



**AGENDA**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING NOVEMBER 13, 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.
  - a. APA Presentation Of Central Section And State Awards.
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 23, 2012 Regular Meeting. ([View Minutes](#))
9. Public Hearings
  - a. Adopt Resolution No. 2012- , A Resolution Declaring The Results Of A Noticed Protest Proceeding And Approving Certain Actions For Rates, Fees And Charges For Water Services. ([View Report](#))
  - b. Adopt Resolution No. 2012- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4. ([View Report](#))
  - c. Second Reading And Adoption Of Ordinance No. 2012- , An Ordinance Amending Title 8 And Title 11 Relating To Utility Billing. ([View Report](#))
10. Regular Business.
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**

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 - Cancelled.  
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

## Void Check Proof List

User: efaria  
 Printed: 10/25/2012 - 1:59PM



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

| Account Number   | Amount                 | Invoice No | Inv Date   | Description                            | Reference | Task Label | Type | PONumber | Close PO? | Line Item |
|------------------|------------------------|------------|------------|--|-----------|------------|------|----------|-----------|-----------|
| Vendor: NEW46    | NEWMAN SMOG AND LUBE   |            |            |  |           |            |      |          |           |           |
| Check No: 102547 | Check Date: 10/19/2012 |            |            |  |           |            |      |          |           |           |
| 10-21-6530       | 62.70                  | 30497      | 10/08/2012 | Lube & oil change/brake clean & susp   |           |            |      |          |           | 0         |
| 10-21-6530       | 37.70                  | 30508      | 10/09/2012 | Lube, oil, and filter change/2005 Honc |           |            |      |          |           | 0         |
| 10-21-6530       | 280.68                 | 30465      | 10/05/2012 | Replaced front brake pads and rotors/2 |           |            |      |          |           | 0         |
| 10-21-6530       |                        |            |            |  |           |            |      |          |           |           |
| Check Total:     | 381.08                 |            |            |  |           |            |      |          |           |           |
| Vendor Total:    | 381.08                 |            |            |  |           |            |      |          |           |           |
| Report Total:    | 381.08                 |            |            |  |           |            |      |          |           |           |

# Accounts Payable

## Manual Check Register

User: efaria  
 Printed: 11/09/2012 - 10:58AM  
 Batch: 70009.11.2012



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

|               |                                      | amount    | Invoice No |
|---------------|--------------------------------------|-----------|------------|
| Check: 102587 | 10/25/2012                           |           |            |
| Vendor: EMP02 | EMPLOYMENT DEV DEPT/SUI              |           |            |
|               |                                      | 62.70     | 30497      |
|               |                                      | 37.70     | 30508      |
|               |                                      | 280.68    | 30465      |
|               | Check total:                         | 381.08    |            |
| Check: 102588 | 10/11/2012                           |           |            |
| Vendor: BUS05 | BUSINESS CARD                        |           |            |
|               |                                      | 185.19    | 10/10/2012 |
|               |                                      | 854.10    | 10/1/2012  |
|               |                                      | 34.47     | 9/18/2012  |
|               |                                      | 182.75    | 9/18/2012  |
|               |                                      | 344.60    | 09/26/2012 |
|               |                                      | 344.60    | 09/26/2012 |
|               |                                      | 344.60    | 09/26/2012 |
|               |                                      | 12.00     | 10/5/2012  |
|               |                                      | 28.97     | 9/11/2012  |
|               |                                      | 20.59     | 10/5/2012  |
|               |                                      | 35.00     | 9/26/2012  |
|               |                                      | 58.12     | 9/20/2012  |
|               | Check total:                         | 2,444.99  |            |
| Check: 102589 | 10/30/2012                           |           |            |
| Vendor: TRE01 | Trewin Framery                       |           |            |
|               |                                      | 478.89    | 255        |
|               |                                      | 478.89    | 255        |
|               |                                      | 478.90    | 255        |
|               |                                      | 133.33    | 256        |
|               |                                      | 133.33    | 256        |
|               |                                      | 133.34    | 256        |
|               |                                      | 1,466.91  | 257        |
|               |                                      | 1,466.91  | 257        |
|               |                                      | 1,466.92  | 257        |
|               |                                      | 133.33    | 258        |
|               |                                      | 133.33    | 258        |
|               |                                      | 133.34    | 258        |
|               | Check total:                         | 6,637.42  |            |
| Check: 102590 | 10/30/2012                           |           |            |
| Vendor: VAL02 | Valley Wide Movers, Inc.             |           |            |
|               |                                      | 1,036.32  | 10/30/12   |
|               | Check total:                         | 1,036.32  |            |
| Check: 102591 | 10/31/2012                           |           |            |
| Vendor: UPI01 | Up In Smoke Catering                 |           |            |
|               |                                      | 279.17    | 0006       |
|               | Check total:                         | 279.17    |            |
| Check: 102592 | 11/08/2012                           |           |            |
| Vendor: STA13 | Stanislaus County Auditor-Controller |           |            |
|               |                                      | 15,190.50 | 11/8/2012  |

---

amount      Invoice No

|                                       |                  |
|---------------------------------------|------------------|
| Check total:                          | <u>15,190.50</u> |
| Total for Accounts Payable Check Run: | <u>25,969.48</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: 11/09/2012 - 11:33 AM

| Name                             | Account  | Description   | Check Nu | Check D   | Amount    |
|----------------------------------|----------|---|----------|-----------|-----------|
| 3-Day Blinds Service Center      | 63-56-74 | 4 Blinds for new Council Chambers                         | 102603   | 11/9/2012 | 328.33    |
| 3-Day Blinds Service Center      | 60-50-74 | 4 Blinds for new Council Chambers                         | 102603   | 11/9/2012 | 328.34    |
| 3-Day Blinds Service Center      | 40-07-74 | 4 Blinds for new Council Chambers                         | 102603   | 11/9/2012 | 328.33    |
| ADAMSON POLICE PRODUCTS          | 10-21-63 | Ammunition  | 102604   | 11/9/2012 | 1,782.04  |
| ADAMSON POLICE PRODUCTS          | 10-21-63 | Ammunition  | 102604   | 11/9/2012 | 531.51    |
| Advanced Building Cleaners, Inc. | 10-33-62 | Power sweeping service/September 2012                     | 102605   | 11/9/2012 | 3,634.02  |
| Advanced Building Cleaners, Inc. | 10-33-62 | Power sweeping service/October 2012                       | 102605   | 11/9/2012 | 3,634.02  |
| Alcauter Adolfo                  | 10-45-67 | Soccer referee and cleanup/Alcauter                       | 102606   | 11/9/2012 | 170.00    |
| Alvarez Juan                     | 10-45-67 | Soccer referee and clean up/Alvarez                       | 102607   | 11/9/2012 | 40.00     |
| Anaya Raya Jaime                 | 10-45-67 | Soccer referee and clean up/Anaya Raya                    | 102608   | 11/9/2012 | 55.00     |
| APLEGATE TEEPLES DRILLIN         | 60-50-62 | Cleaned Canyon Creek lift station                         | 102609   | 11/9/2012 | 1,400.00  |
| ARAMARK UNIFORM SERVICES         | 10-33-62 | Uniform cleaning/mat rental/towels/October 2012           | 102610   | 11/9/2012 | 63.29     |
| ARAMARK UNIFORM SERVICES         | 10-44-62 | Uniform cleaning/mat rental/towels/October 2012           | 102610   | 11/9/2012 | 42.19     |
| ARAMARK UNIFORM SERVICES         | 60-50-62 | Uniform cleaning/mat rental/towels/October 2012           | 102610   | 11/9/2012 | 63.29     |
| ARAMARK UNIFORM SERVICES         | 63-56-62 | Uniform cleaning/mat rental/towels/October 2012           | 102610   | 11/9/2012 | 42.19     |
| ARAMARK UNIFORM SERVICES         | 10-22-62 | Uniform cleaning/mat rental/towels/October 2012           | 102610   | 11/9/2012 | 27.99     |
| ARAMARK UNIFORM SERVICES         | 10-07-62 | Uniform cleaning/mat rental/towels/October 2012           | 102610   | 11/9/2012 | 146.08    |
| ARAMARK UNIFORM SERVICES         | 10-21-62 | Uniform cleaning/mat rental/towels/October 2012           | 102610   | 11/9/2012 | 100.12    |
| AT&T                             | 10-14-64 | Monthly charges for 862-3425 for 9/13/12-10/12/12         | 102611   | 11/9/2012 | 16.46     |
| AT&T                             | 10-21-64 | T1 line @ PD 9/20/12-10/19/12                             | 102611   | 11/9/2012 | 335.22    |
| AT&T                             | 10-21-64 | Emergency dispatch line @ PD 9/20/12-10/19/12             | 102611   | 11/9/2012 | 136.13    |
| AT&T                             | 10-14-64 | Monthly telephone charges 9/1                             | 102611   | 11/9/2012 | 76.67     |
| AT&T                             | 10-14-64 | Monthly telephone charges 9/13/12-10/12/12                | 102611   | 11/9/2012 | 44.71     |
| AT&T                             | 10-07-66 | Monthly telephone charges 9/13/12-10/12/12                | 102611   | 11/9/2012 | 13.71     |
| AT&T                             | 63-56-64 | Monthly telephone charges 9/13/12-10/12/12                | 102611   | 11/9/2012 | 45.20     |
| AT&T                             | 60-50-64 | Monthly telephone charges 9/13/12-10/12/12                | 102611   | 11/9/2012 | 14.90     |
| BERTOLOTTI DISPOSAL              | 10-41-62 | Garbage service/October 2012                              | 102612   | 11/9/2012 | 60,373.09 |
| BERTOLOTTI DISPOSAL              | 69-47-62 | Landfill fees/October 2012                                | 102613   | 11/9/2012 | 200.00    |
| BERTOLOTTI DISPOSAL              | 10-33-62 | Landfill fees/October 2012                                | 102613   | 11/9/2012 | 259.70    |
| BEST BEST & KRIEGER, LLP         | 73-70-62 | Professional services rendered through September 30, 2012 | 102614   | 11/9/2012 | 276.12    |
| B G AUTO                         | 60-50-65 | Muffler for new sewer machine                             | 102615   | 11/9/2012 | 19.10     |
| B G AUTO                         | 60-50-63 | 3/8" drive breaker bar                                    | 102615   | 11/9/2012 | 12.77     |
| B G AUTO                         | 10-33-63 | Primer grade thinner                                      | 102615   | 11/9/2012 | 69.36     |
| BLUE SHIELD OF CALIFORNIA        | 10-00-22 | Health insurance premium/November 2012                    | 102616   | 11/9/2012 | 11,579.00 |
| Bueno Alejandro                  | 10-45-67 | Soccer referee and clean up/Bueno                         | 102617   | 11/9/2012 | 300.00    |
| Bueno Jr. Andres                 | 10-45-67 | Soccer referee and clean up/Bueno                         | 102618   | 11/9/2012 | 280.00    |
| CALIFORNIA SOCIETY OF            | 10-14-66 | Annual CSMFO dues/2013/Humphries                          | 102619   | 11/9/2012 | 110.00    |
| CALIF DEPT OF PUBLIC HEAL        | 63-56-66 | Application for examination grade D1/Rocha                | 102620   | 11/9/2012 | 50.00     |
| CALIFORNIA CONSULTING, LL        | 10-02-62 | Grant writing/Lobbying/October 2012                       | 102621   | 11/9/2012 | 1,011.67  |
| CALIFORNIA CONSULTING, LL        | 60-50-62 | Grant writing/Lobbying/October 2012                       | 102621   | 11/9/2012 | 1,011.66  |
| CALIFORNIA CONSULTING, LL        | 63-56-62 | Grant writing/Lobbying/October 2012                       | 102621   | 11/9/2012 | 1,011.67  |
| CALIFORNIA CONSULTING, LL        | 10-02-62 | Grant writing/Lobbying                                    | 102621   | 11/9/2012 | 1,130.14  |
| CALIFORNIA CONSULTING, LL        | 60-50-62 | Grant writing/Lobbying                                    | 102621   | 11/9/2012 | 1,130.14  |
| CALIFORNIA CONSULTING, LL        | 63-56-62 | Grant writing/Lobbying                                    | 102621   | 11/9/2012 | 1,130.15  |
| CARTER JEFF                      | 68-68-77 |   | 102622   | 11/9/2012 | 100.00    |

