

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING AUGUST 10, 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 July 27, 2010 Regular Meeting.
9. Public Hearings
 - a. Adopt Resolution No. 2010- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.
10. Regular Business
 - a. Report On Marapole Lane Park Development Options.
 - b. Adopt Resolution No. 2010- , A Resolution Of The City Council Of The City Of Newman, California, Rescinding Resolution No. 2010-60 And 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.
 - c. Adopt Resolution No. 2010- , A Resolution Approving The Howard B. Hill Park Parking Lot Project And Authorizing Ed Katen As Mayor, And Michael E. Holland As City Clerk To Record A Notice Of Completion.
 - d. Designation Of Voting Delegate And Alternate Voting Delegate For League Of California Cities Annual Conference.
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 Employment - Police Chief - G.C. 54957.
- b. 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.
- c. Conference With Real Property Negotiator - Stanislaus County APN: 049-058-032 -
G.C. 54956.8.
- d. Return To Open Session.

15. Adjournment.

Calendar of Events

- 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.
- September 1 - 5 - Fall Festival
September 6 - Labor Day Holiday - City Offices Closed
September 9 - Recreation Commission - 7:00 P.M.
September 13 - NCLUSD Board Meeting - 6:00 P.M.
September 13 - Baseball Board Meeting - 6:00 P.M.
September 14 - City Council - 7:00 P.M.
September 16 - Planning Commission - 7:00 P.M.
September 21 - Two-On-Two Meeting With The School Board - 4:00 P.M.
September 28 - City Council - 7:00 P.M.
- October 11 - Baseball Board Meeting - 6:00 P.M.
October 11 - NCLUSD Board Meeting - 6:00 P.M.
October 12 - City Council - 7:00 P.M.
October 14 - Recreation Commission - 7:00 P.M.
October 15 - City Furlough Day - City Offices Closed
October 19 - Two-On-Two Meeting With The School Board - 4:00 P.M.
October 21 - Planning Commission - 7:00 P.M.
October 26 - City Council - 7:00 P.M.

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING JULY 27, 2010
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** - Mayor Katen 7:03 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Council Member Davis.
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**

Amy Addington, 1220 Duck Blind Circle, Stated That Illegally Parked Recreational Vehicles At Various Locations Within The City Are Not Being Addressed And Yet Any Time She Uses Her Boat, She Gets A Citation. Addington Explained That She Concerned About An RV That Has Been Parked Near The Car Wash For More Than Four Weeks.

8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The July 20, 2010 Special Meeting.

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

9. Public Hearings

- a. Consider Proposed Lighting And Landscape Maintenance District Assessment Increases.

Mayor Katen Opened The Public Hearing At 7:08 P.M.

Ken Rose, 2118 Creek Court, Mentioned That He Is Concerned That City Parks Were Not Originally Included In The Landscaping And Lighting Districts. Rose Stated That He Was Also Concerned That These Assessments Are Subsidizing Other Areas That Do Not Pay The Assessments And Are Not Included In The Landscape And Lighting District. Rose Explained That He Simply Wants Everyone To Pay Their Fair Share.

Scott Quillen, 1266 Duck Blind Circle, Stated That He Did Not Receive A Ballot And Noted That He Had Spoken To Several People Who Also Claimed That They Had Not Received A Ballot. Quillen Declared That He Does Not Think The Assessment Increases Are Valid For That Reason.

There Being No Public Comment Katen Closed The Public Hearing At 7:21 P.M.

ACTION: No Action Was Taken.

- b. Adopt Resolution No. 2010-59, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Katen Opened The Public Hearing At 7:22P.M.

There Being No Public Comment Katen Closed The Public Hearing At 7:23 P.M.

ACTION: On A Motion By Candea Seconded By Martina And Unanimously Carried, Resolution No. 2010-59, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted.

10. Regular Business

- a. Report On The Wastewater Treatment Plant Aeration Basin No. 2 Sludge Removal Project.

Waste Water Treatment Superintendent Perry Reported That The Sludge Removal Process Is Working And On Target To Meet The Two-Year Goal. Perry Stated That Since January The Sludge Has Been Reduced By Almost One Foot.

ACTION: No Action Was Taken.

- b. Review Of The Historical Society's Request To Reconsider Location Of The Yancey Building.

Mary Moore, Historic Society President, Stated That It Would Benefit The Historic Society To Renovate Both The Yancey Building And The Museum Yard And That The Society Would Like To See It Done As Soon As Possible. Moore Affirmed That She Spoke With Kern Hunewill And He Agreed That The Yancey Building Would Be Appropriate For The Museum Lot. She Contended That The Historic Society Would Be Able To Utilize The Building For Various Functions.

Kathy Ponce De Leon Stated That She Preferred The Yancey Building In The Plaza But Also Feels Strongly That The Historic Society Really Needs Some Help Fixing Up The Yard Behind The Museum. Ponce De Leon Noted That She Was Most Concerned About Keeping The Yancey Building And Making Sure It Was Restored. Ponce De Leon Declared That She Is Not Opposed To Locating The Yancey Building At Museum Location.

Rose Borba Inquired About What Would Happen If The City Did Not Receive Any Grant Funding And What The Old McBride Building Would Be Utilized For After The Plaza Project Is Completed.

Mayor Katen Noted That He Would Like To See The Yancey Building Incorporated In The Plaza But Expressed Concerns About Relocating The Building To The Plaza. Mayor Katen Stated That The City Should Explore All Options For Restoring The Yancey Building and Clarified That He Would Support Permanently Locating The Yancey Building At The Museum. Katen Remarked That City Needs To Determine The Best Way To Restore The Yancey Building.

Council Member Martina Stated That He Is Not Opposed To Locating The Yancey Building At The Museum Permanently And That He Just Would Like To See The Building Restored As Soon As Possible.

Council Member Davis Expressed That She Thinks That The Yancey Building Is Better Suited For Museum Lot As Opposed To The Plaza Location.

ACTION: The Council Directed Staff To Seek Funding For Restoring The Yancey Building At Either The Museum Or The Plaza, Whichever Had The Best Potential For Timely Completion.

c. Consider A Ballot Measure For The November 2010 Election.

I. Adopt Resolution No. 2010- , A Resolution Of The City Council Of The City Of Newman Submitting To The Electors Of The City Of Newman The Question Of Whether Or Not The Term Of Office Of Mayor Should Be Four (4) Years.

