

AGENDA
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING JANUARY 11, 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
 - a. Badge Pinning Of Lieutenant And Corporals.
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 December 14, 2010 Regular Meeting.
9. Public Hearings
 - a. Approve And Adopt The WWTP Land Purchase Final Initial Study And Negative Declaration And Authorize Staff To File A Notice Of Determination.
10. Regular Business
 - a. Adopt Resolution No. 2011- , A Resolution Approving Funding From The Urban Forestry Grant Program Entitled, "An Urban Forest For Every City", As Provided Through Propositions 40 And 84.
 - b. Adopt Resolution No. 2011- , A Resolution Awarding The Bid For Downtown Plaza Project Bathrooms And Authorizing The City Manager To Execute An Agreement For Services.
 - c. City Council Reorganization - Selection Of Mayor Pro Tem And Committee Assignments.
11. Items From District Five Stanislaus County Supervisor.
12. Items From The City Manager And Staff.
13. Items From City Council Members.

14. Adjourn To Closed Session

- a. Conference With Labor Negotiator – Operating Engineers Local #3 Miscellaneous Bargaining Unit - G.C. 54957.6.
- b. Conference With Labor Negotiator – Operating Engineers Local #3 Police Bargaining Unit - G.C. 54957.6.
- c. Return To Open Session.

15. Adjournment.

Calendar of Events

- January 10 – NCLUSD Board Meeting - 6:00 P.M.
January 11 – City Council - 7:00 P.M.
January 13 – Recreation Commission – 7:00 P.M.
January 18 – Two-On-Two Meeting With The School Board - 4:00 P.M.
January 17 – Martin Luther King Jr. Holiday– City Offices Closed.
January 20 – Planning Commission – 7:00 P.M.
January 25 – City Council - 7:00 P.M.
- 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 22 – City Council - 7:00 P.M.
March 25 – City Furlough Day – City Offices Closed.

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

1. **Call To Order** - Mayor Katen 7:01 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Mayor Katen.
4. **Roll Call PRESENT:** Davis, Candea, Martina And Mayor Katen.
ABSENT: None.
5. **Report On Canvass Of Vote**
 - a. Adopt Resolution No. 2010-79, Declaring The Results Of The Municipal Election Held On November 2, 2010.

ACTION: On Motion By Davis Seconded By Martina And Unanimously Carried, Resolution No. 2010-79, A Resolution Declaring The Results Of The Municipal Election Held On November 2, 2010 Was Adopted.

- b. Oath Of Office To Newly Elected Council Members.

City Attorney Hallinan Administered The Oath Of Office To Mayor Ed Katen And Council Members Nicholas Candea And Donald Hutchins.

6. Declaration Of Conflicts Of Interest

Council Member Hutchins Stated The He Would Need To Recuse Himself From The Approval Of The Warrants That Are Payable To In-Sync Systems.

7. Ceremonial Matters - None.

8. Items from the Public - Non-Agenda Items

Kent Madenwald, 612 Waxwing Lane, Thanked The City Staff For The Downtown Holiday Decorations.

Bob Novoa, 1045 Ruth Ave, Stated That A Great Transition Has Taken Place In Downtown Newman In The Past Several Months. Novoa Remarked That It Was A Dream Come True And That He Was Very Proud Of The Plaza Project. He Congratulated Everyone Who Was Involved In The Plaza Project And Specifically Thanked Former Mayor Jim Silveira.

David Reed, Newman Chamber Of Commerce, Thanked City Staff And The Fire Department For Their Support Of The Chamber's Christmas Tree Lighting Event.

Rod Atterberry, Law Offices Of Nuemiller And Beardslly, 509 West Weber Ave, Stockton, CA 95201, Informed The City Council That He Was In Attendance To Represent SCM Homes And Steve Mothersell. Atterberry Expressed That SCM Has Been Impressed By City Staff's Creative Solutions To Some Difficult Development Issues And That Steve Mothersell Wanted To Be Sure That He Thanked City Staff Prior To The City Council Entering Their Closed Session. He Stated That He Was Hopeful That Other Communities Would Also Find Similar Ways Solve Their Development Issues. Atterberry Noted That He Planned To Remain Present Though The Council's Closed Session Deliberations And That He Would Be Available To Answer Questions.

9. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The November 11, 2010 Regular Meeting.
- d. Adopt Resolution No. 2010-80, A Resolution Approving The Per Capita Park Improvement Project And Authorizing Ed Katen As Mayor And Michael E. Holland As City Clerk To Record A Notice Of Completion.
- e. Adopt Resolution No. 2010-81, A Resolution Adopting A New Job Description And Salary Range For Police Lieutenant.

Council Member Hutchins Requested That Warrants No. 038430 And No. 038501 Be Pulled From The Consent Calendar.

ACTION: On A Motion By Candea Seconded By Martina And Unanimously Carried, The Consent Calendar Minus Warrants No. 038430 And No. 038501 To In- Synch Systems Was Approved.

ACTION: On A Motion By Candea Seconded By Martina, Warrants No. 038430 And No. 038501 To In- Synch Systems Were Approved By The Following Vote: AYES: Candea, Davis, Martina And Katen; NOES: None; ABSENT: None NOT PARTICIPATING: Hutchins.

10. Public Hearings

- a. Adopt Resolution No. 2010-82, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Katen Opened The Public Hearing At 7:17 P.M.

There Being No Public Comment, Katen Closed The Public Hearing At 7:18 P.M.

ACTION: On Motion By Martina Seconded By Davis And Unanimously Carried, Resolution No. 2010-82, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted.

11. Regular Business

- a. Adopt Resolution No. 2010-83, A Resolution Receiving And Accepting The General Purpose Financial Statements And The Newman Redevelopment Agency Audit For The Fiscal Year Ending June 30, 2010.

Auditor Bill Young, Clendenin Bird & Company, Reviewed The Financial Documents And Explained That The City Had Received The Highest Grade Possible. Young Noted That The Audit Process Had Gone Smoothly And Thanked Staff For Their Assistance.

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2010-83, A Resolution Receiving And Accepting The General Purpose Financial Statements And The Newman Redevelopment Agency Audit For The Fiscal Year Ending June 30, 2010, Was Adopted.

- b. Consider Approval Of The Stanislaus County Annual Action Plan (Fiscal Year 2011-2012), Amendments To The Fiscal Year 2010-2011 NSP Annual Action And Fiscal Year 2007-2012 Consolidated Plans, Set A Public Hearing And Open 30 Day Public Comment Period.

ACTION: On Motion By Candea Seconded By Davis And Unanimously Carried, The City Council Released The Draft Stanislaus County Annual Action Plan (Fiscal Year 2011-2012), Amendments To The Fiscal Year 2010-2011 NSP Annual Action And Fiscal Year 2007-2012 Consolidated Plans To The Public, Opened The Thirty Day Public Comment Period And Set A Public Hearing For February 8, 2011.

- c. Adopt Resolution No. 2010-84, A Resolution Authorizing The Investment Of Idle Pooled Cash With Chandler Asset Management.

Council Member Hutchins Inquired About The Long Term Performance Of Chandler Asset Management.

ACTION: On Motion By Davis Seconded By Candea And Unanimously Carried, Resolution No. 2010-84, A Resolution Authorizing The Investment Of Idle Pooled Cash With Chandler Asset Management, Was Adopted.

- d. Adopt Resolution No. 2010-85, Approving A Contract With G Bar N Veterinary Clinic For Veterinary Services And Authorizing The City Manager To Execute Said Contract.

ACTION: On Motion By Candea Seconded By Hutchins And Unanimously Carried, Resolution No. 2010-85, A Resolution Approving A Contract With G Bar N Veterinary Clinic For Veterinary Services And Authorizing The City Manager To Execute Said Contract, Was Adopted.

12. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Informed The Council That The West Side Health Care Taskforce Is Completing The 2011 Healthy Choices Calendar And That The Next Meeting Is In Newman On Thursday, January 27th.

13. Items From The City Manager And Staff.

City Manager Holland Congratulated The Newly Elected And Re-Elected Council Members And Noted That Council Would Be Reviewing Committee Assignments For City Council Members At The First Meeting In January. Holland Informed The Council That The City Had Received A \$4,500 PG&E Grant In Support Of The City's Outdoor Movie Nights. He Thanked The Chamber For

Sponsoring A Great Tree Lighting Ceremony. Holland Reminded The Council Members That They Are Required To Complete Both AB 1234 Ethics Training And NIMS Training. He Asked The Council To Support The Regional Roundtable Travel And Tourism's Winter Forum And The Council Agreed To Donate \$100.00. Holland Reminded The Council That StanCOG Would Soon Be Hosting An Open House. He Reported That The Plaza Project Was Progressing Well. Holland Mentioned That The December 16th Planning Commission And December 21st City Council Meetings Would Be Cancelled. He Thanked Staff For Their Efforts During Difficult Financial Period And For Helping The City Balance Its Budget.

Chief Richardson Thanked The Council For Approving The New Command Structure At The Police Department And Reminded Residents To Celebrate Safely And Take Precautions To Prevent Crime. Richardson Announced That City Would Be Unveiling A Memorial Plaque For T.J. Gonzales On December 28th At 1:00 P.M.

Public Works Director Reynolds Updated The Council On The Soil Boring, Test Well, SCADA System And The Highway 33 Reconstruction Projects. He Noted That The City's Urban Forestry Grant Application Was Progressing And The He Was Working With USDA Regarding Funding For A New Well And Water Storage Facility. Reynolds Asked For Direction On Whether Or Not To Allow Staff To Take The Restroom Project Out To Bid And The Council Directed Him To Proceed With The Bid Process. Reynolds Concluded By Reviewing Plaza Project Pictures.

Assistant Planner Ocasio Presented Pictures Of The Completed Per-Capita Park Project.

14. Items From City Council Members.

Council Member Hutchins Thanked Residents For Supporting Him During And After The Campaign And Stated That He Looked Forward To Working With The Rest Of The Council And The City Staff.

Council Member Candea Thanked His Supporters And All That Voted In The Recent Election.

Council Member Martina Congratulated The Newly Elected Council Members And Stated That He Was Truly Proud Of The Plaza Project.

Mayor Katen Remarked That The Plaza Project Is The Result Of A Vision Of Previous City Councils And Specifically Jim Silveira. Katen Noted That He Had Hosted The Mayor's Meeting The Previous Week And The Other Mayors Were Impressed With Our Plaza Project. He Thanked The Chamber For Hosting The Recent And Successful Holiday Events. Katen Mentioned That He Been Discussing The I-5 Newman Exit Sign Issues With Cal Trans District 10 Manager Ken Baxter.

