

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING JULY 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.
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 June 22, 2010 Regular Meeting And The July 6, 2010 Special Meeting.
9. Public Hearings
 - a. Consider Proposed Lighting And Landscape Maintenance District Assessments Increases.
 - b. Adopt Resolution No. 2010- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.
10. Regular Business
 - a. Adopt Resolution No. 2010- , Authorizing The City Manager To Execute An Agreement With The City Of Turlock Designating The City Of Newman As A Sub-Recipient Of Home Funds Fiscal Year 2010-2011.
 - b. Report On The Use Receiverships To Abate Properties.
 - c. Adopt Resolution No. 2010- , Authorizing The City Manger Enter Into A Land Purchase And Sale Agreement To Purchase All Or A Portion Of Merced County APNs 054-004-010, 054-004-011, 054-005-009 And 054-006-001 And Appropriating The 2010-2011 Budget To Include Funds For Said Purchase.

- d. Adopt Resolution No. 2010- , A Resolution Declaring The Results Of The Assessment Increase Ballot Tabulation For The City Of Newman Lighting And Landscape Maintenance District And Providing For The Levy Of An Annual Assessment Therein.

11. Items From District Five Stanislaus County Supervisor.

12. Items From The City Manager And Staff.

13. Items From City Council Members.

14. Adjournment.

Calendar of Events

July 12 – Baseball Board Meeting – 6:00 P.M.

July 13 – City Council - 7:00 P.M.

July 15 – Planning Commission – 7:00 P.M.

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

July 27 – City Council - 7:00 P.M.

August 9 – Baseball Board Meeting – 6:00 P.M.

August 9 – NCLUSD Board Meeting - 6:00 P.M.

August 10 – City Council - 7:00 P.M.

August 12 – Recreation Commission – 7:00 P.M.

August 13 – City Furlough Day – City Offices Closed

August 17 – Two-On-Two Meeting With The School Board - 4:00 P.M.

August 19 – Planning Commission – 7:00 P.M.

August 24 – City Council - 7:00 P.M.

June 2010

Date.: Jul 9, 2010
Time.: 12:04 pm
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

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Ck #	Check Date	CK Amount	Vendor Name	Description
031938	06/23/10	-30.00	ROBERT D. RODRIGUEZ, ATTORNEY	Ck# 031938 Reversed
032923	06/23/10	-721.73	NEWMAN AUTO PLAZA	Ck# 032923 Reversed
032923	06/23/10	-802.38	NEWMAN AUTO PLAZA	Ck# 032923 Reversed
037720	06/21/10	200.00	JULIO CUEVAS	SOCCER CAMP INSTRUCTOR 6-7 TO 6-11-10/CUEVAS
037721	06/21/10	12.00	DEPT OF MOTOR VEHICLES	100 BICYCLE REGISTRATION FORMS/PD
037722	06/22/10	403.26	JAMES J. BELL	CONTRACT EVIDENCE CLERK/6-1 TO 6-15-10/BELL
037723	06/25/10	152.00	FUTURE STARS 2000'S, INC	FIRST SESSION TENNIS LESSIONS 6/1-6/22/10
037724	06/29/10	1002.22	AT&T MOBILITY	CELL PHONE USAGE 5/6/10 TO 6/05/10
037725	07/06/10	600.00	BACKYARD FLICKS	SHOWING OF MOVIE NIGHT/6/12/10
037726	07/09/10	124.06	ABBOTT & KINDERMANN, LLP	GENERAL ADVICE/SERVICES THRU 6/20/10
037727	07/09/10	3012.18	ADAMSON POLICE PRODUCTS	PO #10-56
037728	07/09/10	98.72	ALLIED AFFILIATED FUNDING, LP	BATTERY X7CX LITHIUM/METER READER
037728	07/09/10	96.83	ALLIED AFFILIATED FUNDING, LP	BATTERY X7CX LITHIUM/METER READER
037729	07/09/10	50.00	AMERICAN MOBILE SHREDDING, INC	2 BIN DOCUMENT SHREDDING/PD
037730	07/09/10	416.11	ARAMARK UNIFORM SERVICES	UNIFORM CLEANING/MAT RENTAL/SHOP TOWELS/MAY 2010
037731	07/09/10	415.37	AT&T MOBILITY	WIRELESS ACCESS 5/3/10-6/2/10/PD
037732	07/09/10	463.67	AT&T	MONTHLY TELEPHONE SERVICE 5/13/10-6/12/10
037732	07/09/10	334.35	AT&T	MONTHLY SERVICE T1 LINE @PD 5-20/10-6/19/10
037732	07/09/10	146.51	AT&T	MONTHLY SERVICES/PD EMERGENCY LINE 5/20/10-6/19/10
037733	07/09/10	439.92	JAMES J. BELL	EVIDENCE CLERK CONTRACT SERV 6/16-6/30/10/BELL
037734	07/09/10	53515.16	BERTOLOTTI DISPOSAL	MONTHLY GARBAGE SERVICE/JUNE 2010
037735	07/09/10	597.94	BERTOLOTTI DISPOSAL	LANDFILL FEES/JUNE 2010
037736	07/09/10	43.68	B G AUTO	MIRROR HEAD/UNIT #60/FD
037736	07/09/10	307.00	B G AUTO	MINI LAMP/GROMMET ASSRTM/SILICONE

