



AGENDA
NEWMAN CITY COUNCIL
REGULAR MEETING MAY 8, 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. Proclamation – Asthma Awareness Month.
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 April 24, 2012 Regular Meeting. ([View Minutes](#))
 - d. Adopt Resolution No. 2012- , A Resolution Authorizing A Change In Garbage Collection Rates Per Contractual Agreement With Bertolotti. ([View Report](#))
9. Public Hearings
 - a. Adopt Resolution No. 2012- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4. ([View Report](#))
10. Regular Business
 - a. Adopt Resolution No. 2012- , A Resolution Initiating Proceedings For The Levy And Collection Of Assessments For The Lighting And Landscape Maintenance District For Fiscal Year 2012/2013 And Ordering Preparation Of The Engineer's Report. ([View Report](#))
 - b. Report On Awarding Contract For Repairs To 1162 Main Street. ([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

May 8 - City Council - 7:00 P.M.

May 9 - Non-Motorized Transportation Plan Committee Meeting - 1:00 P.M.

May 9 - Newman Quasquicentennial (125 Years) Planning Committee Meeting - 6:00 P.M.

May 10 - Newman RDA Successor Agency Oversight Board Regular Meeting - 3:30 P.M.

May 10 - Recreation Commission - 7:00 P.M.

May 13 - Mother's Day.

May 14 - NCLUSD Board Meeting - 6:00 P.M.

May 15 - Two-On-Two Meeting With The School Board - 4:00 P.M.

May 16 - Non-Motorized Transportation Plan Community Meeting - 6:00 P.M.

May 17 - Planning Commission - Cancelled.

May 22 - City Council - 7:00 P.M.

May 23 - Newman Quasquicentennial (125 Years) Planning Sub-Committee Meeting - 6:00 P.M.

May 25 - City Furlough Day - City Offices Closed.

May 28 - Memorial Day Holiday - City Offices Closed.

June 12 - City Council - 7:00 P.M.

June 13 - Newman Quasquicentennial (125 Years) Planning Committee Meeting - 6:00 P.M.

June 14 - Newman RDA Successor Agency Oversight Board Regular Meeting - 3:30 P.M.

June 14 - Recreation Commission - 7:00 P.M.

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

June 17 - Father's Day.

June 19 - Two-On-Two Meeting With The School Board - 4:00 P.M.

June 21 - Planning Commission - 7:00 P.M.

June 26 - City Council - 7:00 P.M.

June 27 - Newman Quasquicentennial (125 Years) Planning Sub-Committee Meeting - 6:00 P.M.

Proclamation

of the Mayor of the City of Newman

WHEREAS, Asthma has reached epidemic proportions in the United States, with over 25 million people Americans suffering from chronic asthma; and

WHEREAS, Asthma is the leading cause of childhood hospitalizations, long-term illness and school absenteeism, accounting for nearly 11 million missed school days and nearly 15 million missed days of work each year; and

WHEREAS, each year nearly 1.8 million Americans are rushed to the emergency room, nearly a half million are hospitalized and nearly 3,500 die from Asthma; and

WHEREAS, the 2009 California Health Interview Survey estimates that approximately 100,000 people in Stanislaus County have been diagnosed with asthma, of which 23,000 are children; and

WHEREAS, Stanislaus County ranks in the worst 25 counties in the US for some air quality measures; and

WHEREAS, the Health Services Agency has established an Asthma Coalition with over 90 representatives from the community, providers, health plans, American Cancer Society, American Lung Association, County and City schools, and the Central California Asthma Project to implement the School-Based Asthma Program developed in the Coalition's 2004 Strategic Plan for Asthma in Stanislaus County; and

WHEREAS, the mission of the Stanislaus County Asthma Coalition is "to create an Asthma-friendly community by promoting awareness, education, management and prevention"; and

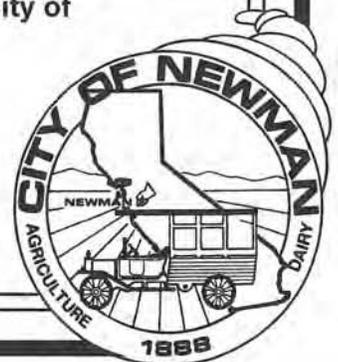
WHEREAS, the Health Services Agency, the Asthma Coalition, and the U.S. Environmental Protection Agency are encouraging Americans to identify and reduce their exposure to environmental triggers in homes and schools, and incorporate environmental controls into their Asthma management plans; and

WHEREAS, the City of Newman recognizes the need to raise Asthma awareness;

NOW, THEREFORE, I Ed Katen, Mayor, on behalf of the Newman City Council, do hereby proclaim the month of May as Asthma Awareness Month in the City of Newman and commend this observance to all our residents.

Signed the 8th day of May, 2012

Signed _____



Accounts Payable

AP Check Register for Council



CITY OF NEWMAN
 938 Fresno St. - 2nd Floor
 P.O. Box 787
 Newman, CA 95360
 209-862-3725

User: efaria

Printed: 05/04/2012 - 4:32 PM

Check Nu	Check D	Name	Account	Description	Amount
101579	5/4/2012	AECOM USA, INC	10-31-620	Inyo & Hwy 33 intersection improvements	3,256.78
101579	5/4/2012	AECOM USA, INC	61-55-752	M Street alley sewerline replacement	1,603.80
101579	5/4/2012	AECOM USA, INC	24-32-776	CNG fueling station	8,120.18
101580	5/4/2012	AMERICAN MOBILE SHREDDING	10-21-620	2 Bin shred service/PD	50.00
101581	5/4/2012	ARAMARK UNIFORM SERVICES	10-33-620	Uniform cleaning/mat rental/towel service/March 2012	82.59
101581	5/4/2012	ARAMARK UNIFORM SERVICES	10-44-620	Uniform cleaning/mat rental/towel service/March 2012	55.07
101581	5/4/2012	ARAMARK UNIFORM SERVICES	60-50-620	Uniform cleaning/mat rental/towel service/March 2012	82.60
101581	5/4/2012	ARAMARK UNIFORM SERVICES	63-56-620	Uniform cleaning/mat rental/towel service/March 2012	55.07
101581	5/4/2012	ARAMARK UNIFORM SERVICES	10-22-620	Uniform cleaning/mat rental/towel service/March 2012	27.42
101581	5/4/2012	ARAMARK UNIFORM SERVICES	10-07-620	Uniform cleaning/mat rental/towel service/March 2012	147.95
101581	5/4/2012	ARAMARK UNIFORM SERVICES	10-21-620	Uniform cleaning/mat rental/towel service/March 2012	95.92
101582	5/4/2012	AT&T MOBILITY	10-21-642	Cell phone monthly charges/3-6 to 4-5-12	390.88
101582	5/4/2012	AT&T MOBILITY	63-56-642	Cell phone monthly charges/3-6 to 4-5-12	225.84
101582	5/4/2012	AT&T MOBILITY	10-44-642	Cell phone monthly charges/3-6 to 4-5-12	27.11
101582	5/4/2012	AT&T MOBILITY	69-47-642	Cell phone monthly charges/3-6 to 4-5-12	4.11
101582	5/4/2012	AT&T MOBILITY	60-50-642	Cell phone monthly charges/3-6 to 4-5-12	122.34
101582	5/4/2012	AT&T MOBILITY	10-07-642	Cell phone monthly charges/3-6 to 4-5-12	16.43
101582	5/4/2012	AT&T MOBILITY	10-22-642	Cell phone monthly charges/3-6 to 4-5-12	16.43
101582	5/4/2012	AT&T MOBILITY	10-33-642	Cell phone monthly charges/3-6 to 4-5-12	20.54
101582	5/4/2012	AT&T MOBILITY	10-02-642	Cell phone monthly charges/3-6 to 4-5-12	75.38
101582	5/4/2012	AT&T MOBILITY	10-45-642	Cell phone monthly charges/3-6 to 4-5-12	28.42
101582	5/4/2012	AT&T MOBILITY	10-03-642	Cell phone monthly charges/3-6 to 4-5-12	70.38
101582	5/4/2012	AT&T MOBILITY	10-14-642	Cell phone monthly charges/3-6 to 4-5-12	42.26
101582	5/4/2012	AT&T MOBILITY	73-70-642	Cell phone monthly charges/3-6 to 4-5-12	9.41
101582	5/4/2012	AT&T MOBILITY	74-70-642	Cell phone monthly charges/3-6 to 4-5-12	4.44
101583	5/4/2012	AT&T	10-21-642	Emergency dispatch line @ PD 3-20 to 4-19-12	135.65
101584	5/4/2012	BERTOLOTTI DISPOSAL	10-41-620	Monthly garbage service/April 2012	54,118.02
101585	5/4/2012	BERTOLOTTI DISPOSAL	10-33-622	Landfill fees/March 2012	320.63
101586	5/4/2012	BJ'S CONSUMER'S CHOICE IN	10-07-620	Pest control services/old city hall	50.63
101586	5/4/2012	BJ'S CONSUMER'S CHOICE IN	10-22-620	Pest control services/fire dept	60.62
101586	5/4/2012	BJ'S CONSUMER'S CHOICE IN	10-44-667	Pest control services/teen center	50.62
101586	5/4/2012	BJ'S CONSUMER'S CHOICE IN	10-44-666	Pest control services/Mem bldg	50.62
101586	5/4/2012	BJ'S CONSUMER'S CHOICE IN	63-56-620	Pest control services/Water office	55.62
101586	5/4/2012	BJ'S CONSUMER'S CHOICE IN	10-21-620	Pest control services/PD	60.63
101586	5/4/2012	BJ'S CONSUMER'S CHOICE IN	73-70-667	Pest control services/Theater	50.63
101586	5/4/2012	BJ'S CONSUMER'S CHOICE IN	10-07-666	Pest control services/Museum	60.63
101587	5/4/2012	BUSINESS CARD	10-14-633	Pre-stamped envelopes	681.87
101587	5/4/2012	BUSINESS CARD	63-56-633	Pre-stamped envelopes	681.87
101587	5/4/2012	BUSINESS CARD	60-50-630	Pre-stamped envelopes	681.86
101587	5/4/2012	BUSINESS CARD	10-06-669	RDA Successor Board workshop	33.38
101587	5/4/2012	BUSINESS CARD	10-45-672	18 Shirts/men's basketball	237.98
101587	5/4/2012	BUSINESS CARD	10-45-673	Supplies for teen center snack bar	198.97
101587	5/4/2012	BUSINESS CARD	10-21-663	Meals for CSO interview panel/PD	59.93
101587	5/4/2012	BUSINESS CARD	10-21-653	Tire inflation system/06 Dodge charger/PD	299.79
101587	5/4/2012	BUSINESS CARD	10-21-669	Lodging/R. Richardson/PD	594.36

