

**AGENDA**  
**NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY**  
**REGULAR MEETING JUNE 28, 2011**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET**

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters.
7. Items from the Public - Non-Agenda Items.
8. Consent Calendar
  - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
  - b. Approval Of Warrants.
  - c. Approval Of Minutes Of The June 14, 2011 Regular Meeting.
  - d. Approval Of City Manager Contract Extension And Amendment.
  - e. Adopt Resolution No. 2011- , A Resolution Amending The City Of Newman Personnel Rules.
  - f. Support Of The Newman Youth Sports Alliance Application For Statewide Park Program Grant Funds And Approval Of Land Tenure Letter Of Commitment For 648 West Mariposa Street.
9. Public Hearings
  - a. Adopt Resolution No. 2011- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.
  - b. Second Reading And Adoption Of Ordinance No. 2011- , An Ordinance Amending Title 9, Police Regulations, Chapter 9.02 Animal Control Of The Newman City Code And Authorizing Staff To Publish A Summary Of Said Ordinance.
  - c. Adopt Resolution No. 2011- , A Resolution Confirming The Assessment And Ordering The Levy For The Lighting And Landscape Maintenance District For Fiscal Year 2011/2012.
10. Regular Business
  - a. Appointment Of Members To Fill Vacancies On Parks And Recreation Commission.

- b. Report On Building Department's Assessment Of The Yancey Building.
- c. Report On The Main Street Intersections Rehabilitation Project.
- d. Adopt Resolution No. 2011- , A Resolution Authorizing The City Manager And The Director Of Public Works To Sign All Documents, Right-Of-Way Certifications, Assurances, Master Agreements And Other Statements For Funding Through The California Department Of Transportation.

**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 Real Property Negotiator – Merced County APN 054-022-001 - G.C. 54956.8. Agency Negotiator: Michael E. Holland. Under Negotiation: Price And Term Of Payment.
- b. Return To Open Session.

**15. Adjournment.**

**Calendar of Events**

June 28 – City Council - 7:00 P.M.

July 4 – Fourth Of July Holiday - City Offices Closed

July 12 – City Council - 7:00 P.M.

July 14 – Recreation Commission – 7:00 P.M.

July 21 – Planning Commission – 7:00 P.M.

July 26 – City Council - 7:00 P.M.

August 8 – NCLUSD Board Meeting - 6:00 P.M.

August 9 – City Council - 7:00 P.M.

August 11 – Recreation Commission – 7:00 P.M.

August 12 – City Furlough Day - City Offices Closed

August 16 – Two-On-Two Meeting With The School Board - 4:00 P.M.

August 18 – Planning Commission – 7:00 P.M.

August 23 – City Council - 7:00 P.M.

FY 11/12

Date.: Jun 24, 2011  
Time.: 12:35 pm  
Run by: EMILY M. FARIA

CITY OF NEWMAN  
CASH DISBURSEMENTS REPORT

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Group: PYCPDP

Ck #	Check Date	CK Amount	Vendor Name	Description
039414	06/24/11	10911.00	BLUE SHIELD OF CALIFORNIA	HEALTH INSURANCE PREMIUM/JULY 2011
039415	06/24/11	94.90	COMCAST CABLE	HIGH SPEED INTERNET SERVICE 6-22 TO 7/21/11
039416	06/24/11	778.38	CORBIN WILLITS SYS, INC.	SERVICE AND ENHANCEMENT FEES/JULY 2011
039417	06/24/11	34.95	FIREtOWIRE, INC	WEB HOSTING 6-17-11 TO 7-17-11
039418	06/24/11	590.86	HEWLETT-PACKARD FINANCIAL SERV	HARDWARE LEASE 6-18-11 TO 7-17-11
039419	06/24/11	1104.00	IN-SYNCH SYSTEMS	MOBILE RECORDS MANAGEMENT SYSTEM/JULY 2011
039420	06/24/11	1974.00	KAISER PERMANENTE	HEALTH INSURANCE PREMIUM/JULY 2011
039421	06/24/11	1534.34	MID VALLEY IT, INC	MONTHLY CONTRACT IT SERVICES/JULY 2011
Sub-Total:		17022.43		
Grn-Total:		17022.43		
Count:		8		

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Ck #	Check Date	CK Amount	Vendor Name	Description
039344	06/08/11	5000.00	FIDELITY NATIONAL TITLE CO.	DEPOSIT ON PURCHASE OPTION OF IOOF BUILDING
039345	06/24/11	2127.60	AECOM USA, INC	CONSTRUCTION MANAGEMENT/PLAZA 4-30 TO 5-27-11
039345	06/24/11	5270.10	AECOM USA, INC	PLAZA CONSTRUCTION MANAGEMENT 5-28 TO 6-17-11
039346	06/24/11	50.00	AMERICAN MOBILE SHREDDING, INC	2 BIN SHREDDING SERVICE/PD
039347	06/24/11	3980.00	KD ANDERSON & ASSOCIATES, INC	TRAFFICE ENGINEERING SERVICES/MASTER PLAN #3
039348	06/24/11	152.42	ARROWHEAD MOUNTAIN SPRING	BOTTLED WATER DELIVERED/MAY 2011
039349	06/24/11	405.54	AT&T MOBILITY	WIRELESS ACCESS 5-3-11 TO 6-2-11/PD
039349	06/24/11	1083.03	AT&T MOBILITY	CELL PHONE MONTHLY SERVICE 5-6-11 TO 6-5-11
039350	06/24/11	79.96	AT&T	MONTHLY TELEPHONE SERVICE FOR 668-3946
039350	06/24/11	74.44	AT&T	MONTHLY TELEPHONE SERVICE FOR 634-0508
039351	06/24/11	334.00	AT&T	T1 LINE @ PD FOR 2-20-11 TO 3-19-11
039351	06/24/11	334.00	AT&T	T1 LINE @ PD FOR 3-20-11 TO 4-19-11
039351	06/24/11	485.18	AT&T	MONTHLY TELEPHONE SERVICE 5-13-11 TO 6-12-11
039352	06/24/11	505.80	JAMES J. BELL	CONTRACT SERVICE/EVIDENCE CLERK 6-1-11 TO 6-15-11
039353	06/24/11	301.75	BERTOLOTTI DISPOSAL	ADDTL FEES DUE FOR MAY 2011
039354	06/24/11	354.42	BERTOLOTTI DISPOSAL	BIN DUMPING @ CORP YARD WITH LANDFILL FEE
039354	06/24/11	335.98	BERTOLOTTI DISPOSAL	GARBAGE BIN DUMPING/LANDFILL FEE/CORP YARD
039355	06/24/11	554.88	BIG DAN'S CUSTOM	4 NEW TIRES MOUNTED
039356	06/24/11	125.00	BORGE'S GLASS & MIRROR	REPAIRED BROKEN WINDOW/FIRE DEPT
039357	06/24/11	28.67	BUSINESS CARD	MEALS/CREDIT ON REGISTRATION-LCC-HUTCHINS
039357	06/24/11	628.25	BUSINESS CARD	SUPPLIES FOR PLAZA GRAND OPENING CEREMONY
039357	06/24/11	1528.22	BUSINESS CARD	TEEN CENTER/MOVIE RENTAL/DYMO LABELS/VIMEO/LODGING
039358	06/24/11	200.00	CRA	LEGAL DEFENSE FUND ASSESSMENT #2
039359	06/24/11	25.00	EVELYN CASTILLO	REFUND FLAG FOOTBALL REGISTRATION/AXEL TRISTAN

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Ck #	Check Date	CK Amount	Vendor Name	Description
039360	06/24/11	238.02	C B MERCHANT SERVICES, INC	REIMBURSE BAD DEBT
039361	06/24/11	479.30	CDW GOVERNMENT, INC	XEROX PHASER PRINTER/TEEN CENTER
039362	06/24/11	550.00	BEATRIZ CEJA	REFUND MEM BLDG DEPOSIT & RENT/CANCELLED/CEJA
039363	06/24/11	472.63	CENTRAL SANITARY SUPPLY	DEO BLOCKS/PAPER TOWEL/CANLINERS/AIR DEODORANT
039364	06/24/11	141.60	CITY OF MODESTO, FLEET SERVICE	INSTALLED GPS CAPABLE ANTENNA FOR CAD SYSTEM/PD
039364	06/24/11	132.00	CITY OF MODESTO, FLEET SERVICE	INSTALLED GPS CAPABLE ANTENNA FOR CAD SYSTEM/PD
039364	06/24/11	142.40	CITY OF MODESTO, FLEET SERVICE	INSTALLED GPS CAPABLE ANTENNA FOR CAD SYSTEM
039365	06/24/11	840.00	COMPUTER TUTOR	COMPUTER CLASSES/MAY 2011
039366	06/24/11	25.00	PAULA CORDEIRO	REFUND FLAG FOOTBALL REGISTRATION/AARON CORDEIRO
039367	06/24/11	125.00	ROXANNE CORELLA	SOCCER CAMP COACH/RONANNE CORELLA
039368	06/24/11	646.80	GARY WHITE	HAY HAULING/PASTURE HAY @ WWTP
039369	06/24/11	2894.44	DELTON FERTILIZER COMPANY	PRE-PLANT FERTILIZER 66 ACRES AT WWTP
039369	06/24/11	1664.00	DELTON FERTILIZER COMPANY	PLANTING/FURROW/FERTILIZE 66 ACRES AT WWTP
039370	06/24/11	108.75	E&M ELECTRIC, INC.	REPAIRED LIGHTS AT PIONEER PARK
039370	06/24/11	179.68	E&M ELECTRIC, INC.	CHANGED BALLAST AT COUNCIL CHAMBER
039370	06/24/11	210.19	E&M ELECTRIC, INC.	REPLACED BATHROOM EXTERIOR LIGHT/PIONEER PARK
039370	06/24/11	168.54	E&M ELECTRIC, INC.	REPLACED PHOTO EYE ON LIGHT POLE #808
039370	06/24/11	92.35	E&M ELECTRIC, INC.	REPLACED LAMP AT PIONEER PARK
039370	06/24/11	145.00	E&M ELECTRIC, INC.	BAD CONNECTION AT AERATOR MOTORS/WWTP
039370	06/24/11	72.50	E&M ELECTRIC, INC.	STARTERS TRIPPED AT CANAL SCHOOL LIFT STATION
039371	06/24/11	379.22	ECONOMIC TIRE SHOP	4 NEW TIRES/PW TRUCK
039371	06/24/11	438.50	ECONOMIC TIRE SHOP	4 NEW TIRES/PW PICK-UP
039371	06/24/11	16.00	ECONOMIC TIRE SHOP	TIRE REPAIR
039372	06/24/11	440.00	ENERGY SYSTEMS	CHECKED PCB AT CANAL SCHOOL RD LIFT STATION