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037737	07/09/10	939.36	BRUCE BUDMAN	INTERIM FINANCE DIRECTOR/6-21-10 TO 6-22-10/BUDMAN
037738	07/09/10	221.09	CAL TRAFFIC SIGNS	7 STOP RESURFACING/2 STOP SIGNS/1 SPEED SIGN
037738	07/09/10	447.05	CAL TRAFFIC SIGNS	15) 30" STOP SIGNS
037739	07/09/10	110.00	CALIFORNIA SOCIETY OF	ANNUAL MEMBERSHIP DUES/LEWIS HUMPHRIES
037740	07/09/10	3042.00	CALIFORNIA CONSULTING, LLC	GRANT WRITING & LOBBYING SERVICES/JUNE 2010
037741	07/09/10	10.00	CARLOS CANTU (NT)	REIMBURSEMENT FOR TRANSCRIPTS/CANTU
037742	07/09/10	8500.00	CBA (CALIFORNIA BENEFITS)	DENTAL-VISION PRE-PAID DEPOSIT
037743	07/09/10	859.67	CDW GOVERNMENT, INC	PO #10-51
037744	07/09/10	167.93	CENTRAL SANITARY SUPPLY	3 CASES WHITE ROLL TOWEL
037744	07/09/10	845.73	CENTRAL SANITARY SUPPLY	2PLY TP/CANLINERS/HANDSOAP/DEO BLOCKS/CLEANERS
037744	07/09/10	204.65	CENTRAL SANITARY SUPPLY	2 CASES CANLINERS/2 CASES ROLL TOWELS
037745	07/09/10	45.69	CHEVRON	GASOLINE PURCHASES/PD
037746	07/09/10	2025.00	CONTRACT SWEEPING SERVICES, IN	STREET SWEEPING SERVICES/APRIL 2010
037746	07/09/10	2025.00	CONTRACT SWEEPING SERVICES, IN	CONTRACT STREET SWEEPING SERVICES/JUNE 2010
037747	07/09/10	132.00	CSJVRMA	CRIME SHIELD PROGRAM 5-1-10 TO 7-01-10
037748	07/09/10	75.00	DAVE PIRES	LOCATED MAIN SEWER LINE ADJACENT TO HILL PARK
037749	07/09/10	2216.72	DENNIS BORRELLI	DUST-OFF APPLICATION/WWTP
037750	07/09/10	6693.75	ECO:LOGIC, INC	PO #10-43
037750	07/09/10	4415.00	ECO:LOGIC, INC	PO #10-57
037750	07/09/10	3818.25	ECO:LOGIC, INC	PO #10-52
037750	07/09/10	1580.50	ECO:LOGIC, INC	NEWMAN WATER ON-CALL 2009-2010
037751	07/09/10	325.00	EMPIRE INSIGNIAS	500 POLICE SHOULDER PATCHES
037752	07/09/10	1011.38	ENERGY SYSTEMS	SERVICED GENERATOR @ CANAL SCHOOL LIFT STA/FILTERS
037752	07/09/10	814.98	ENERGY SYSTEMS	SERVICED GENERATOR @ PD/OIL & FUEL FILTERS

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037752	07/09/10	642.23	ENERGY SYSTEMS	SERVICED GENERATOR @ WELL #1R/FILTERS/OIL
037752	07/09/10	1325.30	ENERGY SYSTEMS	SERVICED GENERATOR @ WELL #6/FILTERS/OIL/BATTERY
037752	07/09/10	650.00	ENERGY SYSTEMS	SERVICED GENERATORS @ WELL #8/OIL
037753	07/09/10	492.00	ENERPOWER	ELECTRIC ENERGY SERVICES 3/19/10 TO 4/18/10
037753	07/09/10	725.00	ENERPOWER	ELECTRIC ENERGY SERVICES 4/19/10 TO 4/30/10
037754	07/09/10	208.72	ENTENMANN-ROVIN CO.	TWO-TONE BADGES/CHIEF & CORPORAL
037754	07/09/10	98.62	ENTENMANN-ROVIN CO.	TWO-TONE DOME BADGE/CORPORAL
037755	07/09/10	129.73	GARTON TRACTOR	FITTING/NIPPLE/CARTRIDGE/BLADE/PVC HOSE/TIP
037756	07/09/10	1070.59	GEOANALYTICAL LAB, INC.	BOD/TSS/NITRATES FOR WWTP/BACTI/EXCEL REPORTING
037757	07/09/10	74.03	GOLDEN STATE IRRIGATION	MISC PVC/ADJ NOZZLE/SAFETY GLASSES/SPRINKLER HEADS
037758	07/09/10	377.07	GRANDFLOW	1500 BUSINESS LICENSE INVOICES/LICENSES
037759	07/09/10	1245.18	GRANT ENTERPRISE	PO #10-60
037760	07/09/10	575.00	GROVER LANDSCAPE, INC.	AERATION OF DENSMORE AND PIONEER PARKS
037761	07/09/10	135.15	STEPHANIE HOUSE	REIMBURSE SUPPLIES FIT KIDS/TEEN CENTER SNACK/HOUS
037762	07/09/10	321.87	IKON OFFICE SOLUTIONS	COPIER LEASE 6/10/10 TO 7/09/10/CITY HALL
037763	07/09/10	1607.63	INFOSEND, INC	LATE NOTICES & UTILITY BILLS/RECYCLE SCHEDULE MAIL
037764	07/09/10	279.86	JOE'S LANDSCAPING & CONCRETE,	CLEAN-UP WORKS DONE @ 1573 CANYON CREEK
037765	07/09/10	3413.58	JORGENSEN & COMPANY	INSTALLED NEW ANSUL SYSTEM AT FIRE DEPT
037766	07/09/10	44.55	MALLARD EXPRESS AUTO	CHANGE OIL & FILTER/UNIT 502 PD
037766	07/09/10	36.17	MALLARD EXPRESS AUTO	OIL & FILTER CHANGE/CNG VEHICLE/PD
037766	07/09/10	739.16	MALLARD EXPRESS AUTO	ELECTRIC FAN MOTOR/HEAD GASKET SEALER
037766	07/09/10	15.00	MALLARD EXPRESS AUTO	TIRE REPAIR/HONDA CIVIC PD
037766	07/09/10	359.54	MALLARD EXPRESS AUTO	FRONT BRAKE PADS AND ROTORS/UNIT 596/PD
037766	07/09/10	40.76	MALLARD EXPRESS AUTO	OIL & FILTER CHANGE/GMC YUKON

