



**AGENDA**  
**NEWMAN CITY COUNCIL**  
**SPECIAL MEETING FEBRUARY 12, 2013**  
**CITY HALL CONFERENCE ROOM, 6:30 P.M., 938 FRESNO STREET**

1. **Call To Order.**
2. **Roll Call.**
3. **Items From The Public.**
4. **Adjourn To Closed Session**
  - a. Conference With Legal Counsel - Liability Claims - Claimant: Renee Kimball - Agency: City of Newman - G.C. 54956.95.
  - b. Return To Open Session.
5. **Adjournment.**



**AGENDA**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING FEBRUARY 12, 2013**  
**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. Presentation By Council Member Hutchins Regarding League Of California Cities Information.
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 January 22, 2013 Regular Meeting. ([View Minutes](#))
  - d. Adopt Resolution No. 2013- , A Resolution Rejecting The Claim Of Renee Kimball. ([View Report](#))
  - e. Adopt Resolution No. 2013- , A Resolution Approving The Automatic Annual Inflation Adjustment For Capital Facility And Impact Fees For The Period Of March 1, 2013 Through February 28, 2014. ([View Report](#))
  - f. Authorize City Manager To Enter Into A Disposal Agreement With Stanislaus County.
  - g. Adopt Resolution No. 2013- , A Resolution In Support Of Enterprise Zones. ([View Report](#))
9. **Public Hearings**
  - a. Adopt Resolution No. 2013- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4. ([View Report](#))
10. **Regular Business**
  - a. Adopt Resolution No. 2013- , A Resolution Approving A Veterinary Services Contract. ([View Report](#))

- b. First Reading And Introduction Of Ordinance No. 2013- , Amending Title 11 Public Ways And Property, Section 11.05.040 Water Rates, Of The Newman City Code, Setting Water Rates, Fees And Related Service Charges Effective April 1, 2013. ([View Report](#))
- c. Adopt Resolution No. 2013- , A Resolution Awarding The Bid Of One ½ Ton Pickup. ([View Report](#))
- d. Report On Comforting Kids Event At Pioneer Park. ([View Report](#))
- e. Report On Request By Travel Soccer Club To Utilize City Facilities. ([View Report](#))

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

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

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

**14. Adjournment.**

**Calendar of Events**

February 12 – City Council - 7:00 P.M.

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

February 14 – Newman Redevelopment Successor Agency Oversight Board Meeting – 3:30 P.M.

February 14 – Recreation Commission – 7:00 P.M.

February 18 – Presidents’ Day Holiday– City Offices Closed.

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

February 20 – CDBG Annual Action Plan Community Meeting – 5:00 P.M.

February 21 – Planning Commission – 7:00 P.M.

February 26 – City Council - 7:00 P.M.

February 27 – Newman Quasquicentennial (125 Years) Planning Committee Meeting – 6:00 P.M.

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

March 12 – City Council - 7:00 P.M.

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

March 14 – Recreation Commission – 7:00 P.M.

March 21 – Planning Commission – 7:00 P.M.

March 26 – City Council - 7:00 P.M.

March 27 – Newman Quasquicentennial (125 Years) Planning Committee Meeting – 6:00 P.M.



**MINUTES**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING JANUARY 8, 2013**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. **Call To Order** - Mayor Katen 7:02 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Council Member Candea.
4. **Roll Call** - **PRESENT:** Davis, Hutchins, Candea, Martina And Mayor Katen.  
**ABSENT:** None.
5. **Declaration Of Conflicts Of Interest** - None.
6. **Ceremonial Matters**

- a. Presentation By StanCOG Regarding Unmet Transit Needs.

Michael Costa, Associate Planner With StanCOG, Provided An Overview Of The Annual Unmet Transit Needs Assessment Process.

- b. Presentation By Stanislaus County Public Works Department Regarding The Orestimba Creek Draft Interim Feasibility Study/Environmental Assessment/Initial Study.

