



**AGENDA**  
**NEWMAN CITY COUNCIL**  
**SPECIAL MEETING OCTOBER 23, 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 OCTOBER 23, 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 October 9, 2012 Regular Meeting. ([View Minutes](#))
  - d. Approval Of 2012-2013 CDBG Allocation Agreement. ([View Report](#))
9. Public Hearings.
10. Regular Business
  - a. Adopt Resolution No. 2012- , A Resolution Adopting Additional Parking Regulations For Park Avenue. ([View Report](#))
  - b. First Reading And Introduction Of Ordinance No. 2012-, An Ordinance Amending Title 8 And Title 11 Relating To Utility Billing. ([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**

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

November 5 – NCLUSD Board Meeting - 6:00 P.M.

November 6 – Election Day

November 8 – Newman Redevelopment Successor Agency Oversight Board Meeting – 3:30 P.M.

November 8 – Recreation Commission – 7:00 P.M.

November 11 – Veteran’s Day

November 12 –City Offices Closed Veteran’s Day Holiday

November 13 – City Council - 7:00 P.M.

November 14 – Newman Quasquicentennial (125 Years) Planning Committee Meeting – 6:00 P.M.

November 15 – Planning Commission – 7:00 P.M.

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

November 22-25 – Thanksgiving Holiday– City Offices Closed.

November 27 – City Council - Cancelled.

November 28 – Newman Quasquicentennial (125 Years) Planning Sub-Committee Meeting – 6:00 P.M.

December 1 – Chamber Of Commerce Tree Lighting Event – 2:00 P.M. - 7:00 P.M.

December 10 – NCLUSD Board Meeting - 6:00 P.M.

December 11 – City Council - 7:00 P.M.

December 12 – Newman Quasquicentennial (125 Years) Planning Committee Meeting – 6:00 P.M.

December 13 – Newman Redevelopment Successor Agency Oversight Board Meeting – 3:30 P.M.

December 13 – Recreation Commission – 7:00 P.M.

December 18 – Two-On-Two Meeting With The School Board – Cancelled.

December 20 – Planning Commission – 7:00 P.M.

December 24-31 – Winter Holiday Closure – City Offices Closed.

December 25 – Christmas Day

December 25 – City Council – Cancelled.

December 26 – Newman Quasquicentennial (125 Years) Planning Sub-Committee Meeting – Cancelled.

# Accounts Payable

## Manual Check Register

User: efaria  
Printed: 10/18/2012 - 4:03PM  
Batch: 70018.10.2012



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

		amount	Invoice No
Check: 102505	10/08/2012		
Vendor: ATT13	AT&T	1,203.00	162229
	Check total:	<u>1,203.00</u>	
	Total for Accounts Payable Check Run:	<u>1,203.00</u>	

# 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: 10/18/2012 - 4:33 PM

Name	Account	Description	Check Nu	Check I	Amount
Acosta & Sons, Inc	40-07-74	Dais counter & casework/Council Chambers/desk & die wall	102506	10/19/2012	21,462.66
Acosta & Sons, Inc	60-50-74	Dais counter & casework/Council Chambers/desk & die wall	102506	10/19/2012	21,462.67
Acosta & Sons, Inc	63-56-74	Dais counter & casework/Council Chambers/desk & die wall	102506	10/19/2012	21,462.67
ARAMARK UNIFORM SERVICES	10-33-62	Uniform cleaning/mat rental/mop heads/towels Sept. 2012	102507	10/19/2012	79.11
ARAMARK UNIFORM SERVICES	10-44-62	Uniform cleaning/mat rental/mop heads/towels Sept. 2012	102507	10/19/2012	52.74
ARAMARK UNIFORM SERVICES	60-50-62	Uniform cleaning/mat rental/mop heads/towels Sept. 2012	102507	10/19/2012	79.11
ARAMARK UNIFORM SERVICES	63-56-62	Uniform cleaning/mat rental/mop heads/towels Sept. 2012	102507	10/19/2012	52.74
ARAMARK UNIFORM SERVICES	10-22-62	Uniform cleaning/mat rental/mop heads/towels Sept. 2012	102507	10/19/2012	27.99
ARAMARK UNIFORM SERVICES	10-07-62	Uniform cleaning/mat rental/mop heads/towels Sept. 2012	102507	10/19/2012	182.60
ARAMARK UNIFORM SERVICES	10-01-66	Uniform cleaning/mat rental/mop heads/towels Sept. 2012	102507	10/19/2012	49.88
ARAMARK UNIFORM SERVICES	10-21-62	Uniform cleaning/mat rental/mop heads/towels Sept. 2012	102507	10/19/2012	100.12
ARROWHEAD MOUNTAIN SPRING	10-45-63	Bottled water/September 2012	102508	10/19/2012	29.94
ARROWHEAD MOUNTAIN SPRING	10-07-63	Bottled water/September 2012	102508	10/19/2012	62.68
ARROWHEAD MOUNTAIN SPRING	10-45-63	Bottled water/September 2012	102508	10/19/2012	3.58
ARROWHEAD MOUNTAIN SPRING	10-21-63	Bottled water/September 2012	102508	10/19/2012	14.97
ARROWHEAD MOUNTAIN SPRING	10-46-63	Bottled water/September 2012	102508	10/19/2012	47.71
ARROWHEAD MOUNTAIN SPRING	60-50-63	Bottled water/September 2012	102508	10/19/2012	42.13
AT&T MOBILITY	10-21-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	401.35
AT&T MOBILITY	63-56-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	158.45
AT&T MOBILITY	10-44-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	26.05
AT&T MOBILITY	69-47-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	9.73
AT&T MOBILITY	60-50-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	234.09
AT&T MOBILITY	10-07-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	8.25
AT&T MOBILITY	10-22-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	16.49
AT&T MOBILITY	10-33-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	26.07
AT&T MOBILITY	10-02-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	37.75
AT&T MOBILITY	10-45-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	28.52
AT&T MOBILITY	10-03-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	38.77
AT&T MOBILITY	10-14-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	42.39
AT&T MOBILITY	73-70-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	35.77
AT&T MOBILITY	22-20-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	3.30
AT&T MOBILITY	10-06-64	Cell phone usage 9/6/12-10/5/12	102509	10/19/2012	11.33
AT&T MOBILITY	10-21-64	Cell phone usage 9/3/12-10/2/12	102509	10/19/2012	404.94
AVID TRAFFIC SUPPLIES	10-33-63	Street paint	102510	10/19/2012	1,291.56
BERTOLOTTI DISPOSAL	10-41-62	Garbage service/September 2012	102511	10/19/2012	60,578.69
BERTOLOTTI DISPOSAL	10-33-62	Bin rental/September 2012	102512	10/19/2012	78.00
BUSINESS CARD	10-22-63	Filter	102513	10/19/2012	114.89
BUSINESS CARD	10-22-63	Water curtain	102513	10/19/2012	60.00
BUSINESS CARD	63-56-65	Gasoline purchase	102513	10/19/2012	31.47
BUSINESS CARD	60-50-65	Gasoline purchase	102513	10/19/2012	47.20
BUSINESS CARD	10-33-66	Parking - Stan Cog/Reynolds	102513	10/19/2012	3.00
BUSINESS CARD	10-07-63	2 ceiling panels	102513	10/19/2012	67.35
BUSINESS CARD	60-50-65	Car wash	102513	10/19/2012	15.00
BUSINESS CARD	63-56-65	Car wash	102513	10/19/2012	15.00
CALIFORNIA CONSULTING, LL	10-02-62	Monthly retainer for lobbying and grant writing/September 2012	102514	10/19/2012	1,011.67

