

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING FEBRUARY 8, 2011
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 January 25, 2011 Regular Meeting.
 - d. Authorize The City Manager To Prepare A Letter Of Acceptance For The Purchase Of McPike Fields (WWTP Land Expansion).
9. Public Hearings
 - a. Adopt Resolution No. 2011- , A Resolution Approving And Recommending Approval To The Stanislaus County Board Of Supervisors Of The Annual Action Plan For Fiscal Year 2011-2012, Amendment To The Fiscal Year 2010-2011 NSP Annual Action Plan And Amendment To The Fiscal Year 2007-2012 Consolidated Plan And Close Required 30 Day Public Comment Period.
 - b. First Reading And Introduction Of Ordinance No. 2010- , An Ordinance Amending SCM Development Agreement.
10. Regular Business
 - a. Approval Of The Sherman Ranch Affordable Housing Project Environmental Assessment And Finding Of No Significant Impact.
 - b. Appointment Of Members To Fill Vacancies On The Planning Commission, Parks And Recreation Commission And Architectural Review Committee.

- c. First Reading And Introduction Of Ordinance No. 2011- , An Ordinance Amending Title 9 Police Regulations, Chapter 9.02 Animal Control, Adding Section 9.02.148 Litter Permit, Requiring That Individuals Must Purchase Litter Permits From The City Of Newman In Order To Breed Dogs And Cats With In The City Limits.
- d. Adopt Resolution No. 2011- , A Resolution Updating Fees Related To Animal Control Services.
- e. Review Of The 2010-2011 Annual Budget At Mid-Year.

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

- February 7 – NCLUSD Board Meeting - 6:00 P.M.
- February 8 - City Council - 7:00 P.M.
- February 10 – Recreation Commission – 7:00 P.M.
- February 15 – Two-On-Two Meeting With The School Board - 4:00 P.M.
- February 17 – Planning Commission – 7:00 P.M.
- February 18 – City Furlough Day – City Offices Closed.
- February 21 – Presidents’ Day Holiday– City Offices Closed.
- February 22 – City Council - 7:00 P.M.

- March 8 – City Council - 7:00 P.M.
- March 10 – Recreation Commission – 7:00 P.M.
- March 14 – NCLUSD Board Meeting - 6:00 P.M.
- March 15 – Two-On-Two Meeting With The School Board - 4:00 P.M.
- March 17 – Planning Commission – 7:00 P.M.
- March 19 – Chamber Of Commerce Dinner
- March 22 – City Council - 7:00 P.M.
- March 25 – City Furlough Day – City Offices Closed.

Date.: Feb 3, 2011
Time.: 3:20 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
038709	02/04/11	333.60	ABBOTT & KINDERMANN, LLP	SCM HEARTHSTONE LITIGATION THRU 1/20/11
038710	02/04/11	97.20	AECOM USA, INC	GENERAL ENGINEERING SERVICES 11/27 TO 1/03/11
038710	02/04/11	21611.55	AECOM USA, INC	CONSTRUCTION MANAGEMENT/PLAZA 11/27-1/3/11
038710	02/04/11	6846.90	AECOM USA, INC	PQRST,FRESNO,MERCED,WEST AVE CONSTRUCTION/HILL PK
038711	02/04/11	650.00	ARMCO ROOFING	ROOF REPAIRS/COUNCIL AND POLICE STATION
038712	02/04/11	405.34	AT&T MOBILITY	WIRELESS ACCESS/12/03/10 TO 01/02/11/PD
038712	02/04/11	1088.34	AT&T MOBILITY	CELL PHONE USAGE 12/6/10 TO 1/05/11
038713	02/04/11	450.70	AT&T	MONTHLY TELEPHONE SERVICE 12/13/10 TO 1/12/11
038713	02/04/11	334.00	AT&T	T1 LINE @ PD/12/20/10 TO 1/19/11
038714	02/04/11	456.33	BASIC CHEMICAL SOL./INC.	165 GALLONS SODIUM HYPOCHLORITE
038715	02/04/11	2914.82	BEACON PRODUCTS	12 BOLTS/3 BOLLARDS/SHIPPING
038716	02/04/11	562.00	JAMES J. BELL	CONTRACT SERV/EVIDENCE CLERK/1818 TO 1/31/11/BELL
038717	02/04/11	53056.57	BERTOLOTTI DISPOSAL	GARBAGE SERVICE/JAN 2011
038718	02/04/11	440.00	BJ'S CONSUMER'S CHOICE IN	PEST CONTROL SERVICES DONE ON 01/25/11
038719	02/04/11	769.00	CALIFORNIA RURAL WATER	ANNUAL MEMBERSHIP DUES/MAR 2011-MAR 2012/PERRY
038720	02/04/11	305.62	CAL TRAFFIC SIGNS	3 STREET SIGNS AND OTHER MISC SIGNS
038721	02/04/11	100.00	JEFF CARTER	PARKING LOT RENT/FEB 2011
038722	02/04/11	998.00	CAVENAUGH & ASSOC.	POST TRAINING REGISTRATION/COOKSEY & LOPEZ
038723	02/04/11	201.50	CBA (ADMIN FEES)	DENTAL-VISION ADMIN FEES/FEB 2011
038724	02/04/11	202.81	CDW GOVERNMENT, INC	PO #11-34
038725	02/04/11	225.45	CENTRAL CALIFORNIA INFORMATION	SHERMAN RANCH AFFORDABLE HOUSING RECORD SEARCH
038726	02/04/11	50.00	CARL J. COELHO (CHUCK)	Veh Operation FIRE/FEB 2011
038727	02/04/11	94.90	COMCAST CABLE	HIGH SPEED INTERNET 1/22 TO 2/21/11
038728	02/04/11	250.00	JEREMY COOKSEY	PER DIEM/POST TRAINING/COOKSEY

Date.: Feb 3, 2011
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CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 2
List.: NEW1
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
038729	02/04/11	778.38	CORBIN WILLITS SYS, INC.	SERVICE AND ENHANCEMENT FEES/FEB 2011
038730	02/04/11	926.80	CROP PRODUCTION SERVICES	SHARK SPRAYING OF 78 ACRES OATS/WWTP
038730	02/04/11	570.68	CROP PRODUCTION SERVICES	22.5 GALLONS AMINE SPRAYED AT WWTP
038730	02/04/11	1037.96	CROP PRODUCTION SERVICES	22.5 GRAMOXONE FOR WWTP
038730	02/04/11	471.43	CROP PRODUCTION SERVICES	30 GALLONS GLY STAR DELIVERED TO WWTP
038731	02/04/11	11.21	ECONOMIC TIRE SHOP	1 TIRE REPAIR
038732	02/04/11	106.00	ENERPOWER	ELECTRIC ENERGY SERVICES 10/18 TO 10/31/10
038732	02/04/11	281.00	ENERPOWER	ELECTRIC ENERGY SERVICES 10/18 TO 10/31/10
038732	02/04/11	23.00	ENERPOWER	ELECTRIC ENERGY SERVICES/10/18 TO 10/31/10
038732	02/04/11	303.00	ENERPOWER	ELECTRIC ENERGY SERVICES 10/09 TO 10/31/10
038732	02/04/11	11.00	ENERPOWER	ELECTRIC ENERGY SERVICES
038733	02/04/11	14491.00	ENVIRONMENTAL TECHNIQUES INT	BIO-DREDGING SERVICE/WWTP
038734	02/04/11	32.72	EMILY FARIA (NT)	REIMBURSEMENT FOR UNPAID MEDICAL EXPENSE/FARIA
038735	02/04/11	34.95	FIREtoWIRE, INC	WEB HOSTING 2/17 TO 3/17/11
038736	02/04/11	2571.74	GROENIGER & CO.	PO #11-37
038737	02/04/11	1575.00	TOM HALLINAN	LEGAL RETAINER FEE/FEB 2011
038737	02/04/11	1575.00	TOM HALLINAN	LEGAL RETAINER FEE/JAN 2011
038738	02/04/11	590.86	HEWLETT-PACKARD FINANCIAL SERV	HARDWARE LEASE 1/18/11 TO 2/17/11
038739	02/04/11	66.15	STEPHANIE HOUSE	REIMBURSEMENT FOR TEEN CENTER SNACK BAR/HOUSE
038740	02/04/11	126.02	HUB INTERNATIONAL OF CA INS SE	LIABILITY INSURANCE PREMIUM/LERNO
038741	02/04/11	321.87	IKON OFFICE SOLUTIONS	COPIER LEASE 1/10/11 TO 2/09/11/CITY HALL
038742	02/04/11	100.04	IRRIGATION DESIGN & CONSTRUCTI	PVC CAP/TEE/4" PIPE
038743	02/04/11	188.67	JOE'S LANDSCAPING & CONCRETE,	CLEAN-UP OF 1549 P STREET
038744	02/04/11	163.20	JORGENSEN & COMPANY	SEMI-ANNUAL ANSUL SYSTEM CHECK/FIRE DEPT

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CITY OF NEWMAN
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Page.: 3
List.: NEW1
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Ck #	Check Date	CK Amount	Vendor Name	Description
038745	02/04/11	250.00	EDGAR LOPEZ (NT)	PER DIEM/POST TRAINING/LOPEZ
038746	02/04/11	48.05	MALLARD EXPRESS AUTO	OIL AND FILTER CHANGE/CAR 502
038746	02/04/11	226.36	MALLARD EXPRESS AUTO	REPLACED FRONT BRAKE PADS/CAR 502
038746	02/04/11	53.03	MALLARD EXPRESS AUTO	OIL & FILTER CHANGE/TIRE AIR/TRN FLUID/CAR 503
038746	02/04/11	40.46	MALLARD EXPRESS AUTO	OIL AND FILTER CHANGE/BUICK/PD
038747	02/04/11	439.14	NEWMAN ACE HARDWARE/JACT, INC	TOTE/GLOVES/COMPOST/FILTER/GLUE/RAKE/WD40/FLUR BUL
038748	02/04/11	26.60	STEPHANIE OCASIO (NT)	MILEAGE REIMBURSEMENT/OCASIO
038749	02/04/11	162.78	PACIFIC WATER RESOURCES	FLOAT SWITCHDIN RAIL BLOCK/TERMINAL BLOCKS
038750	02/04/11	340.00	BIANCA PARDO	ZUMBA INSTRUCTOR/JAN 2011/PARDO
038751	02/04/11	174.22	P G & E	NATURAL GAS PURCHASES 12/07 TO 1/06/11
038751	02/04/11	256.46	P G & E	LIGHTING AT DOWNTOWN PLAZA/11/20 TO 01/06/11
038751	02/04/11	37046.07	P G & E	GAS AND ELECTRIC USE/10/18 TO 01/18/11
038752	02/04/11	120.12	PRECISION INSPECTION, INC	CODE ENFORCEMENT OFFICER SERVICES/1042 P ST
038752	02/04/11	47.50	PRECISION INSPECTION, INC	BUILDING INSPECTION PREVAILING SERV/BARRINGTON PK
038753	02/04/11	76.74	RELIABLE OFFICE SUPPLIES	BUSINESS CARD BOOK/HP INK CARTRIDGE/WWTP
038754	02/04/11	107.00	RANDY RICHARDSON (NT)	REIMBURSEMENT FOR ROTARY DUES/FINES/RICHARDSON
038755	02/04/11	476.14	ROBIC REFRIGERATION	REPLACED WATER SENSOR & DUMP VALVES/ICE MACHINE/FD
038756	02/04/11	900.00	RRM DESIGN GROUP, INC.	E-BIDDING PHASE SERVICES/DOWNTOWN PLAZA/DEC 2010
038757	02/04/11	780.00	SELF HELP ENTERPRISES	LOAN SERVICING/DEC 2010
038758	02/04/11	54.13	STAPLES CREDIT PLAN	5 100PAK DVD-R/CITY COUNCIL
038759	02/04/11	298.75	STANISLAUS COUNTY DEPT	BUS TICKET SALES/OCT THRU JAN 28, 2011-OLD TICKETS
038760	02/04/11	309.69	STAPLES ADVANTAGE	4 BLACK/6 COLOR HP INK CARTRIDGES/PW
038760	02/04/11	27.64	STAPLES ADVANTAGE	SHEET PROTECTORS/COPY PAPER/CASH REGISTER RIBBON
038760	02/04/11	123.08	STAPLES ADVANTAGE	AVERY LABELS/COPY PAPER/PENS/PD

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CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 4
List.: NEW1
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
038761	02/04/11	838.00	STAN COUNTY SHERIFF'S REGIONAL POST TRAINING REGISTRATION	
038762	02/04/11	541.00	STANTEC CONSULTING SERVICES, I PO #11-02A	
038763	02/04/11	361.93	STILES TRUCK BODY, INC.	REPAIRS TO FLATBED HOIST
038764	02/04/11	75.00	LAUREN STROUD	REFUND MEMORIAL BLDG DEPOSIT/FFA-STROUD
038765	02/04/11	1008.00	SWRCB ACCOUNTING OFFICE	WWTP STORM WATER ANNUAL PERMIT FEE/1/1/11-12/31/11
038766	02/04/11	870.00	TESCO CONTROL, INC.	ON-SITE REPAIR TO WELL 8/FAILED PLC/CHECKED WELL 6
038767	02/04/11	206.15	T.H.E. OFFICE CITY	COPY PAPER/CALENDAR/INK REFILL/HANDSET CORD
038768	02/04/11	180.00	BARBARA J. TOSTA	YOUNG AT HEART INSTRUCTOR/JAN 2011
038769	02/04/11	473.98	USA BLUEBOOK	SOLBERG ELEMENT 230 FILTER ELEMENT PAPER/WWTP
038770	02/04/11	11.04	VALLEY PARTS SERVICE	POLISH PAD
038770	02/04/11	20.74	VALLEY PARTS SERVICE	TENSION DRIVEBELT
038770	02/04/11	28.05	VALLEY PARTS SERVICE	AIR AND OIL FILTER/STRAP
038770	02/04/11	167.40	VALLEY PARTS SERVICE	BATTERY/WD40/FIRE DEPT
038770	02/04/11	64.92	VALLEY PARTS SERVICE	WATERPROOF SEAT COVERS
038771	02/04/11	50.00	GEORGE VARGAS	MONTHLY GAS ALLOWANCE/FEB 2011
038772	02/04/11	134.00	WESTSIDE ANIMAL CLINIC	NATE NEUTER/PHAM
038772	02/04/11	98.00	WESTSIDE ANIMAL CLINIC	NATE NEUTER/LUNA
038772	02/04/11	1209.69	WESTSIDE ANIMAL CLINIC	EUTHANASIA/HEALTH EXAM/RABIES INJECTIONS
038773	02/04/11	30.78	AGUILAR, SERGIO	MQ CUSTOMER REFUND FOR AGU0023
038774	02/04/11	44.63	BARRAGAN, SANDRA	MQ CUSTOMER REFUND FOR BAR0075
038775	02/04/11	28.73	BURNS, OLIVIA	MQ CUSTOMER REFUND FOR BUR0026
038776	02/04/11	2.90	CARDENAS, PAULINA & HELIO	MQ CUSTOMER REFUND FOR CAR0062
038777	02/04/11	101.29	GANIBI, ELEANOR	MQ CUSTOMER REFUND FOR GAN0004
038778	02/04/11	11.87	JACK, BRANDON	MQ CUSTOMER REFUND FOR JAC0009

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CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 5
List.: NEW1
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
038779	02/04/11	68.73	LOPEZ, MARIA L.	MQ CUSTOMER REFUND FOR LOP0071
038780	02/04/11	26.11	SPURLOCK, JEFF	MQ CUSTOMER REFUND FOR SPU0001
Sub-Total:		----- 167839.21		
Grn-Total:		----- 167839.21		
Count:	98			

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING JANUARY 25, 2011
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** - Mayor Katen 7:01 P.M.

2. **Pledge Of Allegiance**

Mayor Katen Recognized Cub Scout Troop 83 And Asked Them Lead The Pledge Of Allegiance.

3. **Invocation** - Council Member Hutchins.

4. **Roll Call PRESENT:** Hutchins, Candea, Martina and Mayor Katen.
ABSENT: Davis (Excused).

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 January 11, 2011 Regular Meeting.
- d. Review Of City Investment Policies.
- e. Adopt Resolution No. 2011-5, Declaring Certain Personal Property Surplus Property And Authorizing Disposal And/Or Sale Of Property.
- f. Approval Of Water Rate Study Ad Hoc Committee.

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

9. **Public Hearings** - None.

10. **Regular Business**

- a. Adopt Resolution No. 2011-6, Approving The City Of Newman Supervision And Regulation Of The Newman Wastewater Treatment Plant Effluent Storage Basins And Emergency Action And Notification Plan (EAP) And Minimum Requirements For Maintenance And Inspection.

