

**AGENDA**  
**NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY**  
**REGULAR MEETING AUGUST 9, 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 July 26, 2011 Regular Meeting.
  - d. Adopt Resolution No. 2011- , A Resolution Authorizing Ed Katen As Mayor And Michael Holland As City Clerk, To Record A Notice Of Completion For The Downtown Plaza Bathrooms Project.
  - e. Adopt Resolution No. 2011- , A Resolution In Recognition Of The Choose Civility Initiative.
  - f. Adopt Resolution No. 2011- , A Resolution Authorizing The Extension Of The Abandoned Vehicle Abatement Program Fee Until April 30, 2022.
9. Public Hearings.
10. Regular Business
  - a. Approval Of 2011-2012 CDBG Allocation Agreement.
  - b. Consider Appointment Of Commissioner To Fill Vacancy On The Planning Commission.
  - c. Report On Stanislaus Elder Abuse Prevention Alliance Event At The Downtown Plaza.
  - d. Approval Of An Addendum For Water And Wastewater On-Call\Consulting Services With Stantec Engineering For A Not-To-Exceed Amount Of \$60,000.00 And Authorize The City Manager To Execute The Agreement.
  - e. Report On Mutual Aid Agreement With City Of Gustine.
  - f. Report On Yancey Building Foundation Costs.

11. Items From District Five Stanislaus County Supervisor.
12. Items From The City Manager And Staff.
13. Items From City Council Members.
14. Adjournment.

#### Calendar of Events

- 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 18 - Healthy Choices Summit No. 3 (Biggest Loser Contest) - 11:00 A.M. - 2:00 P.M.  
August 18 - Planning Commission - 7:00 P.M.  
August 23 - City Council - 7:00 P.M.  
August 31 - September 4 - Fall Festival.
- September 5 - Labor Day Holiday - City Offices Closed.  
September 8 - Recreation Commission - 7:00 P.M.  
September 10 - Youth Soccer Season Begins.  
September 12 - NCLUSD Board Meeting - 6:00 P.M.  
September 13 - City Council - 7:00 P.M.  
September 15 - Planning Commission - 7:00 P.M.  
September 20 - Two-On-Two Meeting With The School Board - 4:00 P.M.  
September 21 - 23 - League Of California Cities Annual Conference - San Francisco.  
September 27 - City Council - 7:00 P.M.

Date.: Aug 4, 2011  
Time.: 4:17 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
039514	08/05/11	5431.05	AECOM USA, INC	CALTRANS SPECS/MAIN ST INTERSCTNS/5-28TO7-1-11
039514	08/05/11	3481.50	AECOM USA, INC	M ST ALLEY SEWERLINE REPLACEMENT/6-3 TO 7-1-11
039514	08/05/11	1404.00	AECOM USA, INC	PLAZA CONSTRUCTION SERVICES/6-18 TO 7-8-11
039515	08/05/11	15460.86	CITY OF MODESTO, FLEET SERVICE	PO #11-53
039516	08/05/11	26712.00	DELTA WIRELESS, INC	PO #11-48
039517	08/05/11	5062.67	E&M ELECTRIC, INC.	PO #11-58
039518	08/05/11	22396.51	GROENIGER & CO.	PO #11-63
039518	08/05/11	2872.32	GROENIGER & CO.	PO #11-63
039518	08/05/11	409.00	GROENIGER & CO.	PO #11-63
039518	08/05/11	682.91	GROENIGER & CO.	PO #11-63
039519	08/05/11	3000.00	MACHADO BACKHOE, INC	PO #11-52
039519	08/05/11	7801.88	MACHADO BACKHOE, INC	PO #11-54
039520	08/05/11	333.75	STANISLAUS COUNTY DEPT	BUS TICKET SALES/JAN-JUNE 2011
039521	08/05/11	737.50	STANTEC CONSULTING SERVICES, I	PRETREATMENT PROGRAM ASSISTANCE/THRU 6/24/11
039522	08/05/11	208.02	T.H.E. OFFICE CITY	6 CASES COPY PAPER
039522	08/05/11	39.74	T.H.E. OFFICE CITY	BLACK INK STAMP
039522	08/05/11	17.45	T.H.E. OFFICE CITY	COLORED PENCILS/PENS
039523	08/05/11	170.94	UNDERGRND SERV ALERT, INC	UNDERGROUND BILLABLE FAXES/JUNE 2011
039524	08/05/11	37.50	MATTOS NEWSPAPERS, INC.	BUSINESS CARDS/LEE COLEMAN/REC DEPT
039524	08/05/11	9.66	MATTOS NEWSPAPERS, INC.	UPS SERVICES/PD
039524	08/05/11	157.80	MATTOS NEWSPAPERS, INC.	PRINTING OF PRELIMINARY BUDGET BOOKS
039524	08/05/11	75.00	MATTOS NEWSPAPERS, INC.	PUBLIC NOTICE/ANNUAL RATES FOR LLD/2011-2012
039524	08/05/11	840.00	MATTOS NEWSPAPERS, INC.	LEGAL AD/2010 CONSUMER CONFIDENCE REPORT
039524	08/05/11	67.50	MATTOS NEWSPAPERS, INC.	PUB NOTICE/ORD 2011-3 2030 GENERAL PLAN

Date.: Aug 4, 2011  
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CITY OF NEWMAN  
CASH DISBURSEMENTS REPORT

Page.: 2  
List.: NEW1  
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Ck #	Check Date	CK Amount	Vendor Name	Description
039524	08/05/11	82.50	MATTOS NEWSPAPERS, INC.	PUB NOTICE/AMENDING TITLE 9/ANIMAL CONTROL
039525	08/05/11	488.40	ZAM COMM	PO #11-31
039525	08/05/11	415.00	ZAM COMM	PO #11-32
Sub-Total:		----- 98395.46		
Grn-Total:		----- 98395.46		
Count:	27			

# Accounts Payable

## AP Check Register for Council



City of Newman  
1162 MAIN ST  
PO BOX 787  
NEWMAN, CA 95360

User: efaria

Printed: 08/04/2011 - 11:32 AM

Check Number	Check Date	Name	Account	Description	Amount
100088	8/29/2011	PARDO, DAN DAN	10-33-6150	WORK BOOTS/PARDO	53.69
100088	8/29/2011	PARDO, DAN DAN	10-44-6150	WORK BOOTS/PARDO	53.68
100088	8/29/2011	PARDO, DAN DAN	69-47-6150	WORK BOOTS/PARDO	53.69
					<hr/> <hr/>
					161.06
					<hr/> <hr/>

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City of Newman  
1162 MAIN ST  
PO BOX 787  
NEWMAN, CA 95360

User: efaria

Printed: 07/26/2011 - 9:58 AM

Check Numb	Check Dat	Name	Account	Description	Amount
100085	7/26/2011	BACKYARD FLIC]	10-45-6724	Rental of projection & audio equipment for movie night	550.00
100086	7/26/2011	GRAY, DANIEL	73-00-1042	Proceeds from business loan for improvements to The Grill	4,500.00
100087	7/26/2011	HOUSE STEPHAN	10-45-6724	Reimbursement for supplies/movie night	110.38
100087	7/26/2011	HOUSE STEPHAN	10-45-6739	Reimbursement for supplies/teen center snackbar	145.42
					<hr/> <hr/> 5,305.80 <hr/> <hr/>

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1162 MAIN ST  
PO BOX 787  
NEWMAN, CA 95360