Name	Account	Description	Check Nu	Check D	Amount
CALIFORNIA CONSULTING, LL	60-50-62	Monthly retainer for lobbying and grant writing/September 2012	102514	10/19/2012	1,011.67
CALIFORNIA CONSULTING, LL	63-56-62	Monthly retainer for lobbying and grant writing/September 2012	102514	10/19/2012	1,011.66
CBA (ADMIN FEES)	10-00-22	Dental-vision admin fees/October 2012	102515	10/19/2012	201.50
C B MERCHANT SERVICES,INC	63-56-66	Collection of bad debt	102516	10/19/2012	36.57
CDW GOVERNMENT, INC	71-21-71	WatchGuard Trade up	102517	10/19/2012	678.78
CENTRAL SANITARY SUPPLY	10-44-66		102518	10/19/2012	191.81
CENTRAL SANITARY SUPPLY	10-44-66		102518	10/19/2012	95.91
CENTRAL SANITARY SUPPLY	10-07-63		102518	10/19/2012	47.95
CENTRAL SANITARY SUPPLY	10-21-63		102518	10/19/2012	47.95
CENTRAL SANITARY SUPPLY	10-07-66		102518	10/19/2012	23.98
CENTRAL SANITARY SUPPLY	10-22-63		102518	10/19/2012	23.98
CENTRAL SANITARY SUPPLY	10-44-63		102518	10/19/2012	23.97
CENTRAL SANITARY SUPPLY	10-46-63		102518	10/19/2012	23.98
CENTRAL SANITARY SUPPLY	10-44-66		102518	10/19/2012	60.04
CENTRAL SANITARY SUPPLY	10-44-66		102518	10/19/2012	30.03
CENTRAL SANITARY SUPPLY	10-07-63		102518	10/19/2012	15.01
CENTRAL SANITARY SUPPLY	10-21-63		102518	10/19/2012	15.01
CENTRAL SANITARY SUPPLY	10-07-66		102518	10/19/2012	7.50
CENTRAL SANITARY SUPPLY	10-22-63		102518	10/19/2012	7.51
CENTRAL SANITARY SUPPLY	10-44-63		102518	10/19/2012	7.50
CENTRAL SANITARY SUPPLY	10-46-63		102518	10/19/2012	7.51
Challenger Teamwear	10-45-67	1 jersey	102519	10/19/2012	17.90
Chevron & Texaco Business Card Services	10-33-65	Gas purchases 9/15/12-10/14/12	102520	10/19/2012	207.59
Chevron & Texaco Business Card Services	10-44-65	Gas purchases 9/15/12-10/14/12	102520	10/19/2012	208.79
Chevron & Texaco Business Card Services	63-56-65	Gas purchases 9/15/12-10/14/12	102520	10/19/2012	906.55
Chevron & Texaco Business Card Services	60-50-65	Gas purchases 9/15/12-10/14/12	102520	10/19/2012	336.26
Chevron & Texaco Business Card Services	10-21-65	Gas purchases 9/15/12-10/14/12	102520	10/19/2012	4,699.52
Chevron & Texaco Business Card Services	10-22-65	Gas purchases 9/15/12-10/14/12	102520	10/19/2012	349.85
Chevron & Texaco Business Card Services	69-47-65	Gas purchases 9/15/12-10/14/12	102520	10/19/2012	85.88
Chevron & Texaco Business Card Services	10-07-65	Gas purchases 9/15/12-10/14/12	102520	10/19/2012	34.29
CITY OF MODESTO, FLEET SE	71-21-70	Upfit 2010 Charger #508/PD	102521	10/19/2012	12,259.58
COMCAST CABLE	10-46-62	Fixed cable at Corp Yard	102522	10/19/2012	52.90
CSG Consultants, Inc	10-23-62	Bldg permit issuance/June 2012	102523	10/19/2012	3,054.28
CSG Consultants, Inc	10-23-62	Bldg permit finals/June 2012	102523	10/19/2012	350.62
CSG Consultants, Inc	10-23-62	In house plan check fees/June 2012	102523	10/19/2012	605.18
CSG Consultants, Inc	10-23-62	Plan check services/June 2012	102523	10/19/2012	555.34
CSG Consultants, Inc	10-23-62	BL insp-Daily Planet Creations, Bellissimo Salon/June 2012	102523	10/19/2012	50.00
CSG Consultants, Inc	10-23-62	In house plan check deposits/June 2012	102523	10/19/2012	633.75
CWEA Membership	60-50-66	CWEA Membership/Millan	102524	10/19/2012	140.00
E&M ELECTRIC, INC.	69-47-62	Replaced photo eye & bulb/Pole #705	102525	10/19/2012	244.61
E&M ELECTRIC, INC.	60-50-62	Rewire mce box/WWTP	102525	10/19/2012	813.74
E&M ELECTRIC, INC.	60-50-62	Replaced blower starter	102525	10/19/2012	217.50
ECONOMIC TIRE SHOP	63-56-65	4 new tires	102526	10/19/2012	622.80
Esquivel Ezequiel	10-00-28	Refund Memorial Bldg deposit/Esquivel	102527	10/19/2012	200.00
GEOANALYTICAL LAB, INC.	60-50-62	BOD/TSS/Nitrate/WWTP	102528	10/19/2012	355.00
GEOANALYTICAL LAB, INC.	63-56-62	Weekly Bactis-DW/TTHM/HAA5 Annual Testing	102528	10/19/2012	755.00
Gouveia Engineering, Inc	10-31-62	Field review of Canyon Creek lift station and surrounding area	102529	10/19/2012	141.75
Gouveia Engineering, Inc	10-31-62	Prepare ballot for proposed water rate increase	102529	10/19/2012	1,046.25
Grand Lodge of California	40-07-81	New city hall payment/November 2012	102530	10/19/2012	530.68
Grand Lodge of California	60-50-81	New city hall payment/November 2012	102530	10/19/2012	530.68
Grand Lodge of California	63-56-81	New city hall payment/November 2012	102530	10/19/2012	530.69
Grand Lodge of California	40-07-81	New city hall payment/November 2012	102530	10/19/2012	1,107.55
Grand Lodge of California	60-50-81	New city hall payment/November 2012	102530	10/19/2012	1,107.55
Grand Lodge of California	63-56-81	New city hall payment/November 2012	102530	10/19/2012	1,107.55
Hall Michael	10-00-28	Refund Memorial Bldg deposit/Hall	102531	10/19/2012	200.00