15. Adjourn To Closed Session- 8:39 P.M.

- a. Conference With Legal Counsel - Pending Litigation - SCM Hearthstone, LLC, A California Limited Company, Plaintiff, Vs. City Of Newman, A Municipal Corporation; Defendants, Case No. 650066 - One Case - G.C. 54956.9.
- b. Return To Open Session - 9:05 P.M.

16. Adjournment.

ACTION: On Motion By Martina Seconded By Davis And Unanimously Carried, The Meeting Was Adjourned At 9:07 P.M.

MINUTES

NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING DECEMBER 21, 2010
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

DECEMBER 21, 2010 MEETING CANCELLED

Date.: Jan 6, 2011
Time.: 2:31 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
038362	01/05/11	-35.00	NELSON MENDOZA	Ck# 038362 Reversed
038598	01/07/11	6632.39	ABBOTT & KINDERMANN, LLP	SCM HEARTHSTONE LIGITATION THRU 12/20/10
038599	01/07/11	23038.90	AECOM USA, INC	CONSTRUCTION MANAGEMENT/PLAZA THRU 11/26/10
038599	01/07/11	7138.80	AECOM USA, INC	PQRAT/FRESNO/MERCED/WEST STREET CONST/PHASE 2
038599	01/07/11	2211.30	AECOM USA, INC	ENGINEERING SERVICES/RUL 20A/UTILITY THRU 11/26/10
038600	01/07/11	3.46	ASCAP	LICENSE FEE FINANCE CHARGE
038601	01/07/11	464.58	AT&T	MONTHLY LANDLINE PHONE CHARGES/11/13 TO 12/12/10
038601	01/07/11	334.00	AT&T	T1 LINE AT PD/11/20 TO 12/19/10
038601	01/07/11	135.67	AT&T	EMERGENCY DISPATCH LINE @ PD/11/20 TO 12/19/10
038602	01/07/11	462.25	AYRES HOTEL	LODGING FOR TRAINING/COOKSEY AND E. LOPEZ
038603	01/07/11	351.25	JAMES J. BELL	CONTRACT/EVIDENCE CLERK/J. BELL 12/16 TO 12/31/10
038604	01/07/11	53096.33	BERTOLOTTI DISPOSAL	GARBAGE CONTRACT SERVICES/DEC 2010
038605	01/07/11	29.90	B G AUTO	OIL, FUEL AND AIR FILTERS
038606	01/07/11	11621.00	BLUE SHIELD OF CALIFORNIA	HEALTH INSURANCE PREMIUM/JAN 2011
038607	01/07/11	3035.00	CALIFORNIA CONSULTING, LLC	MONTHLY RETAINER/GRANT & LOBBYING SERV/JAN 2011
038608	01/07/11	100.00	JEFF CARTER	PARKING LOT RENT/JAN 2011
038609	01/07/11	8500.00	CBA (CALIFORNIA BENEFITS)	DENTAL-VISION PRE-PAID DEPOSIT
038610	01/07/11	227.50	CBA (ADMIN FEES)	DENTAL-VISION ADMIN FEES/JAN 2011
038611	01/07/11	4566.62	CDW GOVERNMENT, INC	PO #11-30
038611	01/07/11	9968.33	CDW GOVERNMENT, INC	PO #11-30
038611	01/07/11	241.14	CDW GOVERNMENT, INC	PO #11-30
038611	01/07/11	142.60	CDW GOVERNMENT, INC	ERGOTRON NEO-FLEX DUAL LCD LIFT STAND
038612	01/07/11	293.50	CENTRAL SANITARY SUPPLY	TOILET PAPER/NITRILE GLOVES/CANLINERS
038613	01/07/11	50.00	CARL J. COELHO (CHUCK)	Veh Operation FIRE/JAN 2011

Date.: Jan 6, 2011
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Ck #	Check Date	CK Amount	Vendor Name	Description
038614	01/07/11	94.90	COMCAST CABLE	HIGH SPEED INTERNET 12/22 TO 1/21/11
038615	01/07/11	778.38	CORBIN WILLITS SYS, INC.	SERVICE & ENHANCEMENT/JAN 2011
038616	01/07/11	48.30	DEPARTMENT OF MOTOR VEHICLES	VEHICLE CODE BOOKS
038617	01/07/11	218.81	E&M ELECTRIC, INC.	REPLACED OUTSIDE LIGHT/WATER TOWER
038617	01/07/11	36.25	E&M ELECTRIC, INC.	CHECKED WELL MOTOR @ WELL #6
038617	01/07/11	72.50	E&M ELECTRIC, INC.	RE-WIRED BULLARD LIGHTS WITH CITY EMPLOYEE
038617	01/07/11	147.17	E&M ELECTRIC, INC.	RETRO FIT 2 POLE FIXTURES/PARKING LOT
038618	01/07/11	34.95	FIREtoWIRE, INC	WEB HOSTING 1/17/11 TO 2/17/11
038619	01/07/11	231.46	GARTON TRACTOR	WATER PUMP/GASKET/THERMOSTAT/HOSE CLAMPS
038619	01/07/11	66.95	GARTON TRACTOR	HYDROLIC OIL/HOSE/FITTINGS FOR LAWN MOWER
038619	01/07/11	75.60	GARTON TRACTOR	WIPER BLADE FOR BACKHOE
038620	01/07/11	47.08	GEORGE W. LOWRY, INC	5 GALLONS HYDROLIC OIL
038621	01/07/11	11025.00	TOM HALLINAN	LEGAL RETAINER FEES MAY 2010 THRU DEC 2010
038622	01/07/11	1610.00	HARRITY CONSULTING	DOWNTOWN PLAZA ENGINEERING CONSULTING/OCT-DEC 2010
038623	01/07/11	19066.43	HASKELL & HASKELL ENGINEERING/	10% RETENTION BALANCE ON PER CAPITA PROJECT
038624	01/07/11	926.71	HOWK SYSTEMS, INC.	REPLACED TRANSDUCER AT CANAL LIFT STORM STATION
038625	01/07/11	293.34	HUB INTERNATIONAL OF CA INS SE	LIABILITY INS PREMIUM/DEC 2010
038626	01/07/11	225.00	DON HUTCHINS (NT)	PER DIEM/LCCC NEW COUNCIL ACADEMY/HUTCHINS
038627	01/07/11	321.87	IKON OFFICE SOLUTIONS	COPIER LEASE/12/10 TO 1/09/11/CITY HALL
038628	01/07/11	1105.43	IN-SYNCH SYSTEMS	MOBILE RECORDS MANAGEMENT SYSTEM/FEB 2011
038629	01/07/11	417.26	JORGENSEN & COMPANY	ANNUAL FIRE EXT SERVICE & MAINTENANCE/PD
038629	01/07/11	351.53	JORGENSEN & COMPANY	ANNUAL FIRE EXTINGUISHER SERVICE AND ANSUL/FIRE
038630	01/07/11	207.06	FRANK B. MARKS & SON, INC	100 TONS CONCRETE SAND
038631	01/07/11	35.00	NELSON MENDOZA	RE-ISSUE LOST CHECK/SOCCER REF/NELSON MENDOZA

Date.: Jan 6, 2011
Time.: 2:31 pm
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CITY OF NEWMAN
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Ck #	Check Date	CK Amount	Vendor Name	Description
038632	01/07/11	1448.83	NEWMAN ACE HARDWARE/JACT, INC	FLUR BULBS/GRAFITTI RMVR/PAINT/GLOVES/OIL/CHAIN
038633	01/07/11	250.00	LINDA ORNELAS	PER DIEM FOR TRAINING/LINDA ORNELAS
038634	01/07/11	228802.66	PERMA-GREEN HYDROSEEDING	PROGRESS PAYMENT #6/DOWNTOWN PLAZA CONSTRUCTION
038635	01/07/11	34271.20	P G & E	GAS AND ELECTRIC USAGE 10/8/10 TO 11/17/10
038636	01/07/11	19.85	PIONEER DRUG	ZIP LOCK BAGS/CAT FOOD/STYROFOAM CUPS
038637	01/07/11	10.99	RALEY'S IN STORE CHARGE	COFFEE/CORP YARD
038638	01/07/11	178.81	RAY'S RADIO SHOP	VHF ANTENNA/PD
038639	01/07/11	183.77	GARNER REYNOLDS (NT)	REIMBURSEMENT FOR XMAS PARTY SUPPLIES/ROTARY DUES
038640	01/07/11	780.00	SELF HELP ENTERPRISES	LOAN SERVICING/OCT 2010
038640	01/07/11	780.00	SELF HELP ENTERPRISES	LOAN SERVICING/NOV 2010
038641	01/07/11	69.56	SHARPENING SHOP	IGNITION MODULE
038642	01/07/11	75.43	SIERRA DISPLAY, INC.	114 C-9 LAMPS/99 PLASTIC MOUNTING CLIPS
038643	01/07/11	24.08	STAPLES ADVANTAGE	DYMO TAPE LABELER/BATTERY
038643	01/07/11	34.07	STAPLES ADVANTAGE	BALLPOINT PENS/CLASP ENVELOPES/FOLDERS
038644	01/07/11	838.00	STANISLAUS CNTY SHERIFF'S REGI	POST TRAINING REGISTRATION/GOSSELIN
038645	01/07/11	1593.00	STANTEC CONSULTING SERVICES, I	PO #11-03A
038645	01/07/11	390.00	STANTEC CONSULTING SERVICES, I	PO #11-02A
038646	01/07/11	155.83	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL-SERVICE/DEC 2010
038647	01/07/11	22783.50	TEL STAR INSTRUMENTS, INC	PO #11-18
038648	01/07/11	150.00	BARBARA J. TOSTA	YOUNG AT HEART INSTRUCTOR/TOSTA
038649	01/07/11	26.31	VALLEY PARTS SERVICE	WIPER BLADES/BUICK
038649	01/07/11	30.32	VALLEY PARTS SERVICE	WIPER BLADES
038649	01/07/11	655.11	VALLEY PARTS SERVICE	GASKET MATERIAL/FILTER/BATTERY/CARB KIT/ANTIFREEZE
038650	01/07/11	50.00	GEORGE VARGAS	MONTHLY GAS ALLOWANCE/JAN 2011

Date.: Jan 6, 2011
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Run by: EMILY M. FARIA

CITY OF NEWMAN
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Ck #	Check Date	CK Amount	Vendor Name	Description
038651	01/07/11	25.00	MATTOS NEWSPAPERS, INC.	NEWSPAPER SUBSCRIPTION RENEWAL/PW
038652	01/07/11	50.93	YANCEY LUMBER COMPANY	1 50 LB BAG DOG FOOD/PD
038653	01/07/11	8.65	BOEN, ANNAMARIE	MQ CUSTOMER REFUND FOR BOE0001
038654	01/07/11	46.23	GUZMAN, LORENA	MQ CUSTOMER REFUND FOR GUZ0010
038655	01/07/11	101.98	HAAN, ELIZABETH	MQ CUSTOMER REFUND FOR HAA0001
038656	01/07/11	203.57	REAL HOME SERVICES,	MQ CUSTOMER REFUND FOR RHS0001
Sub-Total:		----- 464084.18		
Grn-Total:		----- 464084.18		
Count:	78			