User: efaria

Printed: 08/04/2011 - 9:32 AM

Check Num	Check Da	Name	Account	Description	Amount
100089	8/5/2011	ADAMSON POLICE PRODUCTS	10-21-630C	Ammunition	4,335.81
100090	8/5/2011	AECOM USA, INC	20-32-7777	PQRST/Fresno/Merced/West Ave street reconstruction	5,542.05
100090	8/5/2011	AECOM USA, INC	20-33-7778	PQRST/Fresno/Merced/West Ave street reconstruction	5,542.05
100092	8/5/2011	AT&T	10-21-642C	Emergency dispatch line 6-20-11 to 7-19-11/PD	135.47
100092	8/5/2011	AT&T	10-21-642C	T1 line @ PD 6-20 to 7-19-11	333.52
100092	8/5/2011	AT&T	10-21-642C	Monthly telephone service 6-13 to 7-12-11	155.77
100092	8/5/2011	AT&T	10-14-642C	Monthly telephone service 6-13 to 7-12-11	84.59
100092	8/5/2011	AT&T	10-07-6665	Monthly telephone service 6-13 to 7-12-11	14.54
100092	8/5/2011	AT&T	10-44-667C	Monthly telephone service 6-13 to 7-12-11	62.58
100092	8/5/2011	AT&T	10-46-642C	Monthly telephone service 6-13 to 7-12-11	15.10
100092	8/5/2011	AT&T	63-56-642C	Monthly telephone service 6-13 to 7-12-11	110.45
100092	8/5/2011	AT&T	60-50-642C	Monthly telephone service 6-13 to 7-12-11	28.88
100094	8/5/2011	BELL JAMES J.	10-21-620C	Contract services/evidence clerk 7-15 to 7-30-11	252.90
100095	8/5/2011	BERTOLOTTI DISPOSAL	10-41-620C	Monthly garbage service/July 2011	53,921.94
100093	8/5/2011	B G AUTO	10-21-653C	Headlight for unit 596/PD	16.08
100096	8/5/2011	BJ'S CONSUMER'S CHOICE IN	10-07-620C	Pest control services	50.63
100096	8/5/2011	BJ'S CONSUMER'S CHOICE IN	10-22-620C	Pest control services	60.62
100096	8/5/2011	BJ'S CONSUMER'S CHOICE IN	10-44-667C	Pest control services	50.62
100096	8/5/2011	BJ'S CONSUMER'S CHOICE IN	10-44-666C	Pest control services	50.62
100096	8/5/2011	BJ'S CONSUMER'S CHOICE IN	63-56-620C	Pest control services	55.62
100096	8/5/2011	BJ'S CONSUMER'S CHOICE IN	10-21-620C	Pest control services	60.63
100096	8/5/2011	BJ'S CONSUMER'S CHOICE IN	73-70-667C	Pest control services	50.63
100096	8/5/2011	BJ'S CONSUMER'S CHOICE IN	10-07-6665	Pest control services	60.63
100097	8/5/2011	BORDEN, II NOEL T.	10-21-6695	Per diem/POST training/Borden	30.00
100098	8/5/2011	BUSINESS CARD	10-45-674C	steel frame/wire deck/beam/rec dept	235.26
100098	8/5/2011	BUSINESS CARD	10-45-6722	drinks/pizza for basketball camp	70.49
100098	8/5/2011	BUSINESS CARD	10-45-6722	bulk propane	9.04
100098	8/5/2011	BUSINESS CARD	10-45-6722	Supplies for Fit Kids	11.22
100098	8/5/2011	BUSINESS CARD	10-45-6739	Supplies for snack bar/teen center	31.57
100098	8/5/2011	BUSINESS CARD	10-45-6722	Name plate engraving/softball plaque	6.50
100098	8/5/2011	BUSINESS CARD	10-45-6722	Electrical tape/colored tape	8.03
100098	8/5/2011	BUSINESS CARD	10-14-633C	Pre-stamped postage-paid envelopes	250.25
100098	8/5/2011	BUSINESS CARD	60-50-633C	Pre-stamped postage-paid envelopes	500.50
100098	8/5/2011	BUSINESS CARD	63-56-633C	Pre-stamped postage-paid envelopes	500.50
100098	8/5/2011	BUSINESS CARD	10-03-630C	Pre-stamped postage-paid envelopes	125.12
100098	8/5/2011	BUSINESS CARD	10-06-633C	Pre-stamped postage-paid envelopes	125.13
100099	8/5/2011	CARTER JEFF	68-68-7722	Parking lot rent/Aug 2011	100.00
100100	8/5/2011	CBA (ADMIN FEES)	10-00-2261	Dental-vision admin fees/Aug 2011	214.50
100101	8/5/2011	CDW GOVERNMENT, INC	73-70-7105	3 hp computers/6 (4 gb)/4 monitors/3 mi	713.03
100101	8/5/2011	CDW GOVERNMENT, INC	71-06-7105	3 hp computers/6 (4 gb)/4 monitors/3 mi	713.03
100101	8/5/2011	CDW GOVERNMENT, INC	60-50-7105	3 hp computers/6 (4 gb)/4 monitors/3 mi	1,378.53
100101	8/5/2011	CDW GOVERNMENT, INC	63-56-7105	3 hp computers/6 (4 gb)/4 monitors/3 mi	1,426.06
100101	8/5/2011	CDW GOVERNMENT, INC	71-14-7105	3 hp computers/6 (4 gb)/4 monitors/3 mi	522.89
100101	8/5/2011	CDW GOVERNMENT, INC	71-21-7105	APC replacement battery cart	410.35
100101	8/5/2011	CDW GOVERNMENT, INC	10-03-631C	AG Trend Business security	558.25

Check Num	Check Da	Name	Account	Description	Amount
100102	8/5/2011	Center for Human Services	10-45-6724	Proceeds for Movie Night raffle/donation	43.00
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-44-6660		213.06
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-44-6670		106.54
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-07-6300		53.26
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-21-6300		53.27
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-07-6665		26.63
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-22-6300		26.63
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-44-6300		26.64
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-46-6300		26.63
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-44-6660		76.20
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-44-6670		38.10
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-07-6300		19.05
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-21-6300		19.05
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-07-6665		9.53
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-22-6300		9.52
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-44-6300		9.53
100103	8/5/2011	CENTRAL SANITARY SUPPLY	10-46-6300		9.52
100105	8/5/2011	COELHO CARL J. (CHUCK)	10-22-6500	Gas allowance for Aug 2011	50.00
100106	8/5/2011	COLLISON (NT) ELAINE	10-21-6300	Reimbursement for supplies purchased	44.98
100107	8/5/2011	COMCAST CABLE	60-50-6200	High speed internet/sewer	31.63
100107	8/5/2011	COMCAST CABLE	63-56-6200	High speed internet/water	31.64
100107	8/5/2011	COMCAST CABLE	10-21-6200	High speed internet/PD	31.63
100108	8/5/2011	CONTRACT SWEEPING SERVICE	10-33-6200	Street sweeping as per contract/July 2011	3,297.49
100109	8/5/2011	CORBIN WILLITS SYS, INC.	10-14-6310	Service & enhancement/Aug 2011	259.46
100109	8/5/2011	CORBIN WILLITS SYS, INC.	60-50-6310	Service & enhancement/Aug 2011	259.46
100109	8/5/2011	CORBIN WILLITS SYS, INC.	63-56-6310	Service & enhancement/Aug 2011	259.46
100110	8/5/2011	CROP PRODUCTION SERVICES	60-50-6300	30 gals glystar/10 gals aquamaster/wwtp	1,092.65
100111	8/5/2011	CUEVAS JESSICA	10-45-6722	Zumba instructor/July 2011	56.00
100112	8/5/2011	Dave's Drain Cleaning & Plumbing	10-44-6670	Drain cleaning service @ teen center	75.00
100113	8/5/2011	DISH NETWORK	10-22-6200	12 Months local & maxview package/Fire dept	650.95
100115	8/5/2011	Dust Control by Dennis, LLC	60-50-6200	Dust off application @ WWTP	2,089.71
100116	8/5/2011	EARLE (NT) CHAD	10-21-6695	Per diem for POST training/Earle	30.00
100117	8/5/2011	ECONOMIC TIRE SHOP	10-21-6530	1 tire repair/PD	16.21
100117	8/5/2011	ECONOMIC TIRE SHOP	69-47-6530	1 tire repair/PW	10.00
100117	8/5/2011	ECONOMIC TIRE SHOP	10-44-6530	1 tire repair/new valve stem/PW	16.32
100118	8/5/2011	ENERPOWER	10-07-6200	Electric energy services 4-19 to 5-17	11.00
100118	8/5/2011	ENERPOWER	10-44-6200	Electric energy services 4-19 to 5-17	30.00
100118	8/5/2011	ENERPOWER	69-47-6200	Electric energy services 4-19 to 5-17	15.00
100118	8/5/2011	ENERPOWER	63-56-6200	Electric energy services 4-19 to 5-17	882.00
100120	8/5/2011	Felber Carlee	10-45-6722	volleyball camp instructor	120.00
100121	8/5/2011	FIREtoWIRE, INC	10-02-6200	MANAGER	6.99
100121	8/5/2011	FIREtoWIRE, INC	63-56-6200	WATER	6.99
100121	8/5/2011	FIREtoWIRE, INC	60-50-6200	SEWER	6.99
100121	8/5/2011	FIREtoWIRE, INC	10-14-6200	FINANCE	3.50
100121	8/5/2011	FIREtoWIRE, INC	10-21-6200	POLICE	6.98
100121	8/5/2011	FIREtoWIRE, INC	10-22-6200	FIRE DEPT	3.50
100124	8/5/2011	GARTON TRACTOR	60-50-6530	oil filters for quad/WWTP	25.90
100124	8/5/2011	GARTON TRACTOR	10-44-6530	Replaced steering linkages, sharpened blades, fuses	637.95
100124	8/5/2011	GARTON TRACTOR	63-56-6300	Grease	10.06
100123	8/5/2011	Garcia, Erica	10-00-5521	Refund park rent/overbooked Pioneer Pk	45.00
100126	8/5/2011	Gonzalez, Jesus	10-00-2840	Refund memorial bldg deposit/Gonzalez	200.00
100127	8/5/2011	GRANDFLOW	10-14-6300	1500 Business License invoices	373.89
100128	8/5/2011	HALLINAN TOM	10-15-6200		525.00
100128	8/5/2011	HALLINAN TOM	60-50-6200		525.00
100128	8/5/2011	HALLINAN TOM	63-56-6200		525.00