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037767	07/09/10	460.20	McDONOUGH, HOLLAND, ALLEN	LEGAL SERVICES RENDERED THRU 5/31/10/RDA ADMENDMNT
037768	07/09/10	50.46	DOUG MUTOZA (NT)	REIMBURSE SUPPLIES RETIREMENT LUNCHEON/HURST
037769	07/09/10	1055.70	NBS	MAILING OF BALLOTS/LIGHTING & LANDSCAPE DISTRICT
037770	07/09/10	26290.00	NEWMAN FIREFIGHTERS, INC.	2349 FIRE CALLS/280 TRAINING SESSIONS/VOLUNTEERS
037770	07/09/10	2000.00	NEWMAN FIREFIGHTERS, INC.	REIMBURSE FOR MONTHLY DINNER MTGS/NEWMAN FIREFIGHT
037771	07/09/10	253.60	NORMAC, INC.	12 RAINBIRD FALCON ROTORS
037771	07/09/10	131.40	NORMAC, INC.	5 HUNTER 125-04 ROTORS
037772	07/09/10	7261.14	NTDSTICHLER ARCHITECTURE	PROFESSIONAL SERV/AQUATIC CNTR THRU 4/30/10
037773	07/09/10	187.67	PACIFIC WATER RESOURCES	SMITH & LOVELESS MECHANICAL SEAL
037774	07/09/10	644.00	BIANCA PARDO	ZUMBA INSTRUCTOR/THURSDAYS/PARDO 6-3TO 6-24-10
037775	07/09/10	250.00	CITY OF PATTERSON	FIRE DATA INPUT/MAY 2010
037776	07/09/10	146.10	P G & E	NATURAL GAS PURCHASES/5/7/10 TO 6/07/10
037777	07/09/10	4.31	PIONEER DRUG	LEGAL TABLETS/CLIPBOARD
037778	07/09/10	424.00	JOSSARA M. PIRES	ZUMBA INSTRUCTOR/TUESDAYS/6-18 TO 6-29-10/PIRES
037779	07/09/10	140.00	RANDHAWA MEDICAL GRP, IN	PRE-EMPLOYMENT PHYSICAL/IVAN ESCATEL
037779	07/09/10	140.00	RANDHAWA MEDICAL GRP, IN	PRE-EMPLOYMENT PHYSICAL/HEATHER OLIVER
037780	07/09/10	902.22	RAY'S RADIO SHOP	15 RADIO BATTERIES/PD
037781	07/09/10	75.00	LYDIA RENTERIA	REFUND MEMORIAL BLDG DEPOSIT/CORRAL/RENERIA
037782	07/09/10	25.00	KATHY ROCHA	REFUND PARK RENT/CANCELLED USE/KATHY ROCHA
037783	07/09/10	25.00	ARACELY ROCHA	REFUND TENNIS LESSONS/MARCOS OCHOA
037784	07/09/10	455.00	ROPERS, MAJESKI, KOHN & BENTLEY	EMPLOYMENT ADVICE AND COUNSEL THRU 5/31/10
037785	07/09/10	7900.76	RRM DESIGN GROUP, INC.	PROFESSIONAL SERVICES/DOWNTOWN PLAZA/APR 2010
037785	07/09/10	12422.18	RRM DESIGN GROUP, INC.	PROFESSIONAL SERVICES/MAY 2010/DOWNTOWN PLAZA
037786	07/09/10	200.00	IRMA SARASQUETA	REFUND MEMORIAL BLDG DEPOSIT/SARASQUETA

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037787	07/09/10	858.00	SELF HELP ENTERPRISES	LOAN SERVICING/APRIL 2010
037787	07/09/10	858.00	SELF HELP ENTERPRISES	LOAN SERVICING/MAY 2010
037788	07/09/10	449.56	SPORTS SUPPLY GROUP	BASKETBALL NET/TRAINING GOALS/HORSESHOE SET/CANOPY
037789	07/09/10	665.00	STATE OF CALIFORNIA	FINGERPRINTS AND FBI CHECKS
037790	07/09/10	33.67	STANISLAUS COUNTY	CNG FUEL PURCHASED @ MORGAN ROAD STATION/MAY 2010
037791	07/09/10	312.76	STAPLES ADVANTAGE	HP MULTI-COLOR AND BLACK INK/BOARD FRAME
037791	07/09/10	174.65	STAPLES ADVANTAGE	TABS/BATTERIES/PAPER/INK CARTRIDGE/BALLPOINT PENS
037791	07/09/10	101.09	STAPLES ADVANTAGE	PINS/CORRECTION TAPE/BINDER CLIPS/COLORED PAPER
037791	07/09/10	35.15	STAPLES ADVANTAGE	RUBBERBANDS/4 REAMS LEGAL SIZE PAPER
037791	07/09/10	196.55	STAPLES ADVANTAGE	FIRST AID KIT/REFILL KIT
037791	07/09/10	283.05	STAPLES ADVANTAGE	TAB DIVIDERS/TAPE/PAPER/HP TONER/POST-ITS
037792	07/09/10	179.32	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL/MOVIE NIGHT
037792	07/09/10	155.83	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL/MONTHLY SERVICE
037793	07/09/10	2143.50	SUNSHINE EXPRESS, INC.	2.8 TONS COLD MIX ASPHALT DELIVERED/STREET REPAIRS
037794	07/09/10	180.00	BARBARA J. TOSTA	YOUGH AT HEART INSTRUCTOR/JUNE 2010
037795	07/09/10	252.00	ASHLIE URIBE	ZUMBA INSTRUCTOR/SATURDAYS/ASHLIE URIBE
037796	07/09/10	15.23	VALLEY PARTS SERVICE	1 GALLON DELO OIL
037796	07/09/10	26.74	VALLEY PARTS SERVICE	RECEIVER
037796	07/09/10	7.37	VALLEY PARTS SERVICE	TRUFLEX V-BELT
037796	07/09/10	77.38	VALLEY PARTS SERVICE	DEXROJ/AIR AND OIL FILTERS
037796	07/09/10	20.79	VALLEY PARTS SERVICE	T RD END
037796	07/09/10	115.35	VALLEY PARTS SERVICE	refrigerant and 2 palladium gears
037797	07/09/10	2078.98	MATTOS NEWSPAPERS, INC.	LEGAL ADS/SUPPLIES/SHIPPING/2009 CCR'S
037798	07/09/10	50.93	YANCEY LUMBER COMPANY	I BAG DOG FOOD/K-9

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Grn-Total:		----- 186724.00		
Count:	120			

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING JUNE 22, 2010
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** - Mayor Katen 7:00 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Mayor Katen.
4. **Roll Call PRESENT:** Davis, Candea, Martina And Mayor Katen.
ABSENT: None.
5. **Declaration Of Conflicts Of Interest** - None.
6. **Ceremonial Matters** - None.
7. **Items from the Public - Non-Agenda Items**

Mary Moore, Newman Historic Society President, Requested That The Council Review The Possibility Of Permanently Locating The Yancey Building On The Museum Property.

Barbara Powell, Newman Historic Society Member, Asked That The Yard Behind The Museum Be Renovated For Safety And Better Viewing Of The Antique Farm Equipment. Powell Requested A Task Force Be Created For The Purpose Of Updating The Museum Yard. Powell Noted That The Historic Society Had Voted 25 To 4 In Favor Of Restoring The Yancey Building And Having It Remain On The Museum Property. Powell Remarked That The Historic Society Envisions The Yancey Building As An Extension Of The Museum.