II. Adopt Resolution No. 2010- , A Resolution Of The City Council Of The City Of Newman Establishing The Deadline For Arguments In Favor Of And Arguments Against The Ballot Measure Relating To The Office Of Mayor And Adopt Provisions For Rebuttals And Directing The City Attorney To Prepare An Impartial Analysis For The Ballot Measure For The Municipal Election To Be Held On November 2, 2010.

Ken Rose, 2118 Creek Court, Remarked That It Appeared That The City Is Forcing This Measure Because Of The Limited Time Constraints And It Would Be Better To Add This To A Future Election.

Council Member Martina Stated That He Is Opposed To The 4 Year Mayoral Term.

Mayor Katen Suggested That The Council Wait And Address The Issue Later Date.

Don Hutchins, 708 Hardin Road, Asked If The Council Needed To Take Action On The Item.

ACTION: No Action Was Taken.

d. Adopt Resolution No. 2010-60, 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.

Public Works Director Reynolds Reported That 1042 Ballots Were Received And That There Were 748 Yes Votes And 324 No Votes. Reynolds Explained That A Majority Protest Did Exist Due To The Valuation Of The Votes Received. He Noted That The 324 No Votes Equaled A Valuation Of \$35,961 And The Yes Votes Equaled \$15,306. Reynolds Reported That The Assessments Would Remain At The 2009/2010 Rates.

ACTION: On A Motion By Davis Seconded By Candea And Unanimously Carried, Resolution No. 2010-60, 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, Was Adopted.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Reported That The West Side Healthcare Task Force Would Be Meeting On July 29, 2010 In Newman. He Announced That The Task Force's Healthy Choices Summit Is Scheduled For August 12, 2010 And The West Side Walks Campaign Was Coming To An End. DeMartini Mentioned That Additional Orestimba Creek Flood Control Project Monies Have Been Allocated Thanks To Congressman Cardoza's Efforts. DeMartini Reminded Everyone The Next Orestimba Creek Flood Control Meeting Would Be On August 25, 2010 And That They Would Be Meeting With The New Colonel Of The Army Corps Of Engineers. He Concluded By Reminding The Council About The Next Mayors Meeting In Patterson.

12. Items From The City Manager And Staff.

City Manager Holland Reported That The Per Capita Project RFP For Park Improvements Is Out To Bid And That Staff's Goal Is To Complete The Project By The End Of October. Holland Stated That The City Will Have Three Interns This Summer. He Announced That The City Received A Letter From Friends For Sophia's Dog Park Detailing Their Intent To Withdraw Their Involvement With The Development Of The Dog Park. The City Manager Concluded By Reminding Everyone That The Biggest Loser Contest Would Be Starting August 12, 2010 And That The Theatre Would Be Sponsoring A Production Of Sleeping Beauty On August 7, 2010.

Police Chief Richardson Stated That The Police Department Is Purchasing A New Patrol Vehicle And Is About Three Weeks Away From Receiving It. Richardson Mentioned That Two Patrol Car Transmissions Have Gone Out Recently And That The Department Is Working On Grant Funding For Additional Vehicles. The Chief Concluded By Announcing That The Animal Services Division Is Now Linked To Pet Finder And Current Animals At The Shelter Will Be Listed Online.

13. Items From City Council Members.

Council Member Martina Asked About Replacing The Faded Street Signs On The East Side Of Town.

Mayor Katen Reported That He Recently Attended An Event Hosted By Walter Newman. Katen Reminded That The Orestimba Creek Flood Control Project Meeting Is Set For August 25, 2010 And That Both The New USACE Colonel And Congressman Cardoza Would Be In Attendance.

14. Adjournment.

ACTION: On Motion By Davis Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 8:50P.M.

June 2010 run

Date.: Aug 6, 2010
Time.: 2:51 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
037887	07/23/10	54616.66 ✓	P G & E	GAS & ELECTRIC USAGE 5/16/10 TO 6/17/10
037888	07/23/10	721.70 ✓	KLEINFELDER, INC.	COMPACTION TESTING (NUCLEAR)/HILL PARK
037947	08/06/10	223.20 ✓	DEPARTMENT OF HEALTH SERV	WATER SYSTEM ENFORCEMENT FEES 7/1/09-6/30/10
037948	08/06/10	1376.00 ✓	E&M ELECTRIC, INC.	PO #10-54
037949	08/06/10	5153.50 ✓	ECO:LOGIC, INC	PO #10-43
037950	08/06/10	616.00 ✓	GEORGE OSNER	PROFESSIONAL SERVICES ARE 2 MASTER PLAN JUNE-JULY
037951	08/06/10	250.00 ✓	CITY OF PATTERSON	FIRE DATA ENTRY/JUNE 2010
037952	08/06/10	.00	VOIDED CHECK	
037953	08/06/10	.00	VOIDED CHECK	
037954	08/06/10	5901.73 ✓	RRM DESIGN GROUP, INC.	DOWNTOWN PLAZA DESIGN SERVICE/JUNE 2010
037955	08/06/10	250.86 ✓	UNDERGRND SERV ALERT, INC	ANNUAL MEMBERSHIP/BILLABLE UNDERGROUND FAXES
Sub-Total:		----- 69109.65		
Grn-Total:		----- 69109.65		
Count:	11			