Check Num	Check Da	Name	Account	Description	Amount
100129	8/5/2011	HARD DRIVE GRAPHICS	71-21-7105	graphics for new K-9 unit	527.96
100130	8/5/2011	HEWLETT-PACKARD FINANCIAL	10-21-6200	Hardware lease 8-18 to 9-17-11	585.77
100131	8/5/2011	HUB INTERNATIONAL OF CA I	10-00-2845	Liability ins premium/Piceno/Araiza	252.04
100132	8/5/2011	IKON OFFICE SOLUTIONS	10-14-6200	Copier lease 7-10 to 8-9-11/City hall	106.30
100132	8/5/2011	IKON OFFICE SOLUTIONS	60-50-6200	Copier lease 7-10 to 8-9-11/City hall	106.30
100132	8/5/2011	IKON OFFICE SOLUTIONS	63-56-6200	Copier lease 7-10 to 8-9-11/City hall	106.30
100133	8/5/2011	IN-SYNCH SYSTEMS	10-21-6200	Monthly RMS subscription/Aug 2011	270.59
100134	8/5/2011	JORGENSEN & COMPANY	10-22-6200	Ansul kitchen service/FD	162.57
100135	8/5/2011	Laser Precision Land Leveling, Inc	60-50-6200	Eliminate bench in 12ac field/new pond @ WWTP	1,727.50
100136	8/5/2011	MALLARD EXPRESS AUTO	63-56-6530	Battery/oil & filter change/GMC Yukon	206.52
100136	8/5/2011	MALLARD EXPRESS AUTO	10-21-6530	Anti-freeze/Thermostat/Freon/unit 501	699.92
100136	8/5/2011	MALLARD EXPRESS AUTO	10-21-6530	Towing of unit 502	90.00
100136	8/5/2011	MALLARD EXPRESS AUTO	63-56-6530	Oil & filter change/08 Honda	44.59
100136	8/5/2011	MALLARD EXPRESS AUTO	10-21-6530	Battery/alternator/clutch/ unit 502	908.77
100122	8/5/2011	FRANK B. MARKS & SON, INC	63-56-6300	Gravel and sand delivered to corp yard	203.00
100137	8/5/2011	Marin Consulting Associates	10-21-6695	POST training/Borden & Earle	550.00
100138	8/5/2011	MaxVac, Inc	60-50-6225	AirTech regenerative Blower/WWTP	4,071.25
100140	8/5/2011	Mitchell, Tyler	10-45-6722	Tennis instructor/July 2011/Mitchell	152.00
100141	8/5/2011	Morales, Gabriela	10-45-6722	Volleyball camp instructor/Morales	90.00
100142	8/5/2011	NEWMAN ACE HARDWARE/JACT,	60-50-6300	wasp-hornet spray/fork/WWTP	53.62
100142	8/5/2011	NEWMAN ACE HARDWARE/JACT,	10-07-6300	dual element fuse/vac bags/light bulbs	36.44
100142	8/5/2011	NEWMAN ACE HARDWARE/JACT,	10-44-6300	trimmer/glasses/edger blade/cultivator/trash can	178.58
100142	8/5/2011	NEWMAN ACE HARDWARE/JACT,	63-56-6300	batteries/lithium battery/20 amp 125v recepticle	29.60
100142	8/5/2011	NEWMAN ACE HARDWARE/JACT,	60-50-7505	paint strnr/tape/wire brush/rollers/pail	42.80
100142	8/5/2011	NEWMAN ACE HARDWARE/JACT,	63-56-7505	paint strnr/tape/wire brush/rollers/pail	42.81
100142	8/5/2011	NEWMAN ACE HARDWARE/JACT,	10-21-6308	trash bags/handsoap/	17.17
100142	8/5/2011	NEWMAN ACE HARDWARE/JACT,	10-21-6300	misc sprinkler parts/PD lawn	2.24
100142	8/5/2011	NEWMAN ACE HARDWARE/JACT,	10-46-6300	super glue/light bulbs/corp yard	35.38
100142	8/5/2011	NEWMAN ACE HARDWARE/JACT,	69-47-6300	3 rakes	27.35
100142	8/5/2011	NEWMAN ACE HARDWARE/JACT,	10-33-6300	batteries/fertilizer/key tag set	39.51
100143	8/5/2011	Oakley, Kayla	10-45-6722	Volleyball camp instructor/Oakley	120.00
100145	8/5/2011	PARDO BIANCA	10-45-6722	Zumba instructor/July 2011	208.00
100144	8/5/2011	P G & E	10-07-6410	elect/gov bldgs	2,375.04
100144	8/5/2011	P G & E	10-22-6410	elect & gas/fire house	352.61
100144	8/5/2011	P G & E	10-33-6410	street lights/downtown lights	5,003.86
100144	8/5/2011	P G & E	10-44-6410	elect/parks	470.96
100144	8/5/2011	P G & E	10-45-6410	Elect/Matteri field	531.24
100144	8/5/2011	P G & E	10-46-6410	Elect & gas/corp yard	385.48
100144	8/5/2011	P G & E	10-44-6660	Elect & gas/Memorial bldg	984.07
100144	8/5/2011	P G & E	10-07-6665	Elect & gas/Museum	179.68
100144	8/5/2011	P G & E	10-44-6670	Elect & gas/Teen center	431.83
100144	8/5/2011	P G & E	18-70-7732	Elect/plaza	13.31
100144	8/5/2011	P G & E	60-50-6410	Elect/WWTP	20,298.37
100144	8/5/2011	P G & E	62-60-6411	Elect/Lift Stations	318.12
100144	8/5/2011	P G & E	62-60-6412	Elect/Lift Stations	1,600.97
100144	8/5/2011	P G & E	63-56-6410	Elect/Wells	20,666.23
100144	8/5/2011	P G & E	69-47-6410	Elect/LLD	3,361.72
100144	8/5/2011	P G & E	73-70-6651	Elect/Industrial park	337.10
100144	8/5/2011	P G & E	73-70-6672	Elect & Gas/theater	632.03
100146	8/5/2011	PIONEER DRUG	10-33-6300	Binder with divider tabs	11.44
100146	8/5/2011	PIONEER DRUG	63-56-6300	Ziplock bags	6.89
100146	8/5/2011	PIONEER DRUG	10-46-6300	folder	2.67
100146	8/5/2011	PIONEER DRUG	63-56-6300	3-ring binder	2.67
100147	8/5/2011	RALEY'S IN STORE CHARGE	10-14-6300	sugar/comet cleaner/CH	9.04
100147	8/5/2011	RALEY'S IN STORE CHARGE	63-56-6300	cups/sweetner/water dept	9.16

Check Num	Check Da	Name	Account	Description	Amount
100147	8/5/2011	RALEY'S IN STORE CHARGE	10-46-6300	cups/spoons/corp yard	12.65
100149	8/5/2011	Rulla, Merriam	10-45-6722	Fit kids instructor/Rulla	480.00
100150	8/5/2011	SAFE-T-LITE	63-56-7105	Vibra plate for asphalt repairs	2,559.65
100151	8/5/2011	SEQUEIRA SHANE	10-45-6722	Fit kids instructor/Sequeira	480.00
100152	8/5/2011	SOLECON, INC	73-70-6672	Repaired pulley on blower shaft/theater	180.02
100153	8/5/2011	SPRINGBROOK SOFTWARE	60-50-7105	Lease payment #2/new software	6,102.34
100153	8/5/2011	SPRINGBROOK SOFTWARE	63-56-7105	Lease payment #2/new software	6,102.33
100153	8/5/2011	SPRINGBROOK SOFTWARE	71-14-7105	Lease payment #2/new software	6,102.33
100154	8/5/2011	STANISLAUS COUNCIL	10-01-6635	2011/2012 agency dues/STANCOG	408.00
100155	8/5/2011	STAPLES ADVANTAGE	10-14-6300	HANGING BINDER/CALCULATOR ROLLS	25.95
100155	8/5/2011	STAPLES ADVANTAGE	60-50-6300	HANGING BINDER/CALCULATOR ROLLS	25.95
100155	8/5/2011	STAPLES ADVANTAGE	63-56-6300	HANGING BINDER/CALCULATOR ROLLS	25.96
100155	8/5/2011	STAPLES ADVANTAGE	10-14-6300	OKIDATA RIBBON	2.91
100155	8/5/2011	STAPLES ADVANTAGE	60-50-6300	OKIDATA RIBBON	2.91
100155	8/5/2011	STAPLES ADVANTAGE	63-56-6300	OKIDATA RIBBON	2.91
100155	8/5/2011	STAPLES ADVANTAGE	10-21-6300	HP BLACK & COLOR INK	71.90
100155	8/5/2011	STAPLES ADVANTAGE	10-06-6300	Tab dividers	0.96
100155	8/5/2011	STAPLES ADVANTAGE	10-06-6300	Binder pockets/divider tabs	4.92
100155	8/5/2011	STAPLES ADVANTAGE	10-14-6300	binder clips/correction tape/steno books/rubberbands	14.97
100155	8/5/2011	STAPLES ADVANTAGE	60-50-6300	binder clips/correction tape/steno books/rubberbands	14.97
100155	8/5/2011	STAPLES ADVANTAGE	63-56-6300	binder clips/correction tape/steno books/rubberbands	14.97
100155	8/5/2011	STAPLES ADVANTAGE	10-06-6300	5pk binder pockets	3.73
100155	8/5/2011	STAPLES ADVANTAGE	10-14-6300	receipt books	8.30
100155	8/5/2011	STAPLES ADVANTAGE	60-50-6300	receipt books	8.30
100155	8/5/2011	STAPLES ADVANTAGE	63-56-6300	receipt books	8.31
100155	8/5/2011	STAPLES ADVANTAGE	10-21-6300	REPORT COVERS/PENS/BATTERIES/NOTES	57.26
100156	8/5/2011	STILES TRUCK BODY, INC.	69-47-6530	16/12" steel stakes for flatbed truck	290.34
100157	8/5/2011	T.H.E. OFFICE CITY	10-14-6300	pen refill/3-ring binder	4.03
100157	8/5/2011	T.H.E. OFFICE CITY	60-50-6300	pen refill/3-ring binder	4.03
100157	8/5/2011	T.H.E. OFFICE CITY	63-56-6300	pen refill/3-ring binder	4.02
100157	8/5/2011	T.H.E. OFFICE CITY	10-03-6300	pen refill/cc	4.90
100157	8/5/2011	T.H.E. OFFICE CITY	10-14-6300	calculator ribbon	2.14
100157	8/5/2011	T.H.E. OFFICE CITY	60-50-6300	calculator ribbon	2.14
100157	8/5/2011	T.H.E. OFFICE CITY	63-56-6300	calculator ribbon	2.14
100157	8/5/2011	T.H.E. OFFICE CITY	10-14-6300	6 cartons copy paper	72.99
100157	8/5/2011	T.H.E. OFFICE CITY	60-50-6300	6 cartons copy paper	72.99
100157	8/5/2011	T.H.E. OFFICE CITY	63-56-6300	6 cartons copy paper	73.00
100157	8/5/2011	T.H.E. OFFICE CITY	10-14-6300	PRINTER RIBBON	4.11
100157	8/5/2011	T.H.E. OFFICE CITY	60-50-6300	PRINTER RIBBON	4.11
100157	8/5/2011	T.H.E. OFFICE CITY	63-56-6300	PRINTER RIBBON	4.11
100114	8/5/2011	DOWNEY HELEN & JAY	63-00-2010	Refund Check	73.27
100164	8/5/2011	ZARATE MARK	63-00-2010	Refund Check	75.70
100125	8/5/2011	GONZALES RAYMOND	63-00-2010	Refund Check	135.09
100148	8/5/2011	ROSALES ELIZABETH	63-00-2010	Refund Check	31.37
100119	8/5/2011	ESPITIA MARIA	63-00-2010	Refund Check	8.33
100162	8/5/2011	WATSON AMANDA	63-00-2010	Refund Check	28.70
100091	8/5/2011	ALLEN LOLITA & MATT	63-00-2010	Refund Check	134.29
100104	8/5/2011	CHAVEZ TRINIDAD	63-00-2010	Refund Check	86.35
100139	8/5/2011	MCDONALD GABRIELA	63-00-2010	Refund Check	30.66
100159	8/5/2011	UNIVAR USA, INC	63-56-6300	500 gals sodium hypochlorite-delivered/wells	1,353.53
100158	8/5/2011	UNITED RENTALS NORTHWEST,	63-56-7105	Submersible pump/water dept	376.92
100160	8/5/2011	VALLEY PARTS SERVICE	60-50-6530	MOTOR OIL/KEY STOCK/WWTP	56.54
100160	8/5/2011	VALLEY PARTS SERVICE	60-50-6300	RED GREASE/WWTP	72.69
100161	8/5/2011	VARGAS GEORGE	10-22-6500		50.00
100163	8/5/2011	YANCEY LUMBER COMPANY	10-21-6307	Dog food/K-9	50.46

Check Num	Check Da	Name	Account	Description	Amount
					187,472.30

**MINUTES**  
**NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY**  
**REGULAR MEETING JULY 26, 2011**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET**

1. **Call To Order** - Mayor Katen 7:00 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Council Member Hutchins.
4. **Roll Call PRESENT:** Hutchins, Candea, Martina And Mayor Katen.  
**ABSENT:** Davis (Excused).
5. **Declaration Of Conflicts Of Interest** - None.
6. **Ceremonial Matters**
  - a. Recognition Of Corporal Borden's Receipt Of The Civitan 2011 Officer Of The Year Award.

