



**AGENDA**  
**NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY**  
**REGULAR MEETING SEPTEMBER 14, 2010**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET**

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters
  - a. Swearing In Of Chief Richardson.
7. Items from the Public - Non-Agenda Items.
8. Consent Calendar
  - b. Waive All Readings Of Ordinances And Resolutions Except By Title.
  - c. Approval Of Warrants.
  - d. Approval Of Minutes Of The August 24, 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.
  - b. Conduct Public Hearing And Consider Approval Of The Consolidated Annual Performance And Evaluation Report (CAPER) For The Community Development Block Grant (CDBG) Program Relating To Its Fiscal Year 2009-2010 Past Activity.
10. Regular Business
  - a. Adopt Resolution No. 2010- , Authorizing The City Manager To Execute An Agreement With The Housing Authority County Of Stanislaus For Loan Servicing Services.
  - b. Adopt Resolution No. 2010- Approving The Application For Grant Funds For The Sustainable Communities Planning Grant And Incentives Program Under The Safe Drinking Water, Water Quality And Supply, Flood Control, River And Coastal Protection Bond Act Of 2006 (Proposition 84).
  - c. Update On Marapole Lane Park Development Options.

- d. Adopt Resolution 2010- , Approving The Local Transportation Fund Supplemental Claim And Authorize The City Manager To Execute The Claim On Behalf Of The City Of Newman.

**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**

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 15 – 17 League Of California Cities Annual Conference – San Diego.

September 16 – Planning Commission – 7:00 P.M.

September 21 – Two-On-Two Meeting With The School Board - 4:00 P.M.

September 23 – League Central Valley Division Quarterly Meeting – Merced 6:00 P.M.

September 28 – City Council - 7:00 P.M.

October 8 – O.H.S. Homecoming.

October 11 – Baseball Board Meeting – 6:00 P.M.

October 11 – NCLUSD Board Meeting - 6:00 P.M.

October 11 – 16 – Fall Clean-Up Week.

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.

REPORT.: Aug 18 10 Wednesday  
 RUN....: Aug 18 10 Time: 09:05  
 Run By.: EMILY M. FARIA

CITY OF NEWMAN  
 Cash Disbursement Detail Report  
 Check Listing for 08-10 Bank Account.: 1000

PAGE: 001  
 ID #: PY-DP  
 CTL.: NEW

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
037961	08/20/10	GRO01	GROVER LANDSCAPE, INC.	5497.01	.00	5497.01	201022IN	HILL PARK PROGRESS BILLIN
Cash Account Total.....:				5497.01	.00	5497.01		
Total Disbursements.....:				5497.01	.00	5497.01		
Cash Account Total.....:				.00	.00	.00		

REPORT.: Sep 02 10 Thursday  
 RUN....: Sep 02 10 Time: 08:51  
 Run By.: EMILY M. FARIA

CITY OF NEWMAN  
 Cash Disbursement Detail Report  
 Check Listing for 06-10 Bank Account.: 1000

PAGE: 001  
 ID #: PY-DP  
 CTL.: NEW

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	-----Payment Information----- Invoice #	Description
037962	08/19/10	STA13	STANISLAUS COUNTY	10255.00	.00	10255.00	36484P	EMERGENCY DISPATCH SERVIC
Cash Account Total.....:				10255.00	.00	10255.00		
Total Disbursements.....:				10255.00	.00	10255.00		

Date.: Sep 2, 2010  
Time.: 8:54 am  
Run by: EMILY M. FARIA

CITY OF NEWMAN  
CASH DISBURSEMENTS REPORT

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Ck #	Check Date	CK Amount	Vendor Name	Description
038017	08/31/10	32074.75	FOLSOM LAKE FORD	PO #10-58
038019	09/02/10	1405.00	AECOM USA, INC	REV IMPROVEMENT PLAN/NEWMAN FAM APTS/4-24TO6-25-10
038019	09/02/10	7041.60	AECOM USA, INC	CONST MANAGE SERV/DOWNTOWN PLAZA 6-16 TO 6-25-10
038019	09/02/10	1058.40	AECOM USA, INC	HILL PARKING LOT STAKING/4/24 TO 5/7/10
038019	09/02/10	1100.25	AECOM USA, INC	PG&E/UUD LEGALS 4/24 TO 5/7/10
038020	09/02/10	1713.43	ECO:LOGIC, INC	PO #10-43
038020	09/02/10	1241.00	ECO:LOGIC, INC	PO #10-52
038020	09/02/10	2410.25	ECO:LOGIC, INC	WATER ON-CALL 2009-2010/PROGRESS BILL #6/REVISED
038020	09/02/10	1663.47	ECO:LOGIC, INC	2ND QUARTER GROUNDWATER MONITORING REPORT 2010
038021	09/02/10	4667.77	IMW INDUSTRIES, INC	PO #10-46
038022	09/02/10	1900.00	TESCO CONTROL, INC.	PO #10-53
Sub-Total:		56275.92		
Grn-Total:		56275.92		
Count:	11			

Date.: Sep 9, 2010  
Time.: 3:43 pm  
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Ck #	Check Date	CK Amount	Vendor Name	Description
038016	08/20/10	130.05	HARD DRIVE GRAPHICS	40 DIGITALLY PRINTED DECALS/PARKING ON STEPHENS
038018	08/31/10	18307.00	SPRINGBROOK SOFTWARE	IMPLEMENTATION/SQL CLIENT RUNTIME/CONVERSION SOFTW
038023	09/10/10	27604.40	AECOM USA, INC	DOWNTOWN PLAZA CONSTRUCT MANAGEMENT 6/26-7/30/10
038024	09/10/10	50.00	AMERICAN MOBILE SHREDDING, INC	2 BIN SHREDDING SERVICE/AUG 2010
038024	09/10/10	50.00	AMERICAN MOBILE SHREDDING, INC	2 BIN SHREDDING SERVICE/SEPT 2010
038025	09/10/10	422.38	ARAMARK UNIFORM SERVICES	UNIFORM CLEANING/MAT RENTAL/TOWEL SERVICE/AUG 2010
038026	09/10/10	405.74	AT&T MOBILITY	WIRELESS ACCESS @ PD/7/3/10 TO 8/02/10
038027	09/10/10	68.76	AT&T	MONTHLY TELEPHONE SERV FOR 668-3646 9/1 TO 9/30/10
038028	09/10/10	444.31	AT&T	MONTHLY TELEPHONE SERVICE 7/13/10 TO 8/12/10
038028	09/10/10	334.35	AT&T	T1 LINE AT PD/7/20/10 TO 8/19/10
038028	09/10/10	146.51	AT&T	EMERGENCY DISPATCH LINE @ PD/7/20/10 TO 8/19/10
038029	09/10/10	300.00	AUTREY'S	REFUND HYDRANT PERMIT DEPOSIT/AUTREY'S
038030	09/10/10	702.50	JAMES J. BELL	CONTRACT SERVICE/EVIDENCE CLERK/8/16 TO 8/31/10
038031	09/10/10	53515.09	BERTOLOTTI DISPOSAL	MONTHLY GARBAGE SERVICE/AUGUST 2010
038032	09/10/10	348.32	BERTOLOTTI DISPOSAL	LANDFILL FEES/AUGUST 2010
038033	09/10/10	432.42	B G AUTO	PAINT THINNER TO CLEAN STREET PAINTING MACHINE
038033	09/10/10	6.48	B G AUTO	10W30 MOTOR OIL
038033	09/10/10	1.44	B G AUTO	12 VOLT TAIL LIGHT BULBS
038034	09/10/10	487.36	CAL TRAFFIC SIGNS	6 PERMIT PARKING SIGNS/STEPHENS AVE
038035	09/10/10	3068.33	CALIFORNIA CONSULTING, LLC	MONTH RETAINER/GRANT & LOBBYING SERV/SEPT 2010
038036	09/10/10	100.00	JEFF CARTER	PARKING LOT RENT/SEPT 2010
038037	09/10/10	234.00	CBA (ADMIN FEES)	DENTAL-VISION ADMIN FEES/SEPT 2010
038038	09/10/10	525.00	CDW GOVERNMENT, INC	PO #11-04
038039	09/10/10	396.03	CENTRAL SANITARY SUPPLY	PAPER TOWELS/DISINFECT/CANLINERS/DEO BLOCKS/TP