Date.: Aug 5, 2010
Time.: 12:55 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
037889	07/27/10	12.00	STAN CNTY CLERK RECORDER	RELEASE OF LIEN/1522 LOCHBREA PLACE
037890	08/06/10	165.00	AMERICAN PLANNING ASSOC	AMERICAN PLNG ASSOC DUES/10/1/10 TO 9/30/11/OCASIO
037891	08/06/10	50.00	AMERICAN MOBILE SHREDDING, INC	2 BIN SHREDDING SERVICE/PD
037892	08/06/10	1200.00	APPLEGATE TEEPLES DRILLING CO,	CLEANED 4 MANHOLES WITH VAC TRUCK
037893	08/06/10	451.18	AT&T	MONTHLY TELEPHONE SERVICE/6/13/10 TO 7/12/10
037893	08/06/10	334.35	AT&T	T1 LINE @ PD/6/20/10 TO 7/19/10
037893	08/06/10	146.51	AT&T	EMERGENCY DISPATCH LINE @ PD/6/20/10 TO 7/19/10
037894	08/06/10	1179.02	BASIC CHEMICAL SOL./INC.	450 GALS SODIUM HYPOCHLORITE/WELLS
037895	08/06/10	53490.64	BERTOLOTTI DISPOSAL	MONTHLY GARBAGE SERVICE FOR JULY 2010
037896	08/06/10	575.22	BERTOLOTTI DISPOSAL	LANDFILL FEES/JULY 2010
037897	08/06/10	440.00	BJ'S CONSUMER'S CHOICE IN	PEST CONTROL SERVICES/06/28/10
037898	08/06/10	379.31	BURTON'S FIRE, INC	FIRE FIGHTING FOAM/PD
037899	08/06/10	200.00	CALIF PUBLIC EMPLOYEES' RETIRE	FOR AMENDMENT ACTUARIAL VALUATION
037900	08/06/10	100.00	JEFF CARTER	PARKING LOT RENT/AUG 2010
037901	08/06/10	234.00	CBA (ADMIN FEES)	DENTAL-VISION ADMIN FEES/AUGUST 2010
037902	08/06/10	43.68	CDW GOVERNMENT, INC	FIBER OPTIC NETWORK EQUIPMENT
037903	08/06/10	42.92	CENTRAL SANITARY SUPPLY	5 BOXES NITRILE BLUE GLOVES
037903	08/06/10	405.73	CENTRAL SANITARY SUPPLY	DEO BLOCKS/BOWL CLEANER/CANLINERS/PINESOL/TOWELS
037904	08/06/10	41.00	CHEVRON	LATE FEE/INTEREST
037905	08/06/10	1625.00	CODE PUBLISHING COMPANY	NEWMAN CITY CODE ELECTRONIC UPDATE
037906	08/06/10	50.00	CARL J. COELHO (CHUCK)	Veh Operation FIRE/AUGUST 2010
037907	08/06/10	94.90	COMCAST CABLE	HIGH SPEED INTERNET SERVICE 7/22/10 TO 8/21/10
037908	08/06/10	3297.49	CONTRACT SWEEPING SERVICES, IN	CONTRACT STREET SWEEPING SERVICES/JULY 2010
037909	08/06/10	778.38	CORBIN WILLITS SYS, INC.	SERVICE & ENHANCEMENT FEE/AUGUST 2010

Date.: Aug 5, 2010
Time.: 12:55 pm
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 2
List.: NEW1
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
037910	08/06/10	80.50	DELTA WIRELESS, INC	RE-PROGRAMMED RADIO/FIRE DEPT
037911	08/06/10	1000.00	DEL PUERTO HOSPITAL FOUNDATION	WESTSIDE ADVISORY GRANT FUND/ANNUAL COMMITMENT
037912	08/06/10	2112.00	DENNIS BORRELLI	DUST-OFF APPLICATION/WWYP
037913	08/06/10	10.86	ECONOMIC TIRE SHOP	TIRE REPAIRED ON FLATBED TRUCK
037913	08/06/10	86.98	ECONOMIC TIRE SHOP	1 NEW TIRE
037913	08/06/10	11.14	ECONOMIC TIRE SHOP	TIRE REPAIRED
037913	08/06/10	38.00	ECONOMIC TIRE SHOP	TIRE TUBE FOR MOWER
037913	08/06/10	16.00	ECONOMIC TIRE SHOP	TIRE REPAIRED/HONDA CIVIC
037913	08/06/10	82.36	ECONOMIC TIRE SHOP	2 TIRE TUBES FOR DUMP TRUCK
037914	08/06/10	34.95	FIREtoWIRE, INC	WEB HOSTING 8/17/10 TO 9/17/10
037915	08/06/10	596.77	HEWLETT-PACKARD FINANCIAL SERV	HARDWARE LEASE/PD 7/18/10 TO 8/17/10
037916	08/06/10	177.65	HUB INTERNATIONAL OF CA INS SE	LIABILITY INS PREMIUM/JUL 2010/RODRIGUEZ
037917	08/06/10	321.87	IKON OFFICE SOLUTIONS	COPIER LEASE 7/10/10 TO 8/9/10/CITY HALL
037918	08/06/10	303.64	IDEXX LABORATORIES, INC.	SUPPLIES FOR WATER SAMPLING
037919	08/06/10	300.00	JOE'S LANDSCAPING & CONCRETE,	WEED REMOVAL AT DOG PARK
037920	08/06/10	1703.00	KAISER PERMANENTE	HEALTH INSURANCE PREMIUM/SEPT 2010
037921	08/06/10	75.00	LOCAL GOV. COMMISSION	ANNUAL MEMBERSHIP DUES APRIL 2010 TO APRIL 2011
037922	08/06/10	21.63	MALLARD EXPRESS AUTO	TESTED BATTERY & ALTERNATOR ADDES OIL
037922	08/06/10	169.87	MALLARD EXPRESS AUTO	SERVICED TRANSMISSION/OIL & FILTER CHANGE
037922	08/06/10	107.25	MALLARD EXPRESS AUTO	CHANGED TRANSMISSION FLUID/HONDA CIVIC
037922	08/06/10	214.19	MALLARD EXPRESS AUTO	OIL/FILTER/TRANSMISSION FLUID CHANGE
037923	08/06/10	1700.00	MENEZES SALES	STEEL-TOE WORK BOOTS/PUBLIC WORKS
037924	08/06/10	36.15	MITCHELL INSTRUMENTS	2 PH 4.01 SOLUTION
037925	08/06/10	626.56	NEWMAN ACE HARDWARE/JACT, INC	SAFETY GLASSES/PAINTING SUPP/FLUR BULBS/SPADE