Date.: Dec 20, 2010
Time.: 12:45 pm
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CITY OF NEWMAN
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Ck #	Check Date	CK Amount	Vendor Name	Description
038554	12/15/10	300.00	SAN JOAQUIN VALLEY AIR POLLUTI	NOTICE OF VIOLATION/CASE #C10-0758/CORP YARD
038555	12/15/10	100.00	STANISLAUS COUNTY	SPONSORSHIP SUPPORT/TRAVEL & TOURISM/STAN CNTY
038556	12/22/10	1010.65	AECOM USA, INC	ENGINEERING SERV/SAFE ROUTES TO SCHOOL/10-9-10-29
038556	12/22/10	1033.15	AECOM USA, INC	ENG SERV/SAFE ROUTES/PQRST/FRESNO/MERCED/WEST AVE
038557	12/22/10	124.66	ARROWHEAD MOUNTAIN SPRING	BOTTLED WATER DELIVERIES/NOV 2010
038558	12/22/10	404.94	AT&T MOBILITY	WIRELESS ACCESS/11/03/10 TO 12/02/10/PD
038558	12/22/10	1075.38	AT&T MOBILITY	CELL PHONE USAGE 11/06/10 TO 12/05/10
038559	12/22/10	67.23	AT&T	MONTLYLY SERVICE FOR 634-0508/12/1 TO 12/31/10
038560	12/22/10	200.00	ADRIANA BARAJAS	REFUND MEMORIAL BLDG DEPOSIT/BARAJAS
038561	12/22/10	660.35	JAMES J. BELL	CONTRACT SERV/EVIDENCE CLERK/12-1 TO 12-15-10/BELL
038562	12/22/10	339.76	BERTOLOTTI DISPOSAL	LANDFILL FEES/OCT 2010
038563	12/22/10	162.39	BUSINESS CARD	LUNCH FOR NIMS TRNG/FILE CABINET LOCK/
038563	12/22/10	115.96	BUSINESS CARD	FILTER FOR ICE MACHINE/FIRE DEPT
038563	12/22/10	372.94	BUSINESS CARD	TEEN CENTER SNACKS/POSTER COMPLIANCE/HEADLIGHT
038564	12/22/10	30.00	CARL'S AUTO GLASS	WINDSHIELD REPAIR/07 CROWN VIC
038564	12/22/10	50.00	CARL'S AUTO GLASS	WINDSHIELD REPAIR/05 YUKON
038564	12/22/10	50.00	CARL'S AUTO GLASS	WINDSHIELD REPAIR 06 CHEVY PICKUP
038565	12/22/10	75.00	CAROL CASTANEDA	REFUND MEMORIAL BLDG DEPOSIT/NYSA-CASTANEDA
038566	12/22/10	1815.60	CENTRAL CALIFORNIA	CLEAN OUT OF PETE MILLER DITCH/09-2010
038567	12/22/10	270.00	CENTRAL SANITARY SUPPLY	CANLINERS/NITRILE GLOVES/PAPER TOWELS
038567	12/22/10	52.26	CENTRAL SANITARY SUPPLY	1 CASE TOILET PAPER
038568	12/22/10	8680.00	CLENDENIN BIRD & CO LLP	THIRD & FINAL BILLING/2009-2010 FINANCIAL AUDIT
038569	12/22/10	34650.00	CSJVRMA	LIABILITY INS & WORKER'S COMP /2010-2011 3RD QRTR
038570	12/22/10	510.75	DOUBLETREE HOTEL	LODGING/RECORDS TRAINING/ORNELAS

Date.: Dec 20, 2010
Time.: 12:45 pm
Run by: EMILY M. FARIA

CITY OF NEWMAN
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Ck #	Check Date	CK Amount	Vendor Name	Description
038571	12/22/10	52.00	FRANKLIN PET CEMETERY & CREMAT	COMMUNAL CREMATION/ANIMAL CONTROL
038572	12/22/10	480.25	GEOANALYTICAL LAB, INC.	BOD/TSS/NITRATES/WWTP/ WEEKLY BACTIS/WATER DEPT
038573	12/22/10	1582.00	GOLDEN STATE WARRIORS	121 YOUTH BASKETBALL UNIFORMS/26 COACH SHIRTS
038574	12/22/10	542.96	GROENIGER & CO.	PO #11-28
038574	12/22/10	1478.24	GROENIGER & CO.	PO #11-27
038575	12/22/10	664.44	HACH COMPANY	PO #11-35
038576	12/22/10	585.31	IKON OFFICE SOLUTIONS	COPIER LEASE 11/25/10 TO 12/24/10/PD
038577	12/22/10	303.64	IDEXX LABORATORIES, INC.	SUPPLIES FOR WATER TESTING
038578	12/22/10	91.00	JOE'S LANDSCAPING & CONCRETE,	3 1419-12-48 VB WITH BOLT DOWN CVR
038578	12/22/10	18.41	JOE'S LANDSCAPING & CONCRETE,	2" QUIK FIX REPAIR COUPLING
038578	12/22/10	102.98	JOE'S LANDSCAPING & CONCRETE,	SPRINKLER PARTS FOR SHERMAN PARK
038578	12/22/10	1.40	JOE'S LANDSCAPING & CONCRETE,	2X CLOSE SCH 80 NIPPLE
038578	12/22/10	9400.00	JOE'S LANDSCAPING & CONCRETE,	LIGHTING & LANDSCAPE DISTRICT CONTRACT SERV/NOV 10
038579	12/22/10	191.49	MALLARD EXPRESS AUTO	OIL & FILTER CHANGE/BATTERY/K-9 SUV
038579	12/22/10	182.36	MALLARD EXPRESS AUTO	REPAIRS TO REAR BRAKE LIGHT/UNIT 503
038580	12/22/10	1534.34	MID VALLEY IT, INC	MONTHLY IT SERVICES/JAN 2011
038581	12/22/10	37.95	CRYSTAL GARCIA	SMOG CHECK/1979 INTERNATIONAL LOADSTAR
038581	12/22/10	47.95	CRYSTAL GARCIA	SMOG CHECK/1993 FORD PICKUP
038581	12/22/10	37.95	CRYSTAL GARCIA	SMOG CHECK/2001 CHEVY SILVERADO
038581	12/22/10	40.95	CRYSTAL GARCIA	SMOG CHECK/1997 CHEVY PICK-UP
038581	12/22/10	37.95	CRYSTAL GARCIA	SMOG CHECK/1992 FORD PICKUP
038581	12/22/10	37.95	CRYSTAL GARCIA	SMOG CHECK/2000 CHEVY SILVERADO
038582	12/22/10	1246.00	GEORGE OSNER	PLANNING SERV/MASTER PLAN #3/NOV 2010
038583	12/22/10	29.99	PATTERSON AUTO CARE, INC	RENEW FRONT BRAKES/2002 CHEVY TAHOE

Date.: Dec 20, 2010
Time.: 12:45 pm
Run by: EMILY M. FARIA

CITY OF NEWMAN
CASH DISBURSEMENTS REPORT

Page.: 3
List.: NEW1
Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
038584	12/22/10	660.00	CITY OF PATTERSON	VIDEO REIMBURSEMENT/DEC 2010
038585	12/22/10	145.69	P G & E	NATURAL GAS PURCHASES/11/05 TO 12/07/10
038586	12/22/10	142.50	PRECISION INSPECTION, INC	HOURLY BUILDING INSPECTION SERV/DOWNTOWN PLAZA/NOV
038587	12/22/10	250.00	JOHN RICO	REFUND MEMORIAL BLDG DEPOSIT/RICO
038588	12/22/10	2032.38	RRM DESIGN GROUP, INC.	PEOFFESIONAL SERVICES/DOWNTOWN PLAZA/NOV 2010
038589	12/22/10	65.03	SHARPENING SHOP	STARTER ASSEMBLY FOR CHAIN SAW
038590	12/22/10	4464.56	SHELL FLEET PLUS	GAS AND DIESEL PURCHASES/NOV 2010
038591	12/22/10	313.00	STATE OF CALIFORNIA	FBI FINGERPRINT APPLICATIONS
038592	12/22/10	44.10	STAPLES ADVANTAGE	LEGAL-SIZE PAPER/CASH REGISTER TAPE/SHEET PROTECTO
038592	12/22/10	121.55	STAPLES ADVANTAGE	MONTH PLANNERS/BATTERIES/INK CARTRIDGE/LABELER
038593	12/22/10	1243.00	STANTEC CONSULTING SERVICES, I	3RD QUARTER 2010/GROUNDWATER MONITORING SERVICES
038593	12/22/10	412.00	STANTEC CONSULTING SERVICES, I	PO #11-19A
038594	12/22/10	15.61	T.H.E. OFFICE CITY	NAMEPLATE/DONALD HUTCHINS COUNCILMEMBER
038595	12/22/10	50000.00	US BANK	JANUARY 2011 HSA DEPOSIT
038596	12/22/10	88.00	UNITED STATES POSTMASTER	2 ROLLS POSTAGE STAMPS/PD
038597	12/22/10	257.28	MATTOS NEWSPAPERS, INC.	ORESTIMBA CREEK ROE MAIL/ORD 10-8/BUS CARDS/CITATS
Sub-Total:		131133.23		
Grn-Total:		131133.23		
Count:		64		

Honorable Mayor and Members
of the Newman City Council

**APPROVE AND ADOPT THE WWTP LAND PURCHASE FINAL INITIAL STUDY AND NEGATIVE
DECLARATION AND AUTHORIZE STAFF TO FILE A NOTICE OF DETERMINATION**

RECOMMENDATION:

1. Conduct a Public Hearing
2. Approve the Final Initial Study
3. Adopt the Negative Declaration
4. Authorize Staff to File a Notice of Determination

BACKGROUND:

In 2009, the City constructed a new 40 acre storage basin at the Wastewater Treatment Plant. The new basin was constructed on lands that had been used as part of the plant's farming operation and disposal of treated effluent. Based on the City's current permit requirements and the Wastewater Disposal Master Plan, additional lands were deemed necessary to maximize the potential of the current plant.

On October 12, 2010, the Council adopted Resolution No. 2010-76, authorizing the City Manager to execute a land purchase and sale agreement for an additional 142.1 +/- acres for use in operation of the wastewater treatment plant. In order to execute the agreement, an environmental review is necessary per California Environmental Quality Act (CEQA) regulations. Upon review, staff deemed that the project will not have a significant effect on the environment and a draft Negative Declaration was prepared.