| Name                                    | Account   | Description   | Check Nu | Check D   | Amount   |
|---|-----------|---|----------|-----------|----------|
| CBA (CALIFORNIA BENEFITS)               | 10-00-111 | Pre-paid dental-vision deposit                              | 102623   | 11/9/2012 | 8,500.00 |
| CBA (ADMIN FEES)                        | 10-00-220 | Dental-vision admin fees/November 2012                      | 102624   | 11/9/2012 | 221.00   |
| CENTRAL SANITARY SUPPLY                 | 10-44-660 |   | 102625   | 11/9/2012 | 280.28   |
| CENTRAL SANITARY SUPPLY                 | 10-44-660 |   | 102625   | 11/9/2012 | 140.13   |
| CENTRAL SANITARY SUPPLY                 | 10-07-630 |   | 102625   | 11/9/2012 | 70.07    |
| CENTRAL SANITARY SUPPLY                 | 10-21-630 |   | 102625   | 11/9/2012 | 70.07    |
| CENTRAL SANITARY SUPPLY                 | 10-07-660 |   | 102625   | 11/9/2012 | 35.04    |
| CENTRAL SANITARY SUPPLY                 | 10-22-630 |   | 102625   | 11/9/2012 | 35.03    |
| CENTRAL SANITARY SUPPLY                 | 10-44-630 |   | 102625   | 11/9/2012 | 35.04    |
| CENTRAL SANITARY SUPPLY                 | 10-46-630 |   | 102625   | 11/9/2012 | 35.03    |
| City Signs                              | 63-56-740 | Exit & max occupancy ADA signs and installation             | 102626   | 11/9/2012 | 53.12    |
| City Signs                              | 60-50-740 | Exit & max occupancy ADA signs and installation             | 102626   | 11/9/2012 | 53.12    |
| City Signs                              | 40-07-740 | Exit & max occupancy ADA signs and installation             | 102626   | 11/9/2012 | 53.12    |
| City Signs                              | 60-50-740 | Lettering and installation for City Council Wall.           | 102626   | 11/9/2012 | 252.96   |
| City Signs                              | 63-56-740 | Lettering and installation for City Council Wall.           | 102626   | 11/9/2012 | 252.96   |
| City Signs                              | 40-07-740 | Lettering and installation for City Council Wall.           | 102626   | 11/9/2012 | 252.97   |
| CITY OF MODESTO                         | 10-21-620 | 50% of FY13 participating SDEA Agency cash contribution     | 102627   | 11/9/2012 | 8,355.48 |
| CODE PUBLISHING COMPANY                 | 10-03-620 | Web hosting/municipal code/Nov. 2012 - Nov. 2013            | 102628   | 11/9/2012 | 500.00   |
| COELHO CARL J. (CHUCK)                  | 10-22-650 |   | 102629   | 11/9/2012 | 50.00    |
| COMCAST CABLE                           | 60-50-620 | High speed internet/sewer                                   | 102630   | 11/9/2012 | 34.14    |
| COMCAST CABLE                           | 63-56-620 | High speed internet/water                                   | 102630   | 11/9/2012 | 34.14    |
| COMCAST CABLE                           | 10-21-620 | High speed internet/PD                                      | 102630   | 11/9/2012 | 34.14    |
| CRESCENT SUPPLY CO. #1                  | 10-21-630 | Name bar/J. Jackson   | 102631   | 11/9/2012 | 13.95    |
| CSG Consultants, Inc                    | 10-23-620 | Bldg permit issuance/October 2012                           | 102632   | 11/9/2012 | 384.61   |
| CSG Consultants, Inc                    | 10-23-620 | Bldg permit finals/October 2012                             | 102632   | 11/9/2012 | 460.04   |
| CSG Consultants, Inc                    | 10-23-620 | In house plan check fees/October 2012                       | 102632   | 11/9/2012 | 38.25    |
| CSG Consultants, Inc                    | 10-23-620 | Real estate inspection-1203 Duck Blind Cir./October 2012    | 102632   | 11/9/2012 | 90.00    |
| CSG Consultants, Inc                    | 10-00-570 | Refund Plan Check deposit NB11-068/Valazquez                | 102632   | 11/9/2012 | -189.75  |
| CSG Consultants, Inc                    | 10-00-260 | Credit on building permit #2012-69                          | 102632   | 11/9/2012 | -1.00    |
| Dave's Drain Cleaning & Plumbing        | 73-70-660 | Drain work at Westside Theater men's restroom.              | 102633   | 11/9/2012 | 125.00   |
| ECONOMIC TIRE SHOP                      | 10-44-650 | 1 new tire and 1 old tire                                   | 102634   | 11/9/2012 | 48.48    |
| ECONOMIC TIRE SHOP                      | 10-33-650 | 1 new tire and 1 old tire                                   | 102634   | 11/9/2012 | 48.49    |
| ECONOMIC TIRE SHOP                      | 69-47-650 | 1 new tire and 1 old tire                                   | 102634   | 11/9/2012 | 48.49    |
| ECONOMIC TIRE SHOP                      | 10-44-650 | 2 new tires 1990 Ford                                       | 102634   | 11/9/2012 | 204.02   |
| EMPLOYMENT DEV DEPT/SUI                 | 10-21-650 | Replaced headlight socket harnesses and headlights/Newman S | 102635   | 11/9/2012 | 139.69   |
| EMPLOYMENT DEV DEPT/SUI                 | 10-21-650 | Smog check/2003 Crown Victoria/Newman Smog & Lube           | 102635   | 11/9/2012 | 39.58    |
| EMPLOYMENT DEV DEPT/SUI                 | 10-33-650 | Smog check/1993 Ford F150/Newman Smog & Lube                | 102635   | 11/9/2012 | 18.98    |
| EMPLOYMENT DEV DEPT/SUI                 | 10-44-650 | Smog check/1993 Ford F150/Newman Smog & Lube                | 102635   | 11/9/2012 | 18.97    |
| EMPLOYMENT DEV DEPT/SUI                 | 63-56-650 | Smog check/2000Silverado/Newman Smog & Lube                 | 102635   | 11/9/2012 | 40.95    |
| EMPLOYMENT DEV DEPT/SUI                 | 10-21-650 | Replaced starter/2006 Charger/Newman Smog & Lube            | 102635   | 11/9/2012 | 32.87    |
| ENVIRONMENTAL TECHNIQUES                | 60-50-630 | 60 ProOxidizer  | 102636   | 11/9/2012 | 3,540.00 |
| ENVIRONMENTAL TECHNIQUES                | 60-50-630 | Bio-dredging service  | 102636   | 11/9/2012 | 4,566.60 |
| Equarius Waterworks                     | 63-56-630 | 20 Neptune water meters                                     | 102637   | 11/9/2012 | 1,170.18 |
| FIREHOUSE MAGAZINE                      | 10-22-630 | 2-year subscription   | 102638   | 11/9/2012 | 44.95    |
| FRANKLIN PET CEMETERY & C               | 10-21-620 | Animal disposal clinics/October 2012                        | 102639   | 11/9/2012 | 86.80    |
| GARTON TRACTOR                          | 60-50-650 | Fuel gauge float assembly for Ford tractor                  | 102640   | 11/9/2012 | 94.47    |
| GARTON TRACTOR                          | 60-50-650 | Fitting for old sewer machine                               | 102640   | 11/9/2012 | 14.00    |
| GARTON TRACTOR                          | 60-50-650 | Filters for Ford tractor                                    | 102640   | 11/9/2012 | 128.76   |
| GARTON TRACTOR                          | 10-44-650 | Mower repair  | 102640   | 11/9/2012 | 1,486.66 |
| GARTON TRACTOR                          | 10-44-650 | Oil for mower #2  | 102640   | 11/9/2012 | 21.72    |
| Garcia Mayra                            | 10-45-670 | Referee and clean up/Garcia                                 | 102641   | 11/9/2012 | 280.00   |
| GARCIA HECTOR                           | 10-45-670 | Soccer referee and clean up/Garcia                          | 102642   | 11/9/2012 | 290.00   |
| GEOANALYTICAL LAB, INC.                 | 63-56-620 | Weekly Bactis-DW/Nitrate/EDT reporting/oil & grease         | 102643   | 11/9/2012 | 725.00   |
| GEOANALYTICAL LAB, INC.                 | 60-50-620 | BOD/TSS/Nitrate/WWTP  | 102643   | 11/9/2012 | 355.00   |
| Government Finance Officers Association | 10-14-660 | Government Finance Officers Association membership/Humph    | 102644   | 11/9/2012 | 190.00   |