Matt Machado, Stanislaus County Director Of Public Works, Reviewed Elements Of The Orestimba Creek, West Stanislaus County Flood Risk Management Draft Feasibility Study.

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 December 11, 2012 Regular Meeting.
- d. Adopt Resolution No. 2013-1, Approving The Local Transportation Fund Claim For Fiscal Year 2012/2013 Other Purposes And Authorizing The Finance Director To Execute The Claim On Behalf Of The City Of Newman.
- e. Adopt Resolution No. 2013-2, Approving Hughson Enterprise Zone Expansion.

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

9. **Public Hearings** - None.

10. **Regular Business**

- a. Adopt Resolution No. 2013-3, Accepting Irrevocable Offer Of Dedication For Street Right-Of-Way For The Hoyer Road Safe Routes To School Cycle 10 Improvements.

**ACTION:** On Motion By Hutchins Seconded By Davis And Unanimously Carried, Resolution No. 2013-3, A Resolution Accepting Irrevocable Offer Of Dedication For Street Right-Of-Way For The Hoyer Road Safe Routes To School Cycle 10 Improvements, Was Adopted.

**b. City Council Reorganization - Selection Of Mayor Pro Tem And Committee Assignments.**

The Following Committee Assignments Were Made By The City Council for 2013/2014:

1. Mayor Pro Tem - (1) Martina
  2. StanCOG - (1 & Alternate) Katen/Martina
  3. The Alliance - (1) Hutchins
  4. LAFCO City Selection Committee - (1) Katen
  5. Stanislaus Mayor's Committee - (1) Katen
  6. League of California Cities Executive Committee - (1 & Alternate) Hutchins/City Manager
  7. School Liaison Representatives - (2 & Alternate) Martina/Hutchins/Davis
  8. Infrastructure Committee (Formerly WWTP Task Force) - (1 & Alternate) Davis/Candea
  9. EDAC - (2) City Manager/Candea
  10. Crows Landing Air Field/West Side Economic Development (1 & Alternate) Davis/Martina
  11. TOSCA - (1) Hutchins
  12. Solid Waste Task Force - (1 & Alternate) Public Works Director/Public Works Superintendent
  13. Chamber Of Commerce - (1 & Alternate) Candea/Martina
  14. West Side Theatre Liaison - (1 & Alternate) Hutchins/Katen
  15. Public Safety Committee - (1 & Alternate) Katen/Hutchins
  16. Countywide Disaster Council - (1 & Alternate) Katen/Hutchins
  17. San Joaquin Valley Air Pollution Control District Special City Selection Committee - (1 & Alternate) Hutchins/Katen
  18. West Side Healthcare Taskforce - (2) Candea/Martina
  19. Orestimba Creek Flood Control - (1) Katen
- 11. Items From District Five Stanislaus County Supervisor - None.**

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

City Manager Holland Asked The Council For Concurrence On The Annual Two-Hundred Dollar Contribution To The Stanislaus County Travel And Tourism Winter Forum And They Agreed. Holland Pointed Out That The Next 125<sup>th</sup> Anniversary Meeting Would Be On Wednesday, January 9<sup>th</sup>. He Noted That City Offices Would Be Closed On January 21<sup>st</sup> In Observance Of Martin Luther King Jr. Day. Holland Reported That Staff Was Working On Plans To Revitalize L.J. Newman Memorial Building. He Mentioned That Staff Would Be Making The Trek To Sacramento To Meet With The Regional Water Quality Control Board. Holland Concluded By Reminding Everyone That The Orestimba Creek Feasibility Study Was Available For Review On The City's Website.

Chief Richardson Thanked The Community For Celebrating Responsibly During The Holiday Season And Encouraged Everyone To Visit Both The Police Department's And The K-9 Association's Facebook Pages.

Public Works Director Reynolds Updated The Council On The Highway 33 Traffic Signal Project, The 2013 Street Project And Memorial Building Improvements. Reynolds Noted That The City Will Be Reassessing Fees For Facility Rentals. He Mentioned That All The Christmas Lights Will Be Removed On January 14<sup>th</sup>.

