



**AGENDA**  
**NEWMAN CITY COUNCIL**  
**SPECIAL MEETING SEPTEMBER 25, 2012**  
**CITY HALL CONFERENCE ROOM, 6:30 P.M., 938 FRESNO STREET**

1. **Call To Order.**
2. **Roll Call.**
3. **Items From The Public.**
4. **Adjourn To Closed Session**
  - a. Conference With Legal Counsel - Pending Litigation – MCI Engineering - One Case - G.C. 54956.9.
  - b. Return To Open Session.
5. **Adjournment.**



**AGENDA**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING SEPTEMBER 25, 2012**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. Call To Order.
2. Pledge Of Allegiance.
3. Invocation.
4. Roll Call.
5. Declaration Of Conflicts Of Interest.
6. Ceremonial Matters.
7. Items from the Public - Non-Agenda Items.
8. Consent Calendar
  - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
  - b. Approval Of Warrants. ([View Warrant Register](#))
  - c. Approval Of Minutes Of The September 11, 2012 Regular Meeting. ([View Minutes](#))
9. Public Hearings
  - a. Second Reading And Adoption Of Ordinance Approving Zone Change 12-01 In Conformance With The Newman 2030 General Plan. ([View Report](#))
10. Regular Business
  - a. Approve Revisions To The Existing Standards For Downtown Events. ([View Report](#))
  - b. Report On Newman Chamber Of Commerce Tree Lighting Event At The Downtown Plaza. ([View Report](#))
  - c. Authorize City Manager To Enter Into Contractual Agreements Regarding The Northwest Newman Master Plan. ([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**

September 25 – City Council - 7:00 P.M.

September 26 – Newman Quasquicentennial (125 Years) Planning Sub-Committee Meeting – 6:00 P.M.

September 29 – Love Newman Community Service Day - 9:00 A.M. - Noon.

October 8-13 – Citywide Fall Clean-Up – 7:30 A.M. – 3:50 P.M.

October 8 - Newman Quasquicentennial (125 Years) Pulled Pork Take-Out Dinner – 4:00 P.M.-7:00 P.M.

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

October 9 – City Council - 7:00 P.M.

October 10 – Newman Quasquicentennial (125 Years) Planning Committee Meeting – 6:00 P.M.

October 11 – Newman Redevelopment Successor Agency Oversight Board Meeting – 3:30 P.M.

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

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

October 18 – 2012 Healthier Choices - Biggest Loser Weigh-Out – Newman Plaza - Noon.

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

October 23 – City Council - 7:00 P.M.

October 24 – Newman Quasquicentennial (125 Years) Planning Sub-Committee Meeting – 6:00 P.M.

October 31 – Halloween.

# Accounts Payable

## Manual Check Register

User: efaria  
Printed: 09/18/2012 - 9:58AM  
Batch: 50018.09.2012



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

			amount	Invoice No
Check: 102334	09/11/2012			
Vendor: MAT01	PauletteMattos		200.00	08/23/2012
	Check total:		200.00	
Check: 102335	09/11/2012			
Vendor: TEA01	TEAMSTERS LOCAL UNION 948		100.00	08/22/2012
	Check total:		100.00	
Check: 102336	09/18/2012			
Vendor: ING01	In Good Taste Catering		275.00	09/12/2012
	Check total:		275.00	
Check: 102337	09/18/2012			
Vendor: CRF01	C.R. Fudge Company		30.00	09/18/2012
	Check total:		30.00	
	Total for Accounts Payable Check Run:		605.00	

# 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: 09/21/2012 - 3:14 PM

Name	Account	Description	Check Nu	Check D	Amount
ALCANTAR ROBERT	10-21-620	Car show security/Alcantar	102338	9/21/2012	108.30
ALCANTAR ROBERT	10-21-620	Fall Festival security services/Alcantar	102338	9/21/2012	514.71
ARAMARK UNIFORM SERVICES	10-33-620	Uniform cleaning/mat rental/mop heads/towels Aug. 2012	102339	9/21/2012	79.83
ARAMARK UNIFORM SERVICES	10-44-620	Uniform cleaning/mat rental/mop heads/towels Aug. 2012	102339	9/21/2012	53.23
ARAMARK UNIFORM SERVICES	60-50-620	Uniform cleaning/mat rental/mop heads/towels Aug. 2012	102339	9/21/2012	79.84
ARAMARK UNIFORM SERVICES	63-56-620	Uniform cleaning/mat rental/mop heads/towels Aug. 2012	102339	9/21/2012	53.23
ARAMARK UNIFORM SERVICES	10-22-620	Uniform cleaning/mat rental/mop heads/towels Aug. 2012	102339	9/21/2012	27.99
ARAMARK UNIFORM SERVICES	10-07-620	Uniform cleaning/mat rental/mop heads/towels Aug. 2012	102339	9/21/2012	146.08
ARAMARK UNIFORM SERVICES	10-21-620	Uniform cleaning/mat rental/mop heads/towels Aug. 2012	102339	9/21/2012	97.82
ARROWHEAD MOUNTAIN SPRIN	10-07-630	Bottled water delivered/Aug. 2012	102340	9/21/2012	22.74
ARROWHEAD MOUNTAIN SPRIN	10-45-630	Bottled water delivered/Aug. 2012	102340	9/21/2012	40.25
ARROWHEAD MOUNTAIN SPRIN	10-21-630	Bottled water delivered/Aug. 2012	102340	9/21/2012	9.98
ARROWHEAD MOUNTAIN SPRIN	10-46-630	Bottled water delivered/Aug. 2012	102340	9/21/2012	62.68
ARROWHEAD MOUNTAIN SPRIN	60-50-630	Bottled water delivered/Aug. 2012	102340	9/21/2012	-7.21
AT&T MOBILITY	10-21-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	390.35
AT&T MOBILITY	63-56-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	155.66
AT&T MOBILITY	10-44-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	25.91
AT&T MOBILITY	69-47-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	9.68
AT&T MOBILITY	60-50-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	233.16
AT&T MOBILITY	10-07-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	8.20
AT&T MOBILITY	10-22-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	16.40
AT&T MOBILITY	10-33-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	25.96
AT&T MOBILITY	10-02-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	37.66
AT&T MOBILITY	10-45-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	28.35
AT&T MOBILITY	10-03-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	38.67
AT&T MOBILITY	10-14-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	42.18
AT&T MOBILITY	73-70-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	35.67
AT&T MOBILITY	22-20-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	3.28
AT&T MOBILITY	10-06-642	Cell phone usage 8/6/12-9/5/12	102341	9/21/2012	11.29
AT&T	10-21-642	Monthly telephone 7/13/12-8/12/12	102342	9/21/2012	166.68
AT&T	10-14-642	Monthly telephone 7/13/12-8/12/12	102342	9/21/2012	45.90
AT&T	10-07-666	Monthly telephone 7/13/12-8/12/12	102342	9/21/2012	14.82
AT&T	63-56-642	Monthly telephone 7/13/12-8/12/12	102342	9/21/2012	46.09
AT&T	60-50-642	Monthly telephone 7/13/12-8/12/12	102342	9/21/2012	16.06
AT&T	10-21-642	Emergency dispatch line (a) PD 7/20/12-8/19/12	102342	9/21/2012	136.13
BERTOLOTTI DISPOSAL	10-41-620	Garbage service/July 2012	102343	9/21/2012	56,758.09
BERTOLOTTI DISPOSAL	10-41-620	Garbage service/August 2012	102343	9/21/2012	60,665.13
BERTOLOTTI DISPOSAL	69-47-622	Landfill fees/Aug 2012	102344	9/21/2012	200.00
BERTOLOTTI DISPOSAL	10-33-622	Landfill fees/Aug 2012	102344	9/21/2012	483.17
BEST BEST & KRIEGER, LLP	73-70-620	Professional services rendered through August 31, 2012	102345	9/21/2012	2,732.08
BLUE SHIELD OF CALIFORNIA	10-00-226	Health insurance premium/Oct 2012	102346	9/21/2012	10,401.00
BUSINESS CARD	10-22-669	Meals/Fire Department	102347	9/21/2012	22.56
BUSINESS CARD	63-56-650	Gasoline purchase	102347	9/21/2012	31.31
BUSINESS CARD	60-50-650	Gasoline purchase	102347	9/21/2012	46.97
BUSINESS CARD	60-50-650	Gasoline purchase	102347	9/21/2012	45.18



**MINUTES**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING SEPTEMBER 11, 2012**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. **Call To Order** - Mayor Katen 7:00 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Council Member Hutchins.
4. **Roll Call - PRESENT:** Davis, Hutchins, Candea, Martina And Mayor Katen.  
**ABSENT:** None.
5. **Declaration Of Conflicts Of Interest** - None.
6. **Ceremonial Matters**
  - a. Badge Pinning Of Corporal Gosselin.

Chief Richardson Introduced Corporal Gosselin And Presided Over His Badge Pinning Ceremony.

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

Wayne Philbrook, Newman Library Branch Manager, Reviewed Some Of The Upcoming Free Programs And Events Being Offered By The Newman Library.

**8. Consent Calendar**

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The August 28, 2012 Regular Meeting.

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

**9. Public Hearings**

- a. Continue Public Hearing Regarding The Supplemental Law Enforcement Services Fund (SLESF) And Authorize Expenditures For This Funding (AB 1913).

Mayor Katen Continued The Public Hearing At 7:12 P.M.

There Being No Public Comment, Katen Closed The Public Hearing At 7:13 P.M.

**ACTION:** On A Motion By Davis Seconded By Candea And Unanimously Carried, The Council Authorized The Supplemental Law Enforcement Services Fund (SLESF) Expenditures As Presented.

- b. Hold Public Hearing And Consider Approval Of The Consolidated Annual Performance And Evaluation Report (CAPER) Relating To Its FY 2011-2012 Past Activity.**

Mayor Katen Opened The Public Hearing At 7:14 P.M.

There Being No Public Comment, Katen Closed The Public Hearing At 7:15 P.M.

**ACTION:** On A Motion By Candea Seconded By Martina And Unanimously Carried, The Public Comment Period Was Closed And The 2011-2012 Consolidated Annual Performance Evaluation Report (CAPER) Past Activity For The Community Development Block Grant (CDBG) Program Was Approved.

## **10. Regular Business**

- a. First Reading And Introduction Of Ordinance Approving Zone Change 2012-01 In Conformance With The Newman 2030 General Plan.**

**ACTION:** Ordinance No. 2012- , An Ordinance Approving Zone Change 2012-01 In Conformance With The Newman 2030 General Plan Was Introduced By Council Member Martina, Said Ordinance Had Its First Reading By Title Only.

- b. Adopt Resolution No. 2012-58, A Resolution Awarding The Hoyer Road Safe Routes To School Cycle 10 Design Services To Gouveia Engineering, Inc.**

**ACTION:** On Motion By Hutchins Seconded By Candea And Unanimously Carried, Resolution No. 2012-58, A Resolution Awarding The Hoyer Road Safe Routes To School Cycle 10 Design Services To Gouveia Engineering, Inc., Was Adopted.

- c. Consider Declaring The Position Of City Treasurer Vacant And Authorize Staff To Advertise For Newman Citizens Interested In Filling The Position Of Treasurer.**

**ACTION:** On Motion By Davis Seconded By Candea And Unanimously Carried, The Council Declared The Position Of City Treasurer Vacant And Authorized Staff To Advertise For Newman Citizens Interested In Filling The Position Of Treasurer.

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

Supervisor DeMartini Complemented The City's New Council Chambers. The Supervisor Reminded The Council That The Biggest Loser Weigh-Out Will Be In Newman On October 18<sup>th</sup>. DeMartini Reported That The County Would Be Releasing A New Request For Proposals For The Crows Landing Air Base Development. He Mentioned That LAFCO Would Be Reviewing An Agriculture Preservation Policy At Its September 26<sup>th</sup> Meeting.

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

City Manager Holland Noted That The Youth Soccer Season Was Underway And Encouraged The Community To Attend Games On Saturdays. Holland Noted That The RDA Oversight Board Meeting On September 13<sup>th</sup> Would Be In The Old Council Chambers But Mentioned That All Subsequent Meetings Would Be Held In The New Council Chambers. He Reminded Everyone That The City Would Be Hosting The Next Chamber Mixer On September 20<sup>th</sup>. Holland Somberly Notified

Everyone That Funeral Services For David Reed Would Be Taking Place On The Following Day And Reported The Times And Locations Of Said Services.