Check Nu	Check D	Name	Account	Description	Amount
101588	5/4/2012	CARTER JEFF	68-68-772		100.00
101589	5/4/2012	CBA (ADMIN FEES)	10-00-226	Dental-vision admin fees/May 2012	221.00
101590	5/4/2012	CDW GOVERNMENT, INC	60-50-741	Ergotron dual monitor stands	100.43
101590	5/4/2012	CDW GOVERNMENT, INC	63-56-741	Ergotron dual monitor stands	100.43
101590	5/4/2012	CDW GOVERNMENT, INC	71-21-710	Ergotron dual monitor stands	100.44
101590	5/4/2012	CDW GOVERNMENT, INC	71-14-710	HP graphics card/finance	159.39
101590	5/4/2012	CDW GOVERNMENT, INC	60-50-710	(3) Plantronics phone headsets	244.45
101590	5/4/2012	CDW GOVERNMENT, INC	63-56-710	(3) Plantronics phone headsets	244.45
101590	5/4/2012	CDW GOVERNMENT, INC	71-21-710	(3) Plantronics phone headsets	244.45
101590	5/4/2012	CDW GOVERNMENT, INC	60-50-710	(4) Plantronics ring detector	32.59
101590	5/4/2012	CDW GOVERNMENT, INC	63-56-710	(4) Plantronics ring detector	32.59
101590	5/4/2012	CDW GOVERNMENT, INC	71-21-710	(4) Plantronics ring detector	32.60
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-666		-94.56
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-667		-47.27
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-630		-23.64
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-21-630		-23.64
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-666		-11.82
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-22-630		-11.82
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-630		-11.82
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-46-630		-11.82
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-666		62.13
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-667		31.07
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-630		15.53
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-21-630		15.53
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-666		7.77
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-22-630		7.77
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-630		7.76
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-46-630		7.77
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-666		42.66
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-667		21.32
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-630		10.67
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-21-630		10.66
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-666		5.33
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-22-630		5.34
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-630		5.33
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-46-630		5.33
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-666		26.62
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-667		13.31
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-630		6.66
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-21-630		6.65
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-666		3.33
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-22-630		3.33
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-630		3.32
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-46-630		3.33
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-666		347.66
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-667		173.82
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-630		86.92
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-21-630		86.91
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-666		43.46
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-22-630		43.46
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-630		43.45
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-46-630		43.46
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-666		23.76
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-667		11.88
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-630		5.94

Check Nu	Check D	Name	Account	Description	Amount
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-21-630		5.94
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-666		2.97
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-22-630		2.97
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-630		2.97
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-46-630		2.97
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-666		58.58
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-667		29.30
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-630		14.64
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-21-630		14.65
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-07-666		7.32
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-22-630		7.32
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-44-630		7.33
101591	5/4/2012	CENTRAL SANITARY SUPPLY	10-46-630		7.32
101592	5/4/2012	CITY OF MODESTO, FLEET SE	71-21-710	2010 Dodge charger police vehicle upfit	12,554.72
101593	5/4/2012	COMCAST CABLE	60-50-620	High speed internet/sewer	34.27
101593	5/4/2012	COMCAST CABLE	63-56-620	High speed internet/water	34.29
101593	5/4/2012	COMCAST CABLE	10-21-620	High speed internet/PD	34.27
101594	5/4/2012	CROP PRODUCTION SERVICES	60-50-623	Warrior II/Dimethoate/Pursuit/Herbimax/WWTP	3,205.69
101594	5/4/2012	CROP PRODUCTION SERVICES	60-50-630	Glystar original/Amine/WWTP	657.67
101594	5/4/2012	CROP PRODUCTION SERVICES	60-50-623	1300 LBS Treflan/WWTP	1,716.93
101595	5/4/2012	Dave's Drain Cleaning & Plumbing	10-44-667	Repaired leaking urinal at teen center	86.48
101595	5/4/2012	Dave's Drain Cleaning & Plumbing	10-07-620	Drain cleaning @ city hall	75.00
101596	5/4/2012	CASHIER,DEPT OF PESTICIDE	10-44-663	Pesticide applicator re-examination/Sotelo	25.00
101596	5/4/2012	CASHIER,DEPT OF PESTICIDE	10-33-663	Pesticide applicator re-examination/Sotelo	25.00
101597	5/4/2012	DEPARTMENT OF HEALTH SERV	63-56-667	Compliance tracking/monitoring data review/system # 5010013	264.60
101598	5/4/2012	ECONOMIC TIRE SHOP	60-50-653	2 tubes & tires for dumpster trailer	400.89
101599	5/4/2012	EMPLOYMENT DEV DEPT/SUI	10-00-229	Unemployment benefits/Gomez	3,894.00
101600	5/4/2012	ENERPOWER	10-07-620	Electric energy services for 1-17-12 to 2/14/12	21.00
101600	5/4/2012	ENERPOWER	60-50-620	Electric energy services for 1-17-12 to 2/14/12	102.00
101600	5/4/2012	ENERPOWER	69-47-620	Electric energy services for 1-17-12 to 2/14/12	4.00
101600	5/4/2012	ENERPOWER	63-56-620	Electric energy services for 1-17-12 to 2/14/12	706.00
101601	5/4/2012	Flores Cruz	10-00-284	Refund memorial bldg deposit/Flores	200.00
101602	5/4/2012	GVCVCS	60-50-663	Registration SSO Cleanup & remediation seminar/Millan	30.00
101603	5/4/2012	HALLINAN TOM	10-15-620		525.00
101603	5/4/2012	HALLINAN TOM	60-50-620		525.00
101603	5/4/2012	HALLINAN TOM	63-56-620		525.00
101604	5/4/2012	HASKELL & HASKELL ENGINEE	20-32-777	Street construction project PQRST	15,893.42
101604	5/4/2012	HASKELL & HASKELL ENGINEE	20-33-777	Street reconstruction	19,121.70
101605	5/4/2012	HOUSE STEPHANIE	10-45-673	Reimburse supplies for teen center snack bar/House	194.79
101606	5/4/2012	HUB INTERNATIONAL OF CA I	10-00-284	Liability insurance premium/Flores	126.02
101607	5/4/2012	IKON OFFICE SOLUTIONS	10-14-620	Copier lease/old city hall	106.30
101607	5/4/2012	IKON OFFICE SOLUTIONS	60-50-620	Copier lease/old city hall	106.30
101607	5/4/2012	IKON OFFICE SOLUTIONS	63-56-620	Copier lease/old city hall	106.30
101608	5/4/2012	IDEXX LABORATORIES, INC.	63-56-630	Supplies for testing water samples	313.91
101609	5/4/2012	KAISER PERMANENTE	10-00-226	Health Insurance premium/June 2012	1,940.00
101610	5/4/2012	MALLARD EXPRESS AUTO	10-21-653	Motor oil & filter change/Chief's car	46.88
101611	5/4/2012	Motorola Solutions, Inc	10-21-622	Dash mounted control station/PD	2,013.97
101612	5/4/2012	NBS	69-47-620	1972 Act administration fees 4-1-12 to 6-30-12	2,294.62
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	10-14-663	Fees for notary test pak	55.15
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	10-06-633	Postage	5.30
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	60-50-630	Supplies for interview panel	12.28
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	63-56-630	Supplies for interview panel	12.27
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	40-07-741	Paint for new city hall	26.80
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	60-50-741	Paint for new city hall	26.80
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	63-56-741	Paint for new city hall	26.80