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Ck #	Check Date	CK Amount	Vendor Name	Description
039373	06/24/11	200.00	MARIA FERNANDEZ	REFUND MEMORIAL BLDG DEPOSIT/FERNANDEZ
039374	06/24/11	25.00	LUIS FERNANDES	REFUND FLAG FOOTBALL REGISTRATION/DAVID FERNANDES
039375	06/24/11	890.75	GEOANALYTICAL LAB, INC.	QTRLY WELL/WEEKLY BACTIS/BOD/TSS/NITRATE/MAY 2011
039376	06/24/11	532.44	GEORGE W. LOWRY, INC	1 55 GALLON DRUM PUMP OIL/WWTP
039376	06/24/11	1501.62	GEORGE W. LOWRY, INC	390 GALLONS UNLEADED GAS/WWTP
039377	06/24/11	324.46	GRANDFLOW	500 ACCOUNTS PAYABLE CHECKS
039378	06/24/11	134300.25	GREG OPINSKI CONSTRUCTION, INC	PROGRESS PAYMENT #2/PQRST/FRESNO/MERCED/WEST AVE
039379	06/24/11	100.00	EDWARD GREER, JR	PARTIAL REFUND OF MEMORIAL BLDG DEPOSIT/GREER
039380	06/24/11	25.00	ALICIA GRECO	REFUND FLAG FOOTBALL REGISTRATION/RICKY GRECO
039381	06/24/11	2100.00	HARRITY CONSULTING	DOWNTOWN PLAZA ENGINEERING-CONSULTING
039382	06/24/11	25.00	KEVIN HARA	REFUND FLAG FOOTBALL REGISTRATION/NOLAN HARA
039383	06/24/11	578.11	IKON OFFICE SOLUTIONS	COPIER LEASE/5-25-11 TO 6-24-11/EXTRA COPIES/PD
039384	06/24/11	494.35	INFOSEND, INC	PRINT, INSERT AND MAIL FATS, OILS & GREASE LETTER
039385	06/24/11	2644.18	IRRIGATION DESIGN & CONSTRUCTI	PO #11-59
039386	06/24/11	1526.74	JOE'S LANDSCAPING & CONCRETE,	TREES/PEA GRAVEL/MISC SPRINKLER PARTS
039387	06/24/11	48.05	MALLARD EXPRESS AUTO	OIL & FILTER CHANGE/UNIT 503
039387	06/24/11	61.68	MALLARD EXPRESS AUTO	CHARGED AC UNIT ON UNIT 595
039387	06/24/11	40.46	MALLARD EXPRESS AUTO	OIL & FILTER CHANGE/BRETT'S CAR
039387	06/24/11	156.08	MALLARD EXPRESS AUTO	REPLACED BATTERY
039387	06/24/11	153.49	MALLARD EXPRESS AUTO	INTERSTATE BATTERY/BRETT'S CAR
039388	06/24/11	4972.47	MANSFIELD GAS EQUIPMENT SYSTEM	PO #11-60A
039389	06/24/11	125.00	NELSON MENDOZA	SOCCER CAMP COACH/NELSON MENDOZA
039390	06/24/11	14.57	MID VALLEY IT, INC	WHEEL FOR TYPEWRITER/PD
039391	06/24/11	50.00	ANTONIO OROZCO	REFUND FLAG FOOTBALL REGISTRATION/ISAAC & ANTHONY

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Ck #	Check Date	CK Amount	Vendor Name	Description
039392	06/24/11	651.03	PACIFIC WATER RESOURCES	VACUUM DOME ASSEMBLY/REPAIR KIT/ELECTRODE HOUSING
039393	06/24/11	98565.44	PERMA-GREEN HYDROSEEDING	NOTICE OF COMPLETION/RETENTION PAYMENT/PLAZA PROJ
039394	06/24/11	46026.00	PERMA-GREEN HYDROSEEDING, INC	PLAZA BATHROOM PROJECT CONSTRUCTION
039395	06/24/11	170.32	P G & E	NATURAL GAS PURCHASES/5-9-11 TO 6-8-11
039396	06/24/11	7334.18	PRECISION INSPECTION, INC	Bldg Reg Inspec BLDG REGU
039396	06/24/11	95.00	PRECISION INSPECTION, INC	DOWNTOWN PLAZA RESTROOM INSPECTIONS
039397	06/24/11	97.50	ROPER, MAJESKI, KOHN & BENTLEY	EMPLOYMENT ADVICE AND COUNSEL/THRU 5/31/11
039398	06/24/11	100.56	SAFE-T-LITE	TRAFFIC CONES/SAFETY GLASSES/COTTON LINER GLOVES
039399	06/24/11	240.00	SAN JOAQUIN VALLEY AIR	PERMIT FEE/GENERATOR AT WELL #6
039399	06/24/11	80.00	SAN JOAQUIN VALLEY AIR	PERMIT FEE FOR GENERATOR AT PD
039400	06/24/11	25.00	PAUL SCHEET	REFUND FLAG FOOTBALL REGISTRATION/STEVEN FANNON
039401	06/24/11	6077.49	SHELL FLEET PLUS	GASOLINE AND DIESEL PURCHASES/MAY 2011
039402	06/24/11	1468.00	STATE OF CALIFORNIA	FINGERPRINT APPS/CHILD ABUSE INDEX/PEACE OFFICER
039403	06/24/11	25.14	STAPLES ADVANTAGE	RECEIPT BOOKS/REC DEPT
039403	06/24/11	196.10	STAPLES ADVANTAGE	COPY PAPER/TYPEWRITER RIBBON/BATTERIES/BINDER
039403	06/24/11	16.02	STAPLES ADVANTAGE	RECORD BOOK/PD
039403	06/24/11	9.69	STAPLES ADVANTAGE	MONO ADHESIVE/PD
039404	06/24/11	155.83	TRAVIS BORRELLI	PORTABLE RESTROOM RENTAL/SERVICE
039405	06/24/11	180.00	BARBARA J. TOSTA	YOUNG AT HEART INSTRUCTOR/MAY 2011
039406	06/24/11	224.59	USA BLUEBOOK	SOLBERG ELEMENT FILTER PAPER/WWTP
039407	06/24/11	42500.00	US BANK	HSA DEPOSIT FOR JUL-DEC 2011
039408	06/24/11	88.00	UNITED STATES POSTMASTER	2 ROLLS POSTAGE STAMPS
039409	06/24/11	25.00	HEATHER VARGAS	REFUND FLAG FOOTBALL REGISTRATION/TYLER VARGAS
039410	06/24/11	70.00	MATTOS NEWSPAPERS, INC.	GRADUATION AD/NOTICE OF VACANCY-REC COMMISSION

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CITY OF NEWMAN  
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Ck #	Check Date	CK Amount	Vendor Name	Description
039411	06/24/11	4463.71	WESTSIDE THEATER FOUNDATI	LOAN PROCEEDS TO WESTSIDE THEATER IMPROVEMENTS
039412	06/24/11	1332.13	YANCEY LUMBER COMPANY	CONCRETE/WATER HEATER/TRENCHER/TREE STAKES/MISC
039413	06/24/11	25.20	ZEE MEDICAL SERVICE CO	DILOTAB II/FINGERTIP BANDAGES
Sub-Total:		----- 395697.79		
Grn-Total:		----- 395697.79		
Count:	99			

**MINUTES**  
**NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY**  
**SPECIAL MEETING JUNE 14, 2011**  
**CITY COUNCIL CHAMBERS, 6:00 P.M., 1200 MAIN STREET**

1. **Call To Order-** Mayor Katen 6:02 P.M.
  
2. **Roll Call PRESENT:** Davis, Hutchins, Mayor Katen, Martina (Arrived At 6:07 P.M.) And Candea (Arrived At 6:32 P.M.).  
**ABSENT:** None.

3. **Items from the Public - Non-Agenda Items-**None.

4. **Workshop - Review 2011/2012 Fiscal Year Budget.**

Council Member Hutchins Questioned Whether The Council Should Proceed With The Budget Workshop With Only Three Council Members Present.

Mayor Katen Suggested That The Council Proceed With The Workshop Because A Majority Of The Council Was Present And He Did Not Want To Hold Up The Budget Process.

Finance Director Humphries Reviewed Budget Highlights And Noted Changes In This Year's Budget From The Previous Year's Budget. Humphries Reviewed General Fund Projections, Changes In Revenues And Salary/Benefit Changes. He Briefly Reviewed Each Of The Department's Individual Budgets As Well As Those For The Special Revenue Funds, Enterprise Funds And Capital Project Funds.

Council Member Hutchins Inquired About Police Department Staffing, Cost Savings And Training Timeframes For New Officers.

5. **Adjournment.**

**ACTION:** On Motion By Katen Seconded By Hutchins And Unanimously Carried, The Meeting Was Adjourned At 6:57 P.M.

MINUTES  
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY  
REGULAR MEETING JUNE 14, 2011  
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order-** Mayor Katen 7:07 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** – Council Member Hutchens.
4. **Roll Call PRESENT:** Davis, Hutchins, Candea, Martina And Mayor Katen.
5. **Declaration Of Conflicts Of Interest** – None.
6. **Ceremonial Matters** - None.
7. **Items from the Public - Non-Agenda Items-** None.
8. **Consent Calendar**
  - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
  - b. Approval Of Warrants.
  - c. Approval Of Minutes Of The May 24, 2011 Regular Meeting.
  - d. Adopt Resolution No. 2011-43, A Resolution Adopting A Salary Schedule For Management, Supervisory And Confidential Positions For The City Of Newman.
  - e. Adopt Resolution No. 2011- 44, Approving The Application For Statewide Park Program Grant Funds.

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

9. **Public Hearings** – None.

10. **Regular Business**

- a. First Reading And Introduction Of Ordinance No. 2011- , An Ordinance Amending Title 9, Police Regulations, Chapter 9.02 Animal Control Of The Newman City Code.

**ACTION:** Ordinance No. 2011- , An Ordinance Amending Title 9, Police Regulations, Chapter 9.02 Animal Control Of The Newman City Code Was Introduced By Council Member Hutchins, Ordinance Had Its First Reading By Title Only.

- b. Approve Fiscal Year 2011-2012 Annual Budget As Presented In The Preliminary Budget Document.

- I. Adopt Resolution No. 2011- 45, A Resolution Adopting The Budget For Fiscal Year 2010-2011.

**ACTION:** On Motion By Candea Seconded By Martina, Resolution No. 2011-45, A Resolution Adopting The Budget For Fiscal Year 2011-2012, Was Approved By The Following Roll Call Vote:

AYES: Candea, Martina And Katen; NOES: Davis And Hutchens ABSENT: None; NOT PARTICIPATING: None.

**II. Adopt Resolution No. 2011- 46, A Resolution Establishing The Appropriations Limit For Fiscal Year 2011-2012.**

**ACTION:** On Motion By Candea Seconded By Martina, Resolution No. 2011- 46, A Resolution Establishing The Appropriations Limit For Fiscal Year 2011-2012, Was Approved By The Following Roll Call Vote: AYES: Candea, Martina And Katen; NOES: Davis And Hutchens ABSENT: None; NOT PARTICIPATING: None.