Chief Richardson Stated That He Was Happy To Report That The 2012 Fall Festival Was A Low Key Event With Respect To Police Activities. Richardson Mentioned That The City's Second Canine Officer Would Soon Be Certified And On Duty.

Public Works Director Reynolds Reminded Everyone That The City Would Be Conducting A Public Hearing On November 13<sup>th</sup> Regarding Water Rates. Reynolds Mentioned Proposed Improvements To The Highway 33/Inyo Avenue Intersection And That The City Was Realizing A Cost Savings By Utilizing Recently Purchased Electric Vehicles.

Finance Director Humphries Reported That The City Was Now Accepting Online Utility Payments And That The Web-Pay Option And Account Review Were Now Available To All The City's Utility Customers.

City Planner Ocasio Announced That Tickets Were On Sale For Both The Commemorative Plates And Pulled-Pork Sandwiches As Part Of The City's 125th Anniversary Fundraising Efforts. Ocasio Noted Funds Would Soon Be Allocated For The HRPP Funded Park Projects And That The Dollar General Site Plan Review Is Still Being Processed.

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

Council Member Hutchins Noted That He And The Mayor Had Attended The League Of California Cities Annual Conference In San Diego And Mentioned That The City Should Be Monitoring A Couple Of Different Assembly Bills Related To Redevelopment.

Council Member Davis Stated That The New Council Chambers Was Beautiful.

Council Member Candea Encouraged The Community To Support The Orestimba High School Football Team By Attending The Upcoming Game Against Gustine High School.

Council Member Martina Complemented Staff For Their Hard Work On The New Council Chambers And Stated That He Thought It Was A First-Class Facility.

Mayor Katen Stated That He Was Proud Of The New City Council Chambers, That It Was A Great Facility And Thanked Everyone For Their Hard Work On The Project.

### **14. Adjournment.**

**ACTION:** On Motion By Katen Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 7:43 P.M.

**REPORT ON PROFESSIONAL OFFICE ZONE CHANGE (ZC #12-01)**

**RECOMMENDATION:**

1. Open Public Hearing
2. Conduct Second Reading of Ordinance #2012- , An Ordinance Amending Title 5, Zoning And Accompanying Zoning Maps Of The City Of Newman Establishing A Professional Office Zoning District

**BACKGROUND:**

April 10, 2007, the City Council adopted the Newman 2030 General Plan.

June 2010, the Newman 2030 General Plan Housing Element was certified by the California Department of Housing and Community Development (HCD).

On May 10, 2011, Ordinance No. 2011-3 was adopted Amending Title 5 Zoning (including the creation of Zone R-2S and the rezoning of 177 parcels to conform with the 2030 General Plan). During the public comment process of said Ordinance, residents from the 1000 block of Main Street expressed their concerns with a commercial zone designation directly behind their properties. In response, staff has researched and crafted a Professional Office (P-O) zoning district to create a restrictive district for low intensity office, professional or commercial uses which may be located in close proximity to all types of residential uses.

On August 16, 2012, staff presented the draft Professional Office zoning district to the Planning Commission for their review. The Commission recommended Council approval of the proposed P-O zoning district

On September 11, 2012, the first reading of Ordinance #2012- , An Ordinance Amending Title 5, Zoning And Accompanying Zoning Maps Of The City Of Newman Establishing A Professional Office Zoning District was held by the City Council, no comments were received.

**ANALYSIS:**

The subject sites are zoned C-2 (General Service Commercial) and currently consistent with the General Plan Downtown Commercial designation. The proposed P-O zoning would not only be consistent with the General Plan and Downtown Revitalization Plan but also provide a better suited zoning designation near existing residential uses. All potential environmental impacts have been evaluated in the Newman 2030 General Plan EIR, no further environmental review is necessary.

The potentially affected sites are physically suited for the proposed P-O zoning classification as allowed by the General Plan. Based upon the analysis conducted during the General Plan update process, all affected parcels were reviewed and found to be suitable for re-zoning to their specific proposed zoning districts.

As with any re-zoning, the change in zoning may be inconsistent with the existing use of the property. If approved, all inconsistent properties/uses would be classified as "legal nonconforming"; although certain types of land use(s) within said properties will be limited, their current uses will be protected and permitted as long as:

- the use is not discontinued for a period of more than six (6) months
- alterations or repairs not exceeding 25 percent of the current value of the building are made
- the use is not moved, enlarged, extended or expanded within the structure it occupies, nor expanded so as to occupy a greater area of land, than was occupied by such use at the time this title was adopted or amended.
- the nonconforming structure is not damaged by fire, flood, or other casualty or act of God to an extent exceeding 50 percent of its previous value.

Per NMC §5.24.030.A, a Variance would be required for any other structural alteration, enlargement, extension, expansion or substantial rehabilitation of a nonconforming structure.

**FISCAL IMPACT:**

None

**CONCLUSION:**

The proposed project is to create a Professional Office (P-O) District and re-zone seven parcels from C-2 to P-O to decrease potential zoning conflicts between the subject parcels and neighboring R-3 (Multiple Residential) properties; this proposal is consistent with the Newman 2030 General Plan. Should the re-zoning not be approved, the subject properties will continue to be zoned C-2 and have the potential for future development conflicts with neighboring residential properties.

Staff recommends that the Council hold the public hearing and conduct the second reading of Ordinance №.2012- , An Ordinance Amending Title 5, Zoning And Accompanying Zoning Maps Of The City Of Newman Establishing A Professional Office Zoning District

**ATTACHMENTS:**

1. Exhibit A - Ordinance №.2012- , An Ordinance Amending Title 5, Zoning And Accompanying Zoning Maps Of The City Of Newman Establishing A Professional Office Zoning District

Respectfully submitted,



Stephanie Ocasio  
City Planner

**REVIEWED/CONCUR**



Michael Holland  
City Manager

**ORDINANCE NO. 2012-**

**AN ORDINANCE AMENDING TITLE 5, ZONING AND ACCOMPANYING ZONING MAPS  
OF THE CITY OF NEWMAN ESTABLISHING A PROFESSIONAL OFFICE ZONING  
DISTRICT**

WHEREAS, the Newman 2030 General Plan was adopted on April 10, 2007 designating appropriate land uses city-wide; and

WHEREAS, the Newman 2030 General Plan Housing Element was certified by the California Department of Housing and Community Development (HCD) on June 16, 2010; and

WHEREAS, on May 10, 2011, Ordinance No. 2011-3 was adopted Amending Title 5, Zoning and accompanying zoning maps of the City of Newman in Conformance with the General Plan thus creating the R-2S Zoning district and rezoning of 177 parcels to conform with the 2030 General Plan

WHEREAS, on August 16, 2012, the Planning Commission recommended approval of Zone Change #12-01 to create a Professional Office (P-O) District and re-zone seven parcels from C-2 to P-O; and

WHEREAS, said seven parcels are as follows: 128-011-001, 128-011-002, 128-011-003, 128-011-004, 128-011-005, 128-011-006 and 128-011-007; and

WHEREAS, it is the desired to rezone the aforementioned parcels in order to prevent future development conflicts between zoning districts; and

WHEREAS, it has been determined that the zone change will not have a significant adverse environmental effect.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWMAN DOES ORDAIN AS FOLLOWS:

Section 1.

That certain real properties situated in the City of Newman, County of Stanislaus, State of California, more articulately described above, are hereby changed and rezoned from C-2 General service Commercial to P-O Professional Office.

Section 2.

That Title 5 of the Newman City Code is amended as follows:

***Chapter 5.28***

***P-O PROFESSIONAL OFFICE DISTRICT***

*Sections:*

- |                 |  |
|-----------------|--|
| <i>5.28.010</i> | <i>Purpose.</i>  |
| <i>5.28.020</i> | <i>Permitted uses.</i>   |
| <i>5.28.030</i> | <i>Accessory buildings and uses –Administrative approval required.</i> |
| <i>5.28.040</i> | <i>Conditional uses – Commission approval required.</i>                |
| <i>5.28.050</i> | <i>Prohibited uses</i>   |
| <i>5.28.060</i> | <i>Property development standards.</i>                                 |

***5.28.010***

***Purpose.***

*The P-O Professional Office District is established to create a restrictive district for low intensity office, professional or commercial uses which may be located in close proximity to all types of residential uses. Rezoning to the P-O Zone should be carefully reviewed to ensure compatibility with existing development and neighborhoods.*

**5.28.020 Permitted uses.**

*The following uses, and uses determined to be similar, shall generally be permitted in the Professional Office (P-O) Zoning District when conducted entirely within a building:*

- Art, craft and music stores.*
- Bakery, donut, and ice cream shops.*
- Banks and financial institutions.*
- Barbershops, beauty shops and similar personal services.*
- Book, card, and stationery stores.*
- Business and professional offices.*
- Camera shops.*
- Clothing and apparel stores.*
- Delicatessens.*
- Florist shops.*
- Gift and novelty stores.*
- Jewelry, watch, and clock sales and related servicing.*
- Medical and dental offices and clinics.*
- Newspaper and magazine sales.*
- Optical goods sales and service.*
- Photography supply and/or studios.*
- Public and semi-public offices and institutions, including City Hall, Police Department and U.S. Post Office facilities.*
- Public and semi-public utility uses, except corporation, service, or similar yards.*
- Restaurants, except fast food restaurants and those with drive-through service.*
- Secondhand shops.*
- Shoe stores*
- Television, radio, electronics and appliance repair.*
- Travel agencies.*

**5.28.030 Accessory buildings and uses –Administrative approval required.**

*The following accessory buildings and uses shall be permitted in the Professional Office (P-O) Zoning Districts subject to administrative approval:*

- A. Accessory uses and buildings customarily appurtenant to a permitted or conditional use, such as incidental storage facilities.*
- B. Signs which pertain only to a permitted or an approved conditional use located on the premises.*
- C. Temporary buildings and uses as provided in Chapter 5.22 NCC.*

**5.28.040 Conditional uses – Commission approval required.**

*Any principal permitted use which is not conducted entirely within a building shall be required to obtain a conditional use permit. In addition, the following uses, and uses determined to be similar, may be permitted in the Professional Office (P-O) Zoning District subject to approval of a conditional use permit:*

- Music and dance studios and schools.*
- Nursery, preschool, day care facilities*
- Physical fitness studios, health clubs and spas.*
- Print shops.*
- Private clubs, lodge halls and meeting facilities.*
- Wholesale operations primarily serving the local community.*
- Residential uses which are compatible with the Retail Commercial District such as residential uses in buildings previously used for residential purposes, owner-occupied residential uses located in the rear of buildings or above the ground floor.*

**5.28.050 Prohibited Uses**

*The following uses are prohibited in the Professional Office (P-O) Zoning District:*

- A. Light industrial and heavy commercial uses and services.*

- B. *Storage of commercial and industrial vehicles, except for the purpose of loading and unloading.*
- C. *The storage or warehousing of merchandise or products in the building or on the premises, unless otherwise approved.*
- D. *The outdoor storage of merchandise or products.*
- E. *The assembly, compounding, manufacturing, or processing of merchandise or products, except such as are customarily incidental or essential to permitted district uses.*
- F. *Any use which is obnoxious or offensive or creates a nuisance to the occupants or commercial visitors of adjacent buildings or premises by reason of the emissions of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbances.*

**5.28.060 Property development standards.**

*The following standards shall apply to all land uses, development and subdivisions in the Professional Office (P-O) Zoning District:*

- A. *Minimum lot area: 7,500 square feet.*
- B. *Minimum lot width: 50 feet.*
- C. *Minimum front yard setback: None required unless adjacent to a residential zoning district or alley. In such instances, a 10-foot front yard setback is required.*
- D. *Minimum rear yard setback: None required unless adjacent to a residential zoning district or alley. In such instances, a 10-foot rear yard setback is required.*
- E. *Minimum side yard setbacks: None required unless adjacent to a residential zoning district. In such instances, the minimum side yard setback shall be 10 feet.*
- F. *Maximum Floor Area Ratio (FAR). The floor area ratio shall not exceed 0.50.*
- G. *Minimum landscaped area: Ten percent of the total lot area.*
- H. *Maximum building height: 35 feet.*
- I. *Architectural and Site Plan Review. Where new construction is proposed, architectural and site plan review shall be required prior to issuance of a building permit.*
- J. *Other Applicable Provisions. Other provisions of this title as applicable such as off-street parking and loading, signs, landscaping and screening, trash enclosures, etc.*

Section 3.