City Planner Ocasio Reminded Everyone That Tickets Were Still Available For The 125<sup>th</sup> Anniversary Committee's Meatloaf Dinner Fundraiser. Ocasio Invited Everyone To Attend First Skate Park Committee Meeting On January 10<sup>th</sup>. She Reported That The Dollar General Site Plan Had Been Approved By The Planning Commission In December And That The Store Is Scheduled To Open In Late Summer. Ocasio Mentioned That The Non-Motorized Transportation Plan Would Be Reviewed By The Planning Commission Later In The Month And That The City Council Should Expect To See The Plan In Front Of Them In February.

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

Council Member Hutchins Noted That He Would Be Attending The Upcoming League Of California Cities Policy Committee Meetings In Sacramento.

## **14. Adjournment.**

**ACTION:** On Motion By Katen And Unanimously Carried, The Meeting Was Adjourned At 8:18 P.M.

# Accounts Payable

## Manual Check Register

User: smendonca  
Printed: 02/05/2013 - 4:23PM  
Batch: 70005.02.2013



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

		amount	Invoice No
Check: 103009	01/23/2013		
Vendor: CSJ01	CSJVRMA		
		4,883.33	RMA-2013-0201
		4,883.33	RMA-2013-0201
		4,883.34	RMA-2013-0201
		25,015.00	RMA-2013-0201
	Check total:	<u>39,665.00</u>	
	Total for Accounts Payable Check Run:	<u><u>39,665.00</u></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: smendonca