| Name                              | Account   | Description   | Check Nu | Check D   | Amount    |
|-----------------------------------|-----------|---|----------|-----------|-----------|
| HALLINAN TOM                      | 10-15-620 |   | 102645   | 11/9/2012 | 525.00    |
| HALLINAN TOM                      | 60-50-620 |   | 102645   | 11/9/2012 | 525.00    |
| HALLINAN TOM                      | 63-56-620 |   | 102645   | 11/9/2012 | 525.00    |
| Holiday Inn Express               | 10-21-660 | Hotel-training/Marriott                                 | 102646   | 11/9/2012 | 498.40    |
| HUB INTERNATIONAL OF CALIFORNIA   | 10-00-280 | Liability insurance premium payable/October 2012        | 102647   | 11/9/2012 | 126.02    |
| IDEXX LABORATORIES, INC.          | 63-56-630 | Water testing supplies                                  | 102648   | 11/9/2012 | 314.15    |
| Independent Stationers            | 10-45-630 | Wall calendar   | 102649   | 11/9/2012 | 8.64      |
| Independent Stationers            | 10-14-630 | Cash register rolls/ink refills/mechanical pencils/tape | 102649   | 11/9/2012 | 36.06     |
| Independent Stationers            | 60-50-630 | Cash register rolls/ink refills/mechanical pencils/tape | 102649   | 11/9/2012 | 36.06     |
| Independent Stationers            | 63-56-630 | Cash register rolls/ink refills/mechanical pencils/tape | 102649   | 11/9/2012 | 36.06     |
| Independent Stationers            | 10-14-630 | Green paper   | 102649   | 11/9/2012 | 4.00      |
| Independent Stationers            | 60-50-630 | Green paper   | 102649   | 11/9/2012 | 4.00      |
| Independent Stationers            | 63-56-630 | Green paper   | 102649   | 11/9/2012 | 4.00      |
| Independent Stationers            | 10-45-630 | Colored paper/receipt books/wall calendar               | 102649   | 11/9/2012 | 54.16     |
| IN-SYNCH SYSTEMS                  | 10-21-620 | Monthly RMS subscription/PD/December 2012               | 102650   | 11/9/2012 | 1,020.00  |
| J&E Janitorial and Handyman       | 10-07-620 | Swept/mopped/buffed floors/city hall                    | 102651   | 11/9/2012 | 100.00    |
| J&E Janitorial and Handyman       | 10-07-620 | Swept/mopped/buffed floors/city hall                    | 102651   | 11/9/2012 | 100.00    |
| J&E Janitorial and Handyman       | 10-07-620 | Swept/mopped/buffed floors/city hall                    | 102651   | 11/9/2012 | 100.00    |
| JOE'S LANDSCAPING & CONCRETE      | 10-33-630 | 2 TBOS DC Solenoid Rainbird/1 Hunter DC Solenoid        | 102652   | 11/9/2012 | 89.09     |
| JOE'S LANDSCAPING & CONCRETE      | 69-47-630 | 1812 pop-up RB  | 102652   | 11/9/2012 | 11.16     |
| JOE'S LANDSCAPING & CONCRETE      | 24-32-770 | 1.75 yd concrete  | 102652   | 11/9/2012 | 279.98    |
| JOE'S LANDSCAPING & CONCRETE      | 69-47-630 | Top soil/compost  | 102652   | 11/9/2012 | 91.27     |
| JOE'S LANDSCAPING & CONCRETE      | 17-44-770 | Trees for the Cal fire tree grant                       | 102652   | 11/9/2012 | 1,223.46  |
| JOE'S LANDSCAPING & CONCRETE      | 69-47-620 | Lighting & landscape district services/October 2012     | 102652   | 11/9/2012 | 10,640.00 |
| JOE'S LANDSCAPING & CONCRETE      | 69-47-620 | Lighting & landscape district services/September 2012   | 102652   | 11/9/2012 | 8,800.00  |
| KAISER PERMANENTE                 | 10-00-220 | Health insurance premium/December 2012                  | 102653   | 11/9/2012 | 1,976.00  |
| Lane Cydney                       | 10-45-670 | Soccer referee and clean up/Lane                        | 102654   | 11/9/2012 | 315.00    |
| MAGANA MICHAEL                    | 10-45-670 | Soccer referee and clean up/Magana                      | 102655   | 11/9/2012 | 225.00    |
| MARRIOTT JOHN E.                  | 10-21-660 | Per diem/Marriott                                       | 102656   | 11/9/2012 | 250.00    |
| Merced County Tax Collector       | 60-50-660 | 2012-2013 property taxes                                | 102657   | 11/9/2012 | 1,633.70  |
| Merced County Tax Collector       | 60-50-660 | 2012-2013 property taxes                                | 102657   | 11/9/2012 | 7,102.00  |
| Merced County Tax Collector       | 60-50-660 | 2012-2013 property taxes                                | 102657   | 11/9/2012 | 968.66    |
| Merced County Tax Collector       | 60-50-660 | 2012-2013 property taxes                                | 102657   | 11/9/2012 | 1,042.54  |
| Merced County Tax Collector       | 60-50-660 | 2012-2013 property taxes                                | 102657   | 11/9/2012 | 717.94    |
| Merced County Tax Collector       | 60-50-660 | 2012-2013 property taxes                                | 102657   | 11/9/2012 | 3,638.34  |
| Merced County Tax Collector       | 60-50-660 | 2012-2013 property taxes                                | 102657   | 11/9/2012 | 455.66    |
| Merced County Tax Collector       | 60-50-660 | 2012-2013 property taxes                                | 102657   | 11/9/2012 | 144.66    |
| Merced County Tax Collector       | 60-50-660 | 2012-2013 property taxes                                | 102657   | 11/9/2012 | 69.84     |
| MID VALLEY IT, INC                | 10-21-620 | IT CONTRACT/PD  | 102658   | 11/9/2012 | 880.00    |
| MID VALLEY IT, INC                | 10-14-620 | IT CONTRACT/FIN   | 102658   | 11/9/2012 | 440.00    |
| MID VALLEY IT, INC                | 63-56-620 | IT CONTRACT/WATR  | 102658   | 11/9/2012 | 440.00    |
| MID VALLEY IT, INC                | 60-50-620 | IT CONTRACT/SEWR  | 102658   | 11/9/2012 | 440.00    |
| NEWMAN SMOG AND LUBE              | 10-21-650 | Replaced starter/2006 Dodge Charger/PD                  | 102659   | 11/9/2012 | 378.71    |
| North Star Engineering Group, Inc | 18-32-770 | Engineering services for Inyo Ave & Hwy 33              | 102660   | 11/9/2012 | 460.00    |
| OCASIO (NT) STEPHANIE             | 10-06-660 | Mileage reimbursement for CalAPA conference             | 102661   | 11/9/2012 | 446.30    |
| OCE' Imagistics, Inc              | 10-14-620 | Copy charge/city hall                                   | 102662   | 11/9/2012 | 36.07     |
| OCE' Imagistics, Inc              | 60-50-620 | Copy charge/city hall                                   | 102662   | 11/9/2012 | 36.08     |
| OCE' Imagistics, Inc              | 63-56-620 | Copy charge/city hall                                   | 102662   | 11/9/2012 | 36.08     |
| OCE' Imagistics, Inc              | 63-56-620 | Copy charge/city hall                                   | 102662   | 11/9/2012 | 9.16      |
| OCE' Imagistics, Inc              | 60-50-620 | Copy charge/city hall                                   | 102662   | 11/9/2012 | 9.16      |
| Oce                               | 10-14-620 | Copier lease/city hall                                  | 102663   | 11/9/2012 | 105.81    |
| Oce                               | 60-50-620 | Copier lease/city hall                                  | 102663   | 11/9/2012 | 105.81    |
| Oce                               | 63-56-620 | Copier lease/city hall                                  | 102663   | 11/9/2012 | 105.81    |
| Oce                               | 60-50-620 | Copier lease/PW   | 102663   | 11/9/2012 | 86.50     |
| Oce                               | 63-56-620 | Copier lease/PW   | 102663   | 11/9/2012 | 86.51     |

