



AGENDA
NEWMAN CITY COUNCIL
REGULAR MEETING FEBRUARY 28, 2012
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters
 - a. Presentation By StanCOG Regarding Unmet Transit Needs.
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. ([View Warrant Register](#))
 - c. Approval Of Minutes Of The February 14, 2012 Regular Meeting. ([View Minutes](#))
 - d. Adopt Resolution No. 2012- , A Resolution Of The City Council Of The City Of Newman, Serving As The Successor Agency To The Former Redevelopment Agency Of The City Of Newman, Approving And Adopting An Initial Draft Of The Recognized Obligation Payment Schedule Pursuant To Health And Safety Code Section 34177(L). ([View Report](#))
 - e. Adopt Resolution No. 2012- , A Resolution Approving The Main Street Intersections Rehabilitation Project 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 Main Street Intersections Rehabilitation Project. ([View Report](#))
 - f. Adopt Resolution No. 2012- , A Resolution Authorizing An Application For A Housing-Related Parks Grant. ([View Report](#))
 - g. Adopt Resolution No. 2012- , A Resolution Rejecting The Claim Of Henry E. Leon. ([View Report](#))
9. Public Hearings.

10. Regular Business

- a.** Consider For Approval the Stanislaus County Annual Action Plan (Fiscal Year 2012-2013), Consolidated Plan (Fiscal Year 2012-2015) and Open 30-Day Public Comment Period. ([View Report](#))
- b.** First Reading And Introduction Of Ordinance No. 2012- , An Ordinance Amending Title 8, Health And Sanitation, Chapter 8.02.150 Property Maintenance And Nuisances Violations/Penalties Of The Newman City Code. ([View Report](#))
- c.** Adopt Resolution No. 2012- , A Resolution Awarding The Audit Services Contract To Clendenin Bird And Company, P.C. And Authorizing The City Manager To Sign Said Agreement. ([View Report](#))

11. Items From District Five Stanislaus County Supervisor.

12. Items From The City Manager And Staff.

13. Items From City Council Members.

14. Adjournment.

Calendar of Events

February 28 - City Council - 7:00 P.M.

February 29 - Newman Quasquicentennial (125 Years) Planning Committee Meeting - 6:00 P.M.

March 5 - NCLUSD Board Meeting - 6:00 P.M.

March 8 - Recreation Commission - 7:00 P.M.

March 13 - City Council - 7:00 P.M.

March 15 - Planning Commission - 7:00 P.M.

March 16 - City Furlough Day - City Offices Closed.

March 17 - Saint Patrick's Day.

March 20 - Two-On-Two Meeting With The School Board - 4:00 P.M.

March 24 - Chamber Of Commerce's Annual Dinner Dance - 6:00 P.M.

March 27 - City Council - 7:00 P.M.

March 30 - City Offices Offices Closed For Relocation.

March 31 - K9 Crab Feed - 6:00 P.M.

April 2 - City Offices Offices Closed For Relocation.

April 3 - City Offices Reopen At New Location - 938 Fresno Street - 8:00 A.M.

April 6 - City Furlough Day - City Offices Closed.

April 8 - Easter.

April 10 - City Council - 7:00 P.M.

April 12 - Recreation Commission - 7:00 P.M.

April 16 - NCLUSD Board Meeting - 6:00 P.M.

April 19 - Planning Commission - 7:00 P.M.

April 17 - Two-On-Two Meeting With The School Board - 4:00 P.M.

April 24 - City Council - 7:00 P.M.

Accounts Payable

Manual Check Register

User: efaria
Printed: 02/21/2012 - 10:09AM
Batch: 50021.02.2012



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

| | | amount | Invoice No |
|---------------|---------------------------------------|-----------------|------------|
| Check: 101163 | 02/21/2012 | | |
| Vendor: MOD01 | Modesto Alarm, Inc | | |
| | | 2,761.18 | 735 |
| | | 2,761.18 | 735 |
| | | 2,761.18 | 735 |
| | Check total: | <u>8,283.54</u> | |
| | Total for Accounts Payable Check Run: | <u>8,283.54</u> | |

Accounts Payable

AP Check Register for Council



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

User: efaria

Printed: 02/24/2012 - 10:56 AM

| Check Numr | Check Da | Name | Account | Description | Amount |
|------------|-----------|--------------------------|------------|--|-----------|
| 101165 | 2/24/2012 | Richardson Aaron C. | 60-50-7411 | Patched 9 drywall holes/new city hall | 86.67 |
| 101165 | 2/24/2012 | Richardson Aaron C. | 63-56-7411 | Patched 9 drywall holes/new city hall | 86.67 |
| 101165 | 2/24/2012 | Richardson Aaron C. | 40-07-7411 | Patched 9 drywall holes/new city hall | 86.66 |
| 101165 | 2/24/2012 | Richardson Aaron C. | 60-50-7411 | Textured and painted equipment room/new city hall | 40.00 |
| 101165 | 2/24/2012 | Richardson Aaron C. | 40-07-7411 | Progress draw #2 on new city hall construction | 1,500.00 |
| 101165 | 2/24/2012 | Richardson Aaron C. | 63-56-7411 | Textured and painted equipment room/new city hall | 40.00 |
| 101165 | 2/24/2012 | Richardson Aaron C. | 60-50-7411 | Progress draw #2 on new city hall construction | 1,500.00 |
| 101165 | 2/24/2012 | Richardson Aaron C. | 40-07-7411 | Textured and painted equipment room/new city hall | 40.00 |
| 101165 | 2/24/2012 | Richardson Aaron C. | 63-56-7411 | Progress draw #2 on new city hall construction | 1,500.00 |
| 101166 | 2/24/2012 | Acme Electric Company | 69-47-6200 | Repair to wires stolen on Sherman Parkwa | 2,946.85 |
| 101167 | 2/24/2012 | AGLINK, INC | 17-44-7521 | 6 SUPER SACKS RUBBER BARK | 4,027.66 |
| 101167 | 2/24/2012 | AGLINK, INC | 17-44-7521 | 8 SUPER SACKS RUBBER BARK | 5,314.68 |
| 101167 | 2/24/2012 | AGLINK, INC | 17-44-7521 | 6 SUPER SACKS RUBBER BARK | 4,027.66 |
| 101168 | 2/24/2012 | APPLEGATE TEEPLES DRILLI | 62-60-6200 | Cleaned storm lift stations | 1,218.75 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 10-21-6420 | Wireless access/PD 1-3 TO 2-2-12 | 407.54 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 10-21-6420 | Cell phone use 1-6-12 to 2-5-12 | 436.02 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 63-56-6420 | Cell phone use 1-6-12 to 2-5-12 | 255.00 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 10-44-6420 | Cell phone use 1-6-12 to 2-5-12 | 27.14 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 69-47-6420 | Cell phone use 1-6-12 to 2-5-12 | 4.11 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 60-50-6420 | Cell phone use 1-6-12 to 2-5-12 | 122.24 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 10-07-6420 | Cell phone use 1-6-12 to 2-5-12 | 16.45 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 10-22-6420 | Cell phone use 1-6-12 to 2-5-12 | 16.45 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 10-33-6420 | Cell phone use 1-6-12 to 2-5-12 | 20.56 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 10-02-6420 | Cell phone use 1-6-12 to 2-5-12 | 75.44 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 10-45-6420 | Cell phone use 1-6-12 to 2-5-12 | 28.46 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 10-03-6420 | Cell phone use 1-6-12 to 2-5-12 | 70.44 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 10-14-6420 | Cell phone use 1-6-12 to 2-5-12 | 42.32 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 73-70-6420 | Cell phone use 1-6-12 to 2-5-12 | 9.42 |
| 101169 | 2/24/2012 | AT&T MOBILITY | 74-70-6420 | Cell phone use 1-6-12 to 2-5-12 | 4.45 |
| 101170 | 2/24/2012 | BAY PARK HOTEL | 10-21-6690 | Lodging/POST training/Short | 377.60 |
| 101171 | 2/24/2012 | BELL JAMES J. | 10-21-6200 | Contract services/evidence clerk for 2/1 and 2/2/12. | 140.50 |
| 101172 | 2/24/2012 | BERTOLOTTI DISPOSAL | 69-47-6220 | 40 yard trash dumping | 200.00 |
| 101172 | 2/24/2012 | BERTOLOTTI DISPOSAL | 10-33-6220 | 40 yard trash dumping | 196.20 |
| 101173 | 2/24/2012 | BEST BEST & KRIEGER, LLP | 73-70-6200 | Professional services/Jan 2012 | 460.20 |
| 101174 | 2/24/2012 | BLUE SHIELD OF CALIFORNI | 10-00-2260 | Health insurance premium/March 2012 | 11,558.00 |
| 101175 | 2/24/2012 | BUSINESS CARD | 10-21-6300 | labelwriter/flashlight batteries/gloves/PD | 351.41 |
| 101175 | 2/24/2012 | BUSINESS CARD | 10-21-6300 | Trifactant tablets/PD | 53.90 |
| 101175 | 2/24/2012 | BUSINESS CARD | 10-21-6690 | Meals/PD | 80.83 |
| 101175 | 2/24/2012 | BUSINESS CARD | 10-45-6730 | Awards for youth basketball | 360.16 |
| 101175 | 2/24/2012 | BUSINESS CARD | 10-45-6730 | Supplies for teen center snack bar | 76.33 |
| 101175 | 2/24/2012 | BUSINESS CARD | 10-33-6690 | Meals | 48.72 |
| 101175 | 2/24/2012 | BUSINESS CARD | 10-01-6690 | Lodging/Hutchins/LCC policy committee | 186.45 |
| 101175 | 2/24/2012 | BUSINESS CARD | 60-50-7100 | Cameras/memory cards/security boxes | 1,347.90 |
| 101175 | 2/24/2012 | BUSINESS CARD | 10-21-7100 | Credit card terminal/PD | 215.44 |
| 101175 | 2/24/2012 | BUSINESS CARD | 10-33-6300 | Postage | 1.68 |