Check Nu	Check D	Name	Account	Description	Amount
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	63-56-653	Car wash	6.00
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	69-47-630	Read writer/SD card	11.21
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	10-44-630	Read writer/SD card	11.21
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	10-21-630	Dog food	19.99
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	10-33-630	Charge cord	46.43
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	10-33-669	Parking	7.00
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	10-21-633	Postage/PD	96.36
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	60-50-653	Car washes	18.00
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	10-14-630	Coffee/Clorox wipes	48.71
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	10-06-669	Parking/supplies	17.98
101613	5/4/2012	CITY OF NEWMAN-PETTY CASH	10-00-582	Cash over	-1.10
101614	5/4/2012	NEWMAN ACE HARDWARE/JACT,	10-44-630	pik stick/batteries/plier/blades/oil/gloves/graffiti rmvr	227.85
101614	5/4/2012	NEWMAN ACE HARDWARE/JACT,	69-47-630	Paint/battery/graffiti rmvr/paint & roller/	173.78
101614	5/4/2012	NEWMAN ACE HARDWARE/JACT,	10-07-630	batteries/tape/bleach/vac bag/plunger/keys/caulk heat gun	258.98
101614	5/4/2012	NEWMAN ACE HARDWARE/JACT,	10-44-667	misc fastners/hasp/poly elbow	15.31
101614	5/4/2012	NEWMAN ACE HARDWARE/JACT,	10-33-630	misc fastners/trash can/pvc cement/weedblock/chain saw links	84.70
101614	5/4/2012	NEWMAN ACE HARDWARE/JACT,	10-21-630	Key master/key rack	10.18
101614	5/4/2012	NEWMAN ACE HARDWARE/JACT,	63-56-630	Polish/surge protector/texture spray/epoxyshield	154.01
101614	5/4/2012	NEWMAN ACE HARDWARE/JACT,	60-50-630	Wheeled garbage can/trash bags/pik stik/water dispnrs	333.80
101614	5/4/2012	NEWMAN ACE HARDWARE/JACT,	10-44-670	Light bulbs	24.42
101614	5/4/2012	NEWMAN ACE HARDWARE/JACT,	10-22-630	Utility lighter/matches/padlock	30.03
101614	5/4/2012	NEWMAN ACE HARDWARE/JACT,	10-06-630	Paint/sandpaper/mask tape	15.00
101615	5/4/2012	NORMAC, INC.	10-00-582	To replace ck#101450	629.94
101615	5/4/2012	NORMAC, INC.	10-00-582	To replace ck#101450	16.64
101616	5/4/2012	OCE' Imagistics, Inc	10-14-620	Copier lease/new city hall	105.81
101616	5/4/2012	OCE' Imagistics, Inc	60-50-620	Copier lease/new city hall	105.81
101616	5/4/2012	OCE' Imagistics, Inc	63-56-620	Copier lease/new city hall	105.81
101616	5/4/2012	OCE' Imagistics, Inc	63-56-620	Copier lease/PW	86.51
101616	5/4/2012	OCE' Imagistics, Inc	60-50-620	Copier lease/PW	86.50
101617	5/4/2012	Otis Elevator Company	10-07-620	Service contract on elevator/4-1-12 to 6-30-12 @ city hall	534.43
101618	5/4/2012	CITY OF PATTERSON	10-03-620	Video reimbursement/April 2012	660.00
101618	5/4/2012	CITY OF PATTERSON	10-22-620	Fire data input/March 2012	250.00
101619	5/4/2012	PATTERSON IRRIGATOR	10-21-660	Employment ad for CSO officer	63.63
101620	5/4/2012	P G & E	10-22-641	Gas and electric usage/2-15-12 to 4-16-12	267.55
101620	5/4/2012	P G & E	10-33-641	Gas and electric usage/2-15-12 to 4-16-12	4,291.98
101620	5/4/2012	P G & E	10-44-641	Gas and electric usage/2-15-12 to 4-16-12	353.43
101620	5/4/2012	P G & E	10-45-641	Gas and electric usage/2-15-12 to 4-16-12	153.03
101620	5/4/2012	P G & E	10-46-641	Gas and electric usage/2-15-12 to 4-16-12	207.41
101620	5/4/2012	P G & E	10-44-666	Gas and electric usage/2-15-12 to 4-16-12	370.84
101620	5/4/2012	P G & E	10-07-666	Gas and electric usage/2-15-12 to 4-16-12	64.43
101620	5/4/2012	P G & E	10-07-641	Gas and electric usage/2-15-12 to 4-16-12	959.03
101620	5/4/2012	P G & E	10-44-667	Gas and electric usage/2-15-12 to 4-16-12	198.64
101620	5/4/2012	P G & E	60-50-641	Gas and electric usage/2-15-12 to 4-16-12	16,295.61
101620	5/4/2012	P G & E	62-60-641	Gas and electric usage/2-15-12 to 4-16-12	317.93
101620	5/4/2012	P G & E	62-60-641	Gas and electric usage/2-15-12 to 4-16-12	981.80
101620	5/4/2012	P G & E	63-56-641	Gas and electric usage/2-15-12 to 4-16-12	9,555.59
101620	5/4/2012	P G & E	69-47-641	Gas and electric usage/2-15-12 to 4-16-12	2,521.10
101620	5/4/2012	P G & E	73-70-665	Gas and electric usage/2-15-12 to 4-16-12	193.30
101620	5/4/2012	P G & E	73-70-667	Gas and electric usage/2-15-12 to 4-16-12	320.83
101621	5/4/2012	PIONEER DRUG	63-56-630	Water dept supplies	10.61
101622	5/4/2012	R-SAFE SPECIALTY	60-50-630	Corded and uncorded earl plugs	47.14
101622	5/4/2012	R-SAFE SPECIALTY	10-44-630	Rain pants & jacket/caution tape	59.01
101623	5/4/2012	RALEY'S IN STORE CHARGE	10-07-630	Cups/Sugar/Akax/city hall	26.17
101623	5/4/2012	RALEY'S IN STORE CHARGE	10-46-630	Sugar/Coffee/cups/spoons/corp yard	30.26
101624	5/4/2012	RANGEL FENCE COMPANY	60-50-620	Repaired 100 ft damaged fence @ WWTP	850.00

Check Nu	Check D	Name	Account	Description	Amount
101625	5/4/2012	Rayon Adela	10-00-533	Refund dance permit/cancelled use of Memorial Bldg Rayon	25.00
101625	5/4/2012	Rayon Adela	10-00-284	Refund dance permit/cancelled use of Memorial Bldg Rayon	200.00
101625	5/4/2012	Rayon Adela	10-00-551	Refund dance permit/cancelled use of Memorial Bldg Rayon	350.00
101626	5/4/2012	Dave Silveira Construction	40-07-741	Provided & installed 2 door closers/remounted Council Chamber	325.94
101626	5/4/2012	Dave Silveira Construction	60-50-741	Provided & installed 2 door closers/remounted Council Chamber	325.94
101626	5/4/2012	Dave Silveira Construction	63-56-741	Provided & installed 2 door closers/remounted Council Chamber	325.94
101626	5/4/2012	Dave Silveira Construction	40-07-741	For work done on entry doors/rear door/new city hall	3,971.00
101626	5/4/2012	Dave Silveira Construction	60-50-741	For work done on entry doors/rear door/new city hall	3,971.00
101626	5/4/2012	Dave Silveira Construction	63-56-741	For work done on entry doors/rear door/new city hall	3,971.00
101627	5/4/2012	Silva Arcelia	10-00-284	Cancelled use of Memorial Bldg/Silva	200.00
101628	5/4/2012	State of Calif Dept of Justice	10-03-620	Fingerprint apps for Kamal Singh	32.00
101628	5/4/2012	State of Calif Dept of Justice	10-03-620	Fingerprint apps for Regina Rendon	32.00
101628	5/4/2012	State of Calif Dept of Justice	10-06-620	Fingerprint apps for Guillory & Randis	64.00
101628	5/4/2012	State of Calif Dept of Justice	10-21-620	Fingerprint apps	343.00
101629	5/4/2012	Stanislaus County Auditor-Controller	10-21-651	CNG fuel purchased @ Morgan Rd Fuel station	15.18
101629	5/4/2012	Stanislaus County Auditor-Controller	10-33-651	CNG fuel purchased @ Morgan Rd Fuel station	25.29
101629	5/4/2012	Stanislaus County Auditor-Controller	60-50-651	CNG fuel purchased @ Morgan Rd Fuel station	8.48
101629	5/4/2012	Stanislaus County Auditor-Controller	60-50-653	Repairs to flatbed and boom truck	137.37
101629	5/4/2012	Stanislaus County Auditor-Controller	69-47-653	Repairs to flatbed and boom truck	137.36
101630	5/4/2012	STAPLES ADVANTAGE	10-00-574	Entry card holders/reimbursed	33.48
101630	5/4/2012	STAPLES ADVANTAGE	10-14-630	Dust destroyer/scissors/pens	7.81
101630	5/4/2012	STAPLES ADVANTAGE	60-50-630	Dust destroyer/scissors/pens	7.81
101630	5/4/2012	STAPLES ADVANTAGE	63-56-630	Dust destroyer/scissors/pens	7.82
101630	5/4/2012	STAPLES ADVANTAGE	10-21-630	Batteries/Purell/paper/HIP ink cartridges/wall board	177.69
101630	5/4/2012	STAPLES ADVANTAGE	10-14-630	Clock/desktop organizer/dymo tape	19.00
101630	5/4/2012	STAPLES ADVANTAGE	60-50-630	Clock/desktop organizer/dymo tape	19.00
101630	5/4/2012	STAPLES ADVANTAGE	63-56-630	Clock/desktop organizer/dymo tape	19.01
101630	5/4/2012	STAPLES ADVANTAGE	10-00-574	Returned 1 cardholder	5.36
101630	5/4/2012	STAPLES ADVANTAGE	10-21-630	Typewriter ribbon	8.33
101630	5/4/2012	STAPLES ADVANTAGE	10-06-630	Laser tabs	10.74
101630	5/4/2012	STAPLES ADVANTAGE	10-45-630	Colored paper/rec dept	21.45
101630	5/4/2012	STAPLES ADVANTAGE	10-14-630	tape/scissors/dust destroyer/markers/erasers	11.18
101630	5/4/2012	STAPLES ADVANTAGE	60-50-630	tape/scissors/dust destroyer/markers/erasers	11.18
101630	5/4/2012	STAPLES ADVANTAGE	63-56-630	tape/scissors/dust destroyer/markers/erasers	11.17
101630	5/4/2012	STAPLES ADVANTAGE	10-21-630	glue tape/PD	5.69
101631	5/4/2012	STANTEC CONSULTING SERVIC	63-56-620	Newman water on-call 2010-2011	981.50
101631	5/4/2012	STANTEC CONSULTING SERVIC	64-56-620	Newman water rate study	1,528.75
101632	5/4/2012	The Planning Center - DC&E	10-06-669	Planning seminar registration fee/Ocasio	15.00
101633	5/4/2012	T.H.E. OFFICE CITY	10-14-630	Gel pen	3.11
101633	5/4/2012	T.H.E. OFFICE CITY	60-50-630	Gel pen	3.11
101633	5/4/2012	T.H.E. OFFICE CITY	63-56-630	Gel pen	3.10
101633	5/4/2012	T.H.E. OFFICE CITY	40-07-741	Fire rest cabinet/delivered	1,035.23
101633	5/4/2012	T.H.E. OFFICE CITY	60-50-741	Fire rest cabinet/delivered	1,035.23
101633	5/4/2012	T.H.E. OFFICE CITY	63-56-741	Fire rest cabinet/delivered	1,035.23
101633	5/4/2012	T.H.E. OFFICE CITY	40-07-741	6 stack chairs	150.30
101633	5/4/2012	T.H.E. OFFICE CITY	60-50-741	6 stack chairs	150.30
101633	5/4/2012	T.H.E. OFFICE CITY	63-56-741	6 stack chairs	150.31
101633	5/4/2012	T.H.E. OFFICE CITY	63-56-630	Hanging folders/file folders	23.14
101633	5/4/2012	T.H.E. OFFICE CITY	40-07-741	cash tray/petty cash box	38.97
101633	5/4/2012	T.H.E. OFFICE CITY	60-50-741	cash tray/petty cash box	38.97
101633	5/4/2012	T.H.E. OFFICE CITY	63-56-741	cash tray/petty cash box	38.97
101633	5/4/2012	T.H.E. OFFICE CITY	10-07-630	Pocket wall files	119.96
101633	5/4/2012	T.H.E. OFFICE CITY	60-50-741	Mesh wall files/mouse pad	43.42
101633	5/4/2012	T.H.E. OFFICE CITY	63-56-741	Mesh wall files/mouse pad	43.42
101633	5/4/2012	T.H.E. OFFICE CITY	40-07-741	Mesh wall files/mouse pad	43.43