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Ck #	Check Date	CK Amount	Vendor Name	Description
038039	09/10/10	51.50	CENTRAL SANITARY SUPPLY	6 BOXES POWDER FREE NITRILE GLOVES
038040	09/10/10	154.65	CENTRAL CALIFORNIA INFORMATION RECORD SEARCH/COPIES/DOWNTOWN PLAZA PROJECT	
038041	09/10/10	50.00	CARL J. COELHO (CHUCK)	Veh Operation FIRE/AUGUST 2010
038042	09/10/10	94.90	COMCAST CABLE	HIGH-SPEED INTERNET 8/22/10 TO 9/21/10
038043	09/10/10	3297.49	CONTRACT SWEEPING SERVICES, IN	CONTRACT STREET SWEEPING/AUGUST 2010
038044	09/10/10	778.38	CORBIN WILLITS SYS, INC.	SERVICE & ENHANCEMENT FEE/SEPT 2010
038045	09/10/10	581.78	DISH NETWORK	12 MONTHS LOCAL CHANNELS & MAXVIEW/FIRE DEPT
038046	09/10/10	72.50	E&M ELECTRIC, INC.	LABOR/RANCHWOOD PARK BOASTER PUMP
038046	09/10/10	336.90	E&M ELECTRIC, INC.	CHECKED STREET LIGHT @ MARQUEZ MANOR/FUSES
038047	09/10/10	4185.50	ECO:LOGIC, INC	PO #11-02
038048	09/10/10	416.75	ESRI, INC	PO #11-01
038049	09/10/10	216.63	EMILY FARIA (NT)	UNREIMBURSED MEDICAL EXPENSE/FARIA
038050	09/10/10	2591.00	FGL ENVIRONMENTAL, INC	COLIFORM/METALS/WET CHEMISTRY/WWTP
038050	09/10/10	257.00	FGL ENVIRONMENTAL, INC	WET CHEMISTRY/METALS/DISS-AS/WWTP SAMPLING
038050	09/10/10	257.00	FGL ENVIRONMENTAL, INC	WET CHEMISTRY/METALS/DISS-AS/SAMPLING/WWTP
038051	09/10/10	240.00	FIREtoWIRE, INC	PROFESSIONAL WEVSTER MAINTENANCE/UPGRADE
038051	09/10/10	34.95	FIREtoWIRE, INC	WEB HOSTING 9/17/10 TO 10/17/10
038052	09/10/10	4731.56	GEOANALYTICAL LAB, INC.	QUARTERLY DW WELLS/TTHM-HAA5 ANNUAL TEST
038053	09/10/10	765.12	GROENIGER & CO.	PO #11-10
038054	09/10/10	45.00	ROCIO M. GUDINO	CANCELLED PIONEER PARK RENTAL/REFUND/GUDINO
038055	09/10/10	650.00	HARLEY ENTERPRISES	SLURRY SEALED PARKING LOT AT CITY HALL
038056	09/10/10	412.19	HARD DRIVE GRAPHICS	2 BLACK VINYL DOOR GRAPHICS/NEWMAN PD
038057	09/10/10	590.86	HEWLETT-PACKARD FINANCIAL SERV	HARDWARE LEASE/PD 9/18/10 TO 10/17/10
038058	09/10/10	194.01	STEPHANIE HOUSE	REIMBURSEMENT SUPPLIES TEEN CENTER SNACK BAR

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Ck #	Check Date	CK Amount	Vendor Name	Description
038059	09/10/10	293.34	HUB INTERNATIONAL OF CA	INS SE LIABILITY INS PREMIUM/JUL & AUG 2010
038060	09/10/10	663.26	IKON OFFICE SOLUTIONS	COPIER LEASE/CH 8/10/10 TO 9/9/10/ADDTL COPIES
038061	09/10/10	731.48	INDUSTRIAL COMMUNICATIONS	1 MOTOROLA CM300/1 ANTENNA KIT
038062	09/10/10	697.63	INFOSEND, INC	INSERTS "STREET SWEEPING SCHEDULE"
038062	09/10/10	1587.26	INFOSEND, INC	UTILITY BILL & LATE NOTICE MAILING/AUG 2010
038063	09/10/10	5.85	IRRIGATION DESIGN & CONSTRUCTI	NITRILE GLOVES FOR LIFT STA REPAIRS
038063	09/10/10	57.69	IRRIGATION DESIGN & CONSTRUCTI	3 BOXES NITRILE GLOVES/GOPHER BAIT
038064	09/10/10	35.00	JOBS AVAILABLE, INC.	SUBSCRIPTION TO JOBS AVAILABLE
038065	09/10/10	1703.00	KAISER PERMANENTE	HEALTH INSURANCE PREMIUM/OCT 2010
038066	09/10/10	300.00	ED KATEN (NT)	PER DIEM/LCC CONFERENC/KATEN
038067	09/10/10	26.12	KEY SEAL PRODUCTS, INC	1 BUCKET/5 GALLONS TACKY MATERIAL/STREETS
038068	09/10/10	53.34	MALLARD EXPRESS AUTO	OIL & FILTER CHANGE/UNIT 501
038069	09/10/10	225.00	IRMA MARQUEZ	REFUND MEMORIAL BLDG DEPOSIT/I. MARQUEZ
038070	09/10/10	5030.00	McPHEE MASONRY, INC	DEMO SOUND WALL/REPLACE/LUCAS RANCH @ HILLS FERRY
038070	09/10/10	500.00	McPHEE MASONRY, INC	REPLACED COLUMNS/SOUND WALL LUCAS RANCH @ HILLS FE
038071	09/10/10	274.48	NATIONAL IMPRINT CORPORATION	3000 CUSTOM FOIL VINYL BADGES
038072	09/10/10	682.09	NEWMAN ACE HARDWARE/JACT, INC	GRAFITTI RMVR/FUSE/HAMMER/FILTER/KILLERWASP/SPRAY
038073	09/10/10	125.03	NEWMAN DEPOT GARAGE	LUBE & OIL CHANGE/REPLACED AC BELT/FIRE DEPT
038074	09/10/10	10.84	NORMAC, INC.	RAINBIRD PART/FULL ROTOR
038074	09/10/10	169.07	NORMAC, INC.	12 FALCON ROTORS
038074	09/10/10	118.48	NORMAC, INC.	2 PEB VALVES
038074	09/10/10	289.36	NORMAC, INC.	12 FALCON ROTORS/1 STATION MODULE
038075	09/10/10	43411.00	OSHKOSH CAPITAL	LEASE PAYMENT ON 2006 PIERCE FIRE TRUCK
038076	09/10/10	1064.00	GEORGE OSNER	PROFESSIONAL SERVICES AREA 3 MASTER PLAN/JUN-JUL10

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Ck #	Check Date	CK Amount	Vendor Name	Description
038077	09/10/10	608.00	BIANCA PARDO	ZUMBA INSTRUCTOR/AUGUST 2010/PARDO
038078	09/10/10	2737.01	PATCHETTS FORD MERCURY	REMANUFACTURED TRANSMISSION INSTALLED/UNIT 503
038079	09/10/10	294219.15	PERMA-GREEN HYDROSEEDING	PROGRESS PAYMENT #2/DOWNTOWN PLAZA CONSTRUCT
038080	09/10/10	205.61	P G & E	NATURAL GAS PURCHASES
038081	09/10/10	13.54	PIONEER DRUG	NOTE PADS AND MARKERS
038082	09/10/10	6422.80	PRECISION INSPECTION, INC	Bldg Reg Inspec BLDG REGU
038083	09/10/10	93.04	PROFORCE LAW ENFORCEMENT	2 TASER X26 EXTENDED DPM/PD
038084	09/10/10	88.30	RALEY'S IN STORE CHARGE	SUPPLIES FOR TASK FORCE MTG.
038085	09/10/10	116.80	GARNER REYNOLDS (NT)	REIMBURSEMENT FOR 20% LIFE INS PREMIUM/REYNOLDS
038086	09/10/10	9201.16	RRM DESIGN GROUP, INC.	PROFESSIONAL SERVICES/DOWNTOWN PLAZA/JULY 2010
038087	09/10/10	49.81	SAFE-T-LITE	4 PAIRS SAFETY GLASSES
038087	09/10/10	71.95	SAFE-T-LITE	UNIVERSAL FIT HARNESS WITH LANYARD
038087	09/10/10	12.45	SAFE-T-LITE	1 SAFETY GLASSES
038087	09/10/10	116.45	SAFE-T-LITE	66" FLEX F.G. DELINEATOR WITH SHEETING
038088	09/10/10	568.00	STATE OF CALIFORNIA	FINGERPRINT CHECKS FBI
038089	09/10/10	300.74	STANISLAUS COUNTY AGRICUL	25 LBS DIPHACINONE/RODENT BAIT/WWTP
038090	09/10/10	3.30	STANISLAUS COUNTY	CNG FUEL PURCHASED @ MORGAN RD
038091	09/10/10	118.03	STAPLES ADVANTAGE	COPY PAPER/WET ONES/PENS
038091	09/10/10	48.47	STAPLES ADVANTAGE	5 RECEIPT BOOKS
038091	09/10/10	128.63	STAPLES ADVANTAGE	TYPEWRITER RIBBON/PENS/BATTERIES/DUST-OFF
038091	09/10/10	48.23	STAPLES ADVANTAGE	DUST-OFF/ENVELOPES/BINDER CLIPS/CORRECTION TAPE
038091	09/10/10	34.56	STAPLES ADVANTAGE	INK REFILL/PENS/STAPLES/POST-ITS
038091	09/10/10	42.15	STAPLES ADVANTAGE	TYLENOL/COVERS STOCK/COLORED PAPER
038092	09/10/10	2154.50	STILES TRUCK BODY, INC.	TOMMY LIFT GATE FOR CORP YARD