| Check Numr | Check Da | Name | Account | Description | Amount |
|------------|-----------|---------------------------|------------|--|-----------|
| 101175 | 2/24/2012 | BUSINESS CARD | 10-01-6690 | Credit card terminal/PD | 408.55 |
| 101175 | 2/24/2012 | BUSINESS CARD | 10-22-6530 | Lube, oil & filter change/2002 Chevy/FD | 59.28 |
| 101175 | 2/24/2012 | BUSINESS CARD | 10-22-6530 | Cylinder/FD | 65.92 |
| 101176 | 2/24/2012 | California Portables | 60-50-6300 | 8.5'x 20' Dry storage container/paint/lo | 3,344.73 |
| 101177 | 2/24/2012 | CBA (CALIFORNIA BENEFITS | 10-00-1110 | Pre-paid dental-vision deposit | 8,500.00 |
| 101178 | 2/24/2012 | CITY OF MODESTO, FLEET SI | 10-21-6530 | Diagnose & repair emergency lighting/501 Charger | 441.49 |
| 101179 | 2/24/2012 | COLLISON (NT) ELAINE | 10-21-6630 | Reimbursement for shadow box/lunch for Bell family | 85.78 |
| 101180 | 2/24/2012 | Torres David | 10-33-6200 | Tree stump grinding | 75.00 |
| 101181 | 2/24/2012 | ECONOMIC TIRE SHOP | 60-50-6530 | 1 new tire mounted | 75.84 |
| 101181 | 2/24/2012 | ECONOMIC TIRE SHOP | 10-33-6530 | 1 new tire mounted | 75.85 |
| 101182 | 2/24/2012 | ENERPOWER | 10-07-6200 | Electric energy services 11-16-11 to 12-14-11 | 14.00 |
| 101182 | 2/24/2012 | ENERPOWER | 60-50-6200 | Electric energy services 11-16-11 to 12-14-11 | 36.00 |
| 101182 | 2/24/2012 | ENERPOWER | 69-47-6200 | Electric energy services 11-16-11 to 12-14-11 | 5.00 |
| 101182 | 2/24/2012 | ENERPOWER | 10-33-6200 | Electric energy services 11-16-11 to 12-14-11 | 46.00 |
| 101182 | 2/24/2012 | ENERPOWER | 63-56-6200 | Electric energy services 11-16-11 to 12-14-11 | 495.00 |
| 101183 | 2/24/2012 | FGL ENVIRONMENTAL, INC | 60-50-6200 | Inorganic and organic analyses/WWTP | 275.00 |
| 101183 | 2/24/2012 | FGL ENVIRONMENTAL, INC | 60-50-6200 | Inorganic and organic analyses/WWTP | 275.00 |
| 101184 | 2/24/2012 | FOLSOM LAKE FORD | 71-21-7100 | 2010 Dodge Charger/PD | 23,680.88 |
| 101185 | 2/24/2012 | FRANKLIN PET CEMETERY & | 10-21-6200 | Animal disposal clinics/Jan 2012 | 46.00 |
| 101186 | 2/24/2012 | GEMPLERS ACCT #5224757 | 60-50-6300 | Driveway vehicle monitor system/WWTP | 246.04 |
| 101187 | 2/24/2012 | George Reed, Inc. | 18-32-7510 | Main street intersection progress payment-final | 52,625.61 |
| 101188 | 2/24/2012 | GONZALEZ EDGAR | 10-21-6690 | Per Diem/POST trng/Edgar Gonzalez | 30.00 |
| 101189 | 2/24/2012 | Grand Lodge of California | 40-07-8130 | City hall loan paymentMarch 2012 | 507.40 |
| 101189 | 2/24/2012 | Grand Lodge of California | 60-50-8130 | City hall loan paymentMarch 2012 | 507.40 |
| 101189 | 2/24/2012 | Grand Lodge of California | 63-56-8130 | City hall loan paymentMarch 2012 | 507.40 |
| 101189 | 2/24/2012 | Grand Lodge of California | 40-07-8120 | City hall loan paymentMarch 2012 | 1,130.84 |
| 101189 | 2/24/2012 | Grand Lodge of California | 60-50-8120 | City hall loan paymentMarch 2012 | 1,130.84 |
| 101189 | 2/24/2012 | Grand Lodge of California | 63-56-8120 | City hall loan paymentMarch 2012 | 1,130.84 |
| 101190 | 2/24/2012 | GRANDFLOW | 10-14-6300 | 1099INT copy A,B,C | 95.36 |
| 101191 | 2/24/2012 | GROENIGER & CO. | 69-47-6300 | Backflow unit for Upper Rd Landscaping | 502.56 |
| 101192 | 2/24/2012 | HARTFORD INS CO OF THE M | 60-50-6630 | Flood insurance premium/WWTP | 1,976.00 |
| 101193 | 2/24/2012 | HEWLETT-PACKARD FINANC | 10-21-6200 | Hardware lease 2-18-12 to 3-17-12/PD | 585.77 |
| 101194 | 2/24/2012 | HOUSE STEPHANIE | 10-45-6730 | Reimbursement for soccer snack bar/House | 182.20 |
| 101195 | 2/24/2012 | HOWK SYSTEMS, INC. | 63-56-6220 | Repack pump/Well #6 | 225.00 |
| 101196 | 2/24/2012 | IKON OFFICE SOLUTIONS | 10-14-6200 | Copier lease with extra copy charges/CH | 152.16 |
| 101196 | 2/24/2012 | IKON OFFICE SOLUTIONS | 60-50-6200 | Copier lease with extra copy charges/CH | 152.16 |
| 101196 | 2/24/2012 | IKON OFFICE SOLUTIONS | 63-56-6200 | Copier lease with extra copy charges/CH | 152.17 |
| 101197 | 2/24/2012 | MID VALLEY IT, INC | 10-21-6200 | IT CONTRACT/PD | 613.74 |
| 101197 | 2/24/2012 | MID VALLEY IT, INC | 10-14-6200 | IT CONTRACT/FIN | 306.86 |
| 101197 | 2/24/2012 | MID VALLEY IT, INC | 63-56-6200 | IT CONTRACT/WATR | 306.87 |
| 101197 | 2/24/2012 | MID VALLEY IT, INC | 60-50-6200 | IT CONTRACT/SEWR | 306.87 |
| 101198 | 2/24/2012 | NEWMAN SMOG AND LUBE | 10-21-6530 | Mounted and balance new tires/2007 Buick | 80.00 |
| 101199 | 2/24/2012 | Otis Elevator Company | 10-07-6200 | Labor and material to perform otis proposal elevator cab pads | 544.00 |
| 101200 | 2/24/2012 | PATTERSON IRRIGATOR | 60-50-6600 | Ad for maintenance worker | 63.63 |
| 101201 | 2/24/2012 | P G & E | 10-21-6510 | Natural gas usage/CNG | 32.42 |
| 101201 | 2/24/2012 | P G & E | 10-33-6510 | Natural gas usage/CNG | 97.26 |
| 101201 | 2/24/2012 | P G & E | 10-44-6510 | Natural gas usage/CNG | 64.86 |
| 101201 | 2/24/2012 | P G & E | 60-50-6510 | Natural gas usage/CNG | 32.42 |
| 101201 | 2/24/2012 | P G & E | 63-56-6510 | Natural gas usage/CNG | 32.42 |
| 101201 | 2/24/2012 | P G & E | 10-14-6420 | Gas and electric for new city hall 1/06 to 2/7/12 | 394.80 |
| 101202 | 2/24/2012 | PITNEY BOWES CREDIT COR | 10-14-6330 | Postage meter lease 11-30-11 to 2-28-12 | 55.00 |
| 101202 | 2/24/2012 | PITNEY BOWES CREDIT COR | 60-50-6330 | Postage meter lease 11-30-11 to 2-28-12 | 55.00 |
| 101202 | 2/24/2012 | PITNEY BOWES CREDIT COR | 63-56-6330 | Postage meter lease 11-30-11 to 2-28-12 | 55.00 |
| 101203 | 2/24/2012 | Rivera Jaime | 40-07-7411 | Connected 240 v.a.c./disconnect 60 AMP to condense unit @ city h | 109.33 |
| 101203 | 2/24/2012 | Rivera Jaime | 60-50-7411 | Connected 240 v.a.c./disconnect 60 AMP to condense unit @ city h | 109.33 |