Check Nu	Check D	Name	Account	Description	Amount
101633	5/4/2012	T.H.E. OFFICE CITY	63-56-630	Badge holders	14.87
101633	5/4/2012	T.H.E. OFFICE CITY	60-50-630	Badge holders	14.87
101633	5/4/2012	T.H.E. OFFICE CITY	10-14-630	Acetamenophen	15.01
101633	5/4/2012	T.H.E. OFFICE CITY	40-07-741	Credit return on combo lock	-14.17
101633	5/4/2012	T.H.E. OFFICE CITY	60-50-741	Credit return on combo lock	-14.17
101633	5/4/2012	T.H.E. OFFICE CITY	63-56-741	Credit return on combo lock	-14.17
101633	5/4/2012	T.H.E. OFFICE CITY	63-56-630	Credit return on 6 wall files	-121.69
101634	5/4/2012	USA BLUEBOOK	60-50-630	Conductivity Soln/WWTP	78.77
101635	5/4/2012	UNITED STATES POSTMASTER	10-21-633	2 Rolls postage stamps/PD	90.00
101636	5/4/2012	VALLEY PARTS SERVICE	60-50-653	Wheel cylinder	40.78
101636	5/4/2012	VALLEY PARTS SERVICE	63-56-630	Anti-seize	9.48
101636	5/4/2012	VALLEY PARTS SERVICE	63-56-701	Seat covers	320.54
101637	5/4/2012	VARGAS GEORGE	10-22-650		50.00
101638	5/4/2012	WILLIE ELECTRIC	63-56-622	Valves	365.82
101638	5/4/2012	WILLIE ELECTRIC	63-56-622	4-way valves	605.73
101639	5/4/2012	Yosemite Lock & Key	10-07-620	Duplicated 6 keys/new city hall	12.89

209,065.16



MINUTES
NEWMAN CITY COUNCIL
REGULAR MEETING APRIL 24, 2012
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** – Mayor Pro Tem Martina 7:03 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** – Council Member Hutchins.
4. **Roll Call - PRESENT:** Davis, Hutchins, Candea And Mayor Pro Tem Martina.
ABSENT: Mayor Katen (Excused).
5. **Declaration Of Conflicts Of Interest** – None.
6. **Ceremonial Matters** – None.
7. **Items from the Public - Non-Agenda Items**

Wayne Philbrook, Newman Library Branch Manager, Reviewed Some Of The Free Newman Library Programs And Events Being Offered During The Month Of May.

8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The April 10, 2012 Special Meeting And The April 10, 2012 Regular Meeting.
- d. Adopt Resolution No. 2012-25, A Resolution Requesting That The Board Of Supervisors Of Stanislaus County Consolidate The City Of Newman Municipal Election To Be Held November 6, 2012 With The Presidential General Election To Be Held On The Same Date.

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

9. Public Hearings – None.

10. Regular Business

- a. Adopt Resolution No. 2012-26, A Resolution Authorizing The City Manager To Sign An Agreement To Toll The Statute Of Limitations For Claims Regarding Property Tax Administration Fees.

ACTION: On Motion By Hutchins Seconded By Candea And Unanimously Carried, Resolution No. 2012-26, A Resolution Authorizing The City Manager To Sign An Agreement To Toll The Statute Of Limitations For Claims Regarding Property Tax Administration Fees, Was Adopted.

- b. Adopt Resolution No. 2012-27, A Resolution Authorizing The Execution And Delivery Of A Loan Agreement, And Authorizing And Directing Certain Actions In Connection With The Refinancing Of 1982 Water Revenue Bonds.

ACTION: On Motion By Candea Seconded By Hutchins And Unanimously Carried, Resolution No. 2012-27, A Resolution Authorizing The Execution And Delivery Of A Loan Agreement, And Authorizing And Directing Certain Actions In Connection With The Refinancing Of 1982 Water Revenue Bonds, Was Adopted.

- c. Adopt Resolution No. 2012-28, A Resolution Authorizing An Administrative Fine Schedule Related To Property Maintenance/Nuisances And Business License Tax Fees.

ACTION: On Motion By Davis Seconded By Candea And Unanimously Carried, Resolution No. 2012-28, A Resolution Authorizing An Administrative Fine Schedule Related To Property Maintenance/Nuisances And Business License Tax Fees, Was Adopted.

- d. Consider Financial Pledge To Save Hatfield State Park.

Richard Jantz, Delhi Resident, Noted That He Represented An Ad-Hoc Group Of Area Residents Trying To Save Two Local State Parks From Closure And Although He Has Served And Currently Serves Other Local Government Agencies, He Was Not Acting As Their Representative. Jantz Reviewed The Monetary Concerns Related To The Potential Park Closures As Well As The Potential Scope And Funding Of The San Joaquin River Restoration Project.

Martina Noted That He Was Concerned That The State Has Taken Money From The City's Coffers And Now They Are Asking The City To Help Fund Their Parks. Martina Continued That The Timeline For Raising The Funds Was Very Short But That He Understands The Importance Of These Local Parks.

Hutchins Stated That He Did Not Have An Issue With Pledging Up To \$5,000 But Noted He Was Also Concerned That The City Was Once Again Being Asked Financially To Supplement The State.

ACTION: On Motion By Hutchins Seconded By Davis And Unanimously Carried, The City Council Pledged \$5,000 To Save Hatfield State Park Contingent Upon The Remainder Of The \$60,000 Threshold Being Raised.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Reminded Everyone That The Next West Side Healthcare Taskforce Meeting Would Be In Patterson On May 10th And That The Healthy Choices Summit Was On Track For August 23rd. DeMartini Noted That The Taskforce's Revised By-Laws Are Almost Complete. He Mentioned That LAFCO Will Be Discussing An Ag Preservation Policy On May 23rd And That He Was Willing To Provide The Draft Policy To The City.

12. Items From The City Manager And Staff.

City Manager Holland Reminded Everyone That The Next 125th Anniversary Planning Meeting Was Scheduled For April 25th And That The Love Newman Community Service Day Was Slated For Saturday, April 28th. Holland Solicited The Council's Input Regarding The Features And Design Elements Of The New City Council Chambers. He Regrettably Reported That The City Was Not Awarded The Aquatic Center Grant.

Public Works Superintendent Millan Announced That The Public Works Department Had Commenced Planting Trees As Part Of The Cal Fire Urban Forestry Grant And Noted That The City Would Be Planting More Than 150 Trees Before The End Of The Year.

13. Items From City Council Members.

Council Member Hutchins Commented That He Wanted To Ensure That If The Local State Parks' Funding Goal Was Reached And The City Contributed \$5,000 That The State Was Committed To Keeping Hatfield State Park Open. Hutchins Noted That He Wanted To Make Sure That City Staff Had A Copy Of The Proposed LAFCO Agricultural Preservation Policy.

14. Adjournment.

ACTION: On Motion By Hutchins Seconded By Candea And Unanimously Carried, The Meeting Was Adjourned At 7:38 P.M.

**ADOPT A RESOLUTION AUTHORIZING THE CHANGE IN GARBAGE
COLLECTION RATES PER PRIOR CONTRACTUAL AGREEMENT**

RECOMMENDATION:

It is recommended that Council Adopt Resolution No. 2012 – approving the garbage collection rate changes per prior contractual agreement.

BACKGROUND:

Bertolotti Disposal Incorporated provides solid waste collection and curbside recycling services to Newman residents and businesses since 1978. Since 1978 the City of Newman has been happy with their service and has extended their contract several times. The current rates for services were set by contractual agreement in April of 2010. While the City was not required to follow Proposition 218 guidelines for setting rate increases, the City elected to proceed forward. On February 9, 2010 the City Council passed a resolution declaring the results of the 218 proceedings and approved the method for future changes in rates, fees, and charges for solid waste collection and curbside recycling services.

ANALYSIS:

As part of the Proposition 218 and the 2010 contract renewal with Bertolotti, automatic rate adjustments every second year were included. Rates were approved to be adjusted as follows: 80% of the current rate is adjusted by the 12-month average of the Consumer Price Index (CPI) and 20% of the current rate is adjusted by the Stanislaus County Waste to Energy and the Fink Road Landfill Tipping Fees. The average CPI increase was 3.3% and the tipping fees are to be increased by 39.3%. According to the contractual agreement from 2010 rate changes would take place on July 1, 2012.

FISCAL IMPACT:

There will be a minor positive impact upon the City's General Fund.

CONCLUSION:

Staff recommends the approval of Resolution No. 2012 – approving the rate changes per contractual agreement.