The Council Agreed That The Renovation Of The Yancey Building And The Museum Yard Be Placed On A Future Agenda For Review And Possible Action.

8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The June 8, 2010 Regular Meeting.
- d. Adopt Resolution No. 2010-45, A Resolution Ratifying Memorandum Of Understanding Between The City Of Newman And The Operating Engineers Local #3 Police Officers, Corporals And Sergeants Bargaining Unit.
- e. Approve Resolutions For Employer Paid Member Contributions
 - I. Adopt Resolution No. 2010-46, A Resolution For Employer Paid Member Contributions For Miscellaneous Employees.
 - II. Adopt Resolution No. 2010-47, A Resolution For Employer Paid Member Contributions For Management Employees.
 - III. Adopt Resolution No. 2010-48, A Resolution For Employer Paid Member Contributions For Safety Employees.

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

9. Public Hearings - None.

10. Regular Business

a. Approve Fiscal Year 2010-11 Annual Budget As Presented In The Preliminary Budget Document

I. Adopt Resolution No. 2010-49, A Resolution Adopting The Budget For Fiscal Year 2010-2011.

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2010-49, A Resolution Adopting The Budget For Fiscal Year 2010-2011, Was Adopted.

II. Adopt Resolution No. 2010-50 A Resolution Establishing The Appropriations Limit For Fiscal Year 2010-2011.

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2010-50, A Resolution Establishing The Appropriations Limit For Fiscal Year 2010-2011, Was Adopted.

III. Adopt Resolution No. 2010-51, A Resolution Of The Newman Redevelopment Agency Adopting The Budget For Fiscal Year 2010-2011.

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2010-51, (RDA Resolution No. 2010-5) A Resolution Of The Newman Redevelopment Agency Adopting The Budget For Fiscal Year 2010-2011

b. Adopt Resolution No. 2010-52, A Resolution Modifying The Date Of Completion Of The Underground Utility District Nos. 5-A, 5-B, And 5-C In The City Of Newman.

ACTION: On Motion By Davis Seconded By Candea And Unanimously Carried, Resolution No. 2010-52, A Resolution Modifying The Date Of Completion Of The Underground Utility District Nos. 5-A, 5-B, And 5-C In The City Of Newman, Was Adopted.

c. Consider Adoption Of Resolution No. 2010-53, A Resolution Awarding The Bid For The Orestimba Feasibility Study Flood Control Project Soil Borings, Authorizing The City Manager To Execute The Agreement And Authorizing Staff To Enter Into An MOU With Stanislaus County For Credit As Work-In-Kind For This Project.

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2010-53, A Resolution Awarding The Bid For The Orestimba Feasibility Study Flood Control Project Soil Borings, Authorizing The City Manager To Execute The Agreement And Authorizing Staff To Enter Into An MOU With Stanislaus County For Credit As Work-In-Kind For This Project, Was Adopted Along With The Budget Adjustment In The Amount Of \$60,000.00.

d. Adopt Resolution No. 2010-54, A Resolution Authorizing The Purchase Of One New Police Vehicle.

ACTION: On Motion By Candea Seconded By Martina And Unanimously Carried, Resolution No. 2010-54, A Resolution Authorizing The Purchase Of One New Police Vehicle, Was Adopted.

- e. Adopt Resolution No. 2010-55, A Resolution Adopting A Revised City Of Newman Emergency Operations Plan.

Chief Gary Hinshaw, Fire Warden And Assistant Director Of Emergency Services For The Stanislaus County Office Of Emergency Services, Noted That The Update Of The City's Emergency Operations Plan Establishes A Baseline For Responding To Emergencies And Complies With Both SEMS And NIMS Requirements.

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2010-55, A Resolution Adopting A Revised City Of Newman Emergency Operations Plan, Was Adopted.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Mentioned That The West Side Healthcare Taskforce Is Currently Sponsoring The West Side Walks Campaign. DeMartini Remarked That Taskforce Is Now A Year Round Entity And That They Would Be Hosting The Second Annual Healthier Choices Summit In Newman On August 12, 2010. DeMartini Reminded Everyone That The Next Taskforce Meeting Would Be In Newman On July 29, 2010. DeMartini Commented That Stanislaus County Has Agreed To Join The Cities Of Newman And Oakdale In Their Review Of Gas Tax/Sales Tax Losses As A Result Of The City Of Modesto's Agreement With W.H. Breshears.

12. Items From The City Manager And Staff.

City Manager Holland Reported That The Latest Edition Of The City Newsletter Was Available Online. Holland Noted That The New Recycling Program Schedule Was Available Online And That Copies Of The Schedule Would Be Included With The Next Utility Bill. Holland Reminded Everyone That City Hall Would Be Closed July 5, 2010 For The 4th Of July Holiday. Holland Informed The Council That The RV Shade Structure That The Council Had Previously Reviewed, Had Been Lowered To 12 Feet As They Required. Holland Announced That State Officials Who Are Currently Considering Our Proposition 84 Grant Application, Would Soon Be Visiting The Aquatic Center Site. He Thanked The Council For Funding The Purchase Of The New Police Vehicle. Holland Introduced Lewis Humphries As The New Finance Director And Thanked Previous Finance Director Bruce Budman For His Services.

Chief Richardson Reminded Everyone That The City Has Animals Available For Adoption And That Identity Theft Crimes And Scams Have Been On The Increase.

Public Works Director Reynolds Noted That Caltrans Is Finally Progressing Reconstruction Of Highway 33 And The Majority Of The Paving Would Be Complete Within A Day. Reynolds Mentioned Plaza And Hill Park Projects Were Moving Forward. Reynolds Reminded Everyone That The City Street Sweeping Would Soon Be Increased To Twice A Month In Residential Areas.

13. Items From City Council Members.

Council Member Martina Inquired About The Status Of Bike Patrol Officer.

14. Adjourn To Closed Session - 8:47 P.M.

- a. Conference With Real Property Negotiator - Merced County APN: 054-004-010
054-004-011, 054-005-009 And 054-006-001 - G.C. 54956.8.
- b. Return To Open Session. - 9:10 P.M.

No Reportable Action Was Taken.

15. Adjournment.

ACTION: On Motion By Davis Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 9:12 P.M.