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Ck #	Check Date	CK Amount	Vendor Name	Description
038093	09/10/10	996.19	STILES PAINT	PO #11-09
038094	09/10/10	60.00	T&R ENTERPRISES	REPAIRED 2 ALUMINUM BRACKETS
038095	09/10/10	56702.16	TEICHERT CONSTRUCTION	PROGRESS PAYMENT/SAFE ROUTES TO SCHOOL
038096	09/10/10	208.02	T.H.E. OFFICE CITY	6 CASES COPY PAPER
038096	09/10/10	42.12	T.H.E. OFFICE CITY	LETTER SIZE FOLDERS
038096	09/10/10	10.82	T.H.E. OFFICE CITY	LETTER SIZE FOLDERS
038097	09/10/10	195.00	BARBARA J. TOSTA	YOUNG AT HEART INSTRUCTOR/AUG 2010/TOSTA
038098	09/10/10	124.00	ASHLIE URIBE	ZUMBA INSTRUCTOR/AUGUST 2010
038099	09/10/10	2625.00	U.S. BANK	ADMINISTRATION FEE/1999 REFUNDING CERT/8/1-7/31/11
038100	09/10/10	88.00	UNITED STATES POSTMASTER	2 ROLLS POSTAGE STAMPS
038101	09/10/10	28.51	VALLEY PARTS SERVICE	IGNITION SWITCH
038101	09/10/10	109.55	VALLEY PARTS SERVICE	BATTERY FOR 05 CHEVY
038101	09/10/10	5.45	VALLEY PARTS SERVICE	NO TOUCH TIRE
038101	09/10/10	67.17	VALLEY PARTS SERVICE	DISTRIBUTOR CAP/ROTOR/WIRE SET
038102	09/10/10	50.00	GEORGE VARGAS	MONTHLY GAS ALLOWANCE/SEPT 2010
038103	09/10/10	25.00	MATTOS NEWSPAPERS, INC.	NEWSPAPER SUBSCRIPTION/CITY HALL
038104	09/10/10	50.93	YANCEY LUMBER COMPANY	NUTRO LAMB DOG FOOD
038105	09/10/10	82.40	ATLANTIC & PACIFIC R.E.,	MQ CUSTOMER REFUND FOR ATL0006
038106	09/10/10	36.40	BORGE, MICHAEL	MQ CUSTOMER REFUND FOR BOR0051
038107	09/10/10	22.39	JOYCE, JARRAD	MQ CUSTOMER REFUND FOR JOY0009
038108	09/10/10	19.78	NIETO, TOMAS	MQ CUSTOMER REFUND FOR NIE0004
038109	09/10/10	86.44	SALAS, RUDY	MQ CUSTOMER REFUND FOR SAL0039
Sub-Total:		566177.47		

Sub-Total: 566177.47

**MINUTES**  
**NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY**  
**REGULAR MEETING AUGUST 24, 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** - None.
8. **Consent Calendar**
  - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
  - b. Approval Of Warrants.
  - c. Approval Of Minutes Of The August 10, 2010 Regular Meeting.
  - d. Adopt Resolution No. 2010-64, Approving The City Of Newman's Conflict Of Interest Code As Written And Without Amendments.
  - e. Adopt Resolution No. 2010-65, A Resolution Authorizing Ed Katen As Mayor, And Michael Holland As City Clerk To Record A Notice Of Completion For The Howard B. Hill Jr. Park Project.

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

**9. Public Hearings**

- a. General Plan Amendment No. 09-01, Approve And Adopt Amended Housing Element For The Newman 2030 General Plan.

Mayor Katen Opened The Public Hearing At 7:03P.M.

There Being No Public Comment, Katen Closed The Public Hearing At 7:04 P.M.

**ACTION:** On A Motion By Davis Seconded By Candea And Unanimously Carried, General Plan Amendment No. 09-01, Approving And Adopting The Amended Housing Element For The Newman 2030 General Plan, Was Adopted.

## 10. Regular Business

- a. Award Bid For The Per Capita Park Improvement Project.

**ACTION:** On A Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2010-66, Awarding The Per Capita Project To Haskell And Haskell Engineering And Construction Services, Inc. For A Not To Exceed Amount Of \$185,000.00 And Authorizing The City Manager To Execute The Project Contract, Was Adopted.

- b. Consider Approval Of The Consolidated Annual Performance And Evaluation Report (CAPER) Relating To Its Fiscal Year 2009-2010 Past Activity And Open Public Comment Period.

**ACTION:** On Motion By Candea Seconded By Martina And Unanimously Carried, The Council Authorized The Release Of The 2009-2010 Draft Consolidated Annual Performance Evaluation Report (CAPER) For The Community Development Block Grant (CDBG) Program And Opened The Public Comment Period And Set A Public Hearing On September 14, 2010 At 7:00 P.M. To Consider Adoption Of The CDBG Fiscal Year 2009-2010 CAPER.

- c. Report On 2010 Newman Fall Festival.

**ACTION:** On Motion By Candea Seconded By Martina And Unanimously Carried Council Approved Requests As Submitted By The Festival Committee.

- d. Approve Aerator Purchase From Saputo Cheese USA, Inc. For The City Of Newman Waste Water Treatment Plant Aeration Basin No. 2.

**ACTION:** On A Motion By Candea Seconded By Martina The City Council Approved The Purchase Of Four 50hp Aqua-Jet Floating Surface Aerators For Aeration Basin No. 2 From Saputo Cheese USA, Inc. And Delayed The WWTP Road Maintenance Project To Fiscal Year 2011/2012.

- e. Adopt Resolution No. 2010-67, A Resolution Authorizing The Finance Director To Purchase Springbrook Accounting Software From Springbrook Software, Inc.

**ACTION:** On A Motion By Martina Seconded By Davis And Unanimously Carried, Resolution No. 2010-67, A Resolution Authorizing The Finance Director To Purchase Springbrook Accounting Software From Springbrook Software, Inc., Was Adopted Along With A Budget Adjustment Of \$45,000.00 .

## 11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Mentioned That The West Side Healthcare Task Force's Healthy Choices Summit Was Well Attended And That The Taskforce Is Working With Local School Districts To Create A New Calendar. DeMartini Reminded Everyone That The Orestimba Creek Flood Control Project Meeting Would Be Held On The Following Morning. He Also Reminded The Mayor About Their Upcoming Monthly Meeting.

## **12. Items From The City Manager And Staff.**

City Manager Holland Reminded Everyone That Veterans Administration Would Be Hosting A Service Appreciation For Veterans And Their Families On The Upcoming Saturday. Holland Regrettably Informed The Council That Planning Commissioner Don Alves Had Resigned. He Stated That Staff Would Be Presenting Another Marapole Park Site Report To Them At Their September 14, 2010 Meeting. Holland Noted That The City Offices Will Be Closed On Monday, September 6, 2010 For Labor Day. Holland Remarked That Funding Is Available For The City's First-Time Home Buyer Program. He Informed The Council That The City Had Scheduled Candidates Night At 6:00 p.m. On October 5, 2010 And Announced That Randy Richardson Will Become The City's Permanent Police Chief Effective Sept. 1, 2010. Holland Noted That The Aug 14, 2010 Movie Night Was A Successful Event With An Estimated 250-300 People In Attendance.

Chief Richardson Reported That The New 2009 Dodge Charger Will Be Placed Into Service Within The Next Week And That Staffing Levels Had Been Increased Due To Recent Events.

Public Works Director Reynolds Informed The Council That His Department Was Finishing The Local Street Striping Project And Continuing With Fall Festival Preparations. Reynolds Noted That He Would Prepare A Plaza Project Presentation For The September 14, 2010 City Council Meeting. Reynolds Explained That The City Was In The Process Of Purchasing A New \$168,000 CNG Lift Truck For Approximately \$4,000.00 Thanks To The Availability Of Additional Grant Funds. He Mentioned That There Had Been Some Graffiti Issues Along Upper Road Recently. Reynolds Reviewed Pictures Of The Completed Hill Park Site. He Explained That He Had Participated In A Productive Meeting With A Representative From Congressman Cardoza's Office And That It May Lead To Some Applications For Earmark Monies That Would Be Designated For Newman.

Finance Director Humphries Warned That The State Controller May Begin Issuing IOU's And Current Gas Tax Payments Have Been Reduced.

## **13. Items From City Council Members.**

Council Member Martina Mentioned That The Recent Movie Night Was A Success And That Sherman Park Proved To Be A Wonderful Venue For The Event.

Mayor Katen Noted That A Representative From Congressman Cardoza's Office Had Recently Visited Newman And Reminded Everyone That Congressman Cardoza Would Be In Newman On The Following Day For The Orestimba Creek Flood Control Project Meeting. Katen Commented That This Year Would Mark The 40<sup>th</sup> Anniversary Of The Fall Festival And That The Committee Had Worked Hard On This Year's Event.

## **14. Adjournment.**

**ACTION:** On Motion By Davis Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 7:50 P.M.

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: 9.a.  
City Council Meeting  
of September 14, 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, September 13, 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.