ATTACHMENTS:

1. Resolution No. 2012-
2. Spreadsheet showing calculations of rate changes
3. Spreadsheet showing historical CPI costs
4. Stanislaus County Board of Supervisors Agenda considering the increase in Disposal Fees.

Respectfully submitted:



Lewis Humphries
Finance Director

REVIEWED/CONCUR:



Michael Holland
City Manager

RESOLUTION NO. 2012-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN AUTHORIZING THE CHANGE IN GARBAGE COLLECTION RATES PER CONTRACTUAL AGREEMENT WITH BERTOLOTTI.

WHEREAS, the City of Newman renewed their contract with Bertolotti Disposal, Inc., for collection of garbage and refuse on April 1, 2010; and

WHEREAS, in 2010 Proposition 218 proceedings were conducted authorizing the changes in collection rates based on certain changes in the Consumer Price Index and certain tipping fees; and

WHEREAS, rates and charges for the collection of garbage and refuse are set by City Council Resolution and may only change every two (2) years after their adoption; and

WHEREAS, eighty percent (80%) of the rates and changes may be adjusted by any increase or decrease in the twelve month (12) average of the Consumer price index for the previous 24 months; and

WHEREAS, twenty percent (20%) of the rates and changes may be adjusted by any increase or decrease in the Stanislaus County Waste to Energy Facility Tipping Fee and the Stanislaus County Fink road Landfill Tipping Fee; and

NOW, THEREFORE, BE IT RESOLVED that the City of Newman authorizes the changes in garbage collection rates found in Exhibit A to take place on of July 1, 2012.

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

ATTEST:

Deputy City Clerk of the City of Newman

Exhibit A

Change Dates: July 1 of Every Even Numbered Year
 80% of the rates and charges may be adjusted by any increase or decrease of the 12 month average of Consumer Price Index for the previous 24 months
 20% of the rates and charges may be adjusted by any increase or decrease in the Stanislaus County Waste to Energy Facility Tipping Fee and the Stanislaus County Fink Road Landfill Tipping Fee.

CPI	3.3%	See CPI History	Dump Ratio
SCWEFT	39.3%	Was \$28 and is increasing to \$39	88%
SCFRLT	0.0%	No Change	12%

Service #	Service Code	Description	Current Rate		Average CPI Rate	Adjusted 80%	Average Tipping Rate		Adjusted 20%	New Total Rate	Rate Increase
				80%			20%				
3	1	1 90 GAL CAN	\$ 19.46	\$ 15.57	3.3%	\$ 16.08	\$ 3.89	39.3%	\$ 5.42	\$ 21.50	\$ 2.04
3	2	1 60 GAL CAN	\$ 13.29	\$ 10.63	3.3%	\$ 10.98	\$ 2.66	39.3%	\$ 3.70	\$ 14.69	\$ 1.40
3	4	60 GAL WALK-IN DISABLED	\$ 12.39	\$ 9.91	3.3%	\$ 10.24	\$ 2.48	39.3%	\$ 3.45	\$ 13.69	\$ 1.30
3	5	90 GAL WALK-IN DISABLED	\$ 13.94	\$ 11.15	3.3%	\$ 11.52	\$ 2.79	39.3%	\$ 3.89	\$ 15.41	\$ 1.47
3	6	2 60 GAL CANS	\$ 26.57	\$ 21.26	3.3%	\$ 21.97	\$ 5.31	39.3%	\$ 7.40	\$ 29.36	\$ 2.79
3	7	2 90 GAL CANS	\$ 38.91	\$ 31.13	3.3%	\$ 32.16	\$ 7.78	39.3%	\$ 10.84	\$ 43.00	\$ 4.09
3	9	(3) 90 GAL CANS	\$ 58.37	\$ 46.70	3.3%	\$ 48.25	\$ 11.67	39.3%	\$ 16.25	\$ 64.51	\$ 6.14
3	10	(3) 60 GAL CANS	\$ 39.86	\$ 31.89	3.3%	\$ 32.95	\$ 7.97	39.3%	\$ 11.10	\$ 44.05	\$ 4.19
3	11	(16) 90 GAL CANS	\$ 311.32	\$ 249.06	3.3%	\$ 257.34	\$ 62.26	39.3%	\$ 86.72	\$ 344.06	\$ 32.74
3	12	(4) 90 GAL CANS	\$ 77.84	\$ 62.27	3.3%	\$ 64.34	\$ 15.57	39.3%	\$ 21.69	\$ 86.03	\$ 8.19
3	15	1 CU YD BIN	\$ 44.57	\$ 35.66	3.3%	\$ 38.85	\$ 8.91	39.3%	\$ 12.41	\$ 49.26	\$ 4.69
3	16	2 CU YD BIN	\$ 72.16	\$ 57.73	3.3%	\$ 59.65	\$ 14.43	39.3%	\$ 20.10	\$ 79.75	\$ 7.59
3	17	3 CU YD BIN	\$ 99.63	\$ 79.70	3.3%	\$ 82.35	\$ 19.93	39.3%	\$ 27.76	\$ 110.11	\$ 10.48
3	18	4 CU YD BIN	\$ 127.54	\$ 102.03	3.3%	\$ 105.42	\$ 25.51	39.3%	\$ 35.53	\$ 140.95	\$ 13.41
3	19	(2) 3 YARD&(1) 4 YARD x1 WEEK	\$ 326.80	\$ 261.44	3.3%	\$ 270.13	\$ 65.36	39.3%	\$ 91.04	\$ 361.17	\$ 34.37
3	20	1 CUBIC YARD BIN - 2 X WEEK	\$ 75.70	\$ 60.56	3.3%	\$ 62.57	\$ 15.14	39.3%	\$ 21.09	\$ 83.66	\$ 7.96
3	21	2 CU YD BIN/2 X WK	\$ 134.46	\$ 107.57	3.3%	\$ 111.15	\$ 26.89	39.3%	\$ 37.45	\$ 148.60	\$ 14.14
3	22	3 CU YD BIN/2 X WK	\$ 192.99	\$ 154.39	3.3%	\$ 159.52	\$ 38.60	39.3%	\$ 53.76	\$ 213.29	\$ 20.30
3	23	4 CU YD BIN/2 X WK	\$ 252.06	\$ 201.65	3.3%	\$ 208.35	\$ 50.41	39.3%	\$ 70.21	\$ 278.57	\$ 26.51
3	24	1/2 OF 1 YARD BIN X1	\$ 22.29	\$ 17.83	3.3%	\$ 18.42	\$ 4.46	39.3%	\$ 6.21	\$ 24.63	\$ 2.34
3	26	1/6 OF 2 YD BIN	\$ 12.03	\$ 9.62	3.3%	\$ 9.94	\$ 2.41	39.3%	\$ 3.36	\$ 13.30	\$ 1.27
3	28	1/2 OF 2 YD BIN	\$ 36.08	\$ 28.86	3.3%	\$ 29.82	\$ 7.22	39.3%	\$ 10.06	\$ 39.88	\$ 3.80
3	29	1/2 2YD BIN X 2WK	\$ 67.24	\$ 53.79	3.3%	\$ 55.58	\$ 13.45	39.3%	\$ 18.73	\$ 74.31	\$ 7.07
3	31	1/2 OF 4 YD BIN	\$ 63.77	\$ 51.02	3.3%	\$ 52.72	\$ 12.75	39.3%	\$ 17.76	\$ 70.47	\$ 6.70
3	40	[1] 4 YD & [1] 2 YD	\$ 199.05	\$ 159.24	3.3%	\$ 164.53	\$ 39.81	39.3%	\$ 55.45	\$ 219.98	\$ 20.93
3	42	(2) 90GAL (1) 60GAL	\$ 52.20	\$ 41.76	3.3%	\$ 43.15	\$ 10.44	39.3%	\$ 14.54	\$ 57.69	\$ 5.49
3	43	(1) 80GAL (1) 90GAL	\$ 32.74	\$ 26.19	3.3%	\$ 27.06	\$ 6.55	39.3%	\$ 9.12	\$ 36.18	\$ 3.44
3	44	(2) 60 GAL (1) 90 GAL	\$ 46.04	\$ 36.83	3.3%	\$ 38.05	\$ 9.21	39.3%	\$ 12.83	\$ 50.88	\$ 4.84
3	49	(1) 4 YARD & (2) 3 YARD X2	\$ 638.04	\$ 510.43	3.3%	\$ 527.40	\$ 127.61	39.3%	\$ 177.74	\$ 705.14	\$ 67.10
3	50	[2] 2 YARD BINS	\$ 144.31	\$ 115.45	3.3%	\$ 119.29	\$ 28.86	39.3%	\$ 40.20	\$ 159.49	\$ 15.18
3	60	[2] 3 YARD BINS - 2 X WEEK	\$ 385.97	\$ 308.78	3.3%	\$ 319.04	\$ 77.19	39.3%	\$ 107.51	\$ 426.56	\$ 40.59
3	61	[2] 3 YARD BINS	\$ 199.27	\$ 159.42	3.3%	\$ 164.72	\$ 39.85	39.3%	\$ 55.51	\$ 220.22	\$ 20.95
3	62	[2] 3 YDS & [1] 2 YDS - 2 X WEEK	\$ 520.44	\$ 416.35	3.3%	\$ 430.19	\$ 104.09	39.3%	\$ 144.98	\$ 575.17	\$ 54.73
3	63	[2] 4YD BINS - 2 X WEEK	\$ 504.12	\$ 403.30	3.3%	\$ 416.71	\$ 100.82	39.3%	\$ 140.43	\$ 557.13	\$ 53.01
3	64	[2] 4 YDS & [1] 2 YD - 2X WEEK	\$ 638.58	\$ 510.86	3.3%	\$ 527.84	\$ 127.72	39.3%	\$ 177.89	\$ 705.74	\$ 67.16
3	65	[2] 3 YDS & [2] 4 YDS - 2 X WEEK	\$ 890.10	\$ 712.08	3.3%	\$ 735.75	\$ 178.02	39.3%	\$ 247.96	\$ 983.71	\$ 93.61
3	66	(4)4YD BINS X2WK	\$ 1,008.25	\$ 806.60	3.3%	\$ 833.41	\$ 201.65	39.3%	\$ 280.87	\$ 1,114.28	\$ 106.03
3	67	(4)3YD BINS X2WK	\$ 771.95	\$ 617.56	3.3%	\$ 638.09	\$ 154.39	39.3%	\$ 215.04	\$ 853.13	\$ 81.18
3	68	(4) 3 CU YD BINS - 1 X WEEK	\$ 385.98	\$ 308.78	3.3%	\$ 319.04	\$ 77.20	39.3%	\$ 107.53	\$ 426.57	\$ 40.59
3	69	6 YARD BIN - 2 X WEEK	\$ 373.39	\$ 298.71	3.3%	\$ 308.64	\$ 74.68	39.3%	\$ 104.02	\$ 412.66	\$ 39.27
3	70	6 CU YD BIN X 1	\$ 197.09	\$ 157.67	3.3%	\$ 162.91	\$ 39.42	39.3%	\$ 54.91	\$ 217.82	\$ 20.73
3	74	[2] 6 CU YD X 2	\$ 746.78	\$ 597.42	3.3%	\$ 617.28	\$ 149.36	39.3%	\$ 208.04	\$ 825.31	\$ 78.53
3	75	[2] 4 CU YD X 1	\$ 255.08	\$ 204.06	3.3%	\$ 210.84	\$ 51.02	39.3%	\$ 71.06	\$ 281.91	\$ 26.83
3	76	[1] 4 YD & [1] 3 YD - 2 X WEEK	\$ 445.05	\$ 356.04	3.3%	\$ 367.88	\$ 89.01	39.3%	\$ 123.98	\$ 491.85	\$ 46.80
3	77	[1] 6 YD & [1] 4 YD - 2 X WEEK	\$ 625.45	\$ 500.36	3.3%	\$ 516.99	\$ 125.09	39.3%	\$ 174.23	\$ 691.22	\$ 65.77
3	78	4YD/ 2X WK-SENIOR	\$ 226.85	\$ 181.48	3.3%	\$ 187.51	\$ 45.37	39.3%	\$ 63.19	\$ 250.71	\$ 23.86
3	79	[3] 4 YARD BINS - 2 X WEEK	\$ 756.19	\$ 604.95	3.3%	\$ 625.06	\$ 151.24	39.3%	\$ 210.65	\$ 835.71	\$ 79.52
3	80	[1] 6 YD & [1] 4 YD BIN	\$ 324.62	\$ 259.70	3.3%	\$ 268.33	\$ 64.92	39.3%	\$ 90.42	\$ 358.76	\$ 34.14
3	81	[2] 4 YD & [2] 2 YD - 2 X WEEK	\$ 773.05	\$ 618.44	3.3%	\$ 639.00	\$ 154.61	39.3%	\$ 215.35	\$ 854.35	\$ 81.30
3	82	(3)4YD & (1)2YD X2WK	\$ 890.65	\$ 712.52	3.3%	\$ 736.20	\$ 178.13	39.3%	\$ 248.11	\$ 984.31	\$ 93.66
3	83	(2)2YD & (2)4YD X2WK	\$ 773.05	\$ 618.44	3.3%	\$ 639.00	\$ 154.61	39.3%	\$ 215.35	\$ 854.35	\$ 81.30
3	84	(3)4YD & (1)2YD X2WK	\$ 890.65	\$ 712.52	3.3%	\$ 736.20	\$ 178.13	39.3%	\$ 248.11	\$ 984.31	\$ 93.66
3	85	1 4 YD & 1/2 4 YD X 1	\$ 191.31	\$ 153.05	3.3%	\$ 158.14	\$ 38.26	39.3%	\$ 53.29	\$ 211.43	\$ 20.12
3	86	(2) 2 YRD & (1) 4 YRD - X 2 WEEK	\$ 520.98	\$ 416.78	3.3%	\$ 430.63	\$ 104.20	39.3%	\$ 145.13	\$ 575.77	\$ 54.79
3	87	(5) 4 YRD BINS - 2 X WEEK	\$ 1,260.31	\$ 1,008.25	3.3%	\$ 1,041.77	\$ 252.06	39.3%	\$ 351.08	\$ 1,392.85	\$ 132.54
3	GBG00	NON-USER	\$ -	\$ -	3.3%	\$ -	\$ -	39.3%	\$ -	\$ -	\$ -