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
SPECIAL MEETING JULY 6, 2010
CITY COUNCIL CHAMBERS, 5:30 P.M., 1200 MAIN STREET

1. **Call To Order 5:30 P.M.**
2. **Roll Call PRESENT:** Davis, Candea, And Martina.
ABSENT: Mayor Katen.
3. **Declaration Of Conflicts Of Interest - None.**
4. **Items from the Public - Non-Agenda Items - None.**
5. **Regular Business**

a. Examination Of Sales And Use Tax Records.

- I. Adopt Resolution No. 2010-56, A Resolution Of The City Council Of The City Of Newman Authorizing Examination Of Sales And Use Tax Records.

ACTION: On Motion By Davis Seconded By Candea And Unanimously Carried, Resolution No. 2010-56, A Resolution Of The City Council Of The City Of Newman Authorizing Examination Of Sales And Use Tax Records.1, Was Adopted.

- II. Adopt Resolution No. 2010-57, A Resolution Of The City Council Of The City Of Newman Designating A City Consultant As The Authorized City Representative To Examine Sales And Use Tax Records.

ACTION: On Motion By Davis Seconded By Candea And Unanimously Carried, Resolution No. 2010-57, A Resolution Of The City Council Of The City Of Newman Designating A City Consultant As The Authorized City Representative To Examine Sales And Use Tax Records., Was Adopted.

6. **Items From The City Manager And Staff.**

City Manager Holland Reminded The Council That Staff Would Be Meeting With The State Board Of Equalization On Monday July12, 2010, In Sacramento And That He Would Report Any Information About Said Meeting To Them At The Next Regularly Scheduled City Council Meeting.

7. **Items From City Council Members - None.**

8. **Adjournment.**

ACTION: On Motion By Candea Seconded By Davis And Unanimously Carried, The Meeting Was Adjourned At 5:38 P.M.

Honorable Mayor and Members
of the Newman City Council

**REPORT ON THE PROPOSED LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENTS**

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct a Public Hearing and accept public opinions on the proposed increase in assessments.
2. Accept oral and written protests (a protest must be submitted in writing and consistent with the instructions provided in the public notice);
3. Close required 45 day public comment period.

BACKGROUND:

The City of Newman has a total of 15 zones within the Landscape and Lighting District (District) in various locations throughout the City. The District represents approximately 42% of the parcels within the City and Improvements maintained from assessment revenues within the District include, but are not limited to, the weekly operation, maintenance, and servicing of all public parks, landscaping improvements, weed abatement, plant materials, pathways, irrigation systems, and street lights. 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. On April 13, 2010 City Council authorized the initiation of the proceedings for a proposed increase of assessments within the District and on May 11, 2010 City Council passed resolution No. 2010-30 approving the Engineer's Report and authorizing the initiation of proposition 218 proceedings. In general, the intent of Proposition 218 requires that a ballot be sent to the owner of property subject to the assessment, the assessment may not be increased if the assessment ballots returned, weighted by the financial obligation of each parcel, are opposed to the increase in assessment.

ANALYSIS:

Proposition 218 requires that the City send written notice by mail of the proposed fee or charge to each rate payer. The written notice included the amount of the rates, the reason for the fee or charge, and the date, time and location of a public hearing. The public hearing is required to be conducted not less than 45 days after mailing the notices. If written protests against the proposed fee or charge are presented by a majority of owners based on the proposed assessment of the identified parcels, the agency shall not impose the fee or charge; this process serves to validate the rates.

The special notice proceeding consisted of a mailed notice (see attached) distributed to the property owner of record within the City and established a date and time to hold a public hearing to consider all protests against the proposed increase in assessments.

FISCAL IMPACT:

There is no cost associated with this item.

CONCLUSION:

Staff recommends that City Council conduct the Public Hearing, accept oral and written protests, and close the required 45 day public comment period.

Respectfully Submitted:



Garner R. Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.b.**
City Council Meeting
of July 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, July 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,



Randy Richardson, 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 July 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 July, 2010 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

Deputy City Clerk

City of Newman
Abatement list

1. 515 Waxwing Lane

Tall grass and weeds through out the front and backyard of the property



07.07.2010 10:09



07.07.2010 10:09

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.a.**
City Council Meeting
of July 13, 2010

APPROVAL OF HOME SUB-RECIPIENT AGREEMENT

RECOMMENDATION:

Adopt Resolution No. 2010- authorizing the City Manager to execute an agreement with the City of Turlock designating the City of Newman as a Sub-Recipient of HOME Funds for fiscal year 2010-2011.

BACKGROUND:

The City of Newman has been a part of the City of Turlock/Stanislaus County HOME Consortium for the past five years. In order to receive HOME funds, the City must be designated as a sub-recipient; this designation is renewed on an annual basis.

ANALYSIS:

This agreement designates the City of Newman as a HOME sub-recipient of HOME funds for the 2010-2011 fiscal year. As a member of the HOME Consortium, the City of Newman has been allocated \$161,838.91 (\$151,857.92 program, \$9,980.99 administration) for this fiscal year.

FISCAL IMPACT:

Positive, the City of Newman will benefit from \$161,838.91 in HOME funding.

CONCLUSION:

Staff recommends the Council adopt the attached resolution authorizing the City Manager to execute said agreement with the City of Turlock.

ATTACHMENTS:

1. Exhibit A – Agreement designating the City of Newman as a Sub-Recipient of HOME Funds for fiscal year 2010-2011.
2. Exhibit B – Resolution #2010- , A Resolution Authorizing the City Manager to Execute an Agreement with the City of Turlock Designating the City of Newman as a Sub-Recipient of HOME Funds Fiscal Year 2010-2011.

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael Holland
City Manager

**AGREEMENT DESIGNATING NEWMAN
AS A SUB-RECIPIENT OF HOME FUNDS
FISCAL YEAR 2010-2011**

THIS AGREEMENT is made and entered into this 22rd day of June 2010, by and between the **CITY OF TURLOCK**, hereafter called "CITY" and the **CITY OF NEWMAN**, hereinafter called "NEWMAN."