All other sections and provisions of Title 5 shall remain in full force and effect.

Section 4.

That a duly noticed public hearing was held by the City Council.

Section 5.

This Ordinance shall take effect and be in full force and operation from and after 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published and circulated in the West Side Index the official newspaper of the City of Newman.

Introduced at a regular meeting of the City Council of the City of Newman held on the 11<sup>th</sup> day of September, 2012 by Council Member \_\_\_\_\_, and adopted at a regular meeting of said City Council held on the 25<sup>th</sup> day of September, 2012 by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

ATTEST:

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

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

**APPROVE REVISIONS TO THE EXISTING STANDARDS FOR DOWNTOWN EVENTS**

**RECOMMENDATION:**

Staff recommends the City Council approve the revisions to the existing standards for downtown events.

**BACKGROUND:**

The standards for downtown events were adopted by the City Council in October of 2006. With the recent addition of the downtown plaza, some revisions were required to address specific concerns related to the plaza and its use. Also, some of the existing standards were streamlined to better reflect the use that the downtown area has seen since 2006.

**ANALYSIS:**

The standards for downtown events were revised in the following areas:

1. Days: From Sunday preferred to Saturday or Sunday. This will allow some flexibility, as most requests for events have been on Saturdays.
2. Hours: From and ending hour of 7:00 P.M. to an ending hour of 9:00 P.M. This will allow flexibility for summer events and other events that carry on into the evening hours.
3. Street Usage: Anticipated crowd size from 1000/one block, 1000-2000/two blocks, and 2000+/three blocks to 500/one block, 500-1000/two blocks, and 1000+/three blocks. This will allow for any event to have additional space and ease situations of overcrowding.
4. Music: The ending hour for music was changed from 6:00 P.M. to 8:00 P.M. This change will allow for more evening events to fall within the standards.
5. Electrical: Additional language was added which states, "If electrical power use is requested, an electrical use fee of \$25.00 will be collected prior to the event date. A diagram of the outlet locations to be used and a plan, consisting of what type of equipment will be used at each outlet location, will be submitted for approval prior to the event date. No more than 20 amps per circuit will be allowed." This will allow for safer electrical usage and help alleviate the problems of circuit overloading that has been experienced with previous events. The fee collected will help to offset power consumption and staff time to correct any electrical related issues.
6. Event Plan: Additional language was added to include the plaza in the site plan process.
7. Canopies or Other Temporary Structures: Additional language was added which states, "No canopies or other temporary structures are to be tethered or anchored to any tree, structure, or fixture." This language is designed to protect the various structures and fixtures throughout the plaza and the streetscape project.
8. Alcohol: Language was added to include the plaza. The original standards only listed the street closure area.
9. Trash Receptacles: This is a new section and it states, "The event coordinator shall provide trash and recycling receptacles for the event in an amount not less than one per fifty attendees." This addition will aid in the disposal of refuse and save the Public Works department time and staffing due to removing extra trash from the fixed plaza and Main Street receptacles.
10. Plaza Usage: The original standards for downtown event were adopted prior to the plaza being built. The following language is being added to specifically address the plaza: The standards for downtown events will apply to the downtown plaza where applicable. Additional plaza-specific standards include:

- A. The East parking lot will remain open for event parking.
- B. Any requests to close the West parking lot will be submitted in the event plan.
- C. Any request to open the plaza restrooms for use will be submitted in the event plan and will be subject to a use fee of \$25.00 collected prior to the event date.
- D. No use of any kind in the planters and other vegetation areas of the plaza.
- E. No anchoring to any trees, vegetation, or other stationary plaza structures.
- F. Use of the stage shall be requested in the event plan.

The addition of a restroom use fee will help to offset the time and cost of Public Works staff to clean and stock the restrooms with toiletries.

11. Administrative Option for "Plaza Only" Use: The administrative option was designed to give staff the ability to approve smaller events that are contained within the plaza. The language reads as follows: For smaller events that are contained within the plaza, an administrative option can be utilized with the following conditions:

- A. The event is being hosted by a non-profit group for public benefit.
- B. The event is contained within the pedestrian areas of the plaza.
- C. All parking lots remain open and accessible for vehicle parking.
- D. The event is no longer than three hours in duration.

The administrative option for plaza use will require approval from the City Manager, Chief of Police, and Fire Chief. This option is designed to streamline the process for smaller events that meet the above criteria. All other event standards will still apply, but waivers may be decided by the administrative group.

All other sections of the previous standards for downtowns will remain the same.

**FISCAL IMPACT:**

None: Any fees collected for electrical and restroom use will be offset by staff time and supply costs.

**CONCLUSION:**

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

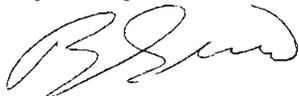
- 1. Approve the revisions to the existing downtown standards.
- 2. Reject the revisions and continue using the current standards adopted in 2006.

Staff recommends Alternative 1.

**ATTACHMENTS:**

- 1) Revised standards for downtown events
- 2) Existing standards for downtown events

Respectfully submitted,



\_\_\_\_\_  
Brett Short  
Police Lieutenant

**REVIEWED/CONCUR:**



\_\_\_\_\_  
Michael Holland  
City Manager

## STANDARDS FOR DOWNTOWN EVENTS

**1. DAYS:**

One Day Event: Saturday or Sunday preferred.

Two Day Events: Saturday & Sunday or Sunday & Monday may be allowed on weekends.

**2. HOURS:**

Events should be scheduled during daylight hours. Events may not begin prior to 7:00 a.m. or end later than 9:00 p.m. unless approved by the Chief of Police.

**3. STREET USAGE:**

First time event: One block

Anticipated crowd size: 500 or less - one block

500 to 1000 - two blocks

1000 or more - three blocks

**4. INSURANCE:**

Three Million dollar policy naming the City as an additional insured. This must be received by the City three weeks prior to the event.

**5. SECURITY:**

Total cost of security for the event will be the responsibility of the event organizer. One half of the anticipated cost of police services will be deposited with the City Finance Department two weeks prior to the event.

General event: 1 officer per 200 attendees or as deemed necessary by the Chief of Police.

Alcohol/Bands/Dances - 2 officers per 300 attendees or more if required by the Chief of Police.

**6. MUSIC:**

No amplified sound systems before 10 A.M. or after 8 P.M. unless approved by the Chief of Police.

**7. ELECTRICAL:**

If electrical power use is requested, an electrical use fee of \$25.00 will be collected prior to the event date. A diagram of the outlet locations to be used and a plan, consisting of what type of equipment will be used at each outlet location, will be submitted for approval prior to the event date. No more than 20 amps per circuit will be allowed. Extension cords shall be a minimum of 14-3 gauge wire and properly sized for intended use. The cords shall be protected from abrasions caused by foot traffic and shall be placed so as not to cause a tripping hazard.

**8. EVENT PLAN:**

The applicant is to complete a street closure plan for barricading the downtown streets and provide a site plan for the location of any portable stages, alcohol sales, and other semi-permanent structures. This must be submitted to the Chief of Police or his/her designee 60 days prior to the date of the event. Downtown plaza usage will also require a site plan.

**9. CLEAN UP:**

The event organizer will be responsible for cleaning the streets, sidewalks and other public areas used by the event. A \$1,000.00 deposit will be required. The deposit will be refunded if all city property is cleaned to the satisfaction of the Director of Public Works or his/her designee.

**10. APPROVAL OF AFFECTED BUSINESSES:**

First Time Events: Provide written approval of at least 75 percent of any business affected by the proposed street closure in the blocks involved.

Yearly Events: Provide a flyer making the downtown business community aware of the type of event, date, time and streets to be used.

Notification must be completed at least 45 days prior to the City Council meeting and must be approved by the Chief of Police or his/her designee.

**11. BUSINESS LICENSES:**

All local and out of town vendors/businesses conducting sales of goods or services shall have a business license with the City of Newman prior to participating in the event.

**12. HEALTH PERMITS:**

Food vendors shall obtain a Stanislaus County Health Permit prior to the sale of any food items.

**13. CANOPIES OR OTHER TEMPORARY STRUCTURES:**

All temporary structures including but not limited to stages, platforms and booth structures must be inspected by the City's Building Department on the day of the event. Any direct cost to the City for this service will be the responsibility of the fundraiser/organizer. Any use of canopies must be inspected and approved by a designee of the City on the day of the event. No canopies or temporary structures are to be tethered or anchored, to any tree, structure, or fixture.

**14. BLEACHERS:**

All bleachers must be inspected by the City's Building Department the day of the event. Any direct cost to the City for this service will be the responsibility of the fundraiser/organizer.

**15. ADVERTISING:**

The event organizer shall not advertise or promote the event until the event has been approved by the City Council

**16. ALCOHOL:**

The sale or providing of alcohol shall be done under the following conditions:

- A. That it is the fundraiser/organizers responsibility to make sure vendors obtain an on sale one-day permit from the California Alcohol Beverage Control Board (commonly known as ABC). This must be done and received by the City two weeks prior to the event.
- B. That alcohol is served in paper or plastic cups (no glass cups or bottles).
- C. That no alcohol sold inside any establishment can be consumed in the street closure area or plaza.
- D. That the City Council approves the use of the street closure, or plaza, for a beer garden and that they waive the city ordinance prohibiting consumption of alcohol on public streets.

**17. TRAFFIC/CROWD CONTROL DEVICES:**

The fundraiser/organizer will be responsible for the direct cost of barricades, no parking signs, and any other required devices.

**18. STATEMENT OF FUNDS**

The fundraiser/organizer will provide documentation and/or a list of who has or will financially benefit from the fundraiser for the current event and any previous events. It will also state how much was raised and the amount or percentage that will or has been donated to what community organization(s).

**19. TRASH AND RECYCLING RECEPTACLES**

The event coordinator shall provide trash and recycling receptacles for the event in an amount not less than one per fifty attendees.

**20. PLAZA USAGE**

The standards for downtown events will apply to the downtown plaza where applicable. Additional plaza-specific standards include:

- A. The East parking lot will remain open for event parking.
- B. Any requests to close the West parking lot will be submitted in the event plan.
- C. Any request to open the plaza restrooms for use will be submitted in the event plan and will be subject to a use fee of \$25.00 collected prior to the event date.
- D. No use of any kind in the planters and other vegetation areas of the plaza.
- E. No anchoring to any trees, vegetation, or other stationary plaza structures.
- F. Use of the stage shall be requested in the event plan.

**21. ADMINISTRATIVE OPTION FOR “PLAZA ONLY” USE**

For smaller events that are contained within the plaza, an administrative option can be utilized with the following conditions:

- A. The event is being hosted by a non-profit group for public benefit.
- B. The event is contained within the pedestrian areas of the plaza.
- C. All parking lots remain open and accessible for vehicle parking.
- D. The event is no longer than three hours in duration.

The administrative option for plaza use will require approval from the City Manager, Chief of Police, and Fire Chief. This option is designed to streamline the process for smaller events that meet the above criteria. All other event standards will still apply, but waivers may be decided by the administrative group.

## STANDARDS FOR DOWNTOWN EVENTS

(Adopted October 11, 2006)

**1. DAYS:**

One Day Event: Sunday Preferred

Two Day Events: Saturday & Sunday or Sunday & Monday may be allowed on weekends

**2. HOURS:**

Events should be scheduled during daylight hours. Events may not begin prior 7:00 a.m. or end later than 7:00 p.m.

**3. STREET USAGE:**

First time event: One block

Anticipated crowd size: 1000 or less - one block  
1000 or more - two blocks  
2000 or more - three blocks

**4. INSURANCE:**

Three Million dollar policy naming the City as an additional insured. This must be received by the City three weeks prior to the event.

**5. SECURITY:**

Total cost of security for the event will be the responsibility of the event organizer. One half of the anticipated cost of police services will be deposited with the City Finance Department two weeks prior to the event.

General event: 1 officer per 200 attendees or as deemed necessary by the Chief of Police.

Alcohol/Bands/Dances - 2 officers per 300 attendees or more if required by the Chief of Police.