| Name   | Account  | Description   | Check Nu | Check D   | Amount    |
|--|----------|---|----------|-----------|-----------|
| OCHOA MARIANA                                    | 10-45-67 | Soccer referee and clean up/Ochoa                             | 102664   | 11/9/2012 | 265.00    |
| OPERATING ENGINEERS/<br>PATTERSON AUTO CARE, INC | 10-00-22 | Health insurance premium/December 2012                        | 102665   | 11/9/2012 | 2,740.00  |
| CITY OF PATTERSON                                | 10-21-65 | Oil change/remove & replace brake shoes/air filter/2007 Tahoe | 102666   | 11/9/2012 | 341.91    |
| P G & E  | 10-03-62 | Video reimbursement/October 2012                              | 102667   | 11/9/2012 | 660.00    |
| P G & E  | 10-07-64 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 1,642.19  |
| P G & E  | 10-22-64 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 439.41    |
| P G & E  | 10-33-64 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 4,632.16  |
| P G & E  | 10-44-64 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 543.67    |
| P G & E  | 10-45-64 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 148.55    |
| P G & E  | 10-46-64 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 395.04    |
| P G & E  | 10-44-66 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 595.96    |
| P G & E  | 10-07-66 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 90.34     |
| P G & E  | 10-44-66 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 309.35    |
| P G & E  | 60-50-64 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 24,886.26 |
| P G & E  | 62-60-64 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 574.21    |
| P G & E  | 62-60-64 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 917.14    |
| P G & E  | 63-56-64 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 21,830.02 |
| P G & E  | 69-47-64 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 2,809.77  |
| P G & E  | 73-70-66 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 424.91    |
| P G & E  | 73-70-66 | Gas & electric 9/5/12-10/15-12                                | 102668   | 11/9/2012 | 906.49    |
| Quejado Kelly                                    | 10-00-28 | Refund Memorial Bldg. deposit/Quejado                         | 102669   | 11/9/2012 | 200.00    |
| RALEY'S IN STORE CHARGE                          | 10-06-66 | Planning Director Mtg.  | 102670   | 11/9/2012 | 43.10     |
| RALEY'S IN STORE CHARGE                          | 10-06-66 | Food for NMTP mtg   | 102670   | 11/9/2012 | 13.16     |
| RALEY'S IN STORE CHARGE                          | 10-46-63 | Supplies for Corp Yard  | 102670   | 11/9/2012 | 17.15     |
| RALEY'S IN STORE CHARGE                          | 10-14-63 | Sweetner/creamers   | 102670   | 11/9/2012 | 2.66      |
| RALEY'S IN STORE CHARGE                          | 60-50-63 | Sweetner/creamers   | 102670   | 11/9/2012 | 2.66      |
| RALEY'S IN STORE CHARGE                          | 63-56-63 | Sweetner/creamers   | 102670   | 11/9/2012 | 2.65      |
| RALEY'S IN STORE CHARGE                          | 10-46-63 | Coffee/Corp Yard  | 102670   | 11/9/2012 | 9.68      |
| Ramos Austin                                     | 10-45-67 | Soccer referee and clean up/Ramos                             | 102671   | 11/9/2012 | 95.00     |
| RANDHAWA MEDICAL GRP, IN                         | 60-50-62 | 3rd dose Hep B vaccine/Escatel                                | 102672   | 11/9/2012 | 100.00    |
| RANDHAWA MEDICAL GRP, IN                         | 60-50-62 | 1st dose Hep B vaccine/Escatel                                | 102672   | 11/9/2012 | 68.00     |
| RANDHAWA MEDICAL GRP, IN                         | 60-50-62 | 2nd dose Hep B vaccine/Escatel                                | 102672   | 11/9/2012 | 68.00     |
| RENTERIA LYDIA                                   | 10-00-28 | Refund Memorial Bldg deposit/Corral                           | 102673   | 11/9/2012 | 75.00     |
| Ricoh USA, Inc                                   | 10-21-62 | Copier lease 10/25/12-11/24/12                                | 102674   | 11/9/2012 | 325.36    |
| SAN JOAQUIN VALLEY AIR                           | 60-50-66 | 12/13 Annual permit to operate                                | 102675   | 11/9/2012 | 34.00     |
| SIERRA DISPLAY, INC.                             | 68-68-66 | 1,000 steady burning lamps                                    | 102676   | 11/9/2012 | 289.92    |
| SIERRA DISPLAY, INC.                             | 68-68-66 | 70-light LED string w/5mm wide angle lamp                     | 102676   | 11/9/2012 | 662.59    |
| SIERRA DISPLAY, INC.                             | 68-68-66 | 1,000 steady burning lamps                                    | 102676   | 11/9/2012 | 301.25    |
| SSDTFF   | 10-21-66 | Training/Marriott   | 102677   | 11/9/2012 | 421.00    |
| GORDON B. FORD                                   | 10-44-66 | Property taxes/648 W. Mariposa/2012-2013                      | 102678   | 11/9/2012 | 754.62    |
| GORDON B. FORD                                   | 10-44-66 | Property taxes/648 W. Mariposa/2012-2013                      | 102678   | 11/9/2012 | 754.62    |
| GORDON B. FORD                                   | 60-50-66 | Property taxes/WWTP/2012-2013                                 | 102678   | 11/9/2012 | 5,992.38  |
| GORDON B. FORD                                   | 60-50-66 | Property taxes/WWTP/2012-2013                                 | 102678   | 11/9/2012 | 1,360.90  |
| GORDON B. FORD                                   | 60-50-66 | Property taxes/WWTP/2012-2013                                 | 102678   | 11/9/2012 | 6,689.42  |
| GORDON B. FORD                                   | 69-47-66 | Property taxes/Sherman Parkway/2012-2013                      | 102678   | 11/9/2012 | 12.74     |
| State of Calif Dept of Justice                   | 10-21-62 | Fingerprint apps  | 102679   | 11/9/2012 | 411.00    |
| Stanislaus County Auditor-Controller             | 10-44-65 | Natural gas pumped @ Morgan Rd. Station                       | 102680   | 11/9/2012 | 10.33     |
| Stanislaus County Auditor-Controller             | 60-50-65 | Natural gas pumped @ Morgan Rd. Station                       | 102680   | 11/9/2012 | 2.24      |
| Stanislaus County Auditor-Controller             | 10-21-65 | Natural gas pumped @ Morgan Rd. Station                       | 102680   | 11/9/2012 | 5.91      |
| Stanislaus County Auditor-Controller             | 10-44-65 | Vehicle maintenance/repair services/CNG pickup                | 102680   | 11/9/2012 | 152.73    |
| STANISLAUS COUNTY FIRE CH                        | 10-22-66 | 2012-2013 Fire Chiefs Association dues                        | 102681   | 11/9/2012 | 100.00    |
| STANISLAUS COUNTY FIRE CH                        | 10-22-62 | Annual regional fire RMS database admin                       | 102681   | 11/9/2012 | 420.83    |
| STAPLES ADVANTAGE                                | 10-21-63 | Glue  | 102682   | 11/9/2012 | 5.78      |
| STAPLES ADVANTAGE                                | 10-21-63 | Typewriter ribbon   | 102682   | 11/9/2012 | 8.42      |
| STAPLES ADVANTAGE                                | 10-21-63 | Typewriter ribbon/flash drive                                 | 102682   | 11/9/2012 | 99.43     |