W I T N E S S E T H :

WHEREAS, the CITY and NEWMAN have entered into a Cooperative Agreement to form the City of Turlock/Stanslaus County HOME Consortium to qualify for HOME Investment Partnership Act funds, funded by the U.S. Department of Housing and Urban Development; and

WHEREAS, the CITY is the lead agency in the Consortium, designated by HUD as the HOME Participating Jurisdiction; and

WHEREAS, the CITY and NEWMAN have determined that it is mutually beneficial to have CITY disburse HOME funds for HOME-eligible activities in NEWMAN; and

WHEREAS, NEWMAN must be designated a HOME Sub-recipient in order to directly execute contracts for HOME-funded activities;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Upon execution of this Agreement, NEWMAN shall be designated as a HOME Sub-recipient for 2010-2011 fiscal year funds for the purpose of administering HOME-eligible activities in NEWMAN, the funds for which shall be disbursed by the CITY. The maximum amount of fiscal year 2010-2011 HOME funds covered by this Agreement shall be One Hundred Sixty-One Thousand Eight Hundred Thirty-Eight and .91/100ths dollars (\$161,838.91) (\$151,857.92 program; \$9,980.99 administration). In the event that HUD reduces the HOME allocation to the Consortium, NEWMAN's allocation will be reduced proportionately.
2. As a sub-recipient, NEWMAN may contract with other entities to perform HOME-eligible activities. HOME eligible activities NEWMAN desires to engage in must be approved by CITY in advance of any contract being executed. CITY approval will be evidenced by a project approval letter to NEWMAN.
3. NEWMAN agrees that any HOME-eligible activities funded through this Agreement shall be confirmed with a written contract that contains the provisions specified in 24 CFR Part 92.504. In addition, any contract made between NEWMAN and another entity for the use of HOME funds pursuant to this Agreement shall comply with all applicable HOME regulations and shall be enforced by deed restriction. The form of the contract shall be approved by CITY in advance of its execution. A copy of all contracts for HOME-funded activities shall be sent to the CITY.
4. NEWMAN agrees to abide by uniform administrative requirements stated in 24 CFR Part 92.505.
5. Any and all notices, writings, correspondences, etc., as required by this Agreement shall be directed to NEWMAN and CITY as follows:

58. A copy of any such review shall be sent to the CITY for CITY's review, approval and formal acceptance.
15. NEWMAN agrees that it will comply with the Americans with Disabilities Act and Title VII of the Civil Rights Acts of 1964, and that no person in the United States shall, on the grounds of race, creed, color, disability, sex, sexual orientation, national origin, age, religion, Vietnam era veteran's status, political affiliation or any other non-merit factors be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available to CITY and NEWMAN pursuant to this contract.
 - a. Deny any services or other benefit provided under the program or activity;
 - b. Provide any service or other benefit which is different or is provided in a different form from that provided to others under the program or activity;
 - c. Subject to segregated or separate treatment in any facility in or in any manner or process related to receipt of any service or benefit under the program or activity;
 - d. Restrict in any way the enjoyment of any advantage or privilege enjoyed by other receiving any service or benefit under the program or activity;
 - e. Treat an individual differently from others in determining whether that individual satisfies any admission enrollment, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any services or other benefit provided under the program or activity; or
 - f. Deny an opportunity to participate in a program or activity as an employee.
 16. To comply with the HOME regulation that funds be spent within 15 days of disbursement, NEWMAN shall request reimbursement of incidental expenditures. In the case of a known large expense, NEWMAN may request, in writing, from the CITY an advance of the necessary amount of the funds, which will be expended within the time allowed. The amount of each request shall be limited to the amount needed.
 17. If NEWMAN withdraws from the Consortium and it becomes a HOME Participating Jurisdiction, at NEWMAN's request and with HUD approval CITY shall transfer to NEWMAN any accounts receivable attributable to NEWMAN's allocation of HOME funds, any NEWMAN allocation of HOME funds, and any Program Income attributable to NEWMAN's HOME allocation on hand at the time NEWMAN withdraws from the Consortium. Along with this transfer, NEWMAN shall assume all obligations and responsibilities attributable to such funds.
 18. If NEWMAN withdraws from the Consortium and does not become a HOME Participating Jurisdiction, CITY shall retain any accounts receivable attributable to NEWMAN's allocation of HOME funds, any NEWMAN allocation of HOME funds, and any Program Income attributable to NEWMAN's HOME allocation on hand at the time NEWMAN withdraws from the Consortium. CITY shall retain all obligations and responsibilities attributable to such funds.
 19. As specified in 24 CFR Part 85.43 breach of this Agreement may result in the suspension or termination of NEWMAN as a sub-recipient of HOME funds.
 20. In conjunction with performance of this Agreement, NEWMAN has been made cognizant of and

RESOLUTION NO. 2010-

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CITY OF TURLOCK DESIGNATING THE CITY OF NEWMAN AS A SUB-RECIPIENT OF HOME FUNDS FISCAL YEAR 2010-2011

WHEREAS the CITY OF NEWMAN and the CITY OF TURLOCK have entered into a Cooperative Agreement to form the City of Turlock/Stanslaus County HOME Consortium to qualify for Home Investment Partnership Act funds, funded by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS the CITY OF TURLOCK is the lead agency in the Consortium, designated by HUD as the HOME Participating Jurisdiction; and

WHEREAS the CITY OF NEWMAN and the CITY OF TURLOCK have determined that it is mutually beneficial to have TURLOCK disburse HOME funds for HOME-eligible activities in NEWMAN; and

WHEREAS the CITY OF NEWMAN must be designated a HOME Sub-recipient in order to directly execute contracts for HOME-funded activities;

NOW, THEREFORE, BE IT RESOLVED that the Newman City Council hereby authorizes the City Manager to execute an agreement with the City of Turlock designating the City of Newman as a sub-recipient of HOME funds fiscal year 2010-2011.

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

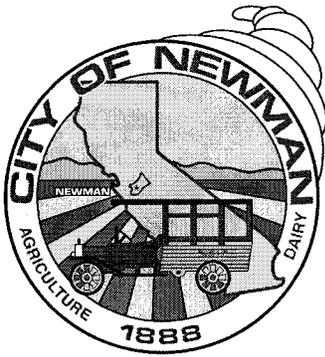
AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman



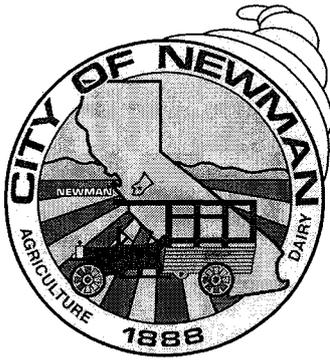
**City of Newman
City Manager's Office
Memorandum**

**Date: July 6, 2010
To: City Council
From: Thomas P. Hallinan, City Attorney**

Subject: Item No. 10.b. – Consider The Use Receiverships To Abate Properties

Receiverships are used primarily for abandoned and substandard properties where the owner has a history of non-compliance with local enforcement agency orders to abate nuisances. A Health and Safety Code Receivership is a comprehensive and systematic process that can be used to eliminate blight for habitually substandard properties. Unlike the traditional receivership, a Health and Safety Code receivership is a legal process through which title to a piece of real property is temporarily taken from the owner and placed with a court appointed officer - the Receiver. The prevailing party is awarded attorneys fees and costs for obtaining the Receiver's appointment.