ACTION: On Motion By Candea Seconded By Martina And Unanimously Carried, Resolution No. 2011-6, A Resolution Approving Funding From The Urban Forestry Grant Program Entitled, "An Urban Forest For Every City", As Provided Through Propositions 40 And 84, Was Adopted.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Reminded Everyone That The Next West Side Healthcare Taskforce Meeting Would Be In Newman On Thursday, January 27th. He Mentioned That The Taskforce's Essay And Drawing Contests Had Concluded And That Awards Had Been Given Out. DeMartini Noted That The Taskforce Is Continuing To Work On Its Primary Goal Of Improving Healthcare On The West Side. He Gave The City Council An Update On The West Park/Crows Landing Air Base Project; He Stated That A Lot Of Questions Still Needed To Be Answered And That Board Of Supervisors Would Receive An Update On The Project At Their March 8, 2011 Meeting.

12. Items From The City Manager And Staff.

City Manager Holland Mentioned That The City Had Been Working For More Than A Year To Try To Get New Direction From The Regional Water Quality Board With Respect To The City's Waste Water Treatment Plant And That Unfortunately The City Has Yet To Get Any Results; He Noted That The City Had Recently Sent A Request To Meet With Board Officials And Remarked That He May Ask Some Council Members To Attend That Meeting. Holland Informed The Council That The SCM Development Agreement, Formal Acceptance Of Waste Water Treatment Plant Property Purchase And The Mid-Year Budget Review Were All Slated For The February 8, 2011 City Council Meeting.

Chief Richardson Presented The 2010 Annual Police Department Report That Included Information About The Police Department's Budget, 2010 Accomplishments, Crime Statistical Data, Revenue, 2011 Goals And Future Issues.

13. Items From City Council Members.

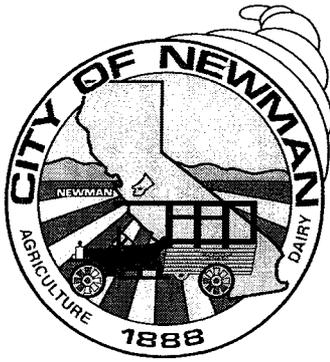
Council Member Hutchins Thanked City For Letting Him Attend League Of California Cities Conference And Mentioned That As Part Of The Conference They Were Able To Meet With Governor Brown And Voice Their Displeasure With His Plan To Eliminate Local Redevelopment Agencies. Hutchins Noted That He Had Also Spoken With Senator Anthony Canella And That The Senator Assured Him That He Would Not Be Supporting The Elimination Of Local Redevelopment Agencies. He Reminded Everyone To Attend The Budget Hearings At The Capitol On February 7, 2011 And Voice Their Support Of Local Redevelopment Agencies.

Council Member Martina Thanked Cub Scout Pack 83 For Attending The Council Meeting And Stated That It Was Great That They Were Interested In City Government.

Mayor Katen Concurred With Council Member Martina And Also Thanked Cub Scout Pack 83 For Attending; Katen Reminded The Council That The Cub Scouts Would Be Hosting Their Blue And Gold Dinner Feb 5th. Katen Mentioned That He Had Received An E-Mail From StanCog Seeking Persons Interested In The Citizen Advisory Committee And Asked Those Interested Either Contact City Hall Or Himself.

14. Adjournment.

ACTION: On Motion By Katen Seconded By Hutchens And Unanimously Carried, The Meeting Was Adjourned At 7:37 P.M.



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

Date: February 4, 2011
To: Mayor and City Council
From: Michael E. Holland, City Manager *MEN*

Subject: Item 8.d. – Authorize the City Manager to prepare a Letter of Acceptance.

The City anticipates closing escrow on the purchase of McPike Fields (WWTP land expansion) the week of February 14th. As part of the process, the City needs to submit an official Letter of Acceptance. With Council concurrence, staff will prepare said letter and send it to the Title Company along with the funds to complete the transaction.

**APPROVAL OF THE STANISLAUS COUNTY ANNUAL ACTION PLAN (FY 11-12),
AMENDMENTS TO THE FY 2010-2011 NSP ANNUAL ACTION AND
FY 2007-2012 CONSOLIDATED PLANS AND CLOSE 30 DAY PUBLIC COMMENT PERIOD**

RECOMMENDATION:

1. Conduct a public hearing regarding the Draft Annual Action Plan (FY 2011-2012)
2. Adopt Resolution No. 2011- , A Resolution Approving And Recommending Approval To The Stanislaus County Board Of Supervisors Of The Annual Action Plan For Fiscal Year 2011-2012, Amendment To The FY 2010-2011 NSP Annual Action Plan And Amendment To The FY 2007-2012 Consolidated Plan
3. Close required 30 day public comment period.

BACKGROUND:

The City of Newman is part of a six-member CDBG/ESG consortium that is lead by Stanislaus County. The Annual Action Plan has been developed to aid the consortium in achieving both federal and general CDBG goals. The 2011-2012 Annual Action Plan outlines the goals and policies for utilizing CDBG and HOME funds to assist low income households and persons in the areas of housing, associated infrastructure and economic development.

ANALYSIS:

The Stanislaus County CDBG Consortium is anticipating approximately a \$2.4 Million CDBG and \$109,000.00 Emergency Shelter Grant (ESG) Award in FY 2011/2012.

In order to receive these funds, the CDBG Consortium is required to prepare an Annual Action Plan outlining its goals and projects for the upcoming fiscal year. Each member of the consortia must adopt the plan in order for the lead agency (Stanislaus County) to prepare and finalize the AAP and submit it to the Department of Housing and Urban Development (HUD).

In addition to the AAP, the Stanislaus County CDBG Consortium is proposing the following amendments:

1. An amendment to the Stanislaus County Community Development Block Grant (CDBG) Consortium Consolidated Plan FY 2007-2012 and Annual Action Plan FY 2010-2011, to include the expenditure of \$4,175,947 in Neighborhood Stabilization Program 3 (NSP3) Entitlement Grant Funds, awarded by the U.S. Housing and Urban Development under the CDBG program;
2. An amendment to the Consolidated Plan FY 2007-2012 to integrate the City of Hughson into the Stanislaus County Community Development Block Grant Consortium, effective Fiscal Year 2011-2012;

The Amendments to the NSP FY 2010-2011 Annual Action and FY 2007-2012 Consolidated Plans will permit the NSP Consortium to receive NSP3 funding in the 2011/2012 fiscal year.

FISCAL IMPACT:

Positive, approval of the AAP and amendments will allow the Consortia lead agency (Stanislaus County) to prepare and finalize the plan for HUD submittal and subsequent CDBG funding qualification and allocation(s).

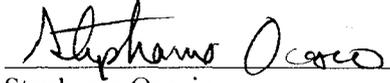
CONCLUSION:

Staff recommends that the Council conduct the public hearing, close the required 30 day public comment period and adopt Resolution No. 2011- , A Resolution Approving And Recommending Approval To The Stanislaus County Board Of Supervisors Of The Annual Action Plan For Fiscal Year 2011-2012 and Amendments To The FY 2010-2011 NSP Annual Action And FY 2007-2012 Consolidated Plans.

ATTACHMENTS:

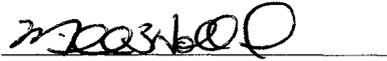
1. Excerpted copy of the Draft Annual Action Plan (AAP)
2. Resolution No. 2011- , A Resolution Approving And Recommending Approval To The Stanislaus County Board Of Supervisors Of The Annual Action Plan For Fiscal Year 2011-2012, Amendment To The FY 2010-2011 NSP Annual Action Plan And Amendment To The FY 2007-2012 Consolidated Plan

Respectfully submitted,



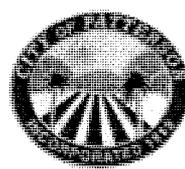
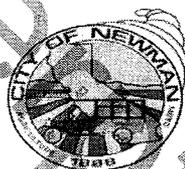
Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR:



Michael Holland
City Manager

COMMUNITY DEVELOPMENT BLOCK GRANT CONSORTIUM



Annual Action Plan *Fiscal Year 2011-2012*

DRAFT

Prepared by the Stanislaus County
Planning and Community Development Department
1010 10th Street, Suite 3400
Modesto CA, 95354
209.525.6330

Approval to Open a 30-day Public Comment Period and Set a Public Hearing on February 15, 2011 at 6:40 p.m. to Consider: Approval of an Amendment to the Fiscal Year 2007-2012 Consolidated Plan to Add the City of Hughson to the Urban County and Approval of the Fiscal Year 2011-2012 Annual Action Plan

Page 2

DISCUSSION:

Currently, Stanislaus County, along with the cities of Ceres, Newman, Oakdale, Patterson, and Waterford, form what is known as the Stanislaus County Community Development Block Grant (CDBG) Consortium (Federally defined and hereafter referred to as the "Urban County").

This is a request to open a 30-day public comment period and set a public hearing on February 15, 2011 at 6:40 p.m. to consider: Approval of an amendment to the Fiscal Year 2007-2012 Consolidated Plan (CP) to add the City of Hughson to the Urban County and; approval of the Fiscal Year 2011-2012 Annual Action Plan (AAP).

Federal regulations require a 30-day public comment period prior to local approval or amendment of a CP and/or an AAP. Draft copies of the amendment to the CP and AAP to be considered for approval on February 15, 2011 are provided as Attachments "1" and "2" of this report. The following discussion provides an overview of the actions to be considered at the February 15, 2011 public hearing:

FISCAL YEAR 2007-2012 CONSOLIDATED PLAN (CP) AMENDMENT

The CP is the Urban County's comprehensive planning document and allows for application of Federal grant funding under the Community Development Block Grant (CDBG), Emergency Solutions Grant (formerly known as the Emergency Shelter Grant) (ESG), and HOME Investment Partnership (HOME) programs. Stanislaus County is recognized as the Urban County's "lead entity" with responsibility for implementing and administering CDBG and ESG funds for unincorporated areas of Stanislaus County and participating cities. Every three years, participating cities have an opportunity to remain or withdraw from the Urban County, and non-participating cities, not independently receiving entitlement funds, have an opportunity to enter into an agreement to become part of the Urban County. The Urban County is an Entitlement Jurisdiction receiving annual grants based on a formula allocation.

The City of Hughson has notified the Urban County of its intent to join and all currently participating Urban County cities wish to remain members for the next three years. An amendment to the Urban County's Fiscal Year 2007-2012 CP is required to add the City of Hughson to the Urban County. If the proposed amendment is approved, effective Fiscal Year 2011-2012, the Urban County membership will include the cities of Ceres, Hughson, Newman, Oakdale, Patterson, Waterford, and Stanislaus County.

Attachment "1" consists of the proposed amendment to the Fiscal Year 2007-2012 CP. The amendment is a "stand alone" document. The entire CP document as approved in 2007, along with previous approved amendments to the CP, is available for viewing at: <http://www.stancounty.com/planning/cdbq/cdbq.shtm>

Approval to Open a 30-day Public Comment Period and Set a Public Hearing on February 15, 2011 at 6:40 p.m. to Consider: Approval of an Amendment to the Fiscal Year 2007-2012 Consolidated Plan to Add the City of Hughson to the Urban County and Approval of the Fiscal Year 2011-2012 Annual Action Plan

Page 4

- CDBG \$2,691,538
- ESG \$ 109,464
- TOTAL \$2,801,002

The figures in the budget below have been projected based on the previous Fiscal Year 2010-2011 HUD allocations. However, with the addition of the City of Hughson to the Urban County in Fiscal Year 2011-2012, it is expected that the Urban County's allocation will increase. Final allocation amounts will be adjusted once Fiscal Year 2011-2012 award amounts are released by HUD, which are expected to be available in April 2011. Planning staff will make the necessary budget adjustments to be submitted to HUD, and will be reflected in the Special Revenue Grants Fiscal Year 2011-2012 Proposed and Final Budgets.

**TABLE ONE
CDBG AND ESG ALLOCATION ESTIMATES**

Consortium Member	Activities	Administration	Total
Ceres	\$248,589	\$20,000	\$268,589
Hughson	\$151,391	\$20,000	\$171,391
Newman	\$178,766	\$20,000	\$198,766
Oakdale	\$210,672	\$20,000	\$230,672
Patterson	\$223,064	\$20,000	\$243,064
Waterford	\$167,021	\$20,000	\$187,021
County	\$662,066	\$376,815	\$1,038,881
Public Services	\$269,154		\$269,154
Economic Development	\$20,000		\$20,000
Workforce Development	\$20,000		\$20,000
Analysis of Impediments	\$10,000		\$10,000
Fair Housing	\$34,000		\$34,000
ESG	\$109,464		\$109,464
Total	\$2,304,187	\$496,815	\$2,801,002

Activities identified within the AAP must be consistent with the Urban County's adopted CP, which outlines the communities' needs and priorities for the plan period. The Fiscal Year 2007-2012 CP identified the need for new or rehabilitated community infrastructure. To

leverage local agency dollars with outside funding sources are critical to ensuring a successful program/project).

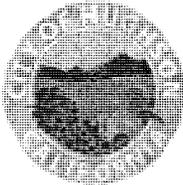
- d. For public infrastructure improvement projects: 1) A working partnership between for service provider(s), the local community, and the Agency (Stanislaus County), 2) The availability of engineered designs and a cost analysis for the project, 3) The willingness/ability of the service provider(s) to consider annexation of the improvements to be made.

City of Ceres



The City of Ceres will continue to focus towards much needed infrastructure improvements that will help alleviate some of the target area's current blighting conditions. These infrastructure improvements will include related curb, gutters, sidewalks, sewer and waterline replacement, ADA curb cuts, and related storm drainage improvements. Adequate infrastructure improvements are essential for a community to experience community revitalization.

City of Hughson



As the new member of the Urban County, the City of Hughson also has substantial needs for targeted infrastructure improvements that would alleviate some of the area's current blight. These infrastructure improvements will include related curb, gutters, sidewalks, storm drain, sewer and waterline replacements, and the subsequent street overlay that follows projects of this nature.

City of Newman



The City of Newman will continue to focus towards much needed infrastructure improvements that will help alleviate some of the target area's current blighting conditions. These infrastructure improvements will include related curb, gutters, sidewalks, sewer and waterline replacement, and ADA curb cuts. Newman is also focusing on workforce development activities within their local community to offer classes that develop computer skills to provide residents with a competitive edge in their employment search.

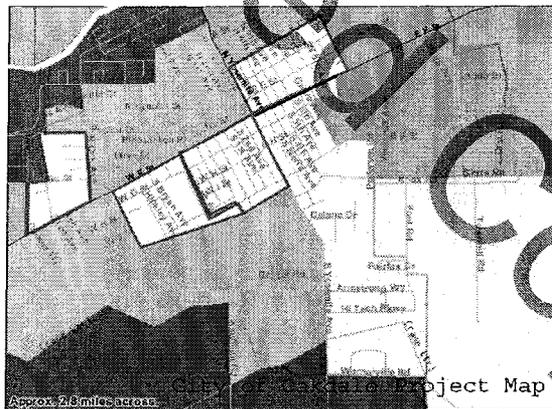
Newman



The City of Newman is located thirty miles southwest of Modesto, the County seat. The city is located in an agriculturally rich geographical area that includes a large food processing facility, historic downtown buildings, and a variety of light industrial and highway commercial development. Newman is a growing community with an approximate population of 10,000. Source: City of Newman.

The City of Newman will dedicate its CDBG funds to conduct needed infrastructure improvements within the income eligible Census tract block group project area. The project area is bounded by Yolo Street to the north, N Street to the east, Inyo Avenue to the south, and West Avenue to the west as bounded in the above project area map.

Oakdale



The City of Oakdale is located in the northeasterly portion of the county, on the south bank of the Stanislaus River, at the intersection of State Highways 108 and 120. The city is situated at the base of the Sierra Nevada Mountains. It is the gateway to Yosemite National Park and the Sierra Nevada foothills. Oakdale has a current city population of approximately 19,300. Source: City of Oakdale.

The City of Oakdale will dedicate its CDBG funds to conduct needed infrastructure improvements within the income eligible Census tract block groups as bounded in the above project area map.

- Roeding Road: From 9th Street to the west to Mitchell Road to the east
- Holly Court
- Don Pedro Road: From 9th Street to the west to Mitchell Road to the east

T3 Workforce Technology Development

This program will be expanded into the City of Ceres and will provide participants the opportunity to acquire and further develop computer skills that will allow them to re-enter the workforce and in many cases gain a competitive edge in the field they select to enter. Up to 200 individuals will be participating in the technology program.

City of Hughson

Project Administration

This expenditure includes costs associated management, oversight, and coordination of the related CDBG infrastructure projects.

Pine Street Infrastructure Project

The City of Hughson will undertake the Pine Street Infrastructure project. The project is bounded by 4th Street to the west to 7th Street to the east. The project will include engineering and design work and the installation of curb, gutter, storm drain, and sidewalks and ADA curb cuts, as needed.

4th Street Infrastructure Project

The City of Hughson will conduct engineering and design work on a second infrastructure project. The Fox Road project will consist of installation of curb, gutter, storm drain, sidewalks, and ADA curb cuts as needed. The project is bounded by Whitmore Avenue to the north, down to 5th Street the east.