### ATTACHMENTS:

1. Resolution No. 2010- , a resolution declaring the existence of a public nuisance
2. Exhibit A – Abatement List

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 September 14, 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 14th day of September, 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

**1.1555 Sandy Creek Drive**

Tall weeds through the front and backyard of the property

**HOLD PUBLIC HEARING AND CONSIDER APPROVAL OF THE  
CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)  
RELATING TO ITS FY 2009-2010 PAST ACTIVITY**

**RECOMMENDATION:**

1. Conduct the Required Public Hearing
2. Approval of the Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program.

**BACKGROUND:**

The CAPER was presented to the Council on August 25, 2010; following its presentation, staff released the draft CAPER for a required 14-day public review. That period ends on September 14, 2010, and no comments have been received as of this date (9-8-10). The final requirement is to conduct a public hearing to further solicit comments relative to the implementation performance of our jurisdiction's Consolidated Plan and Annual Action Plans. Following adoption, the CAPER will be submitted by Stanislaus County to the Department of Housing and Urban Development (HUD).

**ANALYSIS:**

Whenever a jurisdiction participates in the Community Development Block Grant (CDBG) Entitlement program, a Consolidated Annual Performance Evaluation Report (CAPER) must be prepared. The CAPER assesses the progress of the Consortium and its members in its implementation of projects and programs listed and described in the Consolidated Plan. An excerpted copy of the CAPER is attached.

**FISCAL IMPACT:**

Positive, the City of Newman was allocated \$252,742.00 in fiscal year 2009-2010.

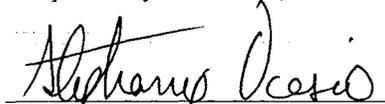
**CONCLUSION:**

Staff recommends that the Council conduct the required public hearing and adopt the Consolidated Annual Performance and Evaluation Report (CAPER) relating to its FY 2009-2010 past activity; \$2.6 million Community Development Block Grant and \$109,687.00 Emergency Shelter Grant.

**ATTACHMENTS:**

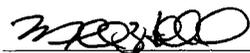
1. Exhibit A – Excerpted Draft 2009-2010 CAPER

Respectfully submitted,



Stephanie Ocasio  
Assistant Planner

**REVIEWED/CONCUR**



Michael Holland  
City Manager

# COMMUNITY DEVELOPMENT BLOCK GRANT CONSORTIUM



## Excerpted Consolidated Annual Performance Evaluation Report CAPER

*Fiscal Year 2009-2010*

Prepared by  
the Stanislaus County Planning and Community  
Development Department

1010 10<sup>th</sup> Street,  
Suite 3400  
Modesto CA, 95354  
209.525.6330



ATTACHMENT 1



# Third Program Year CAPER 2009-2010 Consolidated Annual Performance Evaluation Report

## GENERAL

### Executive Summary

Stanislaus County annually receives Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD). In 2002, Stanislaus County formed the Stanislaus County Community Development Block Grant Program Consortium, which now includes Stanislaus County unincorporated communities and the Cities of Ceres, Newman, Oakdale, Patterson, and Waterford, hereafter called "the Consortium". HUD requires Stanislaus County to prepare and submit either a three or five-year Consolidated Plan and Annual Action Plans as applications for these funds. The County is also required to annually prepare the Consolidated Annual Performance and Evaluation Report (CAPER) to report the progress made in accomplishing goals set forth in the Consolidated Plan and Annual Action Plan for the Community Development Block Grant (CDBG) Program, and the Emergency Shelter Grant (ESG) Program. This report is for the Fiscal Year beginning July 1, 2009, and ending June 30, 2010.

Stanislaus County is also a partner in the City of Turlock/Stanislaus County HOME Consortium, which includes the Cities of Oakdale, Patterson, Ceres, Newman, and Waterford. As the lead agency, the City of Turlock administers the HOME program for the County and reports the partnering jurisdictions' activities in the HOME Consortium's CAPER.

The major highlight for this fiscal year was the Consortium's focus on the effective administration and implementation of newly funded HUD programs: Neighborhood Stabilization Program (NSP), Homeless Prevention and Rapid Re-housing (HPRP), and Community Development Block Grant - Recovery (CDBG-R). Along with the newly funded HUD programs, the Community Development Division continued the administration and implementation of its traditional HUD programs: Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), and HOME Investments Partnership Program (HOME).

CDBG funding is mandated to primarily serve the low-income community as determined through the utilization of the Area Median Income (AMI) limits as designated by Housing and Urban Development (HUD) for Stanislaus County. The AMI's are broken down into the following categories:

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## Citizen Participation

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1. Provide a summary of citizen comments.
2. In addition, the performance report provided to citizens must identify the Federal funds made available for furthering the objectives of the Consolidated Plan. For each formula grant program, the grantee shall identify the total amount of funds available (including estimated program income), the total amount of funds committed during the reporting period, the total amount expended during the reporting period, and the geographic distribution and location of expenditures. Jurisdictions are encouraged to include maps in describing the geographic distribution and location of investment (including areas of minority concentration). The geographic distribution and expenditure requirement may also be satisfied by specifying the census tracts where expenditures were concentrated.

In order to elicit public participation in the preparation of the Draft CAPER, public notices were published defining the process and how persons, agencies and interested groups could participate. The County posted announcements regarding the CDBG program on the Planning and Community Development internet homepage, which facilitated the receipt of citizen input online. A series of public meetings were held in August 2010 to discuss the Draft CAPER. These include:

<u>JURISDICTION</u>	<u>DATE</u>	<u>LOCATION</u>	<u>ADDRESS</u>
Stanislaus	8/10/10	<u>10:00 am &amp; 6:00pm</u>	County Admin. Building Tenth Street Place Basement Training Room 1010 10 <sup>th</sup> St., Modesto
Ceres	8/19/10	<u>4:00pm</u>	Ceres Community Ctr Chambers 2701 4 <sup>th</sup> St., Ceres
Newman	8/5/10	<u>5:00pm</u>	Newman Council Chambers 1200 Main St., Newman
Oakdale	8/18/10	<u>4:30pm</u>	Community Dev. Dep. Conference Room 120 S. Sierra Ave., Oakdale
Patterson	8/11/10	<u>6:00pm</u>	City Hall 1 Plaza, Patterson
Waterford	8/18/10	<u>6:00pm</u>	Beard Community Center 540 C St., Waterford

### MUNICIPAL ADVISORY COUNCILS

Denair	8/3/10	<u>7:00pm</u>	Denair Senior Center 3756 Alameda, Denair
Hickman	8/5/10	<u>7:00pm</u>	Hickman Charter School Office Hickman
Salida	8/24/10	<u>7:00pm</u>	Salida Library Community Room 4835 Sisk Rd., Salida
Empire	8/9/10	<u>7:00pm</u>	Empire Community Center 18 S. Abbie, Empire
South Modesto	8/12/10	<u>6:00pm</u>	Stanislaus County Ag Center 3800 Cornucopia Way., Modesto
Keyes	8/19/10	<u>7:00pm</u>	Keyes Sub-station 5463 7 <sup>th</sup> St., Keyes

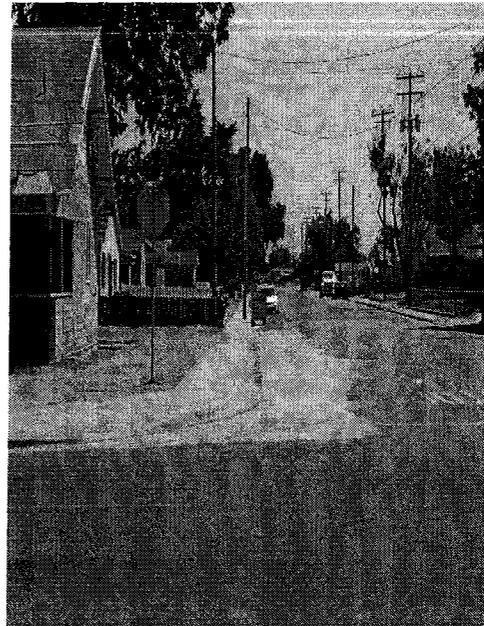
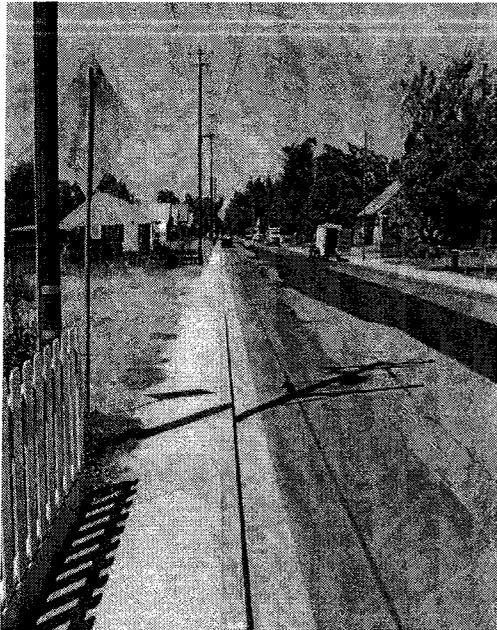
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**9<sup>th</sup> Street Infrastructure Project**

**Project # CE-08-02**

Construction of the 9<sup>th</sup> Street Project was conducted during Fiscal Year 2009-2010. Improvements consisted of installation of curb, gutter, sidewalks, ADA accessible ramps, and matching pavement from Roeding Road to the north to El Camino Avenue to the south. The project is approximately 90% complete. Project construction is scheduled to conclude by the end of August 2010. No Fiscal Year 2009-2010 funds were budgeted for this project. Funds utilized consisted of previous fiscal year funds.