Date.: Aug 5, 2010
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CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 3
List.: NEW1
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
037926	08/06/10	176.41	NORMAC, INC.	SPRINKLER HEADS AND VALVES/DENSMORE PARK
037926	08/06/10	295.86	NORMAC, INC.	FALCON ROTORS/SHERMAN PARK
037926	08/06/10	12.35	NORMAC, INC.	BUSHING
037927	08/06/10	2681.00	OPERATING ENGINEERS/	HEALTH INSURANCE PREMIUM/SEPT 2010
037928	08/06/10	1258.74	PACIFIC WATER RESOURCES	MECHANICAL SEALS/QUAD RINGS/VALVE STRIPS/GASKETS
037929	08/06/10	200.00	BERTA PARNELL	CANCELLED MEMORIAL BLDG USE/PARNELL
037930	08/06/10	169.07	PATTERSON RENTALS	1 YARD CONCRETE/STREETS
037931	08/06/10	217.15	PATCHETTS FORD MERCURY	TOWING CHARGES/2007 CROWN VIC FORD/PD
037932	08/06/10	1350.00	PERMA-GREEN HYDROSEEDING	EXTRA WORK/COLOR CHANGE TO BLOCKS/HILL PARK
037933	08/06/10	55572.10	P G & E	ELECTRIC & GAS 5/18/10 TO 7/19/10
037934	08/06/10	14.60	PIONEER DRUG	ZIPLOCK BAGS/BINDER
037935	08/06/10	237.50	PRECISION INSPECTION, INC	HOURLY BLDG INSPECTION SERVICES/DOWNTOWN PLAZA
037936	08/06/10	200.00	VIVIAN RODRIGUEZ	REFUND MEMORIAL BLDG DEPOSIT/V. RODRIGUEZ
037937	08/06/10	691.54	SAFE-T-LITE	CAUTION LIGHTS FOR PUBLIC WORKS VEHICLES (2)
037937	08/06/10	345.77	SAFE-T-LITE	8 SECTION CAUTION LIGHT FOR PW VEHICLE
037938	08/06/10	50.00	CHRISTINE SALAS	REFUND SOCCER REGISTRATION/CASSANDRA SALAS
037939	08/06/10	240.00	SAN JOAQUIN VALLEY AIR	10/11 ANNUAL PERMIT TO OPERATE GENERATOR/WELL #1R
037939	08/06/10	479.00	SAN JOAQUIN VALLEY AIR	10/11 ANNUAL PERMIT TO OPERATE GENERATOR/WEL #8
037940	08/06/10	408.00	STANISLAUS COUNCIL	FISCAL 2010-2011 CONTRIBUTION/STANCOG
037941	08/06/10	94.60	STAPLES ADVANTAGE	HP INK CARTRIDGE/ENVELOPES/CORRECTION TAPE/PAPER
037941	08/06/10	143.92	STAPLES ADVANTAGE	BATTERIES/CORR TAPE/HP INK CARTRIDGES/ADHESIVE
037941	08/06/10	10.62	STAPLES ADVANTAGE	10X13 CLASP ENVELOPES
037941	08/06/10	215.95	STAPLES ADVANTAGE	KODAK CAMERS/2GB CAMERA CARD
037941	08/06/10	20.13	STAPLES ADVANTAGE	BUSINESS CARD BOOK

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CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 4
List.: NEW1
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
037941	08/06/10	22.16	STAPLES ADVANTAGE	WEEKLY BUSINESS PLANNER
037942	08/06/10	7409.89	TESCO CONTROL, INC.	INSTALLED COOLING FAN AT WELL #8
037943	08/06/10	49.99	VALLEY PARTS SERVICE	OIL & AIR FILTER/MOTOR OIL
037943	08/06/10	14.45	VALLEY PARTS SERVICE	WASHER FLUID/ARMOR ALL/GLASS CLEANER
037944	08/06/10	53.43	HAMLOW RANCHES,	MQ CUSTOMER REFUND FOR HAM0002
037945	08/06/10	7.38	LOPEZ, MARGO	MQ CUSTOMER REFUND FOR LOP0088
037946	08/06/10	37.40	STERLING, LYNN	MQ CUSTOMER REFUND FOR STE0188
Sub-Total:		----- 147841.71		
Grn-Total:		----- 147841.71		
Count: 79				

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **9.a.**
City Council Meeting
of August 10, 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, August 09, 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 August 10, 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 10th day of August, 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. 2034 Shenandoah Park Court

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

Work Order Information		Print WO
Date	6/25/2010	
Work Order Number	1804	
Department	CE-Code Enforcement	
Work Order	CE-Respond on Code Issue	
CE Problem	8.02.030 - Unsightly	
Work Description	Weed Abatement	
Resident	Natalie	
Resident Account Number	862-0446	
Resident Address	2045 Carlsbad Caverns Ct	
Resident Phone #		
Resident E-Mail Address		
Location Description	2034 Shenandoah Park Ct	
Priority	2-Medium	
Report Taken By	J. Tobin	
Status	Open	
Date Completed		
Man Hours - Total	0.00	
Zero Field	0	
Length (ft.)	0	
Labor/Materials Cost	0.00	
Meter Size		
Meter Number	0	
Meter Reading	0	

Notes	
Date	Note
7/28/2010	Called and left a VM for her advising her that it would be going on 11th if the property was not cleaned up. I told her to call if she has any questions.
7/28/2010	I called and left a VM for Eric stating that a weed abatement hearing will be held on 8/11. If the property is not cleaned by than the city will have the poperty cleaned and the bill would be forwarded to them. I advised him to call if he has any questions.
7/27/2010	I called and spoke with Eric regarding the property. he told me that an offer has been made and the deal should be settled on 8/24. I told him that what the complaint is and he told me that he would see what he could do but because an offer has been made they don't do anything.

7/27/2010	Hi Jessica, is there any further development on this property? The customer who called in the complaint wants the status. She lives directly behind it and will let you into her yard to view the tall dry weeds at 2034 Shenandoah Park. She said they are 2 to 3 feet above the good neighbor fence. Emily
7/14/2010	I called the listing company again and left a VM for Eric regarding the work order and what the status was at this time.
6/29/2010	Went to the address on Friday and called the agent saling the home. I advised them of the issues and they said that they would have someone come out and clean.
6/25/2010	Sent first abatement letter was not send because there is no one living at the residence.