**6. MUSIC:**

No amplified sound systems before 10 A.M. or after 6 P.M. unless approved by the Chief of Police.

**7. ELECTRICAL:**

Extension cords shall be a minimum of 14-3 gauge wire and properly sized for intended use. The cords shall be protected from abrasions caused by foot traffic and shall be placed so as not to cause a tripping hazard. Use of City electrical outlets must be requested and approved by the City Council

**8. EVENT PLAN:**

The applicant is to complete a street closure plan for barricading the downtown streets and provide a site plan for the location of any portable stages, alcohol sales, and other semi-permanent structures. Included in this site plan should be any special requests of the city including use of electrical outlets. This must be submitted to the Chief of Police or his designee 60 days prior to the date of the event.

**9. CLEAN UP:**

The event organizer will be responsible for cleaning the streets, sidewalks and other public areas used by the event. A \$1,000.00 deposit will be required. The deposit will be refunded if all city property is cleaned to the satisfaction of the Director of Public Works or his designee.

**10. APPROVAL OF AFFECTED BUSINESSES:**

First Time Events: Provide written approval of at least 75 percent of any business affected by the proposed street closure in the blocks involved.

Yearly Events: Provide a flyer making the downtown business community aware of the type of event, date, time and streets to be used.

Notification must be completed at least 45 days prior to the City Council meeting and must be approved by the Chief of Police or his designee.

**11. BUSINESS LICENSES:**

All local and out of town vendors/businesses conducting sales of goods or services shall have a business license with the City of Newman prior to participating in the event.

**12. HEALTH PERMITS:**

Food vendors shall obtain a Stanislaus County Health Permit prior to the sale of any food items.

**13. CANOPIES OR OTHER TEMPORARY STRUCTURES:**

All temporary structures including but not limited to stages, platforms and booth structures must be inspected by the City's Building Department on the day of the event. Any direct cost to the City for this service will be the responsibility of the fundraiser/organizer. Any use of canopies must be inspected and approved by a designee of the City on the day of the event.

**14. BLEACHERS:**

All bleachers must be inspected by the City's Building Department the day of the event. Any direct cost to the City for this service will be the responsibility of the fundraiser/organizer.

**15. ADVERTISING:**

The event organizer shall not advertise or promote the event until the event has been approved by the City Council.

**16. ALCOHOL:**

The sale or providing of alcohol shall be done under the following conditions:

- A. That it is the fundraiser/organizers responsibility to make sure vendors obtain an on sale one-day permit from the California Alcohol Beverage Control Board (commonly known as ABC). This must be done and received by the City two weeks prior to the event.
- B. That alcohol is served in paper or plastic cups (no glass cups or bottles).
- C. That no alcohol sold inside any establishment can be consumed in the street closure area.
- D. That the City Council approves the use of the street closure for a beer garden and that they waive the city ordinance prohibiting consumption of alcohol on public streets.

**17. TRAFFIC/CROWD CONTROL DEVICES:**

The fundraiser/organizer will be responsible for the direct cost of barricades, no parking signs, and any other required devices.

**18. STATEMENT OF FUNDS**

The fundraiser/organizer will provide documentation and/or a list of who has or will financially benefit from the fundraiser for the current event and any previous events. It will also state how much was raised and the amount or percentage that will or has been donated to what community organization.

Honorable Mayor and Members  
of the Newman City Council

**REPORT ON NEWMAN CHAMBER OF COMMERCE  
TREE LIGHTING EVENT AT THE DOWNTOWN PLAZA**

**RECOMMENDATION:**

Staff recommends the City Council approve the Newman Chamber of Commerce tree lighting event scheduled at the Downtown Plaza on December 1<sup>st</sup> 2012 from 2 P.M. to 7 P.M.

**BACKGROUND:**

The Newman Chamber of Commerce has requested exclusive use of the Downtown Plaza, and the 1300 block of Main Street, on December 1<sup>st</sup> 2012 from 2 P.M. to 7 P.M. to host the annual tree lighting event. Event organizers have scheduled fire truck rides from 2 P.M. to 5:00 P.M., food and craft booths, and the possibility of a bounce house or pony rides. There will be a D.J. playing holiday music during the duration of the event and **NO** alcohol will be served or sold. The event date has no conflicts with other advertised community events. The event organizers are seeking council approval for this year's event.

**ANALYSIS:**

As of the date and time of the preparation of this staff report, the Chamber is the beginning stages of planning this event. Any subsequent changes will be reported out by staff during the presentation of this report.

The Chamber of Commerce has made the following requests:

- ❖ Exclusive use of the Downtown Plaza and the 1300 block of Main Street. Street Closures at Main/Tulare and Main/Fresno.
- ❖ Use of Plaza restroom facilities and electrical power at the location.
- ❖ Waive Standards for Downtown Events in the areas of:
  - Clean-up deposit. Downtown standards require a \$1,000.00 deposit refundable upon satisfactory cleaning of the affected area. The Newman Chamber of Commerce assures staff that they will thoroughly clean up.
  - Business licenses. Downtown standards require all vendors to be licensed for business within the City.
  - Insurance reduction to \$1,000,000.00. Current standards indicated a figure of \$3,000,000.00 naming the City as an additional insured party.
  - Traffic/crowd control device costs. City-owned barricades could be utilized.

All other Standards for Downtown events will apply.

Event organizers have prepared a configuration for the event which has the 1300 block of Main Street closed to vehicular traffic and will be used for the fire truck ride staging area and vendor booths. The east plaza parking lot will be open for public parking and the west parking lot closed to vehicular traffic for the bounce house or pony rides. Organizers are complying with the proposed downtown standards revision.

**FISCAL IMPACT:**

There will be no direct fiscal impact as a result of this event.

**CONCLUSION:**

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

1. Approve the event as indicated, waiving the requested standards.
2. Approve the event with all standards intact.
3. Reject the event in its entirety.

Staff recommends Alternative 1.

**ATTACHMENTS:**

- 1) Standards for downtown events
- 2) Proposed event site map

Respectfully submitted,



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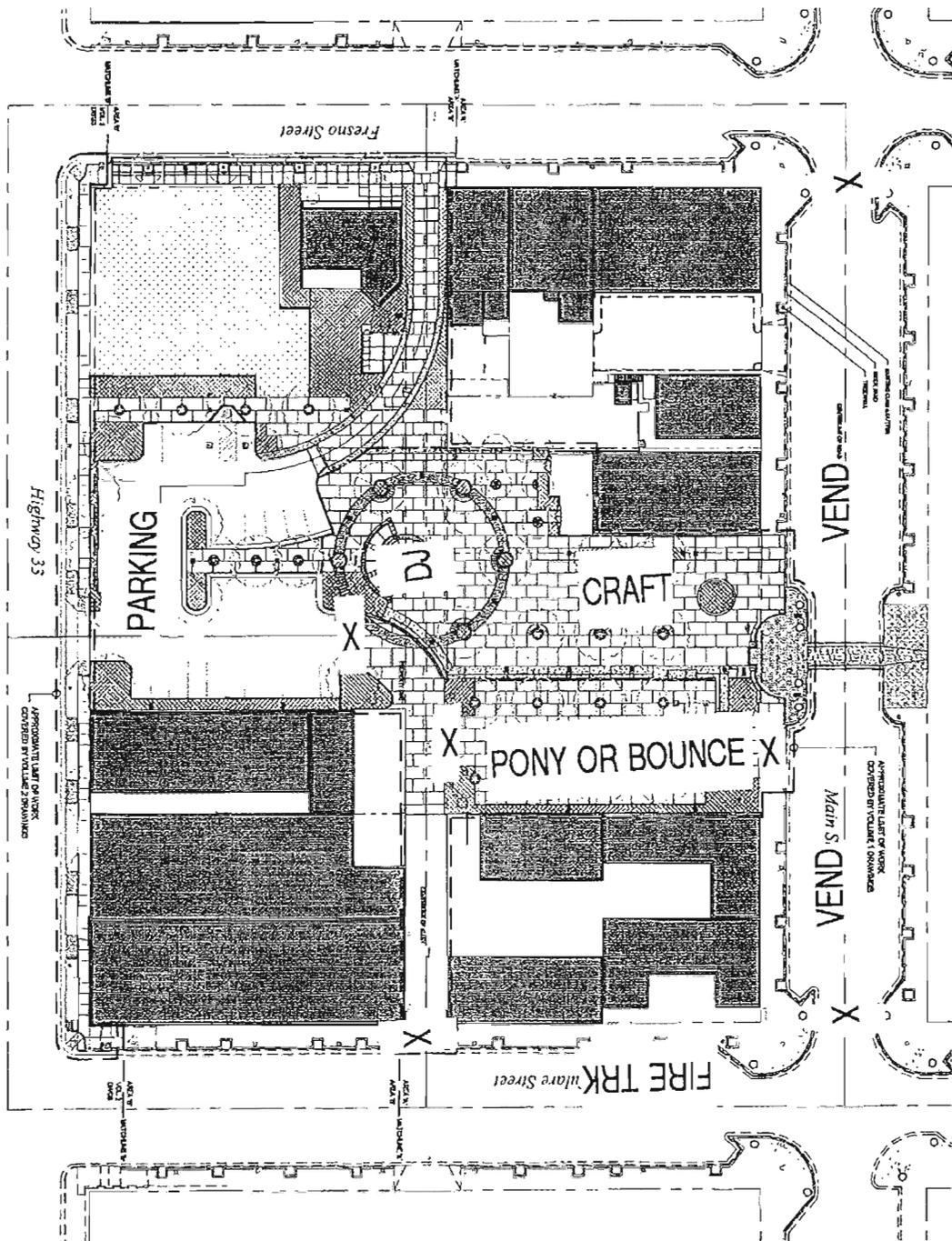
Brett Short  
Police Lieutenant

**REVIEWED/CONCUR:**



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Michael Holland  
City Manager



PROJECT NO.	1388240
DATE	08/11/2011
DRAWN BY	...
CHECKED BY	...
DATE	...
SCALE	...
TITLE	RF-1.04

NEWMAN DOWNTOWN PLAZA  
 CONSTRUCTION DOCUMENTS  
 VOLUME 1 DRAWINGS

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SITE REFERENCE PLAN

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Professional Engineer Seal for **John J. ...**, License No. ...  
 Registered Architect Seal for **...**, License No. ...  
 Registered Civil Engineer Seal for **...**, License No. ...

Honorable Mayor and Members  
of the Newman City Council

**AUTHORIZE CITY MANAGER TO ENTER INTO CONTRACTUAL AGREEMENTS  
REGARDING THE NORTHWEST NEWMAN MASTER PLAN**

**RECOMMENDATION:**

It is recommended that the City Council authorize the City Manager to enter into contractual agreements regarding the preparation of the Northwest Newman Master Plan and accompanying CEQA documents.

**BACKGROUND:**

In April 2007, the City adopted the Newman 2030 General Plan and accompanying Environmental Impact Report. General Plan Policy LU 2.2 states “The City shall, through the use of Master Plans, ensure that growth and development occur in an orderly and contiguous manner.” To further enhance the Master Plan strategy, General Plan Figure LU-4 (attached) shows the City’s Sphere of Influence broken into ten (10) distinct master plan sub-areas. This proposal would prepare a master plan in accordance with the parameters set forth in LU.3.B - Master Plan Requirements. The proposed Master Plan would be prepared for Area #3 which is comprised of roughly 376 acres of Business Park, Commercial and Residential designations.

Beginning in 2010 to early 2011, a property owners group in MPA#3 began the process of developing land use and engineering plans for the area. However, the continued downturn in the economy and the future of the housing market lead the group to place the project on hold. Recently, staff reached out to the owner’s group and the consultants to discuss the potential for moving the project forward. With the recent development of major employers on the west side of Stanislaus County, staff identified an opportunity to capture some future job growth that is occurring in the area. However, securing this opportunity requires the City to complete the master plan. The City would recover the cost of this investment through future development fees.

**ANALYSIS:**

Master Plan Area #3 is delineated by Highway 33 to the east, Jensen Road to the south, the CCID canal to the west and Stuhr Road to the north. Land uses would include approximately eighty (80) acres of business and commercial uses, over forty (40) acres of parks and school sites and roughly 250 acres of mixed residential. The residential portion of the project is anticipated to include over 20 acres of very low density lots.