U.S. Department Of Labor
 Bureau of Labor Statistics
 Washington, D.C. 20212

Consumer Price Index

All Urban Consumers - (CPI-U)

U.S. city average

All items

1982-84=100

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.	Dec.	Annual Avg.	Percent Change	
														Dec to Dec	Avg to Avg
2006	198.300	198.700	199.800	201.500	202.500	202.900	203.500	203.900	202.900	201.800	201.500	201.800	201.600	2.5	3.2
2007	202.416	203.499	205.352	206.686	207.949	208.352	208.299	207.917	208.490	208.936	210.177	210.036	207.342	4.1	2.8
2008	211.080	211.693	213.528	214.823	216.632	218.815	219.964	219.086	218.783	216.573	212.425	210.228	215.303	0.1	3.8
2009	211.143	212.193	212.709	213.240	213.856	215.693	215.351	215.834	215.969	216.177	216.330	215.949	214.537	2.7	-0.4
2010	216.687	216.741	217.631	218.009	218.178	217.965	218.011	218.312	218.439	218.711	218.803	219.179	218.056	1.5	1.6
2011	220.223	221.309	223.467	224.906	225.964	225.722	225.922	226.545	226.889	226.421	226.230	225.672	224.939	3	3.2
2012	226.665	227.663	229.392												
Twelve Month Average for the previous 24 months															
	2.9%	2.9%	2.7%	3.2%	3.6%	3.6%	3.6%	3.8%	3.9%	3.5%	3.4%	3.0%			

Average of the Average 12 month Change
 Highest Increase/Decrease in 12 month
 Lowest Increase/Decrease in 12 months

3.3%
3.9%
2.7%

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Environmental Resources

BOARD AGENDA # *B-4

Urgent

Routine

AGENDA DATE May 1, 2012

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Set a Public Hearing for May 22, 2012, at 9:05 a.m., to Consider an Increase in the Disposal Fee at the Stanislaus Waste-to-Energy Facility

STAFF RECOMMENDATIONS:

Set a public hearing for May 22, 2012, at 9:05 a.m., to consider an increase in the disposal fee at the Stanislaus waste-to-energy facility.

FISCAL IMPACT:

There is no fiscal impact associated with setting a public hearing. If the Board of Supervisors approves the staff recommendation, the cost of disposal at the Stanislaus waste-to-energy (WTE) facility will increase from \$28 per ton to \$39 per ton effective July 1, 2012. Increasing the disposal fee would allow for payment of the WTE project's increased cost under the existing Service Agreement with Covanta Stanislaus, Inc., or under the proposed New Service Agreement if it is approved by the Board of Supervisors and the Modesto City Council.

(Continued on next page)

BOARD ACTION AS FOLLOWS:

No. 2012-205

On motion of Supervisor Withrow, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini, and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

ATTEST:

Christine Ferraro
CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Set a Public Hearing for May 22, 2012, at 9:05 a.m., to Consider an Increase in the Disposal Fee at the Stanislaus Waste-to-Energy Facility

FISCAL IMPACT (Continued):

If a fee adjustment is approved, the increase in annual revenue is estimated to be \$2,750,000, which would be used for the following expenses: \$2,500,000 for increased service fee payments to Covanta, \$125,000 for the Fink Road Landfill to cover the WTE portion of the scale house operations, and \$62,500 each for the Stanislaus County Department of Environmental Resources and the City of Modesto to cover the administration costs associated with the WTE project.

The current disposal (tip) fee at the WTE facility of \$28 per ton consists of \$22 per ton for waste processing, \$3 per ton for the Assembly Bill 939 Program and another \$3 per ton for the Household Hazardous Waste Program. The tip fee has been as high as \$40.25 per ton in the past.

Although the impact of an \$11 per ton increase in the tip fee will vary by jurisdiction, rough projections indicate the increase in the garbage rate could range from \$0.50 to \$1.50 per month for a typical residential customer.

DISCUSSION:

On January 10, 2012, the Board of Supervisors and Modesto City Council approved a Term Sheet to be used in the development of a New Service Agreement with Covanta Stanislaus, Inc. (Covanta), for the operation of the waste-to-energy (WTE) facility. The Term Sheet had been proposed after several years of negotiations between Covanta and the Contracting Communities (City of Modesto and Stanislaus County collectively) to enter into a new Service Agreement. Staff anticipates returning to the Board of Supervisors and the Modesto City Council by June 30, 2012, to request approval for the New Service Agreement.

Existing Service Agreement

Under the current Service Agreement, the Contracting Communities pay Covanta a service fee for the operation and maintenance of the facility and are also responsible for all pass through costs associated with the facility (taxes, insurance, permit fees, ash disposal, etc.). In addition, the Contracting Communities are responsible for any costs associated with unforeseen circumstances such as changes in law, major upgrades, or any acts, events, or conditions that have a material adverse effect on the operation of the facility. The Contracting Communities also retain the disposal fees, 90% of the electric revenue generated by the facility, 50% of the metal recycling revenue, and 30% of the supplemental waste revenue.

The County acts as Treasurer for the Contracting Communities and has established a separate agency enterprise fund for the operation and maintenance of the WTE facility, the Resource Recovery Account (RRA). Through a series of tip fee increases and the refinancing of the debt on the facility in 2000 at a favorable interest rate, the Contracting Communities built up this account to the point where they were able to completely pay off the debt on the project in 2008 and still maintain an operating reserve of over \$19 million. This reserve has been used to stabilize disposal fees at the facility.