| Name  | Account   | Description   | Check Nu | Check D   | Amount    |
|---|-----------|---|----------|-----------|-----------|
| STAPLES ADVANTAGE                           | 10-14-630 | Mini binder clips   | 102682   | 11/9/2012 | 0.78      |
| STAPLES ADVANTAGE                           | 60-50-630 | Mini binder clips   | 102682   | 11/9/2012 | 0.78      |
| STAPLES ADVANTAGE                           | 63-56-630 | Mini binder clips   | 102682   | 11/9/2012 | 0.79      |
| STAPLES ADVANTAGE                           | 10-45-630 | Colored paper/thank you notes/desk calendar                   | 102682   | 11/9/2012 | 47.84     |
| STAPLES ADVANTAGE                           | 10-21-630 | Paper/post-it notes/rubber bands/staples/sharpies/tape        | 102682   | 11/9/2012 | 131.94    |
| SUN VALLEY PORTABLES                        | 10-44-620 | Portable restroom rental-service/October 2012                 | 102683   | 11/9/2012 | 155.73    |
| SWRCB FEES/ACCT OFFICE                      | 60-50-66* | Annual permit fees 12-13/RM #300879                           | 102684   | 11/9/2012 | 1,521.00  |
| SWRCB FEES/ACCT OFFICE                      | 60-50-66* | Annual permit fees 12-13/RM #146793/WWTP                      | 102684   | 11/9/2012 | 18,087.00 |
| TESCO CONTROL, INC.                         | 63-56-622 | Trouble shooting Well #5                                      | 102685   | 11/9/2012 | 1,172.00  |
| TOSTA BARBARA J.                            | 10-45-672 | Young at heart instructor/August 2012                         | 102686   | 11/9/2012 | 180.00    |
| Trigueros Nestor                            | 10-45-672 | Soccer referee and clean up/Trigueros                         | 102687   | 11/9/2012 | 160.00    |
| ESTRADA, RUTH                               | 63-00-200 | Refund Check  | 102688   | 11/9/2012 | 80.97     |
| RAMOS NANCY                                 | 63-00-200 | Refund Check  | 102689   | 11/9/2012 | 35.87     |
| LOVETT CHRISTINA                            | 63-00-200 | Refund Check  | 102690   | 11/9/2012 | 18.48     |
| MONROY EVA                                  | 60-00-200 | Refund Check  | 102691   | 11/9/2012 | 53.23     |
| SAUCEDO JULIA                               | 63-00-200 | Refund Check  | 102692   | 11/9/2012 | 29.33     |
| TAYLOR TRACY & RICHARD                      | 63-00-200 | Refund Check  | 102693   | 11/9/2012 | 89.96     |
| GARCIA JESUS                                | 63-00-200 | Refund Check  | 102694   | 11/9/2012 | 23.73     |
| HILBURN WANDA                               | 63-00-200 | Refund Check  | 102695   | 11/9/2012 | 21.72     |
| OLIVEIRA ABEL                               | 63-00-200 | Refund Check  | 102696   | 11/9/2012 | 115.02    |
| USA BLUEBOOK                                | 63-56-630 | Deep sockets/meter nut wrench/meter pit bilge pump            | 102697   | 11/9/2012 | 280.01    |
| UNITED STATES POSTMASTER                    | 10-21-630 | 2 rolls postage stamps/PD                                     | 102698   | 11/9/2012 | 90.00     |
| VALLEY PARTS SERVICE                        | 63-56-650 | 10W30 GTX Motor oil   | 102699   | 11/9/2012 | 7.65      |
| VALLEY PARTS SERVICE                        | 60-50-650 | Fuel filter and muffler flapper for new sewer machine         | 102699   | 11/9/2012 | 24.01     |
| VALLEY PARTS SERVICE                        | 60-50-650 | Credit for muffler flapper for new sewer machine              | 102699   | 11/9/2012 | -13.41    |
| VALLEY PARTS SERVICE                        | 60-50-650 | 15W40 motor oil   | 102699   | 11/9/2012 | 123.50    |
| VALLEY PARTS SERVICE                        | 10-21-650 | Snap terminal   | 102699   | 11/9/2012 | 4.41      |
| VALLEY PARTS SERVICE                        | 10-44-650 | Blade   | 102699   | 11/9/2012 | 18.94     |
| VALLEY PARTS SERVICE                        | 60-50-650 | Trailer adaptor for brake lights                              | 102699   | 11/9/2012 | 16.51     |
| VALLEY PARTS SERVICE                        | 10-21-650 | Battery/core deposit/miniature lamp                           | 102699   | 11/9/2012 | 137.70    |
| VALLEY PARTS SERVICE                        | 10-21-650 | Core deposit  | 102699   | 11/9/2012 | -12.00    |
| VALLEY PARTS SERVICE                        | 63-56-650 | Armor all/power steering fluid                                | 102699   | 11/9/2012 | 15.33     |
| VALLEY PARTS SERVICE                        | 60-50-650 | Oil and filter for new sewer machine                          | 102699   | 11/9/2012 | 50.19     |
| VALLEY PARTS SERVICE                        | 60-50-650 | Brake controller and wiring harness to pull new sewer machine | 102699   | 11/9/2012 | 121.63    |
| VALLEY PARTS SERVICE                        | 63-56-630 | Magnetic mirror set   | 102699   | 11/9/2012 | 11.44     |
| VALLEY PARTS SERVICE                        | 60-50-650 | Filters and oil for new sewer machine                         | 102699   | 11/9/2012 | 80.85     |
| MATTOS NEWSPAPERS, INC.                     | 10-06-660 | Notice of Public Hearing Zone Change #12-01                   | 102700   | 11/9/2012 | 90.00     |
| MATTOS NEWSPAPERS, INC.                     | 10-03-624 | Public Notice/Treasurer Vacancy                               | 102700   | 11/9/2012 | 67.50     |
| MATTOS NEWSPAPERS, INC.                     | 10-21-630 | UPS Freight Service/C & D Sports Products                     | 102700   | 11/9/2012 | 12.11     |
| MATTOS NEWSPAPERS, INC.                     | 10-33-630 | Notice to bid - rental and cleaning services for uniforms     | 102700   | 11/9/2012 | 112.50    |
| MATTOS NEWSPAPERS, INC.                     | 10-06-660 | 2x6 ad Community meeting NMTP                                 | 102700   | 11/9/2012 | 84.00     |
| MATTOS NEWSPAPERS, INC.                     | 10-06-660 | Public Notice Ord. 2012-2 Zone Change                         | 102700   | 11/9/2012 | 75.00     |
| MATTOS NEWSPAPERS, INC.                     | 10-06-660 | Community meeting NMTP  | 102700   | 11/9/2012 | 42.00     |
| MATTOS NEWSPAPERS, INC.                     | 10-06-660 | Community meeting NMTP  | 102700   | 11/9/2012 | 84.00     |
| MATTOS NEWSPAPERS, INC.                     | 10-06-660 | Community meeting NMTP  | 102700   | 11/9/2012 | 42.00     |
| MATTOS NEWSPAPERS, INC.                     | 63-56-660 | Amended ordinance   | 102700   | 11/9/2012 | 56.25     |
| MATTOS NEWSPAPERS, INC.                     | 60-50-660 | Amended ordinance   | 102700   | 11/9/2012 | 56.25     |
| MATTOS NEWSPAPERS, INC.                     | 10-45-670 | Soccer sponsor plaques  | 102700   | 11/9/2012 | 264.00    |
| MATTOS NEWSPAPERS, INC.                     | 10-21-630 | Citation forms/PD   | 102700   | 11/9/2012 | 477.82    |
| MATTOS NEWSPAPERS, INC.                     | 10-21-630 | Business cards/Gosselin                                       | 102700   | 11/9/2012 | 66.57     |
| MATTOS NEWSPAPERS, INC.                     | 10-21-630 | Shipping/delivery services to C&D sports                      | 102700   | 11/9/2012 | 13.39     |
| Winton Ireland Strom & Green Insurance Agen | 10-03-624 | Public official bond/Rose                                     | 102701   | 11/9/2012 | 354.00    |
| ZEE MEDICAL SERVICE CO                      | 10-21-630 | Pain-aid/Dilotab  | 102702   | 11/9/2012 | 48.91     |

| Name | Account | Description | Check Nu | Check D | Amount     |
|------|---------|-------------|----------|---------|------------|
|      |         |             |          |         | 284,644.90 |