Preparation of the Master Plan and Environmental Impact Report (EIR) is anticipated to take approximately 12 months to complete; the majority of time will be spent on preparation of the EIR. Upon completion, public meetings will be scheduled at both Planning Commission and City Council meetings. It should be noted, the proposals include a public outreach component during the preparation of the Master Plan and EIR. Under the current proposal, staff and the consultants are planning a minimum of four (4) public meetings during the preparation of the documents. In addition to the public outreach component, staff and the consultants will host an EIR scoping session as required under CEQA.

The proposed Master Plan will be prepared by a planning team led by Jerry Haag. Haag’s team will build upon the work that was originally prepared by the property owner’s consultants, in conjunction with City staff. Utilizing the existing work product makes sense as City staff was involved with the preparation of this early work. It will also significantly reduce costs for the project. The early work includes an outline for the Master Plan, preliminary engineering for infrastructure, initial work generated by a traffic engineer, design guidelines, and other exhibits. Development of the Master Plan will follow the guidelines established in the General Plan and is estimated to take approximately 120 days.

With respect to preparation of the EIR, the City prepared a Request of Proposals (RFP) in early 2011. After receiving five (5) proposals, the City elected to interview three (3) firms for the project. A selection committee selected the team of Lamphier Gregory. However, prior to the initiation of a contract, the project was tabled. Staff recently reached out to Lamphier Gregory to inquire if they were still interested in preparing the report and if they were able to still honor the original pricing. Lamphier Gregory responded in the affirmative.

Lastly, the City previously entered into a contract with George Osner to provide support and CEQA services for the Planning Department. With George's experience within Stanislaus County and with large projects, he will be an asset to the City during the Master Plan process. The proposal he has submitted reflects a support role to City staff.

**FISCAL IMPACT:**

Preparation of Master Plan by Jerry Haag team	-	\$ 88,800
Preparation of Master Plan by Lamphier Gregory team. (Includes 15% contingency)	-	\$167,500
Support services by George Osner (Time and Materials)	-	<u>\$ 20,000</u>
<i>Total</i>	-	<i>\$276,300</i>

CA Gov Code §65456 states "The Legislative body, after adopting a specific plan, may impose a specific plan fee upon persons seeking governmental approvals which are required to be consistent with the specific plan." The fee is designed to reimburse agencies for costs associated with the cost of preparation, adoption and administration of the specific plan. Staff is proposing the City utilize funds from a legal settlement to pay this cost. Therefore, the monies will not be pulled from the City's General Fund reserves.

**CONCLUSION:**

Over the past several months, the City and other parts of west Stanislaus County have seen an increase in commercial and industrial activity. These signs point towards an economic recovery occurring in an area that typically has not been a recipient. In order for the City to capture its fair share of the economic growth that will occur in west Stanislaus County over the next decade, it is imperative that the City not only have a plan for providing services but to be prepared to deliver said services in a timely manner.

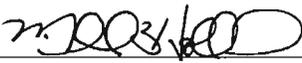
The proposed project will allow the City to work with local property owners to begin the necessary planning and engineering work. Once the Master Plan and accompanying EIR are completed and processed through the Planning Commission and City Council, city staff will begin the annexation process through LAFCO. This process is anticipated to occur in the first half of 2014. The Newman 2030 General Plan contains a blueprint for completing this process while maintaining the values and meeting the goals of the community. Planning for future economic development requires forward thinking and a commitment to delivering the necessary services to an area.

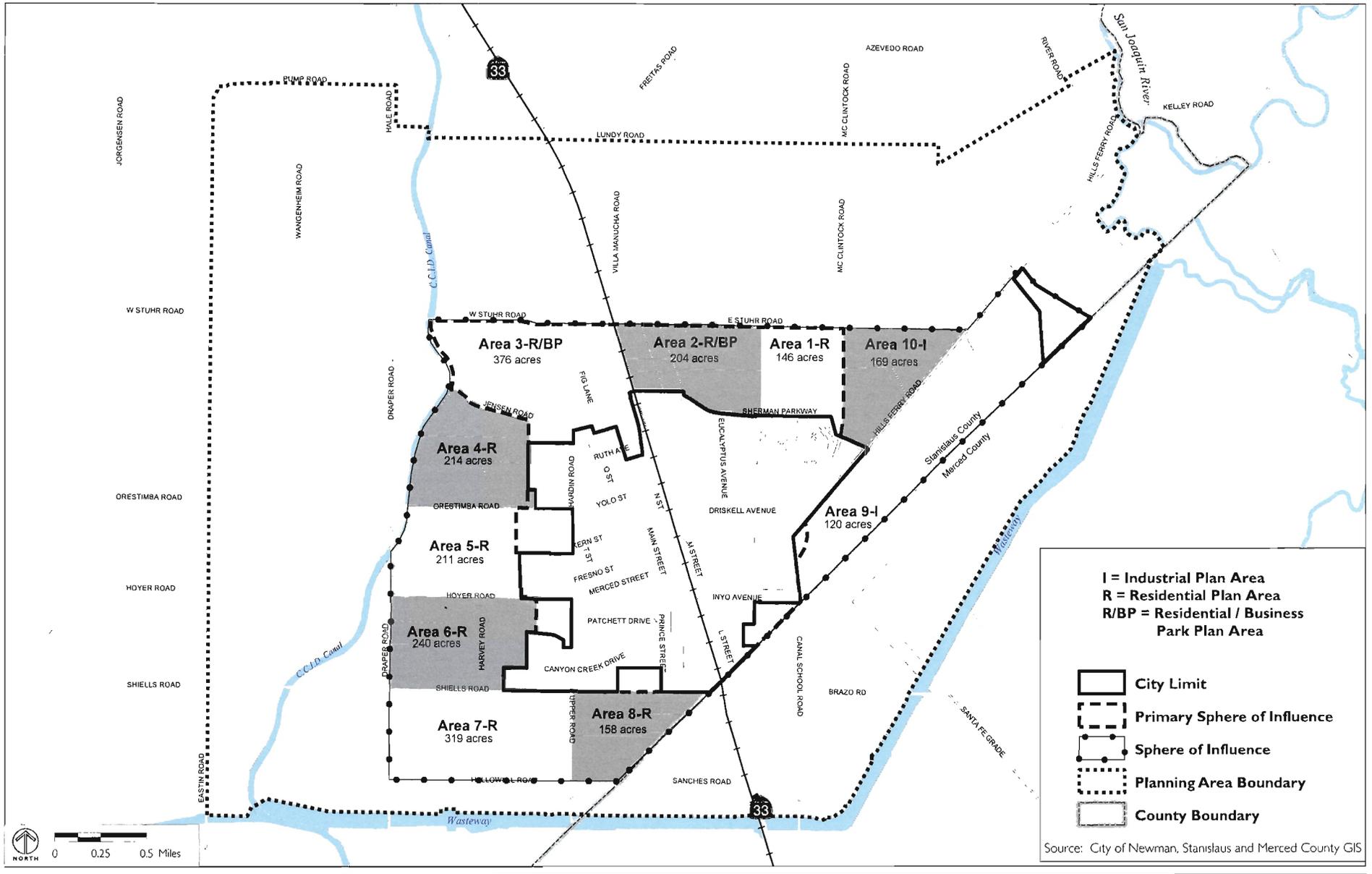
Staff recommends the Council initiate the Master Plan process for Master Plan Area #3 and authorize the City Manager to execute the three contracts outlined within this report.

**ATTACHMENTS:**

1. Exhibit A. General Plan Figure LU-4 *Master Plan Areas*
2. Exhibit B. Proposal by Jerry Haag
3. Exhibit C. Proposal by Lamphier Greogry
4. Exhibit D. Proposal by George Osner

Respectfully Submitted:

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



**I = Industrial Plan Area**  
**R = Residential Plan Area**  
**R/BP = Residential / Business Park Plan Area**

City Limit  
 Primary Sphere of Influence  
 Sphere of Influence  
 Planning Area Boundary  
 County Boundary

Source: City of Newman, Stanislaus and Merced County GIS

FIGURE LU-4  
MASTER PLAN AREAS

# Jerry Haag

URBAN PLANNER

2029 University Ave.  
Berkeley CA 94704  
(510) 644-2106  
fax (510) 644-2050

September 14, 2012

Mr. Michael Holland, City Manager  
City of Newman  
908 Fresno St.  
Newman CA 95360

Subject: Proposal to Prepare Master Plan Area 3

Dear Michael,

Following is a proposal to prepare a Master Plan for properties lying in the unincorporated area north of Newman and generally bounded by Stuhr Road to the north, State Highway 33 to the east, a main irrigation canal to the west and City limits to the south. This area is identified as Master Plan Area 3 (MPA-3). The City's 2007 General Plan mandates that a Master Plan be prepared for this area prior to annexation. Although initial efforts have been taken to complete such a Master Plan, local and regional economic conditions have precluded this effort by local landowners. The City is now interested in completing a Master Plan in order to take advantage of the anticipated economic upturn.

The General Plan Land Use Element contains a listing of specific items that must be included in all Master Plans including but not limited to location and density/intensity of land use, roadways and circulation, infrastructure facilities, design guidelines, development phasing and other topics.

Proposed land uses in the MPA-3 planning area will include residences at a range of densities and business park uses as well as parks, open spaces, roads and community facilities.

Following is my proposed approach to preparing the Master Plan, a scope of work to complete the master plan, a preliminary budget and a schedule.

## **Approach**

My approach will be use existing documentation prepared by others, to the extent feasible. New information will be developed, as necessary, to complete the Master Plan and Design Guidelines.

## **Scope of Work**

The scope of work includes completion of the following tasks.

### Task 1) Project Mobilization

This task will include meeting with City staff, refining the scope of work and budget and conducting a site visit.

I will need to obtain hard copies and electronic copies of maps and exhibits for the MPA-3 area identifying existing property lines, ownership, existing utilities lines, easements and other data to the extent this is available from the City. I will also need to obtain electronic copies of the existing Master Plan document in a Word format.

Task 2) Draft Master Plan/Design Guidelines

The Draft Master Plan will consist of completing the following items, consistent with the direction provided in the Land Use Element of the General Plan.

- *Introduction and Purpose.* The introductory section will briefly describe the purpose of the Master Plan, the location of the project area and an overview of the Plan.
- *Land use.* The land use section will include a map and text describing future land uses in the master plan area. Residential areas will be identified by individual neighborhoods with proposed land allowed uses, based on the General Plan, and densities for each. Business Park areas will include an FAR standard for development of future uses and permitted/ conditionally permitted uses that could occur in this area. The consultant team will interview one or more local non-residential brokers (as approved by the City) to identify possible land use types that could feasibly locate in Newman as well as anticipated square footages and other features that need to be included to attract these uses, such as truck access.
- *Circulation and Parking.* The circulation section of the Master Plan will include an exhibit showing the location of existing roads and the alignments and widths of proposed arterial and collector roadways within the Master Plan area (although likely not local interior residential roads) and new roadway connections with adjacent roads. Standards for new residential roads will be established but not necessarily local road locations. This section will include the future location of pedestrian facilities, bikeways, on-street parking opportunities and the approximate location of future public transit stops within and adjacent to the MPA-3 area.
- *Infrastructure.* This section will include an exhibit and accompanying text to describe existing and future sewer lines, water lines and water facilities, and storm drainage facilities to serve future developments. This will include approximate sizes of facilities. To the extent feasible, new utility lines will be located within existing and future public rights-of-way. This information will be based on preliminary engineering information prepared by the project civil engineer (Associated). If this information is not usable, additional funding will be necessary to update backbone infrastructure information.
- *Schools.* Provision of future public elementary, middle and high schools will be identified for the MPA-3 area. This could include expansion of existing schools or construction of new schools. School planning will be based on discussions with local school district officials. Projections of school-aged children will be based on student generation factors supplied by the district or districts.

- *Development Phasing.* Policies to guide phasing of development in concert with extension of infrastructure elements and financing will be developed.
- *Implementation.* Methods to implement the Master Plan concepts will be developed. It is anticipated this will include requirements for a final financing plan, approval of subdivision maps, CEQA clearances and similar actions.
- *Treatment of Non-Conforming Uses.* Approval of the Master Plan and anticipated rezoning of the project area would make many existing uses non-conforming. The Master Plan text will describe treatment of non-conforming uses in the area with respect to continuation of existing uses and conditions under which non-conforming uses must cease.