City of Newman

Project Administration

This expenditure includes costs associated management, oversight, and coordination of the related CDBG infrastructure projects.

PQRST/Fresno/Merced/Patchett/West Ave Infrastructure Project

- Allocation:

The City of Newman will continue onto Phase III of this project. The project areas either lack basic infrastructure such as curb, gutter and sidewalk or have badly damaged infrastructure due to age, tree roots, etc. and pose potential health and safety threats. This project will consist of installation of curb, gutter, and sidewalks. In Fiscal Year 2011-2012, construction will be conducted in the following areas:

- P Street, from Yolo to Stanislaus Streets
- Q Street, from Tulare to Kern Streets
- R Street, from Yolo to Merced Streets



Photos reflect antiquated infrastructure within the project area in need of replacement or improvements.

Street Reconstruction Project

This project is in concurrence with PQRST/Fresno/Merced/Patchett/West Ave Infrastructure Project and Storm Drain Replacement Project. Construction to include street repair and overlay (due to infrastructure repairs) in the following areas:

- P Street, from Yolo to Stanislaus Streets
- Q Street, from Tulare to Kern Streets
- R Street, from Yolo to Merced Streets

Tulare Street Infrastructure Project

In Fiscal Year 2011-2012, the City of Newman will undertake a new infrastructure project. The Tulare Street Infrastructure Project will be located along Tulare Street between S and T Streets. Project improvements will consist of installation of curb, gutter, sidewalks, and street repaving.

T3 Workforce Technology Development

This program will provide participants the opportunity to acquire and further develop computer skills that will allow them to re-enter the workforce and in many cases gain a competitive edge in the field they select to enter. Up to 300 individuals will be participating in the technology program.

City of Oakdale

Project Administration

This expenditure includes costs associated management, oversight, and coordination of the related CDBG infrastructure projects.

Davitt Avenue Infrastructure Project – Phase I

The City of Oakdale will begin the construction phase of the Davitt Avenue Infrastructure Project. The project is bounded between G Street to the north to the southern terminus. This project will consist of water and sewer main replacement, and installation of curb, gutter, sidewalk, ADA ramps, and storm drain improvements as needed.

RESOLUTION NO. 2011-
A RESOLUTION APPROVING AND RECOMMENDING APPROVAL TO THE STANISLAUS COUNTY BOARD OF SUPERVISORS OF THE ANNUAL ACTION PLAN FOR FISCAL YEAR 2011-2012, AMENDMENT TO THE FY 2010-2011 NSP ANNUAL ACTION PLAN AND AMENDMENT TO THE FY 2007-2012 CONSOLIDATED PLAN

WHEREAS, Stanislaus County, the Cities of Ceres, Newman, Oakdale, Patterson and Waterford have worked together to prepare the Annual Action Plan (AAP) for Fiscal Year 2011-2012;

WHEREAS, an AAP outlining its goals and projects for the upcoming fiscal year is required by the U.S. Housing and Urban Development (HUD) and;

WHEREAS, an amendment to the Stanislaus County CDBG Consortium Consolidated Plan FY 2007-2012 and Neighborhood Stabilization Program (NSP) AAP FY 2010-2011 will allow the Consortia to include the expenditure of \$4,175,947 in NSP3 Entitlement Grant Funds, awarded by HUD under the CDBG program and;

WHEREAS, an amendment to the Consolidated Plan FY 2007-2012 will integrate the City of Hughson into the Stanislaus County CDBG Consortium, effective Fiscal Year 2011-2012 and;

WHEREAS, Stanislaus County CDBG Consortium includes the County of Stanislaus, Cities of Ceres, Newman, Oakdale, Patterson and Waterford and each have unanimously chosen to participate in the entitlement process thereby receiving a portion of the CDBG, HOME and NSP funds allocated to Stanislaus County and;

WHEREAS, the Annual Action Plan for Fiscal Year 2011-2012, the Amendment to the Fiscal Year 2007-2012 Consolidated Plan and the Fiscal Year 2010-2011 NSP Annual Action Plan was made available to the public as an opportunity to review and provide comments prior to the final public hearing to be held by the Stanislaus County Board of Supervisors on February 15, 2011 to consider adoption of the Final Annual Action Plan for Fiscal Year 2011-2012 and approval of said amendments,

NOW, THEREFORE, BE IT RESOLVED that the Newman City Council hereby approves the proposed Annual Action Plan for Fiscal Year 2011-2012, the Amendments to the Fiscal Year 2007-2012 Consolidated Plan and the Fiscal Year 2010-2011 NSP Annual Action Plan.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 8th day of February, 2011 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:

ATTEST:

Ed Katen, Mayor

Michael E. Holland, City Clerk

AMENDMENT TO SHERMAN RANCH DEVELOPMENT AGREEMENT

RECOMMENDATION:

- (1) Open Public Hearing and continue to March 8th, 2011 City Council meeting.

BACKGROUND:

In September 2004, the Planning Commission reviewed a proposed Development Agreement for the Sherman Ranch subdivision. (The original project was approved by the Planning Commission in 1999.) Following the recommendation of the Planning Commission, the City County adopted Ordinance No. 2004-03 approving the Sherman Ranch Development Agreement in October 2004. Subsequent to these actions, the City adopted a Substitute Reimbursement and Settlement Agreement (SRSA) to settle 'complete and full satisfaction of ... the total amounts for which Developer remains eligible to receive reimbursement...'

In January 2010, the Developer filed a lawsuit in Stanislaus County Superior Court alleging Breach of Contract, Unjust Enrichment, Common Counts, Conversion and Breach of Fiduciary Duty. While the City remained confident in its legal position, settlement talks to end the lawsuit were initiated. Through diligent work and mutual cooperation, both sides agreed to a settlement agreement in December 2010. Final execution of the Settlement agreement requires approval of the attached changes to the Development Agreement.

On January 20, 2011, the Planning Commission, subsequent to holding a public hearing, recommended approval of the proposed amendments to the Sherman Ranch Development Agreement.

ANALYSIS:

Attached for your review are the proposed changes to the Development Agreement. In summary, the proposed major changes are identified below:

- (1) The City agrees to extend the term of the Development Agreement for an additional three (3) years.
- (2) The City/Redevelopment Agency agrees to set up a Fee Offset program for buyers who qualify under the Low and Moderate income levels.
- (3) The City agrees to extend the validity of building permits submitted prior to December 31, 2010 for a period of two years.
- (4) The City agrees to extend the reimbursement agreement for an additional three (3) years.

Subsequent to the adoption of the attached changes, the applicant agrees to file a Request for Dismissal with prejudice within ten (10) calendar days following the passage of the referendum period.

FISCAL IMPACT:

Overall positive. The City is saving general fund monies through not having to defend our position in court. While the City/Redevelopment Agency will be required to set up a Fee Offset program using Low and Moderate Redevelopment funds and HOME funds; these funds are considered restricted. Any new units constructed using these funds will generate general funds monies through property and sales taxes.

CONCLUSION:

In conclusion, the proposed changes require the developer to dismiss the lawsuit with prejudice, saving the City the cost of defending our legal position in court. While the changes also require extending the duration of the development and reimbursement agreements, there is not a direct cost associated with these extensions. The establishment of a Fee Offset program, for use in Sherman Ranch, utilizes restricted funds, not general funds. As a result, there is minimal impact upon the City/Agency's budget. Overall, if these programs are successful, the City should experience an increase in economic activity due to additional jobs being created within the City and expansion of our property tax base.

Agenda Item: 9.b.

Staff is recommending the City Council open the Public Hearing. At the conclusion of speakers, it is recommended that the Council continue the Public Hearing to March 8th, to allow additional time for HUD to review the approved Environmental document.

ATTACHMENTS:

1. Exhibit D - Summary of the amendments to the Development Agreement.

Respectfully submitted,



Michael Holland
City Manager

**EXHIBIT D
AMENDMENT OF DEVELOPMENT AGREEMENT**

FIRST AMENDMENT TO SHERMAN RANCH DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT ("First Amendment") is made and entered into this _____ day of _____, 2011, by and between SCM Hearthstone, LLC, a California limited liability company ("Developer"), and the City of Newman, a municipal corporation ("City"), pursuant to the authority of section 65864 et seq. of the Government Code of the State of California.

RECITALS

A. To ensure the timely, efficient, orderly, and proper development of the Project known as Sherman Ranch, on November 12, 2004, Developer and City entered into that certain Development Agreement for Sherman Ranch ("Development Agreement") pursuant to which City granted Developer a vested right to develop the Project.

B. The parties wish to extend the term of the Development Agreement for a period of three (3) years.

C. The parties wish to add additional provisions to the Development Agreement which clarify and specify certain rights of Developer associated with the Project.

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

1. The recitals above are true and correct and hereby made a part of this First Amendment.
2. All capitalized terms not defined herein shall have the meanings ascribed to them in the Development Agreement.
3. Section 3.04 of the Development Agreement is hereby amended to read as follows:

3.04. Term. The term of this Agreement shall commence upon the Effective Date and shall extend ~~40~~13 years from the Effective Date or until the "Project Buildout" as hereinafter defined, whichever is earlier, unless said term is otherwise modified by circumstances set forth in this Agreement or by the mutual consent of the parties hereto. For purposes of this Agreement, "Project Buildout" shall mean the date on which a Certificate of Occupancy (or comparable instrument) is issued for the last Project improvement or residential home or other structure to be constructed pursuant to the Development Plan as it may be amended pursuant to this Agreement. Following the expiration of said term, this Agreement shall be deemed terminated and of no further force and effect, except as may be specified otherwise herein. The term

of the Vesting Tentative Subdivision Map shall be no less than the term of the Agreement as described in this Section.

4. A new Section 8.03 is hereby added to read as follows:

8.03 Fee Offsets. City agrees that it shall establish a Fee Offset Fund, as set forth herein.

A. **Fee Offset Fund.** City agrees that it shall reserve an amount equal to TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000) ("Fee Offset Fund") to be used to pay for a portion of certain City fees, as specified in **Exhibit A**, attached hereto and incorporated herein by reference, for the Sherman Ranch Development, and as such fees may be adjusted for inflation by City. ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) of the Fee Offset Fund shall consist of federal HOME funds allocated to City (the "HOME Fee Offset Fund") and ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) of the Fee Offset Fund (the "Agency Fee Offset Fund") shall consist of funds from the Low and Moderate-Income Housing Fund of the Redevelopment Agency of the City of Newman (the "Agency"). The sole purpose of the Fee Offset Fund is to pay for City fees due at the time of final inspection for those housing units (the "Affordable Units") being sold to Qualified Buyers, as defined below.

The Sherman Ranch Development consists of three models of housing development: (i) the "Classics" homes are low-density units; (ii) the "Heritage" homes are medium-density units; and (iii) the "Villas" homes are high-density units. The HOME Fee Offset Fund shall only be used to pay the fees for up to twelve (12) units within the Villas development. The Agency Fee Offset Fund may be used to pay the fees for units within either the Classics or Heritage developments. The City's obligation to maintain the Fee Offset Fund, in whole or in part, for the uses specified in this Section 2.1 shall terminate upon the earlier of (i) the use of all monies in the Fee Offset Fund; or (ii) December 31, 2013. The City may, in its sole discretion, request that the Agency provide additional funds to be deposited in the Agency Fee Offset Fund, prior to December 31, 2013, so that additional Affordable Units may be sold to Qualified Buyers.

B. **Qualified Buyers.** A Qualified Buyer shall be a person or family of low or moderate income, as defined in Health and Safety Code section 50093, as may be adjusted by the California Department of Housing and Community Development ("HCD"). For purposes of this Settlement Agreement, "area median income" shall mean the median income for households in Stanislaus County, California, as published from time to time by the United States Department of Housing and Urban Development ("HUD"). A 2010 schedule of low and moderate income limits for Stanislaus County is attached hereto as **Exhibit B** and incorporated herein by this reference.

The City's obligation to use the Fee Offset Fund shall be expressly conditioned upon the City receiving from Developer evidence reasonably satisfactory to City certifying the income level of any proposed Qualified Buyer, and that the proposed sales price of any Affordable Unit does not exceed the affordable housing

cost, as defined by Health and Safety Code section 50052.5, for such Qualified Buyer. The maximum sales prices of any Affordable Unit to a Qualified Buyer must comply with the regulations promulgated by HCD.

C. Payment of Fees. City shall pay to Developer, upon the sale of each Affordable Unit to a Qualified Buyer, the amount of fees attributable to such Affordable Unit from either the HOME Fee Offset Fund or the Agency Fee Offset Fund, as the case may be. Such payment may be made either directly to Developer, upon the close of escrow, or through escrow, as the parties may determine.

5. A new Section 10.05 is hereby added to read as follows:

10.05. Building Permits.

A. Applications. For all building permit applications submitted by Developer to the City on or prior to December 31, 2010, for any of the lots identified on Exhibit C, (Sections A-D), attached hereto and incorporated herein by this reference, the City hereby agrees that such application shall be valid for two years. For purposes of applying building standards, conditions, and/or regulations, and/or permit fees, a building permit shall be deemed effective upon the application date. Any failure of Developer to pursue an application shall not be grounds for revocation by abandonment under the California Building Code.

B. Timing of Payment of Fees. For purposes of applying permit fees for the lots identified on Exhibit C, all fees identified on Exhibit F of the Development Agreement that are due and payable at the time a building permit is issued shall be due and payable as stated on Exhibit D, attached hereto and incorporated herein by reference.

C. Indemnity. Developer agrees to defend, indemnify, and hold City harmless from any and all claims, costs and liabilities as a result of any legal action or proceeding brought against the City arising from, or in anyway relating to, this Section 10.05.

6. A new Section 10.06 is hereby added to read as follows:

10.06. Sales Office Use Permit. The City agrees to process in good faith, at Developer's request and expense, three consecutive extensions of one year each of the use permit for the Sherman Ranch sales office.

7. Section 6.10 of the Development Agreement is hereby amended to read as follows:

~~A. Developer shall submit Improvement Plans and Engineering Estimates for the cost of improvements. Developer shall be reimbursed for up front construction costs of "Backbone Infrastructure" improvements, beyond Developer's pro rata fair share, as set forth in the Reimbursement Schedule, Exhibit "G". The Reimbursement schedule may be revised from time to time to reflect actual cost of improvements. Said revisions shall be approved by staff and shall not require City Council review.~~

~~To the maximum extent possible, reimbursement shall be in the form of fee credits. Reimbursement amounts over and above fee credits will be paid on a quarterly basis to Developer and shall be paid from the Capital Facilities Funds as Capital Facility Fees are collected from future developments within the area of benefit. In no event shall City General Funds be used to reimburse the Developer. City has no further obligations under this Development Agreement to provide any reimbursements or credits to Developer. All reimbursement matters have been settled under a separate agreement between the Developer and City titled "The Substitute Reimbursement and Settlement Agreement" and subsequent amendment thereto.~~

8. Except as modified by this Amendment, the Development Agreement shall remain unchanged and is in full force and effect.

9. This Amendment may be executed in any number of counterparts with the same effect as if the parties had all signed the same document, and which together shall constitute one and the same instrument.

10. Facsimile, electronically scanned, and photocopied signatures shall be as valid as original signatures only for purposes of demonstrating execution of the Amendment until such time as originally executed documents can be circulated. Said originally executed documents shall be binding and shall constitute evidence of the execution of this Amendment for all purposes.

IN WITNESS WHEREOF, the parties have hereunder set their hand the day and year first written above.

Approved as to Form:

Exhibit "D"

City Attorney

CITY

CITY OF NEWMAN, a municipal corporation

By: **Exhibit "D"**

City Manager

By: **Exhibit "D"**

City Clerk

Approved as to Form:

NEUMILLER & BEARDSLEE

By: **Exhibit "D"**

Clifford W. Stevens
Attorneys for Developer

DEVELOPER

SCM Hearthstone, LLC

By: **Exhibit "D"**

Steve C. Mothersell, Sr.
President

**REPORT ON THE SHERMAN RANCH AFFORDABLE HOUSING PROJECT
ENVIRONMENTAL ASSESSMENT AND FINDING OF NO SIGNIFICANT IMPACT**

RECOMMENDATION:

1. Approve the Environmental Assessment
2. Concur with the Finding of No Significant Impact

BACKGROUND:

The City of Newman has been researching new ways to create affordable housing during the current economic climate. In an effort to increase affordable ownership units, the City has partnered with SCM Homes of California to create the Sherman Ranch Affordable Housing Project. The Sherman Ranch subdivision is the only actively building housing development in Newman and has identified due to its development-ready lots. SCM Homes of California (who also partners with Florsheim Homes) is the only active developer in the City and had approached City staff to find new ways to create affordable housing.

ANALYSIS:

The Sherman Ranch Affordable Housing Project consists of the construction (and ancillary costs) of up to 12 single-family residences in the existing Sherman Ranch subdivision located in northeastern Newman. The project area is within a master planned area with Low, Medium and High Density residential uses (currently zoned P-D and R-1)

The project is intended to increase the number of affordable housing units within the City of Newman. The project will assist the City in attaining the housing goals set forth in the adopted Housing Element of City of Newman General Plan for low and moderate income households.