Printed: 02/08/2013 - 9:18 AM

Name	Account	Description	Check Nu	Check D	Amount
AMERICAN FIDELITY ASSURAN	10-15-663	Insurance S125	103021	1/31/2013	14.00
ARAMARK UNIFORM SERVICES	10-33-620	Uniform cleaning/mat rental/towels/January 2013	103026	2/8/2013	65.15
ARAMARK UNIFORM SERVICES	10-44-620	Uniform cleaning/mat rental/towels/January 2013	103026	2/8/2013	43.43
ARAMARK UNIFORM SERVICES	60-50-620	Uniform cleaning/mat rental/towels/January 2013	103026	2/8/2013	43.43
ARAMARK UNIFORM SERVICES	63-56-620	Uniform cleaning/mat rental/towels/January 2013	103026	2/8/2013	65.15
ARAMARK UNIFORM SERVICES	10-22-620	Uniform cleaning/mat rental/towels/January 2013	103026	2/8/2013	27.99
ARAMARK UNIFORM SERVICES	10-07-620	Uniform cleaning/mat rental/towels/January 2013	103026	2/8/2013	146.08
ARAMARK UNIFORM SERVICES	10-21-620	Uniform cleaning/mat rental/towels/January 2013	103026	2/8/2013	100.12
AT&T	10-14-642	Monthly charge for 862-3425 from 12/13/12-1/19/13	103027	2/8/2013	16.46
AT&T	10-21-642	Emergency dispatch line 12/20/13-1/19/13	103027	2/8/2013	136.79
AT&T	10-21-642	T1 line @ PD 12/20/13-1/19/13	103027	2/8/2013	336.85
AT&T	10-21-642	Telephone service 11/13/12-12/12/12	103027	2/8/2013	-123.22
AT&T	10-14-642	Telephone service 11/13/12-12/12/12	103027	2/8/2013	45.93
AT&T	10-07-666	Telephone service 11/13/12-12/12/12	103027	2/8/2013	14.90
AT&T	63-56-642	Telephone service 11/13/12-12/12/12	103027	2/8/2013	45.79
AT&T	60-50-642	Telephone service 11/13/12-12/12/12	103027	2/8/2013	16.22
AT&T	10-21-642	Telephone service 12/13/12-1/12/13	103027	2/8/2013	-17.78
AT&T	10-14-642	Telephone service 12/13/12-1/12/13	103027	2/8/2013	45.75
AT&T	10-07-666	Telephone service 12/13/12-1/12/13	103027	2/8/2013	14.87
AT&T	63-56-642	Telephone service 12/13/12-1/12/13	103027	2/8/2013	45.52
AT&T	60-50-642	Telephone service 12/13/12-1/12/13	103027	2/8/2013	15.98
AutoZone	60-50-653	Equipment oil	103028	2/8/2013	57.95
AutoZone	10-44-653	Trailer lights	103028	2/8/2013	3.75
Barco Products Company	17-41-630	6 Barcoboard Bleachers	103029	2/8/2013	4,971.27
BERTOLOTTI DISPOSAL	10-41-620	Garbage service January 2013	103030	2/8/2013	60,125.56
BEST BEST & KRIEGER, LLP	73-70-620	Professional services rendered through January 31, 2013	103031	2/8/2013	59.28
B G AUTO	10-33-653	Part for backhoe	103032	2/8/2013	36.78
B G AUTO	60-50-653	Part for backhoe	103032	2/8/2013	36.78
B G AUTO	63-56-653	Part for backhoe	103032	2/8/2013	36.77
BLUE SHIELD OF CALIFORNIA	10-00-226	Health insurance premium/February 2013	103033	2/8/2013	12,434.00
BORGE'S GLASS, INC.	10-21-653	2 windshield repairs	103034	2/8/2013	65.00
BUSINESS CARD	10-22-630	Finance charge	103022	1/31/2013	2.00
BUSINESS CARD	10-21-620	Pickup of old copier/PD	103025	2/7/2013	365.00
BUSINESS CARD	10-03-669	Notary class/bond/insurance/seal/Maier	103025	2/7/2013	547.25
BUSINESS CARD	10-21-630	1-Year compliance protection plan renewal/PD	103025	2/7/2013	74.69
BUSINESS CARD	10-21-663	PD Christmas Party supplies	103025	2/7/2013	67.09
BUSINESS CARD	10-21-653	Car wash	103025	2/7/2013	12.00
CALIF BUILDING STANDARDS	10-00-262	SB1473 fees payable Oct-Dec 2012	103035	2/8/2013	40.00
CALIF BUILDING STANDARDS	10-00-531	SB1473 fees payable Oct-Dec 2012/10% retention	103035	2/8/2013	-4.00
CARTER JEFF	68-68-772		103036	2/8/2013	100.00
CBA (CALIFORNIA BENEFITS)	10-00-111	Prepaid dental-vision	103023	1/31/2013	8,500.00
C B MERCHANT SERVICES,INC	63-56-663	Collection of bad debt	103037	2/8/2013	8.31
CENTRAL SANITARY SUPPLY	10-44-666		103038	2/8/2013	167.68
CENTRAL SANITARY SUPPLY	10-44-667		103038	2/8/2013	83.83
CENTRAL SANITARY SUPPLY	10-07-630		103038	2/8/2013	41.92