**MINUTES**  
**NEWMAN CITY COUNCIL**  
**SPECIAL MEETING OCTOBER 23, 2012**  
**CITY HALL CONFERENCE ROOM, 6:30 P.M., 938 FRESNO STREET**

1. **Call To Order** - Mayor Katen 6:30P.M.
2. **Roll Call PRESENT:** Hutchins, Candea, Martina And Mayor Katen.  
**ABSENT:** Davis.
3. **Items From The Public** -None.
4. **Adjourn To Closed Session** - 6:31 P.M.
  - a. Conference With Legal Counsel - Pending Litigation - MCI Engineering - One Case - G.C. 54956.9.
  - b. Return To Open Session - 6:47 P.M.

No Reportable Action Was Taken.

5. **Adjournment.**

**ACTION:** On Motion By Hutchins Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 6:47 P.M.



**MINUTES**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING OCTOBER 23, 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** - Mayor Katen.
4. **Roll Call** - **PRESENT:** Hutchins, Candea, Martina And Mayor Katen.  
**ABSENT:** Davis.
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 October 9, 2012 Regular Meeting.
  - d. Approval Of 2012-2013 CDBG Allocation Agreement.

**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- 60, A Resolution Adopting Additional Parking Regulations For Park Avenue.

**ACTION:** On Motion By Martina Seconded By Candea And Unanimously Carried, Resolution No. 2012- 60, A Resolution Adopting Additional Parking Regulations For Park Avenue, Was Adopted.

- b. First Reading And Introduction Of Ordinance No. 2012- , An Ordinance Amending Title 8 And Title 11 Relating To Utility Billing.

**ACTION:** Ordinance No. 2012- , An Ordinance Amending Title 8 And Title 11 Relating To Utility Billing Was Introduced By Council Member Candea, Said Ordinance Had Its First Reading By Title Only.

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

Supervisor DeMartini Mentioned That The Biggest Loser Weight-Out Had Taken Place On The Pervious Thursday And Reported That The City Of Patterson Had Won The Contest. DeMartini Thanked The City For Hosting Both The Weight-In And Weight-Out. He Noted That The West Side Healthcare Taskforce Would Be Holding It's Annual Calendar Essay Contest And Stated That The Next West Side Healthcare Meeting Would Be On Thursday, November 1<sup>st</sup> In Patterson At 6:00 P.M. DeMartini Notified The Council That The Request For Proposals For The Crows Landing Air Base Project Had Been Released And That He Hoped The County Would Award The Contract In Early February Of 2013.

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

City Manager Holland Mentioned That City Planner Ocasio Was Out-Of-Town Accepting A Statewide Award For Our Downtown. Holland Informed The City Council That The City Was In The Process Of Redesigning Its Website And Planned To Release The New Version Within The Next Month. He Pointed Out That Everyone Could Now Pay Their City Utility Bills Online. Holland Noted That The City Had Been Contacted By Two French College Students Who Would Like To Intern With The City During The Months Of November And December. The City Manager Reported That City Offices Would Be Closed On November 12<sup>th</sup> In Observance Of Veterans Day And Thanked The Veterans For Their Service. He Announced That The Patterson Wal-Mart Had Begun Its Hiring Processes. Holland Asked The Council Members To Be Ready To Take New Photos On November 13<sup>th</sup> And Concluded By Reminding The Council That The City Of Gustine Would Be Hosing Their Open House On October 25<sup>th</sup>.

Public Works Director Reynolds Reported That City Crews Were Beginning To Install Holiday Decorations. Reynolds Noted That He Was Working On An RFP For Uniform Services And That The Public Hearing For Water Rate Increase Was Still Scheduled For November 13<sup>th</sup>. He Mentioned That Caltrans Has Provided Input Regarding Design Of Highway 33 And Inyo Intersection.

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

Council Member Hutchins Mentioned That The Alliance Has Still Maintained The Development Of The Crows Landing Air Base As Their Number One Priority.

Mayor Katen Invited Everyone To Attend The Upcoming Coffee Hour With Senator Canella.

### **14. Adjournment.**

**ACTION:** On Motion By Martina Seconded By Candea And Unanimously Carried, The Meeting Was Adjourned At 7:23 P.M.

**REPORT ON THE PROPOSED WATER UTILITY RATES**

**RECOMMENDATION:**

It is recommended that the City Council:

1. Conduct a Public Hearing and accept oral comments and written protests (a protest must be submitted in writing and consistent with the instructions provided in the public notice);
2. Close required 45-day public comment period.
3. Consider Resolution No. 2012- , a Resolution Declaring the Results of a Noticed Protest Proceeding and Approving Certain Actions for Rates, Fees and Charges for Water Services

**BACKGROUND:**

On July 24, 2012 City Council adopted the 2012 Water Rate Study (Study). The Study analyzed needs of the water utility account for the next ten years; however the recommendation of the Study is to adopt the proposed rates for the next five years. On August 28, 2012 City Council authorized the initiation of Proposition 218 proceedings for a proposed increase of the water rates, and on September 27, 2012 the notices were mailed to affected properties. As you are aware, the City of Newman is required to follow Proposition 218 guidelines when increasing utility rates. The intent of Proposition 218 is to ensure that all taxes and most charges upon property owners are subject to voter approval.

**ANALYSIS:**

Proposition 218 requires that the City send written notice by mail of the proposed fee or charge to each rate payer. The written notice (see attached) was distributed to both rate payers of record and the property owners and included the proposed amount of the rates, the reason for the fee or charge, the date, time and location of a public hearing, and instruction on how to protest the proposed rate increases. A public hearing is required to be conducted not less than 45 days after mailing the notices. If written protests against the proposed fee or charge are presented by a majority of the identified parcels, the agency shall not impose the fee or charge; this process serves to validate the rates.

In order to meet the Proposition 218 requirements, staff contracted the services of NBS Local Government Solutions to assist with the validation process. To date we have received 21 written protests (as of 11/7/12), an up to date count will be presented at the City Council meeting including any received that night.

**FISCAL IMPACT:**

There is no cost associated with this item.

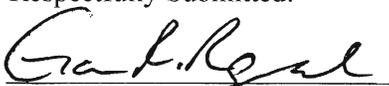
**ATTACHMENTS:**

1. Proposition 218 Public Notice of Proposed Increase in Water Rates and Charges
2. Proposition 218 Correction Notice
3. Resolution No. 2012- , Declaring the Results of a Noticed Protest Proceeding and Approving Certain Actions for Rates, Fees and Charges for Water Services
4. Proposed Water Rate Schedule

**CONCLUSION:**

Staff recommends that City Council conduct the Public Hearing, accept oral and written protests, and close the required 45 day public comment period. Upon closing the Public Hearing, staff and the City Treasurer will determine if a majority protest exists. If a majority protest does not exist, staff recommends the Council adopt Resolution No. 2012- , a Resolution Declaring the Results of a Noticed Protest Proceeding and Approving Certain Actions for Rates, Fees and Charges for Water Services.

Respectfully Submitted:

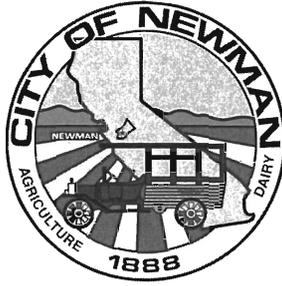


Garner R. Reynolds  
Director of Public Works

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager



## **PROPOSITION 218 NOTIFICATION PUBLIC NOTICE OF PROPOSED INCREASE IN WATER RATES AND CHARGES**

**NOTICE IS HEREBY GIVEN** that on **Tuesday, November 13, 2012, at 7:00PM**, a public hearing will be conducted in the City Council Chambers at 938 Fresno Street, Newman, CA 95360 to consider adoption of increases to water rates and charges.

The purpose of the hearing is to take written and oral comments and consider all written protests against the proposed charges. Written protests must be filed with the City of Newman City Clerk. Written protests may be hand delivered or mailed to 938 Fresno Street, Newman, CA 95360. To be valid, written protests must state opposition to the proposed water rate increase, identify the Parcel (by assessor's parcel number or street address), and include the original signature of the record water service customer or parcel owner. A written protest may be submitted up to the conclusion of public testimony at the public hearing. Oral comments at the public hearing will not qualify as formal protests unless accompanied by a written protest.