*Photos reflect gutter, sidewalks, ADA ramps, and matching pavement improvements*

**CITY OF NEWMAN**

**Project Administration**

**Project # NE-09-01**

***\$25,274.00 Funds Budgeted***

***\$25,015.03 Funds Expended***

This expenditure includes costs associated with general management, oversight, and coordination of the CDBG program. City staff track the time spent for project administration and submits to County CDBG staff for verification and processing. Remaining funds will be rolled over into Newman's Fiscal Year 2010-2011 infrastructure project(s).

**PQRST, Fresno, Merced, West Ave Project**

**Project # NE-09-02**

***\$117,468.00 Funds Budgeted***

***\$ 8,329.89 Funds Expended***

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This program provided job and career development opportunities to the underserved in the community. The Targeted Technology Training Program (T3) conducted training sessions 2-3 times weekly to low and moderate income residents of the City of Newman. A total of 167 individuals received T3 during this fiscal year as part of 35 classes offered in the community.

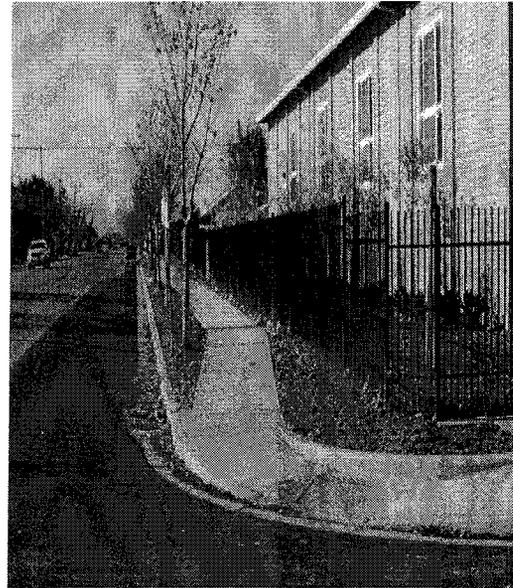
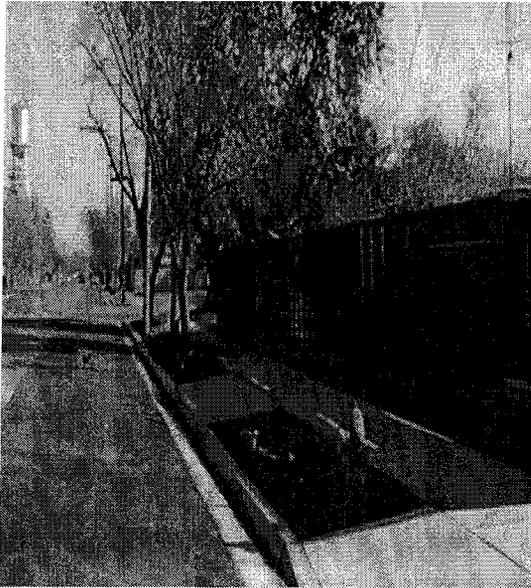
**Fresno/T Street Infrastructure Project**

**Project # NE-08-02**

**\$150,000.00 Funds Budgeted**

**\$4,325.73 Funds Expended**

The Fresno/T Street Infrastructure Project was completed in Fiscal Year 2009-2010. This project consisted of the installation of curb, gutter, and sidewalk in the residential area of Fresno Street bounded by R Street to the east and T Street to the west. Some Fiscal Year 2009-2010 funds were used for this project. Funds not utilized will be rolled over into a Fiscal Year 2010-2011 project consistent to this activity.



*Photos reflect the installation of curb, gutter, and sidewalk*

**Pioneer Park Project Phase II**

**Project # NE-05-01**

The Pioneer Park Project Phase II construction was completed in the month of August 2009. This project consisted of demolition/construction of the picnic shelter, concrete slab, new concrete way, and electrical improvements.

The City of Newman has reported that the improvements to Pioneer Park have had a significant positive impact on the aesthetics of the park and surrounding community. Also, the City has noticed an increase of use of the park by residents during weekdays and the weekends. No Fiscal Year 2009-2010 funds were budgeted for this project. Funds utilized consisted of previous fiscal years' funds.

**Summary of Specific Annual Objectives**

Specific Obj. #	Outcome/Objective Specific Objectives	Sources of Funds	Performance Indicators	Year	Expected Number	Actual Number	Percent Completed
<b>SL-1 Availability/Accessibility of Suitable Living Environment</b>							
SL-1.1 City of Newman Fresno/T Street Infrastructure Project	Address the need for infrastructure improvements to the low-income residential area of Fresno Street bounded by Fresno Street, from R to T Streets and on T Street from Yolo Street to Inyo Avenue. Improvements include the installation of curb, gutter, and sidewalks.  Project Status: Complete	CDBG \$0.00	Number for low-income residents with access to improved infrastructure facilities.	2007			
				2008			
				2009	238	238	100%
				2010			
				2011			
				<b>GOAL</b>			
SL-1.1 City of Newman PQRST, Fresno, Merced, Patchett, West Avenue Infrastructure Project	Address the need for infrastructure improvements to low-income residential area consisting of the following streets: P, Q, R, S, T, Fresno, Merced, Patchett, and West Avenue. Improvements will consist of installation of curb, gutter, and sidewalks.  Project Status: Underway	CDBG \$117,468	Number residents, in 284 households, benefiting from infrastructure improvements in the eligible residential area.	2007			
				2008			
				2009	994	994	100%
				2010			
				2011			
				<b>GOAL</b>			
SL-1.1 City of Newman Street Reconstruction Project (concurrence w/ above project)	Street repair and overlay (due to infrastructure repairs) on P and Q Streets, from Yolo to Inyo Streets.  Project Status: Underway	CDBG \$100,000	Number residents, in 284 households, benefiting from infrastructure improvements in the eligible residential area.	2007			
				2008			
				2009	994	994	100%
				2010			
				2011			
				<b>GOAL</b>			
SL-1.1 City of Newman T3 Workforce Technology Development	Address the need for workforce technology development training programs that will enhance participants' computer skills and, in turn, allow them to re-enter the workforce.  Project Status: Complete	CDBG \$10,000	Number of program participants with enhanced computer skills therefore enabled to enter the workforce.	2007			
				2008			
				2009	300	167	56%
				2010			
				2011			
				<b>GOAL</b>			

**REPORT ON CDBG AND HOME GRANT LOAN SERVICING**

**RECOMMENDATION:**

1. Adopt Resolution No. 2010- , Authorizing the City Manager to Execute an Agreement with the Housing Authority County of Stanislaus for Loan Servicing Services.

**BACKGROUND:**

The City of Newman has been working with Self-Help Enterprises for the administration and loan servicing of CDBG and HOME loans since 1998. Since Self-Help Enterprises wrote and administered the grants, it was the best option for the City (at that time) to also have them service all grant loans.

According to the current agreement, "...[It] may be renewed annually and the budget increased by the City Manager, not to exceed 20% based on negotiations with SHE, without City Council review."

In 2005, the City of Newman became an entitlement jurisdiction and joined the Stanislaus County CDBG and HOME Consortiums. Given the City's classification as an entitlement jurisdiction (and subsequent direct funding from HUD) it can no longer pursue state administered CDBG and HOME grants with Self-Help Enterprises. Thus, Self-Help Enterprises' role was scaled back to loan servicing only.

The City is currently on a month-to-month loan servicing arrangement with Self-Help Enterprises. In the 2009/2010 Fiscal Year, the City's contract amount with Self-Help was \$12,240.00. Annual contracts were calculated at a rate of:  $[(\# \text{ of loans } \times \text{ servicing cost per loan}) \times 12 \text{ months}] + \text{Direct Charges}$ ; these costs are paid with program income received from said CDBG/HOME grants (an eligible expense).

**ANALYSIS:**

In an effort to cut down costs and save program income monies, staff begun exploring other options for loan servicing. With the City now being an entitlement jurisdiction and administering it's First-Time Homebuyer Program in house, it made better sense to have a local loan servicer (in the event that staff had to review files, etc). Upon conferring with other jurisdictions, it was found that the Housing Authority of Stanislaus County provided loan servicing services for a number of local agencies, including Stanislaus County.

Upon meeting with a Housing Authority representative, staff received a proposal for loan services as follows:

**Monthly Loan Payments**

\$11.00 per month

**For Grants (As Opposed To Loans)**

A \$25.00 fee for set-up of account and \$75.00 for closing cost and reconveyance of title at loan closing.

**For Deferred Payment Accounts**

A \$25.00 fee for set-up of account and \$75.00 for closing cost and reconveyance of title at loan closing.

Should any payments be received, a monthly fee of \$11.00 would apply on the months of payment. No charges will be incurred if there was no activity on the loan (i.e. payments).

With this calculation, the maximum costs incurred would be approximately \$7,000.00 (not including if loans should close), this is a savings of 45%. In reality, most loans are deferred and are not making monthly payments, thus, our incurred monthly costs would be significantly less.