Name	Account	Description	Check Nu	Check D	Amount
CENTRAL SANITARY SUPPLY	10-21-630		103038	2/8/2013	41.92
CENTRAL SANITARY SUPPLY	10-07-666		103038	2/8/2013	20.96
CENTRAL SANITARY SUPPLY	10-22-630		103038	2/8/2013	20.96
CENTRAL SANITARY SUPPLY	10-44-630		103038	2/8/2013	20.96
CENTRAL SANITARY SUPPLY	10-46-630		103038	2/8/2013	20.96
CENTRAL SANITARY SUPPLY	10-44-666		103038	2/8/2013	224.62
CENTRAL SANITARY SUPPLY	10-44-667		103038	2/8/2013	112.32
CENTRAL SANITARY SUPPLY	10-07-630		103038	2/8/2013	56.15
CENTRAL SANITARY SUPPLY	10-21-630		103038	2/8/2013	56.16
CENTRAL SANITARY SUPPLY	10-07-666		103038	2/8/2013	28.08
CENTRAL SANITARY SUPPLY	10-22-630		103038	2/8/2013	28.07
CENTRAL SANITARY SUPPLY	10-44-630		103038	2/8/2013	28.08
CENTRAL SANITARY SUPPLY	10-46-630		103038	2/8/2013	28.08
COELHO CARL J. (CHUCK)	10-22-650		103039	2/8/2013	50.00
COMCAST CABLE	60-50-620	High speed internet/sewer	103040	2/8/2013	34.14
COMCAST CABLE	63-56-620	High speed internet/water	103040	2/8/2013	34.15
COMCAST CABLE	10-21-620	High speed internet/PD	103040	2/8/2013	34.14
CROP PRODUCTION SERVICES	60-50-623	15 GA Gramoxone/32.5 GA Prowl H2O/5 GA Herbimax/22.5 GA Ami	103041	2/8/2013	3,062.98
CROP PRODUCTION SERVICES	60-50-623	10 GA Gramoxone SL/5 GA Herbimax LPI	103041	2/8/2013	536.76
CSG Consultants, Inc	10-23-621	Building permit issuance/January 2013	103042	2/8/2013	866.28
CSG Consultants, Inc	10-23-621	Building permit finals/January 2013	103042	2/8/2013	193.18
CSG Consultants, Inc	10-23-621	In house plan check fees/January 2013	103042	2/8/2013	267.48
CSG Consultants, Inc	10-23-621	Plan check services/January 2013	103042	2/8/2013	134.48
DASH Medical Gloves	10-21-630	Medical gloves	103043	2/8/2013	75.23
DEPART. OF CONSERVATION	10-00-260	SMOT fees payable/Oct-Dec 2012	103044	2/8/2013	1.45
DEPART. OF CONSERVATION	10-00-531	SMOT fees payable/Oct-Dec 2012	103044	2/8/2013	-0.07
E&M ELECTRIC, INC.	69-47-620	Changed damaged photo eye/light pole #320 Sunny Creek Way	103045	2/8/2013	228.39
E&M ELECTRIC, INC.	10-44-666	1 GE Multi Vapor Lamp/Memorial Building	103045	2/8/2013	28.81
E&M ELECTRIC, INC.	62-60-622	Check lift pump	103045	2/8/2013	72.50
E&M ELECTRIC, INC.	10-33-630	1 150W bulb	103045	2/8/2013	26.28