Name	Account	Description	Check Nu	Check I	Amount
HARD DRIVE GRAPHICS	10-00-28	Deposit for 24 hats/PW	102532	10/19/20	163.64
HOUSE STEPHANIE	10-45-67	Reimbursement for Teen Center snack bar items	102533	10/19/20	73.77
HOUSE STEPHANIE	10-45-67	Reimbursement for purchase of items for Teen Center snack bar	102533	10/19/20	72.48
HUB INTERNATIONAL OF CA I	10-00-28	Liability insurance premium payable/September 2012	102534	10/19/20	126.02
Independent Stationers	10-21-63	Notebook/Appt book/highlighters/labels/post-it notes/duster/PD	102535	10/19/20	99.19
INFOSEND, INC	60-50-62		102536	10/19/20	919.61
INFOSEND, INC	63-56-62		102536	10/19/20	919.60
IN-SYNCH SYSTEMS	10-21-62	Monthly RMS Subscription/November 2012/PD	102537	10/19/20	1,020.00
IRRIGATION DESIGN & CONST	69-47-63	Gasket lube for PVC pipe gaskets	102538	10/19/20	8.72
J&E Janitorial and Handyman	10-07-62	Swept, mopped, buffed floors/city hall	102539	10/19/20	100.00
JOHN DEERE LANDSCAPES	69-47-63	Re-wiring of pump for landscape irrigation/Sherman Park	102540	10/19/20	370.00
JRP Historical Consulting, LLC	24-32-77	Historic resources compliance documentat	102541	10/19/20	3,828.25
KAISER PERMANENTE	10-00-22	Health insurance premium/November 2012	102542	10/19/20	1,940.00
MID VALLEY IT, INC	60-50-74	1 TB HD for Council video backup	102543	10/19/20	39.37
MID VALLEY IT, INC	63-56-74	1 TB HD for Council video backup	102543	10/19/20	39.37
MID VALLEY IT, INC	71-07-74	1 TB HD for Council video backup	102543	10/19/20	39.37
MUTOZA (NT) DOUG	10-00-55	Refund Sherman Park rent/Mutoza	102544	10/19/20	45.00
NBS	64-56-62	Prop 218 Noticing Services	102545	10/19/20	10,002.15
Newman FFA Orestimba H.S.	10-00-28	Refund Memorial Bldg. deposit/Newman FFA	102546	10/19/20	75.00
NEWMAN SMOG AND LUBE	10-21-65	Lube & oil change/brake clean & suspension lube/2002 Ford F150	102547	10/19/20	62.70
NEWMAN SMOG AND LUBE	10-21-65	Lube, oil, and filter change/2005 Honda Civic GX	102547	10/19/20	37.70
NEWMAN SMOG AND LUBE	10-21-65	Replaced front brake pads and rotors/2011 Chevy Tahoe	102547	10/19/20	280.68
NEWMAN POLICE DEPARTMENT	10-21-62	Change for animal clinic 10/20/12	102548	10/19/20	500.00
North Star Engineering Group, Inc	18-32-77	Engineering services for Inyo and Hwy 33	102549	10/19/20	12,028.69
OCASIO (NT) STEPHANIE	10-06-66	Per diem/APA California 2012 Conference/Ocasio	102550	10/19/20	110.00
Oce	10-14-62	Copier lease/city hall	102551	10/19/20	105.81
Oce	60-50-62	Copier lease/city hall	102551	10/19/20	105.81
Oce	63-56-62	Copier lease/city hall	102551	10/19/20	105.81
Oce	60-50-62	Copier lease/PW	102551	10/19/20	86.51
Oce	63-56-62	Copier lease/PW	102551	10/19/20	86.50
PAPA	10-44-66	Pesticide Applicator Seminar/Modesto 11-15-12/Pardo	102552	10/19/20	80.00
PAPA	10-33-66	Pesticide Applicator Seminar/Modesto 11-15-12/Sotelo	102552	10/19/20	80.00
PAPA	60-50-66	Pesticide Applicator Seminar/Modesto 11-15-12/Perry	102552	10/19/20	80.00
CITY OF PATTERSON	10-22-62	Fire data input June 2012-August 2012	102553	10/19/20	750.00
CITY OF PATTERSON	10-03-62	Video reimbursement/Sept. 2012	102553	10/19/20	660.00
P G & E	10-07-64	Gas and electric charges 9/5/12-10/4/12	102554	10/19/20	513.83
P G & E	60-50-64	Gas and electric charges 9/5/12-10/4/12	102554	10/19/20	513.82
P G & E	63-56-64	Gas and electric charges 9/5/12-10/4/12	102554	10/19/20	513.83
P G & E	10-21-65	Gas charges 9/6/12-10/4/12	102554	10/19/20	16.84
P G & E	10-33-65	Gas charges 9/6/12-10/4/12	102554	10/19/20	50.46
P G & E	10-44-65	Gas charges 9/6/12-10/4/12	102554	10/19/20	33.68
P G & E	60-50-65	Gas charges 9/6/12-10/4/12	102554	10/19/20	16.84
P G & E	63-56-65	Gas charges 9/6/12-10/4/12	102554	10/19/20	16.84
Ricoh USA, Inc	10-21-62	Copier lease 9/25/12-10/24/12	102555	10/19/20	325.36
Rivera Electric	10-44-62	Put up wire knocked off light pole	102556	10/19/20	270.00
Rivera Electric	40-07-74	Replaced power box, receptacle, cover at museum	102556	10/19/20	178.67
Rivera Electric	60-50-74	Replaced power box, receptacle, cover at museum	102556	10/19/20	178.67
Rivera Electric	63-56-74	Replaced power box, receptacle, cover at museum	102556	10/19/20	178.66
Rivera Electric	40-07-74	Power to receptacles/Council Chambers	102556	10/19/20	851.00
Rivera Electric	60-50-74	Power to receptacles/Council Chambers	102556	10/19/20	851.00
Rivera Electric	63-56-74	Power to receptacles/Council Chambers	102556	10/19/20	851.00
Rivera Electric	40-07-74	Installed 4 outlets/Council Chambers	102556	10/19/20	428.67
Rivera Electric	60-50-74	Installed 4 outlets/Council Chambers	102556	10/19/20	428.67
Rivera Electric	63-56-74	Installed 4 outlets/Council Chambers	102556	10/19/20	428.66
Rivera Electric	40-07-74	Disconnect motion sensors in Garner's office & meeting room #2	102556	10/19/20	59.00