Lieutenant Short Introduced And Commended Corporal Borden.

Corporal Borden Thanked The City Council And Staff. He Stated That He Appreciated Being Recognized For A Job That He Loves To Do And That He Looked Forward To A Long Career With The Newman Police Department.

- b. Badge Pinning Of Reserve Officer Ashley Williams.

Chief Richardson Introduced Officer Ashley Williams And Presided Over Her Badge Pinning Ceremony.

Officer Ashley Williams Thanked Everyone, Stated That She Was Happy To Be Working In Newman And That She Felt As Though She Was A Perfect Fit For Newman And Conversely Newman Was A Perfect Fit For Her. She Mentioned That She Was Not Willing To Work Just Anywhere And That Working In Newman Was A Dream Come True.

**7. Items from the Public - Non-Agenda Items**

Timothy Parker, 661 Balsam Drive, Commended Corprol Borden And Officer Williams For Their Service. Parker Noted That A Hit-And-Run Recently Took Place Near The Corner Of Balsam And Orestimba Peak Drives. He Requested That The Council Consider Adding Traffic Calming Measures Along Balsam Drive. Parker Asked That The Council Not Consider Speed Bumps But Rather Utilize The Radar Trailer And Possibly A Four-Way Stop Sign At The Corner Of Balsam And Orestimba Peak Drives Instead.

## 8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The July 12, 2011 Regular Meeting.
- d. Adopt Resolution No. 2011-52, A Resolution Authorizing Ed Katen As Mayor, And Michael Holland As City Clerk, To Record A Notice Of Completion For Phase 2 Of The City Of Newman PQRST/Fresno/Merced/West Avenue Infrastructure And Street Reconstruction Project.

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

## 9. Public Hearings

- a. Adopt Resolution No. 2011-53, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Katen Opened The Public Hearing At 7:23 P.M.

There Being No Public Comment, Katen Closed The Public Hearing At 7:24 P.M.

**ACTION:** On Motion By Candea Seconded By Martina And Unanimously Carried, Resolution No. 2011- 53, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted.

## 10. Regular Business

- a. Designation Of Voting Delegate And Alternate Voting Delegate For League Of California Cities Annual Conference.

**ACTION:** On Motion By Martina Seconded By Candea And Unanimously Carried, Mayor Katen Was Designated As The Voting Delegate And Council Member Hutchins Was Designated As Alternate Voting Delegate For The 2011 League Of California Cities Annual Conference.

- b. Adopt Resolution No. 2011-54, Approving And Authorizing The Execution Of A Funding Agreement Between The Agency And SCM Hearthstone, LLC.

**ACTION:** On Motion By Hutchins Seconded By Candea And Unanimously Carried, Resolution No. 2011-54, (RDA Resolution No. 2011-7) Was Adopted.

- c. Adopt Resolution No. 2011-55, A Resolution Approving The Purchase Of 938 Fresno Street, Amending The 2011-12 Budget To Reflect Said Purchase And Authorizing Michael E. Holland As City Manager, To Execute All Documents Necessary To Complete The Transaction.

**ACTION:** On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2011-55, A Resolution Approving The Purchase Of 938 Fresno Street, Amending The 2011-12 Budget To Reflect Said Purchase And Authorizing Michael E. Holland As City Manager, To Execute All Documents Necessary To Complete The Transaction Was Adopted.

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

Supervisor DeMartini Reminded The Council That The West Side Healthcare Taskforce Would Be Meeting In Newman On August 4<sup>th</sup> And That The Third Annual Healthy Choices Summit Would Also Be Held In Newman On August 18<sup>th</sup>. DeMartini Mentioned That He Would Be Joining Senator Anthony Canella's Local Meet And Greet Coffee Hour On July 28<sup>th</sup>.

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

City Manager Holland Thanked The City Council For Authorizing The Purchase Of The I.O.O.F. Building. Holland Reminded The Community That There Were Openings On Both The Recreation And Planning Commissions. He Noted That The Chamber Of Commerce Would Be Hosting A Car Show On August 6<sup>th</sup> In Downtown Newman. Holland Urged Members Of The Community To Visit With Senator Canella During His Local Coffee Hour On July 28<sup>th</sup>. He Invited Council Members To Attend A Local Meeting With West Park Officials On Thursday, July 28<sup>th</sup>. Holland Updated The Council As To The Status Of The Board Of Equalization Appeal And Noted That The City Had Been Notified That Its Appeal Was Successful And Had Been Settled. He Closed By Inviting Everyone To Attend Movie Night At Sherman Park The Evening Of August 6<sup>th</sup>.

Chief Richardson Thanked The City Council And Staff For Allowing The Restructuring Of The Police Department. He Noted That Odin Had Made His First Apprehension And That The Police Explorers Were Leaving For Southern California To Participate In Their Annual Competition.

Public Works Director Reynolds Reported That As A Result Of The Recycled Tire Grant Award, The Public Works Department Began Installing Rubber Bark In Various Locations. Reynolds Noted That The Main Street Intersection Project Was Almost Ready To Go Out To Bid And That The Plaza Restrooms Would Be Open By Or Before The Chamber Of Commerce's Event On August 6<sup>th</sup>.

Finance Director Humphries Presented The Council With A Performance Comparison Of Chandler Asset Management And LAIF. He Reported That Chandler Asset Management's Return On Investment Was 1.86% While LAIF's Was Only 0.56%.

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

Council Member Hutchins Mentioned That Council Members And Staff Had Recently Met With Bill Basset From The Alliance And Noted That The Alliance Had Agreed To Partner With The City To Encourage The Creation Of New Small Business In Newman.

Council Member Martina Represented The Council At The Patterson Car Show And That As Part Of His Official Duties He Was Asked To Vote For A Car, So He Chose A Car Close To His Age. Martina Closed By Mentioning That He Had Received Positive Citizen Comments About The Plaza.

Mayor Katen Noted That Bill Basset From The Alliance Thinks That Newman Is Well Prepared For The Future. Katen Encouraged Citizens To Visit With Senator Canella On July 28<sup>th</sup>.

## **14. Adjournment.**

**ACTION:** On Motion By Hutchins Seconded By Candea And Unanimously Carried, The Meeting Was Adjourned At 7:57 P.M.

**ADOPT RESOLUTION NO. 2011- , APPROVING THE DOWNTOWN PLAZA PROJECT  
BATHROOMS AS COMPLETE AND AUTHORIZING ED KATEN AS MAYOR, AND  
MICHAEL E. HOLLAND AS CITY CLERK TO RECORD A NOTICE OF COMPLETION**

**RECOMMENDATION:**

It is recommended that the Newman City Council adopt Resolution No. 2011- , approving the Downtown Plaza Project Bathrooms as complete and authorizing Ed Katen as Mayor, and Michael E. Holland as City Clerk to record a Notice of Completion for the City of Newman Downtown Plaza Bathrooms.

**BACKGROUND:**

The City of Newman Downtown Plaza Project (Plaza) was completed April 15, 2011. During construction of the Plaza it was determined there was sufficient funding to construct the bathrooms that were originally planned for this location. Staff worked with the architect that designed the Plaza Project to design the bathrooms to compliment the Plaza.

**ANALYSIS:**

On January 11, 2011 City Council awarded a contract to the lowest responsible bidder for the project, Perma Green Hydroseeding, Inc., and construction for this project was completed on July 29, 2011. There were no change orders approved for this project. Therefore, the total project cost is \$149,314.00. A final inspection of the project was performed by the Public Works Department, and the Project has been determined to be constructed in accordance with the approved plans and specifications.

**FISCAL IMPACT:**

Original Project Bid	\$149,314.00	Stanislaus Co. Loan	\$149,314.00
<b>Total Project Cost</b>	<b>\$149,314.00</b>	<b>Total Funding Amount</b>	<b>\$149,314.00</b>

**CONCLUSION:**

The City of Newman Downtown Plaza Project Bathrooms, constructed by Perma Green Hydroseeding, Inc., has been completed in compliance with the plans and specifications with a final construction cost of \$149,314.00. Therefore, staff recommends that the City Council approve Resolution No. 2011- , approving the City of Newman Downtown Plaza Project Bathrooms as complete and authorizing Ed Katen as Mayor, and Michael E. Holland as City Clerk to record a notice of completion for the City of Newman Downtown Plaza Project.