ECONOMIC TIRE SHOP	63-56-653	Fixed 1 tire	103046	2/8/2013	15.00
ECONOMIC TIRE SHOP	10-44-653	Fixed 2 tires	103046	2/8/2013	25.00
Equarius Waterworks	63-56-630	30 water meters	103047	2/8/2013	1,762.24
eSafety Supplies, Inc.	10-21-630	Black nitrile PF exam gloves	103048	2/8/2013	198.96
FRANKLIN PET CEMETERY & C	10-21-620	Animal disposal	103049	2/8/2013	6.00
GEOANALYTICAL LAB, INC.	60-50-620	BOD/TSS/Nitrate/WWTP	103050	2/8/2013	655.00
GEOANALYTICAL LAB, INC.	63-56-620	Weekly bactic/Metals/ICPMS/Nitrate/EDT reporting	103050	2/8/2013	1,075.00
GEORGE W. LOWRY, INC	60-50-650	200 gal red dyed diesel	103051	2/8/2013	796.20
GEORGE W. LOWRY, INC	60-50-650	400 gal unleaded gas	103051	2/8/2013	1,460.26
Gouveia Engineering, Inc	24-32-774	Field review, prelim. scope & budget cost estimates/St. Overlays	103052	2/8/2013	1,887.38
Gouveia Engineering, Inc	10-31-620	Research and prepare legal description/2161 L St.	103052	2/8/2013	288.75
Gouveia Engineering, Inc	10-31-620	Update CAD City Basemap, find line work in AECOM files	103052	2/8/2013	420.00
Gouveia Engineering, Inc	10-31-620	Building site review & budget estimates for Mem. Bldg renovation	103052	2/8/2013	567.00
Gouveia Engineering, Inc	63-56-620	Verify addresses for testing/sampling locations/create maps.	103052	2/8/2013	2,535.75
Gouveia Engineering, Inc	24-32-776	Site survey, pre-design, research equipment/Natural gas station	103052	2/8/2013	2,856.00
Gouveia Engineering, Inc	20-32-778	Field review & project scoping, prepare draft plans/Tulare St.	103052	2/8/2013	5,916.75
Gouveia Engineering, Inc	17-32-774	Prepare 90% Plans & Specifications/SR2S	103052	2/8/2013	2,105.25
GROENIGER & CO.	63-56-630	SS Rep Clamp	103053	2/8/2013	131.92
HALLINAN TOM	10-15-620		103054	2/8/2013	525.00
HALLINAN TOM	60-50-620		103054	2/8/2013	525.00
HALLINAN TOM	63-56-620		103054	2/8/2013	525.00
HARTFORD INS CO OF THE MI	60-50-663	Flood insurance premium/WWTP	103055	2/8/2013	2,106.00
HOUSE STEPHANIE	10-45-673	Reimbursement for Teen Center Snack Bar supplies	103056	2/8/2013	47.97
HOWK SYSTEMS, INC.	62-60-622	Unplug pumps/Canyon Creek	103057	2/8/2013	576.20
INFOSEND, INC	60-50-620		103058	2/8/2013	924.50