For the fiscal year ending June 30, 2011, the Contracting Communities collected \$7,030,953 in disposal fees, \$5,488,362 in their share of electricity revenue, \$300,352 in their share of metal recovery, and \$369,498 in their share of supplemental waste revenue, for total operating revenue of \$13,189,165. For the same period, operating expenses totaled \$16,689,187 with the largest expenses being \$11,348,289 for the facility operations and maintenance service fee paid to Covanta and \$3,397,810 in facility pass through costs. This resulted in an operating loss for the year of \$3.5 million. This loss was covered through the use of the reserves in the RRA.

Approval to Set a Public Hearing for May 22, 2012, at 9:05 a.m., to Consider an Increase in the Disposal Fee at the Stanislaus Waste-to-Energy Facility

The long term nature of the original Service Agreement facilitated the establishment of a Power Purchase Agreement (PPA), between Covanta and PG&E for the delivery and purchase of electricity, which expired on January 1, 2010. Given that no long term contract is currently in place, Covanta has not negotiated a new PPA and is currently selling electricity at Short Run Avoided Cost (SRAC) rates which are considerably less at the present time than could be obtained through a new PPA. Consequently, the electricity revenue to the Contracting Communities has fallen dramatically resulting in increased service fee payments to Covanta and an estimated operating loss of over \$225,000 per month (average amount – varies month to month based on current electricity rates). The aggregate operating loss has resulted in a decline in reserves from a cash balance on January 1, 2010 (when the PPA expired), of \$19,551,851 to a cash balance on April 1, 2012, of \$11,707,394.

As the SRAC rates have declined even further this year, the projected loss if the facility continues to operate under the existing Service Agreement will be greater than \$3.5 million for the current fiscal year and in foreseeable future years, which necessitates an increase in the tip fee of at least \$11 per ton as soon as possible.

The Household Hazardous Waste (HHW) Program is operated by the Department of Environmental Resources (Department) and is available to all residents countywide. This Program provides for the diversion of HHW from sewer systems, landfills, and roadside dumping through the operation of a permanent collection facility and mobile collection events. The HHW Program is funded by the fee charged at WTE facility, which will remain at \$3 per ton.

The City of Modesto, the remaining eight cities within Stanislaus County, and the unincorporated County communities all benefit from the use of the WTE facility via credits for waste diversion from landfills to meet the State mandates established by Assembly Bill (AB) 939. Each jurisdiction also receives revenues for their solid waste programs from the AB 939 Program fee at a rate of \$3 per ton of waste delivered to the WTE facility on their behalf by their contracted haulers. The AB 939 Program fee will remain at \$3 per ton.

Proposed New Service Agreement

Under the proposed New Service Agreement, the existing service fee structure with Covanta would change dramatically. Covanta's service fee to operate the facility would no longer have facility operations and maintenance, pass through costs, and electricity revenue credit components. Rather, the service fee would be based on the tonnage of acceptable waste processed by the facility. The Contracting Communities, however, will retain 25% of the costs associated with any unforeseen circumstances of facility operations, for which they will set aside a reserve of \$3.75 million from the RRA.

The Contracting Communities would be required to pay Covanta a service fee of \$32 per ton of acceptable waste processed through the facility and would guarantee sending 243,300 tons to the facility annually. The service fee would escalate each July 1st based on the Consumer Price Index (CPI), "Urban Wage Earners and Clerical Workers, All items, West – Size B/C." This is the same index which is used to establish the Stanislaus County franchise maximum rates for solid waste collection services. In order to ensure that the service fee remains competitive and reasonable compared to rates charged by surrounding agencies, the automatic annual CPI escalation will have a cap on the annual rate to not exceed 120% of the average of the posted gate rates per ton for landfills within a 50 mile radius. If the New Service Agreement is approved, adjusting the tip fee using the same annual escalation method and cap as Covanta's service fee will ensure that there are sufficient funds in the RRA in future years to pay for Covanta's service fee, HHW and AB 939 Programs, the Fink Road Landfill for the WTE portion of scale house operations, and the Contracting Communities administration

Approval to Set a Public Hearing for May 22, 2012, at 9:05 a.m., to Consider an Increase in the Disposal Fee at the Stanislaus Waste-to-Energy Facility

costs. Staff will evaluate this next year before Covanta's first CPI escalation on July 1, 2013, to determine if a corresponding adjustment to the tip fee is warranted.

If approved by the Board of Supervisors and Modesto City Council, the New Service Agreement based on the negotiated terms would reduce the risk exposure of the Contracting Communities from the current level of 100% liability for any unforeseen circumstance costs to 25% liability for unforeseen circumstance costs, require an increase in tip fees of \$11 per ton while establishing stable and predictable tip fees for the next 15 years, assist local agencies in continuing to meet diversion requirements, preserve landfill capacity, and keep the RRA from declining further due to continued operating losses. The tip fee at the WTE facility under the scenario of a New Service Agreement, therefore, would need to be increased to \$39 per ton to cover the \$32 per ton payment to Covanta, \$6 per ton for the AB939 and HHW Programs, and \$1 per ton to cover scale house and administrative costs.

Proposition 26

As the Board is aware, Proposition 26 was approved by California voters on the November 2010 ballot. Its passage amends sections of the California Constitution to define many fees as taxes, stipulating that they can no longer be levied or increased unless passed by not less than a two-thirds majority vote. The Proposition, however, exempts specific types of fees from this requirement as follows: 1) charges imposed for entrance to or use of local government property; and 2) charges for a specific benefit, privilege, or governmental service granted directly to the payor. County Counsel has opined that WTE disposal fees are exempt from the provisions of Proposition 26.

Conclusion

In order to keep the stakeholders informed during this process, Department staff met separately with the City Managers of the eight cities and the County's three franchised haulers in September and October 2011, to discuss the Covanta Service Agreement negotiations and the likelihood of a \$10-\$11 increase in the WTE disposal fees.

On April 30, 2012, the Solid Waste-to-Energy Executive Committee considered the proposed increase in the WTE disposal fee and recommended the matter for consideration by the City of Modesto and the Stanislaus County Board of Supervisors. If the Board of Supervisors sets a Public Hearing as requested, Department staff will appear before the Board on May 22, 2012, to recommend the adoption of a \$11 per ton increase in the disposal fee at the WTE facility.

Increasing the fees on waste disposed of at the WTE facility requires concurrence by the Modesto City Council and the Stanislaus County Board of Supervisors. County staff expects a similar proposal to be considered by the Modesto City Council at their meeting on May 22, 2012.

POLICY ISSUE:

The Board of Supervisors is required to set a public hearing prior to increasing fees. Approval of this agenda item to set a public hearing to consider an increase in the disposal fee at the Stanislaus waste-to-energy facility is consistent with the Board's priorities of A Safe Community, A Healthy Community, A Well Planned Infrastructure System, and the Efficient Delivery of Public Services. Increasing the tip fee to reduce risk exposure, establish stable and predictable fees for the next 15 years, and keep the RRA from declining further due to continued operating losses assists in promoting a safe and healthy environment and improving the quality of life in Stanislaus County.

Approval to Set a Public Hearing for May 22, 2012, at 9:05 a.m., to Consider an Increase in the Disposal Fee at the Stanislaus Waste-to-Energy Facility

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

CONTACT PERSON:

Sonya K. Harrigfeld, Director of Environmental Resources Telephone: 209-525-6770

**STANISLAUS COUNTY
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on May 22, 2012, at the hour of 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will conduct a public hearing in the basement Chambers, 1010 Tenth Street, Modesto, CA, to consider an increase in the disposal fee at the Stanislaus waste-to-energy facility. A recommendation will be made that this fee increase be effective July 1, 2012, as follows:

**CURRENT DISPOSAL FEE: \$28/ton
PROPOSED DISPOSAL FEE: \$39/ton**

AT THE ABOVE NOTICED TIME AND PLACE, interested persons will be given an opportunity to be heard. Material submitted to the Board of Supervisors or the Department of Environmental Resources for consideration (i.e., petitions, etc.), will be retained by the County. If a challenge to the above process is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board or the Department of Environmental Resources. For further information, contact the Department of Environmental Resources at (209) 525-6700 or at 3800 Cornucopia Way, Suite C, Modesto, CA.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: May 1, 2012

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California

BY:


Elizabeth King, Assistant Clerk of the Board

Honorable Mayor and Members
of the Newman City Council

Agenda Item: 9.a.
City Council Meeting
of May 8, 2012

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

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

BACKGROUND:

An abatement notice for property maintenance was sent to a property in accordance with Ordinance 95-4, Chapter 2, Title 8-2-3.

ANALYSIS:

This notice informs property owners of all nuisance abatement procedures, options, and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Monday, May 7, 2012. A list of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

FISCAL IMPACT:

None

CONCLUSION:

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

ATTACHMENTS:

1. Resolution No. 2012- , a resolution declaring the existence of a public nuisance
2. Exhibit A – Abatement List

Respectfully submitted,



Randy Richardson, Chief of Police

REVIEWED/CONCUR:



Michael Holland, City Manager

RESOLUTION NO. 2012-

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

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

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

WHEREAS, said hearing was held on May 8, 2012, at 7:00 p.m., as in said notice provided; and,

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

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 8th day of May, 2012 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

Deputy City Clerk

City of Newman
Abatement list

1. 744 Balsam

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



05.01.2012 10:29



05.01.2012 10:29

Honorable Mayor and Members
of the Newman City Council

**ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA,
INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE
LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR 2012/13**

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2012- , initiating proceedings for the levy and collection of assessments for the Lighting and Landscape Maintenance District for Fiscal Year 2012/13.

BACKGROUND:

Pursuant to the Landscape and Lighting Act of 1972 the City of Newman has a total of 15 zones within the Lighting and Landscape Maintenance District (District) in various locations throughout the City. These zones represent the general nature, location and extent of improvements to be maintained, with an estimate of the costs to maintain and service the improvements. Improvements provided within the District include, but are not limited to, the weekly operation, maintenance, and servicing of all public landscaping improvements consisting of trimming and pruning, weed abatement, sidewalks, block walls, plant materials, pathways, irrigation systems, lighting systems, and graffiti removal.