**ATTACHMENTS:**

1. Resolution No. 2011-

Respectfully Submitted,



Garner Reynolds  
Director of Public Works

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager

**RESOLUTION NO. 2011-**

**A RESOLUTION APPROVING THE CITY OF NEWMAN DOWNTOWN PLAZA PROJECT BATHROOMS AS COMPLETE AND AUTHORIZING ED KATEN AS MAYOR, AND MICHAEL E. HOLLAND AS CITY CLERK TO RECORD A NOTICE OF COMPLETION**

WHEREAS, on the 11<sup>th</sup> day of January, 2011, agreements were entered into between the CITY OF NEWMAN, herein after referred to as "CITY" and Perma Green Hydroseeding, Inc., herein after referred to as "CONTRACTOR" for the making of certain improvements in the City of Newman, County of Stanislaus, State of California, known as the CITY OF NEWMAN DOWNTOWN PLAZA PROJECT BATHROOMS; and

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

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

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 9<sup>th</sup> day of August, 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:

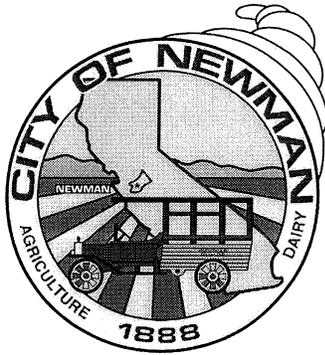
APPROVED:

\_\_\_\_\_  
Ed Katen, Mayor

ATTEST:

\_\_\_\_\_  
Michael E. Holland, City Clerk





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

**Date:** August 9, 2011  
**To:** Mayor Katen and City Council  
**From:** Michael E. Holland, City Manager *MH*

**Subject:** Resolution in Recognition of the Choose Civility Initiative.

In October 2010, the Stanislaus County Office of Education announced a new County initiative called "Choose Civility." The initiative, officially 'kicked off' in November 2010, was designed to promote "the importance of civility in a world becoming less civil, and courage community members to choose positive and respectful behaviors in their personal and work lives." On October 26, 2010, the City Council introduced a Proclamation recognizing and supporting said initiative.

Fast forward to July 2011, Tom Stanislaus, County Superintendent of Schools, came before the Council and presented the "Choose Civility" program. During the program, Mr. Changnon discussed the core goals and twelve (12) things we could do as individuals to promote and champion civility in our communities. Following the presentation, Mr. Changnon requested the Council consider adoption of a Resolution supporting the initiative. Attached for your review and approval is a copy of said Resolution.

**RESOLUTION NO. 2011-**

**A RESOLUTION IN RECOGNITION OF THE CHOOSE CIVILITY INITIATIVE**

WHEREAS, civility is a core value of a well-functioning community and one of its defining components; and

WHEREAS, the civility level in a community underscores its general health and wellness and quality of life depends in great part on how community members treat each other; and

WHEREAS, concern for the common good and well-being of all citizens is one of the highest virtues of American democracy; and

WHEREAS, two-thirds of the public believe that American society is uncivil; and seventy-two percent of Americans think the problem has gotten worse in recent years; and

WHEREAS, the American people strongly believe that every citizen is responsible for improving such behavior; and,

WHEREAS, in collaboration with organizations throughout the community the Stanislaus County Office of Education is implementing the "Choose Civility" campaign to promote civil behavior:

NOW, THEREFORE, BE IT RESOLVED, that the City of Newman recognizes and supports the "Choose Civility" initiative and encourages others to participate in this campaign through activities that demonstrate to the public the importance of civility.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 9<sup>th</sup> day of August, 2011 by Council Member \_\_\_\_\_, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

## ***NEWS RELEASE – Embargoed until October 20***

**For Release – October 20, 2010**

**Contact:** Jane Johnston, Assistant Superintendent, 238-1708  
Cynthia Fenech, Communications Coordinator, 238-1704  
Judy Leitz, Communications Coordinator, 238-1709

### **Stanislaus County Office of Education Launches Campaign to Promote Civility**

The Stanislaus County Office of Education (SCOE), in collaboration with organizations and individuals throughout the community, is launching a campaign to promote the importance of civility. The official kickoff of the “**Choose Civility**” initiative will take place on **November 2, 2010 from 7:30-9:30 a.m.** at **SCOE’s Event Center** in Modesto, and will include a keynote presentation by Michael Josephson, one of the nation’s most respected and sought-after speakers in the field of ethics and character.\*

Championed by Stanislaus County Superintendent of Schools Tom Changnon, the initiative is inspired by the work of Dr. P.M. Forni, author of *Choosing Civility: the 25 Rules of Considerate Conduct*. Through a broad-based, collaborative effort, the goal is to transform Dr. Forni’s concepts into a concrete plan that can be easily integrated into the culture of government, businesses, organizations, schools, neighborhoods, and families throughout the community.

“Research shows that two-thirds of the public believe that American society is uncivil and that the problem has gotten worse in recent years,” said Changnon. “Civility is a core value of a well functioning community and one of its defining components. Quality of life depends in great part on how community members treat each other. This initiative will promote the

importance of civility in a world becoming less civil, and encourage community members to choose positive and respectful behaviors in their personal and work lives.”

In September, SCOE convened a Board of Advisors (a group of approximately 25 individuals representing diverse segments of the community) to help guide the strategic, visionary, and goal-oriented aspects of the initiative. Board members are currently developing three working committees to assist in the following areas: Partnerships/Sponsorships; Events & Activities; and Marketing/Communications. In addition, the Stanislaus County Board of Education, at its October 12 meeting, adopted a resolution in support of the campaign.

Beginning October 20, community members can register online for the November 2 “Choose Civility” kickoff at the following website: [www.stancoe.org/civility](http://www.stancoe.org/civility). Space is limited, so early registration is recommended.

*\*A former lawyer, law professor and successful entrepreneur, every day, millions of listeners tune-in to hear Michael Josephson's award-winning CHARACTER COUNTS! radio commentaries on stations across the country. He has authored or co-authored more than 20 books. In addition, Josephson has been interviewed and profiled by major media organizations including CNN, Nightline, Dateline, ABC World News, Good Morning America, Today, The Wall Street Journal, USA Today, Los Angeles Times, and Time Magazine.*

###

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **8.f.**  
City Council Meeting  
of August 9th, 2011

**A RESOLUTION AUTHORIZING THE EXTENSION OF THE ABANDONED  
VEHICLE ABATEMENT PROGRAM FEE UNTIL APRIL 30, 2022**

**RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 2011- , authorizing the extension of the Abandoned Vehicle Abatement (AVA) Program for the next ten years.

**BACKGROUND:**

The AVA Program is funded through a \$1 vehicle license fee surcharge and has been very helpful in reducing the number of abandoned vehicles within the city limits of Newman.

**ANALYSIS:**

The AVA program is scheduled to expire on April 30, 2012. Assembly Bill 468, Chapter 389, Statutes of 2007, allows for the extension of the AVA Program fees in California. The AVA Program fees may be extended in increments of up to ten years each if the board of supervisors of the county, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the extension of the fee.

**FISCAL IMPACT:**

The support for the extension of the Abandoned Vehicle Abatement (AVA) Program fee for the next ten years would have a positive impact. The City of Newman has received an average of seven thousand (\$7,000) for the past five years through the AVA Program.

**CONCLUSION:**

The Abandoned Vehicle Abatement Program has been a positive program for the City through the removal of abandoned and wrecked vehicles from both public and private property. Participating in this program allows the City to receive reimbursement for our time spent processing the abatement. Based upon the information contained in this report, the following options are available:

1. Approve the extension fee for the next ten years.
2. Reject the extension fee for the next ten years.

Staff recommends Alternative 1.

**ATTACHMENTS:**

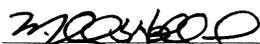
1. Proposed Resolution authorizing the extension of the Abandoned Vehicle Abatement Program.

Respectfully submitted,



Randy Richardson,  
Chief of Police

**REVIEWED/CONCUR**



Michael Holland,  
City Manager

**RESOLUTION NO. 2011-**

**A RESOLUTION AUTHORIZING THE EXTENSION OF THE ABANDONED VEHICLE  
ABATEMENT PROGRAM FEE UNTIL APRIL 30, 2022**

WHEREAS, the AVA program is funded by a \$1 license fee; and

WHEREAS, the AVA program has contributed substantially to our local quality of life by removing junked or abandoned vehicles from the City of Newman; and

WHEREAS, the AVA program fee is set to expire on April 30, 2012; and

WHEREAS, per Assembly Bill 468, Chapter 389, Statutes of 2007, the AVA program fee may be extended in increments of up to 10 years each if the board of supervisors of the county, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the extension of the fee; and

WHEREAS, it is desirable to the City of Newman to have the AVA program fee continue;

THEREFORE, BE IT RESOLVED, that the City of Newman supports the extension of the AVA program fee until April 30, 2022.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 9<sup>th</sup> day of August, 2011 by Council Member \_\_\_\_\_, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.a.**  
City Council Meeting  
of August 9, 2011

**APPROVAL OF 2011/2012 CDBG ALLOCATION AGREEMENT**

**RECOMMENDATION:**

Approval of the 2011/2012 CDBG Allocation Agreement

**BACKGROUND:**

The City of Newman has been a part of the Stanislaus County CDBG consortium since 2005. In these past six years, the City of Newman has been allocated nearly two-million dollars in CDBG funding. This funding has allowed to City to partake in projects such as the Teen Center Computer Lab, Pioneer Park Rehabilitation and Infrastructure projects improving Yolo, Fresno, Merced, S and T Streets.

**ANALYSIS:**

The attached agreement allows Stanislaus County to receive entitlement funds as an "urban county" and disperse said funds to the CDBG Consortium in accordance with required population and poverty calculations. As a member of the Stanislaus County CDBG Consortium, the City of Newman is eligible to receive \$169,795.00 this fiscal year. The City will be utilizing these funds for the following: Community Computer Training, Phase III of the PQRST project and the Tulare Street Infrastructure & Reconstruction Project.

**FISCAL IMPACT:**

The 2011-2012 allocation will be \$169,795.00.

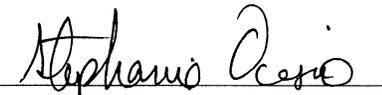
**CONCLUSION:**

Staff recommends the Council approve the attached CDBG allocation agreement.

**ATTACHMENTS:**

1. Exhibit A - 2011/2012 Allocation Agreement

Respectfully submitted,



Stephanie Ocasio  
Assistant Planner

**REVIEWED/CONCUR**



Michael Holland  
City Manager

## ALLOCATION AGREEMENT

This Allocation Agreement ("Agreement") is made by and between the County of Stanislaus (the "County") and the Cities of Ceres, Hughson, Newman, Oakdale, Patterson and Waterford (the "City" individually or "Cities" collectively) on **July 1, 2011**.