A Notice of Intent to Adopt a Negative Declaration was filed with the Merced County Clerk-Recorder (the property is located in Merced County) on December 9, 2010 and posted at the project site and mailed to all contiguous property owners on December 10, 2010. As of this date, (1-6-11) two comments have been received; they are attached for your review.

ANALYSIS:

As required, the City is now undertaking environmental review pursuant to CEQA. Per these guidelines, an Initial Study and Negative Declaration have been prepared.

The purposes of an Initial Study are to:

1. Provide the Lead Agency with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration (ND).
2. Enable a Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a ND.
3. Assist in the preparation of an EIR, if one is required.
4. Facilitate environmental assessment early in the design of a project.
5. Provide documentation of the factual basis for the finding in a ND that a project will not have a significant effect on the environment.
6. Eliminate unnecessary EIRs.
7. Determine whether a previously prepared EIR could be used with the project. [Per CEQA Guidelines Section 15063(c)]

According to CEQA Guidelines Section 15070, a Negative Declaration or a Mitigated Negative Declaration shall be prepared when:

1. The initial study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, or;
2. The initial study identifies potentially significant effects, but:

Agenda Item: 9.a.

- a. Revisions in the project plans made before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and;
- b. There is no substantial evidence, in light of the whole record before the agency, that the project as described may have a significant effect on the environment.

Upon completion of the Initial Study, staff has found that the proposed WWTP Land Purchase could not have a significant effect on the environment and that an Environmental Impact Report is not required pursuant to CEQA; given these findings, a Negative Declaration was prepared.

FISCAL IMPACT:

CA Fish and Game CEQA Filing Fee: \$2,044.00

Merced County Clerk Processing Fee: \$ 50.00

TOTAL: \$2,094.00 (Fund 60 Sewer Operations)

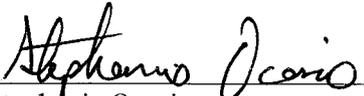
CONCLUSION:

As required by CEQA, an Initial Study and Negative Declaration were prepared for the project. Staff recommends approval and adoption of the Initial Study and Negative Declaration. Upon approval and authorization, staff will file a Notice of Determination with the Merced County Clerk-Recorder.

ATTACHMENTS:

1. Exhibit A – Filed Notice of Intent
2. Exhibit B – Comments Received
3. Exhibit C – Draft Notice of Determination

Respectfully submitted,


Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR


Michael Holland
City Manager



**WWTP LAND PURCHASE
NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION**

In compliance with the California Environmental Quality Act (CEQA), the City of Newman has undertaken environmental review for the proposed purchase of 142.1 +/- acres for the City's WWTP and intends to adopt a negative declaration. The City of Newman invites all interested persons and agencies to comment on the proposed negative declaration.

- Lead Agency:** City of Newman
- Project Location:** The proposed project is located in Merced County; APN's 054-04-010/11, 054-05-009 and 054-06-001
- Project Description:** Purchase of 142.1 +/- acres for use in operation of the City of Newman's Wastewater Treatment Plant. Activities will consist of disposal of treated effluent water in conjunction with an agricultural use of the land.
- Public Review Period:** Begins: December 9, 2010
Ends: January 10, 2011
- Proposed Negative Declaration is Available for Public Review at these Locations:** City of Newman Community Development Department
Contact: Stephanie Ocasio, Assistant Planner
1162 Main Street
Newman, CA 95360
Phone: 209.862.3725
- Newman Library
1305 Kern Street
Newman, CA 95360
Phone: 209.862.2010
- Address Where Written Comments May be Sent:** Stephanie Ocasio
Assistant Planner
City of Newman Community Development Department
1162 Main Street
Newman, CA 95360
socasio@cityofnewman.com
Fax: 209.862.3199
- Public Hearing:** Tuesday, January 11, 2011
City of Newman City Council

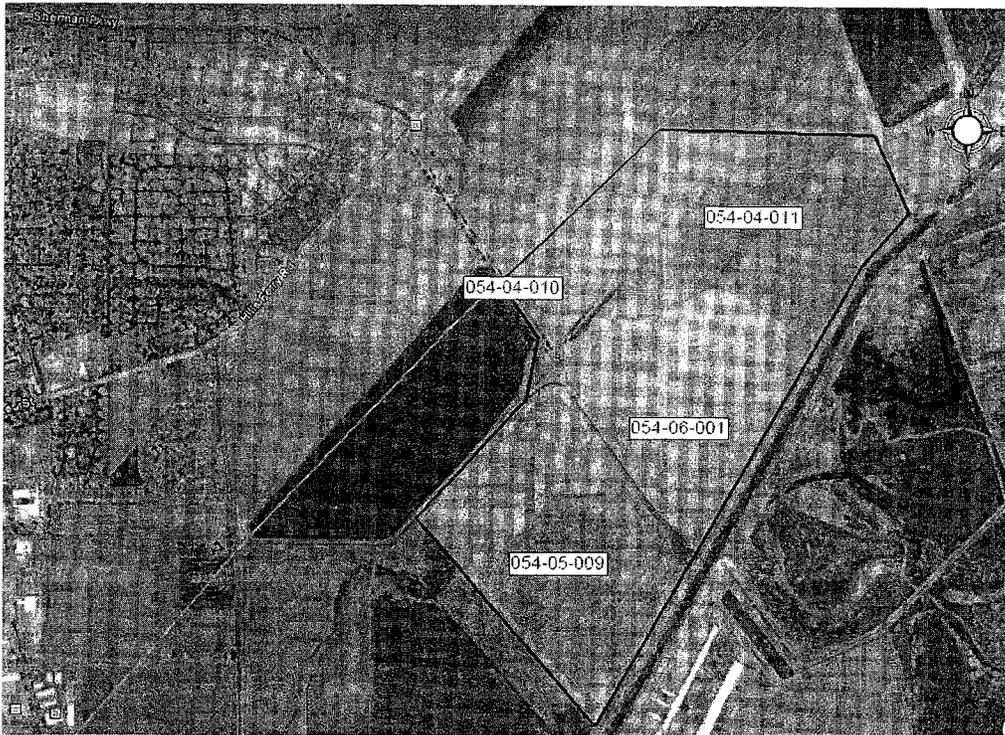


Draft Negative Declaration

The City of Newman has prepared this draft Negative Declaration for the following described project:

Project/Location: WWTP Land Purchase

Merced County APN's: 054-04-010/11, 054-05-009 and 054-06-001



Project Description: Purchase of 142.1+/- acres for use in operation of the City of Newman's Wastewater Treatment Plant. Activities will consist of disposal of treated effluent water in conjunction with an agricultural use of the land.

Applicant: City of Newman

Applicant Address: 1162 Main Street/P.O. Box 787,
Newman, California 95360

The City of Newman has reviewed the proposed project and has determined that the project, based on the Initial Study attached hereto, will not have a significant effect on the environment. An Environmental Impact Report is not required pursuant to the California Environmental Quality Act of 1970, and as amended. This environmental review process and Negative Declaration is done in accordance with the State CEQA Guidelines.

Mr. Michael E. Holland
City Manager

12-9-10

Date

Note: Initial Study Attached

APPENDIX G

Environmental Checklist Form

1. Project title: WWTP Land Purchase

2. Lead agency name and address:
City of Newman
1162 Main Street/P.O. Box 787
Newman, CA 95360

3. Contact person and phone number: Stephanie Ocasio (209) 862-3725 ext. 17

4. Project location: Merced County APNs: 054-04-010/11, 054-05-009, 054-06-001

5. Project sponsor's name and address:
City of Newman
1162 Main Street/P.O. Box 787
Newman, CA 95360

6. General plan designation: A - Agriculture 7. Zoning: A-1 General Ag

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
Purchase of 142.1+/- acres for use in operation of the City of Newman's Wastewater Treatment Plant. Activities will consist of disposal of treated effluent water in conjunction with an agricultural use of the land.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
The project area is surrounded by agricultural land; primarily alfalfa crops.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
N/A

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

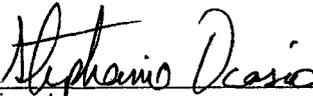
- | | | |
|--|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |

- | | | |
|--|---|---|
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



 Signature

12-9-10

 Date

Stephanie Ocasio

 Printed name

The City of Newman

 For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose

sensitive receptors to pollutants, based on a project-specific screening analysis).

- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance

SAMPLE QUESTION

Issues:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>I. AESTHETICS</u> -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d) Expose sensitive receptors to substantial pollutant concentrations?
- e) Create objectionable odors affecting a substantial number of people?

IV. BIOLOGICAL RESOURCES -- Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VII. HAZARDS AND HAZARDOUS MATERIALS --

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| IX. LAND USE AND PLANNING - Would the project: | | | | |
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

X. MINERAL RESOURCES -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XI. NOISE --

Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XII. POPULATION AND HOUSING -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVI. UTILITIES AND SERVICE SYSTEMS --

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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g) Comply with federal, state, and local statutes and regulations related to solid waste?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
--	--------------------------------------	--	------------------------------------	--------------

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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INITIAL STUDY SUPPLEMENT FOR THE WWTP LAND PURCHASE

1) AESTHETICS

- a) The project contains no scenic vistas and will have no adverse effects to any in the vicinity; the closest scenic vista is the view of the Diablo Mountain range to the west. (GP EIR 4.1-6)
- b) No scenic resources exist in or around the project area - There are no official State-designated scenic routes in Newman's proposed SOI or Planning Area. (GP EIR 4.1-6)
- c) The project will not impact the visual character of the site and its surroundings (upon completion of initial installation of infrastructure, land use will remain agriculture)
- d) Project scope of work does not include the addition of any light sources

2) AGRICULTURAL RESOURCES

- a) No prime, unique or statewide important farmland will be converted to a non-agricultural use.
- b) Project will not conflict with an agricultural use – it will continue being agriculture
- c) Project does not include changes that would result with the conversion of farmland to a non-agricultural use

3) AIR QUALITY

- a) The project does not conflict or obstruct the implementation of an existing air quality plan; current farming activities will continue as existing.
- b) The project does not violate any air quality standard
- c) No increases in criteria pollutant are expected
- d) The project will not expose sensitive receptors to substantial pollutant concentrations.
- e) Project will not create objectionable odors.