Staff is requesting permission to contact Cal Receivers a private company which specializes in providing receivership services to abate commercial properties within the City of Newman. Any cost of the service would be recoverable from the property owner.



City of Newman
City Manager's Office
Memorandum

Date: July 9, 2010

To: Mayor and City Council

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

Subject: Item 10.c. – Authorize the City Manager to enter into Land Sale and Purchase Agreement

The City has been in negotiations for the past several months with a local land owners' group to purchase additional land for the Wastewater Treatment Plant. The additional land is necessary for disposal of treated effluent water. The current draft of a Land Sale and Purchase Agreement is being reviewed by the attorney for the Seller(s). Should the Seller(s) approve the current form, staff will produce a copy of the final version and prepare a more detailed staff report for the Council to review and consider for approval. Should the review not be completed prior to the July 13th meeting, this item will be pulled from the agenda.

**REPORT ON THE PROPOSED LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENTS**

RECOMMENDATION:

It is recommended that the City Council declare the results of a noticed assessment balloting and proceeding and approving certain actions for rates, fees, and charges for the Lighting and Landscape Maintenance District.

BACKGROUND:

The Lighting and Landscape District represents approximately 42% of the parcels within the City and includes the general nature, location and extent of improvements to be maintained. Improvements provided within the District include, but are not limited to, the weekly operation, maintenance, and servicing of all public parks, landscaping improvements, weed abatement, plant materials, pathways, irrigation systems, and street lights. In general, the intent of Proposition 218 is to ensure that all taxes and most charges of property owners are subject to voter approval. On April 13, 2010 City Council authorized the initiation of the proceedings for a proposed increase of assessments within the District and on May 11, 2010 City Council passed resolution No. 2010-30 approving the Preliminary Engineer's Report and authorizing the initiation of proposition 218 proceedings.

ANALYSIS:

Proposition 218 requires that the City send written notice and an assessment ballot by mail of the proposed increase in assessment to each property owner subject to the assessment. The written notice included the amount of the assessment, the reason for the assessment, and the date, time and location of a public hearing. The public hearing is required to be conducted not less than 45 days after mailing of the notices. If written protests against the proposed increase in assessments are presented by a majority of owners based on the proposed assessment of the identified parcels, the agency shall not impose the increased assessment ; however the City may continue to levy the existing assessment at the current rates.

The special notice proceeding consisted of a mailed notice (see attached) distributed to the rate payers of record within the City and established a date and time to hold a public hearing to consider all protests against the proposed rates, fee and charges.

FISCAL IMPACT:

There is no cost associated with this item.

CONCLUSION:

Staff recommends that City Council declare the results of a noticed assessment balloting and proceeding and approving certain actions for rates, fees, and charges for the Lighting and Landscape Maintenance District as follows:

Majority Protest does not exist:

This City Council hereby finds that the assessment increase ballots submitted in favor of the levy of assessments exceed or equal the assessment ballots submitted in opposition to such levy as weighted in accordance with Assessment Law. No majority protest to the levy of assessments within the District has been found to exist. Therefore, staff recommends City Council adopt Resolution No. 2010- , declaring the results of the assessment increase ballot tabulation for the City of Newman Lighting and Landscaping Maintenance District and providing for the levy of an annual assessment therein at the rates shown in the Engineer's Report.

Majority Protest exist:

This City Council hereby finds that the assessment increase ballots submitted in opposition to the increase in the annual assessments exceed the assessment ballots submitted in support to such levy as weighted in accordance with Assessment Law. A majority protest to the increase in the assessments within the District has been found to exist. Therefore, staff recommends City Council adopt Resolution No. 2010- , declaring the results of the assessment increase ballot tabulation for the City of Newman Lighting and Landscaping Maintenance District and providing for the levy of an annual assessment therein at the current rates shown in the resolution.

Respectfully Submitted:



Garner R. 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,
DECLARING THE RESULTS OF THE ASSESSMENT INCREASE BALLOT TABULATION
FOR THE CITY OF NEWMAN LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT
AND PROVIDING FOR THE LEVY OF AN ANNUAL ASSESSMENT THEREIN**

WHEREAS, the City Council of the City of Newman (hereafter referred to as the "City Council") has, by previous resolution, initiated proceedings for the formation and for the levy and collection of annual assessments within said District, pursuant to the terms of the "*Landscaping and Lighting Act of 1972*", being Division 15, Part 2 of the California Streets and Highway Code (the "1972 Act"), Article XIID of the Constitution of the State of California ("Article XIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following, the "Implementation Act") (the 1972 Act, Article XIID and the Implementation Act are referred to collectively as the "Assessment Law"). Such District shall be known and designated as the City of Newman Lighting and Landscape Maintenance District No.1; and

WHEREAS, the City Council did order and subsequently receive and Assessment Engineer's Report (herein after referred to as the "Engineer's Report") prepared by NBS in accordance with Assessment Law; and

WHEREAS, the City Council did set the time and place for a Public Hearing to consider the increase in assessments and for the authorization to levy annual assessments therein. The City Council did also order a notice of Public Hearing, accompanied by assessment increase ballots, be given to the record owners of all property within the District in accordance with the Assessment Law; and

WHEREAS, notice of said Public Hearing accompanied by assessment increase ballots were mailed to the record owners of all property within the District in accordance with Assessment Law.

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

1. The above recitals are all true and correct.
2. The City Council hereby finds and determines that the procedures for the consideration of the increase in annual assessments have been undertaken in accordance with Assessment Law.
3. Assessment increase ballots were mailed, as required by Assessment Law, to the record owners of all properties proposed to be assessed within the District. The assessment increase ballots that were completed and received by the City Clerk, prior to the close of the Public Hearing, have been tabulated in accordance with the procedures established by Assessment Law and the results of such tabulation have been submitted to this City Council.
4. This City Council hereby finds that the assessment increase ballots submitted in favor of the levy of assessments exceed or equal the assessment ballots submitted in opposition to such levy as weighted in accordance with Assessment Law. Therefore, no majority protest to the levy of assessments within the District has been found to exist.
5. The City Council hereby orders the increase in assessments for the District.
6. Based upon the Engineer's Report and the testimony and other evidence presented at the Public Hearing, the City Council hereby makes the following determinations regarding the assessments to be levied for Fiscal Year 2010/11. Assessments will be

levied to pay for a portion of the estimated costs to maintain the improvements within the District.