Because the applicant wishes to utilize HOME funds, federal regulation requires that the project undergo an environmental assessment (per the National Environmental Policy Act or NEPA). NEPA requires agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions; this act also applies to local jurisdictions.

The NEPA process consists of an evaluation of the environmental effects of a project, including its alternatives. There are three levels of analysis depending on whether or not an undertaking could significantly affect the environment. These three levels include: categorical exclusion determination; preparation of an environmental assessment/finding of no significant impact (EA/FONSI); and preparation of an environmental impact statement (EIS).

This project falls under the second level of analysis. At this level, a jurisdiction (using federal funding) prepares a written environmental assessment (EA) to determine whether or not the proposed project would significantly affect the environment. If the answer is no, the agency issues a finding of no significant impact (FONSI). The FONSI may address measures which an agency will take to reduce (mitigate) potentially significant impacts. Per these federal guidelines, an Environmental Assessment has been prepared and attached for your review.

The draft EA has been circulated among various agencies for comment and at this time (2-1-11) no opposing comments have been received. Staff will provide the Council any additional comments received between now and the council meeting.

FISCAL IMPACT:

None

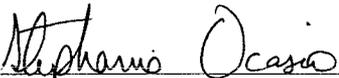
CONCLUSION:

Upon completion of the environmental assessment, it has been concluded that the proposed project will not pose a significant impact on the environment. Staff is currently waiting for required State Historic Preservation Officer (SHPO) concurrence and does not anticipate any opposition from the Office of Historic Preservation. The assessment provides findings and data/research to support this conclusion. Upon SHPO and Council approval, a FONSI public notice will be published and the environmental assessment will be distributed to the appropriate parties for review and comment. Given that the City is required to give SHPO adequate time for comment and in an effort to complete the environmental process in a timely manner; staff recommends approval of the environmental assessment (EA) and the finding of no significant impact (FONSI) contingent upon SHPO's concurrence.

ATTACHMENTS:

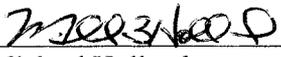
1. Exhibit A – Sherman Ranch Affordable Housing Project Environmental Assessment

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR



Michael Holland
City Manager

**U.S. Department of Housing
and Urban Development**
San Francisco Regional Office
450 Golden Gate Avenue
San Francisco, CA 94102-3448

**Environmental Assessment
for HUD-funded Proposals**
(recommended format per 24 CFR 58.36,
revised July 8, 2009)

Project Identification: Sherman Ranch Affordable Housing Project

Preparer: Stephanie Ocasio, Assistant Planner

Responsible Entity: City of Newman

Month/Year: December 21, 2010

Environmental Assessment

Responsible Entity [24 CFR 58.2(a)7]: City of Newman

Certifying Officer [24 CFR 58.2(a)(2)]: Michael Holland, City Manager

Project Name: Sherman Ranch Affordable Housing Project

Project Location: Sherman Ranch Subdivision (Exhibit A)

Estimated total Project cost: \$1,614,000

HOME funds to be provided: \$125,000.00

Grant Recipient [(24 CFR 58.2(a)(5)]: City of Newman

Recipient Address: 1162 Main Street, PO Box 787, Newman, California 95360

Project Representative: Stephanie Ocasio, Assistant Planner

Telephone Number: (209) 862-3725

Conditions for Approval: [24 CFR 58.40(d), 40 CFR 1505.2(c)]

The developer shall comply with all conditions of approval pursuant to the following:

VTTM #99-01	7-21-99
Development Agreement Recorded	1-7-05
Final Map for Units I, II and III	5-10-05
Final Map for Unit IV	9-27-05
Final Map for Park Villas	4-11-06

If archaeological, paleontological, historical, or cultural resources are discovered during construction, all work shall halt in the area of the find and the developer shall provide a qualified cultural resources specialist to evaluate the findings and make appropriate mitigation recommendations.

In the event of the discovery of human remains, however fragmentary or disturbed from their original context, the Stanislaus County Coroner and the Native American Heritage Commission, Sacramento (916-653-4082) are to be notified immediately. The lead agency should include provisions for treatment of accidental discovery of archaeological resources during construction, per the *California Environmental Quality Act (CEQA)* §15064.5(f); *Health and Safety Code* §7050.5; and *Public Resources Code* §5097.98, which mandate the process to be followed in the event of accidental discovery of human remains in a location other than a dedicated cemetery.

The developer shall comply with the San Joaquin Valley Unified Air Pollution Control District Rules and Regulations.

If buried debris is identified during any planned development of the subject site, it should be excavated and properly disposed.

During all phases of construction activity, reasonable noise reduction measures shall be utilized to minimize the exposure of neighboring properties to excessive noise levels. Noise reduction measures could include, but would not be limited to:

- Construction activities shall normally be limited to the hours of 7 a.m. to 7 p.m. Monday through Friday, and 8 a.m. to 7 p.m. Saturday.
- Use available noise suppression devices and properly maintain and muffle loud construction equipment.
- Avoid staging of construction equipment and unnecessary idling of equipment within 200 feet of noisesensitive land uses. (GP Policy HS-6.9)

NEPA Environmental Assessment Checklist

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

Impact Codes: (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning	2	<p>The Project is in conformance with the City of Newman General Plan and Zone District designations for the project site. The zoning of the project site is P-D and R-1. The land use is compatible with the existing land uses in the vicinity of the Project site. Final Maps have been approved for this project by the City of Newman City Council (see attached Resolutions 2005-15 and 2005-41).</p> <p>Policies H-1.5 and H-1.6 of the City's adopted Housing Element state: "Housing affordable to very low-, low- and moderate-income families shall be dispersed throughout the community and incorporated into new development to promote social and economic integration. Where possible, the City shall promote homeownership in new housing constructed for low- and moderate income households. [and] The City shall pursue available state and federal funding assistance that is appropriate to Newman's needs to develop housing that is affordable to low- and moderate-income households. As appropriate, the City shall work with other local jurisdictions and agencies to take advantage of state and federal funding programs.</p> <p>The proposed housing project would address these goals by providing 12 units of affordable housing opportunities to qualified households with low to moderate incomes.</p>
Compatibility and Urban Impact	2	The proposed housing project is considered an "in-fill" type of urban development and is compatible with the existing residential land uses near the project site. The City of Newman Housing Element and Newman 2030 General Plan contains goals to provide for a full range of housing densities and types, and encourages housing concepts which meet the needs of the community and particularly of low income and moderate income groups. This affordable housing project addresses these goals.
Slope	1	Given that the land will be improved in accordance with Building codes and GP EIR 4.8-10 states that "...the Newman area [has]... relatively flat topography...", slope for the project is not an issue.
Erosion	1	The Newman 2030 General Plan states that "Since Newman is flat, there is a limited potential for erosion. The greatest potential for erosion is due to wind" (GP EIR 4.6-8). The proposed project is within the City limits and will develop land; therefore erosion is not an anticipated issue.
Soil Suitability	1	The policies and actions of the General Plan will serve to reduce hazards associated with soil conditions. General Plan Policies HS-1.1 and HS-1.2 require soils and geotechnical reports for new development. Policy HS-1.4 and Actions HS-1.4 and HS-1.5 require adoption and enforcement of the most current CBC. With these policies and actions, hazards related to soils under the General Plan (in which this project is consistent with) would be a <i>less than significant impact</i> according to CEQA. Since the City requires all new development to connect to the municipal wastewater system, there would be <i>no impact</i> associated with the capacity of local soils to support septic systems.
Hazards and Nuisances including Site Safety	1	See sections in the Environmental Assessment Work Sheet entitled Toxic or Hazardous Substances and Radioactive Materials and Siting of HUD -Assisted Projects near Hazardous Operations for more information regarding impacts.
Energy Consumption	1	Natural gas and electrical service are to be provided to the project units by the Pacific Gas and Electric Company. The development of the project will not create a substantial increase in demand upon existing energy sources nor require the development of new sources of energy.
Noise - Contribution to	1	See Noise Abatement and Control section of the Environmental

Community Noise Levels		Assessment Work Sheet for noise impacts.
Air Quality Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	2	See discussion under Air Quality section in the Environmental Assessment Work Sheet for air quality impacts.
Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale	2	The residential development will be consistent with existing development within the neighborhood. The City of Newman's Tract Map/Final Map and Architectural Review processes address the City's development standards including necessary road improvements, on-site parking, landscaping, aesthetics and building requirements.

Socioeconomic	Code	Source or Documentation
Demographic Character Changes	2	The proposed housing development consists of up to 12 single-family housing units. According to the 2000 Census, Demographic Profile) the average household size in the City of Newman is 3.1 persons. Therefore, the development could provide housing to approximately 37 persons. The City of Newman Housing Element states that that the Newman area is in need of high quality affordable housing.
Displacement	2	The project lots are currently undeveloped. There will be no displacement of residents and/or demolition of existing housing units as a result of constructing the residential development
Employment and Income Patterns	2	The project will provide 12 units of needed affordable housing to families. There may be an increase in employment opportunities for service and retail businesses that will serve the new households that will occupy the project. Conversely, there may be increased demand for employment from the households who move into the project units.

Community Facilities and Services	Code	Source or Documentation
Educational Facilities	1	The Newman/Crows Landing Unified School District serves the project area. Pursuant to Government Code (Sections 65995, 56996, and 65997), mitigation of this project's impacts on public school facilities will be limited to the collection of statutory fees authorized under Education Code (Section 176209 and Government Code Sections 65995, 65995.6 and 65995.7) at the time that building permits are issued.
Commercial Facilities	1	The proposed housing development is located within 1.1 miles (as the crow flies) of numerous commercial shopping facilities and services, including pharmacies, convenience stores and markets. See discussion in Employment and Income Patterns section under the Socioeconomic heading of this <i>Environmental Assessment Checklist</i> .
Health Care	1	The proposed housing development will increase demand for health services in the Project area; however, the project's impact on health care services is not considered significant. The Newman Medical Clinic and Golden Valley Health Center are both located within 1 mile (as the crow flies) from the project site and are equipped to provide medical services. Emergency services are provided by hospitals in Los Banos, Turlock and Modesto. Westside Ambulance is the major provider of emergency medical transportation. See next section also.
Social Services	1	The Newman Family Resource Center provides a variety of health, educational and social services along with referral services. It is located at 1300 Patchett Drive, approximately 1.3 miles southwest of the project site. Along with Central California Child Development Services, Inc., Stanislaus County Child and Infant Care Association, Inc., Central Valley Opportunity Center and others, available services provided to the residents of the area include, but are not limited to: child development & education services/State funded migrant & general child care/immunizations/Home energy assistance program/Senior brown bag program/Mental health services/ and Family counseling services.
Solid Waste	1	Garbage collection and solid waste disposal service for the project area is provided by Bertolotti Disposal, a private-for-profit company. The project will not significantly impact the company's ability to provide

		garbage collection.
Waste Water	1	The City of Newman will provide sewer service upon the developer meeting certain conditions prior to approval and commencement of service. This includes payment of applicable connection fees.
Storm Water	1	Storm water run-off from the Project site will be conveyed to an existing storm water conveyance facility which will discharge to the City's storm drain system. Storm Water BMP's will be observed during construction.
Water Supply	1	The City of Newman will provide water service upon the developer meeting certain conditions prior to approval and commencement of service. This includes payment of applicable connection fees.
Public Safety - Police	1	This neighborhood is currently patrolled by the City's Police Department. No additional patrols or special law enforcement services will be required as a result of this project. It is considered that the project will not significantly impact the police department's ability to provide service.
- Fire	1	The project site is within the service area of the Newman Fire Department. The City Fire Station is located at Kern Street and Highway 33, west of the project site. It is anticipated that the project will not have a significant impact on existing levels of service.
- Emergency Medical	1	Emergency medical facilities are available at Memorial Hospital in Los Banos, Emmanuel Hospital in Turlock, and Doctors and Memorial Hospitals in Modesto. Emergency ambulance service will be provided by Westside Ambulance. The project will not significantly impact service delivery.
Open Space and Recreation - Open Space	1	The Newman Municipal Code identifies a minimum of 300 square feet of usable open space for each single-family dwelling unit. Given that the lots within the project area are at least 6,000 sf (LD), 5,000 sf (MD) and 2,300 sf (HD) and will not exceed 40/60/80% Lot Coverage (respectively), more than adequate open space will be available for residents.
- Recreation	1	The housing developer developed an 8 acre park to service the subdivision and community. Additional recreation is also available at two local parks (Barrington and Klehn).
- Cultural Facilities	1	See Historic Preservation section in the Environmental Assessment Work Sheet Project's impacts on archaeological, paleontological, historical, and cultural resources.
Transportation	1	The project sites are located within the Sherman Ranch subdivision (on local streets)

Natural Features

Source or Documentation

Water Resources	1	There are no natural water resources that will be impacted by this project. Groundwater depth at the project site has been measured to be approximately 15 to 20 feet below ground surface
Surface Water	1	No surface waters exist on or within the vicinity of the project site.
Unique Natural Features and Agricultural Lands	1	There are no unique natural features on, or within the vicinity of the project site.
Vegetation and Wildlife	1	The Project site is currently vacant and void of any significant vegetation. See Endangered Species Act section of the Environmental Assessment Work Sheet for more information on Project impacts to wildlife.

Other Factors

Source or Documentation

Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]	1	See Floodplain Management section in the Environmental Assessment Work Sheet.
Coastal Barrier Resources Act/Coastal Barrier Improvement Act [§58.6(c)]	1	See Coastal Zone Management section in the Environmental Assessment Work Sheet.
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]	1	See Airport Clear Zones section in the Environmental Assessment Work Sheet.
Other Factors	1	N/A

Summary of Findings and Conclusions

ALTERNATIVES TO THE PROPOSED ACTION

Alternatives and Project Modifications Considered [24 CFR 58.40(e), Ref. 40 CFR 1508.9]

The property is vacant and has received land use approval for the proposed housing development. The site is within close proximity to public transportation services, schools, parks and medical facilities. The selected site in Sherman Ranch is the only one that has adequate size and clear title with no other restrictions.

No Action Alternative [24 CFR 58.40(e)]

There are no apparent foreseeable benefits for not implementing the project at this site and the "No Action" alternative is not considered necessary or appropriate. An adverse impact of not doing the Project would include:

The property could be left undeveloped and open and could potentially be used by as a dumping site for unwanted items. This would create a blighting influence impacting the adjoining neighborhoods and work against the City's investment of public funds to improve the quality life in this area. The "No Action" alternative would result in 12 fewer single-family dwelling units considered to be affordable to families with low/moderate incomes in Newman. Since federal funding is available for development of this project and environmental impacts resulting from the project are not considered significant, the "No Action" alternative is not viable.

Mitigation Measures Recommended [24 CFR 58.40(d), 40 CFR 1508.20]

The developer shall comply with all conditions of approval pursuant to the following:

VTTM #99-01	7-21-99
Development Agreement Recorded	1-7-05
Final Map for Units I, II and III	5-10-05
Final Map for Unit IV	9-27-05
Final Map for Park Villas	4-11-06

If archaeological, paleontological, historical, or cultural resources are discovered during construction, all work shall halt in the area of the find and the developer shall provide a qualified cultural resources specialist to evaluate the findings and make appropriate mitigation recommendations. These requirements shall be incorporated into the project agreement with the developer and in the construction specification documents and complied with by the contractor.

The developer shall comply with the San Joaquin Valley Unified Air Pollution Control District Rules and Regulations.

Construction shall be limited to daytime hours, and construction equipment shall be properly maintained to limit noise impacts. These requirements shall be incorporated into the Project agreement with the developer and in the construction specification documents and complied with by the contractor.

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]

See attached agency consultation list for complete list of sources, agencies and persons consulted for this environmental assessment. Responses/letters are also included in the ERR for the Project.

Environmental Assessment Work Sheet

Project Name and Description:

Project Name: Sherman Ranch Affordable Housing Project

Location: Sherman Ranch Subdivision (Exhibit A)

Activities included in the project: The project consists of the construction of 12 single-family residences in the Sherman Ranch Subdivision located in the northeast portion of the City of Newman. The developer is SCM Homes of California, the project site is a master planned area with Low, Medium and High Densities (currently zoned P-D and R-1).

(A) The activity affects the resource/(B) The activity does not affect the resources under consideration.