4) BIOLOGICAL RESOURCES

- a) Proposed project will not have an adverse effect on any species identified as a candidate, sensitive or special status. According to City of Newman GP EIR figure 4.4-1, the area is already being cultivated with alfalfa crops; hence no adverse effects are anticipated.
- b) The project will not have an adverse effect on any riparian habitat. The Project site adjacent to the Sphere of Influence (SOI) and does not harbor an ecological community; "This land [the SOI] no longer maintains a wildland habitat for migratory fish or wildlife species, nor is it a corridor or a nursery site." (GP EIR 4.4 Biological Resources A.2.B.1)
- c) Project site does not contain wetlands as defined in §404 of the Clean Water Act, therefore not adverse effects will occur.
- d) The project will not interfere with any native fish or wildlife species. "This land [the SOI] no longer maintains a wildland habitat for migratory fish or wildlife species, nor is it a corridor or a nursery site." (GP EIR 4.4 Biological Resources A.2.B.1)
- e) The project does not conflict with any local policies/ordinances protecting biological resources.
- f) The project will not conflict with any adopted conservation plans.

5) CULTURAL RESOURCES

- a) The project will not cause any adverse changes in the significance of historical resources as defined in Title 14, Chp. 3, Art. 5, §15064.5 of CEQA.
- b) The project will not cause the destruction of a unique paleontological resource or geologic feature. According to the University of California Berkeley database of paleontological

resources, the majority of the known fossil resources in Stanislaus County are located in the east foothills, the west hills and in and around the City of Modesto. The vertebrate fossils found closest to Newman were located east of Gustine and southeast of Patterson, both in the vicinity of Interstate 5. (GP EIR 4.5-10)

- c) The project will not disturb any human remains. As a safeguard, General Plan Policies RCR-7.1, 7.2, 7.3 and 7.4 apply to archaeological resources. This policy extends to the discovery of human remains as well, and would also mitigate any adverse changes to the significance of these resources. Additionally, if human remains are discovered during construction, all construction and excavation activity would cease, pursuant to Section 7050.5 of California's Health and Safety Code. If the remains are of a Native American, the coroner would notify the NAHC within 24 hours, which in turn would inform a most likely descendent pursuant to Section 5097.98 of the State Resources Code.

6) GEOLOGY AND SOILS

- a) The project will not expose people or structures to potentially substantial adverse effects such as loss injury or death
 - i) Project site is not on and/or within any fault zones (GP EIR Figure 4.6-1 "Regional Faults"). The project site is not located within an Alquist-Priolo (AP) Earthquake Fault Zone (CGS 1999b) and no known faults underlie the site. Accordingly, impacts associated with surface rupture are not anticipated for the proposed project.
 - ii) N/A
 - iii) N/A
 - iv) N/A
- b) Project is not expected to cause substantial soil erosion or loss of topsoil
- c) The project will not cause or be located on unstable soil. Since Newman is flat, the potential for landslides or mudslides is low. The California Department of Conservation has not yet mapped the Newman area to identify the potential for soil liquefaction. However, since soils must be saturated to be at risk of liquefaction, and there are no significant bodies of water in the project area, the risk of seiche (i.e. liquefaction) is considered very low. (GP EIR 4.6-7)
- d) The project is primarily located on Pedcat Clay Loam, a moderate/high risk expansion area. The remaining area (approximately 28% of total project area) is located on Britto Clay Loam which is also a moderate/high risk expansion area. Because no structures are proposed in the scope of the project, these two soil types do not create substantial risks (through expansion) to lives or property.
- e) N/A, no septic or sewage service necessary for project

7) HAZARDS AND HAZARDOUS MATERIALS

- a) Project is not designed for the routine transport/use/disposal of hazardous materials. It will be irrigating land with tailwater.
- b) Project will not create a significant hazard to the public/environment through the release of hazardous materials. The project does not require the use of hazardous materials, therefore none should be present.
- c) Because the project does not necessitate the use of hazardous materials, no hazardous emissions, materials, substances or waste shall be emitted in or around the project area – including any neighboring schools.
- d) The project site is not located on or near a site identified on the hazardous materials site list (also referred to as the Cortese List per CGC §65962.5). Because of this, no hazardous sites

will be affected and therefore no significant hazard will be created for the public or environment.

- e) The project area is not located within the vicinity of a public use airport; the closest airport is approximately 7 miles away in Gustine, California. In addition, after review of the Stanislaus County Airport Land Use Commission Plan (5-20-04) and the Merced County Airport Land Use Compatibility Plan (4-99) the project site is not within the runway clear zone or accident potential zone (APZ) for any local airport.
- f) The project site is not located within the vicinity of a private airstrip.
- g) The project will not interfere with any adopted emergency response/evacuation plan(s).
- h) The project area is located entirely within the unincorporated portion of western Merced County. The California Department of Forestry and Fire Protection does not place the project area in a Fire Hazard Severity Zone; the project site is within Newman's local fire agency's jurisdiction. (Please refer to attached FRAP map) The project area does not have or abut to any wildland areas.

8) HYDROLOGY AND WATER QUALITY

- a) The project will not violate any water quality standards or waste discharge requirements.
- b) The project will not require a water source - no groundwater supplies will be affected.
- c) The project will not alter the course of any stream/river or result in substantial erosion.
- d) The project will not alter the course of any stream/river or result in flooding.
- e) The project will not create or contribute to runoff water levels.
- f) N/A, the project will not degrade water quality.
- g) N/A, the project does not include any type of housing
- h) The project does not propose any structures and although the project is subject to a 100-year flood, no base flood elevations have been determined for the area. The proposed project will not impede or redirect flood flows.
- i) The project scope does not include the construction of any structures, only agricultural operations; no significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam is expected.
- j) Seiches or waves generated in bodies of water similar to the back-and-forth sloshing of water in a tub, could possibly occur in swimming pools and water tanks; however, they also do not pose a serious threat to the Newman area since there are no major water bodies in the city or Planning Area. Newman is not at risk from tsunami due to its inland location. Finally, the Newman area is also not at risk of mudflows due to its relatively flat topography and distance from any hillsides. (GP EIR 4.8-10)

9) LAND USE AND PLANNING

- a) The project will not physically divide an existing community; no dividing features will be created.
- b) The project is consistent with all land use plans/policies; including the City of Newman 2030 General Plan and Zoning Code.
- c) The project will not conflict with any adopted conservation plans.

10) MINERAL RESOURCES

- a) Construction aggregate is the only type of important mineral deposits that has the potential to occur within the City's SOI (GP EIR 4.6-8). Further exploration work within the SOI would be necessary to confirm an economic quantity and quality of possible deposits (GP EIR 4.6-11).

- b) N/A, no locally important mineral resource recovery sites exist in or around project site.

11) NOISE

- a) N/A, no excessive noise will be caused by the project
- b) N/A, project will not cause excessive groundborne vibration or groundborne noise levels.
- c) N/A, no increases in ambient noise level to be created by project.
- d) No substantial temporary or periodic increases in ambient noise levels are expected to result from the project.
- e) N/A, the project area is not located within an airport; the closest airport is approximately 7 miles away in Gustine, California. In addition, after review of the Stanislaus County Airport Land Use Commission Plan (5-20-04) and the Merced County Airport Land Use Compatibility Plan (4-99) the project site is not within the runway clear zone or accident potential zone (APZ) for any local airport.
- f) N/A, the project site is not located within the vicinity of a private airstrip.

12) POPULATION AND HOUSING

- a) Project has no effect on population growth – no new homes or business (or infrastructure allowing or encouraging said growth) are being constructed.
- b) The project scope of work does not entail the displacement of homes.
- c) The project scope of work does not cause or necessitate the displacement of people.

13) PUBLIC SERVICES

- a) The project will not have a substantial adverse effect on government facilities or the level of service for the following:
 - It is expected that the project will not have any substantial adverse impacts on the City's fire protection service. In fact, non-conforming fire hydrants will be replaced as part of the project scope of work.
 - It is expected that the project will not have any substantial adverse impacts on the City's police protection service.
 - It is expected that the project will not have any substantial adverse impacts on the local school district.
 - It is expected that the project will not have any substantial adverse impacts on the City's park facilities.
 - N/A

14) RECREATION

- a) The project will not increase the use of existing neighborhood and regional parks to the point of causing substantial physical deterioration (or accelerating deterioration).
- b) The project does not include recreational facilities.

15) TRANSPORTATION/TRAFFIC

- a) The project scope of work will not cause any increases in traffic.
- b) The project will not cause any level of service standards to exceed established amounts.
- c) No change in air traffic patterns is anticipated.
- d) No hazardous design features or incompatible uses are expected to result from or be caused by the project.
- e) The project will have no effect on emergency access.

- f) The project will have no effect on parking capacity in the City.
- g) The project is consistent with all land use plans/policies and does not conflict with any adopted policies, plans or programs supporting alternative transportation.

16) UTILITIES AND SERVICE SYSTEMS

- a) Project is not expected to exceed wastewater treatment requirements as established by the Regional Water Quality Control Board.
- b) The project does not require the construction of a new water/wastewater facility or the expansion of existing facilities.
- c) The project does not require the construction of a new storm water drainage facility or the expansion of existing facilities.
- d) The project does not require water service – it will be a part of the water service. The project will improve exiting service conditions.
- e) The project does not increase wastewater creation nor does it mandate additional capacity– it will be a part of the wastewater/sewage service. The project will improve exiting service conditions.
- f) The project does not require the use or service of a landfill.
- g) N/A, the project does not create solid waste. Therefore, the project will comply with all federal, state and local statutes/regulations related to solid waste

17) MANDATORY FINDINGS OF SIGNIFICANCE

- a) The project does not have the potential to cause the following:
 - degrade environmental quality
 - reduce habitat for/cause a drop in population levels for fish or wildlife
 - threaten to eliminate a plant or animal community
 - reduce/restrict the range of an endangered plant or animal
 - eliminate important examples of California’s history/prehistory
- b) The project does not have individually limited but cumulatively considerable impacts. In fact, the project will improve the project area and assist in attaining better air levels and improved water and sewer service.
- c) The project does not have environmental effects that will cause substantial adverse effects (directly/indirectly) on human beings.



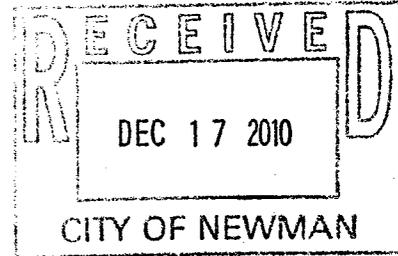
San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT



HEALTHY AIR LIVING™

December 16, 2010

Stephanie Ocasio
City of Newman
Community Development Department
1162 Main Street
Newman, CA 95360



Project: Wastewater Treatment Plant (WWTP) Land Purchase

District CEQA Reference No: 20100900

Dear Ms. Ocasio:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of purchasing 142.1+/- acres for use in operation of the City of Newman's wastewater treatment plant, located in Newman, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. The District has reviewed the information provided and has determined this project is not a "Development Project" pursuant to District Rule 9510, Section 3.13. Subsequently, District Rule 9510 requirements and related fees do not apply to the project referenced above.
3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95358-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

4. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call David McDonough, at (559) 230-5920.