Name	Account	Description	Check Nu	Check D	Amount
INFOSEND, INC	63-56-620		103058	2/8/2013	924.50
IN-SYNCH SYSTEMS	10-21-620	Monthly RMS Subscription 3/1/13-3/31/13	103059	2/8/2013	1,020.00
J&E Janitorial and Handyman	10-07-620	Swept/mopped/buffed floors/City Hall	103060	2/8/2013	100.00
Jerry Haag, Urban Planner	40-06-624	Area 3 Master Plan Services through 11/30/12	103061	2/8/2013	1,402.71
Jerry Haag, Urban Planner	40-06-624	Area 3 Master Plan Services through 12/31/12	103061	2/8/2013	2,800.00
JOE'S LANDSCAPING & CONCR	69-47-620	Lighting and landscape area services/January 2013	103062	2/8/2013	10,065.00
JOE'S LANDSCAPING & CONCR	17-44-775	(25) 36" tree ties	103062	2/8/2013	33.55
JOE'S LANDSCAPING & CONCR	10-21-627	Weed abatement	103062	2/8/2013	1,469.48
KAISER PERMANENTE	10-00-226	Health insurance premium/March 2013	103063	2/8/2013	2,713.00
Lamphier-Gregory	40-06-624	Professional services rendered 10/3/12-11/9/12	103064	2/8/2013	4,790.00
Lamphier-Gregory	40-06-624	Professional services rendered 11/9/12-12/7/12	103064	2/8/2013	2,608.24
MID VALLEY IT, INC	71-07-741	Low cost access point/City Hall Council Chambers, conf. rooms	103065	2/8/2013	385.13
CITY OF NEWMAN-PETTY CASH	10-06-633	NMTP CEQA Transmittal to ORR	103066	2/8/2013	16.95
CITY OF NEWMAN-PETTY CASH	10-01-662	Supplies-Biggest Loser/125th Fundraiser/Healthcare Taskforce	103066	2/8/2013	50.18
CITY OF NEWMAN-PETTY CASH	10-06-669	Parking	103066	2/8/2013	25.00
CITY OF NEWMAN-PETTY CASH	10-21-633	PD Postage	103066	2/8/2013	73.85
CITY OF NEWMAN-PETTY CASH	63-56-633	Shipped Road Runner to Datamatic	103066	2/8/2013	10.72
CITY OF NEWMAN-PETTY CASH	68-68-662	Christmas supplies	103066	2/8/2013	151.94
CITY OF NEWMAN-PETTY CASH	10-14-630	Coffee/Swiffer dusters/Super glue	103066	2/8/2013	44.31
CITY OF NEWMAN-PETTY CASH	10-33-669	Parking	103066	2/8/2013	2.00
CITY OF NEWMAN-PETTY CASH	10-44-666	Rugs for Memorial Building	103066	2/8/2013	8.60
CITY OF NEWMAN-PETTY CASH	62-60-622	Landing net	103066	2/8/2013	21.46
CITY OF NEWMAN-PETTY CASH	10-21-669	Per diem training - Ornelas	103066	2/8/2013	10.00
NEWMAN SMOG AND LUBE	10-21-653	Mount and balance four tires	103067	2/8/2013	60.00
NEWMAN SMOG AND LUBE	10-21-653	Repair Powertrain control module	103067	2/8/2013	115.04
NEWMAN SMOG AND LUBE	10-21-653	Lube, oil, filter change	103067	2/8/2013	37.76
North Star Engineering Group, Inc	18-32-773	Engineering services for Hwy 33 & Inyo Ave	103068	2/8/2013	10,596.85
OCASIO (NT) STEPHANIE	10-06-669	Mileage reimbursement/2013 Farmland mini-conference	103069	2/8/2013	32.41
OPERATING ENGINEERS/	10-00-226	Health insurance premium/March 2013	103070	2/8/2013	2,740.00
OTTMAN FARMS, INC	60-50-623	Spraying alfalfa	103071	2/8/2013	2,628.00
P G & E	10-07-641	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	1,032.26
P G & E	10-22-641	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	299.06
P G & E	10-33-641	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	8,857.86
P G & E	10-44-641	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	332.79
P G & E	10-45-641	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	71.96
P G & E	10-46-641	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	223.47
P G & E	10-44-666	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	578.57
P G & E	10-07-666	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	232.07
P G & E	10-44-667	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	448.87
P G & E	60-50-641	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	17,543.43
P G & E	62-60-641	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	326.66
P G & E	62-60-641	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	1,258.30
P G & E	63-56-641	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	6,759.28
P G & E	69-47-641	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	2,763.04
P G & E	73-70-665	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	171.67
P G & E	73-70-667	Gas and electric 12/5/12-1/14/13	103072	2/8/2013	686.59
Precision Concrete Cutting	24-32-772	Sidewalk improvements	103073	2/8/2013	5,575.00
PERS	60-50-610	Payroll correction	103024	1/31/2013	11.38
PERS	63-56-610	Payroll correction	103024	1/31/2013	11.39
RALEY'S IN STORE CHARGE	10-46-630	Sugar/coffee creamer/forks/cups/Corp Yard	103074	2/8/2013	23.60
RALEY'S IN STORE CHARGE	10-14-630	Sugar/Coffee Mate/sweetener/City Hall	103074	2/8/2013	4.06
RALEY'S IN STORE CHARGE	60-50-630	Sugar/Coffee Mate/sweetener/City Hall	103074	2/8/2013	4.05
RALEY'S IN STORE CHARGE	63-56-630	Sugar/Coffee Mate/sweetener/City Hall	103074	2/8/2013	4.05
RALEY'S IN STORE CHARGE	10-46-630	Sugar/coffee/creamers/cups/sweetener/Corp Yard	103074	2/8/2013	39.22
RALEY'S IN STORE CHARGE	10-14-630	Sugar cubes/City Hall	103074	2/8/2013	1.40