| Check Nurr | Check Da | Name | Account | Description | Amount |
|------------|-----------|--------------------------------|------------|--|-----------|
| 101203 | 2/24/2012 | Rivera Jaime | 63-56-7411 | Connected 240 v.a.c./disconnect 60 AMP to condense unit @ city h | 109.34 |
| 101204 | 2/24/2012 | ROPERS, MAJESKI,KOHN & F | 60-50-6200 | Employment advice and counsel/Jan 2012 | 999.38 |
| 101204 | 2/24/2012 | ROPERS, MAJESKI,KOHN & F | 62-60-6200 | Employment advice and counsel/Jan 2012 | 333.12 |
| 101205 | 2/24/2012 | SAFE-T-LITE | 10-33-6300 | 2 lime green vests | 15.56 |
| 101205 | 2/24/2012 | SAFE-T-LITE | 63-56-6300 | 12 custom aluminum signs | 261.31 |
| 101206 | 2/24/2012 | Shasta Elevator Company | 10-07-6665 | Service call at museum for wheel chair lift. | 405.00 |
| 101207 | 2/24/2012 | SHELL FLEET PLUS | 10-33-6500 | Gas and diesel fuel/Jan 2012 | 214.89 |
| 101207 | 2/24/2012 | SHELL FLEET PLUS | 10-44-6500 | Gas and diesel fuel/Jan 2012 | 114.40 |
| 101207 | 2/24/2012 | SHELL FLEET PLUS | 63-56-6500 | Gas and diesel fuel/Jan 2012 | 1,066.68 |
| 101207 | 2/24/2012 | SHELL FLEET PLUS | 60-50-6500 | Gas and diesel fuel/Jan 2012 | 196.13 |
| 101207 | 2/24/2012 | SHELL FLEET PLUS | 10-21-6500 | Gas and diesel fuel/Jan 2012 | 3,530.37 |
| 101207 | 2/24/2012 | SHELL FLEET PLUS | 10-22-6500 | Gas and diesel fuel/Jan 2012 | 475.25 |
| 101207 | 2/24/2012 | SHELL FLEET PLUS | 69-47-6500 | Gas and diesel fuel/Jan 2012 | 92.53 |
| 101208 | 2/24/2012 | SHORT BRETT | 10-21-6695 | Per Diem/POST training/Short | 700.00 |
| 101209 | 2/24/2012 | State of Calif Dept of Justice | 10-00-2014 | Fingerprint apps | 453.00 |
| 101210 | 2/24/2012 | STAPLES ADVANTAGE | 69-47-6300 | 2GB SD cards | 18.10 |
| 101210 | 2/24/2012 | STAPLES ADVANTAGE | 60-50-6300 | 2GB SD cards | 54.31 |
| 101210 | 2/24/2012 | STAPLES ADVANTAGE | 63-56-6300 | HP laserjet cartridge/sheet protectors/SD cards | 102.39 |
| 101210 | 2/24/2012 | STAPLES ADVANTAGE | 63-56-6300 | Storage boxes/pen refills | 30.86 |
| 101210 | 2/24/2012 | STAPLES ADVANTAGE | 60-50-6300 | Storage boxes/pen refills | 30.86 |
| 101210 | 2/24/2012 | STAPLES ADVANTAGE | 10-14-6300 | Storage boxes/pen refills | 30.87 |
| 101211 | 2/24/2012 | STANTEC CONSULTING SERV | 64-56-6201 | Water rate study fees | 2,992.50 |
| 101211 | 2/24/2012 | STANTEC CONSULTING SERV | 60-50-6200 | Pretreatment program assistance/WWTP | 1,065.50 |
| 101211 | 2/24/2012 | STANTEC CONSULTING SERV | 60-50-6200 | Groundwater monitoring services/WWTP | 1,896.50 |
| 101211 | 2/24/2012 | STANTEC CONSULTING SERV | 60-50-6200 | Groundwater monitoring services/WWTP | 12,961.19 |
| 101211 | 2/24/2012 | STANTEC CONSULTING SERV | 60-50-6200 | Newman wastewater on-call/WWTP | 983.00 |
| 101212 | 2/24/2012 | SUN VALLEY PORTABLES | 10-44-6200 | Portable restroom rental/service | 155.73 |
| 101213 | 2/24/2012 | T.H.E. OFFICE CITY | 63-56-6300 | 2 expandable files | 20.10 |
| 101213 | 2/24/2012 | T.H.E. OFFICE CITY | 63-56-6300 | 1 expandable files | 10.05 |
| 101213 | 2/24/2012 | T.H.E. OFFICE CITY | 63-56-6300 | red pencil lead | 1.51 |
| 101213 | 2/24/2012 | T.H.E. OFFICE CITY | 60-50-6300 | red pencil lead | 1.51 |
| 101213 | 2/24/2012 | T.H.E. OFFICE CITY | 10-14-6300 | red pencil lead | 1.52 |
| 101213 | 2/24/2012 | T.H.E. OFFICE CITY | 10-14-6300 | HP ink toner | 121.68 |
| 101213 | 2/24/2012 | T.H.E. OFFICE CITY | 60-50-6300 | HP ink toner | 121.68 |
| 101213 | 2/24/2012 | T.H.E. OFFICE CITY | 63-56-6300 | HP ink toner | 121.69 |
| 101213 | 2/24/2012 | T.H.E. OFFICE CITY | 63-56-6300 | file folders | 4.06 |
| 101213 | 2/24/2012 | T.H.E. OFFICE CITY | 60-50-6300 | file folders | 4.06 |
| 101213 | 2/24/2012 | T.H.E. OFFICE CITY | 10-14-6300 | file folders | 4.07 |
| 101214 | 2/24/2012 | TOBIN JESSICA | 10-21-6300 | Reimbursement for dog food/animal shelter | 61.17 |
| 101217 | 2/24/2012 | USA BLUEBOOK | 60-50-6300 | Element paper/WWTP | 259.43 |
| 101217 | 2/24/2012 | USA BLUEBOOK | 60-50-6300 | High security locks (6)/WWTP | 161.83 |
| 101218 | 2/24/2012 | VALLEY PARTS SERVICE | 63-56-6300 | Grease gun | 23.61 |
| 101218 | 2/24/2012 | VALLEY PARTS SERVICE | 63-56-6300 | Grease gun | 5.15 |
| 101218 | 2/24/2012 | VALLEY PARTS SERVICE | 10-21-6530 | Headlight bulb | 23.00 |
| 101218 | 2/24/2012 | VALLEY PARTS SERVICE | 10-22-6300 | Air filter/spark plug | 24.67 |
| 101218 | 2/24/2012 | VALLEY PARTS SERVICE | 63-56-6300 | Napa 10W40 oil | 3.29 |
| 101218 | 2/24/2012 | VALLEY PARTS SERVICE | 10-21-6530 | Snap terminal | 3.76 |
| 101218 | 2/24/2012 | VALLEY PARTS SERVICE | 60-50-6530 | Grease for equipment | 77.31 |
| 101218 | 2/24/2012 | VALLEY PARTS SERVICE | 69-47-6530 | 10W40 oil | 4.93 |
| 101218 | 2/24/2012 | VALLEY PARTS SERVICE | 60-50-6530 | 10W40 oil | 4.93 |
| 101218 | 2/24/2012 | VALLEY PARTS SERVICE | 10-22-6300 | Wiper blades | 11.42 |
| 101219 | 2/24/2012 | MATTOS NEWSPAPERS, INC. | 60-50-6600 | Employment ad/maintenance worker | 23.00 |
| 101219 | 2/24/2012 | MATTOS NEWSPAPERS, INC. | 10-21-6330 | UPS service/PD | 9.99 |
| 101219 | 2/24/2012 | MATTOS NEWSPAPERS, INC. | 20-06-6600 | Legal publication/County consolidated plan 2012-2015 | 82.50 |
| 101219 | 2/24/2012 | MATTOS NEWSPAPERS, INC. | 10-06-6600 | Legal publication/notice of pub hearing/variance 11-02 | 82.50 |

| Check Num | Check Da | Name | Account | Description | Amount |
|-----------|-----------|--------------------------|------------|--|--------|
| 101219 | 2/24/2012 | MATTOS NEWSPAPERS, INC. | 10-45-6600 | Notice of vacancy/Parks & Rec ad | 32.67 |
| 101219 | 2/24/2012 | MATTOS NEWSPAPERS, INC. | 10-06-6600 | Notice of vacancy/Plng Comm & ARCH comm | 65.33 |
| 101219 | 2/24/2012 | MATTOS NEWSPAPERS, INC. | 60-50-6300 | Business cards for Perfecto Millan | 60.13 |
| 101219 | 2/24/2012 | MATTOS NEWSPAPERS, INC. | 63-56-6300 | Business cards for Perfecto Millan | 60.13 |
| 101220 | 2/24/2012 | WEST SIDE AERIAL APPLICA | 60-50-6230 | Aerial application of gpa on oats/WWTP | 825.00 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 63-56-6300 | Padlocks/tape/batteries/garden valve/duster | 321.55 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 10-44-6300 | 9V battery/grafiti remover/bushing/lumber | 183.33 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 69-47-6300 | Mesh sand | 9.87 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 10-33-6300 | 15watt bulbs/concrete | 81.13 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 63-56-6530 | wisk broom | 5.12 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 10-46-6300 | downspout/gutter/key/s-hook | 69.30 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 10-07-6300 | screws/drill bit/batteries/misc fastners/punch | 44.09 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 10-21-6300 | Dog food/simple green | 61.19 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 60-50-6300 | visor face shield | 19.32 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 62-60-6220 | cleaner | 9.75 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 10-44-6670 | 175W metal halide bulbs/teen center | 34.78 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 10-22-6300 | Hillman fastners | 0.57 |
| 101221 | 2/24/2012 | YANCEY LUMBER COMPANY | 10-21-6300 | Economy boot/tube | 29.46 |

175,187.75



MINUTES
NEWMAN CITY COUNCIL
REGULAR MEETING FEBRUARY 14, 2012
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** - Mayor Katen 7:00 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Mayor Katen.
4. **Roll Call PRESENT:** Davis, Hutchins, Candea, Martina And Mayor Katen.
ABSENT: None.
5. **Declaration Of Conflicts Of Interest** - None.
6. **Ceremonial Matters** - None.
7. **Items from the Public - Non-Agenda Items** - None.
8. **Consent Calendar**
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants.
 - c. Approval Of Minutes Of The January 24, 2012 Regular Meeting.
 - d. Adopt Resolution No. 2012- 12, Authorizing The City Manager To Execute An Agreement With The County Of Stanislaus For The Utilization Of County-Owned GIS Equipment.
 - e. Authorize The Chief Of Police To Enter Into A Memorandum Of Understanding Thereby Forming The Stanislaus County Regional Apprehension Team.

Council Member Hutchins Requested That Item 8.e. Be Pulled From The Consent Calendar.

Hutchins Inquired About the Structure And Operation Of The Regional Apprehension Team.

ACTION: On A Motion By Hutchins Seconded By Davis And Unanimously Carried, The Consent Calendar Minus Item 8.e. Was Approved.

ACTION: On A Motion By Hutchins Seconded By Candea And Unanimously Carried, Item 8.e. Was Unanimously Approved.

9. **Public Hearings** - None.

10. **Regular Business**

- a. Adopt Resolution No. 2012- 13, A Resolution Adopting The Mid-Year Budget Changes For Fiscal Year 2011-2012.

Finance Director Humphries Reviewed The 2011-2012 Budget At Mid-Year.

ACTION: On Motion By Candea Seconded By Martina And Unanimously Carried, Resolution No. 2012-13, A Resolution Adopting The Mid-Year Budget Changes For Fiscal Year 2011-2012, Was Adopted.

- b.** Appointment Of Members To Fill Vacancies On The Planning Commission, Parks And Recreation Commission And Architectural Review Committee.

The Council Agreed Not To Conduct Interviews.

ACTION: On Motion By Hutchins Seconded By Martina And Unanimously Carried, The Council Appointed Kent Madenwald And David Reed To The Architectural Review Committee.

ACTION: On Motion By Hutchins Seconded By Martina And Unanimously Carried, The Council Appointed Vicki Lucas And Lorna Sloan To The Planning Commission.

ACTION: On Motion By Hutchins Seconded By Martina And Unanimously Carried, The Council Appointed Maria Evens And Richard Gaytan To Full Four-Year Terms On The Recreation Commission.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Reminded Everyone That The Next Orestimba Creek Flood Control Stakeholders Meeting Was Scheduled For February 16th In Newman At 1:30 PM. DeMartini Informed The Council That He Had Just Been Notified That Congressman Cardoza Had Secured An Additional \$223,000 To Finish The Flood Control Feasibility Study. He Reported That The Next West Side Healthcare Taskforce Meeting Would Be Held On March 22nd In Newman. DeMartini Also Noted That This Year's Biggest Loser Contest Would Both Begin And Conclude In The City Of Newman And Mentioned That The Contest Would Commence In August.

12. Items From The City Manager And Staff.

City Manager Holland Updated The Council Regarding Status Of The City Hall Project. Holland Noted That Both Youth And Adult Basketball Seasons Were Under Way. He Reported That The Next 125th Annveriry Meeting Was Scheduled For February 29th At 6:00 PM. Holland Reminded Everyone That The Chamber Of Commerce's Annual Dinner Dance And The Presentation Of The John T. Silveira Award Were Fast Approaching.

Public Works Director Reynolds Presented A Review Of His Department For The 2011 Calendar Year. As Part Of His Presentation, Reynolds Discussed Accomplishments, Statistics, Significant Projects That Were Completed As Well As Projects Planned, Future Needs And Goals For 2012.

13. Items From City Council Members.

Council Member Hutchins Noted That He Wanted To Ensure That Staff Would Be Attending The Upcoming RDA Successor Meeting.

Council Member Davis Asserted That She Thought The City's Current Billing Practices For Services That Have Been Terminated Was Unfair Because People Are Being Charged For Services They Did Not Use.

City Manager Holland Agreed To Bring Back More Information Regarding The City's Current Billing Practices And Existing Ordnances At The March 13th Council Meeting.