**III. Adopt Resolution No. 2011-47, A Resolution Of The Newman Redevelopment Agency Adopting The Budget For Fiscal Year 2011-2012.**

**ACTION:** On Motion By Candea Seconded By Martina, Resolution No. 2011- 47, (RDA Resolution No. 2011-6) A Resolution Of The Newman Redevelopment Agency Adopting The Budget For Fiscal Year 2011-2012, Was Approved By The Following Roll Call Vote: AYES: Candea, Martina And Katen; NOES: Davis And Hutchens ABSENT: None; NOT PARTICIPATING: None.

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

Supervisor DeMartini Reminded The Community That The West Side Walks Campaign Was Underway And That The Next West Side Healthcare Taskforce Meeting Was Scheduled For June 16<sup>th</sup> In Patterson.

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

City Manager Holland Reminded The City Council About The Upcoming City Softball Challenge. He Mentioned That City Representatives Would Soon Be Making Two Separate Trips To Sacramento; One To Meet With Regional Water Quality Control Board And The Other Hosted By California Consulting To Solicit Funding For Projects. Holland Pointed Out That The June Planning Commission Meeting Had Been Canceled Due To A Lack Of Agenda Items.

Chief Richardson Reminded Everyone That The City Has Animals Available For Adoption And That More Information Could Be Obtained By Visiting the City's Website or Petfinder.com.

**13. Items from City Council Members –None.**

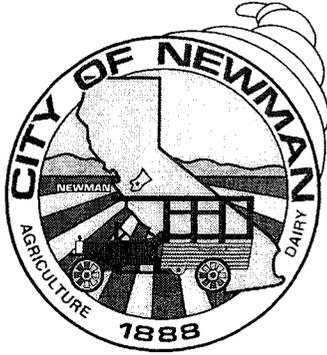
**14. Adjourn To Closed Session- 7:27 P.M.**

- a. Public Employee Personnel Evaluation – City Manager – G.C. 54957.6.
- b. Conference With Real Property Negotiator – Stanislaus County APN 128-09-030 - G.C. 54956.8.
- c. Conference With Real Property Negotiator – Merced County APN 054-022-001 - G.C. 54956.8.
- d. Return To Open Session - 7:58 P.M.

No Reportable Action Was Taken.

**15. Adjournment.**

**ACTION:** On Motion By Katen Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 7:59 P.M.



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

**Date:** June 23, 2011  
**To:** Mayor and City Council  
**From:** Michael E. Holland, City Manager *meh*

**Subject:** Contract extension

Over that past two months, the City Council scheduled three (3) closed sessions to conduct a performance review of the City Manager. Following a positive evaluation, the Council has elected to enter into a new three (3) year contract with Michael E. Holland for City Manager services. Changes to the contract include a 5% merit (step) increase and additional language with respect to Separation. (Severance payout remains unchanged.) The new contract will run from April 1, 2011 through March 31, 2014. The attached contract, with amended language, has been reviewed and approved by the City Attorney.

**Agreement  
Between the City of Newman  
And Michael E. Holland  
For Employment as City Manger**

This agreement is entered into as of April 1, 2011 by and between the City of Newman, California, a municipal corporation and general law city (the "City"), and Michael E. Holland, an individual (the "City Manager").

Term of Contract: The Initial Term shall be for a period of thirty-six (36) months commencing on April 1, 2011, and continuing to March 31, 2014.

Salary: \$135,929/year or \$11,327/month

Benefits: The City Manager shall be entitled to all compensation benefits, rights and privileges accorded to City's designated management employees except as otherwise provided in this Agreement.

Separation: Given the at-will nature of the position of City Manager, an important element of the employment agreement pertains to termination. It is in both the City's interest and that of the City Manager that any separation of the City Manager is done in a businesslike manner.

Resignation – The City Manager may resign at any time and agrees to give the City at least 30 days advanced written notice of the effective date of the City Manager's resignation, unless the parties to this agreement mutually agreed to other notice.

Non-Renewal of Employee Agreement, Termination & Removal  
The City Manager is an at-will employee serving at the pleasure of the City Council, as provided in Government Code Section 36506.

The City Council may terminate the City Manager at any time, with or without cause, by majority vote of its members. Notice of Termination or non-renewal of this agreement shall be provided to the City Manager in writing consistent with this Agreement.

The City must give the City Manager written notice of non-renewal at least equal to the number of months then being used to calculate the amount of the Severance Package.

The City Manager shall not be removed during the 90-day period preceding or following an election for membership on the City

Council, or during the 90-day period following any change in member of the City Council, except upon four/fifths vote of the City Council.

Severance Pay - In the event the Council terminates the City Manager's services for reasons other than "cause" as defined below, it agrees to provide City Manager compensation for full pay and all benefits, including continual accruals, for a minimum of 8 months upon termination. Severance pay shall be paid to the City Manager, at the City Manager's option, in either equal monthly installments commencing on the first day of the first month following termination or in a lump sum. In accordance with Government Code section 53261, the City will reimburse the City Manager for the premiums for the City Manager's medical and dental insurances for a minimum of eight months.

As in this section, "cause" shall mean one or more of the following: A. Conviction of a felony, or conviction of a misdemeanor involving moral turpitude, and, B. Material breach of the terms and conditions of this Agreement.

In the event the City Manager dies while employed by the City under this agreement, the City Manager's beneficiaries or those entitled to the City Manager's estate, shall be entitled to the City Manager's earned salary, and any in-lieu payments for accrued benefits, including compensation for the value of accrued leave balances.

Notice:	The City Council shall provide the City Manager a minimum of 30 days notice for an involuntary termination.
Car Allowance:	\$500/month
Health Benefits:	Same as management staff
Deferred Comp.:	Same as management staff
Administrative leave:	Same as management staff
Vacation Accrual:	The City Manager shall accrue vacation at a rate of 4 weeks per year.
Memberships:	The City shall pay the City Manager's annual dues for ICMA, League of Ca Cities, and APA.

Education: The Council shall support continual education through budgeting for the annual League CA Cities City Manager's Conference or the ICMA conference, plus the APA conference.

Performance Evaluation: The City Council shall review and evaluate the performance of the City Manager at least once annually.

Merit Increase - Merit increases will be based upon the annual performance evaluation.

COLA - Council discretion

Life Insurance - The City shall provide a life insurance policy equal to 3 times the annual salary of the City Manager.

Schedule - The City Manager's schedule of work each day and week shall vary in accordance with the work required to be performed. The Council recognizes that the City Manager must devote a great deal of his time outside normal office hours to business of the City and to that end, will be allowed to take compensatory time off as he shall deem appropriate during said normal office hours.

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Ed Katen  
Mayor

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Michael E. Holland  
City Manager

Honorable Mayor and Members  
of the Newman City Council

**REPORT ON AMENDING THE CITY'S PERSONNEL RULES**

**RECOMMENDATION:**

Adopt Resolution No. 2011- Resolution Amending Rules And Regulations For The Administration Of A Merit Personnel System For The City Of Newman

**BACKGROUND:**

As previously presented to the Council, the City reached a one-year, side-letter agreement with the Operating Engineers #3 Miscellaneous Employee Bargaining Group and Resolution No. 2011-38, Ratifying Memorandum Of Understanding Between The City Of Newman And the Operating Engineers Local #3 Miscellaneous Bargaining Unit was adopted by the City Council On May 24, 2011. The City has agreed to modify the Personnel Rules to clarify eligibility to cash out Compensatory Time (CTO) as one of the terms of the aforementioned side-letter agreement.

The City has previously allowed both members of the Miscellaneous Bargaining Unit and the Police Officers Bargaining Unit to cash out CTO as a way to reduce the City's liabilities and prevent these balances from swelling. The Police Officers Bargaining Unit has had similar language regarding Compensatory Time (CTO) as part of their MOU for more than ten years but it was not previously included in the Miscellaneous Bargaining Unit MOU.

**ANALYSIS:**

Section 524 entitled *Converting Compensatory Time* will be added to the City's Personnel Rules and the primary tenets of this section are listed below:

1. The employee must have a minimum of twenty (20) hours of accumulated compensatory time to be eligible.
2. The employee must convert a minimum of twenty (20) hours and a maximum of forty (40) hours per quarter.
3. The employee must notify the City of the employee's desire to convert compensatory time to cash a minimum of three weeks prior to the payroll for which the employee is requesting the conversion to cash.

The proposed section will clarify practices that have been in place for several years and will apply to all employees who are eligible to earn Compensatory Time regardless of bargaining group. Management employees are not eligible to earn Compensatory Time and therefore would not be affected by the addition of Section 524. The addition of this Section to the City's Personnel Rules will set clear rules and parameters for both the employees and the City for cashing out Compensatory Time (CTO).

**FISCAL IMPACT:**

Neutral.

**CONCLUSION:**

Staff recommends the Council adopt the proposed resolution amending the Personnel Rules and thereby setting clear rules and parameters cashing out Compensatory Time (CTO).

Respectfully submitted,



Michael Holland  
City Manager

RESOLUTION NO. 2011-

**A RESOLUTION AMENDING RULES AND REGULATIONS FOR THE ADMINISTRATION  
OF A MERIT PERSONNEL SYSTEM FOR THE CITY OF NEWMAN**

WHEREAS, the City Council, on May 24, 2011, adopted Resolution No. 2011-38, A Resolution Ratifying Memorandum Of Understanding Between The City Of Newman And the Operating Engineers Local #3 Miscellaneous Bargaining Unit; and

WHEREAS, . The City has agreed to modify the Personnel Rules to clarify eligibility to cash out *Compensatory Time* (CTO) as one of the terms of the aforementioned agreement; and

WHEREAS, the objectives of the Personnel Rules are to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management in the municipal government; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman does hereby adopt the attached amendment thereby adding **Section 524** entitled *Converting Compensatory Time*, Marked Exhibit "A" to the City of Newman's Personnel Rules, effective July 1, 2011.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28<sup>th</sup> day of June, 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

# Exhibit "A"

## SECTION 524 – Converting Compensatory Time

Employees other than management, supervisory and confidential shall have the option quarterly of converting compensatory time to cash at the employee's regular rate of pay on an hour for hour basis subject to the following conditions:

1. The employee must have a minimum of twenty (20) hours of accumulated compensatory time;
2. The employee must convert a minimum of twenty (20) hours and a maximum of forty (40) hours per quarter.
3. The employee must notify the City of the employee's desire to convert compensatory time to cash a minimum of three weeks prior to the payroll for which the employee is requesting the conversion to cash.

Having met these conditions, the employee will be able to convert up to 40 hours of such leave each quarter. Payment will be made with the January 31<sup>st</sup>, April 30<sup>th</sup>, July 31<sup>st</sup> and October 31<sup>st</sup> Payrolls.