ANALYSIS:

As required by the Landscape and Lighting Act of 1972 there is one resolution before Council, a resolution initiating proceedings for the levy and collection of assessments and ordering the preparation of an Assessment Engineer's Report for the Lighting and Landscape Maintenance District for Fiscal Year 2012/13. The next steps in the process would be to develop the Engineer's Report for City Council consideration, declare the intention to levy and collect assessments, and conduct a Public Hearing for the proposed assessments.

FISCAL IMPACT:

None.

CONCLUSION:

Pursuant to the Landscape and Lighting Act of 1972 one resolution is presented to City Council for consideration to initiate proceedings for the levy and collection of assessments and ordering the preparation of an Assessment Engineer's Report for the Lighting and Landscape Maintenance District for Fiscal Year 2012/13. Therefore, staff recommends City Council adopt Resolution No. 2012- , initiating proceedings for the levy and collection of assessments for the Lighting and Landscape Maintenance District for Fiscal Year 2012/13.

ATTACHMENTS:

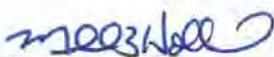
1. Resolution No. 2012- , of the City Council of the City of Newman, California, initiating proceedings for the levy and collection of assessments for the Lighting and Landscape Maintenance District for Fiscal Year 2012/13

Respectfully Submitted,



Garner Reynolds
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2012-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA,
INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS
FOR THE LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT FOR FISCAL YEAR
2012/13 AND ORDERS THE PREPARATION OF THE ENGINEER'S REPORT**

WHEREAS, the City Council of the City of Newman (hereafter referred to as the "City Council") has by previous Resolutions formed and levied annual assessments for the City of Newman Lighting and Landscape Maintenance District (hereafter referred to collectively as the "District"), pursuant to provisions of the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500) (the "Act"), that provides for the levy and collection of assessments by the County of Stanislaus for the City of Newman to pay for the maintenance and services of all improvements and facilities related hereto; and

WHEREAS, the City Council has retained NBS for the purpose of assisting with the proposed increase in assessments and to prepare and file an Annual Report for the District with the City Clerk in accordance with the requirements of the Landscaping and Lighting Act of 1972.

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

1. **Annual Report:** The Council hereby orders NBS to prepare and file with the Clerk the Annual Report concerning the levy and collection of assessments within the Assessment District for the fiscal year commencing July 1, 2012 and ending June 30, 2013.
2. **New Improvements or Changes to Existing Improvements:** There are no changes to existing improvements nor are there any items being added to the list of improvements previously approved at the formation of the Assessment District.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 8th day of May 2012 by Council Member _____, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman

Honorable Mayor and Members
of the Newman City Council

REPORT ON AWARDING CONTRACT FOR REPAIRS TO 1162 MAIN STREET

RECOMMENDATION:

Staff recommends the Council award a contract to Dave Silveira Construction for repairs to 1162 Main Street and authorize a budget adjustment for \$10,000 to Fund 71 – Capital Repair and Replacement.

BACKGROUND:

On April 2, 2012, the City officially moved to our new location at 938 Fresno Street. Subsequent to the move, the Council decided to offer lease terms to the Newman Crows Landing School District for use of the prior building located at 1162 Main Street. Over the past couple of weeks, staff from both organizations have worked together to ensure the building would accommodate a District move and meet their needs.

After a meeting that included our Building Official, it was determined that some repairs would be needed to bring the building into compliance with current ADA code(s). As the land owner, it is the City's responsibility to ensure the building complies with all applicable codes.

ANALYSIS:

The City, as landlord, is responsible for ensuring compliance with all access and ADA code requirements; regardless of tenant. As a result, the City requested bids for the project and received the two attached. After review said bids, staff has found Dave Silveira Construction to be the low bidder at \$9,242.00.

FISCAL IMPACT:

\$10,000. This includes the cost of the contract and a contingency.

CONCLUSION:

In an effort to prepare the former City Hall location to be available for lease, the City will need some repairs to be made to comply with current code requirements. These requirements are necessary irrespective of who leases the space. Therefore, staff recommends the Council award the contract for City Hall repairs to Dave Silveira Construction in the amount of \$9,242.00.

ATTACHMENTS:

1. Project Proposals

Respectfully submitted,



Michael E. Holland
City Manager

DAVE SILVEIRA CONSTRUCTION

TEL. 209.862.0565 FAX 209.862.0568

LIC.#676010

1005 'P' ST. NEWMAN, CA. 95360

PROPOSAL & AGREEMENT

DATE: 5/3/2012

TO: City of Newman

PROJECT: Old City Hall ADA compliance

DAVE SILVEIRA CONSTRUCTION PROPOSES TO PROVIDE ALL LABOR & MATERIALS TO PERFORM THE FOLLOWING:

- Demo all fixtures, interior wall, flooring, electrical as needed.
- Frame 3' wall to create hall closet, cut new door opening & install 3' solid core door w/lever handle.
- Relocate and reuse sink and install with new lever faucets.
- Tie in drain and water supplies to existing plumbing.
- Insulate plumbing pipes under sink and install new shut off valves.
- Revamp back sidewalk around gas meter and install ramp.
- Provide and install two lever door handles at eastern doors.
- Reinstall vanity mirror, toilet paper and soap dispenser and new grab bars.

Proposal Price:

\$ 9,242.00

ALL INVOICE TERMS ARE NET 10 DAYS

THE PRICE QUOTED INCLUDES MATERIALS, SALES TAX AND LABOR. ADDITIONAL WORK OR CHANGES ORDERED BY OWNER OR MADE NECESSARY BECAUSE THE CONDITIONS WERE UNKNOWN AT THE TIME THE ESTIMATE WAS PREPARED, MAY BE CAUSE FOR PRICE INCREASE OR DECREASE. ANY SUCH CHANGES WILL BE HANDLED BY WRITTEN CHANGE ORDERS PRIOR TO COMMENCEMENT OF THE SPECIFIC WORK, SIGNED BY BOTH PARTIES. PRICE DOES NOT INCLUDE PERMIT FEES

CONTRACTORS ARE REQUIRED BY LAW TO BE LICENSED AND REGULATED BY THE CONTRACTORS STATE LICENSE BOARD. ANY QUESTIONS CONCERNING A CONTRACTOR MAY BE REFERRED TO THE REGISTER OF THE BOARD WHOSE ADDRESS IS: CONTRACTORS STATE LICENSE BOARD, 1021 N. STREET, SACRAMENTO, CA. 96814.

Submitted in duplicate, please sign and return one copy

SUBMITTED BY: _____

ACCEPTED BY: _____

DATE: 5/3/12 DAVE SILVEIRA

DATE: / /

TITLE: CONTRACTOR

TITLE: OWNER



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PO Box 442 :: Newman, CA 95360 :: GCL#940324

Estimate

For

City Of Newman

“Old City Hall”

1162 Main St.

Newman, CA 95360

1. Demo:

- Remove all fixtures
- Remove Interior dividing wall
- Remove Flooring
- Cut hole in wall for door
- Cut 2' by 10' long hole in wall to allow plumbing to be moved
- Cut trench in bathroom cement to move sewer plumbing
- Terminate wiring in removed walls

2. Framing:

- Install a 3' wall where existing door is to create a closet
- Frame in a 3'x 6'-6" rough opening for new bathroom door

3. Sheetrock and Texture:

- Install sheetrock on framed in area
- Patch ceiling were walls used to be
- Patch walls
- Tape, mud and float areas that have been reworked

4. Painting:

- Primer all patched areas
- Paint all surfaces with Two coats of paint
- Color will be Swiss Coffee
- Stain new door

5. Flooring:

- Install 71sqft of vinyl flooring
- Install 60lnft of vinyl base cove

6. Electrical:

- Install censored light switch at new door
- Run wiring for new light in water closet area
- Install GFCI plugs around new location of sink
- Install new vanity light
- Move light switch to new door entry
- Miscellaneous termination and re-wiring of electrical circuit

7. Plumbing:

- Install new ADA compliant water closet in new location
- Move and Re-use sink
- Install new water faucet
- Run sewer line over to new location
- Run vent line over to new location
- Run hot and cold water lines over to new location
- Insulate lines under sink
- Re-use P-trap
- Install new water supply lines
- Install new shut off valves

8. ADA Compliant ramp in parking lot:

- Frame up ramp form boards
- Pour cement
- Ramp to meet city code

9. Existing Exterior Doors:

- Install Two new lever style door handles on doors to the North , East wall of building

10. Finish Carpentry:

- Install vanity Mirror
- Install new bathroom door and door casings
- Install re-used paper dispenser
- Install re-used soap dispenser
- Install new grab bars for water closet
- Install locking lever style handle on new bathroom door

Insurance Information:

General Liability:

- Navigators Specialty Ins. Co
- Policy # 04N0012672

Workers Compensation:

- Everest National Insurance Co.
- Policy # 7600008054111

Surety Bond:

- HCC Surety Group
- Policy # 100102498

List of Subcontractors:

Rivera Electric:
27713 Hardin Rd.
Newman CA, 954360
Lic. # 515577

All work has been bid as what is seen; any unforeseen work hidden in ceilings, underground or in walls or changes made to this contract will result in a change order. All change orders will be handled on a time and material basis and/or a bid request can be made. Change orders will be signed by both parties before work will be performed. All change orders will be added to the overall price of this project. If the change order is less than the original price, the amount difference will be deducted from the total price.

Price includes all labor and material necessary to complete this project, including all fixtures, doors and hardware mentioned above.

Payment Due Upon Receipt Of Invoice \$11,500.00

Signature of Acceptance _____ Date: _____

Customer

Signature of Acceptance _____ Date: _____

Contractor