Mayor Katen Expressed That He Was Disappointed With Supervisor DeMartini's Latest Comments Regarding Agricultural Land Preservation And Feels That He Is Not Supporting The City Of Newman. Katen Referred To A Recent Article In The Modesto Bee Regarding Agricultural Land Preservation, Where The Supervisor's Quote Questioned What Had Been Accomplished By The Cities. The Mayor Reiterated His Disappointment And Asked The Supervisor To Provide Input If He Feels That Changes Should Be Made. He Noted That He Felt That The City Of Newman Had Done A Good Job With Respect To Ag Land Preservation And That He Thinks That The County Is One Of The Biggest Local Contributors To Sprawl. Katen Concluded His Remarks By A Call For Everyone To Work Together.

14. Adjournment.

ACTION: On Motion By Katen Seconded By Hutchins And Unanimously Carried, The Meeting Was Adjourned At 8:04 P.M.

**CONSIDERATION OF RESOLUTION NO 2012- APPROVING AND ADOPTING AN INITIAL DRAFT
OF THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND
SAFETY CODE SECTION 34177(1)**

RECOMMENDATION:

It is recommended that the City, as successor agency, adopt Resolution No. 2012- approving and adopting the initial draft of the Recognized Obligation Payment Schedule pursuant to Health and Safety Code section 34177(1).

BACKGROUND:

On June 28, 2011, as part of the 2011-2012 State of California budget bill, companion bills Assembly Bill x1-26 ("AB 26") and Assembly Bill x1-27 ("AB 27") were enacted, dissolving the Redevelopment Agency of the City of Newman ("Agency"), unless the City of Newman ("City") elected to participate in the "Alternative Voluntary Redevelopment Program" established by AB 27 and paid an annual "community remittance" payment to the County of Stanislaus. On July 18, 2011, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861 ("Legal Action"), challenging the constitutionality of AB 26 and AB 27 on behalf of cities, counties and redevelopment agencies. On December 29, 2011, the Supreme Court issued its opinion in the Legal Action, upholding AB 26, invalidating AB 27, extending certain statutory deadlines under Health and Safety Code Sections 34170 through 34191, and dissolving all redevelopment agencies throughout the State, effective February 1, 2012.

ANALYSIS:

The City elected to become the successor agency to the Agency. One of the responsibilities of the City, as successor agency, is to prepare a Recognized Obligation Payment Schedule ("ROPS"), which sets forth the nature, amount, and source(s) of payment of all "enforceable obligations" of the Agency (as defined by law) to be paid by the successor agency after the Agency's dissolution, covering the forward-looking six month fiscal period, except for the initial draft of the ROPS, which is to cover the period from January 1, 2012, through June 30, 2012. Only payments required pursuant to the ROPS may be made by the successor agency, after May 1, 2012.

The "enforceable obligations" listed in the ROPS may include the following: bonds; loans legally required to be repaid pursuant to a payment schedule with mandatory repayment terms; payments required by the federal government, preexisting obligations to the state or obligations imposed by state law; judgments, settlements or binding arbitration decisions that bind the agency; legally binding and enforceable agreements or contracts; contracts or agreements necessary for the continued administration or operation of the agency, including agreements to purchase or rent office space, equipment and supplies; and amounts borrowed from or payments owing to the Low and Moderate Income Housing Fund of a redevelopment agency, which had been deferred as of June 29, 2011. However, the ROPS is to exclude any agreements, contracts or arrangements between the City and the Agency, except any of the following agreements between the City and the Agency: (1) any written agreements between the City and the Agency entered into prior to December 31, 2010, solely for the purpose of securing or repaying indebtedness obligations to third parties; and (2) loan agreements entered into between the Agency and the City within two years of the date of creation of the Agency.

Pursuant to Health and Safety Code section 34177(1)(2), as modified by the Supreme Court's opinion in the Legal Action, the City, as successor agency, is required to prepare an initial draft of the ROPS covering the period from February 1, 2012, through June 30, 2012, by March 1, 2012. This draft is submitted to an external auditor (pursuant to Health and Safety Code section 34182, either the county auditor-controller or its designee), for review and certification as to its accuracy ("Certified ROPS"). The Certified ROPS is submitted to and duly approved by the oversight board ("Approved ROPS"). The Approved ROPS is finally submitted to the county auditor-controller, the State Controller's office and the State Department of Finance, and posted on the City's website.

The City, as successor agency, has prepared the initial draft of the ROPS covering the period from January 1, 2012 through June 30, 2012. It needs to be submitted to an external auditor for review and certification.

FISCAL IMPACT:

No City funds are involved with the adoption of the initial draft of the ROPS. The initial draft of the ROPS simply lists existing Agency obligations.

CONCLUSION:

Staff recommends that the City, as successor agency, adopt Resolution No. 2012- approving and adopting the initial draft of the Recognized Obligation Payment Schedule pursuant to Health and Safety Code section 34177(l).

ATTACHMENTS:

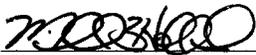
1. Resolution No. 2012-
2. Exhibit A – Recognized Obligation Payment Schedule pages 1-4

Respectfully submitted,



Lewis A. Humphries
Finance Director

REVIEWED/CONCUR



Michael Holland
City Manager

RESOLUTION NO. 2012-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, SERVING AS THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF NEWMAN, APPROVING AND ADOPTING AN INITIAL DRAFT OF THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(I)

WHEREAS, pursuant to Health and Safety Code section 34173(d), the City of Newman ("Successor Agency") elected to become the successor agency to the Redevelopment Agency of the City of Newman; and

WHEREAS, Health and Safety Code section 34177(1)(2), as modified by the Supreme Court decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, requires the Successor Agency to prepare an initial draft of the recognized obligation payment schedule ("ROPS") by March 1, 2012, covering the period from February 1, 2012 through June 30, 2012; and

WHEREAS, Health and Safety Code section 34177(1)(2) requires the Successor Agency to submit the initial draft of the ROPS to an external auditor, either the Stanislaus County Auditor-Controller or its designee, for the auditor's review and certification as to its accuracy; and

WHEREAS, Health and Safety Code section 34177(1)(2) requires the Successor Agency to submit the ROPS certified by the external auditor ("Certified ROPS") to the Successor Agency's oversight board for its approval, and upon such approval, the Successor Agency is required to submit a copy of the approved ROPS ("Approved ROPS") to the Stanislaus County Auditor-Controller, the California State Controller, and the State of California Department of Finance, and post the Approved ROPS on the Successor Agency's website; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWMAN SERVING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF NEWMAN DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. CEQA Compliance. The approval of the initial draft of the ROPS through this Resolution does not commit the Successor Agency to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Clerk is authorized and directed to file a Notice of Exemption with the appropriate official of the County of Stanislaus, California, within five (5) days following the date of adoption of this Resolution.

Section 3. Approval of Initial Draft of the ROPS. The Successor Agency hereby approves and adopts the initial draft of the ROPS, in substantially the form attached to this Resolution as Exhibit A, as required by Health and Safety Code Section 34177.

Section 4. Transmittal of Initial Draft of the ROPS. The City Manager is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution and comply with applicable law regarding the initial draft of the ROPS, including submitting the initial draft of the ROPS to the Stanislaus County Auditor-Controller, or its designee, the submission of the Certified ROPS to the Successor Agency's oversight board, upon the oversight board's formation, the submission of the Approved ROPS to the Stanislaus County Auditor-Controller, the California State Controller, and the State of California Department of Finance, and posting the Approved ROPS on the Successor Agency's website.

Section 5. Effectiveness. This Resolution shall take effect immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28th of February, 2012 by Council Member _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman

DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34177 (*)

| Project Name / Debt Obligation | Payee | Description | Project Area | Total Outstanding Debt or Obligation | Total Due During Fiscal Year 2011-2012** | *** Funding Source | Payable from the Redevelopment Property Tax Trust Fund (RPTTF) | | | | | | |
|---|-------------------|---|---------------|--------------------------------------|--|--------------------|--|--------------|--------------|--------------|---------------|---------------|-----------------|
| | | | | | | | Payments by month | | | | | | |
| | | | | | | | Jan 2012 | Feb 2012 | Mar 2012 | Apr 2012 | May 2012 | Jun 2012 | Total |
| 1) 1997 Tax Allocation Bonds | US Bank | Bond Payment | Project No. 1 | 3,524,916.40 | 253,578.76 | RPTTF | 0.00 | 64,289.38 | 0.00 | 0.00 | 0.00 | 189,289.38 | \$ 253,578.76 |
| 2) ABX4-36 SERAF Payments | Newman LMIHF - 74 | LMIHF loan to RDA fro SERAF Payments | Project No. 1 | 485,822.00 | 177,739.80 | RPTTF | 0.00 | 0.00 | 0.00 | 0.00 | 177,739.80 | 0.00 | \$ 177,739.80 |
| 3) Borrowed Funds from Cash Pool | City of Newman | Negative Cash Position | Project No. 1 | 252,512.82 | 252,512.82 | RPTTF | 0.00 | 0.00 | 0.00 | 0.00 | 252,512.82 | 0.00 | \$ 252,512.82 |
| 4) LMIH Project w/ Housing Auth. | Housing Authority | Housing Auth. 60 units of LMIH | Project No. 1 | 250,000.00 | 50,000.00 | RPTTF | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 50,000.00 | \$ 50,000.00 |
| 5) Fee Offset Fund | SCM | Fee Offset for Sherman Ranch Subdiv. | Project No. 1 | 125,000.00 | 50,000.00 | RPTTF | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 50,000.00 | \$ 50,000.00 |
| 6) Loan from Stanislaus Cnty for Plaza | Stanislaus County | Stanislaus Cnty Economic Dev. Bank Loan | Project No. 1 | 300,000.00 | 60,000.00 | RPTTF | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 60,000.00 | \$ 60,000.00 |
| 7) | | | | | | | | | | | | | \$ - |
| 8) | | | | | | | | | | | | | \$ - |
| 9) | | | | | | | | | | | | | \$ - |
| 10) | | | | | | | | | | | | | \$ - |
| 11) | | | | | | | | | | | | | \$ - |
| 12) | | | | | | | | | | | | | \$ - |
| 13) | | | | | | | | | | | | | \$ - |
| 14) | | | | | | | | | | | | | \$ - |
| 15) | | | | | | | | | | | | | \$ - |
| 16) | | | | | | | | | | | | | \$ - |
| 17) | | | | | | | | | | | | | \$ - |
| 18) | | | | | | | | | | | | | \$ - |
| 19) | | | | | | | | | | | | | \$ - |
| 20) | | | | | | | | | | | | | \$ - |
| 21) | | | | | | | | | | | | | \$ - |
| 22) | | | | | | | | | | | | | \$ - |
| 23) | | | | | | | | | | | | | \$ - |
| 24) | | | | | | | | | | | | | \$ - |
| 25) | | | | | | | | | | | | | \$ - |
| 26) | | | | | | | | | | | | | \$ - |
| 27) | | | | | | | | | | | | | \$ - |
| 28) | | | | | | | | | | | | | \$ - |
| 29) | | | | | | | | | | | | | \$ - |
| 30) | | | | | | | | | | | | | \$ - |
| 31) | | | | | | | | | | | | | \$ - |
| 32) | | | | | | | | | | | | | \$ - |
| Totals - This Page (RPTIF Funding) | | | | \$ 4,938,251.22 | \$ 843,831.38 | N/A | \$ - | \$ 64,289.38 | \$ - | \$ - | \$ 430,252.62 | \$ 349,289.38 | \$ 843,831.38 |
| Totals - Page 2 (Other Funding) | | | | \$ - | \$ - | N/A | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |
| Totals - Page 3 (Administrative Cost Allowance) | | | | \$ 4,816,516.00 | \$ 234,952.00 | N/A | \$ - | \$ 11,818.25 | \$ 29,807.00 | \$ 11,867.25 | \$ 11,868.25 | \$ 44,589.00 | \$ 109,949.75 |
| Totals - Page 4 (Pass Thru Payments) | | | | \$ 5,861,811.00 | \$ 335,942.00 | N/A | \$ - | \$ - | \$ 94,377.40 | \$ - | \$ - | \$ 111,799.00 | \$ 206,176.40 |
| Grand total - All Pages | | | | \$ 9,754,767.22 | \$ 1,078,783.38 | | \$ - | \$ 76,107.63 | \$ 29,807.00 | \$ 11,867.25 | \$ 442,120.87 | \$ 393,878.38 | \$ 1,159,957.53 |