**REPORT ON AMENDING THE CITY'S PERSONNEL RULES**

**RECOMMENDATION:**

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**BACKGROUND:**

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**ANALYSIS:**

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**FISCAL IMPACT:**

Neutral.

**CONCLUSION:**

Staff recommends the Council adopt the proposed resolution amending the Personnel Rules and thereby setting clear rules and parameters cashing out Compensatory Time (CTO).

Respectfully submitted,



Michael Holland  
City Manager

RESOLUTION NO. 2011-

**A RESOLUTION AMENDING RULES AND REGULATIONS FOR THE ADMINISTRATION  
OF A MERIT PERSONNEL SYSTEM FOR THE CITY OF NEWMAN**

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WHEREAS, . The City has agreed to modify the Personnel Rules to clarify eligibility to cash out *Compensatory Time* (CTO) as one of the terms of the aforementioned agreement; and

WHEREAS, the objectives of the Personnel Rules are to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management in the municipal government; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman does hereby adopt the attached amendment thereby adding **Section 524** entitled *Converting Compensatory Time*, Marked Exhibit "A" to the City of Newman's Personnel Rules, effective July 1, 2011.

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AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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

## Exhibit "A"

### SECTION 524 – Converting Compensatory Time

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Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **8.f.**  
City Council Meeting  
of June 28, 2011

**SUPPORT OF THE NYSA's APPLICATION FOR GRANT FUNDS UNDER THE STATEWIDE  
PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM OF 2008 AND  
LETTER OF LAND TENURE COMMITMENT.**

**RECOMMENDATION:**

1. Support of the Newman Youth Sports Alliance Application For Grant Funds Under The Statewide Park Development And Community Revitalization Program Of 2008
2. Authorize the City Manager to Submit a Land Tenure Letter of Commitment for 648 W. Mariposa Street.

**BACKGROUND:**

On November 7, 2006, Californian voters passed Proposition 84, the \$5.4 billion "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006". Under this proposition, \$368 million dollars were appropriated to the Statewide Park Development and Community Revitalization Program of 2008; this funding was made available through the Sustainable Communities and Climate Change Reduction chapter in Proposition 84. This funding is to be awarded via two rounds of \$184 million dollars each.

Consistent with the intent of this grant program, the Newman Youth Sports Alliance (NYSA) approached the City of Newman in regards to developing a multi-use sports complex. On January 12, 2010, the City Council authorized City staff to work with the Newman Youth Sports Alliance to explore the development of a sports complex at the Mariposa Park site at 648 West Mariposa Street (APNs 026-026-017/018). Since that time, NYSA has successfully designed the project and obtained public input through various meetings and fundraisers.

**ANALYSIS:**

The intent of the above-mentioned program is to award grants on a competitive basis for the creation of new parks and new recreation opportunities in proximity to the most critically underserved communities across California; the creation of new parks in neighborhoods will be given priority. These projects will benefit the health of families, youth, senior citizens and other population groups by meeting their recreational, cultural, social, educational, and environmental needs.

The multi-use sports complex project will meet this intent by:

- Providing a new park site for the community
- Location in an underserved community
- Benefit both various populations and public health and safety by providing a safe place to recreate.

The Statewide Park Program legislation requires projects to meet six eligibility requirements.

1. Critical lack of park space or significant poverty
2. Type of project
3. Safe public use
4. Sustainable techniques
5. Project funding
6. Fees and hours of operation

Staff believes that the multi-use sports complex project meets these requirements and supports NYSA's grant request in the amount of \$3,000,000.00 from the Statewide Park Program. \$184,000,000 is available in round two; the application deadline is July 1, 2011.

Agenda Item: **8.f.**

In order to apply for the grant, the NYSA is required to demonstrate that they have guaranteed land tenure for the project for a minimum of 30 years (they can turn over land tenure responsibilities to the City at any time). In order to demonstrate that, they must submit a completed Land Tenure Form, a draft Land Tenure Agreement (MOU) and a letter from the landowner (City) committing to sign the MOU contingent upon grant award.

The attached draft MOU (Exhibit B) is a preliminary draft that includes all mandatory grant requirements listed in the grant Land Tenure Form (Exhibit A), however it has not yet undergone legal review. Upon notification of grant award, the City will finalize the MOU for execution and return it to the Council for formal review and approval.

**FISCAL IMPACT:**

Positive, potential grant award of \$3,000,000.00 - with no required match; resulting in a new developed park for the community.

**CONCLUSION:**

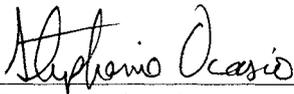
The Mariposa Park site is an available and appropriate location for the proposed project. Staff believes that the development of said site will be beneficial to the community and region as a whole.

Staff recommends that the Council support the proposed project and authorize the City Manager to prepare and submit a Land Tenure Letter of Commitment to the NYSA for 648 West Mariposa Street.

**ATTACHMENTS:**

1. Exhibit A – Grant Land Tenure Form
2. Exhibit B – Draft Land Tenure Agreement (MOU)

Respectfully submitted,



Stephanie Ocasio  
Assistant Planner

**REVIEWED/CONCUR**



Michael Holland  
City Manager

## Land Tenure Form

APPLICANTS must complete this form when the PROJECT does not involve ACQUISITION and the site is not owned by the APPLICANT in fee simple. Indicate the page numbers where the following information can be found in the agreement.

- Type of agreement:** MOU
- Identify the type of agreement, such as a lease, joint powers agreement, easement, memorandum of understanding, etc.
- Parties to the signed agreement** ..... Found on page(s) 4
- Highlight the sections which identify the parties to the agreement.
  - The agreement must be signed by all parties.
- Term of the agreement** ..... Found on page(s) 2
- All GRANT amounts up to \$1,000,000 require at least 20 years of land tenure.
  - All GRANT amounts greater than \$1,000,000 require at least 30 years of land tenure.
  - OGALS will start counting the 20 or 30 year land tenure requirement from the APPROPRIATION DATE.
- Renewal clause** ..... Found on page(s) 2
- The renewal clause must include an option (which can be non-binding) for the APPLICANT/GRANTEE to renew the agreement beyond the original 20 or 30 year term requirement.
- Termination (revocability)** ..... Found on page(s) 2
- Any of the following is acceptable:
- No termination clause - the agreement is non-revocable.
  - The termination clause may specify that the agreement is revocable for breach of the agreement/for cause.
  - The termination clause may specify that the agreement is revocable by mutual consent.
- The following is not acceptable: A termination clause that allows the land owner to revoke the agreement without cause (at will) will not be approved.
- Site Control Roles and Responsibilities** ..... Found on page(s) 2
- The APPLICANT must have the authority to construct, operate, and maintain the PROJECT in accordance with the CONTRACT provisions.
- Roles and responsibilities** ..... Found on page(s) 2
- The agreement must authorize the APPLICANT to proceed with the construction PROJECT. The APPLICANT may delegate construction to other entities.
  - The agreement gives APPLICANT permission to operate the PROJECT site (such as scheduling recreational programs). The APPLICANT may delegate operational roles to other entities.
  - The agreement identifies which entity is responsible for maintenance of the PROJECT site. Entities other than the APPLICANT may have this role.

MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CITY OF NEWMAN AND THE NEWMAN YOUTH SPORTS ALLIANCE  
REGARDING THE MULTI-USE SPORTS COMPLEX

This Memorandum of Understanding (MOU) is made and entered into this \_\_\_ day of \_\_\_\_\_, 201\_, by and between the City of Newman ("City"), a municipal corporation, and the Newman Youth Sports Alliance ("NYSA"), a non-for-profit organization. The City and NYSA may be referred to collectively as "Parties" or in the singular as "Party", as the context requires.

RECITALS

The City and the NYSA have entered into this MOU with reference to the following facts and circumstances:

WHEREAS, the City's Mariposa Park site is located at 648 West Mariposa Street, Newman, CA on two parcels identified as Assessor's Parcel Numbers 026-026-017/018 ("Park Site"). The Park Site is shown and identified in Attachment A;

WHEREAS, the NYSA has been working to develop a multi-sport complex on the Park Site ("Sports Complex Project" or "Project") that would serve the recreational needs of the City of Newman and immediate region and would provide a facility capable of hosting local, regional, state, and national athletic contests and championships;

WHEREAS, the Sports Complex Project is in the planning stages, and the City is evaluating the Sports Complex Project as for the purposes of the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA");

WHEREAS, the City and the NYSA are desirous of partnering together on projects that benefit the community;

WHEREAS, the NYSA has submitted an application to the California Department of Parks and Recreation ("DPR") requesting a \$3,000,000 grant under the Statewide Park Development and Community Revitalization Program of 2008 ("Prop. 84") to fund construction of the Sports Complex Project; and,

WHEREAS, pursuant to the requirements of Prop. 84, the Parties must have a signed agreement in place giving the NYSA certain rights with respect to the Project to be built using Prop. 84 grant funds ("Project Site") before the DPR will sign the Prop. 84 grant contract.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the Parties hereby agree as follows:

Section 1. PURPOSE

A The purpose of this MOU is to provide the NYSA with Land Tenure Rights in the Project Site necessary to qualify for Prop. 84 grant funding. For the purposes of this MOU, the term "Land Tenure Rights" shall mean the authority to construct, operate, and maintain the Project Site. The Parties agree that such Land Tenure Rights may be delegated, in whole or in part, through additional written agreements to the NYSA for the term of this MOU. The Parties have identified the location of the Project Site on the City Property, please refer to Attachment B. Should the Prop. 84 grant be awarded to the City, and a grant contract issued, any proposed amendments to this MOU and any additional written agreements between the Parties related to the Project shall be submitted to the State Department of Parks and Recreation, Office of Grants and Local Services for approval.

B. Nothing in this MOU obligates the City to:

- (i) approve the design, construction, or any other aspect of the Project;
- (ii) commit funding for the design, construction, operation, maintenance, or any other aspect of the Project; or
- (iii) negotiate or execute any other contract related to the Project. The City makes no representation that it will provide such approvals, commitments, or negotiate or execute such contracts, and the City will not incur any liability or obligation by not providing such approvals or funding or by not negotiating or executing such contracts. This MOU does not constitute the City's approval of the Project. However, should any of the acts enumerated in this Paragraph or any other act necessary for the funding, completion, or operation of the Project not occur, this Agreement shall terminate 60 days after NYSA's notice to City of such defect and City's failure to cure within that time; provided however, that if the nature of the defect is such that more than sixty (60) days are reasonably required for its cure, then this Agreement shall not terminate if the City commenced such cure within said 60-day period and thereafter diligently prosecutes such cure to completion.