Five copies of the draft Master Plan will be sent to the City for review and comment. Two meetings are anticipated to review the draft document.

### 3) Fiscal Impact Analysis

Applied Development Economics (ADE) will evaluate the fiscal impact of the draft master plan, as well as up to three interim land use alternatives, if any, developed during the formative stage of the planning process. The fiscal analysis will estimate the public costs and revenues accruing to the city, the school district and fire district and the presentation of the analysis will separate the impacts by detailed land-use type and by location as necessary in order to fully illustrate the dynamic impacts of alternate development schemes on the city budget. The analysis will clearly discuss the extent to which differences in alternative fiscal results due to variations in land-use type, density or location.

ADE will tailor the revenue projections to projected characteristics of development in the master plan area. A set of development value assumptions will be prepared based on analysis of recent development projects in the city and in comparable areas of the region, so that future values can be projected on a per-unit basis. Typical values will be estimated for the range of density types anticipated for the master plan. In addition, ADE will develop assessed value assumptions for the non-residential portion of the master plan. Similar factors will be developed to project taxable sales for any commercial development included in the master plan, as well as other sources of tax revenue.

Service cost factors will be developed to correlate to resident and employee densities for the new development as well. ADE will work with City staff to project service demands from the development, accounting for any existing service capacities plus additional new capacities needed to serve the project.

The impact analysis will be structured to provide easily comparable results among the alternatives, or the final master plan as desired. The results will show the marginal impact of new development in each alternative. One set of results will be developed to show comparative impacts at full build out of each alternative. This will help illustrate the differences that are related to land-use type, density or location. Another set of results will be prepared showing how each alternative

performs over time, as this can be a critical dimension in the fiscal impact of land uses whose primary revenue benefit is the property tax.

#### 4) Final Master Plan/Design Guidelines

Changes will be made in the Administrative Draft and a Final Master Plan document reflecting staff comments and concerns will be prepared for City review. It is anticipated that minor changes may be needed to finalize the Master Plan. Twenty-five printed copies and one camera-ready copy of the final Master Plan and Design Guidelines will be delivered to the City

#### 5) Community Meetings

I will attend three community meetings with master plan area residents and property owners to describe the proposed Master Plan and, to the extent known, possible impacts on individual properties.

#### 6) Public Hearings

The consultant will attend up to two public hearings to review the Master Plan with the Newman Planning Commission and City Council.

### **Project Schedule and Fee Proposal**

The estimated fee to accomplish the above scope of work is \$88,500. This includes budget for printing of both the draft and final Master Plan and Design Guidelines as noted above.

I anticipate approximately 90 days will be needed from contract authorization to complete the Mobilization task and complete the draft Master Plan and Design Guideline document. This assumes that background information provided by others is in usable form and no additional information will be needed. Depending on the number and complexity of comments, completion of the final Master Plan and Design Guidelines will take approximately 30 days.

Please note that I will be on vacation from September 15 to October 1, 2012.

### **Project Team**

The project team will consist of the following:

- Project Manager/Principal Author: Jerry Haag

Mr. Haag has been an independent planning and environmental consultant for over 20 years. He maintains an office in downtown Berkeley.

During this time, he has completed a number of high visibility projects for communities in Northern and Southern California. Prior to becoming an independent consultant, he was Northern California Planning Division Manager for Willdan Associates, a Senior Project Manager with the San Francisco office of Wallace, Roberts and Todd (WRT) and Associate Vice President/Regional Manager of P&D Technologies Inc. (now AECOM) in Orinda.

Mr. Haag provides a mix of environmental services and planning services primarily to cities and counties in California.

- Principal Planner/ Architect: Michael A. Porto

Mike Porto has been an urban planner in California since the mid-1970's working first as a staff planner for the City of Irvine and subsequently as a consulting planner for communities in Northern and Southern California. Most recently, Mike has served as the consulting principal planner for the City of Dublin since 1998 where he has managed review and approval of numerous development projects built in the Eastern Dublin Specific Plan area. Of note, he is responsible for design review of all new subdivisions and commercial projects in this portion of Dublin.

- Fiscal Analysis: Douglas Svensson, ADE

Mr. Svensson is President of Applied Development Agreement and has more than 25 years' experience in preparing fiscal impact analyses for a wide variety of development projects throughout Central and Northern California.

### Summary

Thank your for allowing me to submit this proposal to the City. Please feel free to call me should you have any questions.

Sincerely,



Jerry Haag  
Principal

## Scope of Work

### 1.0 PROJECT START-UP

#### 1.1 Start-Up Meeting. A kick-off meeting will be held to accomplish the following:

- Identify areas of responsibility among members of the consultant team, City staff and other City consultants (e.g., KD Anderson);
- Review the proposed project schedule and identify target dates for major milestone events including: drafting/completion of the Initial Study, release of the NOP, preparation of Project Description, release of DEIR, completion of FEIR and final hearings.
- Identify the preferred format for EIR;
- Discuss potential alternatives to be evaluated in the EIR;
- Identify relevant documents and data available from the City and other sources
- During the start-up period, the team will agree on a general approach for performing community outreach and schedule the first meeting.

Following the meeting, City staff will conduct a tour of the project site.

*Deliverable: within one (1) week of the initial meeting, Lamphier-Gregory will submit a summary of the kick-off meeting discussion.*

#### 1.2 Baseline Studies. We know that certain environmental topic areas will require careful analysis and discussion in the EIR. We assume that these will include the following, at a minimum:

- Air Quality (including potentially a Health Risk Assessment) and Greenhouse Gas (GHG))
- Biological Resources
- Cultural Resources
- Noise
- Traffic
- WSA

The first phase of the CEQA work program will involve data gathering to determine baseline conditions, preparing and releasing and filing the Notice of Preparation (NOP) and conducting outreach meetings with the public including an EIR scoping meeting. For all technical studies, we will make maximum use of technical information already available from the City's General Plan 2030 EIR and other sources.

*Deliverables: None.*

- 1.3 Notice of Preparation.** Lamphier-Gregory will prepare a Notice of Preparation (NOP) for the EIR and at the direction of City staff, will distribute the final NOP to the State Clearinghouse and County Clerk in accordance with the CEQA *Guidelines*. The NOP will be certain to identify Stanislaus LAFCO as an agency whose approval would be required for the project.

Distribution Assumptions

- The City will develop the public distribution list for the NOP
- City will distribute the NOP as appropriate to interested parties
- Lamphier-Gregory will distribute copies of the NOP to the State Clearinghouse and will provide certificates of its mailing to the City.

*Deliverables: Draft and final Notice of Preparation.*

**1.4 EIR Scoping Meetings**

The City will want to create opportunities for the public and interested agencies to provide input to the scope of the EIR. Lamphier-Gregory will attend up to two (2) public scoping meetings held in accordance with Section 15083 of the *CEQA Guidelines*. We will present the issues to be addressed and methods to be used in the EIR. The logistical arrangements and public noticing of the meeting(s) will be handled by City staff. The scoping meeting will be scheduled during the 30-day review period for the NOP.

Following the meeting, the Lamphier-Gregory Project Manager will prepare a summary of the discussion and identify any environmental issues raised that are not already included within the scope of work but that, based on direction and confirmation by City staff, need to be addressed in the EIR. An adjustment to the agreed upon Scope of Work and Budget may be necessary depending upon the discussion at the scoping meeting.

*Deliverable: Five (5) copies of our summary of the public comment and input from the Scoping Meeting(s) and, if necessary, draft revisions to the Scope of Work and Budget.*

**2.0 PROJECT DESCRIPTION AND TECHNICAL STUDIES**

- 2.1 Draft Project Description.** Lamphier-Gregory will prepare a project description based on information and graphic materials provided by the project sponsor and City staff.

- 2.2 Technical Studies.** The CEQA team will complete their technical impact studies. Brief descriptions of the Scopes of Work for the topics to be included in the EIR are as follows.

**2.2.1 Air Quality.** The primary air quality issue for the Project is the potential for an increased contribution of Project-related emissions to the region. Lamphier-Gregory will complete a Full Analysis Level (FAL) air quality study consistent with the CEQA Project Analysis guidelines of the San Joaquin Valley Air Pollution Control District (SJVAPCD). The technical parts of the air quality analysis will include:

- An estimate of mobile and area source emissions using appropriate air quality models (e.g., URBEMIS 7G, DTIM2, or MVEI7G (BURDEN7G)).
- Screening for CO impacts using CO Protocol or CALINE 4, as appropriate;
- If the analysis suggests the project would involve a potentially significant source of hazardous air pollutants, a full health risk assessment would be performed as additional scope and budget.

The Air Quality chapter of the EIR will include the following:

- existing air quality conditions;
- analysis of project air quality impacts;
- mitigation measures

*Deliverable: The Air Quality section of the Administrative and Draft EIR will be submitted in standard CEQA format. The report will include appropriate tables, findings and proposed mitigation measures; modeling results will be presented as technical appendices.*

**1.2.2 Biological Resources.** The key biological resource issues associated with Central Valley sites such as the Master Plan Area #3 are wetlands (and associated sensitive species such as giant garter snake), San Joaquin kit fox, valley elderberry longhorn beetle, and nesting raptors, including Swainson's hawk and burrowing owl. As most of the Master Plan Area 3 site appears to be leveled and intensively used for cultivated annual cropland or irrigated pasture with a few irrigation laterals and ditches, it is likely that sensitive habitats and special-status species will be limited. Moore Biological Consultants (MBC) will go through a literature, database, and field review to document and describe on-site biological resources, identify any potentially significant impacts to these resources from development of the Master Plan Area, and provide mitigation recommendations for potential project impacts to biological resources.

The first phase of the work will consist of an updated search of the California Department of Fish and Game's California Native Diversity Database (CNDDDB). The field work will consist of baseline inventory, focused searches for special-status species and suitable habitat for special-status species, and assessment of wetlands using the 1987 U.S. Army Corps of Engineers (ACOE) Wetland Delineation Manual and 2008 Regional Supplement. MBC will inventory land uses and habitat types in the project site and surrounding areas, compile a list of plant and wildlife species observed, and describe and map any notable habitat types. A formal stand-alone wetland delineation is not proposed at this time, but potentially jurisdictional waters of the U.S. anyd wetlands will be thoroughly mapped and described.

Following the field surveys, we will prepare the Baseline Biological Resources Assessment Report summarizing the results of the CNDDDB search and field surveys. The results will be organized in line with the six California Environmental Quality (CEQA) checklist items for biology. These include 1) impact waters of the U.S. and wetlands, 2) impact riparian habitats/natural communities, 3) impact sensitive species, 4) impact movement or migration corridors, 5) conflict with local policies/ordinances, and 6) conflict with Habitat Conservation Plans (HCPs) or other plans.

The report will also include a brief analysis of potential impacts of site development to each of the six CEQA checklist items for biology. The potential level of impact (significant, less-than-significant) will be identified and mitigation measures that would reduce each impact to a less-than-significant level will be identified.

*Deliverable: The Biological Resources section of the Administrative and Draft EIR will be submitted in standard CEQA format. The report would include appropriate tables, graphics, findings and proposed mitigation measures.*

**1.2.3 Cultural and Historic Resources.**

Data Gathering and Literature Review. Cultural resources regulatory compliance documentation for this project will include a literature review at the Central California Information Center of the California Historical Resources Information System at Stanislaus State University. The record search will be conducted for an area ½ mile around the proposed Newman Master Plan Area 3. We have budgeted 4 hours for the record searches in addition to copying of relevant reports. The searches would be undertaken to collect reports, maps, photographs, and other documentation relevant to prehistoric and historic use of the project area. Materials gathered will be used to complete the existing conditions sections of EIR.

Pacific Legacy will prepare an overview and synthesis of materials collected for inclusion in the EIR. Pacific Legacy will use information gathered during the literature search to develop the appropriate background sections of the EIR and for alternatives analysis. We anticipate discussion of a variety of cultural resource classes (i.e., Native American sites, ethnographic sites, historic homesteads, historic structures, and mining features) within the APE. The results will be in text and tabular form. Pacific Legacy will also map resource locations on appropriate U.S.G.S. maps not identified by the CCIC for use in survey. The synthesis will also present a discussion of the potential to encounter as of yet unidentified prehistoric and historic resources within the study area(s).