* The Preliminary Draft Recognized Obligation Payment Schedule (ROPS) is to be completed by 3/1/2012 by the successor agency, and subsequently be approved by the oversight board and audited by the County.
 ** All totals due during fiscal year and payment amounts are projected.
 *** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)
 RPTTF - Redevelopment Property Tax Trust Fund Bonds - Bond proceeds Other - reserves, rents, interest earnings, etc
 LMIHF - Low and Moderate Income Housing Fund Admin - Successor Agency Administrative Allowance

DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34177 (*)

| Project Name / Debt Obligation | Payee | Description | Project Area | Total Outstanding Debt or Obligation | Total Due During Fiscal Year 2011-2012** | Funding Source *** | Payable from Other Revenue Sources | | | | | | | |
|--------------------------------|-------|-------------|--------------|--------------------------------------|--|--------------------|------------------------------------|----------|----------|----------|----------|----------|-------|--------|
| | | | | | | | Payments by month | | | | | | | |
| | | | | | | | Jan 2012 | Feb 2012 | Mar 2012 | Apr 2012 | May 2012 | Jun 2012 | Total | |
| 1) | | | | | | | | | | | | | \$ | - |
| 2) | | | | | | | | | | | | | \$ | - |
| 3) | | | | | | | | | | | | | \$ | - |
| 4) | | | | | | | | | | | | | \$ | - |
| 5) | | | | | | | | | | | | | \$ | - |
| 6) | | | | | | | | | | | | | \$ | - |
| 7) | | | | | | | | | | | | | \$ | - |
| 8) | | | | | | | | | | | | | \$ | - |
| 9) | | | | | | | | | | | | | \$ | - |
| 10) | | | | | | | | | | | | | \$ | - |
| 11) | | | | | | | | | | | | | \$ | - |
| 12) | | | | | | | | | | | | | \$ | - |
| 13) | | | | | | | | | | | | | \$ | - |
| 14) | | | | | | | | | | | | | \$ | - |
| 15) | | | | | | | | | | | | | \$ | - |
| 16) | | | | | | | | | | | | | \$ | - |
| 17) | | | | | | | | | | | | | \$ | - |
| 18) | | | | | | | | | | | | | \$ | - |
| 19) | | | | | | | | | | | | | \$ | - |
| 20) | | | | | | | | | | | | | \$ | - |
| 21) | | | | | | | | | | | | | \$ | - |
| 22) | | | | | | | | | | | | | \$ | - |
| 23) | | | | | | | | | | | | | \$ | - |
| 24) | | | | | | | | | | | | | \$ | - |
| 25) | | | | | | | | | | | | | \$ | - |
| 26) | | | | | | | | | | | | | \$ | - |
| 27) | | | | | | | | | | | | | \$ | - |
| 28) | | | | | | | | | | | | | \$ | - |
| 29) | | | | | | | | | | | | | \$ | - |
| 30) | | | | | | | | | | | | | \$ | - |
| 31) | | | | | | | | | | | | | \$ | - |
| 32) | | | | | | | | | | | | | \$ | - |
| 33) | | | | | | | | | | | | | \$ | - |
| Totals - LMHF | | | | | | | | | | | | | | \$0.00 |
| Totals - Bonds | | | | | | | | | | | | | | \$0.00 |
| Totals - Other | | | | | | | | | | | | | | \$0.00 |
| Grand total - This Page | | | | \$ - | \$ - | | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - |

* The Preliminary Draft Recognized Obligation Payment Schedule (ROPS) is to be completed by 3/1/2012 by the successor agency, and subsequently be approved by the oversight board and audited by the County.

** All total due during fiscal year and payment amounts are projected.

*** Funding sources from the successor agency: (For fiscal 2011-12 only, references to RPTTF could also mean tax increment allocated to the Agency prior to February 1, 2012.)

RPTTF - Redevelopment Property Tax Trust Fund Bonds - Bond proceeds Other - reserves, rents, interest earnings, etc
 LMIHF - Low and Moderate Income Housing Fund Admin - Successor Agency Administrative Allowance

Honorable Mayor and Members
of the Newman City Council

**ADOPT RESOLUTION NO. 2012- , APPROVING THE MAIN STREET INTERSECTIONS
REHABILITATION PROJECT 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 City of Newman City Council adopt Resolution No. 2012- , approving the Main Street Intersections Rehabilitation Project 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 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. The crosswalks with street names quickly deteriorated and started to break apart exposing the rebar creating unsafe conditions. Due to the poor condition of these crosswalks it was necessary to remove and reconstruct these areas. On June 28, 2011 City Council approved a Project consisting of the removal the entire crosswalk at these locations and installing pavers over a structural base.

The City of Newman received Regional Surface Transportation Program (RSTP) funding for the Main Street Intersections Rehabilitation Project from the California Department of Transportation (Caltrans) in the amount of \$100,000.00 with a required minimum local match of \$12,956.00, for a total of \$112,956.00.

ANALYSIS:

On September 13, 2011 City Council awarded a contract to the lowest responsible bidder for the project, George Reed, Inc., for \$150,035.00, with construction for the project completed on January 27, 2012. There were no change orders for the project; therefore the total project cost is \$150,035.00. 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 | \$150,035.00 | 10/11 RSTP Funding | \$100,000.00 |
| Total Project Cost | \$150,035.00 | Local Transportation Fund | \$50,035.00 |
| | | Total Funding Amount | \$150,035.00 |

CONCLUSION:

The Main Street Intersections Rehabilitation Project, constructed by George Reed, Inc., has been completed in compliance with the plans and specifications with a final construction cost of \$150,035.00. Therefore, staff recommends that the City Council adopt Resolution No. 2012- , approving the Main Street Intersections Rehabilitation Project as complete and authorizing Ed Katen as Mayor, and Michael E. Holland as City Clerk to record a notice of completion for the Main Street Intersections Rehabilitation Project.

ATTACHMENTS:

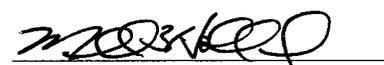
1. Resolution No. 2012- .

Respectfully Submitted,



Garner Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2012-

A RESOLUTION APPROVING THE CITY OF NEWMAN MAIN STREET INTERSECTIONS REHABILITATION PROJECT AS COMPLETE AND AUTHORIZING ED KATEN AS MAYOR, AND MICHAEL E. HOLLAND AS CITY CLERK TO RECORD A NOTICE OF COMPLETION

WHEREAS, on the 20th day of September, 2011, agreements were entered into between the CITY OF NEWMAN, herein after referred to as "CITY" and George Reed, 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 MAIN STREET INTERSECTIONS REHABILITATION PROJECT; 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 28th day of February, 2012 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

Honorable Mayor and Members
of the Newman City Council

APPROVAL AND SUPPORT OF THE CITY'S APPLICATION FOR GRANT FUNDS UNDER THE HOUSING-RELATED PARKS (HRP) PROGRAM.

RECOMMENDATION:

Adopt Resolution No. 2012- , Authorizing An Application For A Housing-Related Parks Grant

BACKGROUND:

The mission of the California Department of Housing and Community Development (HCD) is to provide leadership, policies and programs to preserve and expand safe and affordable housing opportunities and promote strong communities for all Californians. On October 1, 2008, former California Governor Schwarzenegger signed AB 2494 (Caballero) establishing the Housing-Related Parks Program. This program provides grants for the creation of new parks or rehabilitation or improvements to existing parks to cities and counties with documented housing starts for newly constructed units affordable to very low or low-income households.

Grant amounts are based on the numbers of bedrooms in newly constructed rental and ownership units restricted for very-low and low income households for which there is documentation of a completed foundation inspection during the designated 12- month period covered by the Notice of Funding Availability (NOFA), in this case the NOFA includes both 2010 and 2011 calendar years. The grant application submittal deadline is March 30, 2012.

Consistent with the intent of this grant program, the City of Newman contributed funding towards 68 units of affordable housing back in 2009, then referred to as the Newman Family Apartments project. This project underwent its foundation inspection in 2010 and is eligible for parks funding under this program.

ANALYSIS:

The goal of the program is to act as a financial incentive for cities and counties to increase the overall supply of affordable housing to lower income households. Given that the City had already supported an affordable housing project within the grant program's eligible timeframe, the program's timing was perfect.

At this time, staff has identified two potential park projects; the Klehn Park Rehabilitation Project and the Newman Skate Park Expansion project. These projects have not been finalized and will be brought back for Council direction in March.

FISCAL IMPACT:

Positive, potential grant award of up to \$136,200.00 - with no required match.

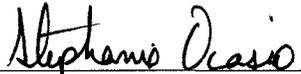
CONCLUSION:

In order to apply for the grant, the City is required to have an authorizing resolution approving the City's application for grant funds from its governing body; said resolution must have specific program-mandated language. Staff recommends approval and support of the City's Housing-Related Parks Program Grant Application through adoption of Resolution No. 2012- .