Name	Account	Description	Check Nu	Check D	Amount
Rivera Electric	63-56-74	Disconnect motion sensors in Garner's office & meeting room #2	102556	10/19/2012	59.00
Rivera Electric	60-50-74	Disconnect motion sensors in Garner's office & meeting room #2	102556	10/19/2012	59.00
ROCHA BACKHOE SERVICE, IN	63-56-63	1 lb concrete sand/Corp Yard	102557	10/19/2012	132.50
ROCHA BACKHOE SERVICE, IN	10-33-63	1 lb concrete sand/Corp Yard	102557	10/19/2012	132.50
JOCELYN ROLAND, Ph.D.	10-21-62	Annual contract/PD	102558	10/19/2012	3,000.00
ROPER, MAJESKI, KOHN & BE	10-02-62	Employment advice and counsel	102559	10/19/2012	97.50
SAFE-T-LITE	10-01-66	Barricade rental/Fall Festival	102560	10/19/2012	686.93
Safe Restraints, Inc	10-21-63	Retrofit wrap body & harness/ankle strap/tactical bag	102561	10/19/2012	472.45
Sandoval Esther	10-00-28	Refund Memorial Bldg deposit/Sandoval	102562	10/19/2012	200.00
South Bay Regional PSTC	10-21-66	Post training reg/Earle/Gosselin/Williams	102563	10/19/2012	525.00
Soundscapes Electric Security & Audio Video	10-07-62	3 months alarm monitoring/938 Fresno St.	102564	10/19/2012	195.00
SPRINGBROOK SOFTWARE	10-14-63	Web payment monthly fee/September 2012	102565	10/19/2012	66.66
SPRINGBROOK SOFTWARE	60-50-63	Web payment monthly fee/September 2012	102565	10/19/2012	66.67
SPRINGBROOK SOFTWARE	63-56-63	Web payment monthly fee/September 2012	102565	10/19/2012	66.67
Stanislaus County Dept of Environmental Res	10-45-62	Food establishment permit/Matteri Field snack shack	102566	10/19/2012	587.00
Stanislaus County Dept of Environmental Res	10-45-62	Food establishment permit/Barrington Park snack bar	102566	10/19/2012	587.00
STAPLES ADVANTAGE	10-14-63	Security stamp	102567	10/19/2012	5.75
STAPLES ADVANTAGE	60-50-63	Security stamp	102567	10/19/2012	5.75
STAPLES ADVANTAGE	63-56-63	Security stamp	102567	10/19/2012	5.76
STAPLES ADVANTAGE	10-14-63	Pink paper	102567	10/19/2012	2.40
STAPLES ADVANTAGE	60-50-63	Pink paper	102567	10/19/2012	2.39
STAPLES ADVANTAGE	63-56-63	Pink paper	102567	10/19/2012	2.39
STAPLES ADVANTAGE	10-45-63	Paper/hole punch/stapler/wrist rest	102567	10/19/2012	73.88
STANTEC CONSULTING SERVIC	64-56-62	Newman water rate study	102568	10/19/2012	483.25
The Cliffs Resort	10-21-66	Hotel/Richardson week 2	102569	10/19/2012	549.75
ELESHIO TONY	10-33-63	Repairs to chainsaw and trimmer	102570	10/19/2012	70.00
UNIVAR USA, INC	63-56-63	160 gal sodium hypochlorite/well #8	102571	10/19/2012	412.51
UNIVAR USA, INC	63-56-63	160 gal sodium hypochlorite/well #5	102571	10/19/2012	476.94
UNIVAR USA, INC	63-56-63	120 gal sodium hypochlorite/well #6	102571	10/19/2012	309.38
Up In Smoke Catering	10-01-66	Catering fee for 125th anniversary fundraiser	102572	10/19/2012	350.00
USA BLUEBOOK	60-50-63	SEC/USB Triple Star Chisel/Leader hose	102573	10/19/2012	615.64
USA BLUEBOOK	60-50-63	Replacement filter	102573	10/19/2012	163.11
Velazquez Juan Reboloso	10-23-62	Refund plan check deposit #NB11-068	102574	10/19/2012	253.00
Womack Striping, Inc	10-33-62	6 railroad crossing legends/1 keep clear legend	102575	10/19/2012	2,025.00
					<hr/> <hr/>
					22,127.86
					<hr/> <hr/>



**MINUTES**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING OCTOBER 9, 2012**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. **Call To Order** – Mayor Pro Tem Martina 7:01 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Hutchins.
4. **Roll Call** - **PRESENT:** Davis, Hutchins, Candea And Mayor Pro Tem Martina.  
**ABSENT:** Mayor Katen (Excused).
5. **Declaration Of Conflicts Of Interest** -None.
6. **Ceremonial Matters** – None.
7. **Items from the Public - Non-Agenda Items** -None.
8. **Consent Calendar**
  - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
  - b. Approval Of Warrants.
  - c. Approval Of Minutes Of The September 25, 2012 Special Meeting And The September 25, 2012 Regular Meeting.

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

9. **Public Hearings** - None.

10. **Regular Business**

- a. Adopt Resolution No. 2012-59, A Resolution Authorizing The City Manager And The Director Of Public Works To Execute Any Agreements, All Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements And Any Amendments Thereto With The California Department Of Transportation For The Construction Of The Hoyer Road Safe Routes To School Cycle 10 Project For Fiscal Year 2012-2013.

**ACTION:** On Motion By Candea Seconded By Hutchins And Unanimously Carried, Resolution No. 2012-59, A Resolution Authorizing The City Manager And The Director Of Public Works To Execute Any Agreements, All Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements And Any Amendments Thereto With The California Department Of Transportation For The Construction Of The Hoyer Road Safe Routes To School Cycle 10 Project For Fiscal Year 2012-2013, Was Adopted.

- b. Report On Selection And Appointment Of A Candidate To Fill The Vacant City Treasurer Position.

The Council Interviewed Applicants Farris Larsen And Kenneth Rose.

**ACTION:** On A Motion By Davis Seconded By Candea And Unanimously Carried, The Council Appointed Ken Rose To Fill The City Treasurer Vacancy.

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

Supervisor DeMartini Reminded Everyone That The Next West Side Healthcare Taskforce Meeting Would Be On November 1<sup>st</sup> In Patterson And That The Biggest Loser Weight-Out Would Take Place In Newman On October 18<sup>th</sup> At Noon. DeMartini Mentioned That The Taskforce Was Also Working On Its Annual Art Contest, Essay Contest And Calendar Project. The Supervisor Reported That LAFCO Had Passed An Ag Preservation Policy At Its Last Meeting.

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

City Manager Holland Reminded Residents That It Was Fall Clean-Up Week And Encouraged Them To Attend The Non-Motorized Transportation Plan Community Meeting On October 17<sup>th</sup>. Holland Reported That The 125th Anniversary Committee's Pulled Pork Sandwich Fundraiser Was A Success; Serving More Than 350 Dinners And Noted That They Would Be Having A Smoked Meatloaf Fundraiser In January. He Reported That Staff Had Already Scheduled A Northwest Newman Master Plan Kickoff Meeting In An Effort To Start The Process Prior To The Holiday Season. Holland Reminded The Council Members That City Of Gustine Would Be Hosting Their Open House For Their City Hall On October 25<sup>th</sup> And That The Two-On-Two Meeting With The School District Was Scheduled For The Following Tuesday.

Finance Director Humphries Congratulated Ken Rose On His Appointment And Noted That Almost 160 People Had Signed Up To Use The Web Payment Software Within The Preceding Month.

City Planner Ocasio Reported That The 125th Anniversary Meeting Had Been Cancelled But Reiterated That The Pulled Pork Sandwich Fundraiser Was A Success. Ocasio Noted That The Non-Motorized Meeting Would Be On October 17<sup>th</sup> At 6:00 P.M. In The Community Meeting Room. She Reported That The October Planning Commission Meeting Had Been Cancelled But Noted That Staff Is Planning To Have A November Meeting To Review The Dollar General Site Plan Review Application.