Sincerely,

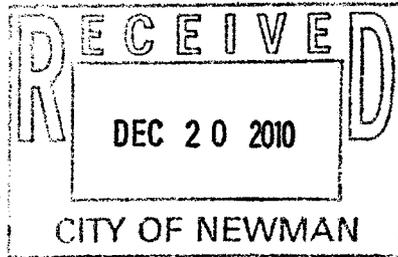
David Warner
Director of Permit Services



For, Arnaud Marjollet
Permit Services Manager

DW: dm

Cc: File



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C, Modesto, CA 95358-9492
Phone: 209.525.6700 Fax: 209.525.6774

TO: CITY OF NEWMAN PLANNING DEPARTMENT
FROM: DEPARTMENT OF ENVIRONMENTAL RESOURCES
RE: E.I.R. REVIEW COMMENTS
PROJECT TITLE: WWTP LAND PURCHASE

PROJECT DESCRIPTION: Purchase of 142.1 +/- acres for the use in operation of the City of Newman's Wastewater Treatment Plant. Activities will consist of disposal of treated effluent water in conjunction with an agricultural use of the land.

Based on this agency's particular field(s) of expertise, it is our position the project described above:

- Will not have a significant effect on the environment.
- May have a significant effect on the environment.
- No comments.
- See comments below.

In addition, our agency has the following comments:

- We request that the attached conditions and comments be made a condition of approval of this Project/Tentative Map.
- We recommend that this Project/Tentative Map be denied for the following reasons:

Response prepared by:

BELLA BADAL, PhD., R.E.H.S.
SENIOR ENVIRONMENTAL HEALTH SPECIALIST
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Date:

**Notice of Determination
Negative Declaration**

To: Merced County Clerk
2222 "M" Street
Merced, CA 95340

From: City of Newman
1162 Main Street
Newman, CA 95360

Subject Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

WWTP Land Purchase
Project Title

<u>N/A</u> State Clearinghouse Number <i>(if submitted to Clearinghouse)</i>	<u>Stephanie Ocasio</u> Contact Person	<u>(209) 862-3725</u> Area Code / Telephone / Extension
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Merced County APN's: 054-04-010/11, 054-05-009 and 054-06-001
Project Location (include county)

Project Description

The Project involves the Purchase of 142.1 +/- acres for use in operation of the City of Newman's Wastewater Treatment Plant. Activities will consist of disposal of treated effluent water in conjunction with an agricultural use of the land.

This is to advise that the City of Newman (Lead Agency) has approved the above described project on _____, 2011 and has made the following determinations regarding the above described projects.

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [was was not] adopted for this project.

This is to certify that the final Initial Study/Negative Declaration with comments and responses and record of project approval is available to the General Public at 1162 Main Street, Newman, California.

Signature (Public Agency)

1-12-11
Date

City Manager
Title

Date received for filing and posting at OPR:

Honorable Mayor and Members
of the Newman City Council

**APPROVING THE FILING OF AN APPLICATION AND FUNDING FOR
PROPOSITION 40 AND 84 URBAN FORESTRY GRANT PROGRAM FUNDS**

RECOMMENDATION:

It is recommended that the Newman City Council adopt Resolution No. 2011- , approving the filing of an application and funding for Proposition 40 and 84 Urban Forestry Grant Program Funds.

BACKGROUND:

The City of Newman General Plan outlines a goal to maintain and enhance the quality of City's landscape, streetscape and gateways by protecting and enhancing the tree canopy created by mature trees and heritage trees in the existing developed areas. Currently, trees at various sites around the City of Newman are in need of replacement as they have reached maturity or are declining. Trees provide various aesthetic and environmental benefits to the City by reducing the urban heat island effect and help conserve local energy resources. The City of Newman and Stanislaus County frequently have ozone and particulate matter pollution levels that exceed state standards by a moderate to large amount. The County has been ranked within the top 100 areas nationwide with the highest particulate matter air pollution readings. Consequently, trees are needed to help improve local air quality and reduce particulate emissions from vehicles and other sources within the City.

With the help of our consultant, California Consulting, in September 2010 the City applied for a Green Trees for the Golden State Grant. The grant application, titled City of Newman Urban Tree Planting Project, included planting a total of 157 trees throughout the City. The grant application provided for funding for 118 trees with the remaining trees funded by the City. Tree species to be planted are Ray Wood Ash, Bradford Pear, Deodar Cedar, and American Sycamore. The City was successful with the concept application, and has been selected to advance to the full proposal stage. A requirement of the grant application is for the City to adopt a resolution approving the filing of the application and to provide proof with the application package.

The objectives of the concept application are:

- Objective 1: Develop a reforestation plan that adheres to City guidelines and Cal Fire Standards and Specifications for Purchasing, Planting, and Maintaining Trees.
- Objective 2: Plant 157 trees along certain city streets and parks where the current urban forest resources are becoming depleted and are in need of replacement.
- Objective 3: Plant trees that will mature to 30+ feet with equal spread at maturity with deeper rooting that will not threaten surrounding infrastructure.
- Objective 4: Provide more shade, sound barriers and a reduced urban heat island effect for City residents by the planting of the trees.
- Objective 5: Provide further greening and clean air benefits for the City by planting the trees.
- Objective 6: Use the project to provide educational benefits to community residents regarding urban forestry and the environmental benefits of trees.

Upon approval of the grant award, the City will develop a plan to meet the objectives listed above. In addition, the City will start an outreach program to actively seek volunteers from the community to ensure the community together sees the program to completion. The local newspaper, City website, and other local media will be used to provide outreach. These outreach efforts will inform the community of the tree planting project, encourage volunteer support in the planting of the trees, and educate the community about the value of urban forestry in reducing air pollution and providing other environmental benefits. City staff supported by community volunteers will prepare the tree wells for all 157 trees to be planted at the project sites. The trees will be planted along Sherman Parkway, P, Q, R, S, T, Mariposa, Tulare, and Main Streets; as well as within the city-owned Densmore and Pioneer Parks. City staff and community volunteers will plant the trees and City staff will maintain the trees (including irrigation, pruning, and pest abatement). Tree maintenance will be included within the general maintenance activities conducted by the City.

ANALYSIS:

The City of Newman has been selected to submit a full proposal for a Cal Fire Grant Urban Tree Planting Project. The amount requested in the grant application is \$32,038.87, with a required 25% local match of \$10,679.63 for a total project cost of \$42,718.50. The estimated task and budget information is broken down as follows:

Project Work Task	Task Description	Amount Requested	Matching Funds	Total Cost
Task 1	Public Education / Outreach (5%)	1,236.37	412.13	1,648.50
Task 2	Sign Installation (5 signs)	450.00	150.00	600.00
Task 3	Tree Well Preparation (157 wells)	5,887.50	1,962.50	7,850.00
Task 4	Tree Installation/Planting (157 trees)	17,662.50	5,887.50	23,550.00
Task 5	Annual Maintenance (3 yr)	5,625.00	1,875.00	7,500.00
Additional Tasks				
Admin./overhead		1,177.50	392.50	\$1,570.00
Totals		\$32,038.87	\$10,679.63	\$42,718.50
Percentages		75%	25%	100%

FISCAL IMPACT:

Grant Amount Requested \$32,038.87
Matching Funds Required \$10,679.63
Total Grant Amount **\$42,718.50**

Funding

Grant \$32,038.87
General Fund (80%) \$8,543.70
LLD Fund (20%) \$2,135.93
Total Funding **\$42,718.50**

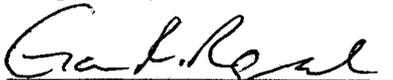
CONCLUSION:

The City was successful with our concept application for a Cal Fire Grant, and has been selected to advance to the full proposal stage and submit for an Urban Tree Planting Project Grant. The amount requested in the grant application is \$32,038.87, with a required 25% local match of \$10,679.63 for a total project cost of \$42,718.50. A requirement of the grant application is for the City to provide proof with the application package of an adopted a resolution approving the filing of the application and funding for the project. Therefore, staff recommends that the Newman City Council adopt Resolution No. 2011- , approving the filing of an application and funding for Proposition 40 and 84 Urban Forestry Grant Program Funds.

ATTACHMENTS:

1. None.

Respectfully Submitted,


Garner Reynolds
Director of Public Works

REVIEWED/CONCUR:


Michael E. Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of January 11, 2011

**AWARD BID FOR THE DOWNTOWN PLAZA PROJECT BATHROOMS TO
PERMA-GREEN HYDROSEEDING, INC.**

RECOMMENDATION:

It is recommended that the Newman City Council adopt Resolution No. 2011- , awarding the Downtown Plaza Project Bathrooms to Perma-Green Hydroseeding, Inc. for \$149,314.00 and authorize the City Manager to execute the agreement.

BACKGROUND:

The City of Newman Downtown Plaza Project (Plaza) is currently under construction and includes converting an existing parking lot into a new pedestrian friendly plaza with decorative paving, new seat walls, decorative area lighting, new decorative pergola, new entry archway, and removal and replacement of the existing curb, gutter and sidewalk along State Route 33.

During the design phase bathrooms were originally considered as part of the project. However, in order to bring the estimated cost of the project in line with potential funding, the bathrooms were eliminated. The project is currently under construction and is approximately 90% complete. City staff, the Project Manager (AECOM) and the Contractor analyzed the Plaza Project considering expenses to date and estimated the remaining costs to finish the project. According to this analysis it has been determined that there is sufficient funding to construct the bathrooms as originally planned.

ANALYSIS:

On May 25, 2010 City Council awarded the Plaza Project for \$1,947,114.00. Working cooperatively with the contractor, City staff has been able to keep the overall construction and project management costs within budget. Original total estimated costs (including construction and project management costs) were approximately \$2.6 Million and total funding was \$2.6 Million. However, due to favorable economical bidding conditions and construction cost savings and is estimated that there is sufficient funding to install the bathrooms. The current projected total estimated costs including Construction, Project Management, Required Local Match, and Contingency are approximately \$2,335,000.00, and total funding for the project is \$2,646,596.00. Therefore, there is an estimated \$310,596.00 in remaining funds available for this project. All of the ARRA, CMAQ, and RSTP grant funding will be utilized for the Plaza Project construction. The remaining funding for this project would come from the interest free \$400,000.00 Stanislaus County Loan obtained for the construction of the Plaza Project.

The City advertised for bids for approximately two weeks with bids open and read on January 5, 2011 at 2:00 pm. A total of one bid was submitted for this project. The Engineer's Estimate for this project is \$150,000.00. City staff has reviewed the bid and found it to be in proper order. The lowest responsible bidder for this project has been determined to be Perma-Green Hydroseeding, Inc. with a bid amount of \$149,314.00.