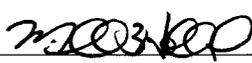
ATTACHMENTS:

1. Exhibit A – Resolution No. 2012-

Respectfully submitted,


Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR


Michael Holland
City Manager

RESOLUTION NO. 2012-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN AUTHORIZING AN APPLICATION FOR A HOUSING-RELATED PARKS GRANT

WHEREAS, The State of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability dated December 2, 2011 (NOFA), under its Housing Related Parks (HRP) Program; and

WHEREAS, The City of Newman (Applicant) desires to apply for a HRP Program grant and submit the 2010 Program Year Application Package released by the Department for the HRP Program; and

WHEREAS, The Department is authorized to approve funding allocations for the HRP Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Applicant is hereby authorized and directed to apply for and submit to the Department the HRP Program Application Package released January 2012 for the 2011 Designated Program Year. If the application is approved, the Applicant is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement), and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant from the Department, and all amendments thereto (collectively, the "HRP Grant Documents"); and

The Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package; and

That the City Manager or his/her designee is/are authorized to execute in the name of Applicant the HRP Program Application Package and the HRP Grant Documents as required by the Department for participation in the HRP Program.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28th of February, 2012 by Council Member _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED:

Mayor of the City of Newman

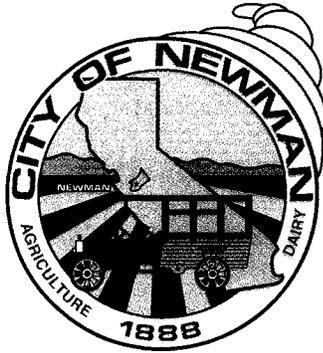
ATTEST:

Deputy City Clerk of the City of Newman

I hereby certify that the foregoing resolution is a full, correct and true copy of a resolution passed by the City Council of the City of Newman, a municipal corporation of the County of Stanislaus, State of California, at a regular meeting held on February 28, 2012 and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

DATED:

Deputy City Clerk



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

Date: February 23, 2012

To: City Council

From: Mike Maier *MCM*

Subject: Rejection of claim.

A claim against the City of Newman was filed by Henry E. Leon, on February 13, 2012. Based upon the recommendation of our insurance provider, Staff recommends the Council reject said claim. Copies of the report from our insurance provider, the claim submitted by Mr. Leon and the proposed resolution rejecting the claim are all attached. Any discussions of the claim must be done in closed session as potential litigation/liability claims.



February 22, 2012

CITY OF NEWMAN
1162 Main Street
Newman, CA 95360

Attn: Mike Maier

Re: Insured : City of Newman
Claimant : Leon, Henry
Date of Loss : January 30, 2012
Our File # : FR93853

REFERENCE

This supplements our previous correspondence and will serve to update your file.

ASSIGNMENT & COVERAGE

This claim was reviewed for coverage upon receipt in our office and it was found that coverage does appear to be in effect.

GOVERNMENT CODE CLAIM

This is a claim for bodily injury.

CLIENT

City of Newman

DATE, TIME & LOCATION

The claim as submitted indicates that this incident occurred on January 30th at approximately 6:45 AM of the year 2012. The location is the corner of Main Street and Fresno Street in Newman.

INCIDENT

The claimant alleges falling due to a light cover being loose, causing him to loose balance.

100 Sycamore Avenue, #201
Modesto, CA 95354
(209) 523-6488
(209) 523-6495 Fax
CA LIC. 2G17034



City of Newman
Re: Leon, Henry-FR93853
Page 2

BODILY INJURY CLAIMANT

Henry E. Leon showing a date of birth of 12/26/66 with an address of 1508 Brookhaven Drive, Newman, CA 95360. He claims to have hurt his lower back causing him to loose income from his profession of selling wares at the Swap Meet. He is making a claim as a result of this loss for \$5,650.00.

OFFICIAL REPORT

To our knowledge in following our discussions with you it was indicated that the only official report of this incident was a memo submitted by City Employee, Perfecto Millan. That memo is quoted as follows, "Mike, this morning at 9:16 AM I received a call from Terry Barques regarding the Bollard on Fresno Street. At the time I arrived at the location Officer Hutchins and Police Chief Randy Richardson were talking to a gentleman, who was on a bicycle. The gentleman said he was riding his bike early in the morning. He said at the time he passed by the Bollard next to JJ's Liquor, he rested his hand on top of the Bollard, which then came off the base. I noticed that the light bulb was broken, but the Bollard was in good condition. I called for Dan Pardo for assistance. Dan installed the Bollard back in place."

It is our understanding that these Bollards were installed by the City as decorations and also as an impediment to automobiles to keep them from driving on the sidewalk, as they turn the corner. These were not installed for hand holds by pedestrians and/or bicyclists. There were no witnesses to this incident. The information we have is unclear as to why someone would grab a hold of the top of the Bollard. If in fact the Bollard cover did come loose as is claimed by the claimant, that is a circumstance that was not witnessed and we do not feel it shows any liability on the city's part.

There are conflicting reports here from the claimant as he indicates he was riding his bicycle, however, in his written claim to the City he said that he was stepping onto the sidewalk of Main and Fresno Street when he put his hand on the cover and it flew off causing him to fall forward twisting his back. The whole situation we feel is very strange in its occurrence.

COMMENTS

At this point and time given the facts as known to us, we do not feel that the City is responsible or legally liable for the damages incurred by the claimant. Therefore, we are submitting this report with a suggestion that this matter be submitted for consideration of rejection.

Yours truly,



Robert Smoke, A.I.C.

RS/mh

RESOLUTION NO. 2012-

A RESOLUTION REJECTING THE CLAIM OF HENRY E. LEON

WHEREAS, a claim for damages in an amount within the Superior Court jurisdiction was filed against the City of Newman by Henry E. Leon, on February 13, 2012 for alleged damages.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that it hereby rejects the said claim for alleged damages in an amount within the Superior Court jurisdiction against the City of Newman for alleged damages.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28th day of February, 2012, by Council Member _____, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

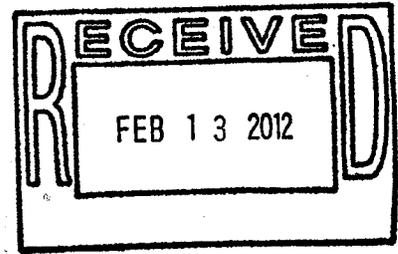
ATTEST:

Deputy City Clerk



CITY OF NEWMAN
CLAIM FORM
FORM B

(Please Type Or Print)



CLAIM AGAINST City of Newman CA.
(Name of Entity)

Claimant's name: Henry E. Leav

[Redacted] Gender: Male Female

Claimant's address: 1508 BROOKHAVEN DR., NEWMAN, CA. 95360

Address where notices about claim are to be sent, if different from above: SAME AS ABOVE

Date of incident/accident: JANUARY 30th 2012 (6:45 am.)

Date injuries, damages, or losses were discovered: JANUARY 30th 2012

Location of incident/accident: CORNER OF MAIN ST. and FRESNO ST.

What did entity or employee do to cause this loss, damage, or injury? LIGHT COVER WAS NOT TIGHTED DOWN WITH SET SCREWS. SET SCREWS HOLD COVER OVER LIGHT
(Use back of this form or separate sheet if necessary to answer this question in detail.) BACK ->

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?

NEWMAN CITY WORKERS (MAINTENANCE.)

What specific injuries, damages, or losses did claimant receive? HURT LOWER BACK, ? LOSS

TIME SELLING AT SWAP MEET, 7 DAYS LOSS WORKING ON PRIVATE ART WORK I Sell.
(Use back of this form or separate sheet if necessary to answer this question in detail.) GAS FOR TRAVEL TO DR. APPOINTMENT.

What amount of money is claimant seeking or, if the amount is in excess of \$10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)] I AM SEEKING

\$ 5,650.00 - (LOSS OF WORK + PAIN & SUFFERING LOSS OF WORK)

How was this amount calculated (please itemize)? LOSS OF PRIVATE WORK & LOSS OF

INCOME / PAIN AND SUFFERING / CAN'T SLEEP AT NIGHT, CAN'T RIDE BIKE
(Use back of this form or separate sheet if necessary to answer this question in detail.) NO LIFTING

Date Signed: 2-9-2012 Signature: Henry E. Leav

If signed by representative:
Representative's Name _____ Address _____
Telephone # _____
Relationship to Claimant _____

CONTENTS °

SAMPLES OF MY WORK

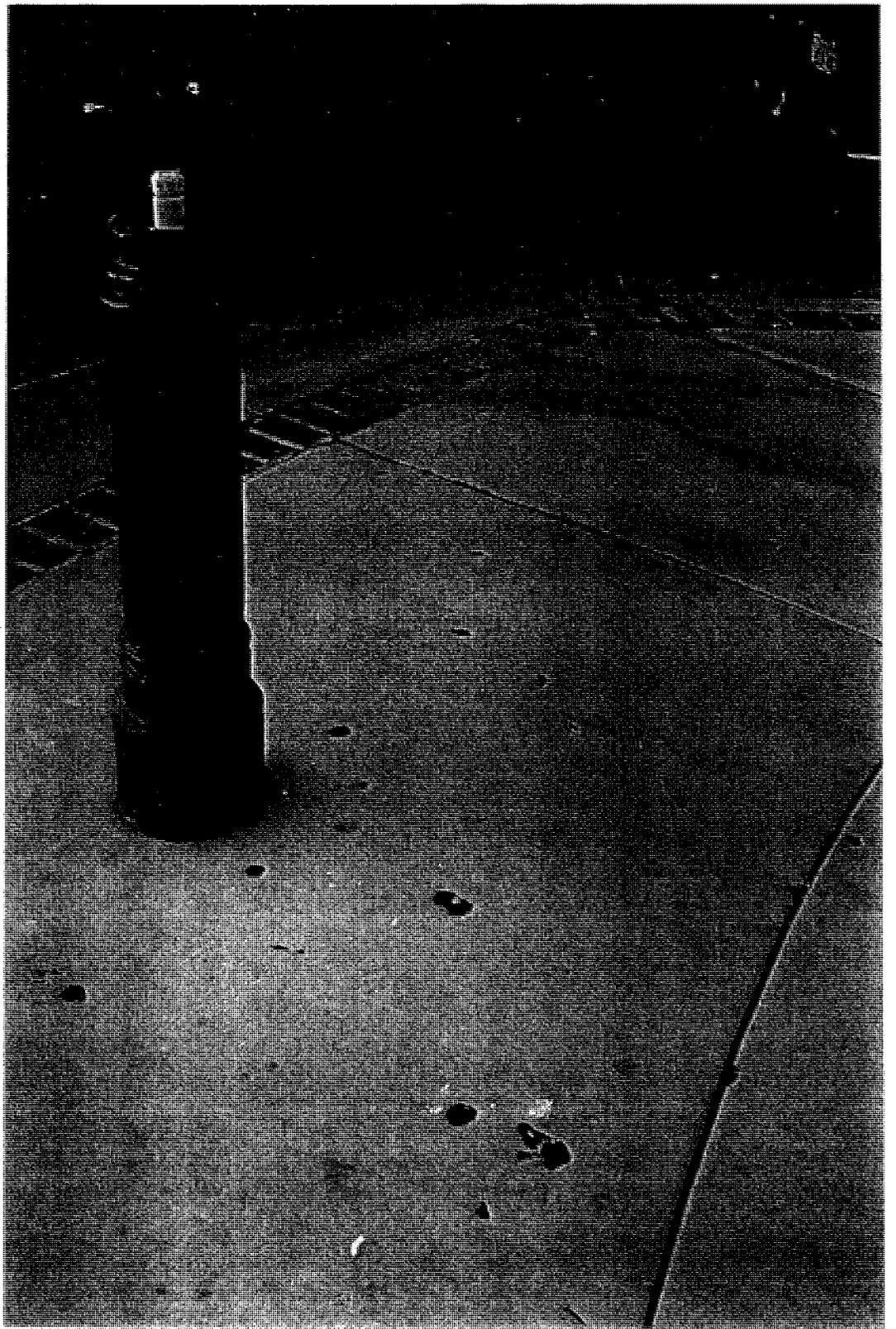
RECEIPTS OF SALES

DR. RECEIPTS

WRITTEN DOCUMENTATION (OF INJURY)