### Introduction

A. Stanislaus County applied for and is qualified to receive an entitlement grant under the Community Development Block Grant ("CDBG") program for FY 2011-2012 in the amount **\$2,297,203** as an "Urban County" as set forth under Title I of the Housing and Community Development Act of 1974, and Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended by the Housing and Community Development Act of 1992; and

B. The parties desire that CDBG entitlement funds received by the County as an "Urban County" be shared proportionally, as determined by poverty and population formula, among the parties; and

NOW, THEREFORE, each party agrees as follows:

1. The County and each City shall receive an allocation based upon a population and poverty calculation as set forth below:

Jurisdiction	Poverty & Population
Stanislaus County	\$571,908
Ceres	\$229,386
Hughson	\$146,433
Newman	\$169,795
Oakdale	\$197,025
Patterson	\$207,602
Waterford	\$159,772
<b>TOTAL</b>	<b>\$1,681,921</b>

2. The County shall also receive an amount not to exceed twenty percent of the total FY 2011-2012 CDBG entitlement funds for eligible general administrative services as defined in 24 CFR Part 570.206, which amount shall be set aside prior to any allocation of funds to the County and Cities under Section 1 of this Agreement.

3. An amount not to exceed ten percent of the total FY 2011-2012 CDBG entitlement funds shall be allocated for eligible public services, as defined in 24 CFR Part 570.201, and related projects under the Stanislaus County CDBG Public Service Grant Program.

4. An amount not to exceed \$37,996 shall be allocated for Consortium Fair Housing activities, as defined in 24 CFR Part 570.206 (c), and an amount not to exceed \$17,229 shall be allocated for Stanislaus County unincorporated areas Workforce Development related activities such as computer training for low and moderate income individuals.

5. An amount not to exceed \$17,229 shall be allocated for Stanislaus County unincorporated areas Economic Development related activities such as entrepreneurial opportunities to qualified individuals through partnerships with local stakeholders.

6. Upon notification of a City's intent to apply for grants available to "Urban Counties" under applicable law, the County, as lead agency, shall apply for such grants on behalf of that City.

7. Activities proposed by the Cities insofar as they are consistent with applicable statutes and regulations, shall be processed for inclusion by County in the Consolidated Plan and Annual Action Plan consistent with the recommendations of the Policy Committee or the majority of the parties to this agreement.

8. Each party has the responsibility to ensure its activities comply with the FY 2011-2012 grant program. No party, or any of its officers or employees, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by any other party under or in connection with any work delegated to that party under this Agreement. The parties further agree, pursuant to Government Code section 895.4, that each party shall fully indemnify and hold harmless every other party and its agents, officers, employees and contractors from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any work delegated to or action taken or omitted to be taken by such party under this Agreement. Notwithstanding the foregoing, all parties shall be equally responsible for any damage or liability occurring by reason of any actions taken by the County on behalf of the parties to this Agreement, consistent with any recommendation of the Policy Committee or a majority of the parties to this Agreement.

9. Each party agrees to comply with OMB A-133 reporting requirements which set forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and non-profit organizations expending Federal awards.

10. Pursuant to Government Code section 6505, each party shall be strictly accountable for all CDBG entitlement funds allocated to that party.

11. This Agreement may be signed in counterparts and shall bind each signatory to the Agreement.

IN WITNESS WHEREOF, the parties have executed the above instrument on the day and year first hereinabove written.

- Signatures on following pages -

**COUNTY OF STANISLAUS**

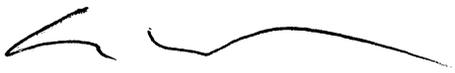
By \_\_\_\_\_  
Dick Monteith  
Chairman of the Board of Supervisors

\_\_\_\_\_  
Dated

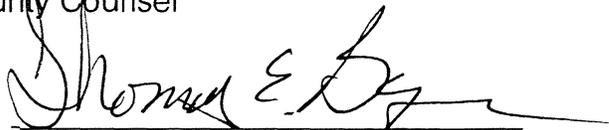
ATTEST: Christine Ferraro-Tallman  
Clerk of the Board of Supervisors  
of the County of Stanislaus, State of California

By \_\_\_\_\_  
Suzi Seibert  
Deputy Clerk

APPROVED AS TO CONTENT:  
Kirk Ford, Director  
Planning and Community Development Department

By   
\_\_\_\_\_  
Angela Freitas  
Deputy Director

APPROVED AS TO FORM:  
John P. Doering  
County Counsel

By   
\_\_\_\_\_  
Thomas E. Boze  
Deputy County Counsel

**CITY OF NEWMAN**

By \_\_\_\_\_  
Ed Katen  
Mayor

Dated \_\_\_\_\_

**ATTEST:**

By \_\_\_\_\_  
Mike Maier  
Deputy City Clerk

**APPROVED AS TO CONTENT:**

By \_\_\_\_\_  
Michael E. Holland  
City Manager

**APPROVED AS TO FORM:**

By \_\_\_\_\_  
Tom Hallinan  
City Attorney

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.b.**  
City Council Meeting  
August 9, 2011

**REPORT ON APPOINTMENT TO FILL VACANCY ON THE PLANNING COMMISSION**

**RECOMMENDATION:**

Consider appointment of Planning Commission member.

**BACKGROUND:**

The City currently has one vacancy on the Planning Commission. The vacancy was created by the resignation of Commissioner Tom Applegate. The term of said vacancy expires in February 2012.

A notice to fill the vacancy was published in the West Side Index and on the City's Website. The City received applications from Vicki D. Lucas and Dr. Gabor Csendes for the position. 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 conduct interviews. The appointment to Planning Commission would be effective immediately.

**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.

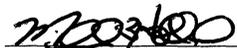
Respectfully submitted,



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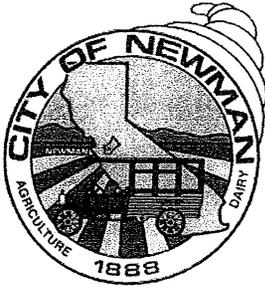
Mike Maier  
Deputy City Clerk

**REVIEWED/CONCUR:**

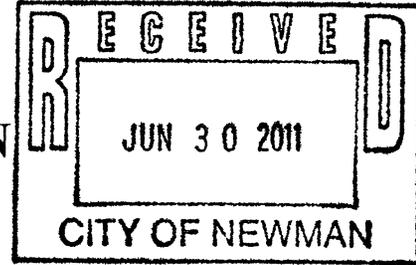


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Michael E. Holland  
City Manager



# City of Newman APPLICATION FOR CITIZEN SERVICE



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

NAME: Vicki D. Lucas

ADDRESS: 541 Hills Ferry Road/ P.O. Box 775

HOME PHONE: 209-862-3471 BUSINESS PHONE: 209-988-9192

OCCUPATION: Owner in Douglas J. Lucas Real Estate, President of the Newman Chamber of Commerce

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

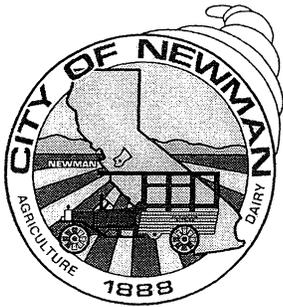
Are there any workday evenings you could not meet?  Yes  No

If so please list: 1st Monday of the month due to Chamber meetings

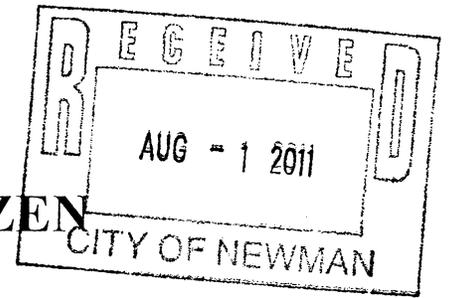
Why are you interested in this position? I am interested in the future direction of this community and continuing the formed planning that has proven so successful.

What do you consider to be your major qualifications? 23 years combined in Title, Escrow and Real Estate. Can make sound decisions. Enjoy working with people and being part of the process for the future.

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: Dr. Gabor Csendes

ADDRESS: 695 Hagerman Peak Drive

HOME PHONE: (209) 862-4425 BUSINESS PHONE: (209) 862-8586

OCCUPATION: Dentist

EDUCATION: (List highest year completed and all degrees): Medical University - D.M.D., D.D.S.

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

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

Why are you interested in this position? I have lived and worked in Newman for more than six years now.

I am seeking this position because I would like a more active role in shaping the future of this community.

What do you consider to be your major qualifications? I have been working in and managing dental practices since 1986, which requires strong management skills and financial knowledge.

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



August 2, 2011

Dr. Gabor Csendes  
659 Hagerman Peak Drive  
Newman, CA 95360

Re: Planning Commission Interview/Appointment

Dear Dr. Csendes:

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 August 9, 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 commissioner.

Please plan on attending the August 9<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 Newman Planning Commission.

Sincerely,

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

Mike Maier  
Deputy City Clerk



August 2, 2011

Vicki D. Lucas  
P.O. Box 755  
Newman, CA 95360

Re: Planning Commission Interview/Appointment

Dear Vicki:

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 August 9, 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 commissioner.

Please plan on attending the August 9<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 Newman Planning Commission.

Sincerely,

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

Mike Maier  
Deputy City Clerk

**REPORT ON STANISLAUS ELDER ABUSE PREVENTION  
ALLIANCE EVENT AT THE DOWNTOWN PLAZA**

**RECOMMENDATION:**

Staff recommends the City Council approve the Stanislaus Elder Abuse Prevention Alliance's (S.E.A.P.A.) request for an event scheduled at the Downtown Plaza on Saturday October 8<sup>th</sup> 2011 from 8 A.M. to 4 P.M.

**BACKGROUND:**

S.E.A.P.A. has requested exclusive use of the Downtown Plaza on October 8<sup>th</sup> 2011 from 8 A.M. to 4 P.M. to host a health fair. The main event will be between the hours of 10 A.M. and 2 P.M., with 4 hours scheduled for set up and clean up. The goal for this year's health fair is to educate and provide the community of Newman with health education and health screens. Anticipated health screens could include blood pressure checks, blood sugar checks, vision, hearing aids, etc. Event organizers have invited many health-related organizations to attend, but do not have a complete count as to how many will be in attendance. The Dementia reality tour will also be taking place inside the Westside Theatre. The event date has no conflicts with other community events in the immediate area. The event organizers are seeking council approval for this year's event.