## Section 2. ENVIRONMENTAL REVIEW

The City will act as the lead agency for all environmental review and approvals required by CEQA, other laws, or other governmental agencies for approval of the Sports Complex Project, including the Project Site. The NYSA will be responsible for all environmental review fees and associated costs. The City will act as a responsible agency with respect to approval of the Project, including the Project Site, and the NYSA will consult with the City regarding preparation of the required CEQA documents in accordance with CEQA. Nothing in this MOU prevents the City from exercising its rights and responsibilities as a responsible agency with respect to approval of the Project, including the Project Site.

## Section 3. TERM; RENEWAL; TERMINATION

A. This MOU shall be effective ("Effective Date") when it is signed by both Parties and, except as otherwise provided in this Section 3, and shall remain in effect for a term of thirty (30) years from the Effective Date ("Initial Term"). The Parties may, by mutual written consent, extend this MOU for up to three (3) additional terms of ten (10) years each ("Extended Term"). Each Extended Term shall be upon all of the terms and conditions of this MOU.

B. This MOU may be terminated only by mutual written consent of the Parties.

## Section 4. LAND TENURE RIGHTS

During the Initial Term and each' Extended Term, if any, the NYSA is authorized to construct, operate, and maintain the Project Site in accordance with the terms of the Prop. 84 grant contract with DPR; provided, however, the Parties may enter into one or more contracts by which the NYSA delegates its authority to perform these functions, in whole or in part, to the City or to any other party mutually agreed upon by the Parties. The Parties contemplate that these additional contracts would further define the Parties' respective rights and responsibilities with respect to the construction, operation, and maintenance of the Project, including the Project Site.

## Section 5. NOTICE

Except as specifically provided' for elsewhere in this MOU, any communication required during the term of this MOU, including, without limitation, notice of termination, shall be deemed given when placed in the United States Mail, postage prepaid, and addressed as follows:

Notice to the City: City Manager (or designee)  
City of Newman  
1162 Main Street/P.O. Box 787  
Newman, California 95360

Notice to the NYSA: Director (or designee)  
Newman Youth Sports Alliance  
1106 Ruddy Court  
Newman, CA 95360

Any Party who desires to change its address for notice may do so by giving notice as described above.

#### Section 6. INSURANCE; INDEMNITY; HOLD HARMLESS CLAUSE

- A. This agreement is made upon the express condition that the City of Newman, its agents and employees shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, or death to any person or property of the NYSA, its agents or employees, or third parties, from any cause or causes whatsoever while in or upon said premises or any part thereof during the term of this agreement or occasioned by any occupancy or use of said premises or any activity carried on by the NYSA in connection herewith, and the NYSA hereby covenants and agrees to indemnify, defend, save and hold harmless the City of Newman, its agents and employees from all liabilities, charges, expenses and costs on account of or by reason of any such injuries, deaths, liabilities, claims, suits or losses however occurring or damages growing out of the same.
- B. NYSA hereby agrees to be bound by the insurance and indemnity provisions as directed and required by the City. Upon award of grant, Parties agree to execute mandatory insurance documents and include certified copy(ies) as Attachment C of this agreement.

#### Section 7. MISCELLANEOUS PROVISIONS

- A. Relationship of Parties. Each Party agrees that that its agents and employees in the performance of this MOU are not officers, employees, or agents of the other Party.
- B. No Joint Venture. This MOU shall not create between the Parties a joint venture, partnership, or any other relationship of association.
- C. No Grant of Agency. Except as specifically provided for in this MOU, neither Party shall have authority, express or implied, to act on behalf of the other Party in any capacity whatsoever as an agent or to bind the other Party to any obligation Whatsoever.
- D. Entire Agreement. This MOU embodies the entire agreement of the Parties in relation to the scope of matters covered by this MOU, and no other agreement or understanding verbal or otherwise, exists between the Parties.
- E. Further Actions. The Parties agree to execute and deliver any and all additional papers, documents and other assurances and shall do any and all acts and things reasonably necessary in connection with the performance of their obligations hereunder and to carry out the intent of this MOU.
- F. Modifications. No modification of or amendment to this MOU may be made except in writing and signed by all Parties, with ratification or approval by the governing body of each Party.
- G. Severability. The invalidity of any provision of this MOU or its parts shall in no way affect the validity of any other provision(s).
- H. Waiver. Waiver of any breach of, or default under, this MOU shall not constitute a continuing waiver or a waiver of any subsequent breach either of the same or of another provision of this MOU.
- I. Section Headings. The section headings contained this MOU are for convenience only, and are not intended to define or limit the scope of any provision of this MOU.

*Draft Mariposa Park Site Land Tenure MOU (NYSA)*

J. Consent. A Party's consent to, or approval of, any act shall not be deemed to render unnecessary the obtaining of such Party's consent to or approval of any subsequent act by another Party.

K. Assignment Prohibited. No Party may assign any right or obligation pursuant to this MOU. Any attempt or purported assignment of any right or obligation pursuant to this MOU shall be void and of no effect.

L. Ambiguities. The Parties have each carefully reviewed this MOU and have agreed to each term of this MOU. No ambiguity shall be presumed to be construed against either Party.

M. Counterparts. This MOU may be executed in counterparts so that signatures appear on separate signature pages. A copy, or an original, with all signatures appended together shall be deemed a fully executed MOU.

N. Authority. The people executing this MOU have the capacity and are authorized to execute this MOU as the representatives of their respective Party, and to bind their respective Party to the terms of this MOU.

O. Governing Law. This MOU shall be interpreted using California law.

P. Incorporation of Attachments. All attachments are incorporated into this MOU.

---

CITY OF NEWMAN ("City")

By: \_\_\_\_\_  
Michael E. Holland, City Manager                      Date

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas P. Hallinan, City Attorney      Date  
City of Sacramento

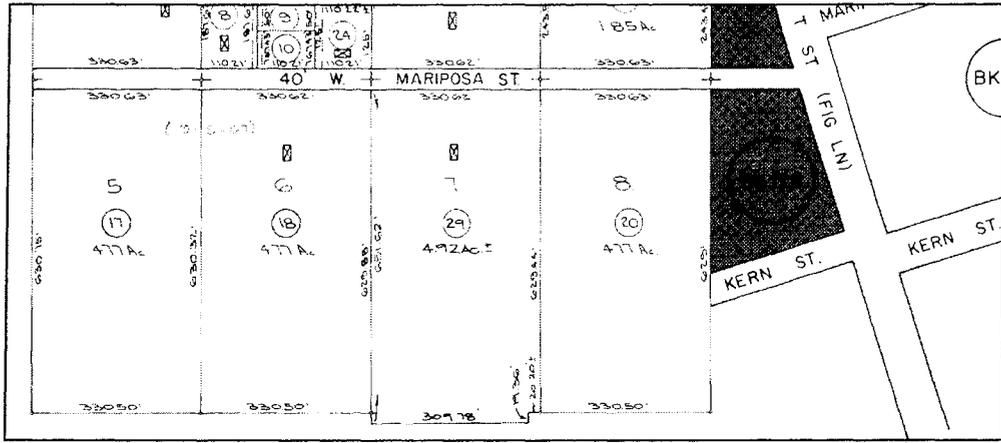
NEWMAN YOUTH SPORTS ALLIANCE ("NYSA")

By: \_\_\_\_\_  
Director    Date

ATTEST:

\_\_\_\_\_  
NYSA Secretary                                      Date

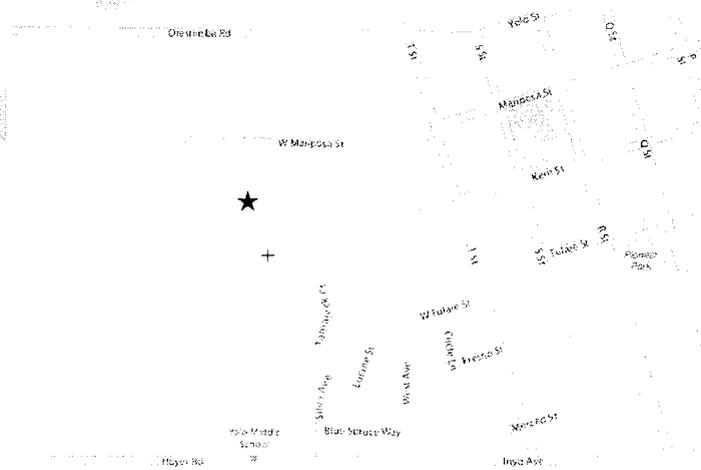
ATTACHMENT "A"  
Park Site



Assessors Map View

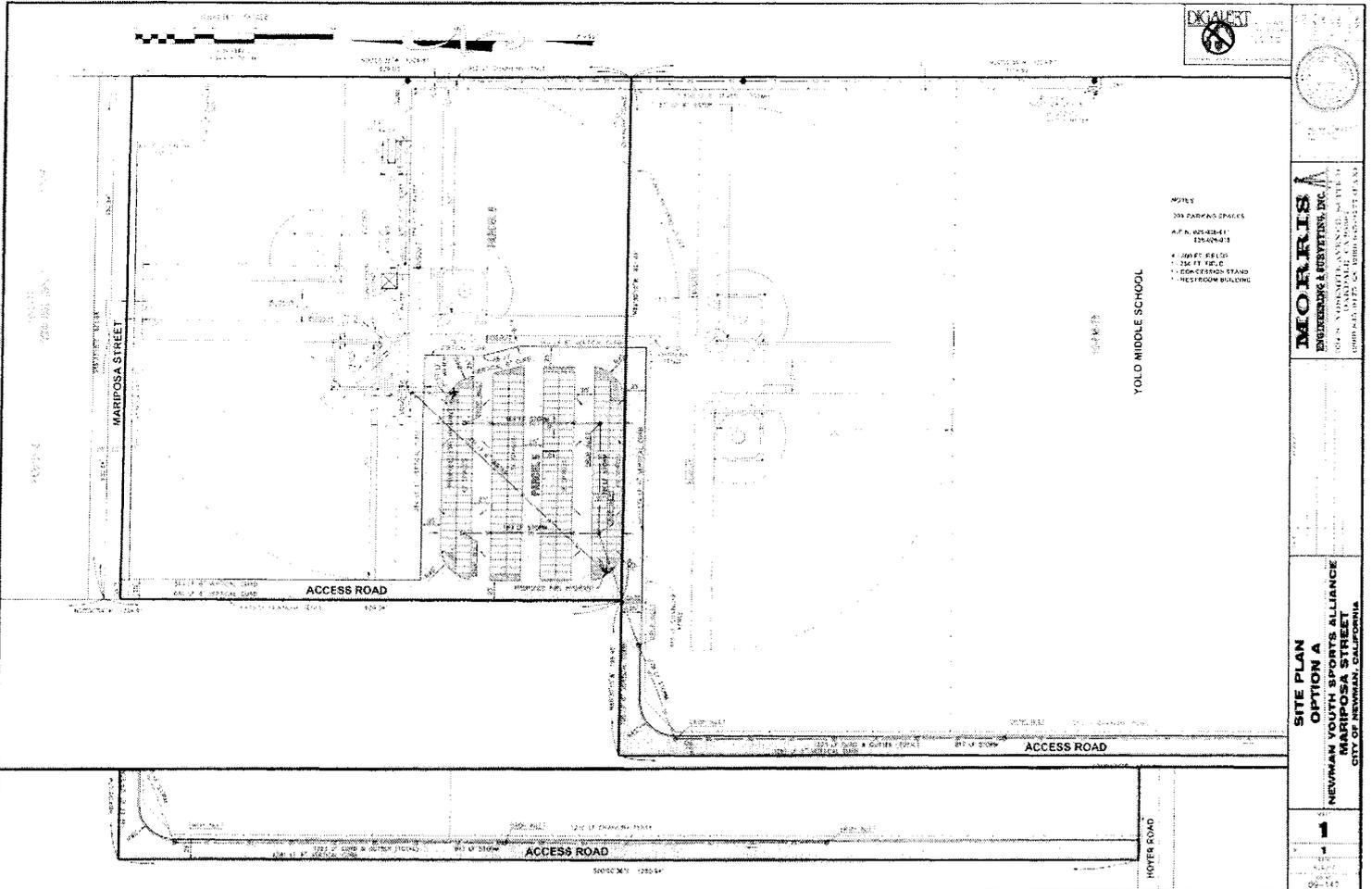


Aerial View



Map View

ATTACHMENT "B"  
Site Plan



DRAFT

ATTACHMENT "C"  
Insurance and Indemnity  
(Future)