OFFICERS BUSINESS CARD

PICTURE OF PILLAR



2

2-9-2012

missed days selling at Tuesday swap meet.
(I sell at Turlock sales yard) JAN. 31st.
Average sales ~~250.00~~ day FEB. 7th
(ANY FUTURE days)

missed days working on private business
I etch in glass (ARTWORK) that I sell.
I cant sit and lean forward because of back
pain 2-4 hrs. a day @ ~~20.00~~ HR.

GAS for Drs Appointments (DR. RICHARD O' BRYAN)
101 3rd St. Patterson CA.
JAN. 30th - \$15.00 95363
FEB. 8th - 15.00
+ Future ~~visits~~ visits

Dr. Appointment co-pay
JAN. 30th - \$30.00
FEB. 8th - \$30.00

Prescription meds. (2) pain pills
co-pay 10.00 \$
10.00 = 20.00

→
OVER

| | | | |
|--------------|--|-------------------|-------|
| Date | | Account Forwarded | |
| Acct. Name | | Clerk | |
| Acct. Number | | Reg. No. | |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| | | Tax | Total |
| | | 03 | |

Your account stated to date - If error is found, return at once.

(3)

Swap meet SALES

250.00 x 2 = 500.00

Private artwork = 13 days =
2-4 hrs. day @ \$20.00 hr. \$1,040.00

GAS = Newman to Patterson
\$30.00

Appointment copay \$60.00

Prescription meds 20.00

Pain, discomfort and suffering

I am still in a great deal of Pain
And Feel I will need Further treatment.
I have also scheduled Dr. Appointments
I have yet to go to. I cant sleep at
night, cant bike ride, my wife has to
put my socks & shoes on because of discomfort
cant lift or do yard work at this time.
I AM SEEKING \$4,000.00

FOR PAIN & SUFFERING

Your account stated to date - If error is found, return at once.

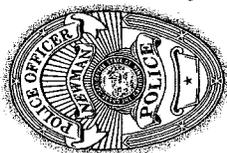
| | | |
|---------------|-----------|-------|
| 06 | | Total |
| Tax | | |
| 11 | | |
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| 9 | | |
| 8 | | |
| 7 | | |
| 6 | | |
| 5 | | |
| 4 | | |
| 3 | | |
| 2 | | |
| 1 | | |
| Acct. Number: | Account | |
| Reg. No. | Forwarded | |
| Clerk: | | |
| Acct Name: | Date | |

OFFICER ~~Called~~
CITY OF NEWMAN
POLICE DEPARTMENT
FOR REPORT

Ger. J. Hutchins

www.cityofnewman.com
EMAIL: npd@cityofnewman.com
1200 MAIN STREET • NEWMAN, CA 95360
OFFICE (209) 862-2902 • FAX (209) 862-4151

"PROFESSIONALISM, INTEGRITY, SERVICE"



**CONSIDER FOR APPROVAL THE STANISLAUS COUNTY
ANNUAL ACTION PLAN (FY 12-13), CONSOLIDATED PLAN (FY 12-15)
AND OPEN 30 DAY PUBLIC COMMENT PERIOD**

RECOMMENDATION:

1. Release draft plans for the required 30-day public comment period
2. Set public hearing for April 10, 2012 at 7:00 pm or thereafter to close public comment period and consider approval of the Annual Action (FY 12-13) and Consolidated (FY 12-15) Plans.

BACKGROUND:

The City of Newman is part of a six-member CDBG/ESG consortium that is lead by Stanislaus County.

The Annual Action Plan (AAP) has been developed to aid the consortium in achieving both federal and general CDBG goals. The 2012-2013 Annual Action Plan outlines the goals and policies for utilizing CDBG and HOME funds to assist low income households and persons in the areas of housing, associated infrastructure and economic development for the upcoming fiscal year. The overriding consideration required by the CDBG and ESG programs is to benefit those members of the population that meet the definition of "Targeted Income". A person under this definition is one who earns 80% or less of the median area income. The 2011 median area income in Stanislaus County for one person is \$43,400.00. Furthermore, if a project benefits a neighborhood or community, at least 51% of the population within that geographic boundary must be within the Targeted Income Group.

The 2012-2015 Consolidated Plan (CP) outlines the goals and policies for utilizing CDBG funds to service low income households and persons in the areas of housing, associated infrastructure and economic development. Said Plan is the result of a planning process for grant programs administered by the U.S. Department of Housing and Urban Development's (HUD) Division of Community Planning and Development (CPD): Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) Programs. This process considered the needs of the community and how various grant programs could respond to those needs. The Consolidated Plan serves as the County's basis for Entitlement funds from the above programs for the upcoming three program years, starting on July 1, 2012 and ending June 30, 2015.

ANALYSIS:

In order to receive program funds, the CDBG Consortium is required to prepare an Annual Action Plan and Consolidated Plan outlining its goals and projects for the upcoming fiscal year and next three to five fiscal years (depending on HUD mandates). Each member of the consortia must adopt the plans in order for the lead agency (Stanislaus County) to prepare and finalize each plan and submit it to the Department of Housing and Urban Development (HUD).

Considering approval and release of the Draft Community Development Block Grant (CDBG) Annual Action and Consolidated Plans will allow the Stanislaus County CDBG Consortium to finalize and adopt a final version of said plans. Both plans will be available for public viewing and comment on March 2, 2012.

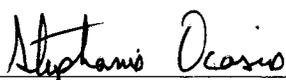
FISCAL IMPACT:

Positive, approval of the draft AAP and CP will allow Stanislaus County to prepare and finalize said plans for HUD submittal and subsequent CDBG funding qualification and allocation(s).

CONCLUSION:

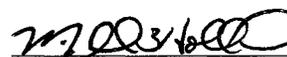
Staff recommends that the Council release the draft plans for the required 30-day comment period and set the public hearing for April 10, 2012 at 7:00 pm or thereafter to close public comment period and consider approval of the FY 12-13 Annual Action and FY 2012-2015 Consolidated Plans.

Respectfully submitted,



Stephanie Ocasio
Assistant Planner

REVIEWED/CONCUR:



Michael Holland
City Manager

Honorable Mayor and Members
of the Newman City Council

Agenda Item: **10.b.**
City Council Meeting
of February 28, 2012

**INTRODUCTION OF ORDINANCE AMENDMENT AUTHORIZING ADMINISTRATIVE FINES
RELATED TO PROPERTY MAINTINANCE AND NUISANCES**

RECOMMENDATION:

It is recommended that the City Council introduce (first reading) a revision to an existing ordinance, 8.02 Property Maintenance and Nuisances, adding the option of an administrative fine under section 8.02.150 Violations-Penalties.

BACKGROUND:

The City of Newman has an existing ordinance that addresses property maintenance and nuisances, but does not have an administrative fine option authorizing the City to fine the responsibly party. Newman Municipal Code (NMC) section 8.02 specifically addresses property maintenance and nuisances. NMC section 8.02.150 addresses the violations and penalties, which is currently listed as a Misdemeanor. Misdemeanor offenses are usually prosecuted by the County District Attorney's Office in the Superior Court system.

ANALYSIS:

Authorizing the option of the administrative fine option would assist the City with compliance efforts in the area of public health, safety, and the general welfare of surrounding properties. Compliance would be better achieved by use of an administrative fine option as opposed to the potential prosecution as a Misdemeanor crime. With the current impacts on our local court system, the likelihood of a criminal Misdemeanor conviction is remote. Any revenue generated by the use of an administrative fine option would stay local.

FISCAL IMPACT:

Revenue is unable to be determined, as the number of future citations cannot be predicted.

CONCLUSION:

Staff recommends that the City Council move forward for public hearing and second reading at the next regularly scheduled meeting. Staff believes that the option for an administrative fine would help to streamline the property abatement process by achieving better compliance during the abatement process. Also, the administrative fine option could serve as a deterrent to property owners to remain responsible and keep their properties in order.

ATTACHMENTS:

1. Ordinance No. 2012-

Respectfully submitted,



Randy Richardson
Chief of Police

REVIEWED/CONCUR



Michael Holland
City Manager

ORDINANCE NO. 2012-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN AMENDING
TITLE 8 HEALTH AND SANITATION, CHAPTER 8.02.150 PROPERTY MAINTENANCE
AND NUISANCES, VIOLATIONS-PENALTIES – OF THE NEWMAN CITY CODE**

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

Section 1

That Title 8 Health and Sanitation, Chapter 8.02.150 Property Maintenance and Nuisances, Violations-Penalties, be amended to read as follows:

8.02.150 Violations – Penalties

Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable according to the provisions of this chapter.

- A. The City may choose to proceed with violations of this chapter as an administrative offense and impose fines established by City Council resolution.*

Section 2

All other provisions of Title 8 shall remain in full force and effect.

Section 3

That a duly noticed public hearing was held by the City Council on March 13, 2012.

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 at a regular meeting of the City Council of the City of Newman held on the 28th day of February, 2012 by Council Member _____ and adopted at a regular meeting of said City Council held on the 13th day of March, 2012 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor Pro Tem

ATTEST:

Deputy City Clerk

APPROVE RESOLUTION 2012- AWARDING THE CONTRACT TO CLENDENIN BIRD AND COMPANY, PC TO PROVIDE AUDIT SERVICES AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT

RECOMMENDATION:

It is recommended that the City Council consider:

1. Approve the contract to provide audit services from Clendenin Bird & Company, PC and;
2. Authorize the City Manager to sign the Agreement for Audit Services.