Signature: _____

Date: _____

Honorable Mayor and Members
of the Newman City Council

Agenda Item: 9.a.
City Council Meeting
of August 10, 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, August 09, 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 August 10, 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 10th day of August, 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. 2034 Shenandoah Park Court

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

Assessment Roll			
General Information			
Assessment	026-057-033-000	Parcel Number	026-057-033-000
Current Document	2004R0105314	Current Document Date	06/30/2004
Land Sq Ft	7,139.00	Tax Rate Area (TRA)	003-042
Taxability	800 -- PROP 8 REDUCTION		
Land Use	101 -- SINGLE FAMILY RESIDENCE		
Assessment Description	STEPHENS RANCH 1 PH 1 (39M76)		
Roll Values as of: January 1st, 2010			
Land	\$40,000	Personal Property	\$0
Structure(s)	\$61,500	Personal Property (MH)	\$0
Fixtures	\$0	Exemption	\$0
Growing Improvements	\$0	Exemption	\$0
Total Land & Improvements	\$101,500	Net Assessment	\$101,500
Assessee			
SOTELO JAIME & JENNIFER			
Address			
2034 SHENENDOAH PARK CT NEWMAN CA 95360			

Ownership						
Owner Name	Own %	Pri	Granting Doc No.	Title Type	RT Code	
SOTELO JAIME	50.00%	Y	2004R0105314	JT		
SOTELO JENNIFER	50.00%	Y	2004R0105314	JT		

Situs	
Street Address	City State Zip
2034 SHENANDOAH PARK CT	Newman CA 95360

Parcel Description	
Assessment	Description
026-057-033-000	STEPHENS RANCH 1 PH 1 (39M76) LOT 77



Work Order Information

Date 6/25/2010
Work Order Number 1804
Department CE-Code Enforcement
Work Order CE-Respond on Code Issue
CE Problem 8.02.030 - Unightly
Work Description Weed Abatement
Resident Natalie
Resident Account Number 862-0446
Resident Address 2045 Carlsbad Caverns Ct
Resident Phone #
Resident E-Mail Address
Location Description 2034 Shenandoah Park Ct
Priority 2-Medium
Report Taken By J. Tobin
Status Open
Date Completed
Man Hours - Total 0.00
Zero Field 0
Length (ft.) 0
Labor/Materials Cost 0.00
Meter Size
Meter Number 0
Meter Reading 0

Notes

Date	Note
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Signature: _____

Date: _____



08 09 2010 10:03



08.09.2010 10:04

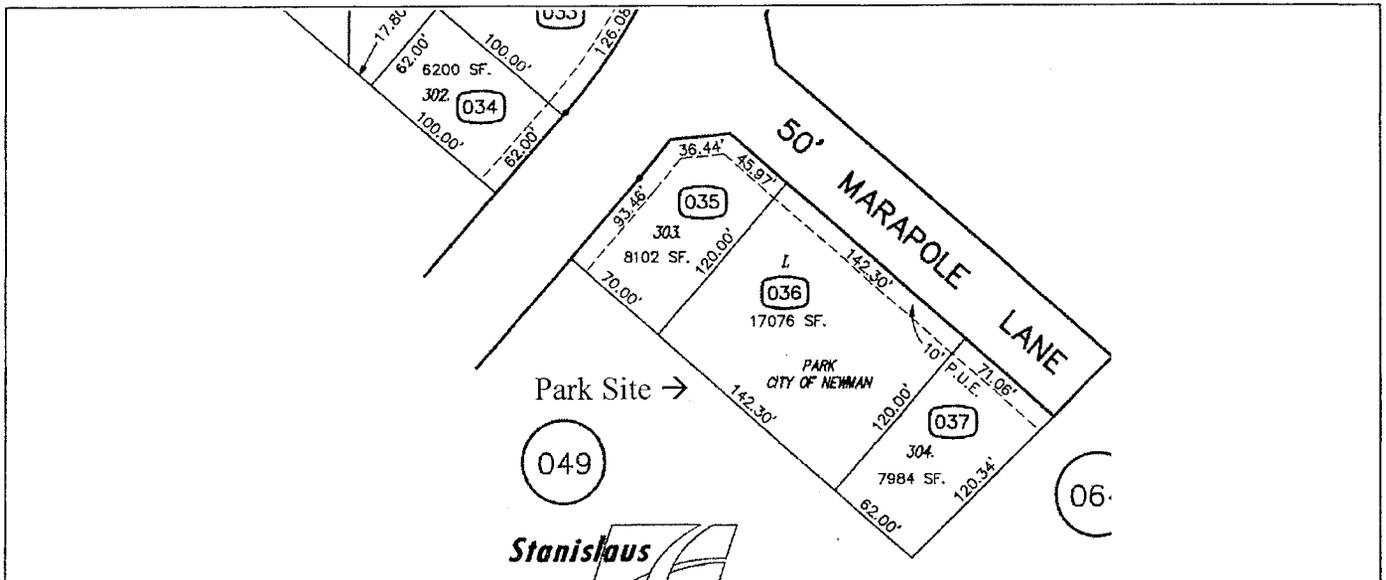
REPORT ON MARAPOLE LANE PARK DEVELOPMENT OPTIONS

RECOMMENDATION:

Provide staff direction regarding the development of the subject park site.

LOCATION:

The subject property is located at 1269 Marapole Lane (APN: 049-059-036), approximately 50 feet southeast of Cinnamon Teal Way.



PROJECT DESCRIPTION:

The identified parcel at 1269 Marapole Lane is currently zoned R-1 and has a General Plan Designation of Low Density Residential (LDR). Both the Zoning Code and General Plan identify a public park as an allowed use (NMC §5.03.010 and GP LU-15 respectively). The park will be accessed from Marapole Lane (immediately across from Sherman Park).

ENVIRONMENTAL ASSESSMENT:

Pursuant to the California Environmental Quality Act (CEQA) and the City of Newman Environmental Quality Guidelines, it has been determined that this project is exempt under Chapter 3, Article 19, Section 15332 (In-Fill Development Projects) of CEQA.

BACKGROUND:

On January 10, 2008, Friends for Sophia's Dog Park (FFSDP) made a presentation to the Parks and Recreation Commission on the benefits gained from an off leash dog park. In that presentation, the non profit group presented letters of support and testimonials to the commission for their consideration. Both pros and cons were discussed at the meeting and it was determined (by the Commission) that an off leash dog park was not feasible at that time. On March 12, 2009, FFSDP returned to the Parks and Recreation Commission and presented a potential park site, a proposed site plan and project amenity phasing plan. Pros and cons were again discussed as well as common dog park myths. Upon discussion, the Commission formally introduced and supported the proposed off leash dog park at 1269 Marapole Lane and recommended development of said park to the City Council.

On June 23, 2009, FFSDP presented their dog park project to the City Council for review and decision. It was agreed that FFSDP would be responsible for all development costs with the City being responsible for the maintenance of the park (an LLD eligible expense) upon completion. It was stated at the meeting that without a City monetary contribution, the park development would take longer and would have to be phased over time. Upon discussion, the City Council unanimously voted to approve the Dog Park without a monetary contribution.