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
Wetland Protection [Executive Order 11990] Guidance:	B	Wetlands generally include swamps, marshes, bogs, and similar areas. Pursuant to the definition of wetlands at 33 CFR Part 328, Section 328.3(b), there are no wetland areas in the vicinity of the project site (U.S. Department of the Interior - Wetland Inventory Map, Newman 2030 General Plan EIR, October 4, 2006, page 4.4-9.
http://www.hud.gov/offices/cpd/environment/review/floodplain.cfm		
Coastal Zone Management [Coastal Zone Management Act, 1972, sec. 307 (c) and (d)] Guidance:	B	The project site is located in the City of Newman which is located in south central Stanislaus County. No portion of Stanislaus County is located in a Coastal Zone.
http://www.hud.gov/offices/cpd/environment/review/coastal.cfm		
Historic Preservation [36 CFR Part 800] Guidance:	B	If archaeological, paleontological, historical, or cultural resources are discovered during construction, all work shall halt in the area of the find and the developer shall provide a qualified cultural resources specialist to evaluate the findings and make appropriate mitigation recommendations. The City has requested the State Historic Preservation Officer's (SHPO) concurrence with the City's determination that the Project will have no effect on cultural/historical resources, no objections are anticipated.
http://www.hud.gov/offices/cpd/environment/historic.cfm		
Floodplain Management [Executive Order 11988; 24 CFR Part 55] Guidance:	B	The project site is not located within a 0.2% Annual Chance (500-year) Floodplain (Flood Insurance Rate Map (FIRM) Panel Number 06099C0934E, effective September 26, 2008) and is considered to be outside of any flood zone. The 8-Step Decision-Making Process is required only for Projects located within the 1% Annual Chance (100-year) Floodplain; therefore, no further review of floodplain impacts for this Project is necessary
http://www.hud.gov/offices/cpd/environment/floodplain.cfm		
Sole Source Aquifers [40 CFR 149] Guidance:	B	The EPA has not designated any existing aquifers in Stanislaus County to be a sole source aquifer. (Region IX Sole Source Aquifers Map and List by EPA). Region IX consists of Arizona, California, Guam, Hawaii and Nevada.
http://www.hud.gov/offices/cpd/environment/aquifers.cfm		
Endangered Species Act [50 CFR 402] Guidance:	B	The project site is not located within the boundaries of an adopted Habitat Conservation Plan. The project site has been developed and is surrounded by urban uses. Biological resource surveys previously conducted as a part of the City's General Plan update, Newman 2030 General Plan EIR, October 4, 2006, concluded that the Sphere of Influence, which contains the developed parts of Newman, no longer maintain a wildland habitat for migratory fish or wildlife species nor is it a corridor or a nursery site.
http://www.hud.gov/offices/cpd/environment/endangeredspecies.cfm		
Wild and Scenic Rivers [16 U.S.C. 1271, Sec. 7(b), (c)] Guidance:	B	Per the National Wild and Scenic River System (www.rivers.gov), there are no wild and scenic rivers designated in Stanislaus County.
http://www.rivers.gov/wildriverslist.html		
Clean Air Act [40 CFR Parts 6, 51, 93]	B	The project site is located within the central portion of the San Joaquin Valley. The San Joaquin Valley has been designated as serious non-attainment for ground level ozone and non-attainment area for fine particulate matter (PM-10 and PM-2.5) by the State Air Pollution Control Board. (Newman 2030 General Plan EIR, October 4, 2006, pages 4.3-10.)

<p><i>Guidance:</i> http://www.hud.gov/offices/cpd/environment/cleanair.cfm</p>		<p>Based on SJVAPCD comments dated 12-28-10, the project is "not expected to exceed District significance thresholds of 10 tons/year NOX/ROG and 15 tons/year PM10...not subject to District Rule 9510 (Indirect Source Review)...conforms to the EPA approved State Implementation Plan...[and] may be subject to Regulation VIII [and] Rule[s] 4102, 4601 and 4641".</p>
<p>Farmland Policy Act [7CFR Part 658] <i>Guidance:</i> http://www.hud.gov/offices/cpd/environment/farmlands.cfm</p>	<p>B</p>	<p>The project site is not within the boundaries of an Agricultural Preserve, nor does it have a Williamson Act contract.</p>
<p>Environmental Justice [Executive Order 12898] <i>Guidance:</i> http://www.hud.gov/offices/cpd/environment/review/justice.cfm</p>	<p>B</p>	<p>The project directly addresses the need for affordable housing and is intended to principally benefit low/moderate income households. The HUD Environmental Standards in the next subsections of this worksheet pertaining to noise, toxic and hazardous materials, explosive and flammable products, and the airport clear zones, identify no impacts that would adversely effect the residents of this affordable housing project. Environmental Justice has been considered in the discussion and findings of the Environmental Assessment (See Socioeconomic, Population and Housing, Hazards and Mandatory Findings of Significance Sections).</p>
<p>Noise Abatement and Control [24 CFR Part 51, Subpart B] <i>Guidance:</i> http://www.hud.gov/offices/cpd/environment/noise.cfm</p>	<p>B</p>	<p>According to the U.S. Department of Housing and Urban Development (HUD) Exterior Noise standards, acceptable exterior noise levels for new housing construction cannot exceed 65 dB(A) (HUD Noise Assessment Guidelines and 24 CFR Part 51, Subpart B, Section 51.103). Potential noise sources which may impact a Project include highways, railroads, and airports (none of which are in the vicinity of the project area).</p> <p>At General Plan build out, it is projected that the project will be primarily surrounded by a 60Ldn contour with a small section (less than a 1/4 mile) that is 65/70 Ldn (GP Figure HS-6); this is acceptable/conditionally acceptable (with future mitigations). Given that the City is not at build out levels, the projected noise level is within the acceptable range as per the General Plan.</p> <p>Standard construction will provide sufficient attenuation to achieve interior noise levels of 45 dBA Ldn or less. (Newman 2030 General Plan, October 4, 2006, Figure HS-6. Therefore, noise from these sources will not be significant to the residents of this housing development.</p> <p>Development of residential units will result in an increase overall noise levels in the vicinity of the project site; however, this increase is not considered to be significant. Construction of the Project may generate a temporary increase in the levels of noise which could adversely impact residents in the vicinity of the Project site. Therefore, construction shall be kept to day-time working hours, and construction equipment shall be properly maintained in order to minimize noise emissions. Please refer to the "Conditions for Approval" for additional noise mitigations.</p>
<p>Explosive and Flammable Operations [24 CFR Part 51 C] <i>Guidance:</i></p>	<p>B</p>	<p>Proposed project is in an established residential subdivision. According to the California GeoTracker and EnviroStor databases, the project area is nowhere near any hazardous industrial operations handling fuels or chemicals of an explosive or flammable nature.</p>

http://www.hud.gov/offices/cpd/environment/explosive.cfm		
Toxic Chemicals and Radioactive Materials [24 CFR Part 58, Sec 5(i)(2)]	B	According to the California GeoTracker and EnviroStor databases, there is no evidence of Recognized Environmental Conditions - the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water on or near the project site.
Guidance: http://www.hud.gov/offices/cpd/environment/toxic.cfm		
Airport Clear Zones and Accident Potential Zones [24 CFR Part 51 Subpart D]	B	The closest public use airport is the City of Gustine airport approximately 7 miles from the site. Based on a reivew of the Stanislaus County Airport Land Use Commission Plan, as amended May 20, 2004 and the Merced County Airport Land Use Compatibility Plan, April 1999, the project site is not within the Runway Clear Zone or Accient Potential Zone (APZ) for any airport.
Guidance: http://www.hud.gov/offices/cpd/environment/airport.cfm		

Determination: The preparers have complied with all provisions of 24 CFR Part 58, Subpart E— Environmental Review Process: Environmental Assessments, examining alternatives to the project itself, feasible ways to modify the project to eliminate or minimize adverse impacts, and based on steps (a) through (f) found in the regulations, determined one of the following:

- Finding of No Significant Impact (FONSI), whereby the Responsible Entity may proceed to Dissemination and publication of the FONSI, per regulations found at 24 CFR Part 58, sec. **58.43(a)**.
- Finding of Significant Impact whereby the Responsible Entity must proceed to develop an Environmental Impact Statement (EIS) in compliance with 24 CFR Part 58, Subparts F or G.

Preparer Signature: _____ Date: _____
 Title/Agency: Stephanie Ocasio, Assistant Planner
 City of Newman

Reviewer Signature: _____ Date: _____
 Title/Agency: Michael E. Holland, City Manager
 City of Newman

City of Turlock Planning Dept.: _____ Date: _____
 Title/Agency: Debbie Whitmore, Dep. Director Dev. Svcs. – Planning Division
 City of Turlock

RE Approving Official Signature: _____ Date: _____
 Title/Agency: Roy Wasden, City Manager
 City of Turlock

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.b.**
City Council Meeting
February 8, 2011

**REPORT ON APPOINTMENTS TO FILL VACANCIES ON THE
PLANNING COMMISSION, RECREATION COMMISSION, AND
ARCHITECTURAL REVIEW COMMITTEE**

RECOMMENDATION:

Consider appointment or reappointment of Planning Commission, Recreation Commission and Architectural Review Committee members.

BACKGROUND:

The City currently has two vacancies on the Planning Commission, three vacancies on the Recreation Commission and three vacancies on the Architectural Review Committee. A notice was published in the West Side Index and two applications for the Planning Commission, three applications for Recreation Commission and three applications for Architectural Review Committee were received. The following citizens submitted applications for service:

Planning Commission

- Deborah Allan
- Leland M. Coleman

Recreation Commission

- Jeff Patereau
- Judy L. Vedros
- Robert A. Vedros

Architectural Review Committee

- Tom Applegate
- Sheldon Crow
- Bob Dare

All of the candidate's applications are attached for your review. Potential questions for the candidates will be provided to the Council at the meeting should you decide to interview the candidates.

The appointments to the Planning and Recreation Commissions would be effective immediately; all terms would be full four year terms that will expire in February of 2015.

The appointments to the Architectural Review Committee would be effective April 2011; all terms for Architectural Review Committee are two years in length and will expire in April of 2013.

FISCAL IMPACT:

N/A

ATTACHMENTS:

1. Copies of each candidate's Application for Citizen Service
2. Copies of the letters sent to each candidate apprising them of the interview/appointment process.

Respectfully submitted,

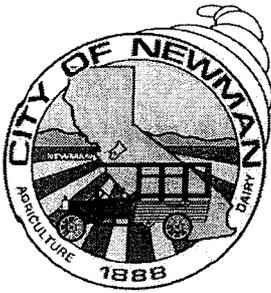


Mike Maier
Deputy City Clerk

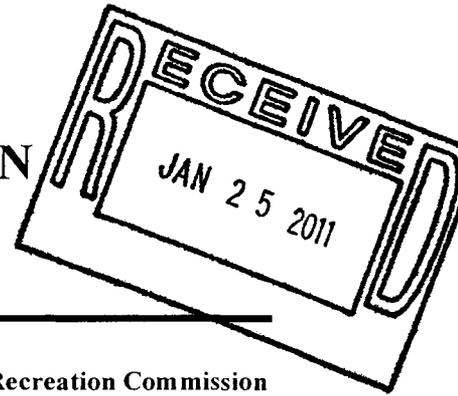
REVIEWED/CONCUR:



Michael E. Holland
City Manager



City of Newman APPLICATION FOR CITIZEN SERVICE



POSITION DESIRED: Planning Commission Parks & Recreation Commission
 Architectural Review Committee Other _____

NAME: Deborah Allen

ADDRESS: 1520 S. St. Newman, Ca. 95360

HOME PHONE: 862-3570 BUSINESS PHONE: 862-2010
Tue-Thur

OCCUPATION: Administrative Clerk I - Newman Library

EDUCATION: (List highest year completed and all degrees): AA - Liberal Arts
BA - Social Science BA Geography - physical
Environment

Are there any workday evenings you could not meet? Yes No

If so please list: Tuesday

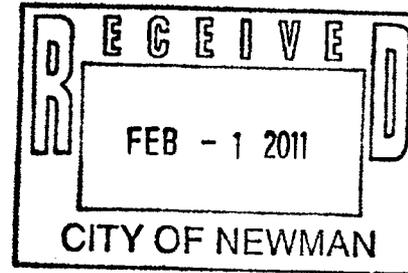
Why are you interested in this position? I would like to continue
erving the people of Newman for another term.
I enjoy the challenges presented to the planning
Commission & I get a chance to use my
educational background.

What do you consider to be your major qualifications? I have served on the
Planning Commission since July 1992, dealing
with all those years of items before the Commission.
I have also served on the Architectural Review
Committee, Downtown Review Committee, Streetscape
Committee and the Plaza Committee.

Please attach a written statement containing any additional information you feel would be helpful to the City Council.



City of Newman APPLICATION FOR CITIZEN SERVICE



POSITION DESIRED: Planning Commission Parks & Recreation Commission
 Architectural Review Committee Other _____

NAME: Leland M. Coleman

ADDRESS: 1130 Barrington Ave Newman, 95360

HOME PHONE: 209.862.1282 BUSINESS PHONE: _____

OCCUPATION: Commercial Driver

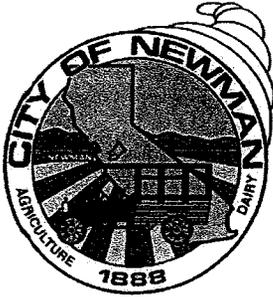
EDUCATION: (List highest year completed and all degrees): 3.5 years at Principia College. In process of completing B. A. degree through same college now.

Are there any workday evenings you could not meet? Yes No
If so please list: _____

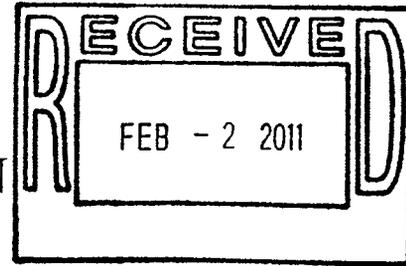
Why are you interested in this position? I am completing the term of the former Planning Commissioner who vacated their seat. So far, it has been a great challenge yet great joy in serving with the current Planning Commissioners, City Manager, Deputy City Clerk, Assistant Planner, and City Attorney, on behalf of the Mayor, City Council, and the citizens of the Great City of Newman! I am enjoying the process of realizing the steady positive growth of our city in how it enhances the lives of all who lives and visits here!

What do you consider to be your major qualifications? My love for the City of Newman and its unique place in the Central Valley. Because of my enjoyment living in Newman I believe I can bring a unique perspective and input to the progress of Newman. In 2005, during the series of General Plan Workshops conducted, I made arrangements with my employer then to ensure I participated in those Saturday shops. I lived in the S.F. Bay Area, San Diego, and Southern Illinois (while attending college), and believe I can incorporate ideas from living in these areas, along with ideas from other Commissioners, to Newman.

Please attach a written statement containing any additional information you feel would be helpful to the City Council.



City of Newman APPLICATION FOR CITIZEN SERVICE



POSITION DESIRED: Planning Commission Parks & Recreation Commission
 Architectural Review Committee Other _____

NAME: Jeff Patereau

ADDRESS: 647 Waxwing Ln

HOME PHONE: 209-589-3737

BUSINESS PHONE: _____

OCCUPATION: Educator

EDUCATION: (List highest year completed and all degrees): Bachelor of Science in Information
Technology (Completed), Masters of Arts in Education (In Progress)

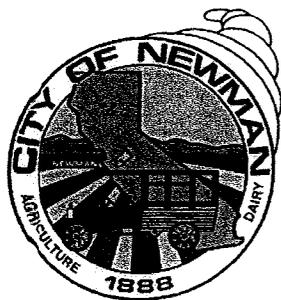
Are there any workday evenings you could not meet? Yes No

If so please list: _____

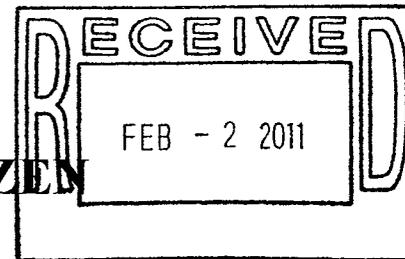
Why are you interested in this position? I have been on the Parks and Recreation Commission for the last two years. I have been involved with various youth sports organizations for the past ten years and I plan to continue to do so. I would also like to see the Parks and Recreation Commission included more in City of Newman discussion, specifically where Parks and Recreation are involved.

What do you consider to be your major qualifications? I am well educated and live in this community. I am involved with youth sports and I have been part of adult recreation programs in several cities. I think I bring a good mix of backgrounds that will help this Commission.

Please attach a written statement containing any additional information you feel would be helpful to the City Council.



City of Newman APPLICATION FOR CITIZEN SERVICE



POSITION DESIRED: Planning Commission Parks & Recreation Commission
 Architectural Review Committee Other _____

NAME: Judy L. Vedros

ADDRESS: 501 CROW HILL DR. Newman, CA 95360

HOME PHONE: 209-862-2714 ^{CELL} BUSINESS PHONE: 209-535-2249

OCCUPATION: Mom

EDUCATION: (List highest year completed and all degrees): AS Degree in Business

Are there any workday evenings you could not meet? Yes No

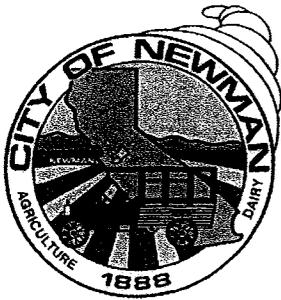
If so please list: _____

Why are you interested in this position? My children play sports here in Newman. I want what is best for all the kids.