**FISCAL IMPACT:**

Positive, a potential savings of up to \$5,740.00 the first year and \$6,932.00 annually thereafter

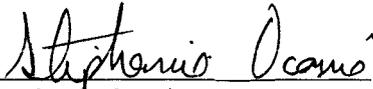
**CONCLUSION:**

Given that Self-Help Enterprises is no longer issuing new CDBG/HOME First-Time Homebuyer or Rehabilitation Loans, that they are located in Visalia (126 miles away) and that the Housing Authority offers the same services for less cost, staff recommends that the Council Adopt Resolution No. 2010- , Authorizing the City Manager to Execute an Agreement with the Housing Authority County of Stanislaus for Loan Servicing Services

**ATTACHMENTS:**

1. Exhibit A – Loan Servicing Agreement
2. Exhibit B - Resolution No. 2010-

Respectfully submitted,

  
Stephanie Ocasio  
Assistant Planner

**REVIEWED/CONCUR**

  
Michael Holland  
City Manager

**DRAFT: FOR REVIEW AND DISCUSSION PURPOSES ONLY**

**07/23/10**

**City of Newman**

**Loan Servicing Agreement**

This Loan Servicing Agreement (the "Agreement") is made and entered into May 10, 2010 and is between Housing Authority of the County of Stanislaus, a California Public Entity ("Servicer") and the City of Newman, a municipal corporation of the State of California (the "Lender"). The parties agree as follows:

**RECITALS**

**A**

Lender has available funds to lend to qualified low income homeowners to enable those homeowners to rehabilitate their residential real property.

**B**

Lender desires to contract with Servicer to service each loan ("Loan") made by Lender to homeowners for property rehabilitation purposes and Servicer is willing to service each Loan on behalf of the Lender.

**NOW, THEREFORE, LENDER AND SERVICER AGREE AS FOLLOWS:**

**1. General Scope of Services.** Lender retains Servicer as Lender's agent to employ commercially reasonable and prudent practices to collect all scheduled payments on each Loan; enforce the terms and condition on each note evidencing each Loan ("Note"); and enforce the security for the Loan, which shall be a deed of trust ("Deed of Trust") against the property benefited by the Loan (the "Property"); all pursuant to instructions from Lender.

**2. Term and Termination.** This Agreement shall commence as of the date set forth above and shall continue until terminated as follows:

- a. Servicer and Lender mutually agree to terminate the Agreement.
- b. Either party provides the other with thirty (30) days prior written notice of its intention to terminate this Agreement for any reason, without cause.
- c. Unless sooner terminated pursuant to subparagraphs (a) or (b) above, this Agreement shall automatically terminate when (i) principal, interest, and all other sums owing under a Loan Note have been paid in full; or (ii) the Lender shall have accepted in writing other consideration in full satisfaction of all amounts owing to Lender under a Loan Note.

Upon termination of this Agreement, Servicer shall deliver to Lender all of Lender's Loan funds then being administered by Servicer, if any, and an appropriate accounting and all necessary documentation regarding those Loan funds. Upon termination, Lender shall immediately reimburse Servicer for any outstanding advances made by Servicer pursuant to Section 4 hereinafter and shall pay Servicer all servicing fees to which Servicer is entitled up to date of termination pursuant to section 6.

**3. Specific Loan Servicing Functions.** Servicer shall: (a) issue payment coupons or monthly statements to the borrower directing Loan repayment to Servicer, (b) issue payoff demands and beneficiary statements, (c) demand, receive and collect all Loan payments and deposit them by into Servicer's trust account; (d) issue annual Form 1099-INT statements to the

**8. No Representations of Warranties.** Lender further understands and agrees that the security for any Note and Deed of Trust is directly related to the equity in the secured Property as shown in the Lender Disclosure Statement and THAT NO REPRESENTATIONS OR WARRANTIES ARE IMPLIED OR EXPRESSED by Servicer regarding the value of the Property for security purposes. Lender understands that the value or saleability of real estate can change at any time and therefore, equity in the secured Property can increase or decrease. Lender hereby releases Servicer from any and all claims and liability whatsoever in connection with the determination of the value of the secured Property.

**9. Right to Rely on Prior Servicer Information.** Lender further understands and agrees that if a Loan has been previously serviced by another servicing agent or by the Lender, Servicer shall rely on all information transmitted to Servicer from former servicer of Lender. Servicer shall have no duty or obligation to verify the accuracy or correctness of any information received from a former servicer of Lender.

**10. Indemnification.** Lender hereby indemnifies Servicer from any and all liability, including attorney's fees and costs incurred in defending a legal action naming Servicer as defendant, which might arise during the course of or subsequent to Servicer's execution of its duties hereunder, including but not limited to being named as defendant based on former servicer's actions unless said liability arises due to Servicer's gross negligence or willful misconduct as determined by a court of competent jurisdiction. Additionally, Lender holds Servicer harmless against any losses caused by fire or other hazard on non-insured Properties if said Property was uninsured prior to receipt of files from a former servicer (on takeover files) or escrow holder (on new closings) and within 60 days of receipt of complete file information to Servicer. Additionally, Lender holds Servicer harmless against any losses caused by Notices of Defaults and/or Notices of Trustee Sale recorded against the Property if said Notice was recorded prior to receipt of complete file information from a former Servicer (on takeover files) or escrow holder (on new closings) and within 60 days of receipt of complete file information to Servicer.

**11. Tax Service.** Lender agrees that should a tax service not be ordered through originating loan broker or requested through Servicer in writing, Lender holds Servicer harmless from any losses incurred by Lender should tax default occur.

**12. Monitoring of Underlying Liens.** Lender agrees that Servicer is not responsible for monitoring underlying lien(s) against secured Property unless specific delinquency notice from underlying lien(s) has been received by Servicer.

**13. Relationship of Parties.** Lender acknowledges that Servicer is serving as its agent with respect to the Loan, Note, and Deed of Trust and that no other relationship between Lender and Servicer, including that of a partnership, joint venture, or tenants-in-common is created by this Agreement.

**14. Prepayment Penalties.** Servicer will be entitled to receive and Lender hereby assigns to Servicer any prepayment penalties and all late charges collected from borrower by the Servicer under the Note.

**15. Power of Attorney.** The Lender hereby grants Servicer an irrevocable power of attorney, coupled with an interest, to perform all acts that Servicer is authorized to perform on behalf of the Lender pursuant to this Agreement including, without limitation, the power to enforce the terms of the Note and the Deed of Trust; to assume and enter into contracts for completion of improvements to a property; to take title to a property as trustee or nominee for the Lender; and to cause title to the property to be taken in the name of the Lender. Without limiting the foregoing, Servicer is expressly authorized to do the following: execute requests for reconveyance; file notices of default; select a foreclosure agent; make demands; request substitutions of trustees; seek a receiver; publish and record notices of sale; file complaints; obtain judgments and deficiencies judgments; seek relief from any stay of foreclosure proceedings or defend any litigation which seeks to restrain such foreclosure proceedings; accept reinstatements; bid at a foreclosure sale and otherwise conduct judicial or non-judicial foreclosure proceedings; file, prosecute, and defend legal actions and otherwise enforce the terms of the

parties hereto, and to their respective heirs, legal representatives, successors in interest, and assign.

**22. Dispute Resolution.** The parties hereto will attempt to settle any claim or controversy arising out of or relating to this Agreement through consultation and negotiation in good faith and a spirit of mutual cooperation. However, at any time before or during such negotiations, or following any unsuccessful negotiations, either party may be written notice to the other demand that the dispute be submitted to mediation. When such a demand is made, the parties shall within ten (10) days jointly make arrangements for the mediation of the dispute through the auspices, and pursuant to the then current mediation rules and procedures, of the Judicial Arbitration and Mediation Services ("JAMS"), except to the extent such rules and procedures are modified by agreement of the parties. If the dispute has not been resolved within sixty (60) days of any written demand for mediation, or within a longer time period to which the parties may agree, the dispute shall be submitted to binding arbitration in accordance with the commercial arbitration rules of J.A.M.S. In all cases submitted to JAMS for arbitration, the arbitration proceedings shall be conducted at a location mutually agreed upon by the parties and, if they cannot agree, then in Modesto, California. The arbitration shall be conducted by a single arbitrator. If the parties cannot agree on a single arbitrator within ten (10) days following submission of a dispute to JAMS for arbitration, then the arbitrator shall be selected in accordance with JAMS' commercial arbitration rules. The parties shall advance their respective administrative fees, and advance in equal shares the arbitrator's fee.

Notwithstanding any rules or procedures of JAMS to the contrary, the arbitrator shall be bound to render a decision in accordance with applicable state and federal laws and shall issue written findings of fact and conclusions of law (the "written opinion"). In any petition to confirm, correct or vacate the arbitration award, the arbitrator's written opinion shall be subject to judicial review for limited the purpose of insuring that it conforms to applicable state and federal laws. Except for this limited right of judicial review and other statutory grounds for correcting or vacating the arbitrator's award, the parties agree that the decision of the arbitrator shall be final and binding upon them. Any arbitration award shall include the cost of arbitration and reasonable attorney's fees to the prevailing party, if the arbitrator determines that there is a prevailing party in any such dispute. Judgment may be entered on the award in the Stanislaus County Superior Court.