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Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **9.a.**  
City Council Meeting  
of June 28, 2011

**REPORT ON NUISANCE ABATEMENT**

**RECOMMENDATION:**

Adopt Resolution No. 2011- , Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

**BACKGROUND:**

Abatement notices for property maintenance were sent to several properties in accordance with Ordinance 95-4, Chapter 2, Title 8-2-3.

**ANALYSIS:**

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Monday, June 27, 2011. A list of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

**FISCAL IMPACT:**

None

**CONCLUSION:**

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

**ATTACHMENTS:**

1. Resolution No. 2011- , a resolution declaring the existence of a public nuisance
2. Exhibit A – Abatement List

Respectfully submitted,



Randy Richardson, Chief of Police

**REVIEWED/CONCUR:**

  
Michael Holland, City Manager

**RESOLUTION NO. 2011-**

**A RESOLUTION DECLARING THE EXISTENCE OF A PUBLIC NUISANCE UNDER  
ORDINANCE NO. 95-4**

WHEREAS, the Chief of Police has reported a nuisance as outlined in Section 8-2-2 of the Newman Municipal Code located and existing upon property in the City of Newman in violation of Ordinance No. 95-4 of the City of Newman, a description of said property being attached hereto and made a part of this resolution by this reference; and,

WHEREAS, the Chief of Police caused notice to be mailed to the respective owners of the subject properties as in said Ordinance provided, said notice giving notice to abate said nuisance and setting a time and place for hearing objections to the proposed abatement; and,

WHEREAS, said hearing was held on June 28, 2011, at 7:00 p.m., as in said notice provided; and,

WHEREAS, no objections to the proposed abatement were received at said hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that said City Council of the City of Newman finds that a condition exists with regard to the properties in said City which is dangerous to life, limb and property, and to the public health, safety and morals, in that weeds, rubbish, dirt and rank growth are growing, located and existing upon said property in violation of the provisions of Ordinance No. 95-4 of the City of Newman, which endangers and may injure neighboring property and endangers and injures the welfare of residents in the vicinity of said property, and which is a fire hazard; that a description of said properties is attached hereto and made a part of this resolution by this reference.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28th day of June, 2011 by Council Member \_\_\_\_\_, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

**City of Newman**  
Abatement list

**1. 925 Fig**

Tall grass and weeds throughout the front and backyards of the property

**2. 1129 Duck Blind**

Graffiti along the back fence of the property



06.22.2011 09:15



06.22.2011 09:16

06.22.2011 09:21

**INTRODUCTION OF ORDINANCE REGARDING BARKING DOGS**

**RECOMMENDATION:**

1. Conduct a public hearing
2. Conduct a second reading of Ordinance No. 2011- , requiring pet owners to take responsibility for barking dogs that disturb the peace and allow citizens the ability to file barking dog complaints with in city limits.
3. Adopt said Ordinance and authorize staff to publish a summary of said Ordinance.

**BACKGROUND:**

This proposed Ordinance was introduced at the June 14<sup>th</sup> council meeting. Positive comments have been received form the public regarding this Ordinance.

**ANALYSIS:**

Based on the amount of complaints received for barking dogs with in the city limits a need was noticed for an Ordinance that would set guidelines for pet owners as well as citizens filing complaints. The key points of the ordinance are that when one complaint has been received the officer will check the residence to make sure that all dog(s) are licensed and ask the owner to quite the animal(s) and when a second complaint is received from another party not living in the same residence and both agree to complete a barking dog complaint form a series of fines will be administered.

Adoption of this Ordinance should help to control the amount of barking dog calls that are received and will provide a set of guidelines for complaining parties to follow when attempting to pursue a barking dog complaint. The average number of calls received a week for barking dogs is five.

**FISCAL IMPACT:**

This Ordinance would have a positive impact for the City of Newman in making pet owners responsible and allowing citizens the ability to address these disturbances.

**CONCLUSION:**

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

1. Approve the ordinance and provide the public with guidelines and the ability to file complaints against the owners involved.
2. Reject the ordinance and do not seek to provide an option for the public against the animal owners.

Staff recommends Alternative 1

**ATTACHMENTS:**

1. Proposed Ordinance 2011- Amending Title 9, Chapter 9.02.305, Adding Disturbing the Peace.
2. Barking Dog Complaint Form

Respectfully submitted,



Randy Richardson,  
Chief of Police

**REVIEWED/CONCUR**



Michael Holland,  
City Manager

**ORDINANCE NO. 2011-**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING**  
**TITLE 9 POLICE REGULATIONS – OF THE NEWMAN CITY CODE**

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

Section 1

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

**9.02.305 Disturbing The Peace**

It shall be unlawful for any person owning, possessing, controlling, or keeping any dog to disturb the peace and quiet of any citizen of the City. It is unlawful for any person to willfully make or continue, or cause to be made or continued, any noise which unreasonably disturbs the peace and quiet of any neighborhood. The term "any citizen" shall mean and include a prudent or reasonable individual, of ordinary sensibility, exercising reasonable care under the totality of the circumstances whose peace is disturbed by such animal(s).

(A) Keeping or maintaining, or permitting to be kept or maintained, upon any premises owned, occupied, or controlled by any person any animal which, by any frequent or long continued noise, shall cause annoyance or discomfort to two (2) or more reasonable persons of normal sensitiveness who reside in separate residences (including apartments and condominiums). At certain levels, sounds are detrimental to the health and welfare of the citizenry and, in the public interest, shall be systematically proscribed. Any noise which is audible continuously for ten (10) minutes or intermittently for thirty (30) minutes shall be prima facie evidence of such annoyance or discomfort. Factors which can be used to evaluate excessive animal noise include, but are not limited to, (a) the time of day; (b) the pitch; (c) the pattern; (d) the duration; and (e) the frequency of occurrence.

The provisions of this chapter and the remedies contained herein shall be cumulative and are not intended to replace any otherwise available remedies for public, private or mixed nuisance, nor any other civil or criminal remedies otherwise available.

(1) When one (1) citizen complaint of a noise disturbance is received, Animal Services and Control Officer(s) will establish that the animal is properly licensed with the City of Newman, if applicable, and advise the owner to quiet the animal or remove it from the City limits.

(2) When the second complaint is received from a citizen, officer(s) will establish that the complaint is coming from two affected premises and will have both parties sign and complete a Barking Dog Complaint Form.

(3) Once a Barking Dog Complaint Form has been completed the first offense is a fine of \$100.00, the second offense with in six months is a fine of \$250.00, the third offense with in twelve months is a fine of \$500.00 and a hearing by the Police Chief, or his/her designee will be held to determine if the dog is a public nuisance and needs to be removed from the residence.

fee schedule, which is periodically reviewed.

Section 2

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

Section 3

That a duly noticed public hearing was held by the City Council on June 28, 2011.

Section 4

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

Introduced and adopted at a regular meeting of the City Council of the City of Newman held on the 14<sup>th</sup> day of June, 2011 by Council Member Hutchins and adopted at a regular meeting of said City Council held on the 28<sup>nd</sup> day of June, 2011 by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

NEWMAN POLICE DEPARTMENT  
ANIMAL CONTROL

1200 MAIN STREET, NEWMAN, CA95360 **PHONE** 209-862-2902 **FAX** 209-862-4151

**BARKING DOG COMPLAINT FORM**

**REPORTING PARTY**

Last Name:

First Name:

Mailing Address:

City:

Zip Code:

Phone Number:

Cell Phone Number:

**BARKING DOG INFORMATION**

Owner's Last Name: (if known)

First Name:

Address of Barking Dog:

Description and number of barking dogs:

Have you attempted to contact the dog owner or the responsible party? **Y N**

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**ADOPT A RESOLUTION CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR THE LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2011/12**

**RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 2011- . Confirming the assessment and ordering the levy for the Lighting and Landscape Maintenance District for Fiscal Year 2011/12.

**BACKGROUND:**

Pursuant to the Landscape and Lighting Act of 1972, NBS prepared and filed the 2011/12 Annual Report presenting the plans and specifications describing the general nature, location and extent of improvements to be maintained, an estimate of the costs to maintain and service the improvements for the Lighting and Landscape Maintenance District (District) for Fiscal Year 2011/12. Improvements provided within the District include, but are not limited to, the weekly operation, maintenance, and servicing of all public landscaping improvements, consisting of trimming and pruning, weed abatement, sidewalks, plant materials, pathways, irrigation systems, lighting systems, graffiti removal, and associated appurtenant facilities.

In accordance with the Landscape and Lighting Act of 1972, on May 10, 2011 the City Council adopted a resolution initiating proceedings for the levy and collection of assessments, and on May 24, 2011 the City Council adopted a resolution approving the Annual Report, and establishing the intention for the levy and collection of assessments for the District for Fiscal Year 2011/12.

**ANALYSIS:**

The District has been operating in a deficit for the last several years, relying on reserves to fund the ongoing operation and maintenance of the District. Increasing the assessments will allow the District to recover and maintain a reserve fund that will allow for the continued operation and maintenance of the improvements in a safe, vigorous and satisfactory condition; and provide for continued growth and health of the community. Staff is recommending phasing in the assessment increase at 25% per year over the next four years to minimize the impact to the residents. Therefore, the proposed assessment for the District for Fiscal Year 2011/12 is \$233,738.49 which is an \$18,777.39 increase. The average annual assessment increase is \$8.92; the minimum annual assessment increase is \$1.94, and the maximum annual assessment increase is \$36.86. Phasing in the assessments may cause some improvements to be delayed, however staff is committed to work within a reduced budget.