- a. The proportionate special benefit derived by each assessable parcel has been determined in relationship to the entirety of the cost of the operations and maintenance expenses.
- b. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
- c. Only special benefits have been assessed.

The assessments for the District contained in the Engineer's Report for Fiscal Year 2010/11 are hereby confirmed and levied upon the respective lots or parcels within the District as set forth in said Engineer's Report. Subsequent annual assessments, in amounts not to exceed an established maximum annual assessment may be confirmed and levied without further assessment ballot proceedings pursuant to Assessment Law. Each fiscal year beginning Fiscal Year 2011/12, the maximum allowable assessment (the "Maximum Assessment") may be increased by the percentage change, in the year ending February preceding the start of the Fiscal Year, of the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-San Jose without further compliance with the assessment ballot procedures required under Assessment Law. If for any reason the percentage change is negative the maximum allowable assessment would not be decreased by reason of such negative percentage change and would remain at the amount as computed on the previous fiscal year regardless of any CPI adjustment.

6. The public interest and convenience requires and this legislative body does hereby order the maintenance work to be continued as set forth in the Engineer's Report.
7. The assessments shall be collected at the same time and in the same manner as County secured property taxes are collected and all laws providing for the collection and enforcement of County secured property taxes shall apply to the collection of the assessments.
8. The assessments as above confirmed and levied for these proceedings will provide revenue to finance the maintenance of authorized improvements in the fiscal year commencing July 1, 2010 and ending June 30, 2011.

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

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor of the City of Newman

Deputy City Clerk of the City of Newman

RESOLUTION NO. 2010-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA,
DECLARING THE RESULTS OF THE ASSESSMENT INCREASE BALLOT TABULATION
FOR THE CITY OF NEWMAN LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT
AND PROVIDING FOR THE LEVY OF AN ANNUAL ASSESSMENT THEREIN**

WHEREAS, the City Council, of the City of Newman (the "City"), has, by previous Resolution, initiated proceedings for the formation and for the levy and collection of annual assessments within said District, pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "1972 Act"), Article XIII D of the Constitution of the State of California ("Article XIII D") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following, the "Implementation Act") (the 1972 Act, Article XIII D and the Implementation Act are referred to collectively as the "Assessment Law"). Such District shall be known and designated as City of Newman Lighting and Maintenance Assessment District; and

WHEREAS, the City Council did order and subsequently receive and Assessment Engineer's Report (herein after referred to as the "Engineer's Report") prepared by NBS in accordance with Assessment Law; and

WHEREAS, the City Council did set the time and place for a Public Hearing to consider the increase in assessments and for the authorization to levy annual assessments therein. The City Council did also order a notice of Public Hearing, accompanied by assessment increase ballots, be given to the record owners of all property within the District in accordance with the Assessment Law; and

WHEREAS, notice of said Public Hearing accompanied by assessment increase ballots were mailed to the record owners of all property within the District in accordance with Assessment Law.

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

1. The above recitals are all true and correct.
2. The City Council hereby finds and determines that the procedures for the consideration of the increase in annual assessments have been undertaken in accordance with Assessment Law.
3. Assessment increase ballots were mailed, as required by Assessment Law, to the record owners of all properties proposed to be assessed within the District. The assessment increase ballots that were completed and received by the City Clerk, prior to the close of the Public Hearing, have been tabulated in accordance with the procedures established by Assessment Law and the results of such tabulation have been submitted to this City Council.
4. This City Council hereby finds that the assessment increase ballots submitted in opposition to the increase in the annual assessments exceed or equal the assessment ballots submitted in support to such levy as weighted in accordance with Assessment Law. Therefore, a majority protest to the increase in the assessments within the District has been found to exist.

5. The City Council hereby orders that the assessments be levied at the existing rates for Fiscal Year 2010/11 which amounts are shown below and include any allowable increase for Zones 13 through 15:

Benefit Zone	Rate per BU
Zone 1 (Corgiat Estates)	\$ 73.36
Zone 2 (Creek Canyon)	\$ 44.28
Zone 3 (North Manor Unit No. 4)	\$ 34.20
Zone 4 (Oakwood Vista)	\$ 71.54
Zone 5 (Lucas Ranch I)	\$ 78.42
Zone 6 (Stonegate)	\$ 17.28
Zone 7 (Stonehedge Estates)	\$ 67.58
Zone 8 (Oakwood Terrace)	\$ 18.94
Zone 9 (Silva Ranch Estates)	\$ 66.04
Zone 10 (Lucas Ranch II & III)	\$ 81.72
Zone 11 (Stephens Ranch)	\$ 76.08
Zone 12 (Walnut Creek Estates)	\$ 88.48
Zone 13 (Hearthstone Ranch)	\$ 97.21
Zone 14 (Sherman Ranch)	\$ 219.48
Zone 15 (Monte Vista Estates)	\$ 243.62

6. Based upon the Engineer's Report and the testimony and other evidence presented at the Public Hearing, the City Council hereby makes the following determinations regarding the assessments to be levied for Fiscal Year 2010/11. Assessments will be levied to pay for a portion of the estimated costs to maintain the improvements within the District.
- a. The proportionate special benefit derived by each assessable parcel has been determined in relationship to the entirety of the cost of the operations and maintenance expenses.
 - b. The assessments do not exceed the reasonable cost of the proportional special benefit conferred on each parcel.
 - c. Only special benefits have been assessed.

The assessments for the District contained in the Engineer's Report for Fiscal Year 2010/11 are hereby amended to reflect the rates shown in Item 5 above and are confirmed and levied upon the respective lots or parcels within the District as amended herein.

7. The public interest and convenience requires and this legislative body does hereby order the maintenance work to be continued as set forth in the Engineer's Report.

8. The assessments shall be collected at the same time and in the same manner as County secured property taxes are collected and all laws providing for the collection and enforcement of County secured property taxes shall apply to the collection of the assessments.
9. The assessments as above confirmed and levied for these proceedings will provide revenue to finance the maintenance of authorized improvements in the fiscal year commencing July 1, 2010 and ending June 30, 2011.

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