The bid results are as follows:

Perma-Green Hydroseeding, Inc. - \$149,314.00

FISCAL IMPACT:

Available Funding

Total Bid Amount - \$149,314.00	Total Funding Available	\$2,645,596.00
	Total Estimate Costs for Plaza	- \$2,335,000.00
	Required Local Match	- \$43,611.00
	Estimated Funding Available	\$310,596.00

Therefore, the City will need \$149,314.00 of the estimated remaining \$310,596.00 from the Stanislaus County Loan to fund this Project.

CONCLUSION:

Due to favorable economic bidding conditions and construction cost savings there is sufficient funding to install the bathrooms as originally planned. The total funding available is \$2,645,596.00, and the current estimated cost to complete the Plaza Project plus the required local match is \$2,378,611.00. Therefore the estimated funding available for this project is \$310,596.00. The City will need \$149,314.00 of the estimated remaining \$310,596.00 of the interest free Stanislaus County Loan to fund this project. Therefore, staff recommends that the City Council adopt Resolution No. 2011- , awarding the Downtown Plaza Project Bathrooms to Perma-Green Hydroseeding, Inc. for \$149,314.00 and authorize the City Manager to execute the agreement.

ATTACHMENTS:

1. Resolution No. 2011-
2. Downtown Plaza Project Bathrooms Agreement

Respectfully Submitted,



Garner Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2011-

APPROVAL OF THE DOWNTOWN PLAZA PROJECT BATHROOMS CONTRACT WITH PERMA-GREEN HYDROSEEDING, INC.

WHEREAS, the City Manager of the City of Newman has recommended that the City Council approve a contract with Perma-Green Hydroseeding, Inc. for the Downtown Plaza Project Bathrooms; and

WHEREAS, the City of Newman has solicited for and received the following bids:

	Perma-Green Hydroseeding, Inc.
Downtown Plaza Project Bathrooms	\$149,314.00

WHEREAS, Perma-Green Hydroseeding, Inc. is the lowest responsible bidder in the amount of \$149,314.00; and

WHEREAS, the City Council is desirous of entering into a contract with Perma-Green Hydroseeding, Inc.; and

WHEREAS, the City Council of the City of Newman has available funding for the Downtown Plaza Project Bathrooms; and

WHEREAS, the City Council of the City of Newman has determined it would be in the best interest of the City to enter into a contract with Perma-Green Hydroseeding, Inc.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby approves the contract with Perma-Green Hydroseeding, Inc. and authorizes the City Manager to execute said contract for the Downtown Plaza Project Bathrooms.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 11th day of January 2011 by Council Member _____, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman

DOWNTOWN PLAZA PROJECT BATHROOMS AGREEMENT

This Amendment, made and entered into in the City of Newman, County of Stanislaus, State of California, this ____ day of _____, 2011, by and between the City of Newman, a municipal corporation of the State of California, hereinafter called CITY, and Perma-Green Hydroseeding, Inc., hereinafter called CONTRACTOR,

W I T N E S S E T H:

WHEREAS, the City Manager of the City of Newman, authorized the call for bids, and approved the Request For Proposals, prepared under the direction of the Director of Public Works for the Downtown Plaza Project Bathrooms and directed the City Clerk to advertise for sealed proposals for doing said work and providing that bids be submitted on the 5th day of January, 2011; and

WHEREAS, the City Clerk, thereafter duly and regularly caused a notice to be published in the manner and for the time prescribed by law; and

WHEREAS, CONTRACTOR, pursuant to the provisions of said notice duly filed a bid with the City Clerk, a true copy of which is now on file in the office of the City Clerk of the City of Newman, and is hereby referred to and by this reference made a part hereof as fully as if set forth at length herein; and

WHEREAS, all bids received pursuant to said notice were opened and examined and publicly declared at the time specified in said advertisement for bids and at a regular meeting of the City Council held on the 11th day of January, 2011 by Resolution 2011- the Council found and declared the bid of CONTRACTOR to be the lowest responsible bid and thereupon awarded a contract to contractor to do the work referred to in the aforementioned proposal.

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. SCOPE OF WORK.

a. Contractor shall furnish all labor, materials and equipment necessary to complete the work as specified in the Request For Proposal, entitled Downtown Plaza Project Bathrooms, City of Newman, Public Works Department, and in strict accordance with the conditions of the complete Contract. All incidental work not included in the Request For Proposal or specified herein which is necessary to complete the work so as to provide the services described, or shown, shall be required as part of this contract at no additional cost to the City. The work shall be as described in the Request For Proposal to the satisfaction of the Director of Public Works.

b. Contractor shall do and perform the work contemplated hereby in a good and workmanlike manner under the direction of and to the satisfaction of the Director of Public Works of the City of Newman.

c. Contractor shall do and perform the work contemplated hereby and shall furnish all labor, materials, tools and equipment therefore at the prices herein specified to, wit:

CONTRACTOR'S BID ALTERNATE

Item No.	Item Description	Unit of Measure	Estimated Quantity	Unit Price (Figures)	Total Price (Figures)
1.	Building Construction	LS	1	\$146,114.00	\$146,114.00
1.A	Alternate: Hot Water System	LS	1	\$3,200.00	\$3,200.00
Total Base Bid					\$149,314.00

2. **CONTRACT DOCUMENTS.** The complete contract between the parties hereto consists of the following documents:

- a. The advertisement for Request For Proposals;
- b. The accepted Proposal;
- c. Insurance Policies;
- d. Bonds required by the Project Specifications; and
- e. This Agreement.

All documents specified above are intended to operate so that any work called for in any one and not mentioned in the other, or vice versa, is to be executed the same as if mentioned in all said documents. Documents a-e above are incorporated herein and made a part hereof.

3. **COMMENCEMENT AND COMPLETION OF THE WORK.** The work contemplated herein shall be commenced as soon as possible after receipt of the Notice to Proceed for this contract. The work shall commence within ten (10) working days after issuance of the Notice to Proceed. **The Notice to Proceed shall not be issued until the contract administrator receives and has on file:**

- a. Proofs of insurance,
- b. Bonds,
- c. Executed Agreement, and
- d. Approved Request For Proposal.

CONTRACTOR represents that it will commence work contemplated herein within ten (10) working days after issuance of the Notice to Proceed. In the event the work contemplated herein is not commenced within ten (10) working days after issuance of the Notice to Proceed, CITY may require that CONTRACTOR pay to CITY liquidated damages in the amount of two-hundred fifty AND XX/100 (\$250.00) DOLLARS per day commencing on the eleventh (11th) working day after issuance of the Notice to Proceed.

CONTRACTOR will not be held responsible for failure to complete said work within the specified time if delay is due to strikes, conscription of property, governmental priority regulations, Acts of God, or any other causes beyond its control, provided a written extension of time is obtained from the CITY.

4. PAYMENT. Payment for the work to be done under this contract shall be at the price set forth in Section 1 hereof, and in accordance with the Request for Proposal, which are incorporated herein by this reference.

5. INDEMNITY. The Contractor shall hold the City, its agents, officers, employees, and volunteers, harmless from and save, defend and indemnify them against any and all claims, losses, liabilities, judgments or damages from every cause, including but not limited to injury to person or property or wrongful death, including reasonable costs and expenses of defense of any judicial or administrative action, arising directly or indirectly out of any negligent or intentional act or omission of Contractor, or its agents, officers, employees, or volunteers relating to or during the performance of its obligations under this Agreement.

Contractor's obligation to defend, indemnify, and hold the City, its agents, officers, and employees harmless under the provisions of this paragraph is not limited to or restricted by any requirement in this Agreement for Contractor to procure and maintain a policy of insurance.

6. LIABILITY INSURANCE. CONTRACTOR shall provide at its own expense and maintain at all times the following insurance with insurance companies licensed in the State of California and shall provide evidence of such insurance to the City as may be required by the City Manager of the City. The policies or certificates thereof shall provide that, thirty (30) days prior to cancellation or material change in the policy, notices of same shall be given to the City Manager of the City by certified mail, return receipt requested, for all of the following stated insurance policies.

(a) Worker's Compensation - in compliance with the statutes of the State of California, plus employer's liability with a minimum limit of liability of \$1,000,000.

(b) General Liability insurance with a minimum limit of liability per occurrence of \$2,000,000 for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit. This insurance shall indicate on the certificate of insurance the following coverages and indicate the policy aggregate limit applying to: premises and

operations; broad form contractual; independent contractors and subcontractors; products and completed operations as applicable.

(c) Automobile Liability insurance with a minimum limit of liability per occurrence of \$1,000,000 for bodily injury and property damage. This insurance shall cover any automobile for bodily injury and property damage.

If at any time any of said policies shall be unsatisfactory to the City, as to form or substance, or if a company issuing such policy shall be unsatisfactory to the City, the CONTRACTOR shall promptly obtain a new policy, submit the same to the City Manager for approval and submit a certificate thereof as hereinabove provided. Upon failure of the CONTRACTOR to furnish, deliver or maintain such insurance and certificates as above provided, this Agreement, at the election of the City, may be forthwith declared suspended, or terminated. Failure of the CONTRACTOR to obtain and/or maintain any required insurance shall not relieve the CONTRACTOR from any liability under this Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the obligations of the CONTRACTOR concerning indemnification. The City, its agents, officers, employees, and volunteers shall be named as an additional insured on all insurance policies required herein, except Workers' Compensation. The Workers' Compensation insurer shall agree to waive all rights of subrogation against the City, its agents, officers, employees, and volunteers for losses arising from work performed by CONTRACTOR for the City. The CONTRACTOR'S insurance policy(ies) shall include a provision that the coverage is primary as respects the City; shall include no special limitations to coverage provided to additional insured; and, shall be placed with insurer(s) with acceptable Best's rating of A:VII or with approval of the City Manager. The CONTRACTOR must deliver certificates evidencing existence of the insurance listed above to the City Clerk at the time the contract is signed.

CONTRACTOR shall provide CITY with separate endorsements evidencing proof of the CITY's additional insured status as to both the general liability and automobile liability insurance policies. In addition, CONTRACTOR shall provide CITY with a Workers Compensation subrogation waiver by way of a separate endorsement. All endorsements referenced above must include the applicable policy number.

For any claims related to this project, the CONTRACTOR'S insurance coverage shall be primary insurance as respects the Entity, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Entity, its officers, officials, employees, or volunteers shall be excess of the CONTRACTOR'S insurance and shall not contribute with it.