On April 27, 2010, FFSDP updated the Council on the Park's progress and provided a funding update.

Given some existing site conditions, staff attempted to obtain a project status update from FFSDP and was able to make contact on July 21, 2010. On July 22nd, the City received the non profit's formal project withdrawal letter.

ANALYSIS:

Given that the park site is relatively small in size compared to other existing City parks (17,076 square feet) and adjacent to residential properties, there are limited uses that may be appropriate for said site. The following is a list of some potential uses:

- Dog Park
- Open "Green" Space (i.e. passive seating area)
- Community Garden
- Volleyball Courts
- Bocce Ball Courts
- Shuffleboard Courts
- "One-Wall" Handball Courts
- Pickleball or Badminton Courts

Each of the abovementioned uses will require specific development and funding of some sort.

The cost to develop the site will vary according to the type of development the Council chooses. Given that the Dog Park has already begun development, it may be cost effective to continue development of said use (please note that the City has a \$5,000.00 Per Capita allocation available for the Dog Park). Should the Council decide to select a different type of development for the site; costs associated with the removal of existing canine amenities will need to be added to development costs.

Staff has explored the option of a community-sponsored park development project and has already obtained pledges from two service groups and donation pledges from two businesses. Upon receiving direction from Council as to what type of development desired for the park site, staff will continue to work with those groups to develop the park site and potentially save some development costs.

FISCAL IMPACT:

At this time, the City has a \$5,000.00 Per Capita Grant Allocation available for immediate use. Additionally, there is approximately \$30,000.00 in available Per Capita funds that can also be allocated toward the site's development.

CONCLUSION:

The site's location and small size limit the types of uses available for the park, however development of the park site has the potential to offer amenities that currently do not exist within the City. Given the site's partial development, it may be more economical to continue its development as a dog park; however there are valid concerns and potential liabilities with this type of use.

To prevent the possibility of blight, it is in the best interest of the City to continue development of the site; regardless of its use. Staff has presented potential development options for the park site and respectfully requests Council direction regarding development at 1269 Marapole Lane.

ATTACHMENTS:

1. Exhibit A – FFSDP Withdrawal Letter
2. Exhibit B – City Response Letter

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael Holland
City Manager

Friends for Sophia's Dog Park, Inc.
P.O. Box 321
Newman, CA 95360-0321
July 22, 2010

Mr. Michael Holland, City Manager
City of Newman

Dear Mike:

Friends for Sophia's Dog Park called an emergency Board of Director's Meeting and, after much discussion, it has been unanimously resolved to accept the City of Newman's offer to take over the future development of the Newman Dog Park.

Friends for Sophia's Dog Park is extremely proud of all of our accomplishments in regard to this project. We have been successful in creating a beautiful, safe design, planting shade trees around the parameter and decorative trees along the curb, installing a drip system, installing a double safety fence around the back and two sides, as well as creating and installing a colorful ramp, stairs and hurdles for the Canine Learning Enrichment Center. In addition, we have received contributions of tires and tunnels from Big-O Tires and Tiegart Construction that have yet to be installed.

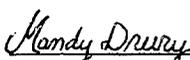
However, daily maintenance and manual watering of such a large area, along with weed abatement and installation of the remaining infrastructure to develop raw land has proved to be above and beyond both our expertise and abilities. All of our volunteers are currently working full-time and the dog park has had to become a secondary focus. At present, none of them have the time required to devote to this project. In addition, due to the economic times, all of our grant resources have dried up. Other than administrative funds, we are currently completely out of financial resources for this project.

Consequently, we unanimously agree to have the City take over this project effective Sunday, August 1, 2010.

We will continue to assist in fund raising and be available for consultation.

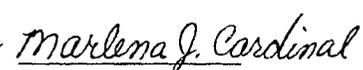
Resolved and adopted this 21st day of July, 2010.

Friends for Sophia's Dog Park, Inc.


Mandy Drury
President


Laretta Ayers
Executive VP


Debbie Allan
Board Chair


Marlena Cardinal
Founder / CEO



July 22, 2010

Friends of Sophia's Dog Park, Inc.
P.O. Box 321
Newman, CA 95360-0321

RE: Proposed Dog Park.

Dear Board:

The City of Newman has received your letter that withdraws your commitment to developing a dog park within the City of Newman. For the past several days, the City had attempted to contact your group regarding some of the current site conditions. Yesterday, contact was finally made.

To clarify the City's position, staff advised your group that the City felt it *may* be necessary to resume control over the property if you were unable to complete the project in a timely manner and maintain control over the site. As you are aware, weeds are starting to become an issue at the site and overwatering has created a situation of standing water. Both of these scenarios have negative value for properties within the area.

In full disclosure, staff plans to forward your letter to the Newman City Council. Based upon the original sentiment of the Council, I am not confident this project will be moving forward as presented. Staff will provide the Council with multiple options; including cleaning up the site and abandoning the dog park concept.

In closing, the City is disappointed your organization has decided to abandon this project. When it was originally presented to the Recreation Commission and the City Council, your group was confident the project could be done professionally and in a timely manner. The City will attempt to salvage and utilize any investment made to date. However, all final decision rest with the Council.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael E. Holland'.

Michael E. Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

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

RECOMMENDATION:

It is recommended that City Council adopt Resolution No. 2010- , a Resolution rescinding Resolution No. 2010-60 and 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.

BACKGROUND:

On July 27, 2010 City Council conducted a Public Hearing for the proposed increase in assessments for the Lighting and Landscape Maintenance District. After the Public Hearing was closed the ballots were then tabulated in an open forum with members of the public present. Once the tabulation was completed staff recommended and City Council declared the results of the assessment ballot tabulation for the Lighting and Landscape Maintenance District finding that a majority protest existed. Subsequently, City staff reviewed the tabulation and suspected the tabulation to be in error. The consultant, NBS, then rescanned and verified in fact there were multiple errors in the tabulation. The corrected tabulation found that a majority protest does not exist.