Public Works Director Reynolds Reported That Public Notices Pertaining To The Water Rate Increases Had Been Mailed And The Public Hearing Was Scheduled For November 13<sup>th</sup>. Reynolds Noted That The City Would Be Removing Sidewalk Hazards In The Downtown And Begin Clearing Storm Drains In Preparation For The Winter Season. He Mentioned That Staff Would Soon Be Meeting With Caltrans To Discuss The Design Of The Highway 33/Inyo Avenue Traffic Signal.

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

Council Member Hutchins Noted That He Had Been Sworn In As League Of California Cities San Joaquin Division 1<sup>st</sup> Vice-President This Year And Will Then Serve As President Next Year. Hutchins Reminded Everyone That The League Of California Cities Golf Tournament Fundraiser Would Be On The Upcoming Thursday.

Council Member Martina Thanked Both Of The City Treasurer Applicants For Applying And Offering To Get Involved.

#### **14. Adjournment.**

**ACTION:** On Motion By Candea Seconded By Hutchins And Unanimously Carried, The Meeting Was Adjourned At 7:45 P.M.

Honorable Mayor and Members  
of the Newman City Council

Agenda Item: **8.d.**  
City Council Meeting  
of October 23, 2012

**APPROVAL OF 2012/2013 CDBG ALLOCATION AGREEMENT**

**RECOMMENDATION:**

Approval of the 2012/2013 CDBG Allocation Agreement

**BACKGROUND:**

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

**ANALYSIS:**

The attached agreement allows Stanislaus County to receive entitlement funds as an “urban county” and disperse said funds to the CDBG Consortium in accordance with required population and poverty calculations. As a member of the Stanislaus County CDBG Consortium, the City of Newman is eligible to receive \$145,786.00 this fiscal year. The City will be utilizing these funds for the following: Community Computer Training, Pioneer Park Project and Tulare Street Infrastructure Project.

**FISCAL IMPACT:**

The 2012-2013 allocation will be \$145,786.00.

**CONCLUSION:**

Staff recommends that the Council approve the attached CDBG allocation agreement.

**ATTACHMENTS:**

1. Exhibit A - 2012/2013 Allocation Agreement

Respectfully submitted,



Stephanie Ocasio  
City Planner

**REVIEWED/CONCUR**



Michael Holland  
City Manager

## ALLOCATION AGREEMENT

This Allocation Agreement (“Agreement”) is made by and between the County of Stanislaus (the “County”) and the Cities of Ceres, Hughson, Newman, Oakdale, Patterson and Waterford (the “City” individually or “Cities” collectively) on **July 1, 2012**.

### Introduction

A. Stanislaus County applied for and is qualified to receive an entitlement grant under the Community Development Block Grant (“CDBG”) program for FY 2012-2013 in the amount **\$1,972,737** as an “Urban County” as set forth under Title I of the Housing and Community Development Act of 1974, and Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended by the Housing and Community Development Act of 1992; and

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

NOW, THEREFORE, each party agrees as follows:

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

Jurisdiction	Poverty & Population
Stanislaus County	\$362,430
Ceres	\$187,213
Hughson	\$125,727
Newman	\$145,786
Oakdale	\$169,165
Patterson	\$178,247
Waterford	\$137,180
<b>TOTAL</b>	<b>\$1,305,748</b>

2. The County shall also receive an amount not to exceed twenty percent of the total FY 2012-2013 CDBG entitlement funds for eligible general administrative services as defined in 24 CFR Part 570.206, which amount shall be set aside prior to any allocation of funds to the County and Cities under Section 1 of this Agreement.

3. An amount not to exceed ten percent of the total FY 2012-2013 CDBG entitlement funds shall be allocated for eligible public services, as defined in 24 CFR Part 570.201, and related projects under the Stanislaus County CDBG Public Service Grant Program.

4. An amount not to exceed \$25,000 shall be allocated for Consortium Fair Housing activities, as defined in 24 CFR Part 570.206 (c).

5. An amount not to exceed \$105,000 shall be allocated for Economic Development related activities such as entrepreneurial opportunities to qualified individuals through partnerships with local stakeholders within Stanislaus County unincorporated areas or incorporated areas of the Urban County partner Cities.

6. An amount not to exceed \$35,000 shall be allocated to Neighborhood Revitalization Strategy activities as identified in the Airport and Parklawn Neighborhood Revitalization Strategy Areas plan.

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

8. Activities proposed by the Cities insofar as they are consistent with applicable statutes and regulations, shall be processed for inclusion by County in the Consolidated Plan and Annual Action Plan consistent with the recommendations of the

Policy Committee or the majority of the parties to this agreement.

9. Each party has the responsibility to ensure its activities comply with the FY 2012-2013 grant program. No party, or any of its officers or employees, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by any other party under or in connection with any work delegated to that party under this Agreement. The parties further agree, pursuant to Government Code section 895.4, that each party shall fully indemnify and hold harmless every other party and its agents, officers, employees and contractors from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any work delegated to or action taken or omitted to be taken by such party under this Agreement. Notwithstanding the foregoing, all parties shall be equally responsible for any damage or liability occurring by reason of any actions taken by the County on behalf of the parties to this Agreement, consistent with any recommendation of the Policy Committee or a majority of the parties to this Agreement.

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

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

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

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

– Signatures on following pages –

**COUNTY OF STANISLAUS**

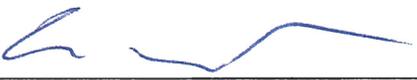
By \_\_\_\_\_  
William O'Brien  
Chairman of the Board of Supervisors

\_\_\_\_\_  
Dated

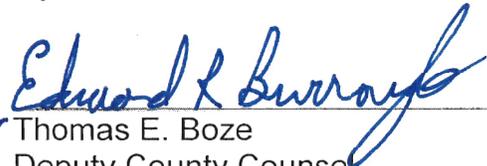
ATTEST: Christine Ferraro-Tallman  
Clerk of the Board of Supervisors  
of the County of Stanislaus, State of California

By \_\_\_\_\_  
Elizabeth King  
Assistant Clerk

APPROVED AS TO CONTENT:  
Angela Freitas, Director  
Planning and Community Development Department

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

APPROVED AS TO FORM:  
John P. Doering  
County Counsel

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

**CITY OF NEWMAN**

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

\_\_\_\_\_ Dated

**ATTEST:**

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

**APPROVED AS TO CONTENT:**

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

**APPROVED AS TO FORM:**

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

**REPORT ON NO PARKING ON THE NORTH SIDE OF PARK AVENUE**

**RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 2012- , declaring no parking on the north side of Park Avenue from Hardin Road to the exit of Orestimba High Schools parking lot.

**BACKGROUND:**

The Newman Crows Landing Unified School District added an entrance to the parking lot of Orestimba High School during the summer. Traffic now enters the parking lot at one location and exits through the previously existing entrance near the tennis courts. For years parking has been an issue on Park Avenue during school time and events at either Matteri Field or Orestimba High School.