As required by the Landscape and Lighting Act of 1972 three resolutions were adopted by City Council initiating proceedings for the levy and collection of assessments, approving the Annual Report, and establishing the intention for the levy and collection of assessments for the District for Fiscal Year 2011/12. The last step in this process is for City Council to conduct a Public Hearing concerning the levy of assessments, to confirm the assessment and order the levy for the District.

**FISCAL IMPACT:**

Lighting and Landscape Maintenance Fund - + \$18,777.39

**CONCLUSION:**

Pursuant to the Landscape and Lighting Act of 1972, City Council previous actions initiated the proceedings for the levy and collection of assessments, approved the Annual Report, and established the intention for the levy and collection of assessments for Lighting and Landscape Maintenance District for Fiscal Year 2011/12. The last step is to adopt a resolution confirming the assessment and ordering the levy for the District. Therefore, staff recommends City Council adopt Resolution No. 2011- Confirming the assessment and ordering the levy for the Lighting and Landscape Maintenance District for Fiscal Year 2011/12.

**ATTACHMENTS:**

1. Resolution No. 2011- Confirming the assessment and ordering the levy for the Lighting and Landscape Maintenance District for Fiscal Year 2011/12

Respectfully Submitted,



Garner R. Reynolds  
Director of Public Works

**Reviewed/Concur:**



Michael E. Holland  
City Manager

**RESOLUTION NO. 2011-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA,  
CONFIRMING THE ASSESSMENT AND ORDERING THE LEVY FOR  
THE LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT  
FOR FISCAL YEAR 2011/12**

WHEREAS, the Council previously completed its proceedings in accordance with and pursuant to the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act") to establish the City's Lighting and Landscape Maintenance District ("District"); and

WHEREAS, the City has retained NBS for the purpose of assisting with the annual levy of the Assessment District, and to prepare and file an Annual Report; and

WHEREAS, the Council has, by previously resolution, declared its intention to hold a Public Hearing concerning the levy and collection of assessments within the Assessment District; and

WHEREAS, notice of such Public Hearing was duly given in accordance with Section 22626 of the Act; and

WHEREAS, the Council has conducted such Public Hearing and considered all objections to the assessment.

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

1. Confirmation of Assessment and Diagram: The Council hereby confirms the assessment and the diagram as is described in full detail in the Annual Report on file with the Clerk.
2. Levy of Assessment: Pursuant to Section 22631 of the Act, the adoption of this resolution shall constitute the levy of an assessment for fiscal year commencing July 1, 2011 and ending June 30, 2012.
3. Ordering of the Levy: The Council hereby orders NBS to prepare and submit the levy of assessments to Stanislaus County for placement on the Fiscal Year 2011/12 secured property tax roll.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28<sup>th</sup> day of June 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:

ATTEST:

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

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

Honorable Mayor and Members  
of the Newman City Council

**REPORT ON APPOINTMENTS TO FILL VACANCIES ON THE RECREATION COMMISSION**

**RECOMMENDATION:**

Consider appointment or reappointment Recreation Commission members.

**BACKGROUND:**

The City currently has three vacancies on the Recreation Commission. The vacancies are comprised of two regular commission seats and one seat for a non-voting Orestimba High School Representative. The Student Representative is a position that has been vacant for several years due to a lack of interest.

A notice was published in the West Side Index and two applications for the Recreation Commission were received. Former Commissioner Sebastian Rangel applied to be reappointed to the Commission and Austin Ramos applied to be the Orestimba High School representative. Both of the candidate's applications are attached for your review. Potential questions for the candidates will be provided to the Council at the meeting should you decide to interview the candidates.

Both appointments to the Recreation Commissions would be effective immediately; the term of the student representative would expire in June 1, 2012 and the other term for the regular seat would expire in January of 2015.

**FISCAL IMPACT:**

N/A

**ATTACHMENTS:**

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

Respectfully submitted,

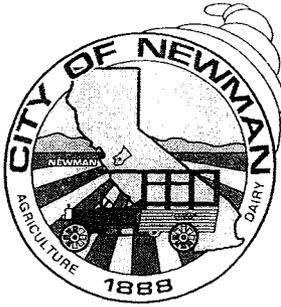


Mike Maier  
Deputy City Clerk

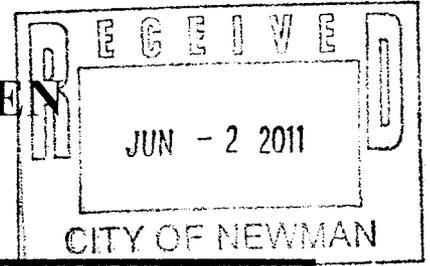
**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager



# City of Newman APPLICATION FOR CITIZEN SERVICE



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

NAME: Sebastian Rangel

ADDRESS: 701 Real Ave. Newman Ca 95360

HOME PHONE: (209) 862-1599 BUSINESS PHONE: (209) 202-4106

OCCUPATION: \_\_\_\_\_

EDUCATION: (List highest year completed and all degrees): High School

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

If so please list: \_\_\_\_\_

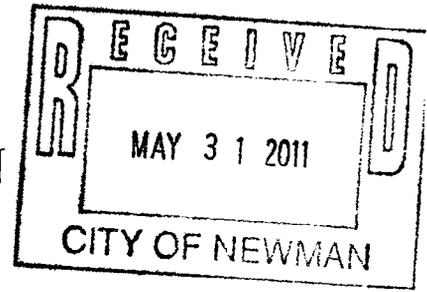
Why are you interested in this position? To keep kid off the street.

What do you consider to be your major qualifications? Out going person

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



# City of Newman APPLICATION FOR CITIZEN SERVICE



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

NAME: Austin Ramos

ADDRESS: 433 Red Lion Way

HOME PHONE: 209-862-3755 BUSINESS PHONE: 209-417-7344

OCCUPATION: Student

EDUCATION: (List highest year completed and all degrees): Orestimba High School 10th Grade in the  
Fall of 2011

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

Why are you interested in this position? I want to be a Parks & Rec. Commissioner for the City of  
Newman, because I want to communicate between the students of Orestimba and the community of  
Newman.

What do you consider to be your major qualifications? I participated in all sports that city had to offer  
from Soccer to Basket Ball during my youthful years. Also my grandfather Richard Gaytan has been on  
the commission since 1995 and has encouraged me to apply.

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



June 23, 2011

Sebastian Rangel  
701 Real Avenue  
Newman, CA 95360

Re: Recreation Commission Interview/Appointment

Dear Sebastian:

The City has received and processed your Application for Citizen Service; pursuant to the City's policy for filling commission vacancies, the City Council will hold brief interviews with each candidate at their Regular Meeting on June 28, 2011 at 7:00 p.m. in the Council Chambers, 1200 Main Street. Following the interviews, the Mayor and Council will appoint and confirm the new commissioners.

Please plan on attending the June 28<sup>th</sup> meeting. Should you have any questions regarding this process, please feel free to contact me. Thank you for your interest in serving as a member of the City of Recreation Planning Commission.

Sincerely,

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

Mike Maier  
Deputy City Clerk



June 23, 2011

Austin Ramos  
433 Red Lion Way  
Newman, CA 95360

Re: Recreation Commission Interview/Appointment

Dear Austin:

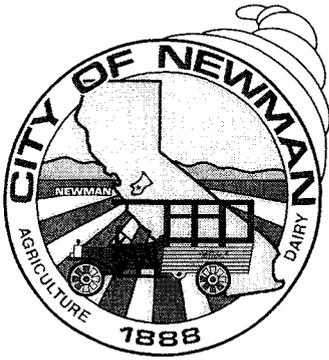
The City has received and processed your Application for Citizen Service; pursuant to the City's policy for filling commission vacancies, the City Council will hold brief interviews with each candidate at their Regular Meeting on June 28, 2011 at 7:00 p.m. in the Council Chambers, 1200 Main Street. Following the interviews, the Mayor and Council will appoint and confirm the new commissioners.

Please plan on attending the June 28<sup>th</sup> meeting. Should you have any questions regarding this process, please feel free to contact me. Thank you for your interest in serving as a member of the City of Recreation Planning Commission.

Sincerely,

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

Mike Maier  
Deputy City Clerk



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

**Date:** July 28, 2011  
**To:** Mayor Katen and City Council  
**From:** Michael E. Holland, City Manager *MEN*

**Subject:** Building Department assessment of the Yancey Building.

In 2008, during the course of conversation and public meetings, an artist rendering was created to show a potential development at the rear of the museum property with the Yancey Building being a focal point. Upon reviewing the option and hearing public comment, the City Council made the decision to continue forward with placement of the Yancey Building in Phase II of the plaza project.

In July 2010, the City Council requested staff seek out grant funding to assist in the restoration of the structure. Unfortunately, staff has been unsuccessful. The primary hurdle for funding is the fact that the Yancey Building has little historical value, based upon State and Federal Historical guidelines. While old, the building has been moved from both its original and secondary locations and the building undergone multiple additions/renovations. The true value rests with local sentiment.

Mike Brinkman, City Building Official, has visited and inspected the exterior of the building and will be present to answer questions from the Council.

Barbara L. Powell, Board Member  
Newman Historical Society  
P.O. Box 485  
Newman, California 95360  
209 862-3581  
May 26, 2011

Ed Katen, Mayor  
City Council Members:  
Robert Martina  
Nicholas Candea  
Roberta Davis  
Ted Kelly

Regarding: The Yancey Building

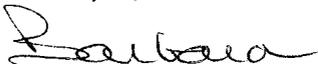
A contractor has told us that the Yancey Building needs to be placed on a foundation soon. The way it has been sitting on piers for the last few years has caused the building to lean towards its sides.

Everything the Newman Historical Society wants to do to make the building look more presentable to the public could be for vain if the building collapses before it is placed on a foundation or a decision to where it will be placed is decided.

As it is a city building, I would like to suggest that the City Building Inspector check the Yancey Building and report to you and the Newman Historical Society the life expectancy of the building as it sits now.

The Newman Historical Society would like to know of the Yancey Buildings stability prior to their beautification work beginning.

Thank you,



Barbara L. Powell

Cc: Michael Holland, City Manager

**REPORT ON THE MAIN STREET INTERSECTIONS REHABILITATION PROJECT**

**RECOMMENDATION:**

Report on the Main Street Intersections Rehabilitation Project.

**BACKGROUND:**

The Downtown Streetscape Project was completed in 2001 and included the reconstruction of the crosswalks along Main Street from Merced Street to Kern Street with the street names designed into the crosswalks at the intersections of Main Street and Merced Street, Main Street and Fresno Street, and Main Street and Tulare Street. Currently the crosswalks with street names are in poor condition and have started to break apart exposing the rebar creating unsafe conditions. City Staff has attempted to repair the damaged areas, but it has not lasted. Due to the poor condition of these crosswalks it is now necessary to remove and reconstruct these areas. Staff has researched possible methods of rehabilitation that would compliment the architectural look of the downtown area and provide a long-term solution for these areas.