Upon conclusion of the public hearing the City Council will consider adopting the proposed rate increases. If written protests are not presented by a majority of the parcels upon which they are proposed to be imposed the City Council will be authorized to adopt the rate increases. If adopted, the new water rates will become effective on January 1, 2013.

### **BACKGROUND**

On July 24, 2012, the City of Newman adopted a Water Rate Study (2012 WRS). The 2012 WRS analyzed the adequacy of revenues to meet projected expenditures of the water enterprise fund (the Fund) to determine whether the Fund will be adequate to cover recurring operating and maintenance costs as well as needed capital costs while supporting debt service obligations through Fiscal Year 2021/22. The 2012 WRS provides explanation and justification of the proposed water rates. The recommendation of the 2012 WRS is to implement new water rates for the next five years (i.e. through Fiscal Year 2016/17).

The 2012 WRS is available for review at the City's Public Works Department at 938 Fresno Street, Newman, CA 95360 between 8:00 a.m. and 4:30 p.m., Monday through Friday. City staff can assist you with answering any questions about your water bill. If you have questions or need additional information, please contact Garner R. Reynolds at (209) 862-4448 or e-mail greynolds@cityofnewman.com.

## **WHY IS A WATER RATE INCREASE NEEDED?**

The City is required by State law to collect revenues sufficient to cover the costs of providing and operating the water system. These revenues allow the City to safely and reliably deliver water to the residents and businesses of Newman. Costs that must be recovered through rate revenues include utilities, equipment and supplies, treatment chemicals, and the salaries and benefits of City staff assigned to the operation of the water system. In addition, revenue generated from water rates is used to pay for capital improvements such as new water wells and replacement of water pipes. Revenues are also used to pay off debt and to replace equipment such as water meters. Under the current water rates, future revenues will be insufficient to provide an adequate supply of water and to continue operating the water system.

## **PROPOSED WATER RATES**

The proposed water rates include three components: 1) monthly service charge, 2) consumption charges, and 3) meter replacement charges.

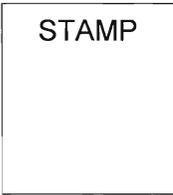
The proposed monthly service charges are due regardless of quantity of water consumed; currently water service charges include a monthly allowance of water. The proposed consumption charges generally increase depending on the type of customer and quantity of water used; currently consumption charges are the same regardless of quantity used. The proposed monthly service and consumption charges are calculated to recover the proportionate cost of providing water service attributable to parcels within each customer type in the City for the next five years.

The proposed water rates also include a new meter replacement charge per month per meter for routine replacement of your meter when it has exhausted its useful life or is no longer functioning properly.

The proposed water rates and effective dates of implementation are shown here:

|                                  | <b>Fiscal Year</b>            |                     |                     |                     |                     |
|----------------------------------|-------------------------------|---------------------|---------------------|---------------------|---------------------|
|                                  | <b>2012/13</b>                | <b>2013/14</b>      | <b>2014/15</b>      | <b>2015/16</b>      | <b>2016/17</b>      |
| <b>Effective Date</b>            | <b>Jan 1, 2013</b>            | <b>July 1, 2013</b> | <b>July 1, 2014</b> | <b>July 1, 2015</b> | <b>July 1, 2016</b> |
| <b>Consumption Charges</b>       | <b>Per hundred cubic feet</b> |                     |                     |                     |                     |
| Industrial Customers             | \$0.63                        | \$0.74              | \$0.86              | \$0.93              | \$0.99              |
| All Other Customers              | See below for Tier limits     |                     |                     |                     |                     |
| Tier 1                           | \$0.55                        | \$0.65              | \$0.76              | \$0.82              | \$0.87              |
| Tier 2                           | \$0.66                        | \$0.78              | \$0.91              | \$0.99              | \$1.04              |
| Tier 3                           | \$0.77                        | \$0.90              | \$1.06              | \$1.15              | \$1.22              |
| <b>Meter Replacement Charges</b> | <b>Per meter per month</b>    |                     |                     |                     |                     |
| 5/8"                             | \$1.07                        | \$1.10              | \$1.13              | \$1.17              | \$1.21              |
| 3/4"                             | \$1.32                        | \$1.36              | \$1.40              | \$1.45              | \$1.49              |
| 1"                               | \$1.75                        | \$1.80              | \$1.86              | \$1.92              | \$1.98              |
| 1 1/2"                           | \$3.50                        | \$3.61              | \$3.73              | \$3.85              | \$3.97              |
| 2"                               | \$5.04                        | \$5.20              | \$5.37              | \$5.54              | \$5.72              |
| 3"                               | \$8.91                        | \$9.20              | \$9.49              | \$9.79              | \$10.11             |
| 4"                               | \$13.65                       | \$14.09             | \$14.54             | \$15.00             | \$15.48             |
| 6"                               | \$32.36                       | \$33.39             | \$34.46             | \$35.56             | \$36.69             |
| 8"                               | \$35.37                       | \$36.50             | \$37.66             | \$38.87             | \$40.11             |
| 10"                              | \$48.37                       | \$49.92             | \$51.51             | \$53.16             | \$54.86             |
| <b>Service Charges</b>           | <b>Per meter per month</b>    |                     |                     |                     |                     |
| 5/8"                             | \$13.54                       | \$14.20             | \$14.88             | \$16.24             | \$17.03             |
| 3/4"                             | \$13.54                       | \$14.20             | \$14.88             | \$16.24             | \$17.03             |
| 1"                               | \$13.54                       | \$14.20             | \$14.88             | \$16.24             | \$17.03             |
| 1 1/2"                           | \$27.09                       | \$28.39             | \$29.75             | \$32.47             | \$34.06             |
| 2"                               | \$43.34                       | \$45.43             | \$47.60             | \$51.95             | \$54.49             |
| 3"                               | \$94.81                       | \$99.37             | \$104.13            | \$113.65            | \$119.20            |
| 4"                               | \$162.53                      | \$170.35            | \$178.51            | \$194.83            | \$204.33            |
| 6"                               | \$338.60                      | \$354.89            | \$371.89            | \$405.89            | \$425.70            |
| 8"                               | \$487.59                      | \$511.05            | \$535.52            | \$584.48            | \$613.00            |
| 10"                              | \$785.56                      | \$823.35            | \$862.78            | \$941.66            | \$987.62            |
|                                  | Tier 1 (hcf)                  | Tier 2 (hcf)        | Tier 3 (hcf)        |                     |                     |
| Single Family                    | Up to 10                      | 10.1 to 44          | Over 44             |                     |                     |
| Multi-Family                     | Up to 5                       | 5.1 to 17           | Over 17             |                     |                     |
| Commercial <4"                   | Up to 26                      | 26.1 to 49          | Over 49             |                     |                     |
| Commercial ≥4"                   | Up to 257                     | 257.1 to 1,303      | Over 1,303          |                     |                     |
| Landscape                        | Up to 173                     | 173.1 to 822        | Over 822            |                     |                     |

City of Newman  
938 Fresno Street  
Newman, CA 95360



ADDRESS

## Important information regarding your water bill

### NOTICE OF PUBLIC HEARING

**DATE: November 13, 2012**

**Time: 7:00 pm**

**CITY OF NEWMAN  
COUNCIL CHAMBERS  
938 FRESNO STREET  
NEWMAN, CA 93560**

On Tuesday, November 13, 2012, at or after 7:00 PM, the City of Newman will hold a public hearing to consider the proposed increases to water service charges as described in this notice.

### HOW TO PROTEST THE PROPOSED THE RATE INCREASES

All owners and tenants of property receiving water service are invited to attend the Public Hearing and be heard about proposed increases to the service charges for water service. An owner or tenant of property receiving City water service may protest the proposed increased service charges by submitting a written protest by mail or in person to the City's Department of Public Works, 938 Fresno Street, Newman, CA 93560. Written protests must be received (not postmarked) by the City before or during the public hearing. Any protest submitted by e-mail or other electronic means will not be accepted. The protest must be signed by the property owner or tenant(s) and must include the assessor's parcel number(s) or street address(es) of all property(ies) serviced. Only one written protest per identified parcel or property will be counted for purposes of determining whether there is a majority protest.

Cost data regarding the proposed increased charges is available for review during business hours at the City's Department of Public Works Office, City Hall, 938 Fresno Street, Newman, CA 95360. For questions call (209) 862-4448.



**PROPOSITION 218 NOTIFICATION  
CORRECTION TO PUBLIC NOTICE  
OF PROPOSED INCREASE  
IN WATER RATES AND CHARGES**

The Public Notice mailed September 27, 2012 contained transpositions in the zip code for the City of Newman City Hall. The correct address to attend the Public Hearing or mail any written protests is:

**CITY OF NEWMAN  
938 FRESNO STREET  
NEWMAN, CA 95360**

Should you have any questions or concerns regarding this correction, please contact (209) 862-4448.