**ANALYSIS:**

With the addition of the new entrance to the parking lot the parking issue has compounded. Park Avenue is a narrow road way, approximately 30 feet wide, and with vehicles parking on the North and South side of the roadway traffic is limited to nearly one direction. Visibility for drivers entering Park Avenue from the parking lot of Orestimba High School becomes poor when vehicles are parked along the North side, causing vehicle and pedestrian traffic to be at risk. Orestimba High School is utilizing a dirt lot between Park Avenue and the parking lot of Orestimba High School as overflow parking, which creates ample parking for most events at either Matteri Field or Orestimba high School. Approximately 12 vehicles can park along the north side of Park Avenue at one time so the impact will be minimal.

**FISCAL IMPACT:**

Approximately \$400.00 to purchase and erect four signs along the North side of Park Avenue from Hardin Road to the exit of Orestimba High Schools parking lot, these funds will come from the city's streets fund.

**CONCLUSION:**

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

1. Approve the resolution in its entirety.
2. Reject the event in its entirety.

Staff recommends Alternative 1.

**ATTACHMENTS:**

- 1) Resolution.
- 2) Map of the described location.

Respectfully submitted,



Randy Richardson, Chief of Police

**REVIEWED/CONCUR:**



Michael Holland, City Manager

**RESOLUTION NO. 2012-**

**A RESOLUTION ADOPTING ADDITIONAL PARKING REGULATIONS FOR PARK AVENUE**

WHEREAS, the City Council of the City of Newman has completed an investigation concerning the regulation of parking and has determined no parking on the north side of Park Avenue is essential for traffic flow.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman finds the following regulations to be needed for the safety of the Public:

- A. No parking on the North side of Park Avenue from Hardin Road to western boundary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that the Parking Regulation is hereby adopted.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23<sup>rd</sup> day of October, 2012 by \_\_\_\_\_, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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



Google earth

feet  
meters



Honorable Mayor and Members  
of the Newman City Council

**FIRST READING AND INTRODUCTION OF ORDINANCE 2012- AMENDING VARIOUS  
CHAPTERS OF TITLE 8 AND TITLE 11 RELATING TO UTILITY BILLING**

**RECOMMENDATION:**

Conduct First Reading and Introduction of Ordinance No. 2012-, An Ordinance Amending Title 8 and Title 11 Relating to Utility Billing.

**BACKGROUND:**

At the July 24<sup>th</sup> Council meeting staff was directed to make three changes to our City utility ordinances. The first was to provide another method to collect fines and penalties by adding the optional charge of Administrative Citation as an alternate charge in place of the existing misdemeanor charge. The second was to limit the Application Fee, charged to landlords, to one per fiscal year per lot. The third was assigning property owners the ultimate responsibility for all damages to City utility assets located on the owners premises.

**ANALYSIS:**

**Administrative Citations:** Violations of City utility ordinances are currently punishable as a misdemeanor. With the District Attorney's office being selective in their prosecuting of misdemeanors, Council felt it prudent to add the Administrative Citation charge as an optional path for prosecution. For the time being we can use Administrative Citations to recoup our costs/losses and further encourage appropriate behavior.

**Application Fee:** Current utility ordinances require a fee each time a person/business signs up for utility services. The fee, set by resolution, is currently \$25.00. The City recognizes that landlords may have a single property change hands more than once during the year, causing them to pay the fee more than once during that year. To reduce this burden, Council requested we limit the Application Fee to landlords to one time per fiscal year per lot.

**Damage to City Assets:** Currently any damages to City assets located on private property (i.e. meters, curb stops, etc.) are charged to the current bill recipient. In the past, certain tenants who received bills for damaging City assets while attempting to misappropriate water, would leave the residence and leave the bill unpaid. Currently our only option is to send them to collections. This change in ordinance would allow us to recoup the cost of damages from the owners if left unpaid and would encourage landlords to rent to more law abiding tenants.

**FISCAL IMPACT:**

For violations of City ordinances, the option of an administrative citation charge will encourage the reduction of violations and will allow us another avenue to recoup costs. The number of utility ordinance violations within the City is minimal. Any fiscal impact would be immaterial but positive.

The results from changes to the application fee limit would vary based on the number of rental properties who have multiple turnovers in a fiscal year. We believe the impact would be minimal.

Assigning ultimate responsibility to property owners in paying for damages to City assets will improve our ability to recover our repair costs. The cost of damages to City assets on an annual basis is minimal. Assigning responsibility to property owners will have a positive effect in cost recovery.

**CONCLUSION:**

Staff recommends that the City Council move forward for public hearing, publish the ordinance in the paper, and at the next regularly scheduled meeting, conduct a second reading. Staff believes that these amendments will provide the City with another avenue to recover costs for violations of City Ordinances, reduce the impact of Administrative fees on landlords, provide a more solid method to recover repair costs from damages to City assets, and encourage landlords to more thoroughly examine their clientele.

**ATTACHMENTS:**

1. Ordinance 2012-

Respectfully submitted:

  
\_\_\_\_\_  
Lewis Humphries, Finance Director

**REVIEWED/CONCUR:**

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

**ORDINANCE NO. 2012-**

**AN ORDINANCE AMENDING TITLE 8 AND TITLE 11 RELATING TO UTILITY BILLING**

WHEREAS, the City works to keep its utility rates reasonable for its residents; and

WHEREAS, the City recognizes that damages to its assets and violations of certain City utility ordinances create additional costs for the City which eventually get passed on to the residents if not reimbursed by the violator; and

WHEREAS, the City recognizes that the Application Fee under certain circumstances should be limited; and

WHEREAS, the City recognizes that while certain City assets are located on private property and that property owners may rent or lease their properties to others, the ultimate responsibility for any intentional damage to those City assets rests with the property owner.

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

Section 1.

That Title 11 and Title 8 of the Newman City Code is amended as follows:

**8.01.090 Private removal.**

Notwithstanding the provisions of NCC 8.01.020:

A. Any person may remove or may cause to be removed from premises occupied by that person or under their control such solid waste as is created or produced on such premises in excess of the regular sold waste collection made by the City's collection if the following conditions have been met or will be complied with: subsections (B)(1) and (2) of this section.

B. Any person may remove or may cause to be removed from premises occupied by that person or under their control, all solid waste created or produced on such premises if all of the following conditions have been met or will be complied with:

1. Such removal shall be made only by the owner or occupant personally, or by employees of such owner or occupant.
2. All vehicles used in carrying out such removal shall be owned by or under the exclusive control of the owner or occupant, and such vehicles and activities shall meet all the requirements of this article and all other laws and ordinances of the State of California and the City relating to solid waste disposal.

3. Persons removing solid waste in excess of normal annual residential volume (defined herein as 3,000 pounds per year) shall comply with the following additional requirements:

a. No waste shall be permitted to leak, blow, litter or fall from any vehicle engaged in such removal.

b. All removal shall be done safely and quietly with due regard to the property of others.

c. No person shall remove solid waste from any location within 200 feet of a public or private elementary, junior high, or high school, where such school is shown on an official map of the City, as designated by the Public Works Director, as said map shall be periodically updated, during the 45 minutes before the commencement of the regular school day and 45 minutes following the conclusion of the regular school day, where such locations are accessible to and used by children as routes to or from school.

d. Persons engaged in solid waste removal pursuant to these requirements shall be responsible for any damage in excess of normal wear and tear to the City's driving surfaces, whether or not paved, resulting from the illegal weight of, or any leakage or spillage of oils, fluids or solids by vehicles used in such solid waste removal.

e. Vehicles shall comply with CHP and D.O.T. regulations, and shall be thoroughly washed and disinfected inside the collection body following each use.

f. No driver shall operate a vehicle as in subsection (B)(3)(e) of this section without a valid and appropriate driver's license.

g. All vehicles as in subsection (B)(3)(e) of this section shall be clearly identified with the name and local telephone number of its operator affixed thereto.

h. Garbage shall be disposed of at a permitted transfer facility or at the Fink Road Sanitary Landfill. If disposed of outside of Stanislaus County, the county where disposal occurs shall have an export agreement with the City of Newman.

i. Materials placed in containers for the purpose of separating from other solid waste shall be recycled at a permitted recycling facility.

j. Insurance requirements as specified from time to time by the City's Risk Manager shall be complied with.