ANALYSIS:

The assessment ballots were opened and tabulated by scanning the barcode on each assessment ballot received, except for the ballots submitted for Zone 14, Sherman Ranch. To expedite the process on July 27, 2010, NBS manually tabulated the ballots from this zone that were received in support of the increased assessment. However, the calculation was mistakenly done only on the amount of the proposed increase rather than the total proposed assessment amount (\$10.97 low density proposed increase/\$5.49 high density proposed increase rather than the \$224.06 low density total proposed assessment/\$112.03 high density total proposed assessment). Subsequently, City staff questioned the tabulation and all of the ballots were rescanned on July 28, 2010, including the ballots from Zone 14. Using the correct number of ballots and the correct weighting of the ballots, the rescanning determined that there was not a majority protest submitted for the proposed increase in the assessments. A final ballot tabulation summary has been prepared and certified by the consultant NBS and is included with this staff report as well as the tabulation presented on July 27, 2010.

Corrected Ballot Tabulation Results:

Ballots in Support	394	\$63,407.07	63.7%
Ballots in Opposition	324	\$36,188.58	36.3%

FISCAL IMPACT:

There is no cost associated with this item.

CONCLUSION:

The consultant, NBS, conducting the assessment ballot tabulation did not properly account for a majority of the yes votes for the proposed increase and the total number of ballots received. NBS has rescanned and recertified the assessment ballot tabulation and has determined that a majority protest does not exist. Therefore, due to the errors in tabulating the ballots it is recommended that previous adopted resolution and tabulation be rescinded, and the correct tabulation be adopted. Staff recommends that City Council Adopt Resolution No. 2010- , a Resolution Rescinding Resolution No. 2010-60 and 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.

Respectfully Submitted:



Garner R. Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

Exhibit A

Certificate of Tabulation Official
and
Statement of Assessment Ballots Submitted

STATE OF CALIFORNIA)
COUNTY OF STANISLAUS) ss.
CITY OF NEWMAN)

The undersigned, the duly authorized tabulation official appointed by the City Council of the City of Newman, DOES HEREBY CERTIFY that pursuant to the provisions of Article XIID of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following), I did tabulate the assessment ballots timely submitted in the assessment ballot proceedings pertaining to the City of Newman Lighting and Landscape Maintenance District.

I FURTHER CERTIFY that this Statement of Assessment Ballots Received shows the assessment ballots submitted in favor of the proposed increase in assessment and the assessment ballots submitted in opposition to the proposed increase assessment, each total weighted according to the financial obligation of the affected properties for which the assessment ballots were submitted.

Total assessment ballots distributed	2,295
Total assessment ballots received	1,042
Assessment ballots received <u>in favor</u> of the proposed assessment:	718
Weighted value of assessment ballots received <u>in favor</u> of the proposed assessment	\$ 15,306.97 29.9%
Assessment ballots received <u>in opposition</u> to the proposed assessment:	324
Weighted value of assessment ballots received <u>in opposition</u> to the proposed assessment	\$ 35,961.68 70.1%

This certification is executed this _____ day of _____, 2010 in _____, California.

By: _____
Title: _____

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and
Statement of Assessment Ballots Submitted

STATE OF CALIFORNIA)
COUNTY OF STANISLAUS) ss.
CITY OF NEWMAN)

The undersigned, the duly authorized tabulation official appointed by the City Council of the City of Newman, DOES HEREBY CERTIFY that pursuant to the provisions of Article XIII D of the Constitution of the State of California and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following), I did tabulate the assessment ballots timely submitted in the assessment ballot proceedings pertaining to the City of Newman Lighting and Landscape Maintenance District.

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Assessment ballots received <u>in opposition</u> to the proposed assessment:	324
Weighted value of assessment ballots received <u>in opposition</u> to the proposed assessment	\$36,188.58 (36%)

This certification is executed this 28th day of July, 2010 in Temecula, California.

By: K. Dennis Klingelhofer
Title: Principal Consultant

RESOLUTION NO. 2010-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA,
RESCINDING RESOLUTION NO. 2010-60 AND 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, on July 27, 2010 adopted Resolution No. 2010-60, 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; and

WHEREAS, a tabulation error occurred and the incorrect tabulation results of the assessment increase ballots were submitted to this City Council; and

WHEREAS, this City Council hereby finds that the assessment increase ballots submitted in opposition to the increase in the annual assessments did not 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 should not have been found to exist; and

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 XIIID of the Constitution of the State of California ("Article XIIID") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following, the "Implementation Act") (the 1972 Act, Article XIIID 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 27th 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

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and
Statement of Assessment Ballots Submitted

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COUNTY OF STANISLAUS) ss.
CITY OF NEWMAN)

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This certification is executed this _____ day of _____, 2010 in _____, California.

By: _____
Title: _____

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This certification is executed this 28th day of July, 2010 in Temecula, California.

By: K. Dennis Klingelhofer
Title: Principal Consultant

Summary of Ballot Tabulation Procedures

- Article XIID of the California Constitution states that *“the ballots shall be weighted by the proportional financial obligation of the affected property”*
- A Majority protest exist if the assessment ballots submitted in opposition to the proposed assessment exceed the assessment ballots in support weighted by the assessment amount.
- If there is a majority protest against the imposition of a new assessment, extension of an existing assessment, or an increase in an existing assessment, the agency shall not impose, extend or increase the assessment.

Ballot Tabulation Process

- Assessment ballots were opened and tabulated by scanning the barcode on each assessment ballot received, except for the ballots submitted by Sherman Ranch.
- The tabulation was based upon the proposed total assessment for each parcel.
- To expedite the process on July 27th, NBS manually tabulated the 270 ballots that were received from Sherman Ranch in support of the increased assessment.
- However the calculation was mistakenly done only on the amount of the increase rather than the total assessment amount.
 - \$10.97 increase vs. \$224.06 total for 1.0 Benefit Unit
 - \$5.49 increase vs. \$112.03 total for 0.5 Benefit Unit

Ballot Tabulation Process (continued)

- City staff questioned the tabulation after the meeting and the error was realized in the tabulation of the ballots from Sherman Ranch.
- All of the ballots were rescanned on July 28th , including the ballots from Sherman Ranch.
- A final tabulation summary was prepared and certified.
- Using the correct weighting of the Sherman Ranch ballots, there was not a majority protest submitted for the proposed increase in the assessments based upon the total assessment obligation of each parcel for which a ballot was submitted.

