09/10 Budgeted amount	\$100,000.00
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CONCLUSION:

The City of Newman advertised and received bids for the 2010 Sewer Pump Station SCADA Additions Project. Telstar Instruments, Inc. has been determined to be the lowest responsible bidder in the amount of \$83,671.00. Therefore, staff recommends City Council award the bid to Telstar Instruments, Inc. for the 2010 Sewer Pump Station SCADA Additions Project for the bid amount of \$83,671.00.

Respectfully Submitted,



Garner Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2010-

**APPROVAL OF THE 2010 SEWER PUMP STATION SCADA ADDITIONS PROJECT CONTRACT
WITH TELSTAR INSTRUMENTS, INC.**

WHEREAS, the City Manager of the City of Newman has recommended that the City Council approve a contract with Telstar Instruments, Inc. for the 2010 Sewer Pump Station SCADA Additions Project related to the City of Newman's sewer pump station maintenance program; and

WHEREAS, the City Council is desirous of entering into a contract with Telstar Instruments, 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 Telstar Instruments, Inc.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby approves the contract with Telstar Systems and authorizes the City Manager to execute said contract for the 2010 Sewer Pump Station SCADA Additions Project.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 13th day of April 2010 by Council Member _____, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman

Honorable Mayor and Members
of the Newman City Council

**ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA,
INITIATING PROCEEDINGS FOR A PROPOSED INCREASE OF ASSESSMENTS WITHIN THE CITY
OF NEWMAN LANDSCAPE AND LIGHTING DISTRICT, THE LEVY AND COLLECTION OF
ASSESSMENTS THEREIN AND ORDERING THE PREPARATION OF AN ASSESSMENT
ENGINEER'S REPORT**

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2010- , initiating proceedings for a proposed increase of assessments within the City of Newman Landscape and Lighting District, the levy and collection of assessments therein and ordering the preparation of an Assessment Engineer's Report.

BACKGROUND:

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

ANALYSIS:

On February 23, 2010 City Council approved an amendment to the contract for consultant services with NBS to provide Proposition 218 services for the Landscape and Lighting District, Zones 1-15. This staff report is to authorize the initiation of the proceedings (Proposition 218) for a proposed increase of assessments within the City of Newman Landscape and Lighting District, the levy and collection of assessments therein and ordering the preparation of an Assessment Engineer's Report. The next steps in the process would be to develop the Engineer's Report, prepare the Notice and Ballot for the affected property owners, prepare the Resolution of Intent, and the Public Hearing.

FISCAL IMPACT:

None.

CONCLUSION:

City Council previously approved an amendment to the contract for consultant services with NBS to provide Proposition 218 services for the Landscape and Lighting Districts 15 Zones. Therefore staff recommends City Council authorize the first step in this process and initiate the proceedings for a proposed increase of assessments within the City of Newman Landscape and Lighting District, the levy and collection of assessments therein and ordering the preparation of and Assessment Engineer's Report.

Respectfully Submitted,



Garner Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2010-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA,
INITIATING PROCEEDINGS FOR A PROPOSED INCREASE OF ASSESSMENTS WITHIN THE
CITY OF NEWMAN LANDSCAPE AND LIGHTING DISTRICT, THE LEVY OF ANNUAL
ASSESSMENTS THEREIN AND ORDERING THE PREPARATION OF AN ASSESSMENT
ENGINEER'S REPORT**

WHEREAS, the City Council of the City of Newman (hereafter referred to as the "City Council") has by previous Resolutions formed and levied annual assessments for the City of Newman Landscape and Lighting District (hereafter referred to collectively as the "District"), pursuant to provisions of the Landscaping and Lighting Act of 1972 (the "Act"), that provides for the levy and collection of assessments by the County of Stanislaus for the City of Newman to pay for the maintenance and services of all improvements and facilities related hereto; and

WHEREAS, the City Council desires to increase assessments within various benefit zones within the District; and, has determined that all parcels within the District receive special benefit from the improvements; and

WHEREAS, the City Council has retained NBS for the purpose of assisting with the proposed increase in assessments and to prepare and file a report for the District with the City Clerk in accordance with the requirements of the Landscaping and Lighting Act of 1972.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman DOES HEREBY RESOLVE as follows:

1. The City Council hereby proposes to increase assessments within the District to pay for increased costs to service and maintain the existing improvements within the various benefit zones of the District. All maintenance and service items are detailed in the Engineer's Reports.
2. The City Council hereby orders NBS to prepare and file with the City Clerk the Engineer's Reports concerning the proposed assessment increases within the District, which will take effect for Fiscal Year 2010/11. The Engineer's Reports shall be prepared by NBS and approved by the City Engineer prior to the filing with the City Clerk.

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

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.f.**
City Council Meeting
of April 13, 2010

REPORT ON EMPLOYEE HOME LOAN PROGRAM

RECOMMENDATION:

Reinstate the Employee Home Loan Program.

BACKGROUND:

In 2007, the City Council instituted an Employee Home Loan Program that supported City employee purchases of homes within the City. The program was designed to provide up to \$40,000 of assistance to be used towards a down payment of a home located within the community. A total of four (4) loans were provided. The remaining \$40,000 was transferred backed to the General Fund Reserve when no additional applications had come forward.

ANALYSIS:

The City has received a request by an employee to reinstate the program. If approved by the Council, the loan would support an employee's move to the community; a goal of the program.

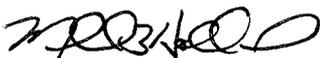
FISCAL IMPACT:

The General Fund reserve account would be reduced by \$40,000. However, the program is a loan and not a grant. Therefore, the money would be returned to the City through payments by the employee with interest.

CONCLUSION:

At the request of the employee, staff is submitting this request to the Council. Based upon the employee's longevity with the City and the fact the loan would allow the employee and family to move into the community, staff supports this request.

Respectfully submitted,



Michael E. Holland
City Manager

Michael Holland,

My family and I are currently shopping for a new home in the City of Newman. I have worked for the City of Newman for the past ten years and have seen great improvements to the city in that time. I understand that the city is not currently offering the home assistance loan it has offered in the past. I am also aware that there was still one loan left before the program was stopped due to budgetary reasons. I would like to request that the City Council and you consider re-funding that last loan to assist my family and I in purchasing a home within this community.

I realize that this community is a perfect fit for my family. We are looking for that small town environment where you feel safe letting your kids go outside and play. I would also like to be part of the community which I have served for the past ten years.

My children are very active in youth sports and currently I am unable to participate in their activities as much as I would like to. My goal is to be able to coach my children and other children in the community to show them that police officers care about their futures. I am hoping to build a bond with the community and the police department by being very active within community programs and sports.

Regretfully I did not act on this offer when it was available. I do hope the City Council and you will consider making a special consideration for my family so we can become a part of this great community.

My family and I would like to thank you in advance for your consideration of this request.

Sincerely:

A handwritten signature in black ink, appearing to read 'Randy Richardson', with a stylized flourish at the end.

Randy Richardson and family.



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

Date: April 9, 2010
To: City Council
From: Michael E. Holland, City Manager *MEL*

Subject: Method(s) For Filling City Council Vacancy

As a result of the resignation of Councilmember Kelly, the Newman City Council has a vacancy. The term of the vacant Council position expires in November 2010. The Council has three options for filling said vacancy:

Option 1:

Appoint a person to the position. If the Council elects to move forward with this method, I recommend Council set a date for the appointment and direct staff to advertise the vacant position in the local newspaper. Applicants would be required to submit an application for citizen service by a date set by Council.

Option 2:

Leave the position vacant and let the term expire. Filing for the vacant position opens up in July for the November general election.