7. BONDS. The CONTRACTOR shall furnish CITY the following separate surety bonds:

a. Faithful Performance Bond. Within ten (10) days of the execution of this contract and prior to commencement of work, the CONTRACTOR shall furnish a separate surety bond in an amount equal to one hundred percent (100%) of the contract price, shall be for the faithful performance of the contract, shall be approved by CITY, and shall be secured from a surety or sureties satisfactory to CITY.

b. Payment Bond. Within ten (10) days of the execution of this contract and prior to commencement of work, the CONTRACTOR shall furnish a separate surety bond in an amount at least equal to one hundred percent (100%) of the contract price as security for the payment of all persons for furnishing materials, provisions, or other supplies, or items, used in, upon, for, or about the performance of the work contracted to be done; or for performing any work or labor thereon of any kind, and for the payment of amounts due under the Unemployment Insurance Code with respect to such work or labor in connection with this Contract, and for the payment of a reasonable attorney's fee to be fixed by the court in case suit is brought upon the bond.

c. Warranty Bond. N/A

8. COMPLIANCE WITH ALL LAWS. CONTRACTOR hereby agrees that it and all subcontractors, if any, in the performance of the work described, designated and shown upon the Request for Proposal herein referred to, will comply with all federal, state, county and municipal laws, rules and regulations which may be applicable to the work herein contracted for, whether now in existence or hereafter adopted.

9. TERMINATION OF AGREEMENT.

Termination by City for Default of Contractor

Should Contractor default in the performance of this Agreement or materially breach any of its provisions, at its option City may terminate this Agreement by giving written notification to Contractor. The termination date shall be the effective date of the notice. For the purposes of this section, material breach of this Agreement shall include but not be limited to any of the following: failure to perform required services or duties, willful destruction of City's property by Contractor, dishonesty or theft.

Termination by City for Lack of Budgeted Funds

The City may terminate this Agreement effective upon written notification of any given year upon the City's determination to not appropriate sufficient funds for this Agreement for the ensuing fiscal year. In such event the City shall give Contractor not less than 30 days written notice.

Voluntary Termination

The City may terminate this Agreement in whole at any time by written sixty (60) day notice to Contractor. Such termination shall be effective in the manner specified in such notice, shall be without prejudice to any claims which the City may have against the Contractor and shall be subject to other provisions of this Agreement. On receipt of such notice Contractor shall, except as and, to the extent directed, immediately discontinue the placing of orders for materials, facilities and supplies in connection with the performances of the services, and shall, if requested, make every reasonable effort to procure termination of existing subcontracts upon terms satisfactory to the City. Thereafter, Contractor shall only do such work as may be necessary to preserve and provide the services already in progress and to dispose of any property as requested by the City.

Contractor may terminate this agreement in whole anytime by written sixty (60) day notice to City.

In the Event of Termination

If this Agreement is terminated pursuant to this Paragraph, Contractor shall cease all its work on the project as of the termination date and shall see to it that its employees, subcontractors and agents are notified of such termination and cease their work. If City so requests, and at City's cost, Contractor shall provide sufficient oral or written status reports to make City reasonably aware of the status of Contractor's work on the project. Further, if City so requests, and at City's cost, Contractor shall deliver to City any work products whether in draft or final form which have been produced to date.

If the Agreement is terminated pursuant to any of the subsections contained in this paragraph, City will pay Contractor an amount based on the percentage of work completed on the termination date, this percentage shall be determined by City in its sole discretion. If the Agreement is terminated pursuant to the subparagraph entitled Termination by City for Default of Contractor, Contractor understands and agrees that City may, in City's sole discretion, refuse to pay Contractor for that portion of Contractor's services which were performed by Contractor on the project prior to the termination date and which remain unacceptable and/or not useful to City as of the termination date. When these provisions contradict those found in the General Provisions of City's Standard Specifications, the latter shall prevail.

10. TERM. This agreement shall be for thirty (30) calendar days from the issuance of the notice to proceed.

11. PAYMENT. Contract payments: Will be made by the City on a monthly basis within thirty (30) days following the end of the month upon submission and approval of an invoice.

Extra Work: Extra work, when ordered and accepted, shall be paid for under a written work order. Payment for extra work shall be made at the unit price or by lump sum previously agreed upon. Extra work is subject to review by the representative of the City.

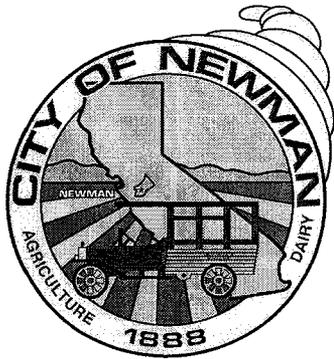
12. NOTICES. Any notice, payment or instrument required or permitted by this Contract to be given or delivered to either party shall be deemed to have been received when personally delivered, or one calendar week following deposit of the same in any United States Post Office, registered or certified mail, postage prepaid, addressed as follows:

Contractor:	Perma-Green Hydroseeding, Inc. Attn: Mitchell D. Chuck, President 7096 Holsclaw Road Gilroy, Ca., 95020 (408) 848-3310
City:	City of Newman Public Works Director P.O. Box 787 Newman, CA 95386 Phone (209) 862-3725, Fax (209) 862-3199

Each party may change its address for delivery of notice by delivering written notice of such change of address to the other party.

13. EXECUTION OF AGREEMENT. The undersigned signator(ies) for CONTRACTOR warrant(s) and represent(s) that he/she/they is/are legally competent to execute the contract and has/have full authority to execute this contract.

14. MISCELLANEOUS. Time is of the essence of this contract.



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

Date: January 6, 2011
To: City Council
From: Michael E. Holland

Subject: Agenda Item No. 10.d. - Selection of Mayor Pro Tem and Committee assignments

At the first Council meeting in January following an election, the Council nominates and votes for a member to serve as Mayor Pro Tem. The elected council member generally serves a two-year term as Mayor Pro Tem, which coincides with the next municipal election. The current Mayor Pro Tem is Council Member Martina.

In addition to the selection of a Mayor Pro Tem, the Council must review all the committee assignments and fill any vacancies that may exist. Mayor Katen assumes certain roles based upon either bylaws or statutes of some committees. Attached for your review is a 2009/2010 listing of the current/former committee representatives and a 2011/2012 listing of all the committees with a brief description of each. The Mayor will be leading the discussion regarding these two items.

2009-2010 CITY COUNCIL COMMITTEE ASSIGNMENTS

The Following Committee Assignments Were Made By The City Council for 2009 and 2010:

1. Mayor Pro Tem - Martina (1)
2. StanCOG -Katen/Martina (1 & Alternate)
3. The Alliance - Martina (1)
4. LAFCO City Selection Committee - Katen (1)
5. Stanislaus Mayor's Committee - Katen (1)
6. League of California Cities Executive Committee - Martina (1)
7. School Liaison Representatives - Kelly And Martina (2)
8. Infrastructure Committee (Formerly WWTP Task Force) - Davis/Candea (1 & Alternate)
9. EDAC - Katen/City Manager (2)
10. Crows Landing Air Field/West Side Economic Development - Davis (1)
11. TOSCA - Kelly (1)
12. Solid Waste Task Force - Candea/Public Works Director (1 & Alternate)
13. Chamber Of Commerce - Davis (1)
14. West Side Theatre Liaison - Katen/Kelly (1 & Alternate)
15. Public Utilities Committee (Formerly CATV Committee) - Candea, Kelly And City Manager
(2 Council Member & 1 Citizen Or Staff Member)
16. Public Safety Committee - Katen/Martina (1 & Alternate)
17. Countywide Disaster Council - Katen (1)
18. San Joaquin Valley Air Pollution Control District Special City Selection Committee Kelly (1)
19. West Side Healthcare Taskforce - Candea/Martina (2)
20. Orestimba Creek Flood Control - Katen(1)

LIST OF CITY COUNCIL COMMITTEES FOR 2011 AND 2012

1. **Mayor Pro Tempore** – presides at meetings of the City Council in the absence of the Mayor.
2. **StanCOG (Stanislaus Council Of Governments) Policy Board** –The Policy Board meets monthly on the second Wednesday at 7:00 p.m. at the County Administration Building, Modesto. **It is very important that the City be represented at these meetings, as StanCOG is the agency that determines distribution of various transportation funds (i.e. street projects).**
3. **The ALLIANCE (Formerly SCEDCO Stanislaus County Economic Development Corporation)** by-laws designate the Mayor as an ALLIANCE Board Director. The Mayor may appoint a designee.
4. **City Selection Committee** – this committee is established to pick members and alternates for a City position on LAFCO. **Mayors are designated by statute** – Mayor must serve.
5. **Stanislaus Mayor’s Committee** – this committee which addresses various issues including the potential transportation sales tax proposal, is comprised of county mayors.(Committee meets monthly at different locations)
6. **League of California Cities Central Valley Division Executive Committee** – the committee meets on a monthly or bi-monthly basis.
7. **School Liaison Representatives (Two-On-Two Meetings)** – Meets with members of the school board to discuss items of mutual interest. (Meets once a month throughout the school year)
8. **Infrastructure Committee** – Two Council Members, the Public Works Director, and the City Manager (ex-officio) have served on this task force.
9. **EDAC (Economic Development Action Committee)** – reviews and makes recommendations on EDA projects (committee meets only as necessary approx. four times a year – in Modesto).
10. **Crows-Landing Air Field/West Side Economic Development** – Attends meetings on the City’s behalf as necessary.
11. **TOSCA – The Orestimba Scholarship Committee** – Councilmember may represent the City on the TOSCA Board. Meets the second Monday of each month at 5:30 p.m. at the West Side Index.
12. **Solid Waste Local Task Force (LTF) and the Regional Solid Waste Planning Agency (Regional Agency)** – Council Member serves on these county committees that meet monthly to oversee implementation of AB 939 and other solid waste issues/plans.
13. **Chamber Of Commerce** – Council Member has served as the non-voting City liaison (can be staff member).

14. **West Side Theatre Liaison** – non-voting City liaison
15. **Public Utilities Committee (formerly CATV Committee)** –meets as necessary with regards to Public Utilities issues and contracts.
16. **Public Safety Committee** - meets as necessary with regards to Public Safety issues and contracts.
17. **Countywide Disaster Council** - must appoint one elected official from the Newman City Council to serve on the revised, newly combined County/City Disaster Council and appoint the Emergency Manager for the City (City Manager or his designee) to serve on the Operational Area Council.
18. **San Joaquin Valley Air Pollution Control District Special City Selection Committee** – this committee is established to make appointments of City representatives to the San Joaquin Valley Air Pollution Control District's Governing Board.
19. **West Side Healthcare Taskforce** – this taskforce meets bimonthly to discuss Healthcare on in West Stanislaus and Merced Counties.
20. **Orestimba Creek Flood Control** - meets as necessary with regards to the Orestimba Creek Flood Control Project.