**ANALYSIS:**

As of the date and time of the preparation of this staff report, S.E.A.P.A. is in the final stages of planning this event. Any subsequent changes will be reported out by staff during the presentation of this report.

S.E.A.P.A. has made the following requests:

- ❖ Exclusive use of the Downtown Plaza.
- ❖ Use of Plaza restroom facilities and electrical power at the location.
- ❖ Waive Standards for Downtown Events in the areas of:
  - Day of operation. This is a Saturday event. Per standards, Sunday is the preferred day.
  - Clean-up deposit. Downtown standards require a \$1,000.00 deposit refundable upon satisfactory cleaning of the affected area. S.E.A.P.A. assures staff that they will thoroughly clean up.
  - Insurance reduction to \$1,000,000.00. Current standards indicated a figure of \$3,000,000.00 naming the City as an additional insured party.
  - Traffic/crowd control device costs. City-owned barricades could be utilized.

All other Standards for Downtown events will apply.

Event organizers have prepared a plan in which the concrete areas of the plaza will be utilized for information and vendor booths. The alleys leading into the East parking lot will be open and the East lot will be used for event parking. Barricades will be used at the alley entrance to the West parking lot, as well as the Main Street entrance to the West lot, to close it off to vehicular traffic.

**FISCAL IMPACT:**

No impact. City services have not been requested nor are they anticipated.

**CONCLUSION:**

S.E.A.P.A. is a well known organization who puts on several senior awareness events in Stanislaus County each year. S.E.A.P.A. organized the Dementia Reality Tour last year in Newman which was a successful, informative event. Based upon the information contained in this report, the following options are available:

1. Approve the event as indicated.
2. Reject the event.

Staff recommends Alternative 1.

**ATTACHMENTS:**

1. Proposed event site map

Respectfully submitted,



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Brett Short  
Police Lieutenant

**REVIEWED/CONCUR:**



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Michael Holland  
City Manager



Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.d.**  
City Council Meeting  
of August 9, 2011

**AUTHORIZE AN ADDENDUM FOR THE WATER AND WASTEWATER ON-CALL \CONSULTING SERVICES FOR STANTEC ENGINEERING FOR A NOT-TO-EXCEED AMOUNT OF \$60,000.00 AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT**

**RECOMMENDATION:**

It is recommended that the City Council authorize an addendum for the water and wastewater on-call consulting services for Stantec Engineering for a not-to-exceed amount of \$60,000.00 and authorize the City Manager to execute the agreement.

**BACKGROUND:**

Stantec (formerly known as Eco:Logic Engineering) has been providing professional engineering services for water and wastewater for the City of Newman since 2008. They have assisted the City with previous Report of Waste Discharge Permits with the Regional Water Quality Control Board and have completed Water, Wastewater Collection and Wastewater Treatment Master Plans. In addition, Stantec has assisted the City with a new test hole for a potential future well, and is currently working on the City's Water Rate Study. On September 8, 2009, the City Council authorized a professional on-call consulting services contract with Stantec for a not-to-exceed amount of \$70,000.00 for annual on-call consulting services for water and sewer professional engineering services. The cost allocation was split \$35,000.00 for the Sewer Fund and \$35,000.00 for the Water Fund.

Staff is currently working to improve the water quality in the City through the installation of a new municipal well with better water quality, and evaluating the existing water supply within the City. In addition, staff is currently working with the Regional Water Quality Control Board to renew the Report of Waste Discharge Permit for the City's Waste Water Treatment Plant.

**ANALYSIS:**

The City has a need for continued professional consulting services for water and wastewater. Stantec has been providing exceptional service to the City, has a great relationship with regulators, and has vast knowledge of the City's water and wastewater systems. Stantec has submitted a proposal for an addendum to the existing contract (attached). The addendum is for a not-to-exceed cost of \$60,000.00, with the option for two, one-year renewals at the City's discretion. The on-call services are on an 'as-needed' basis, and will only be utilized for specific tasks identified in their proposal unless directed by the City. The cost for these services is split between the Water and Sewer Funds, and is not a General Fund expense.

**FISCAL IMPACT:**

Proposal amount \$60,000.00	11/12 Water Fund	\$30,000.00
	11/12 Sewer Fund	\$30,000.00

**CONCLUSION:**

The City has a need for continued water and wastewater professional engineering services. Stantec has been providing exceptional engineering services, and is very familiar with the City's utility systems. Therefore, staff recommends the City Council authorize an addendum for the water and wastewater on-call consulting services for Stantec Engineering for a not-to-exceed amount of \$60,000.00 and authorize the City Manager to execute the agreement.

**ATTACHMENTS:**

1. Stantec Professional Services Agreement Change Order

Respectfully Submitted,



Garner Reynolds  
Director of Public Works

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager



**Stantec**

## PROFESSIONAL SERVICES AGREEMENT CHANGE ORDER

Consultant:	STANTEC CONSULTING SERVICES INC.	Date	22 July 2011
	3875 Atherton Road, Rocklin, CA 95765	Stantec Project #	184030115 & 184030116
	Ph: (916) 773-8100 Fx: 916-773-8448	Stantec Opportunity Pipeline #	
	email: email address		
Client:	CITY OF NEWMAN	Client Project #	
	Garner Reynolds	Change Order #	5 (Amendment)
	Ph: (209) 862-4448 Fx:		
	email: greynolds@cityofnewman.com		
Project Name and Location:	City of Newman Water and Wastewater On-Call Services Newman, California		

In accordance with the original Professional Services Agreement dated 9 September 2009 and Change Orders thereto, the Agreement changes as detailed below are hereby authorized.

For Fiscal Year 2011-12 (July 1, 2011 through June 30, 2012) the authorized compensation is increased as follows:

City of Newman Water On-Call Services Fiscal Year 2011-2012 – not to exceed \$30,000

The authorization for Water On-Call Services covers time and expense services as described in the 9 September 2009 Professional Services Agreement. The following tasks and approximate budgets describe in more detail the increased compensation authorized:

- |  |         |
|--|---------|
| 1. Re-sampling of Test Wells   | \$2,000 |
| 2. Evaluation of Existing Water System – Tech Memo   | \$4,000 |
| 3. Production Well Technical Specifications and Bidding Services (does not include surface improvements for new production well; well installation only) | \$8,000 |
| 4. Initial CDPH Correspondence and Drinking Water Source Assessment for Proposed Production Well   | \$6,000 |
| 5. Evaluation of Cash Flow and Surface Water Supply Project Schedule   | \$8,000 |
| 6. Assistance to City with inquiries from Developers/Annexations   | \$2,000 |

City of Newman Wastewater On-Call Services Fiscal Year 2011-2012 – not to exceed \$30,000

The authorization for Wastewater On-Call Services covers time and expense services as described in the 9 September 2009 Professional Services Agreement. The following tasks and approximate budgets describe in more detail the increased compensation authorized:

- |   |          |
|---|----------|
| 1. Report of Waste Discharge for Expanded Disposal Capacity |          |
| 1.1 Exhibits for additional irrigation lands                | \$1,000  |
| 1.2 Form 200 for each additional property                   | \$2,500  |
| 1.3 Anti-degradation analysis                               | \$15,000 |
| 1.4 WWTP Site Exhibit, A-line, etc.                         | \$2,000  |
| 1.5 Salinity Source Control Plan                            | \$2,000  |
| 1.6 Economic Study/Justification                            | \$3,000  |
| 2. Administration, meetings and contingency                 | \$4,500  |

The budgets above may be adjusted and utilized for additional tasks as identified by and at the discretion of the Public Works Director. Further increase in compensation is subject to the approval of the City Council.

Revised: 2008-07-21

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Total fees this Change Order \$ 60,000.00

Effect on Schedule: This Change Order extends the original Term of Agreement as follows:

This Agreement terminates on June 30, 2012 (with option of extending the contract for two additional years to June 30, 2014).

Payments shall be made in accordance with the original agreement terms. All other items and conditions of the original Agreement shall remain in full force and effect.

**STANTEC CONSULTING SERVICES INC.**

**CITY OF NEWMAN**

Per: *Steven L. Beck*  
Name: Steven L. Beck  
Title: Principal  
Date Signed: 7/25/11

Per: \_\_\_\_\_  
Name: Michael E. Holland  
Title: City Manager  
Date Signed: \_\_\_\_\_

**Stantec**

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **10.e.**  
City Council Meeting  
of August 9, 2011

**REPORT ON MUTUAL AID AGREEMENT WITH CITY OF GUSTINE**

**RECOMMENDATION:**

It is recommended that the Newman City Council authorize the City Manager to enter into an Automatic Aid Agreement with City of Gustine for Fire Services.

**BACKGROUND:**

The communities of Newman and Gustine are located only four (4) miles apart. However, they are situated in different counties. It has always been beneficial to both the communities to offer Mutual Aid with respect to public safety issues. In an effort to memorialize this commitment, an Automatic Aid Agreement for fire services has been drafted.

**ANALYSIS:**

Approval of the Agreement memorializes a long-standing informal agreement between the two parties. The agreement clarifies issues such as command authority and responsibility of completing reports. It also spells out that each party agrees to provide services without monetary compensation.

Side Note: It is expected that Merced County and West Stanislaus Fire District will also be entering into an agreement for incidents that occur within the unincorporated areas of the two counties.

**FISCAL IMPACT:**

None

**CONCLUSION:**

The attached agreement will memorialize a long-standing informal mutual aid agreement. The agreement provides clarity to which parties are responsible for command and report writing responsibilities. Both parties agree that mutual aid will be provided without monetary compensation. Staff recommends the Council authorize the City Manager to enter into an Automatic Aid Agreement with City of Gustine for fire and rescue services.

Respectfully submitted,

  
\_\_\_\_\_  
Michael E. Holland  
City Manager

**AUTOMATIC AID AGREEMENT BETWEEN  
CITY OF GUSTINE FIRE DEPARTMENT  
AND THE  
CITY OF NEWMAN FIRE DEPARTMENT**

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of 2011, by and between the City of Gustine (hereinafter referred to as "Gustine City Fire") and the City of Newman Fire Department (hereinafter referred to as "Newman City Fire").