Any negotiation or mediation which takes place pursuant to this Agreement shall be confidential and shall be treated as a compromise and settlement negotiation for purposes of applicable rules of evidence.

**23. Entire Agreement.** All prior agreements between the parties hereto are incorporated in this Agreement which constitutes the entire agreement between the parties. The terms of this Agreement are intended by the parties as a final expression of their agreement with respect to each and every term and condition included herein and may not be contradicted by evidence of any prior agreement, contemporaneous oral agreement, or prior and/or contemporaneous oral representations. The parties further intend that this Agreement constitutes the complete and exclusive statement of its terms and conditions and that no extrinsic evidence whatsoever may be introduced in any judicial proceeding, if any, involving this Agreement. Any and all agreements or representations regarding the terms and conditions of this Agreement that are not expressly set forth herein are null and void.

**24. Language Construction.** The language of each and all paragraphs, terms and/or provisions of this Agreement, shall, in all cases and for any and all purposes, and in any way and all circumstances whatsoever, be construed as a whole, according to its fair meaning, and not for or against any party hereto and with no regard whatsoever to the identity or status of any person or persons who drafted al or any portion of this Agreement.

**25. Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original and all of which shall constitute one and the same instrument.

**26. Authority of the Parties.** Each individual executing this Agreement on behalf of the

**RESOLUTION NO. 2010-**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE HOUSING AUTHORITY COUNTY OF STANISLAUS FOR GRANT FUNDED LOAN SERVICING**

WHEREAS, in 2005, the City of Newman became an entitlement jurisdiction and a member of the CDBG and HOME Consortiums; and

WHEREAS, the City of Newman is no longer eligible to apply for state-administered CDBG and/or HOME grants with Self-Help Enterprises; and

WHEREAS, in an effort to preserve program-income monies, City of Newman staff has researched the cost of loan serving for it's existing and future CDBG and HOME loans; and

WHEREAS, the City has found that the Housing Authority County of Stanislaus is local, qualified, experienced and will provide the same services as Self-Help Enterprises for a significant cost savings; and

WHEREAS, decreasing administration costs such as loan servicing will assist the City of Newman in providing affordable housing programs in the City.

NOW, THEREFORE, BE IT RESOLVED that the Newman City Council hereby authorizes the City Manager to execute an agreement with the Housing Authority County of Stanislaus for the grant funded loan servicing.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14<sup>th</sup> day of September, 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

ATTEST:

\_\_\_\_\_  
Deputy City Clerk

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.b.**  
City Council Meeting  
of September 14, 2010

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

**RECOMMENDATION:**

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

**BACKGROUND:**

In September 2008 Governor Schwarzenegger signed SB 732, creating the Strategic Growth Council. The Council is a cabinet level committee that is tasked with coordinating the activities of state agencies to:

- Improve air and water quality
- Protect natural resource and agriculture lands
- Increase the availability of affordable housing
- Improve infrastructure systems
- Promote public health
- Assist state and local entities in the planning of sustainable communities and meeting AB 32 goals

On April 22, 2010, the Strategic Growth Council requested the submittal of Proposals for the Sustainable Communities Planning Grant and Incentive Program. The Sustainable Communities Planning Grant is funded by Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, which authorized the Legislature to appropriate \$90 million for planning grants and planning incentives that reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits.

**ANALYSIS:**

This Sustainable Communities Planning Grant and Incentives program implements the vision of the Governor and Legislature to foster the development of sustainable communities throughout California. It is designed to help local governments meet the challenges of adopting land use plans and integrating strategies in order to transform communities and create long term prosperity.

The primary goal of this grant program is to develop and implement plans that reduce greenhouse gas emissions and achieve the following objectives:

- Improve air and water quality
- Promote public health
- Promote equity
- Increase housing affordability
- Increase infill and compact development
- Revitalize urban and community centers
- Protect natural resources and agricultural lands
- Reduce automobile usage and fuel consumption
- Improve infrastructure systems
- Promote water conservation
- Promote energy efficiency and conservation
- Strengthen the economy

These objectives are consistent with the State Planning Priorities as well as Strategic Growth Council objectives.

**Agenda Item: 10.b.**

Consistent with the intent of this grant program, the City of Newman, in partnership with Stanislaus County, the Cities of Ceres, Hughson, Modesto, Oakdale, Patterson, Riverbank, Turlock and Waterford, Stanislaus County LAFCO, StanCOG, and the Great Valley Center, has been working on plans for a Stanislaus County Sustainability Toolbox. The proposed toolbox includes a county-wide green house gas inventory and tracking system to create the baseline for the required SB375 and AB32 Sustainable Community Strategy, a multijurisdictional GIS-based impact assessment tool, a community engagement strategy for smart growth, energy and water efficiency innovation programs and model ordinances and general plan policies that will be available for all local and regional jurisdictions.

The proposal requests a total of \$1,115,000 to be distributed equally among the ten municipal jurisdictions to implement the Stanislaus County Sustainability Toolbox, a collaborative effort to implement a variety of specific actions and activities that will provide a comprehensive regional template that that can be utilized by each jurisdiction for the updating and creation of short and long term planning documents.

Newman's portion of the toolbox is known as Component 4; Non-Motorized Transportation Plan and Policies. If awarded, the City will prepare a model Non-Motorized Transportation Plan that will include policies and implementation measures that would be effective in individual neighborhood designs, applicable to both small communities and to designated areas of larger cities. It is envisioned that the City of Newman's Non-Motorized Transportation Plan will result in a greater number of individuals freely choosing alternative transportation modes (walking, bicycling, etc.), which will lead to healthier lifestyles, improved air and water quality, and a safer, more sustainable community.

**FISCAL IMPACT:**

Positive, potential City of Newman grant award of \$100,000.00 with an in-kind staff time match of \$20,000.00.

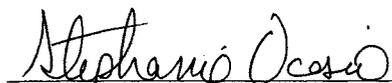
**CONCLUSION:**

In order to apply for the grant, the each participating jurisdiction is required to have an authorizing resolution approving the application for grant funds from its governing body. Staff recommends approval and support of the City's Application for Grant Funds from the Sustainable Communities Planning Grant and Incentives Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act Of 2006 through adoption of Resolution No. 2010- .

**ATTACHMENTS:**

1. Exhibit A – Resolution No. 2010-

Respectfully submitted,



Stephanie Ocasio  
Assistant Planner

**REVIEWED/CONCUR**



Michael Holland  
City Manager

**RESOLUTION NO. 2010-**

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

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

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

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

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the development of the proposal.

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

1. Approves the filing of an application for the Stanislaus County Regional Sustainability Toolbox grant in order to become a sustainable community;
2. Certifies that applicant understands the assurances and certification in the application, and
3. Certifies that applicant or title holder will have sufficient funds to develop the Proposal or will secure the resources to do so, and
4. Certifies that the Proposal will comply with any applicable laws and regulations.
5. Appoints the City Manager, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of September, 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:

ATTEST:

\_\_\_\_\_  
Mayor of the City of Newman

\_\_\_\_\_  
City Clerk of the City of Newman

**UPDATE ON MARAPOLE LANE PARK DEVELOPMENT OPTIONS**

**RECOMMENDATION:**

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

**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. 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. 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 22<sup>nd</sup>, the City received the non profit's formal project withdrawal letter.

On August 10, 2010, staff presented the Council with a number of development options for the site. Council directed staff to return with a cost comparison between sod and seed for the park site.

**ANALYSIS:**

The cost to develop the site will vary according to the type of development the Council chooses. The following is a comparison of costs between installing sod versus planting grass seed at the park site:

- Drainage/Irrigation/Sod: *Approximately* \$15,800.00
- Drainage/Irrigation/Hydroseed: *Approximately* \$9,500.00

**FISCAL IMPACT:**

Between \$9,500.00 and \$15,800.00; at this time, the City has a \$5,000.00 Per Capita Grant Allocation available for immediate use. The City also has approximately \$190,500.00 in Park Facilities Fees available for new park development.

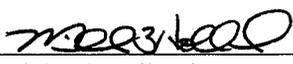
**CONCLUSION:**

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

Respectfully submitted,

  
Stephanie Ocasio  
Assistant Planner

**REVIEWED/CONCUR**

  
Michael Holland  
City Manager

**AUTHORIZATION OF CITY MANAGER TO SUBMIT LOCAL TRANSPORTATION FUND  
SUPPLEMENTAL CLAIM**

**RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt resolution 2010- , approving the Local Transportation Fund Supplemental Claim; and
2. Authorize the City Manager to execute the claim on behalf of the City of Newman.

**BACKGROUND:**

Each fiscal year, in accordance with the Transportation Development Act, the Stanislaus Council of Governments, acting as administrator, allocates an amount to each City and County for qualified transportation projects. Cities must submit claims based on calculated eligible amounts and budgeted projects. On August 23<sup>rd</sup> we received a notice from the Stanislaus Council of Governments notifying us that we have \$433 of unclaimed non-motorized funds and \$20,785 of unclaimed street funds. To claim those funds we need to submit this Supplemental Claim. Once the Newman City Council approves the claim it will be submitted to the StanCOG Policy Board for approval.