BACKGROUND:

Each year the City's financial records are audited by an independent Certified Public Accounting Firm. Using Generally Accepted Accounting Principles (GAAP) and Generally Accepted Auditing Standards, our financial records are reviewed and we are issued audited financial statements along with an Independent Auditor's Report. These reports are used by the City Council, Staff, the Public, and Bond Rating Agencies to evaluate the financial condition of the City.

The Government Finance Officers Association (GFOA) published a Best Practice – Audit Procurement guide for selecting and awarding contracts to an audit firm. A copy is included with this Staff Report. It recommends that we should enter into contracts of at least 5 years which can be a combination of multiple years and a series of single years. It also recommends undertaking a full-scale competitive process at the end of the term of each audit contract. There is no mandatory requirement for the rotation of auditors; due to the lack of availability of qualified audit firms. The previously awarded audit firm may bid and may be awarded a new contract provided that their past performance has proven satisfactory. We have undertaken a competitive bid process and have followed the "Best Practice" guide published by the GFOA.

ANALYSIS:

Clendenin Bird & Company, PC was awarded the original contract in 2006 and has performed the audit satisfactorily for the past six years. The services include auditing and preparing the financial statements of the government and business funds, auditing the Redevelopment Agency (now the Successor Agency) and preparing various state required reports.

In previous years, the volume and type of data that Clendenin Bird & Company, P.C. required us to provide them, the interviews of the Finance department staff, and the rotation for their own staff performing the audit of our financials, demonstrate the thoroughness of their audit process. They have established, in their software, a history that they can compare with future audits to find any significant variances, changes in trends, and possible flags for review.

The resolution awards the audit services contract to Clendenin Bird & Company, P.C. for fiscal years 2011-2012 through 2013-2014, and allows the City Manager to extend the contract for two additional one-year extensions.

FISCAL IMPACT:

Audit costs have already been budgeted. Clendenin Bird & Company's costs are less than our budgeted amount for fiscal year 2011-2012.

CONCLUSION:

Staff recommends that the Council awards the contract to Clendenin Bird & Company, PC for audit services and direct the City Manager to sign an agreement for those services.

ATTACHMENTS:

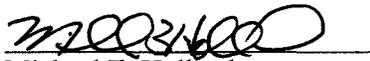
1. Resolution 2012-
2. Government Finance Officers Association (GFOA) – Best Practice for Audit Procurement
3. Summary Cost Comparison of Audit Proposals

Respectfully submitted,



Lewis A. Humphries
Finance Director

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2012-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN AWARDING THE CONTRACT TO CLENDENIN BIRD AND COMPANY, P.C. TO PROVIDE AUDIT SERVICES AND AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT.

WHEREAS, the City of Newman is required to conduct an annual audit and produce financial statements for public use and review; and

WHEREAS, the City of Newman follows the Government Finance Officers Association (GFOA) guidelines with regard to the 'Best Practices' of procuring an independent audit firm to conduct said audit; and

WHEREAS, the City has undertaken a full-scale competitive process for the selection of an independent auditor and have compared the qualifications and proposals of the bidding firms and have found all to be qualified, capable, and similar in proposal; and

WHEREAS, the audits conducted in prior years by Clendenin Bird & Company, P.C. have proven satisfactory;

NOW, THEREFORE, BE IT RESOLVED that the City of Newman awards the contract for audit services to Clendenin Bird & Company, P.C. for the 2011-2012 through 2013-2014 fiscal years, authorizes the City Manager to sign the agreement, and authorizes the City Manager to extend the contract for two additional one-year extensions.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 28th day of February, 2012 by _____, 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 Pro Tem of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman



BEST PRACTICE

Audit Procurement (1996 and 2002)

Background. The Government Finance Officers Association (GFOA) has long recommended that state and local governmental entities obtain independent audits of their financial statements performed in accordance with the appropriate professional auditing standards. Properly performed audits play a vital role in the public sector by helping to preserve the integrity of the public finance functions and by maintaining citizens' confidence in their elected leaders.

Recommendation. GFOA makes the following recommendations regarding the selection of auditing services:

- The scope of the independent audit should encompass not only the fair presentation of the basic financial statements, but also the fair presentation of the financial statements of individual funds and component units. The cost of extending full audit coverage to the financial statements of individual funds and component units can be justified by the additional degree of assurance provided. Nevertheless, the selection of the appropriate scope of the independent audit ultimately remains a matter of professional judgment. Accordingly, those responsible for securing independent audits should make their decision concerning the appropriate scope of the audit engagement based upon their particular government's specific needs and circumstances, consistent with applicable legal requirements.
- Governmental entities should require in their audit contracts that the auditors of their financial statements conform to the independence standard promulgated in the General Accounting Office's *Government Auditing Standards* even for audit engagements that are not otherwise subject to generally accepted government auditing standards.
- Governmental entities should enter into multiyear agreements of at least five years in duration when obtaining the services of independent auditors. Such multiyear agreements can take a variety of different forms (e.g., a series of single-year contracts), consistent with applicable legal requirements. Such agreements allow for greater continuity and help to minimize the potential for disruption in connection with the independent audit. Multiyear agreements can also help to reduce audit costs by allowing auditors to recover certain "startup" costs over several years, rather than over a single year.
- Governmental entities should undertake a full-scale competitive process for the selection of independent auditors at the end of the term of each audit contract, consistent with applicable legal requirements. Ideally, auditor independence would be enhanced by a policy requiring that the independent auditor be replaced at the end of the audit contract, as is often the case in the private sector. Unfortunately, the frequent lack of competition among audit firms fully qualified to perform public-sector audits could make a policy of mandatory auditor rotation counterproductive. In such cases, it is recommended that a governmental entity actively seek the participation of all qualified firms, including the current auditors, assuming that the past performance of the current auditors has proven satisfactory. Except in cases where a multiyear agreement has taken the form of a series of single-year contracts, a contractual provision for the automatic renewal of the audit contract (e.g., an automatic second term for the auditor upon satisfactory performance) is inconsistent with this recommendation.

- Professional standards allow independent auditors to perform certain types of nonaudit services for their audit clients. Any significant nonaudit services should always be approved in advance by a governmental entity's audit committee. Furthermore, governmental entities should routinely explore the possibility of alternative service providers before making a decision to engage their independent auditors to perform significant nonaudit services.
- The audit procurement process should be structured so that the principal factor in the selection of an independent auditor is the auditor's ability to perform a quality audit. In no case should price be allowed to serve as the sole criterion for the selection of an independent auditor.

References

- *CPA Audit Quality: A Framework for Procuring Audit Services*, General Accounting Office, August 1987.
- *Audit Management Handbook*, Stephen J. Gauthier, GFOA, 1989.
- *An Elected Official's Guide to Auditing*, Stephen J. Gauthier, GFOA, 1992.
- *Governmental Accounting, Auditing and Financial Reporting (GAAFR)*, Stephen J. Gauthier, GFOA.
- Model Audit RFP Diskette, GFOA.

Approved by the GFOA's Executive Board, October 25, 2002

Prior Year Auditor: Clendenin Bird & Company, PC
Prior Year Charges for Services: \$26,040
How many Firms Contacted: Sent RFP to 15 recommended and qualified government auditors
Area of RFP distribution: North of Sacramento to the Bay area to Fresno area and the 99 corridor
Interest: We received questions from 3 firms via email - 2 of them sent in bids, 1 didn't
 Nicholson & Olson CPA's asked questions but didn't bid
 Richardson & Co asked questions and bid
 OUM & Co, LLP asked questions and bid
Replies: We received 2 letters from firms stating that they won't be bidding or no longer
 perform govt audits
 We received 3 bids.

2011/2012 - Audit Proposals

| Location | Sacramento | San Francisco | Modesto |
|---|----------------------|---------------------|------------------------------|
| Service | Richardson & Company | OUM & Co. LLP | Clendenin Bird & Company, PC |
| Review & Analysis of the Acctg & Finance Records | not mentioned | not mentioned | \$ 1,100.00 |
| Prep & Recommendation of the closing entries | not mentioned | not mentioned | \$ 220.00 |
| Discussion of MD&A | not mentioned | not mentioned | \$ 220.00 |
| Financial Compliance, Audit, & Financial Stmts - CITY | \$ 16,900.00 | \$ 15,075.00 | \$ 11,560.00 |
| Financial Compliance, Audit, & Financial Stmts - RDA | \$ 2,560.00 | \$ 3,200.00 | \$ 3,850.00 |
| Compliance Audit - TDA | \$ 800.00 | \$ 1,800.00 | \$ 1,100.00 |
| Prep of Financial Statements - CITY & RDA & TDA*** | \$ 3,040.00 | \$ 1,500.00 | \$ 5,170.00 |
| Prep of State Controller and Highway(Streets) Reports | \$ 1,600.00 | \$ 2,500.00 | \$ 1,980.00 |
| Prep of A-133 Single Audit - if necessary | \$ 3,200.00 | \$ 3,200.00 | \$ 880.00 |
| Ancillary & Indirect Costs | \$ - | \$ 700.00 | \$ - |
| Not to Exceed Fee | \$ 28,100.00 | \$ 27,975.00 | \$ 26,080.00 |
| 2012/2013 Proposed Cost | \$ 29,160.00 | \$ 29,075.00 | \$ 27,385.00 |
| 2013/2014 Proposed Cost | \$ 30,220.00 | \$ 30,200.00 | \$ 28,755.00 |

*** Only Clendenin Bird included preparing financial statement for TDA report.

| Amount Greater than Lowest Bid | Richardson & Company | OUM & Co. LLP | Clendenin Bird & Company, PC |
|---|----------------------|--------------------|------------------------------|
| 2011/2012 Proposed Cost | \$ 2,020.00 | \$ 1,895.00 | \$ - |
| 2012/2013 Proposed Cost | \$ 1,775.00 | \$ 1,690.00 | \$ - |
| 2013/2014 Proposed Cost | \$ 1,465.00 | \$ 1,445.00 | \$ - |
| 3 - year additional cost over lowest bid | \$ 5,260.00 | \$ 5,030.00 | \$ - |

Other Costs - per 1 hour of work

2011/2012

| | Richardson & Company | OUM & Co. LLP | Clendenin Bird & Co, PC |
|--------------------------|----------------------|---------------|-------------------------|
| Principal/Audit Director | \$ 140.00 | \$ 160.00 | not quoted |
| Senior Managers | \$ 130.00 | \$ 130.00 | not quoted |
| Managers | \$ 120.00 | not quoted | not quoted |
| Supervisors | \$ 110.00 | \$ 100.00 | not quoted |
| Seniors | \$ 90.00 | \$ 80.00 | not quoted |
| Semi-senior | \$ 85.00 | not quoted | not quoted |
| Staff | \$ 80.00 | \$ 65.00 | not quoted |
| Clerical | \$ 60.00 | \$ 30.00 | not quoted |