**WITNESSETH:**

WHEREAS, the parties hereto are geographically located in proximity to each other within the City of Gustine and the City of Newman and

WHEREAS, it is to the parties mutual benefit that each render reciprocal supplemental assistance in the event of fire or other local fire department related emergencies of a type common to both parties not covered by or within the scope of the California Emergency Management Agency and Civil Defense Master Mutual Aid Agreement, but constituting so-called day-to-day automatic aid arising out of convenience rather than out of extraordinary necessity;

NOW THEREFORE, in consideration of their mutual covenants, the parties hereto agree as follows:

**I. OPERATIONAL RESPONSE OF AUTOMATIC AID**

A written Operational Response Plan shall be mutually agreed upon by the Fire Chiefs of both agencies. This plan shall include specific boundaries of response, emergency response guidelines, jurisdictional responsibility, communications, and resource availability.

**II. COMMAND AUTHORITY**

**A. Responsible Jurisdiction to Have Command Authority**

When either Gustine City Fire or Newman City Fire responds auto-aid into the neighboring jurisdiction under this Agreement, the incident commander of the responsible jurisdiction shall be in command of all staffing and equipment committed to the incident; however, the first officer at the scene will be in command even if it is not their jurisdiction. Command will then be reasonably passed to the first officer at the incident that has jurisdiction of that incident.

## **B. Judicious Use of Personnel and Equipment**

It shall be the responsibility of the incident commander of the responsible jurisdiction to utilize the staffing and equipment from the jurisdiction providing aid only to the extent that is required to bring the emergency under control.

## **C. Order of Release**

The staff and equipment from the jurisdiction providing aid shall be the first released from the scene of the emergency.

## **III. REPORTS**

The responsible jurisdiction shall be responsible for completing all required reports, including but not limited to, reports mandated by local or state government.

## **IV. COMPENSATION**

All services provided by either Merced County Fire or Newman City Fire under this Agreement shall be performed without monetary compensation for the first twelve hours of the incident. If the incident exceeds twelve hours, the equipment would then transition to Assistance By Hire. The mutual advantages, protections, and services afforded by this Agreement are mutually agreed to be adequate compensation to both jurisdictions if the duration of the incident last less than twelve hours.

## **V. LIABILITY / HOLD HARMLESS**

Nothing in the provisions of this Agreement is intended to affect the legal liability of either party by imposing any standard of care different from the standard of care imposed by law. Each party shall bear its own exposure for Worker's compensation on its own personnel while furnished to the other party or likewise.

It is understood and agreed that neither Gustine City Fire nor any officer or employee thereof, shall be responsible for any damage or liability incurred by reason of any act of omission by Newman City Fire, its officers or employees under or in connection with any work, authority, or jurisdiction delegated to Newman City Fire under this Agreement. It is understood and agreed that pursuant to Government Code Section 895.4, Newman City Fire shall fully indemnify and hold harmless Gustine City Fire from any damage or liability incurred by reason of any act or omission by Newman City Fire, its officers or

employees, under or in connection with any work, authority, or jurisdiction delegated to Newman City Fire under this Agreement.

It is understood and agreed that neither Newman City Fire nor any officer or employee thereof, shall be responsible for any damage or liability incurred by reason of any act or omission by Gustine City Fire, its officer, or employees, under or in connection with any work, authority, or jurisdiction delegated to Gustine City Fire under this Agreement. It is also understood and agreed that, pursuant to Government Code Section 895.4, Gustine City Fire shall fully indemnify and hold harmless Newman City Fire from any damage or liability incurred by reason of any act done or omission by Gustine City Fire, its officers or employees, under or in connection with any work, authority, or jurisdiction delegated to Gustine City Fire under this Agreement.

#### **VI. AGREEMENT NOT FOR BENEFIT OF THIRD PARTIES**

This Agreement shall not be construed as, or deemed to be, an agreement for the benefit of any third party or parties, and no third party or parties shall have any right of action hereunder for any cause whatsoever. Any services performed or expenditures made in connection with this Agreement by either party hereto shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the jurisdiction which are suited within the respective jurisdictions defined herein.

#### **VII. TERM**

This Agreement shall commence upon execution of this Agreement by both parties, and shall remain in full force and effect unless terminated as provided herein.

This Agreement may be terminated without cause by either Gustine City Fire or Newman City Fire upon written notice of termination given to the other party at least thirty (30) days in advance of the effective date of termination. Notice of termination shall be personally served or mailed, postage prepaid to the address designated beneath the signature of the parties hereto; or to such other address as may be designated by written notice.

#### **VIII. AMENDMENTS TO AGREEMENT**

1. This Agreement contains all of the terms and conditions agreed to between the parties. Except as otherwise specified, this Agreement shall not be amended or altered without the written consent of the parties.

2. Any such amendments shall be mutually agreed upon and require the written consent of the Fire Chiefs of the parties.

## **IX. EXCLUSIONS**

Any requests for aid not covered in this Automatic Aid Agreement shall be handled under California Master Mutual Aid.

### **OPERATIONAL RESPONSE PLAN For Automatic Aid Response With Gustine City Fire Department And Newman City Fire Department**

#### **I. Response Boundaries**

1. Gustine City Fire shall respond into the city limits of Newman. This area will be designated on the map in blue.
2. Newman City Fire shall respond into the city limits of Gustine. This area will be designated on the map in red.

#### **II. Type of Incidents**

Automatic Aid to Gustine City Fire and Newman City Fire shall be utilized whenever there is an incident that requires at least a two engine response. Examples include the following incidents, but are not limited to:

- A. Vehicle Fires
- B. Structure Fires
- C. Vegetation Fires

#### **III. Type of Response**

Gustine City Fire automatic aid response shall consist of one engine company with a minimum of 1-0 staffing, responding into the City of Newman, the area delineated and identified by blue on the map. Merced County Fire will provide the engine that has capabilities similar to that of a type 1 engine.

Newman City Fire automatic aid response shall consist of one engine company with a minimum of 1-0 staffing, responding into the City of Gustine, the area delineated and identified in red on the map. Newman City Fire will provide an engine that has capabilities similar to that of a type 1 engine.

**IV. Guidelines Governing Response and Commitment to an Emergency**

1. Immediate emergencies that require the use of red lights and sirens by responding fire vehicles shall be a part of this Agreement. Non Immediate calls such as public service assists, post fire investigations, and other responses that do not require the use of red lights and sirens shall not be a part of this Agreement; these calls shall be handled by the responsible jurisdiction.

2. Paid Call Firefighters will be paged out to respond out of their home jurisdiction into the other jurisdictions. If the requested engine is cancelled, all Paid Call Firefighter response from that jurisdiction is also cancelled.

3. When both jurisdictions are responding to an emergency along a common border, and jurisdictional responsibility has been identified by arriving units, the jurisdiction providing aid in accord with this Agreement shall work under this direction of the responsible jurisdiction.

4. The jurisdiction providing aid shall remain on the scene of the emergency until released by the incident commander of the responsible jurisdiction. Such release shall be as expeditious as possible.

5. It shall be the responsibility of the incident commander on the scene to summon additional personnel and equipment if needed to handle the emergency.

6. The incident commander on the scene will determine the need for continued response by other dispatched units.

7. The Incident Command System will be used in the management/mitigation of all incidents.

8. If Gustine City Fire or Newman City Fire is not available for an auto-aid dispatch as part of this agreement, the department providing aid will be relieved from its responsibility to respond to the specific emergency.

**V. Communication**

- VI. The command center, responsible for dispatching within the jurisdiction of the incident, will be the center for all ordering and communications. The Command and Tactical Frequencies will be identified by the responsible jurisdiction and relayed to the requested jurisdiction before any equipment is to be dispatched. When a department is dispatched auto aid, they will conduct radio traffic in the following manner.
- A. Notify home ECC of the response and tell them that the unit is switching frequencies.
  - B. Notify the ECC of whose jurisdiction the unit is responding to and tell them the unit is responding.
  - C. Any radio traffic (report on conditions, cancellation of resources, resource requests, etc.) will be done through the ECC of whose jurisdiction the incident lies within.
  - D. When released, tell the ECC of whose jurisdiction the unit is in that the unit is released and switching back to its home unit frequency.
  - E. Notify home unit of the units' release.

**VII. Commitment to Joint Training**

Both parties to this Agreement shall schedule and participate in joint training exercises. The training shall be mutually agreed upon subject matter, times and locations to insure that optimum performance levels are maintained.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as the day and year first hereinabove written.

**GUSTINE CITY  
FIRE DEPARTMENT**

**NEWMAN CITY  
FIRE DEPARTMENT**

By: \_\_\_\_\_  
**City Council for the  
City of Gustine**

By: \_\_\_\_\_  
**City Council for the  
City of Newman**

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

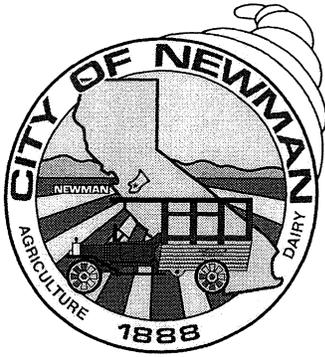
Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Pat Borelli, Fire Chief**  
**Gustine City Fire Department**

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

By: \_\_\_\_\_  
**Mel Souza, Fire Chief**  
**Newman City Fire Department**

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



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

**Date:** August 9, 2011  
**To:** Mayor Katen and City Council  
**From:** Michael E. Holland, City Manager *MEH*

**Subject:** Report on Yancey Building foundation costs.

Based upon direction from the City Council, staff has obtained two quotes for placing a permanent foundation under the Yancey Building in its current location. The quotes are at the planning level and will need to be refined once a set of construction drawings have been prepared. Both contractors prepared said quotes after walking the project and discussing it with City staff. One quote was in the \$12,000-\$17,000 range and the other \$20,000-\$25,000. Final costs are dependent upon final design and the determination of prevailing wage is required. Should the Council elect to move forward, staff will work with our engineer to prepare the final design and the contractors to secure final pricing. This item would then be rescheduled for final Council consideration.

Side note: Earlier this week, I received a phone call from a former Newman resident who has professional contacts at a historic preservation trust. She indicated that the building may be eligible for an 'intervention grant.' However, the application must come from a non-profit. The young lady agreed to forward the information to me for further review. Staff will keep the Council updated on this potential funding opportunity.