**ANALYSIS:**

One option for rehabilitation of these intersections is to saw cut and remove a section around each street name and install a prefabricated concrete slab with the street name as part of the slab (see attachment No. 1). The benefit of this option is that the intersection would be closed for a shorter period of time during construction. However, the downside is that it may look like a repair was done at these locations and getting an exact fit for the new slab may prove very difficult. The estimated cost for this option is approximately \$110,000.00

A second option is to remove the entire crosswalk at these locations and install tumbled cobble pavers over a structural base. The crosswalks would be a tan color variation similar to the existing crosswalks, and the street names would be a darker charcoal contrasting color (see attachment No. 2). The benefit of this method is that the intersection would look as if they were not patched, and yet provide a complimentary look to the downtown. In addition, any future repairs that may be needed could be done by City staff and would not look as if it has been patched. The downside would be that it would take a little longer to construct the project and there would be a few other existing crosswalks (that do not have the street names) that would not exactly match the tumbled cobbles. These locations are at Kern Street and Main Street, Fresno Street and P Street, and in front of the West Side Theater. The estimated cost for this option is approximately \$130,000.00

The City of Newman is eligible to receive Regional Surface Transportation Program (RSTP) funding for the Main Street Intersections Rehabilitation Project from the California Department of Transportation (Caltrans). This Project meets the eligibility requirements for potential funding and is eligible for \$100,000.00 in funding with a required local match of \$12,956.00, for a total of \$112,956.00. If option 2 is selected then there may be \$17,044.00 additional funding necessary (depending on the bid results). The local match will be funded from the City's Local Transportation Fund, not the General Fund.

City staff and the City Engineer have been working with Caltrans to obtain approval to fund this Project.

**FISCAL IMPACT:**

Option No.1 - \$12,956.00 (estimated) Local Transportation Fund  
Option No.2 - \$30,000.00 (estimated) Local Transportation Fund

**CONCLUSION:**

The Main Street Intersections Rehabilitation Project is eligible to receive \$100,000.00 in RSTP funding with a required local match of \$12,956.00. Any costs above the funding amount will be funded through the City's Local Transportation Fund. City staff has researched possible options to reconstruct the three intersections downtown that are in need of repair. Option No.2 results in a more complimentary look to the downtown; in addition any future repairs to these areas could be done by City staff. Therefore, City staff recommends option No.2 for this project.

**ATTACHMENTS:**

1. Option No. 1 Example
2. Option No. 2 Example

Respectfully Submitted,



Garner R. Reynolds  
Director of Public Works

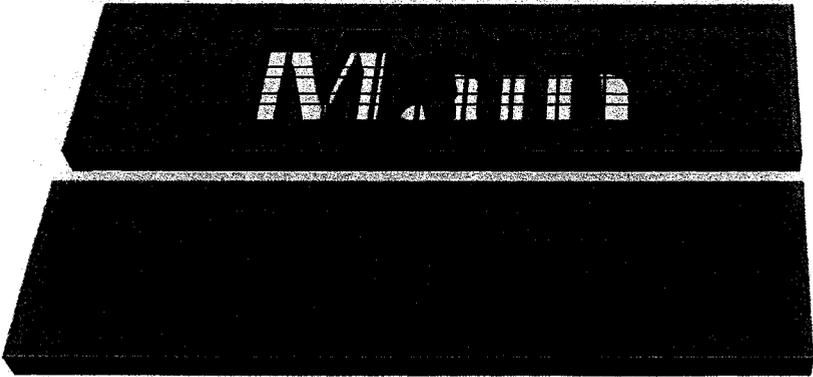
**Reviewed/Concur:**



Michael E. Holland  
City Manager

www.universalprecast.com - NPCA Certified Plant

GENERAL NOTES  
8" TO 10" THICK CONCRETE  
INTEGRAL COLOR(S)  
REINFORCEMENT THROUGHOUT  
SANDBLASTED CARRIER  
SMOOTH LETTERS  
SIZE TO BE DETERMINED  
TOP SURFACE CAN BE CROWNED MATCH ROAD SURFACE



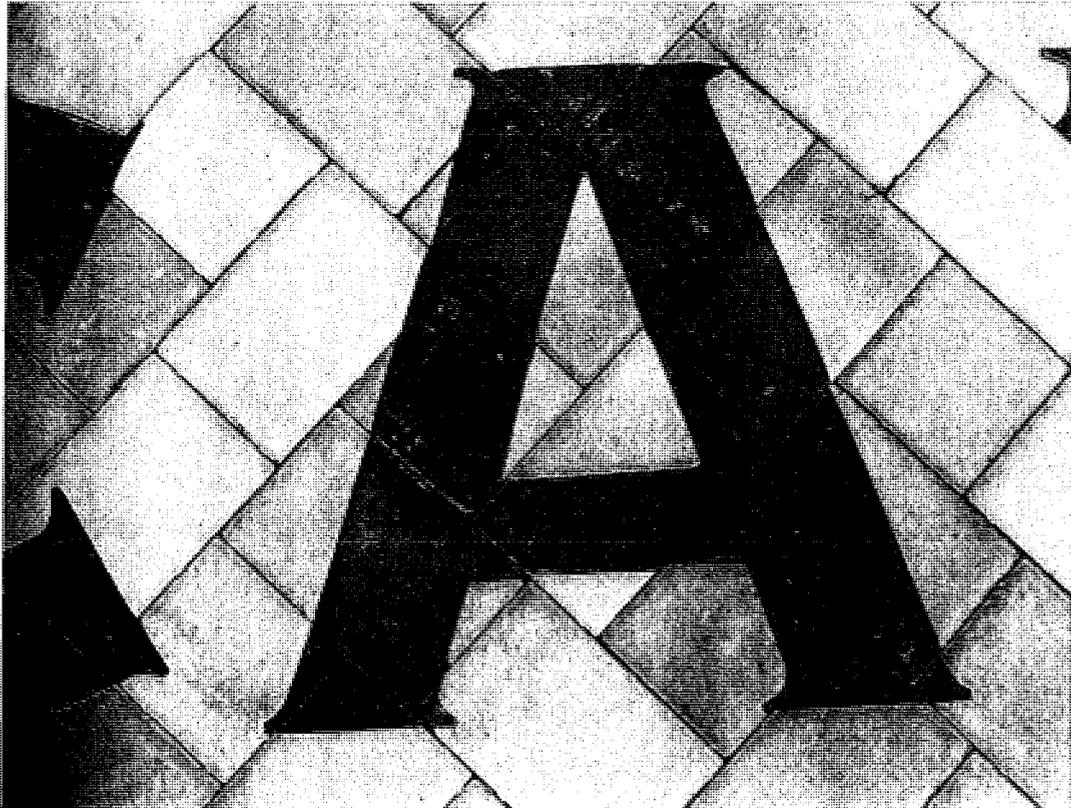
**Main**



Approved By:

\_\_\_\_\_  
Name Date

Attachment No.2



Honorable Mayor and Members  
of the Newman City Council

City Council Meeting  
of June 28, 2011

**ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER AND THE DIRECTOR OF PUBLIC WORKS TO SIGN ALL DOCUMENTS, RIGHT-OF-WAY CERTIFICATIONS, ASSURANCES, MASTER AGREEMENTS AND OTHER STATEMENTS FOR FUNDING THROUGH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION**

**RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 2011- , authorizing the City Manager and the Director of Public Works to sign all documents, right-of-way certifications, assurances, master agreements and other statements for funding through the California Department of Transportation.

**BACKGROUND:**

The City of Newman receives State and Federal funding through the California Department of Transportation (Caltrans) Local Assistance Program. Some of the funding programs consist of Congestion Mitigation and Air Quality Improvement (CMAQ), Regional Surface Transportation Program (RSTP), Transportation Enhancement (TE), and most recently American Recovery and Reinvestment Act (ARRA) funding for the Plaza Project. In order for the City to receive funding allocations, the City is required to file with Caltrans certain documents, right-of-way certifications, master agreements, assurances and other statements related to the project signed by an authorized representative of the City. In some instances these documents are revised multiple times at the request of the funding agency and have occasionally had extremely short timelines.

Currently, the City of Newman is eligible to receive RSTP funding for the Main Street Intersections Rehabilitation Project from Caltrans for Fiscal Year 10/11. This project meets the eligibility requirements for potential funding and is eligible for \$100,000.00 in funding with a required local match of \$12,956.06, for a total of \$112,956.06. The local match will be funded from the City's Local Transportation Fund, not the General Fund. City staff and the City Engineer have been working with Caltrans to obtain approval to fund this Project.

**ANALYSIS:**

As part of the approval process for funding through Caltrans for various projects, they require approval from City Council to authorize the City Manager and the Director of Public Works to sign documents, right-of-way certifications, assurances, master agreements and other statements for funding. Authorizing the City Manager and the Director of Public Works to sign these documents will help to ensure projects meet the required time line for funding.

**FISCAL IMPACT:**

None.

**CONCLUSION:**

The City of Newman receives funding through Caltrans for various projects throughout the City. As part of the approval process, Caltrans requires authorization from City Council for the City Manager and the Director of Public Works to sign specific documents related to the projects in order to secure the funding. Therefore, staff is recommending City Council adopt Resolution No. 2011- , authorizing the City Manager and the Director of Public Works to sign all documents, right-of-way certifications, assurances, master agreements and other statements for funding through the California Department of Transportation.

**ATTACHMENTS:**

1. Resolution No. 2011- authorizing the City Manager and the Director of Public Works to sign all documents, right-of-way certifications, assurances, master agreements and other statements for funding through the California Department of Transportation.

Respectfully Submitted,



Garner Reynolds  
Director of Public Works

**Reviewed/Concur:**



Michael E. Holland  
City Manager

**RESOLUTION NO. 2011-**

**RESOLUTION AUTHORIZING THE CITY MANAGER AND THE DIRECTOR OF PUBLIC WORKS TO SIGN ALL DOCUMENTS, RIGHT-OF-WAY CERTIFICATIONS, ASSURANCES, MASTER AGREEMENTS AND OTHER STATEMENTS FOR FUNDING THROUGH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the City of Newman has a desire to submit applications for funding through the California Department of Transportation (Caltrans); and

WHEREAS, the Caltrans requires certain documents, right-of-way certifications, assurances, master agreements and other statements to be signed in a timely manner by an Administering Agency Representative to receive funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that the City Manager and the Director of Public Works is hereby authorized to sign all documents, right-of-way certifications, assurances, master agreements and statements in connection therewith for and on behalf of the City of Newman.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28th day of June, 2011 by Council Member \_\_\_\_\_, who moved its adoption which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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