4. A cash security deposit shall be deposited with the City in an amount set from time to time by Council Resolution to ensure prompt removal of solid waste in the event it is not removed from the premises on a regular weekly basis by a noncustomer owner or person in control of the premises. The security deposit shall be made for each separate residential property or business location owned or controlled by a noncustomer, based on the frequency and volume of past collection. Events requiring City to use a noncustomer's deposit for solid waste removal shall be treated as a public nuisance subject to immediate abatement and charged to such noncustomer. Conduct requiring City to expend noncustomer deposit moneys shall constitute a misdemeanor. *Any violation of this chapter may be alternatively charged as an administrative citation.*

5. Persons engaged in solid waste removal shall procure and retain a receipt from a permitted solid waste facility for each week they remain a noncustomer and collect and display all such receipts for the preceding one-quarter calendar year upon reasonable request by appropriate City authority. Failure to show proof of solid waste disposal for each week that a person is a noncustomer shall constitute a public health and safety risk sufficient to permit City to administratively require such person to become a customer.

C. Any producer of industrial garbage or swill, or their employees, may transport the same upon or through any street or public place of the City for disposal at a permitted disposal facility or site.

D. It shall be unlawful for any person acting as an employee of a producer of industrial garbage or swill to collect or transport such industrial garbage or swill from more than one industrial producer thereof.

E. Any person engaged in the business of gardening or tree trimming or building demolition, or construction cleanup work, including both yards and building interiors, is authorized to remove and dispose of yard waste, rubbish or salvageable waste produced as an incident to such business. (Ord. 98-6 § 2, 10-13-1998; Ord. 77-23, 6-28-1977)

**8.01.200 Unlawful search and entry – Penalty.**

A. It shall be unlawful for any person, except the owner, someone with the owner's consent, authorized City, County, State, or Federal personnel, or employees of the solid waste company that owns the waste

container, in the performance of their duties, to rummage, explore, tamper with, move, remove, tip, deface, destroy, scavenge or otherwise search a waste container or the contents thereof.

B. Any and each violation of subsection (A) of this section shall constitute a separate and distinct offense punishable as a misdemeanor and, upon conviction thereof, shall be punishable according to the provisions of this article. (Ord. 2008-7, 12-9-2008) *Any violation of this chapter may be alternatively charged as an administrative citation.*

**8.01.220 Violation and penalty.**

A. Any person in violation of this article shall be guilty of a misdemeanor and shall be punishable by a fine of not more than \$500.00 or imprisonment in the Stanislaus County jail for not more than six months, or both. *Any violation of this chapter may be alternatively charged as an administrative citation.*

B. Any person that continues in violation of this article shall be guilty of a separate and distinct offense for each and every violation. (Ord. 2008-7, 12-9-2008)

**11.05.020 Application for service – Deposit.**

A. Application. Before water will be supplied by the Water Department to any person, which requires a connection from the Department's water mains to water pipes on any real property, the owner or occupant of the property shall make a written application for such service and service connection upon a form provided by the Water Department, and pay a nonrefundable application fee as established by resolution. The information required in all instances where application is made for water shall include the name and address of the applicant, a description of the real property by lot number, block and tract and the official house number assigned to the premises for which water is desired, together with a statement of the applicant's relation to the property, whether as owner, occupant, lessee or otherwise. *The application fee shall not be charged to a landlord more than one time per fiscal year per lot.*

B. Deposit. The Water Department, as a condition to granting such application and supplying water to the premises therein described, is authorized to and shall require a cash deposit, as established by resolution. The deposit will be refunded when the services are discontinued, provided all charges to the applicant by the Water Department have been paid; otherwise said deposit shall be applied to the account of the applicant. The deposit will also be refunded, without interest, if the applicant has, as determined by the Finance Officer, a good payment record for the 18-month period immediately preceding. (Ord. 2008-9 § 1, 12-9-2008; Ord. 92-3, 3-17-1992; Ord. 236, 8-19-1963)

**11.05.110 Water meters.**

A. Size of Meter. In all cases the size of the meter to be installed shall be determined by the Water Superintendent.

B. Number of Customers on Meter. A single-family residence or business lot occupied by one private business concern with a regulation five-eighths inch by three-fourths inch or three-fourths inch meter shall constitute a service connection. No person shall run any water from any meter or service connection to any other consumer, whether on the same lot or property or not, for which the rate or rates have not been paid or the rules and regulations herein contained have not been complied with. No change in the use of the water shall be made after filing of the application and until a written notice has been given to the Water Department of the City and written permission to make change has been granted by the Water Superintendent. If one meter connection shall serve more than one family living separately and apart from one another, whether in suites or otherwise, where it is impossible to both the consumer and the Water Department to install separate services, then each consumer shall pay the minimum rate plus his proportionate share of the excess water used, at the scheduled rate with the maximum quantity of water to be allowed for each consumer at the minimum monthly charge, except for each apartment house, bungalow court or flat consisting of three or more family units, the applicant shall pay the minimum rate plus the sum of \$1.00 for each apartment, bungalow court and/or flat unit, served by his meter connection plus the sum required to be paid for excess water used, at the scheduled rate. If one meter connection shall serve more than one store, shop or any other concern doing business separately and apart from one another, whether in the same building or not, where it is impractical to both the consumer and the Water Department to install separate services or meters, then each shall pay to the City the minimum rate plus his proportionate share of the excess at scheduled rates, with the maximum quantity of water to be allowed for each consumer at the minimum monthly charge. When one meter connection serves two or more separate and distinct consumers, the property owner or the applicant for service or both, at the option of the Water Department, will be held responsible to the City for all water used. The Water Department may, at its option, install separate services and collect the regular rate from each consumer, in which case the owner or consumer shall, at his own expense, install a water pipe line from the property to said meter and pay the regular service connection fee.

C. Meter Test. Any consumer may require, upon deposit of \$5.00 at the office of the Water Department, that the meter, through which water is being furnished to said consumer, be tested by said Department for the purpose of ascertaining whether or not it is registering correctly. If, upon such test, the meter shall

be found to register over two percent more water than actually passes through it, another meter shall be substituted therefor and deposit of \$5.00 returned to the consumer making the application, and the water bills for the current period shall be adjusted in an equitable manner. If upon such test the meter be found to register under two percent more water than actually passed through it, the said \$5.00 deposit shall be retained by the Water Department and deposited in the Water Fund.