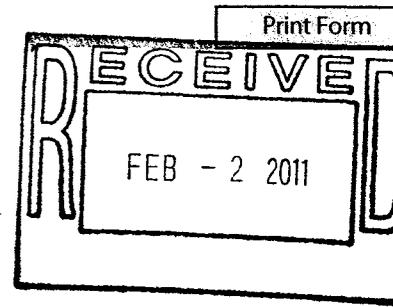
What do you consider to be your major qualifications? I'm a mom. The oldest is 40 and the youngest is 6 they have all played sports and I have always been there for all of them. I have fought over my children's rights and will continue to do so. Our children are our future.

Please attach a written statement containing any additional information you feel would be helpful to the City Council.

If the recreation dept. has money in the budget, I feel that some should be used for children to play a sport even if the parents don't have the money. I have paid for kids to play baseball because the parents could not afford it. They made allstars and I paid for transportation for them.



City of Newman
APPLICATION FOR CITIZEN
SERVICE



POSITION DESIRED: Planning Commission Parks & Recreation Commission
 Architectural Review Committee Other _____

NAME: Robert A. Vedros

ADDRESS: 501 CROW HILL DR. Newman, CA 95360

HOME PHONE: 209-862-2714 ^{CELL} BUSINESS PHONE: 209-535-5996

OCCUPATION: Electrician

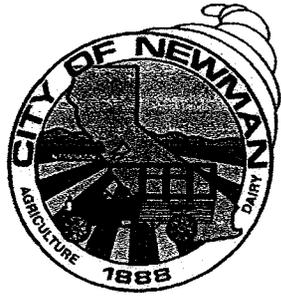
EDUCATION: (List highest year completed and all degrees): 12th

Are there any workday evenings you could not meet? Yes No
If so please list: _____

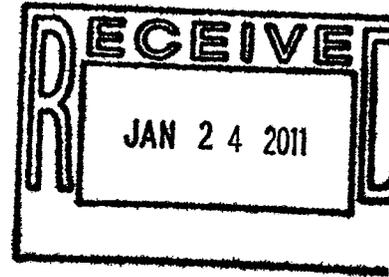
Why are you interested in this position? Because I have children
that play sports here in Newman and want to
help provide the best for the children in
our town.

What do you consider to be your major qualifications? I have been a dad
for 4 years I have a 6, 7 and 9 year old that
I have coached in Soccer and Baseball. I
really enjoy the kids on my teams, and
especially working with the special needs
kids.

Please attach a written statement containing any additional information you feel would be helpful to the City Council.



City of Newman APPLICATION FOR CITIZEN SERVICE



POSITION DESIRED: Planning Commission Parks & Recreation Commission
 Architectural Review Committee Other _____

NAME: Tom Applegate

ADDRESS: 1301 Blue Teal Way, Newman, CA 95360

HOME PHONE: 209-862-0700 BUSINESS PHONE: None

OCCUPATION: Retired Banker

EDUCATION: (List highest year completed and all degrees): 2 years college
High School Diploma

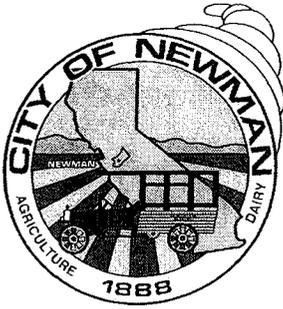
Are there any workday evenings you could not meet? Yes No

If so please list: _____

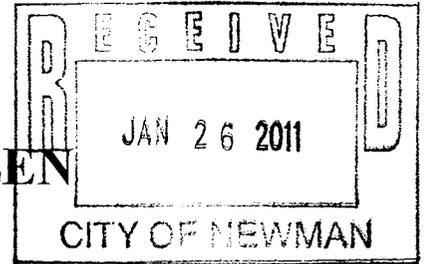
Why are you interested in this position? I have been in this position for several years. It gives me the opportunity to maintain the Quality Of Life we enjoy in the city of Newman. I am presently a member of the Architectural Review Committee and our committee has been successful in maintaining that Quality

What do you consider to be your major qualifications? All of my years on the Planning Commission, City Council and Architectural Review Committee which encompasses approximately sixteen years. I also spent thirty-seven years with Bank of America in Real Estate, Agriculture and consumer loans.

Please attach a written statement containing any additional information you feel would be helpful to the City Council.



City of Newman
APPLICATION FOR CITIZEN
SERVICE



POSITION DESIRED: Planning Commission Parks & Recreation Commission

Architectural Review Committee Other _____

NAME: SHELDON B. CROW JR.

ADDRESS: 1233 S. ST.

HOME PHONE: 862-2320 BUSINESS PHONE: —

OCCUPATION: RETIRED DOUBLE CLUTCHER

EDUCATION: (List highest year completed and all degrees): 13

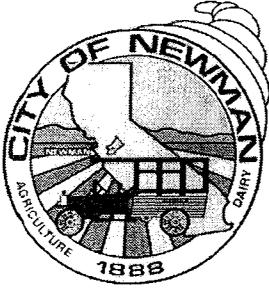
Are there any workday evenings you could not meet? Yes No

If so please list: _____

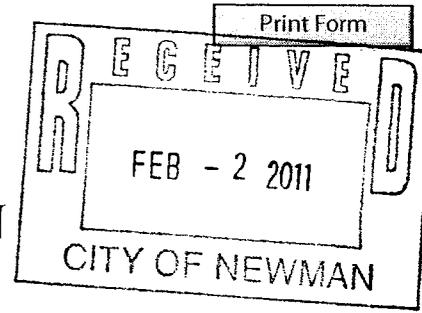
Why are you interested in this position? TO HELP AS A VOLUNTEER
TO GUIDE FUTURE GROWTH AND
MAINTAIN THE HISTORICAL ESSENCE OF
THE CITY

What do you consider to be your major qualifications? ABLE TO LOOK AT
PROJECTS AND MAKE REASONED DECISIONS

Please attach a written statement containing any additional information you feel would be helpful to the City Council.



City of Newman APPLICATION FOR CITIZEN SERVICE



POSITION DESIRED: Planning Commission Parks & Recreation Commission
 Architectural Review Committee Other _____

NAME: Bob Dare

ADDRESS: 1257 "P" Street

HOME PHONE: 209-862-0171 BUSINESS PHONE: _____

OCCUPATION: Retired Contractor

EDUCATION: (List highest year completed and all degrees): 13+

Are there any workday evenings you could not meet? Yes No

If so please list: _____

Why are you interested in this position? I would like to continue serving the City of Newman and help preserve the historical value of our older homes.

What do you consider to be your major qualifications? Forty eight years working in all types of building construction.

Please attach a written statement containing any additional information you feel would be helpful to the City Council.



February 4, 2011

Deborah Allan
1520 "S" Street
P.O. Box 391
Newman, CA 95360

Re: Planning Commission Interview/Appointment

Dear Deborah:

Pursuant to the City's policy for filling commission vacancies, the City Council will hold brief interviews with each candidate at their Regular Meeting on February 8, 2011 at 7:00 p.m. in the Council Chambers, 1200 Main Street. Following the interviews the Mayor and Council will appoint and confirm the new commissioners.

Please plan on attending the February 8th meeting. Should you have any questions regarding this process please feel free to contact me. Thank you for your interest in serving as a member of the City of Newman Planning Commission.

Good luck and we look forward to seeing you on Tuesday, February 8th.

Sincerely,

Mike Maier
Deputy City Clerk



February 4, 2011

Leland M. Coleman
1130 Barrington Ave.
Newman, CA 95360

Re: Planning Commission Interview/Appointment

Dear Leland:

Pursuant to the City's policy for filling commission vacancies, the City Council will hold brief interviews with each candidate at their Regular Meeting on February 8, 2011 at 7:00 p.m. in the Council Chambers, 1200 Main Street. Following the interviews the Mayor and Council will appoint and confirm the new commissioners.

Please plan on attending the February 8th meeting. Should you have any questions regarding this process please feel free to contact me. Thank you for your interest in serving as a member of the City of Newman Planning Commission.

Good luck and we look forward to seeing you on Tuesday, February 8th.

Sincerely,

A handwritten signature in cursive script that reads 'Mike Maier'.

Mike Maier
Deputy City Clerk



February 4, 2011

Jeff Patereau
647 Waxwing Lane
Newman, CA 95360

Re: Recreation Commission Appointment

Dear Jeff:

Pursuant to the City's policy for filling commission vacancies, the City Council will hold brief interviews with each candidate at their Regular Meeting on February 8, 2011 at 7:00 p.m. in the Council Chambers, 1200 Main Street. Following the interviews the Mayor and Council will appoint and confirm the new commissioners.

Please plan on attending the February 8th meeting. Should you have any questions regarding this process please feel free to contact me. Thank you for your interest in serving as a member of the City of Recreation Commission.

Good luck and we look forward to seeing you on Tuesday, February 8th.

Sincerely,

A handwritten signature in cursive script that reads 'Mike Maier'.

Mike Maier
Deputy City Clerk



February 4, 2011

Judy L. Vedros
501 Crow Hill Drive
Newman, CA 95360

Re: Recreation Commission Appointment

Dear Judy:

Pursuant to the City's policy for filling commission vacancies, the City Council will hold brief interviews with each candidate at their Regular Meeting on February 8, 2011 at 7:00 p.m. in the Council Chambers, 1200 Main Street. Following the interviews the Mayor and Council will appoint and confirm the new commissioners.

Please plan on attending the February 8th meeting. Should you have any questions regarding this process please feel free to contact me. Thank you for your interest in serving as a member of the City of Recreation Commission.

Good luck and we look forward to seeing you on Tuesday, February 8th.

Sincerely,

A handwritten signature in cursive script that reads 'Mike Maier'.

Mike Maier
Deputy City Clerk



February 4, 2011

Robert A. Vedros
501 Crow Hill Drive
Newman, CA 95360

Re: Recreation Commission Appointment

Dear Robert:

Pursuant to the City's policy for filling commission vacancies, the City Council will hold brief interviews with each candidate at their Regular Meeting on February 8, 2011 at 7:00 p.m. in the Council Chambers, 1200 Main Street. Following the interviews the Mayor and Council will appoint and confirm the new commissioners.

Please plan on attending the February 8th meeting. Should you have any questions regarding this process please feel free to contact me. Thank you for your interest in serving as a member of the City of Recreation Commission.

Good luck and we look forward to seeing you on Tuesday, February 8th.

Sincerely,

A handwritten signature in cursive script that reads 'Mike Maier'.

Mike Maier
Deputy City Clerk



February 4, 2011

Tom Applegate
1301 Blue Teal Way
Newman, CA 95360

Re: Architectural Review Committee Appointment

Dear Tom:

Pursuant to the City's policy for filling committee vacancies, the City Council will hold brief interviews with each candidate at their Regular Meeting on February 8, 2011 at 7:00 p.m. in the Council Chambers, 1200 Main Street. Following the interviews the Mayor and Council will appoint and confirm the new committee members.

Please plan on attending the February 8th meeting. Should you have any questions regarding this process please feel free to contact me. Thank you for your interest in serving as a member of the City of Newman Architectural Review Committee.

Good luck and we look forward to seeing you on Tuesday, February 8th.

Sincerely,

A handwritten signature in cursive script that reads 'Mike Maier'.

Mike Maier
Deputy City Clerk



February 4, 2011

Sheldon Crow
133 "S" Street
Newman, CA 95360

Re: Architectural Review Committee Appointment

Dear Sheldon:

Pursuant to the City's policy for filling committee vacancies, the City Council will hold brief interviews with each candidate at their Regular Meeting on February 8, 2011 at 7:00 p.m. in the Council Chambers, 1200 Main Street. Following the interviews the Mayor and Council will appoint and confirm the new committee members.

Please plan on attending the February 8th meeting. Should you have any questions regarding this process please feel free to contact me. Thank you for your interest in serving as a member of the City of Newman Architectural Review Committee.

Good luck and we look forward to seeing you on Tuesday, February 8th.

Sincerely,

A handwritten signature in cursive script that reads 'Mike Maier'.

Mike Maier
Deputy City Clerk



February 4, 2011

Bob Dare
1257 "P" Street
Newman, CA 95360

Re: Architectural Review Committee Appointment

Dear Bob:

Pursuant to the City's policy for filling committee vacancies, the City Council will hold brief interviews with each candidate at their Regular Meeting on February 8, 2011 at 7:00 p.m. in the Council Chambers, 1200 Main Street. Following the interviews the Mayor and Council will appoint and confirm the new committee members.

Please plan on attending the February 8th meeting. Should you have any questions regarding this process please feel free to contact me. Thank you for your interest in serving as a member of the City of Newman Architectural Review Committee.

Good luck and we look forward to seeing you on Tuesday, February 8th.

Sincerely,

A handwritten signature in cursive script that reads 'Mike Maier'.

Mike Maier
Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.c.**
City Council Meeting
of February 8th, 2011

INTRODUCTION OF ORDINANCE REGARDING LITTER PERMITS

RECOMMENDATION:

It is recommended that the City Council introduce by title and waive further reading of attached Ordinance No. 2011- , requiring that individuals must purchase Litter Permits from the City of Newman in order to breed dogs and cats with in the city limits.

BACKGROUND:

In January of 2009 the city assumed responsibility of animal services after ending their contract with Stanislaus County. The city adopted several animal control related ordinances at that time. However the city currently does not have an ordinance that mentions, includes, or incorporates breeding animals in the City of Newman and tracking the amount of dogs and cats that are being breed yearly with in the city.

ANALYSIS:

Based on home visits, telephone calls, and signs posted around town a need was noticed for an Ordinance that would hold breeders responsible and protect animals. The keys points of the ordinance are that a permit is good for one year and one litter, that all puppies must receive the first immunization against common diseases, that the permit number be prominently displayed on all advertisements, and that the breeder must maintain records for a period of three years. All of the above mentioned points hold breeders responsible, help to protect animals and their health.

Adoption of this Ordinance should help to control the amount of puppies that we take in at the animal shelter ever year. Additionally, this Ordinance should help document the local breeders with in the City of Newman and will act as a deterrent to those who breed their animals more than once in a year period.

FISCAL IMPACT:

This Ordinance would have positive impact for the City of Newman; however an exact number can not be determined because it is unknown how many breeders are currently in the city.

CONCLUSION:

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

1. Approve the ordinance and recover costs associated with individuals breeding animals with the City Limits and protecting the animals involved.
2. Reject the ordinance and do not seek cost recovery associated with individuals breeding animals in the City limits.

Staff recommends Alternative 1

ATTACHMENTS:

1. Proposed Ordinance 2011- Amending Title 9, Chapter 9.02.148, Adding Litter Permits.

Respectfully submitted,



Randy Richardson,
Chief of Police

REVIEWED/CONCUR



Michael Holland,
City Manager

ORDINANCE NO. 2011-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 9 POLICE REGULATIONS – OF THE NEWMAN CITY CODE**

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

Section 1

That Title 9 Police Regulations, Chapter 9.02 Animal Control, be amended to add the following section:

9.02.148- Litter Permit.

- A. No person shall cause or allow any dog or cat owned, harbored or kept within the city of Newman to breed without first obtaining a litter permit. The term litter permit means a written authorization, issued annually by the director of animal services or his or her designee, giving its lawful holder permission to breed a dog or a cat.
- B. Each litter permit shall be valid for one year from the date of issuance, and may be renewed annually before its expiration date. Each applicant for a litter permit shall pay an annual fee set forth in the fee section of this title.
- C. The animal services department shall administer an animal litter permit program to allow the breeding of unaltered dogs and cats consistent with criteria and according to procedures established by the director of animal services. Under no circumstances shall such a litter permit be issued to a person who has been convicted of animal cruelty or neglect.
- D. In addition to the criteria and procedures established by the director of animal services, litter permits shall contain the following terms and conditions:
1. The owner of an unaltered female dog or cat shall not allow the whelping of more than one litter per animal in any household within the permit year. Notwithstanding this provision, the director of animal services or his or her designee is hereby authorized, upon application of a permittee, to allow on a one-time basis the whelping of up to two dog or cat litters per breeding animal within any domestic household within a permit year, if the permittee established, according to regulations promulgated by the director of animal services, including a veterinarian verification of health status that such breeding is required due to the health of the animal. In the event that a permittee is forced to euthanize a litter of dogs or cats, the director of animal services or his or her designee may authorize the whelping of one additional litter of dogs or cats within the same permit year by the permittee;
 2. No offspring may be sold, adopted, bartered, or otherwise transferred, whether for compensation or otherwise, until it has reached the age of at least eight weeks and the offspring have received its first immunization against common diseases;
 3. Any holder of a litter permit who advertises to the public the availability of any dog or cat for sale, adoption, or transfer, whether for compensation or otherwise, must prominently display the litter permit number in any such advertisement. Further, the litter permit holder must provide the permit number to any person who purchases, adopts or receives any animal from the permit holder and include the permit number on any receipt of sale or transfer document;
 4. Commercial establishments selling locally bred dogs or cats shall prominently display the litter permit number(s) of the breeder(s) whose dogs and cats are sold in such establishments and any other pertinent information required by the director of animal services or his or her designee; commercial establishments selling dogs and cats which were not bred within the city of Newman shall prominently display the name and address of the breeder(s) of such dogs and cats and any other pertinent information required by the director of animal services;
 5. Any litter permit holder selling or otherwise transferring a dog or cat, whether for compensation or otherwise, shall maintain records for a period of three years containing the name,

address, and telephone number of the animal's new owner on a department of animal services' approved form;

6. Any litter permit holder or commercial establishment which sells or otherwise transfers a dog or cat, whether for compensation or otherwise, shall provide to the new animal owner written information regarding the license and permit requirements of the city of Newman applicable to such animal; and

7. Any litter permit holder shall have his/her dog or cat microchipped or have some other form of identification acceptable to the department of animal services and shall register the dog or cat with the department of animal services.