**ANALYSIS:**

The item before the Council is a request for approval to submit the Local Transportation Development Act (TDA) Supplemental Claim to StanCOG. This process will obtain the City's unclaimed allocation of Local Transportation Funding. The claim for \$21,218 is to provide for bicycle lane maintenance, and minor repairs on streets in need at various locations through town.

**FISCAL IMPACT:**

There is no cost in submitting the claim. The claim will provide the City with a total of \$21,218 to offset costs.

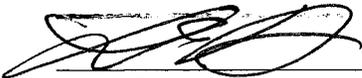
**CONCLUSION:**

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

**ATTACHMENTS:**

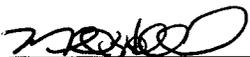
1. Resolution 2010- ,
2. StanCOG LTF Supplemental Claim forms

Respectfully submitted,



Lewis Humphries  
Finance Director

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager

**RESOLUTION NO. 2010-**

**A RESOLUTION APPROVING THE LOCAL TRANSPORTATION FUND NON-TRANSIT SUPPLEMENTAL CLAIM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME ON BEHALF OF THE CITY OF NEWMAN**

WHEREAS, the Stanislaus Council of Governments has presented to the City Council of the City of Newman the supplemental claim for funds to be paid from the Local Transportation Fund for the fiscal year 2008-09; and

WHEREAS, the City Council of the City of Newman approves said amount and agrees that a claim in said sum should be submitted to the Stanislaus Council of Governments; and

WHEREAS, the City Council recognizes that these funds are currently unclaimed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that the 2008/09 Transportation Supplemental Claim to the Stanislaus Council of Governments in the amount of \$21,218 is hereby approved, and authorizes the City Manager to execute the transportation claim on behalf of the City of Newman.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of September, 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

I hereby certify that the foregoing resolution 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 September 14, 2010 and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED:

---

Deputy City Clerk

**TRANSPORTATION DEVELOPMENT ACT  
LOCAL TRANSPORTATION FUND  
NON-TRANSIT CLAIM  
FISCAL YEAR 2008/09 SUPPLEMENTAL CLAIM**

TO: Stanislaus Council of Governments  
1111 I Street, Suite 308  
Modesto, CA 95354

FROM: Applicant: City of Newman  
Address: 1162 Main Street / P.O. Box 787  
City Newman, California Zip: 95360  
Contact Person: Michael E. Holland Phone: (209) 862-3725  
E-mail Address: mholland@cityofnewman.com Fax: (209) 862-3199

The City of Newman hereby requests, in accordance with the Transportation Development Act and applicable rules and regulations, that its **supplemental** non-transit claim be approved in the amount of \$21,218 for fiscal year 2008/09, to be drawn from the Local Transportation Fund.

When approved, please transmit this claim to the County Auditor for payment. Approval of the claim and payment by the County Auditor to this applicant is subject to such monies being on hand and available for distribution, and to the provisions that such monies will be used only in accordance with the terms contained in the approving resolution to the Stanislaus Council of Governments.

The claimant certifies that this Local Transportation Fund claim and the financial information contained therein is reasonable and accurate to the best of my knowledge and conforms with the requirements of the Transportation Development Act and applicable rules and regulations.

Submitted by: \_\_\_\_\_

Title: City Manager

Date: 9/14/2010

**StanCOG Board of Directors:**

Date of approval: \_\_\_\_\_

Resolution #: \_\_\_\_\_

\_\_\_\_\_  
StanCOG Approving Authority

**LOCAL TRANSPORTATION FUND  
NON-TRANSIT CLAIM  
FY 2008/09 SUPPLEMENTAL CLAIM**

**TABLE 1**

1.	Planning, Local --PUC 99262/99402	\$	-
<hr/>			
2.	Roads and Streets --PUC 99400 (a)	\$	20,785
<hr/>			
3.	Nonmotorized - 2% LTF funds --PUC 99233.2/99234	\$	433
<hr/>			
4.	Nonmotorized - Other LTF funds * --PUC 99233.2/99234	\$	-
<hr/>			
<b>5.</b>	<b>TOTAL CLAIM</b>	<b>\$</b>	<b>21,218</b>
<hr/>			

<i>This table is to be filled out by StanCOG staff</i>	
<b>City of Newman</b>	
<b>Total Non-Transit LTF available to be claimed:</b>	
FY 2008/09 Nonmotorized supplemental apportionment	\$ 433
Total 2% Nonmotorized available to be claimed at this time	\$ 433
<hr/>	
FY 2008/09 Roads & Streets supplemental apportionment	\$ 20,785
Total Roads & Streets available to be claimed at this time	\$ 20,785
<hr/>	
<b>Total available to be claimed at this time</b>	<b>\$ 21,218</b>
<hr/>	

\* Roads and Streets funds may be claimed for nonmotorized purposes, if desired.

**LOCAL TRANSPORTATION FUND  
NONMOTORIZED PROJECTS  
FY 2008/09 SUPPLEMENTAL CLAIM**

**TABLE 2  
BREAKDOWN BY PROJECT**

BRIEFLY DESCRIBE PROJECTS AND EXPENDITURES							
ID	PROJECT TITLE	MODE			FOR BIKE PROJECTS ONLY		2008/09 ESTIMATED SUPPLEMENTAL EXPENDITURES
		B I K E	P E D	P L A N	PROJECT IN StanCOG's BIKE PLAN	PROJECT IN CITY/COUNTY BIKE PLAN	
	BikeLane Maintenance	X					\$433.00
							\$0.00
							\$0.00
							\$0.00
							\$0.00
<b>TOTAL LTF APPROPRIATED TO PROJECTS</b>							<b>\$433.00</b>

**TABLE 3  
BREAKDOWN BY CATEGORY**

RECORD LTF FUNDS ONLY		2008/09 SUPPLEMENTAL CLAIM
Bicycle facilities		\$433.00
Pedestrian facilities		\$0.00
Preparation of Bicycle Plan		\$0.00
<b>TOTAL AMOUNT OF BIKE/PED EXPENDITURES</b>		<b>\$433.00</b>

When combined with your previously approved FY 2008/09 LTF claim, does this claim meet the minimum 50% bicycle expenditure StanCOG performance standard? Yes

NOTE: StanCOG 50% bicycle expenditure requirement: The 5 year bicycle expenditures must be 50% or greater.

- 1. FY 2008/09 Supplemental Nonmotorized 2% funds applied towards FY 2008/09 projects (must match Page 2, Line 3) \$433
- 2. FY 2008/09 Supplemental Nonmotorized 2% funds to be held in reserve at StanCOG \$0

**SEE PAGE 3b FOR NONMOTORIZED REGULATIONS/POLICIES AND NOTES**

## NONMOTORIZED PROJECTS

FY 2008/09

(Continued)

### NONMOTORIZED REGULATION/POLICY REMINDERS:

- A. State law allows a jurisdiction to use LTF to update a Bicycle Action Plan once every five years (PUC 99234(h)).
- B. State law allows a jurisdiction to use up to 20% of the amount available each year to restripe Class II bicycle lanes (PUC 99234(h)).
- C. State law allows a jurisdiction to use up to 5% of the amount available each year to supplement moneys from other sources to fund bicycle safety education programs, but the funds shall not be used to fully fund the salary of any one person (PUC 99233.3).
- D. All funds must be spent within five years of receipt. Over the five-year period shown in Table 3, at least 50% of funds must be spent for bicycle purposes. StanCOG will not allocate funds to any jurisdiction which is in violation of these policies.

### NOTES:

- \* If the project is in StanCOG's Bicycle Action Plan, please indicate its Priority Group from that Plan (example: Yes - Priority #4).

By StanCOG policy, all bike projects must appear in either StanCOG's Bicycle Action Plan, or in a City or County bicycle plan, to be eligible for LTF funding.

- \*\* Beginning with FY 2003/04, nonmotorized funds will only be allocated by StanCOG for specific projects. If no project is identified, funds will be held in reserve at StanCOG for eventual use by that jurisdiction.

**LOCAL TRANSPORTATION FUND  
ROAD AND STREET PROJECTS  
FY 2008/09 SUPPLEMENTAL CLAIM**

**TABLE 4**

<b>Briefly describe all proposed projects and indicate proposed project expenditures for right of way acquisition and the construction of road and street projects.</b>					
<b>Project Title &amp; Brief Description</b>	<b>Will this Project add new travel lanes? Yes or No</b>	<b>Will this Project use Federal Funds? Yes or No</b>	<b>Is this Project consistent with the RTP Yes or No</b>	<b>Total Project Cost</b>	<b>LTF Funds Utilized</b>
Minor repairs on streets in need at various locations through town	No	No	Yes	\$22,863	\$20,785
<b>TOTAL</b>				<b>\$22,863</b>	<b>\$20,785</b>

1. FY 2008/09 Supplemental Roads and Streets funds applied towards FY 2008/09 projects (must match Page 2, Line 2)

**\$0**

2. FY 2008/09 Supplemental Roads and Streets funds to be held in reserve at StanCOG

**\$20,785**