Tabulation Summary (based upon Total Assessment)

	As Reported 7/27	Final Certified
Total Ballots	1,042	718
Ballots in Support	397	394
Weighted Assessment		
Scanned ballots	\$12,812.21	
Manual Tabulation	<u>\$ 2,494.76</u>	
Total	\$15,306.97	\$63,407.07
Percent in Support	29.9 %	63.7%
Ballots in Opposition	324	324
Weighted Assessment	\$35,961.68	\$36,188.58
Percent in Opposition	70.1%	36.3%

Notes

- Sherman Ranch weighted ballots = \$50,077.41
- Final tabulation includes replacement ballots tabulated manually and cross check for duplicate ballots

Alternatives

- City Council can certify the corrected ballot tabulation results and leave the resolution in place authorizing the levy of assessments at the current rates for FY 2010/11 as approved on July 27th.
- City Council can certify the corrected ballot tabulation results and adopt a new resolution authorizing the levy of assessments at the increased rates for FY 2010/11 since there was not a majority protest based upon the weighted assessments in opposition to the increase, based upon the total assessment amount for each parcel.

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.c.**
City Council Meeting
of August 10, 2010

**ADOPT RESOLUTION NO. 2010- , APPROVING THE HOWARD B. HILL PARK
PARKING LOT PROJECT AND AUTHORIZING ED KATEN AS MAYOR, AND
MICHAEL E. HOLLAND AS CITY CLERK TO RECORD A NOTICE OF COMPLETION**

RECOMMENDATION:

It is recommended that the Newman City Council approve Resolution No. 2010- , authorizing Ed Katen as Mayor, and Michael Holland as City Clerk to record a notice of completion for the Howard B. Hill Park Parking Lot Project.

BACKGROUND:

The Howard B. Hill Park Parking Lot Project is the second phase of three phases of development for the Howard B. Hill Park Project. Phase one consisted of the installation of the grass, sprinklers, storm drainage, play equipment, miscellaneous concrete, and picnic tables. This phase consisted of the installation of two parking lots (one on the Fresno Street side and the other on the Merced Street side), sidewalks, handicap access ramps, and a 7-foot masonry wall along the eastern property line between the existing residences and the park. This phase of the project (phase two) has been completed and is ready for acceptance by the City.

ANALYSIS:

On March 9, 2010 City Council awarded a contract to the lowest responsible bidder for the project, PermaGreen Hydroseeding, Inc., and construction for this project was completed on July 30, 2010. There was one change order approved for this project totaling \$1,500.00 changing the standard grey colored block to tan to match the colors of the existing block walls throughout the City. A final walk-thru inspection of the project was performed by City Public Works staff members. Everything has been completed and is in compliance with plans and specifications.

FISCAL IMPACT:

Original Project Bid	\$140,957.85	RZH Grant Amount	\$89,115.03
Contract Change Order #1	\$1,500.00	Park Facility Fees	\$53,342.82
Total Project Cost	\$142,457.85	Total Funding Amount	\$142,457.85

CONCLUSION:

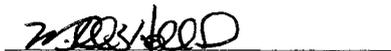
The Howard B. Hill Park Parking Lot Project, constructed by PermaGreen Hydroseeding, Inc., has been completed in compliance with the plans and specifications. The final construction cost is \$142,457.85. Therefore, staff recommends that the City Council approve Resolution No. 2010- , authorizing Ed Katen as Mayor, and Michael Holland as City Clerk to record a notice of completion for the Howard B. Hill Park Parking Lot Project.

Respectfully Submitted,



Garner Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2010-

**A RESOLUTION APPROVING THE HOWARD B. HILL PARK PARKING LOT PROJECT
AND AUTHORIZING ED KATEN AS MAYOR, AND MICHAEL E. HOLLAND AS CITY
CLERK TO RECORD A NOTICE OF COMPLETION**

WHEREAS, on the 9TH day of March, 2010, agreements were entered into between the CITY OF NEWMAN, herein after referred to as "CITY" and PermaGreen Hydroseeding, Inc., herein after referred to as "CONTRACTOR" for the making of certain improvements in the City of Newman, County of Stanislaus, State of California, known as the HOWARD B. HILL PARK PARKING LOT PROJECT; and

WHEREAS, the improvement security referred to in said agreement was duly executed and filed by Contractor;

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

1. That the improvements referred to in said agreement and the maps and other matters referred to therein be, and the same hereby are, approved and accepted.
2. That Ed Katen, as Mayor and Michael E. Holland as City Clerk, are hereby authorized and directed to execute and record a Notice of Completion of said improvements.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 10th day of August, 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 vote:

AYES:
NOES:
ABSENT:

APPROVED:

Ed Katen, Mayor

ATTEST:

Michael E. Holland, City Clerk

I hereby certify that the foregoing is a full, correct and true copy of a resolution passed by the City Council of the City of Newman, a municipal corporation of the County of Stanislaus, State of California, at a regular meeting held on June 8, 2010, and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED: _____, 2010.

City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.d.**
City Council Meeting
of August 10, 2010

**DESIGNATION OF VOTING DELEGATE FOR THE
LEAGUE OF CALIFORNIA CITIES CONFERENCE**

RECOMMENDATION:

It is recommended that the City Council:

1. Designate a Voting Delegate for the League of California Cities 2010 Annual Conference.

BACKGROUND:

The City of Newman will be represented at the 2010 League of California Cities Conference in September by Mayor Katen.

ANALYSIS:

A Voting Delegate and is requested of each city that plans to be represented at the Conference. The voting representative will be issued a voting card for use at the Annual Business Meeting on Friday, September 27, 2010. At this meeting, the League membership considers and takes action on resolutions that establish League Policy. Both the Mayor and Council Members have been designated as the City's representative in the past.

FISCAL IMPACT:

There is no fiscal impact of this Council Action.

CONCLUSION:

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

Respectfully submitted,



Mike Maier
Deputy City Clerk

REVIEWED/CONCUR:



Michael E. Holland
City Manager

Council Action Advised by August 20, 2010

June 4, 2010

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – September 15-17 – San Diego**

The League's 2010 Annual Conference is scheduled for September 15-17 in San Diego. An important part of the Annual Conference is the Annual Business Meeting (*at the closing General Assembly*), scheduled for 3:00 p.m., Friday, September 17, at the San Diego Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity. Please take care when selecting your city's delegates, as travel and attendance could be an issue for those who observe Yom Kippur.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, August 20, 2010. This will allow us time to establish voting delegate/alternates' records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. In order to cast a vote, at least one person must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up

-more-



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Annual Conference Voting Procedures 2010 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2010 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Friday, August 20, 2010. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, August 20 to:

League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: mccullom@cacities.org
(916) 658-8247