E. The following animals are exempt from the litter permit requirements:

1. Dogs documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement and rescue activities;

2. Dogs documented as guide, signal, or service dogs pursuant to California Penal Code Section 365.5(d), (e) and (f) and successor sections;

3. Dogs and cats under the care of governmental animal control agencies; animal rescue organizations which have demonstrated to the department of animal services that they have implemented an ongoing spay/neuter plan, as well as an adoption plan; or humane societies or societies for the prevention of cruelty to animals, if such societies are incorporated under the provisions of California Corporations Code Section 10400 and the Nonprofit Public Benefit Corporation law in Part 2 of the California Corporations Code, beginning at Section 5110, and successor sections.

F. The animal services fees and fines referred to and applied in this title are set forth in the current City of Newman Police Department animal services fee schedule, which is periodically reviewed.

Section 2

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

Section 3

That a duly noticed public hearing was held by the City Council on February 22, 2011.

Section 4

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

Introduced and adopted at a regular meeting of the City Council of the City of Newman held on the 8th day of February, 2011 by Council Member _____, and adopted at a regular meeting of said City Council held on the 22nd day of February, 2011 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of February 8th, 2011

**APPROVING RESOLUTION AUTHORIZING FEES RELATED TO ANIMAL
CONTROL SERVICES PROVIDED BY THE POLICE DEPARTMENT**

RECOMMENDATION:

Staff recommends the City Council:

Adopt Resolution No. 2011- , a resolution updating fees related to animal control services provided by the police department.

BACKGROUND:

Prior to June 1, 2010 animal shelter services were provided under contract with the City of Gustine. All fees and fines were established by Council in January of 2009 to offset cost associated with animal services. Now that animal control services are provided solely by the Police Department it is necessary that fees and fines be updated for these services.

ANALYSIS:

Staff has reviewed all of the fees and fines previously adopted by Council in January of 2009. At that time those prices were appropriate to offset the costs of contracting with the City of Gustine for animal shelter services. By now providing our own shelter services staff feels that some cost should reflect those savings. Additionally animal adoptions are now provided within the city and fees needed to be added to our fee schedule.

FISCAL IMPACT:

Revenues are expected to increase based on the higher fees. The exact amount of the revenue increase cannot be determined because adoptions through the city have not been offered prior.

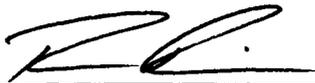
CONCLUSION:

This staff report is submitted for City Council consideration and action. Staff recommends adoption of Resolution No. 2011- , a resolution approving fees and fines associated with animal control services provided by the Police Department.

ATTACHMENTS:

1. Resolution No. 2011-
2. Attachment A: List of proposed animal control service fees and fines
3. Attachment B: List of current animal control service fees and fines

Respectfully submitted,



Randy Richardson, Chief of Police

REVIEWED/CONCUR:



Michael Holland
City Manager

RESOLUTION NO. 2011-

**A RESOLUTION ADOPTING ANIMAL SERVICE FEES FOR THE POLICE DEPARTMENT
TO RECOVER THE COSTS ASSOCIATED WITH SPECIFIC SERVICES**

WHEREAS, the City Council of the City of Newman is desirous of maintaining a sound fiscal condition; and

WHEREAS, the City Council has identified services (in Attachment "A") which are available upon demand by persons in the community; and

WHEREAS, the City Council has identified the costs associated with these services; and

WHEREAS, the City Council is desirous of recovering costs that are associated with these services (as identified in Attachment "A").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that adoption of fees for specified services provided by the Police Department as listed in Attachment "A" be adopted.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 8th day of February 2011 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

ATTACHMENT A
ANIMAL SERVICE FEES AND FINES

License Fees:

Unaltered Dog:
 \$150 – 1 year license
 \$250 – 2 year license
 \$350 – 3 year license

Altered Dog:
 \$12 – per year

Voluntary Cat:
 \$12 – per year

NOTE: Persons over 60 years of age receive a 50% discount on license fees.

Impound Reclaim Fees:

\$35 – First Impound
\$55 – Second Impound (within 1 year)
\$80 – Third Impound (within 1 year)

Daily Care, Feed, and Boarding Fees:

\$20 – First Day
\$15 – Each Additional Day

Adoption Fee:

\$140 – Veterinary Care, Boarding, and Licensing
\$40 – Boarding and Licensing

Quarantine Fee:

\$50 – First Impound
\$100 – Second and Subsequent Impounds

Owner Release Fee:

\$65 – Owner Surrender

Animal Disposal:

\$30 – Cat
\$50 – Dog

Cat Trap Fee:

\$50 – Refundable Deposit

Livestock Fees:

\$60 – First Impound (small livestock)
\$100 – First Impound (large livestock)
\$150 – Second and Subsequent Impounds

Kennel License Fees (annually):

\$50 – Hobby Kennel

\$100 – Breeder/Boarding/Training/Security Kennels

Animal Control Violation Fines:

- Off Leash \$160
- Licensed Required \$250
- Licensed not Affixed to Dog \$15
- No Vaccinations \$250
- Animal Noise \$160
- Kennel Licensed Required \$250
- Potentially Dangerous/Vicious Dog \$500
- Dead Animal Removal \$160
- Abandonment \$160
- Public Nuisance \$160
- Trespassing \$160
- Appeal Fee \$150

ATTACHMENT B
Current Animal Control Fees and Fines

License Fee:

Unaltered Dog:

- \$150. – 1 year license
- \$250. – 2 year license
- \$350 – 3 year license

Altered Dog:

- \$12. per year

Voluntary Cat:

- \$12. per year

Delinquent Penalty:

- \$12.

NOTE: Persons over 60 years of age receive a 50% discount on license fees.

Impound Reclaim Fee:

- \$45. – First Impound
- \$65. – Second Impound (within 1 year)
- \$100. – Third Impound (within 1 year)
- \$133. – On call fee (after hours) First 2 hours

Livestock:

- \$100. – First Impound (large livestock)
- \$150. – Second and subsequent impounds
- \$60. – First impound (small livestock)

Quarantine Fee:

- \$50.

Daily Care, Feed, and Boarding:

- \$35. – First day
- \$15. – Each additional day

Microchip Fee:

- \$20.

Veterinary Care:

- Actual costs plus 15% administrative fee

Disposal/Owner Release Fee:

- \$30 – Owner release plus daily care, feeding, boarding fees for up to 4 days and/or disposal/euthanasia fee
- \$10 – Dead on arrival

Animal Disposal/Euthanasia:

- \$60. per animal

Trap Use:

- \$50. refundable deposit

Adoption Fee:

- Boarding, license, and any veterinary costs

Kennel License Fee (annually):

- \$100. – Hobby kennel
- \$150. – Breeder / Boarding / Training / Security kennels

Animal Control Violation Fines:

- Leash violation \$160.
- Trespass \$160.
- Animal noise \$160.
- Public nuisance \$160.
- License required \$250.
- License not affixed to dog \$15.
- Kennel license required \$250.
- No vaccination \$250.
- Abandonment \$160.
- Dead animal removal \$160.
- Potentially dangerous/vicious dog \$500.
- Appeal Fee \$150.

REVIEW OF THE 2010-2011 ANNUAL BUDGET AT MID YEAR

RECOMMENDATION:

It is recommended that the Newman City Council:

1. Review and Approve budget adjustments as proposed in the report

BACKGROUND:

It is customary for Municipalities to review their original revenue and expenditure projections at midyear. December 31 is the mid way point of our fiscal year. Year to date revenues collected for all City Funds and amounts spent for City wide expenses were analyzed for the period ending December 31, 2010.

ANALYSIS:

Attachments A & B compare the revenue and expenditure budgets to actual amounts received and spent at December 31, 2010 or 50% of the year completed. As Council knows revenues and expenditures do not necessarily happen 1/12 every month of the year. This report is a good summary but still needs to be analyzed to project what will happen the balance of the year. As you can see in this report, total budgeted General Fund revenues collected are at 34.3%, and city wide 22.4%. Clearly, cash flow wise, more revenues are collected in the second half of the year than in the first half. Budgeted General Fund expenditures are 46.1% spent and city wide 44.9%. To prepare the proposed adjustments I analyzed the revenue and expenditure line items and also discussed the budget with the City Manager and the various department heads and their staffs. Attachments C & D are the proposed revenue and expenditure budget adjustments by line item. Attachment E shows the *projected* fund balances at June 30, 2011. It should be noted that the original budget estimated the beginning fund balances but I now have the completed prior year audit so I have used actual beginning figures per the audit.

FISCAL IMPACT:

Attachment C shows the detail of the revenue budget adjustments totaling \$934,432 across all funds. Increases in Administrative Citations are generating a significant increase in our General Funds revenues as well as the change in State Gas tax with the addition of HUT 2103. The development of Newman Family Apartments and the increase in Grant related activities is responsible for the majority of increase in revenues to the City. Overall the Economy is remaining only slightly down over the prior year. Property tax revenues were budgeted to decline 9.5% over prior year. Reports from the county show a 10.16% decline. Due to properties now purchased at lower prices and Prop 13, the speed at which Property Tax revenues will return to prior levels may take decades. The passing of Prop 22 may limit the State from taking and delaying future revenues for the city; however, the State is now pushing to terminate Redevelopment altogether.

Attachment D shows the detail of the expenditure budget adjustments totaling \$3,068,931 across all funds.

Expenditure increases are due to the purchase of McPike Land for the WWTP and increases in project activities such as the Plaza, Safe Routes to School; all of which have grants providing revenues. The SCADA system costs are carried over from the prior years budget which was approved by council in the prior year; but not included in the budget at the beginning of the year. We're also adding the cost of the Finance Package and server. The addition of the Dodge Charger for the Police was added. We had a water pump at one of our wells that needed replacement. Lastly the State is requiring us to make our SERAF payment of \$83,000 this year. This payment was still due even with the passing of Prop 22 limiting the ability of the state to take our Redevelopment money. This is still an outstanding issue with the State taking \$402,877 last year as well. Redevelopment Agencies are still challenging the states right to take that money in the courts.

CONCLUSION:

Attachment E is a projection of the ending fund balances of all funds. In general, funds should not be negative. As you can see all of our funds are projected to have positive ending balances except Redevelopment and our Storm Drain Fund. Redevelopment is negative because projects are hitting this year and we will have to make up for it with next years taxes. While the adjusted budget shows a \$132,053 General Fund deficit for the 2010-11 fiscal year, it stills has an estimated ending Fund Balance of \$2,846,782. This is a 77% reserve of annual operating costs which is healthy. I believe the City is in good financial health for now but in the future we need to work on balancing the General Fund current expenses with current revenues and not rely on existing fund balances.

ATTACHMENTS:

1. Attachment A: Revenue Analysis by Fund as of Dec 31, 2010
2. Attachment B: Expenditure Analysis by Fund as of Dec 31, 2010
3. Attachment C: Revenue Adjustments
4. Attachment D: Expenditure Adjustments
5. Attachment E: Fund Balance Analysis

Respectfully submitted,



Lewis A. Humphries
Finance Director

REVIEWED/CONCUR:


Michael Holland, City Manager

**CITY OF NEWMAN
REVENUE ANALYSIS BY FUND
FISCAL YEAR JULY 2010-JUNE 2011
BALANCES AS OF DECEMBER 31, 2010
50% OF YEAR COMPLETE**

ATTACHMENT A

		BUDGET	ACTUAL	REMAINING BUDGET	Percent Of Budget Collected	
General Fund						
10 5010	Property Taxes	\$ 515,500	\$ 220,219	\$ 295,281	42.7%	Prop tax comes in Dec/Jan
10 5070	Sales Tax	\$ 320,000	\$ 75,712	\$ 244,288	23.7%	
10 5095	Business License Taxes	\$ 22,000	\$ 25,300	\$ (3,300)	115.0%	
10 5080	Franchise Fees	\$ 121,500	\$ 11,058	\$ 110,442	9.1%	Majority of funds come in April & June
10 5300's	License & Permits	\$ 66,150	\$ 32,329	\$ 33,821	48.9%	
10 5400's	Fines & Forfeitures	\$ 54,100	\$ 75,963	\$ (21,863)	140.4%	Due to Admin Cites
10 5500's	Use of Assets	\$ 81,500	\$ 21,555	\$ 59,945	26.4%	
10 5630	Motor Vehicle Tax	\$ 615,000	\$ 9,930	\$ 605,070	1.6%	Majority of funds come in Feb & June
10 5600's	Intergovernmental Revenues	\$ 65,700	\$ 27,835	\$ 37,865	42.4%	
10 5730	Refuse Collection	\$ 845,000	\$ 427,019	\$ 417,981	50.5%	
10 5700's	Charges for Current Services	\$ 125,825	\$ 83,803	\$ 42,022	66.6%	
10 5800's	Miscellaneous Revenue	\$ 253,008	\$ 170,167	\$ 82,841	67.3%	
10 5900	Transfers In	\$ 358,307	\$ -	\$ 358,307	0.0%	Transfers Done at year end
Total General Fund Revenues		\$ 3,443,590	\$ 1,180,890	\$ 2,262,700	34.3%	
Special Revenue Funds						
15	Grant Program Income	\$ 26,500	\$ 11,766	\$ 14,734	44.4%	
17	Grants State	\$ 225,000	\$ -	\$ 225,000	0.0%	Hill Park Grant Not Received Until Feb
18	Grants Federal	\$ 2,685,476	\$ 404,306	\$ 2,281,170	15.1%	ARRA, Transfer in & TEA funds not Received Until Feb
20	County CDBG Consortium	\$ 402,931	\$ 4,243	\$ 398,688	1.1%	Grants Not Received Yet
21	Gas Tax	\$ 174,816	\$ 102,492	\$ 72,324	58.6%	Addition of HUT 2103
22	Abandoned Vehicle Abatement	\$ 6,050	\$ 2,329	\$ 3,721	38.5%	
24	Local Transportation Fund	\$ 542,217	\$ 54,157	\$ 488,060	10.0%	CMAQ Revenues not received yet
25	Employee Home Loan Program	\$ 100	\$ 12	\$ 88	11.8%	
30	Asset Forfeiture	\$ 5	\$ 3	\$ 2	61.0%	
62	Lift Station	\$ 82,005	\$ 44,678	\$ 37,327	54.5%	
68	Business License Surcharge	\$ 10,000	\$ 10,196	\$ (196)	102.0%	
69	Power/Lighting Assessments	\$ 216,173	\$ 101,896	\$ 114,277	47.1%	Prop tax comes in Dec & April
70	Contingency Fund	\$ 1,000	\$ 617	\$ 383	61.7%	
71	Capital Repair & Replacement	\$ 1,800	\$ 939	\$ 861	52.2%	
72	COPS Grant	\$ 100,000	\$ 25,199	\$ 74,801	25.2%	Only 1 Quarter received, Posted Quarterly
73	Redevelopment	\$ 489,480	\$ 270,365	\$ 219,115	55.2%	Prop tax comes in Dec & April
74	Housing Administration	\$ 118,100	\$ 65,967	\$ 52,133	55.9%	Prop tax comes in Dec & April
Total Special Revenue Fund Revenues		\$ 5,081,653	\$ 1,099,166	\$ 3,982,487	21.6%	
Enterprise Funds						
60	WWTP/Sewer Fund	\$ 2,098,645	\$ 1,022,274	\$ 1,076,371	48.7%	
63	Water Fund	\$ 1,026,140	\$ 486,491	\$ 539,649	47.4%	
Total Enterprise Fund Revenues		\$ 3,124,785	\$ 1,508,766	\$ 1,616,019	48.3%	
Capital Projects						
16	Parks Facility Fee	\$ 1,850	\$ 156,652	\$ (154,802)	8467.7%	Newman Family Apartments Construction
40	Public Facility Fee	\$ 398,716	\$ 212,142	\$ 186,574	53.2%	
41	Supplemental Impact Fees	\$ 24,425	\$ 10,700	\$ 13,725	43.8%	
42	Storm Drain	\$ 785	\$ 19,855	\$ (19,070)	2529.3%	Fees paid not budgeted
61	Sewer Capital	\$ 275	\$ 9,340	\$ (9,065)	3396.2%	Fees paid not budgeted
64	Water Capital	\$ 4,320	\$ 14,981	\$ (10,661)	346.8%	
Total Capital Project Fund Revenues		\$ 430,371	\$ 423,670	\$ 6,701	98.4%	
All City Grand Total		\$ 12,080,399	\$ 2,703,726	\$ 6,251,888	22.4%	