**RESOLUTION NO. 2012-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA,  
DECLARING THE RESULTS OF A NOTICED PROTEST PROCEEDING AND APPROVING  
CERTAIN ACTIONS FOR RATES, FEES AND CHARGES FOR WATER SERVICE(S)**

WHEREAS, the City Council, called and duly held a noticed protest proceeding for the purpose of presenting to the qualified property owners and rate payers the proposition of increasing rates, fees and charges for water services pursuant to Section 6, Article XII D of the California Constitution; and

WHEREAS, a mailed notice was distributed to the property owners and rate payers of record within the City as of Stanislaus County's last equalized roll and the City's latest rate payer database. The property owners and rate payers as of the close of the Public Hearing held on November 13, 2012 consented to the increase of rates, fees and charges for water service(s); and

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

1. The above recitals are all true and correct.
2. The canvass of the written protests cast at the noticed protest proceeding held on November 13, 2012, is hereby approved and confirmed.
3. The proposition, presented to qualified property owners and rate payers for receipt by the City Clerk on November 13, 2012, each has received a notice. Of the qualified property owners and rate payers filing written protests at said noticed protest proceeding, the proposition has carried. The City Council is hereby authorized to take necessary steps to effect the increased rates, fees and charges for water service(s) as authorized by the proposition as listed in Attachment "A".
4. This City Clerk is hereby directed to enter this Resolution on the minutes of the City Council which shall constitute the official declaration of the result of such noticed protest proceeding.
5. This Resolution shall become effective immediately upon its adoption.
6. The City Clerk shall certify the adoption of this Resolution.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 13<sup>th</sup> day of November 2012 by Council Member \_\_\_\_\_, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

ATTEST:

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

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

ATTACHMENT A

**PROPOSED WATER RATES**

|                                  | Fiscal Year                   |                |              |              |              |
|----------------------------------|-------------------------------|----------------|--------------|--------------|--------------|
|                                  | 2012/13                       | 2013/14        | 2014/15      | 2015/16      | 2016/17      |
| Effective Date                   | Jan 1, 2013                   | July 1, 2013   | July 1, 2014 | July 1, 2015 | July 1, 2016 |
| <b>Consumption Charges</b>       | <b>Per hundred cubic feet</b> |                |              |              |              |
| Industrial Customers             | \$0.63                        | \$0.74         | \$0.86       | \$0.93       | \$0.99       |
| All Other Customers              | See below for Tier limits     |                |              |              |              |
| Tier 1                           | \$0.55                        | \$0.65         | \$0.76       | \$0.82       | \$0.87       |
| Tier 2                           | \$0.66                        | \$0.78         | \$0.91       | \$0.99       | \$1.04       |
| Tier 3                           | \$0.77                        | \$0.90         | \$1.06       | \$1.15       | \$1.22       |
| <b>Meter Replacement Charges</b> | <b>Per meter per month</b>    |                |              |              |              |
| 5/8"                             | \$1.07                        | \$1.10         | \$1.13       | \$1.17       | \$1.21       |
| 3/4"                             | \$1.32                        | \$1.36         | \$1.40       | \$1.45       | \$1.49       |
| 1"                               | \$1.75                        | \$1.80         | \$1.86       | \$1.92       | \$1.98       |
| 1 1/2"                           | \$3.50                        | \$3.61         | \$3.73       | \$3.85       | \$3.97       |
| 2"                               | \$5.04                        | \$5.20         | \$5.37       | \$5.54       | \$5.72       |
| 3"                               | \$8.91                        | \$9.20         | \$9.49       | \$9.79       | \$10.11      |
| 4"                               | \$13.65                       | \$14.09        | \$14.54      | \$15.00      | \$15.48      |
| 6"                               | \$32.36                       | \$33.39        | \$34.46      | \$35.56      | \$36.69      |
| 8"                               | \$35.37                       | \$36.50        | \$37.66      | \$38.87      | \$40.11      |
| 10"                              | \$48.37                       | \$49.92        | \$51.51      | \$53.16      | \$54.86      |
| <b>Service Charges</b>           | <b>Per meter per month</b>    |                |              |              |              |
| 5/8"                             | \$13.54                       | \$14.20        | \$14.88      | \$16.24      | \$17.03      |
| 3/4"                             | \$13.54                       | \$14.20        | \$14.88      | \$16.24      | \$17.03      |
| 1"                               | \$13.54                       | \$14.20        | \$14.88      | \$16.24      | \$17.03      |
| 1 1/2"                           | \$27.09                       | \$28.39        | \$29.75      | \$32.47      | \$34.06      |
| 2"                               | \$43.34                       | \$45.43        | \$47.60      | \$51.95      | \$54.49      |
| 3"                               | \$94.81                       | \$99.37        | \$104.13     | \$113.65     | \$119.20     |
| 4"                               | \$162.53                      | \$170.35       | \$178.51     | \$194.83     | \$204.33     |
| 6"                               | \$338.60                      | \$354.89       | \$371.89     | \$405.89     | \$425.70     |
| 8"                               | \$487.59                      | \$511.05       | \$535.52     | \$584.48     | \$613.00     |
| 10"                              | \$785.56                      | \$823.35       | \$862.78     | \$941.66     | \$987.62     |
|                                  | Tier 1 (hcf)                  | Tier 2 (hcf)   | Tier 3 (hcf) |              |              |
| Single Family                    | Up to 10                      | 10.1 to 44     | Over 44      |              |              |
| Multi-Family                     | Up to 5                       | 5.1 to 17      | Over 17      |              |              |
| Commercial <4"                   | Up to 26                      | 26.1 to 49     | Over 49      |              |              |
| Commercial ≥4"                   | Up to 257                     | 257.1 to 1,303 | Over 1,303   |              |              |
| Landscape                        | Up to 173                     | 173.1 to 822   | Over 822     |              |              |

Honorable Mayor and Members  
of the Newman City Council

**Agenda Item: 9.b.**  
City Council Meeting  
of November 13, 2012

**REPORT ON NUISANCE ABATEMENT**

**RECOMMENDATION:**

Adopt Resolution No. 2012- , Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

**BACKGROUND:**

Abatement notices for property maintenance were sent to several properties in accordance with Ordinance 95-4, Chapter 2, Title 8-2-3.

**ANALYSIS:**

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Monday, November 12, 2012. A list of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

**FISCAL IMPACT:**

None

**CONCLUSION:**

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

**ATTACHMENTS:**

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

Respectfully submitted,



Randy Richardson  
Chief of Police

**REVIEWED/CONCUR:**



Michael Holland  
City Manager

**RESOLUTION NO. 2012-**

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

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

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

WHEREAS, said hearing was held on November 13, 2012, at 7:00 p.m., as in said notice provided; and,

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

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 13th day of November, 2012 by Council Member \_\_\_\_\_, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

**City of Newman**  
Abatement list

**1. 632 Rodeo Grounds**

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

**2. 1573 Canyon Creek**

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



11.06.2012 11:49



11.06.2012 12:02

Honorable Mayor and Members  
of the Newman City Council

**SECOND READING OF ORDINANCE 2012- AMENDING VARIOUS CHAPTERS OF TITLE 8 AND  
TITLE 11 RELATING TO UTILITY BILLING AND AUTHORIZING STAFF TO PUBLISH AND  
PREPARE A SUMMARY OF THE ORDINANCE**

**RECOMMENDATION:**

1. Conduct a second reading of Ordinance No. 2012-, An Ordinance Amending Title 8 and Title 11 Relating to Utility Billing
2. Conduct a public hearing
3. Adopt Ordinance 2012-
4. Authorize staff to publish and prepare a summary of the ordinance

**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.

At the October 23<sup>rd</sup> Council meeting the introduction of the ordinance and first reading was conducted.

**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:

- 1) Conduct a second reading of the ordinance,
- 2) Conduct a public hearing,
- 3) Adopt Ordinance 2012- and
- 4) Authorize staff to publish a summarized version of the ordinance.

Staff believes that these amendments will provide the City with another avenue to recover costs for violations of City Ordinances, reduce the impact of Application 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 A. 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 solid 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:

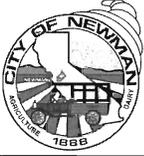
AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

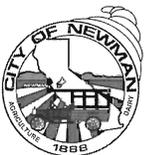
\_\_\_\_\_  
Deputy City Clerk of the City of Newman



AGENDA  
NEWMAN PLANNING COMMISSION  
REGULAR MEETING NOVEMBER 15, 2012  
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

**NOVEMBER 15, 2012 MEETING CANCELLED**

---



AGENDA  
NEWMAN CITY COUNCIL  
REGULAR MEETING NOVEMBER 27, 2012  
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

**NOVEMBER 27, 2012 MEETING CANCELLED**