NAHC Contact. Pacific Legacy will contact relevant historical societies or other institutions via letter to determine if any areas of historical concern are documented. We will also contact the Native American Heritage Commission (NAHC) in Sacramento and request that a sacred lands search be conducted. We will also obtain from the NAHC a list of interested Native American groups for Stanislaus County who may have information regarding cultural resources on the property. We will contact local interested Native American groups regarding known resources within the project area as required by Section 106 guidance. The NAHC has ten days to respond to our request. Once a list of interested Native Americans is obtained from the NAHC, they will be mailed a project map and request for consultation.

Contribution to EIR Text. Using information gathered from the literature review, Pacific Legacy will prepare the cultural resources sections of the EIR in accordance with in CEQA Guidelines §15063(f) and Appendix G. Pacific Legacy will develop full environmental settings for history, archaeology, and ethnography relevant to the Newman area. The program level impact analysis will discuss potential impacts to various cultural resource classes (i.e., Native American sites, buildings, potential historical resources) within the Master Plan Area 3 site. The results will be in text and tabular form as appropriate. This section would include discussions regarding potential adverse impacts on identified cultural resources and mitigation measures to reduce potential impacts to less than significant levels at the program level.

Revisions to Administrative Draft EIR. Pacific Legacy has will respond to comments by City staff on the first Administrative Draft EIR. Pacific Legacy will assist Lamphier-Gregory in responding to comments about cultural resources on the Administrative Draft EIR.

Responses to Comments on Draft EIR. Pacific Legacy will prepare draft responses to comments about cultural resources received on the Draft CEQA document. This work scope assumes a reasonable number of comments on the CEQA document will be received and need addressing and that the comments received do not raise significant new cultural issues not addressed in the draft CEQA document. Should a large number of

comments be received or new cultural issues be raised, this could impact the estimated cost.

*Deliverable: The Cultural Resources section of the Administrative and Draft EIR will be submitted in standard CEQA format. The report would include appropriate tables, graphics, results, and information regarding any proposed mitigation measures.*

**1.2.4 Greenhouse Gas Emissions.** Lamphier-Gregory will incorporate appropriate background information and will supplement this information with calculations of Project-related contributions to cumulative greenhouse gas emissions to complete this section of the EIR. The GHG section of the EIR will be prepared in compliance with the SJVAPCD's *Final Staff Report for Addressing Greenhouse Gas Emissions Impacts*, December 2009.

URBEMIS2007 model runs developed for the air quality task would be utilized to predict annual emissions of greenhouse gases associated with the Project. This would include calculating emissions for the Project and reporting the difference between the Project emissions and emissions from the existing land uses. Mitigation, using Best Performance Standards (BPS) will be recommended to maintain GHG impacts at less than significant levels.

*Deliverable: The GHG section of the Administrative and Draft EIR will be submitted in standard CEQA format. The report would include appropriate tables, graphics, results, and information regarding any proposed mitigation measures.*

**1.2.5 Noise.** Illingworth & Rodkin, Inc. would complete the following tasks in the environmental noise assessment of the project:

Quantify Existing Noise Levels. Ambient noise measurements would be made at the project site and at nearby sensitive receivers to establish baseline conditions. The noise monitoring survey would include a combination of long-term (24-hour durations) and short-term (10-minute durations) noise measurements. This scope of work assumes that up to four long-term noise measurements and six short-term noise measurements would be made in order to adequately document existing conditions at the site and in the project vicinity.

Calculate Future Noise Levels. Future noise levels will be calculated at noise-sensitive land uses in the site vicinity. Noise and vibration levels resulting from demolition and construction activities will be calculated at off-site receiver locations based on demolition and construction phasing data provided by the City. Future operational noise levels will be calculated at off-site receiver locations utilizing the data collected during the noise monitoring survey, data contained in the project plans, available information regarding noise-generating mechanical equipment and activities, and the project's traffic study.

Assess Noise Levels. From these data, we will assess the potential for significant noise impacts resulting from the project. We will evaluate the project's potential to generate noise or vibration levels that would exceed any absolute limits or result in a substantial temporary or permanent increase in noise.

Develop Mitigation Measures. Mitigation would be developed to reduce significant noise impacts resulting from the project. If future noise levels are predicted to exceed applicable guidelines, we will make preliminary recommendations for mitigation to be included into the project's plan to reduce noise levels to acceptable levels.

- Annexation Factors. In anticipation of the annexation application to Stanislaus LAFCO (See Task 7.0, below), and to facilitate LAFCO’s review of the annexation application, we will prepare and include in the EIR a discussion of the factors included in Government Code §56668 about which LAFCO will be required to make determinations as part of the annexation approval process.
- Environmental Analysis This section will be subdivided into subsections, one for each of the environmental topic areas for which detailed impact analyses are prepared. Each subsection will include consideration of the following:
  - The environmental setting
  - Impact analysis; and
  - Mitigation measures to avoid or reduce the identified significant environmental effect, and the level of significance following implementation.
  - The potential for cumulative impacts will also be assessed in the topic areas.
- Alternatives The Alternatives chapter will evaluate the environmental effects of up to three (3) alternatives) based on consultation with City staff. The EIR will alternatives will likely include the following:
  - The CEQA-required “No Project Alternative”
  - A Reduced Scope Alternative
  - Another as-yet undefined alternative to be based on impact avoidance or reduction, after consultation with City staff

The discussion of each alternative will include a qualitative analysis of potential impacts and a matrix comparing the alternatives to each other in relation to significance thresholds; the environmentally superior alternative will be identified. In accordance with CEQA Guidelines §15256.6, the alternatives will be evaluated in less detail than the Project but sufficient to evaluate the benefits and drawbacks of each alternative and provide qualitative conclusions regarding each alternative.

- **Growth Inducement, Cumulative Impacts, and Irreversible Changes.** The EIR will include the required analysis of cumulative effects which will include the impacts of the Project in conjunction with past, present, existing, approved, pending and reasonably foreseeable future projects in the City of Newman. Lamphier-Gregory will consult with City staff to determine what other City projects should be included in the cumulative analysis. Mitigation measures, if feasible, will be developed to mitigate the Project’s contribution to significant cumulative effects.

CEQA considers a project to be growth-inducing if it would foster economic or population growth. The potential growth-inducing impacts of the Project will be evaluated.

Lamphier-Gregory will prepare the appropriate conclusions to fulfill CEQA requirements by providing assessment of the mandatory impact categories including:

- Unavoidable significant environmental impacts;

- Significant irreversible environmental changes which would be caused by the Specific Plan; and,
- The relationship between short-term and long-term uses of the environment.
- **Appendices and References.** This chapter will include identification of the EIR preparers, persons contacted and references consulted. Appendices will be included to present technical information in support of the analysis in the body of the document.

*Deliverables: We will deliver ten (10) copies of an Administrative Draft EIR for review by City staff along with electronic versions in MS Word on CD.*

**3.2 Administrative Draft EIR #2.** City staff will review the Administrative Draft EIR and provide Lamphier-Gregory with a marked-up electronic version with comments and corrections from all City agencies who are involved in the CEQA process. Lamphier-Gregory will up-date and revise the document in response to City staff comments and corrections and will submit ten (10) hard copies of a revised Administrative Draft (ADEIR#2) in Track Changes (~~Strikeout~~/underline) mode along with an electronic version in MS Word format. Following receipt of comments on ADEIR#2, we will confer with City staff to discuss final revisions to ADEIR #2.

**3.3 ADEIR #3 and Final Screen Check DEIR**

Lamphier-Gregory will amend the ADEIR #2 based on the comments received from City staff in redline/strikeout format showing additions and deletions. Ten (10) hard copies of Administrative Draft EIR #3 will be provided to the City, along with an electronic version in MS Word.

**3.4 Draft EIR, Notice of Completion and Notice of Availability**

We will incorporate all final City comments on ADEIR#3 and produce ten (10) copies of a final pre-production “Screencheck” version of the Draft EIR. This document will show all prior changes and will serve to verify that all requested changes have been made and all appendix materials, references, and final graphics are acceptable. Following sign-off, Lamphier-Gregory will produce copies of the Draft EIR to be released for public review.

We will also prepare a Notice of Completion and Notice of Availability and deliver these to City staff for appropriate posting.

*Deliverables:*

- *Twenty (20) hard copies and thirty (30) CD-ROMs containing the Draft EIR will be produced and delivered to the City for distribution to Responsible Agencies, Trustee Agencies, the State Clearinghouse, local decision-makers, and the general public.*
- *Lamphier-Gregory will prepare a combined Notice of Availability and Notice of Completion, in accordance with the CEQA Guidelines, and coordinate with the City to distribute the Draft EIR pursuant to CEQA and City review procedures.*
- *Lamphier-Gregory will send the appropriate number of copies to the State Clearinghouse for its use.*

#### **4.0 PUBLIC REVIEW**

During the 45-day public review period, Lamphier-Gregory will attend one (1) Planning Commission hearing on the Draft EIR and will make a presentation of the EIR technical studies, impact analyses and mitigation measures as recommended in the DEIR.

Following the public hearing, City staff will provide Lamphier-Gregory will copies of all written comment letters received during the public comment period. Lamphier-Gregory will produce a written summary of all comments made at the public hearing and received through the City for use in subsequent tasks and for inclusion as a part of the Final EIR comments section.

#### **5.0 FINAL EIR**

Lamphier-Gregory will meet with City staff following the close of the public comment period to discuss the best approach to the responses, which may include the use of master responses.

##### **5.1 Response to Comments and First Administrative Draft Final EIR**

Lamphier-Gregory will formulate responses to comments on the Draft EIR, including written comments received from the public and agencies. We will include the draft responses to comments as part of an Administrative Draft Final EIR (ADFEIR). Included in the ADFEIR will be:

- a list of persons, organizations, and public agencies commenting on the Draft EIR;
- copies of all written comments, and the responses thereto; and
- a summary of verbal comments made at the hearing on the Draft EIR;
- responses to all the comments; and
- Any necessary revisions to the Draft EIR.

Lamphier-Gregory will provide ten (10) copies of the ADFEIR to the City, along with a version in MS Word, for internal review and comment.

##### **5.2 Revisions to ADFEIR**

After review by City staff of the ADFEIR #1, Lamphier-Gregory will revise the document to incorporate corrections or changes as directed by City staff and will produce a revised and updated version of the document. Ten (10) copies of ADFEIR #2 will be provided to City staff, along with an MS Word version. If necessary, Lamphier-Gregory will meet with City staff to discuss final changes to the Administrative Draft Final EIR. Lamphier-Gregory will amend the ADFEIR #2 and prepare a Screencheck version for final review by City staff. Ten (10) copies of this version will be provided to City staff, along with a version in MS Word format.

##### **5.3 Mitigation Monitoring and Reporting Program (MMRP)**

Lamphier-Gregory will prepare a Mitigation Monitoring and Reporting Program (MMRP). The MMRP will identify responsibility for implementing and monitoring each mitigation measure, along with monitoring triggers and reporting frequency. Lamphier-Gregory will work closely with City staff to ensure that the MMRP is prepared in a

format that will be easy for staff to implement, over time, and that it is tailored to the City's approval and inspection procedures. A checklist will be prepared listing these items and providing a column for verification of compliance. Monitoring will be dovetailed with existing processes of Project design, development, and review.

#### **5.4 Final EIR**

We will produce and send an appropriate number of copies of the FEIR to the State Clearinghouse for its use. The document will include any necessary revisions to the Draft EIR and copies of comments and responses on the Draft EIR.

*Deliverables: We will provide the City with twenty (20) bound copies and thirty (30) CD-ROM of the Final EIR for public distribution and review.*

*We will coordinate with the City to distribute the Final EIR pursuant to CEQA and City review procedures.*

#### **5.5 CEQA Findings and Notice of Determination (NOD)**

Lamphier-Gregory will work with the City staff and legal counsel to prepare CEQA Findings in accordance with *CEQA Guidelines* §150901. We will also prepare a draft Notice of Determination (NOD) that would be ready for filing upon approval of the project by the City Council.