**CITY OF NEWMAN
EXPENDITURE ANALYSIS BY FUND
FISCAL YEAR JULY 2010-JUNE 2011
BALANCES AS OF DECEMBER 31, 2010
50% OF YEAR COMPLETE**

ATTACHMENT B

		BUDGET	ACTUAL	Remaining BUDGET	% Of Budget Spent	
General Fund						
10 01	City Council	\$ 41,988	\$ 12,786	\$ 29,202	30.5%	
10 02	City Manager	\$ 120,000	\$ 64,712	\$ 55,288	53.9%	
10 03	City Clerk	\$ 69,606	\$ 18,660	\$ 50,946	26.8%	
10 06	Planning	\$ 67,366	\$ 51,922	\$ 15,444	77.1%	Payroll Distribution Correction Pending
10 07	Government Building	\$ 50,298	\$ 20,464	\$ 29,834	40.7%	
10 14	Finance	\$ 128,644	\$ 73,253	\$ 55,391	56.9%	
10 15	Government Auxillary	\$ 63,685	\$ 48,004	\$ 15,681	75.4%	
10 21	Police	\$ 1,868,076	\$ 830,409	\$ 1,037,667	44.5%	
10 22	Fire	\$ 100,869	\$ 20,067	\$ 80,802	19.9%	
10 23	Building Regulation	\$ 51,500	\$ 38,603	\$ 12,897	75.0%	Payroll Distribution Correction Pending
10 31	Engineering	\$ 50,000	\$ 34,035	\$ 15,965	68.1%	
10 33	Street Maintenance	\$ 230,807	\$ 90,756	\$ 140,051	39.3%	
10 41	Refuse Collection	\$ 633,750	\$ 267,366	\$ 366,384	42.2%	
10 44	Parks	\$ 146,308	\$ 67,979	\$ 78,329	46.5%	
10 45	Recreation Services	\$ 78,271	\$ 46,627	\$ 31,644	59.6%	Activities Increased Revenues Up Also
10 46	Corporation Yard	\$ 4,550	\$ 2,265	\$ 2,285	49.8%	
Total General Fund Expenditures		\$ 3,705,718	\$ 1,687,909	\$ 2,017,809	45.5%	
Special Revenue Funds						
15	Grant Program Income	\$ 8,000	\$ 3,198	\$ 4,802	40.0%	
17	State Grants	\$ 225,000	\$ 347,945	\$ (122,945)	154.6%	Increase in Grant Activity
18	Grants Federal	\$ 2,603,828	\$ 1,717,584	\$ 886,244	66.0%	Increase in Grant Activity
20	County CDBG Consortium	\$ 402,931	\$ 127,431	\$ 275,500	31.6%	
21	Gas Tax	\$ 174,816	\$ -	\$ 174,816	0.0%	Transfer at End of Fiscal Year
22	Abandoned Vehicle Abatement	\$ 5,208	\$ 2,246	\$ 2,962	43.1%	
24	Local Transportation Fund	\$ 542,217	\$ -	\$ 542,217	0.0%	Transfer at End of Fiscal Year
62	Lift Station	\$ 54,047	\$ 105,138	\$ (51,091)	194.5%	SCADA System Carry Over from Prior Yr
68	Business License Surcharge	\$ 10,000	\$ 2,008	\$ 7,992	20.1%	
69	Power/Lighting Assessments	\$ 177,229	\$ 98,977	\$ 78,252	55.8%	
71	Capital Repair & Replacement	\$ 54,517	\$ 37,408	\$ 17,109	68.6%	
72	COPS Grant	\$ 100,000	\$ -	\$ 100,000	0.0%	Transfer at End of Fiscal Year
73	Redevelopment	\$ 781,128	\$ 231,697	\$ 549,431	29.7%	
74	Housing Administration	\$ 93,352	\$ 58,362	\$ 34,990	62.5%	
Total Special Revenue Fund Expenditures		\$ 5,232,273	\$ 2,731,992	\$ 2,500,281	52.2%	
Enterprise Funds						
60	WWTP/Sewer Fund	\$ 2,115,662	\$ 627,941	\$ 1,487,721	29.7%	Debt Service payment not made
63	Water Fund	\$ 966,079	\$ 489,189	\$ 476,890	50.6%	Debt Service payment made
Total Enterprise Fund Expenditures		\$ 3,081,741	\$ 1,117,130	\$ 1,964,611	36.2%	
Capital Projects						
16	Parks Facility Fee	\$ -	\$ -	\$ -	0.0%	
40	Public Facility Fee	\$ 15,194	\$ 15,194	\$ -	100.0%	Debt Service payment made
42	Storm Drain	\$ -	\$ -	\$ -	0.0%	
61	Sewer Capital	\$ 35,000	\$ -	\$ 35,000	0.0%	
64	Water Capital	\$ 360,000	\$ 9,945	\$ 350,055	2.8%	Project Costs Not Incurred Yet
Total Capital Project Fund Expenditures		\$ 410,194	\$ 25,139	\$ 385,055	6.1%	
All City Grand Total		\$ 12,429,926	\$ 5,562,171	\$ 6,867,755	44.7%	

CITY OF NEWMAN
MID-YEAR BUDGET REVIEW
2010-11

Attachment C

REVENUES				Increase/Decrease Amount	Total by Fund	Explanation
Fund	Account	Department				
10	5010	General Fund	Property Tax	\$ (15,000)		We budgeted a 9.5% decline County shows 10.16%
10	5435	General Fund	Administrative Citations	\$ 98,500		Increase in Administrative Citations
10	5720	General Fund	Summer Programs	\$ 6,500		Popularity of Zumba
10	5720	General Fund	Summer Programs	\$ 4,500		PG&E Grant for Movie Night
10	5805	General Fund	Administrative Surcharge	\$ 23,357		Error in Budget on Admin Surcharge
10	5900	General Fund	Transfers In	\$ 104,500	\$ 222,357	Change in Gas Tax by State Addition of HUT 2103
16	5102	Parks Facility Fee	Developer Fees	\$ 160,469	\$ 160,469	Newman Family Apartments
17	5680	Grants - State	State Grant - Per Capita	\$ 225,000		Safe Routes to School Grant
17	5900	Grants - State	Transfer In	\$ 25,000	\$ 250,000	Transfer from LTF for Safe Routes to School Match
21	5500	Gas Tax	Interest Income	\$ (500)		Decrease in Interest Income
21	5649	Gas Tax	Gas Tax 2103	\$ 105,000	\$ 104,500	Change in Gas Tax by State Addition of HUT 2103
24	5500	Transportation Funds	Interest Income	\$ 4,000	\$ 4,000	Not budgeted
25	5900	Employee Home Loan	Transfers In	\$ 19,636	\$ 19,636	Richardson Loan
26	5710	Home Consortium	HOME Consortium	\$ 225		Additional Revenues
26	5710	Home Consortium	HOME Consortium	\$ 50,000	\$ 50,225	Newman Family Apartments
42	5140	Storm Drain	Developer Fees	\$ 19,945	\$ 19,945	Newman Family Apartments
61	5166	Capital Sewer Impact Fee	Impact Fees Sewer	\$ 8,300	\$ 8,300	Newman Family Apartments
64	5166	Capital Water Impact Fee	Impact Fees Water	\$ 12,000	\$ 12,000	Newman Family Apartments
73	5900	Redevelopment	Transfers In	\$ 83,000	\$ 83,000	Transfer from LMIHF
TOTAL REVENUE ADJUSTMENTS				\$ 934,432	\$ 934,432	

CITY OF NEWMAN
MID-YEAR BUDGET REVIEW
2010-11

Attachment D

EXPENSES				Increase/Decrease Amount	Total by Fund	Explanation
Fund	Description	Department				
10	9200	General Fund	Transfer Out	\$ 19,636		Richardson Loan
10	6200-31	General Fund	Contract Services	\$ 60,000		Soil Borings
10	6200-33	Street Maintenance	Contract Services	\$ (2,000)		Reduced Contract Services Costs
10	6300-21	General Fund	Supplies	\$ (2,700)		CAD System Antenna
10	6410-33	Street Maintenance	Utility - PGE	\$ 1,500		Additional Estimated Costs
10	6500-44	Parks	Fuel Expense	\$ 450		Moved Costs for 1 Vehicle from Sewer
10	6530-33	Street Maintenance	Vehicle Maintenance	\$ 2,000		Additional Vehicle Maintenance Costs
10	6620-01	City Council	Community Promotions	\$ 500		Donation to Theater
10	6724-45	Recreation	Youth Summer Programs	\$ 5,200		Zumba Increase
10	6724-45	Recreation	Movie Night in the Park	\$ 800		Movie Night Increase in Costs (Grant from PG&E)
10	7015-14	General Fund - Finance	Equipment	\$ 2,700		New Server
10	7105-14	General Fund - Finance	Equipment	\$ 15,000		New Financial Software
10	7105-21	General Fund - Finance	Equipment	\$ 25,000		Phone System
10	7105-21	General Fund	Equipment	\$ 2,700	\$ 130,786	CAD System Antenna
17	7743-32	Street Construction	Street Projects	\$ 250,000	\$ 250,000	Safe Routes to School Costs
18	7732-70	Grants - Federal	Downtown Plaza	\$ 150,000	\$ 150,000	Costs for Bathroom for Plaza
21	9200-33	Gas Tax	Transfer Out	\$ 104,500	\$ 104,500	Change in Gas Tax Addition of 2103
24	9200-32	Transportation Fund	Transfer Out	\$ 25,000		Transfer Out from LTF to Grants State - Match on Safe Routes to School
24	7010-32	Transportation Fund	Vehicles	\$ 3,400	\$ 28,400	DGIS on CNG truck not included in Budget
26	6200-48	Home Consortium	HOME Consortium	\$ 225		Additional Charges
26	7940-48	Home Consortium	Newman Family Apartments	\$ 50,000	\$ 50,225	Newman Family Apartments
60	6500-50	Sewer	Fuel Expense Operation	\$ (450)		Moved Costs for 1 Vehicle to Parks
60	7105-50	Sewer	Equipment	\$ 25,000		Phone System
60	7105-50	Sewer	Equipment	\$ 2,700		New Server
60	7105-50	Sewer	Equipment	\$ 15,000		New Financial Software
60	7405-50	Sewer	Land Acquisition	\$ 1,988,263	\$ 2,030,513	McPike Land Acquisition
62	7105-60	Lift Station Surcharge	Equipment	\$ 112,773	\$ 112,773	SCADA System Costs from 2009/10 FY Budget
63	6200-56	Water	Contract Services	\$ 10,000		New Well
63	6225-56	Water	Equipment Repair	\$ 30,000		Pump Repairs
63	6225-56	Water	Equip Repair	\$ 2,530		TR16-R Current Output Transmitter
63	7105-56	Water	Equipment	\$ 25,000		Phone System
63	7105-56	Water	Equipment	\$ 2,700		New Server
63	7105-56	Water	Equipment	\$ 15,000	\$ 85,230	New Financial Software
64	6201-56	Capital Water Impact Fee	Contract Service - Study	\$ 7,412	\$ 7,412	Carryover from last year Ecologic Water Rate Study
69	6150-47	Lighting and Landscaping	Uniform Allowance	\$ 18		Recognizing Actual Uniform Costs
69	6200-47	Lighting and Landscaping	Contract Services	\$ 4,000	\$ 4,018	Upper Road Landscaping Project Phase 1
71	7010-21	Capital Repair & Replace	Vehicles - Police	\$ 32,075	\$ 32,075	Dodge Charger w/ Equipment for Police
73	6633-70	Redevelopment Agency	ERAF Shift	\$ 83,000	\$ 83,000	SERAF Payment
TOTAL EXPENDITURE ADJUSTMENTS				\$ 3,068,931	\$ 3,068,931	

CITY OF NEWMAN
FUND BALANCE ANALYSIS

Attachment E

	Unreserved Fund Balance @ 7/1/10 Per Original Budget	Unreserved Fund Balance @ 7/1/10 Per Audit	Change in Beginning Balance from Original Budget	Revenues Less Expenses Per Budget 10/11	Budget Adjustments Revenues	Budget Adjustments Expenses	Estimated Fund Balance @ 6/30/11 After Audit
10 General Fund	\$ 2,518,500	\$ 2,978,835	\$ 460,335	\$ (223,624)	\$ 222,357	\$ (130,786)	\$ 2,846,782
15 Program Income Grant	\$ 241,000	\$ 1,218,085	\$ 977,085	\$ 18,500	\$ -	\$ -	\$ 1,236,585
16 Park Facility Fee	\$ 372,000	\$ 79,989	\$ (292,011)	\$ 1,850	\$ 160,469	\$ -	\$ 242,308
17 State Grants	\$ -	\$ (80,905)	\$ (80,905)	\$ -	\$ 250,000	\$ (250,000)	\$ (80,905)
18 Grants-Federal	\$ -	\$ 172,169	\$ 172,169	\$ 81,648	\$ -	\$ (150,000)	\$ 103,817
19 Grants-Housing	\$ -	\$ 3,306,433	\$ 3,306,433	\$ -	\$ -	\$ -	\$ 3,306,433
20 County CDBG Consortium	\$ -	\$ 81,292	\$ 81,292	\$ -	\$ -	\$ -	\$ 81,292
21 Gas Tax	\$ -	\$ -	\$ -	\$ -	\$ 104,500	\$ (104,500)	\$ -
22 Abandoned Vehicle	\$ -	\$ 11,242	\$ 11,242	\$ 842	\$ -	\$ -	\$ 12,084
24 Local Transportation Fund	\$ 590,000	\$ 653,642	\$ 63,642	\$ -	\$ 4,000	\$ (28,400)	\$ 629,242
25 Employee Home Loan Program	\$ 21,000	\$ 163,609	\$ 142,609	\$ 100	\$ 19,636	\$ -	\$ 183,345
26 Home Consortium	\$ -	\$ 243,455	\$ 243,455	\$ -	\$ 50,225	\$ (50,225)	\$ 243,455
30 Asset Forfeiture	\$ 1,000	\$ 985	\$ (15)	\$ 5	\$ -	\$ -	\$ 990
40 Public Facility Improvements	\$ 4,130,000	\$ 4,138,383	\$ 8,383	\$ 383,522	\$ -	\$ -	\$ 4,521,905
41 Supplemental Impact Fees	\$ 329,000	\$ 300,545	\$ (28,455)	\$ 24,425	\$ -	\$ -	\$ 324,970
42 Storm Drain	\$ 157,500	\$ (612,524)	\$ (770,024)	\$ 785	\$ 19,945	\$ -	\$ (591,794)
60 Sewer Fund	\$ 5,130,000	\$ 5,438,342	\$ 308,342	\$ (9,517)	\$ -	\$ (2,030,513)	\$ 3,398,312
61 Sewer Wastewater Capital	\$ 55,500	\$ 2,107,464	\$ 2,051,964	\$ (34,725)	\$ 8,300	\$ -	\$ 2,081,039
62 Lift Station Surcharge	\$ 190,000	\$ 291,211	\$ 101,211	\$ 27,958	\$ -	\$ (112,773)	\$ 206,396
63 Water Fund	\$ 625,000	\$ 380,514	\$ (244,486)	\$ 67,561	\$ -	\$ (85,230)	\$ 362,845
64 Capital Water Fee	\$ 864,400	\$ 2,286,847	\$ 1,422,447	\$ (355,680)	\$ 12,000	\$ (7,412)	\$ 1,935,755
68 Business License Surcharge	\$ 3,800	\$ 2,019	\$ (1,781)	\$ -	\$ -	\$ -	\$ 2,019
69 Power/Lighting Assessment	\$ 195,700	\$ 114,384	\$ (81,316)	\$ 13,944	\$ -	\$ (4,018)	\$ 124,310
70 Contingency Fund	\$ 198,500	\$ 199,226	\$ 726	\$ 1,000	\$ -	\$ -	\$ 200,226
71 Capital Repair & Replacement	\$ 357,850	\$ 326,084	\$ (31,766)	\$ (52,717)	\$ -	\$ (32,075)	\$ 241,292
72 COPS Grant	\$ -	\$ 48,887	\$ 48,887	\$ -	\$ -	\$ -	\$ 48,887
73 Redevelopment	\$ (105,000)	\$ (26,840)	\$ 78,160	\$ 108,352	\$ 83,000	\$ (83,000)	\$ 81,512
74 RDA-Housing	\$ 400,000	\$ 766,613	\$ 366,613	\$ 24,748	\$ -	\$ -	\$ 791,361
Total All Funds	\$ 16,275,750	\$ 24,589,984	\$ 8,314,234	\$ 78,977	\$ 934,432	\$ (3,068,931)	\$ 22,534,462