D. Meter Failures. Where a meter fails to register during any period, a charge will be made, based upon the water consumed during the same month of the previous year. In the event that a meter has not yet been installed for the same month of the previous year, the charge shall be made, based upon the water consumed during the last month or portion thereof the meter was registering.

E. Vacancy. In case no water is used through the meter, or the property becomes vacant, nevertheless, the regular minimum rate shall be charged and collected from the owner thereof, or the applicant for service. Service will be discontinued by the Water Superintendent within 48 hours of receiving notice to discontinue said water service.

F. Meter Repairs. After water service has been made and a meter installed on the property, any damage to said water meter resulting from any carelessness on the part of the consumer, shall be paid for by said consumer to the Water Department on presentation of a bill therefor. *Should the consumer fail to pay for the repairs to City owned assets located on the property and caused by them, the charges for repairs are ultimately the responsibility of the homeowner.* It shall be unlawful to interfere with, or cut-off, or remove the water meter from any service, where it has been installed, without first receiving written permission from the Water Superintendent. Such permission shall be granted only for purposes of testing, replacements, repairs to meters or service pipes, readjustments of service or similar emergency.

All meters are the property of the City and the Water Department will make such repairs as in its judgment are needed.

The Newman Water Department shall, at its own expense, make all repairs necessary to water mains, meters and pipe lines connecting with water mains. The Water Department shall make no repairs or do any work, whatsoever, on water pipe lines, beyond the meter connection. Any repair made necessary by any act, negligence or carelessness of the consumer or other persons, shall be charged to and be collected from the consumer, or the person or persons guilty thereof.

**11.05.250 Responsibility of consumer.**

The consumer shall at his own risk and expense furnish, install and keep in repair, free from leakage and in safe condition all service pipes, fixtures, stopcocks and other apparatus and appliances which may be required for receiving, controlling, applying and utilizing such water. The Water Department does not assume the duty of inspecting the consumer's service appliances or apparatus or any part thereof, and assumes no liability therefor. The Water Department shall not be responsible for any loss or damage caused by the improper installation of such apparatus and appliances, negligence, want of proper care, or wrongful act of the consumer or his agents, employees or licensees in installing, maintaining, using, operating or interfering with any such apparatus or appliances. Consumers shall be liable for all damages which shall result from their failure to comply with the provisions of this section. (Ord. 236, 8-19-1963)  
*Should the consumer fail to pay for the repairs to City owned assets located on the property and caused by them, the charges for repairs are ultimately the responsibility of the homeowner.*

**11.05.270 Penalties.**

Any violation of the provisions of this chapter shall constitute a misdemeanor<sup>1</sup>. (Ord. 77-1, 1-25-1977)  
*Any violation of this chapter may be alternatively charged as an administrative citation.*

**11.06.090 Enforcement and penalties.**

The City Manager shall enforce the provisions of this chapter, including requirements established or permits issued hereunder, as provided herein.

A. Enforcement Procedures.

1. Notice of Violation. Whenever the City Manager finds that any person has violated, is violating, or is threatening to violate, this chapter, or any prohibition, limitation or requirement contained herein or the provisions of an industrial discharge permit, the City Manager shall serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed 10 consecutive normal working days, for the satisfactory correction thereof.

2. Compliance Order. When noncompliance can not be resolved without construction, repair or process changes, the City Manager may issue a compliance order directing the discharger to achieve or restore compliance in accordance with a time schedule set by the City Manager which specifies actions the discharger shall take and milestones which he shall meet to correct

the violation. The discharger shall be required to submit compliance progress reports to the City Manager. Any failure to comply with an approved time schedule shall likewise be deemed a violation of this chapter.

3. Cease and Desist Orders. If the violation is not corrected by timely compliance with the notice of violation, the City Manager may issue an order to cease and desist and direct that those persons not complying with such prohibitions, limits, requirements or provisions to:

- a. Comply forthwith;
- b. Comply in accordance with a time schedule set by the City Manager; or
- c. In the event of a threatened violation, take appropriate remedial or preventative action.

4. Show Cause Order. If the violation is not corrected by timely compliance with the orders issued pursuant to subsections (A)(2) and (3) of this section, the City Manager may issue a show cause order requiring those persons in noncompliance to show cause before the City Council why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the City Council regarding the violation, and directing the offending party to show cause before the Council why an order should not be made directing the termination of service or other disciplinary action. The notice of the hearing shall be served personally or by certified mail at least 10 days prior to the date of the hearing.

5. Appeals.

- a. Any industrial discharger whose discharge has been determined by the City to be unacceptable in accordance with this chapter or who disagrees with any other determination of the City hereunder may apply to the City Council for a review in accordance with this chapter. Within 15 days of the notice of determination or order issued under this chapter, the discharger may file with the City Council an appeal of the determination or order and request a public hearing.
- b. Within 30 days of the request for a public hearing, the City Council shall give notice to the discharger of the time and place for the hearing, at least 10 days before the date set for the hearing. At the hearing, the discharger may appear personally or through counsel,

cross-examine witnesses, and present evidence in his own behalf. The City Council shall confirm or revoke the determination or order, following presentation of all evidence.

B. Criminal Penalties. Any person who intentionally or negligently discharges wastewater in any manner, in violation of this chapter or industrial discharge permit or order issued hereunder by the City Manager, is guilty of a misdemeanor. *Any violation of this chapter may be alternatively charged as an administrative citation.*

C. Civil Enforcement Remedies and Penalties. The City may pursue any of the alternative civil remedies herein against any discharger who violates the provisions of this chapter or any permits or orders issued thereunder.

1. Damage to Facilities. When the discharge of wastewater causes an obstruction, damage or other impairment to City wastewater treatment facilities, the City Manager may assess a charge against the discharger for the work required to clean or repair the facility, and add such charge to the discharger's sewage disposal charge.

2. One Thousand Dollar Per Day Fine. Any person who violates any provisions of this chapter or any permit or order issued thereunder may be liable civilly in a sum not to exceed \$1,000 for each day in which such violation occurs. Such penalties shall be imposed on a strict liability basis without regard to intent or negligence on the part of the discharger.

The City Attorney, upon request of the City Council, shall petition the Superior Court to impose, assess and recover such sums.

3. Injunction. Whenever a discharge of wastewater is in violation of the provisions of this chapter or permits issued thereunder, the City may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining the continuance of such discharge.

4. Termination of Service. The City may terminate or cause to be terminated sewage disposal or waste service to any premises if a violation of any provision of this chapter pertaining to control or discharge of wastewater is found to exist. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment, or for any other reason.

D. Public Notification. A list of all industrial users who were subject to enforcement proceedings during the 12 previous months shall be published annually by the City in the largest daily newspaper published within its service area or the local newspaper designated by the City to publish the City's legal notices. (Ord. 90-4, 6-26-1990)

Section 2.

All other section and provisions of Title 11 and Title 8 shall remain in full force and effect.

Section 3.

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

Section 4.

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 23<sup>rd</sup> day of October, 2012 by Council Member \_\_\_\_\_, and adopted at a regular meeting of said City Council held on the 13<sup>th</sup> day of November, 2012 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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

ATTEST:

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