### **6.0 COMMUNITY OUTREACH**

#### **6.1 Property Owner Outreach Meetings**

The City will want to create opportunities for the property owners to provide input on the Project and environmental review. Lamphier-Gregory will prepare for, coordinate, and run up to four (4) public outreach meetings with property owners in the plan area. This will include:

- Preparation of meeting notifications, a round of revisions from the City, and distribution to a list provided by the City;
- Preparation of a meeting agenda and discussion of talking points with the Project team prior to the meeting;
- Coordination with the Project team to obtain appropriate graphics for presentation. This could include items from KD Anderson;
- Running the meeting, with help from City staff or other team members as appropriate for the topic;
- Provide a summary of points discussed and action items following the meeting;

*Deliverable: Lamphier-Gregory will prepare all meeting materials and within one (1) week of each meeting, Lamphier-Gregory will submit a summary of the points discussed and action items.*

*Note that the expenses for this item include printing and postage for notifications, printing of presentation boards, mileage reimbursement, and drinks/snacks for the meeting. We have not included any fee for use of a venue for the meetings.*

## **6.2 Bilingual Services**

Because there are likely a number of Spanish-speakers in the plan area, Lamphier-Gregory will contract with translation services to ensure meeting materials will be provided in both English and Spanish and with a translator to be available at community meetings. One page meeting notifications are assumed and meetings of approximately 2 hours in length.

## **7.0 PUBLIC HEARINGS AND FILINGS IN NEWMAN; EXTENSION OF CITY STAFF**

Consistent with our work for many other clients, the Lamphier-Gregory Project Manager will work with City staff to assist in preparing appropriate Staff Reports and draft Resolutions for presentation to and action by the local decision-making bodies. Our budget assumes attendance by Lamphier-Gregory at two (2) public hearings before the City Planning Commission and two (2) before the City Council to consider certification of the EIR. We will be prepared to answer questions on environmental issues as may come up during the hearing.

Within five days following certification of the EIR and approval of the project by the City Council, Lamphier-Gregory will file the final Notice of Determination (NOD) with the County Clerk.

## **8.0 LAFCO ANNEXATION**

The final step in the work program will be to assist City staff and the project applicant in completing an annexation application to be filed with the Stanislaus Local Agency Formation Commission (LAFCO) and following up to make sure that all required documentation is provided to LAFCO. At the request of City staff, the Lamphier-Gregory Project Manager will accompany City staff to meet with the LAFCO Executive Officer to discuss the annexation proposal, identify information and document requirements and agree upon a tentative schedule for bringing the matter to the LAFCO Commission for action. The certified EIR for the project will be submitted to LAFCO as a Responsible Agency to be used as the basis for CEQA compliance regarding the proposed annexation. The EIR's discussion of the 15 factors identified in Government Code §56668 will be reviewed for completeness. If requested by the City staff, the Lamphier-Gregory Project Manager will attend the LAFCO hearing when the annexation matter is considered.

## Schedule

Based on the foregoing Scope of Work and our own experience, we estimate a schedule of approximately 37 weeks (9+/-) months to complete the documentation portion of the CEQA process (i.e., release of Final EIR). Local public hearings before the Planning Commission and City Council would follow over the next six – eight weeks. Following that, the annexation matter could be heard by the LAFCO Commission a month or more later. Thus, if our work on this EIR were to begin in early June 2011, the final EIR could be certified in April 2012 and the annexation heard by LAFCO in May or June of 2012.

Authorization to proceed	Week 0
Project Initiation/ Kick-Off Meeting	Week 1
Baseline data gathering	Weeks 2 - 4
Prepare Project Description	Week 2
Prepare Notice of Preparation (NOP)	Week 2
Release NOP for Public Review	Week 3
Public Outreach Meeting	Week 5
EIR Scoping Meeting	Week 6
Technical Studies (AQ, Biology, Cultural, GHG, Noise and WSA)	Weeks 3 - 11
Submit Administrative Draft EIR	Week 16
City Review, L-G Revisions	Weeks 16 - 22
Release DEIR for Public Review	Week 23
Public Review Period (45-days)	Weeks 23 - 30
Public Hearing on DEIR	Week 27 or 28
Prepare Responses to Comments	Week 31
Submit ADFEIR #1	Week 32
City Review/L-G Revisions	Weeks 33 – 36
Release Final EIR	Week 37
Planning Commission Hearing	Week 39
City Council Hearing #1	Week 42
City Council Hearing #2	Week 44
LAFCO Hearing on Annexation	Week 52

The schedule is illustrated in the chart below.

**SCHEDULE OF TASKS FOR NEWMAN MASTER PLAN AREA #3 MASTER PLAN**

	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Weeks from start	1 - 5	6 - 9	10 - 14	14 - 18	19 - 22	23 - 27	27 - 31	32 - 35	36 - 39	40 - 44	45 - 48	49 - 52
Kick Off Meeting	X											
Baseline Studies												
Project Description												
Release NOP		X										
Outreach and Scoping Meetings		X X										
Technical Studies												
Admin Draft EIR												
City Review/L-G Revisions												
Release DEIR for Public Review						X						
Public Review (45-days)						-----						
Public Hearing on DEIR							X					
Response to Comments												
Submit Admin Final EIR								X				
City Review/L-G Revisions												
Release Final EIR									X			
City Hearings										X	X	X
LAFCO Hearing												X

## Proposed Budget: Master Plan Area 3 Master Plan EIR

The line item breakdown shown below reflects our estimate of the cost to prepare the environmental document, assist City staff in the final approval and certification hearings and complete the annexation process. Total costs are estimated at **\$152,160**.

COST PROPOSAL TO PREPARE EIR NEWMAN MASTER PLAN AREA#3 MASTER PLAN										
TASK	Lamphier - Gregory				Sub Consultants				Expenses	Total
	Principal		Senior Planner		Illingworth & Rodkin	Pacific Legacy	Nolte	Moore Biological		
	Hrs	Fees	Hrs	Fees						
Lamphier-Gregory Hourly Rates										
		\$190		\$150						
<b>1.0 Start Up Phase</b>										
1 1 Kick Off Meeting	6	\$1,140	8	\$1,200						\$2,340
1 2 Baseline Studies		\$0	12	\$1,800						\$1,800
1 3 Notice of Preparation		\$0	6	\$900						\$900
1 4 Scoping Meetings		\$0	16	\$2,400						\$2,400
<b>Subtotal</b>	<b>6</b>	<b>\$1,140</b>	<b>42</b>	<b>\$6,300</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$7,440</b>
<b>2.0 Project Description and Technical Studies</b>										
2 1 Prepare Project Description		\$0	12	\$1,800						\$1,800
<i>Technical Studies</i>										
2.2 Air Quality/GHG		\$0	32	\$4,800						\$4,800
2.3 Cultural Resources		\$0	4	\$600		\$5,313				\$5,913
2 4 Biological Resources		\$0	4	\$600				\$6,952		\$7,552
2.5 Noise		\$0	4	\$600	\$9,020					\$9,620
2 6 Water Supply Assessment		\$0	6	\$900				\$26,400		\$27,300
2 7 Other	12	\$2,280	134	\$20,100						\$22,380
<b>Subtotal</b>	<b>12</b>	<b>\$2,280</b>	<b>196</b>	<b>\$29,400</b>	<b>\$9,020</b>	<b>\$5,313</b>	<b>\$26,400</b>	<b>\$6,952</b>	<b>\$0</b>	<b>\$79,365</b>
<b>3.0 Administrative Draft and Draft EIR</b>										
3 1 Administrative Draft EIR #1 (10 hard copies)	8	\$1,520	24	\$3,600					\$350	\$5,470
3 2 Administrative Draft #2		\$0	16	\$2,400					\$350	\$2,750
3 3 ADEIR #3 and Screencheck Draft		\$0	12	\$1,800					\$350	\$2,150
3 4 Produce DEIR for Public Review (20 copies + 30 CDs)		\$0	8	\$1,200					\$1,250	\$2,450
<b>Subtotal</b>	<b>8</b>	<b>\$1,520</b>	<b>60</b>	<b>\$9,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,300</b>	<b>\$12,820</b>
<b>4.0 Public Review and Public Hearing</b>	6	\$1,140	16	\$2,400						\$3,540
<b>5.0 Final EIR</b>										\$0
5 1 Responses to Comments/ Admin Draft Final EIR	4	\$760	24	\$3,600	\$770				\$100	\$5,230
5 2 Revisions to ADFEIR		\$0	8	\$1,200					\$125	\$1,325
5 3 Mitigation Monitoring & Reporting Plan		\$0	6	\$900						\$900
5 4 Final EIR (20 copies + 30 CDs)		\$0	8	\$1,200					\$375	\$1,575
5 5 CEQA Findings and Notice of Determination	8	\$1,140	16	\$2,400						\$3,540
<b>Subtotal</b>	<b>10</b>	<b>\$1,900</b>	<b>62</b>	<b>\$9,300</b>	<b>\$770</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$600</b>	<b>\$12,570</b>
<b>6.0 Community Outreach</b>										\$0
6 1 Property Owner Outreach Meetings (4)	10	\$1,900	50	\$7,500					\$1,000	\$10,400
6 2 Bilingual Services		\$0	4	\$600					\$2,000	\$2,600
<b>Subtotal</b>	<b>10</b>	<b>\$1,900</b>	<b>54</b>	<b>\$8,100</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,000</b>	<b>\$13,000</b>
<b>7.0 Public Hearings - City (4)</b>		\$0	24	\$3,600						\$3,600
<b>8.0 LAFCD Annexation</b>		\$0	24	\$3,600						\$3,600
<b>9.0 Project Coord.; Mtgs w/ City Staff</b>	22	\$4,180	40	\$6,000						\$10,180
<b>10 Principal Oversight, Contract Mgmt &amp; Exp.</b>	20	\$3,800	12	\$1,800					\$445	\$6,045
<b>Proposed EIR Budget</b>	<b>84</b>	<b>\$17,860</b>	<b>476</b>	<b>\$79,500</b>	<b>\$9,790</b>	<b>\$5,313</b>	<b>\$26,400</b>	<b>\$6,952</b>	<b>\$6,345</b>	<b>\$152,160</b>

Because of the inherent unpredictability of this work, we recommend including a contingency line item that will make it easier to deal with out of scope work, should the need arise. Including a 10% contingency would result in a final budget of **\$167,500**. Funds from the contingency budget would only be used with administrative approval.

Lamphier-Gregory only charges for the time and expense incurred in carrying out the Scope of Work, based on our hourly rate schedule and reimbursement of actual out of pocket expenses.

**BILLING AND CASH FLOW**

Lamphier-Gregory bills on a 4-week cycle. Our billing submittal would include a Progress Report in Memo form that summarizes the status of the work, describes work completed during the billing period, and provides a budget update in spreadsheet format indicating details of the current invoice (number of hours, by staff person, charges from our subconsultants, and reimbursable expenses), costs to date, and remaining budget.

Good morning Michael,

You requested an estimate to plug into the budget for this project.

Jerry has proposed a budget of \$60,000. Lamphier-Gregory has a budget of about \$152,000.

I believe that my assistance on this project would take the following form:

1. Assist Stephanie in tracking the project and coordinating the consultants (Jerry and Lamphier-Gregory).
2. Review interim and final documents, both the Master Plan and the Draft/Final EIR. Provide comments and coordinate with consultants.
3. Assist with EIR comment review and response (of course, the CEQA consultant has primary responsibility for this, but it typically requires some local assistance)
4. Attend up to 4 coordinating meetings in Newman in the course of the project. Note that I would not plan to be involved in the public outreach meetings or the hearings unless you want that--let me know how you want to deploy me and if I should include any of these. I am available for additional meetings if needed, with potential budget effect.
5. Advise and assist Stephanie with document distribution and hearing notice as needed (again, I think much of this would come from Jerry and L-G)
6. Advise, coordinate and assist with adoption documents as needed, including coordination with counsel as well as consultants.

Based on this limited role, I would think that I would see about 140 hours (perhaps a bit less), plus minor mileage costs; that looks like about \$20,000.

A caveat is the potential for comments resulting in the necessity for extended discussion and negotiation with other agencies (County, CalTrans, ARB, Fire District, for example).

This would take the project through Specific Plan adoption/EIR certification. It is my understanding that annexation is to follow directly after plan adoption. Assuming that you would want to involve me in that as well, that would be an additional cost. I suggest we estimate that task once we are through or near plan adoption as we will have a clear idea of any potential problems with annexation at that point.

Please feel free to give me a call if you have any questions regarding this.



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