Name	Account	Description	Check Nu	Check D	Amount
RALEY'S IN STORE CHARGE	60-50-630	Sugar cubes/City Hall	103074	2/8/2013	1.39
RALEY'S IN STORE CHARGE	63-56-630	Sugar cubes/City Hall	103074	2/8/2013	1.40
RANGEL FENCE COMPANY	10-46-630	Replace top rolling wheel on main entrance gate/Corp yard	103075	2/8/2013	150.00
REYNOLDS (NT) GARNER	10-07-630	Reimbursement for 6' table	103076	2/8/2013	376.61
Ricoh USA, Inc	10-21-620	PD copier lease 1/25/13-2/24/13	103077	2/8/2013	326.12
Rivera Electric	10-07-620	Rewired outlet to accomodate copier	103078	2/8/2013	175.00
ROCHA BACKHOE SERVICE, IN	10-33-630	1 load cold mix/1 load concrete sand	103079	2/8/2013	531.66
ROCHA BACKHOE SERVICE, IN	60-50-630	1 load cold mix/1 load concrete sand	103079	2/8/2013	531.67
ROCHA BACKHOE SERVICE, IN	63-56-630	1 load cold mix/1 load concrete sand	103079	2/8/2013	531.67
SAFE-T-LITE	10-33-630	Lime green vests/paint/stake chasers	103080	2/8/2013	172.75
SAFE-T-LITE	10-00-284	12 reflective lime knitted caps	103080	2/8/2013	87.06
SOLECON, INC	10-07-620	Routine preventative maintenance/Fire Department	103081	2/8/2013	600.06
SOLECON, INC	73-70-667	HVAC PD IT room/Recreation center/Memorial Building/Theater	103081	2/8/2013	150.00
SOLECON, INC	10-44-666	HVAC PD IT room/Recreation center/Memorial Building/Theater	103081	2/8/2013	200.00
SOLECON, INC	10-07-620	HVAC PD IT room/Recreation center/Memorial Building/Theater	103081	2/8/2013	650.00
State of Calif Dept of Justice	10-21-620	Fingerprint apps/child abuse index	103082	2/8/2013	138.00
Stanislaus County Auditor-Controller	10-03-624	Election costs for 11/6/12 election	103083	2/8/2013	200.00
STANISLAUS COUNTY	73-00-250	Econ. dev. loan - Newman	103084	2/8/2013	60,000.00
STAPLES ADVANTAGE	10-14-630	Credit for Dr. Grip pen	103085	2/8/2013	-2.15
STAPLES ADVANTAGE	60-50-630	Credit for Dr. Grip pen	103085	2/8/2013	-2.15
STAPLES ADVANTAGE	63-56-630	Credit for Dr. Grip pen	103085	2/8/2013	-2.15
STAPLES ADVANTAGE	10-14-630	Letter opener	103085	2/8/2013	0.41
STAPLES ADVANTAGE	60-50-630	Letter opener	103085	2/8/2013	0.42
STAPLES ADVANTAGE	63-56-630	Letter opener	103085	2/8/2013	0.42
STAPLES ADVANTAGE	10-14-630	Cash register ribbon	103085	2/8/2013	2.58
STAPLES ADVANTAGE	60-50-630	Cash register ribbon	103085	2/8/2013	2.58
STAPLES ADVANTAGE	63-56-630	Cash register ribbon	103085	2/8/2013	2.58
STAPLES ADVANTAGE	10-14-630	Pen/pencils/file folder/binder clips/sticky notes/envelope glue	103085	2/8/2013	15.26
STAPLES ADVANTAGE	60-50-630	Pen/pencils/file folder/binder clips/sticky notes/envelope glue	103085	2/8/2013	15.26
STAPLES ADVANTAGE	63-56-630	Pen/pencils/file folder/binder clips/sticky notes/envelope glue	103085	2/8/2013	15.25
STANTEC CONSULTING SERVIC	60-50-620	Newman Water & Wastewater on-call 2012-2013	103086	2/8/2013	6,683.26
SUN VALLEY PORTABLES	10-44-620	Portable restroom rental-service/January 2013	103087	2/8/2013	155.73
T.H.E. OFFICE CITY	10-14-630	Returned calendar	103088	2/8/2013	-4.00
T.H.E. OFFICE CITY	60-50-630	Returned calendar	103088	2/8/2013	-4.00
T.H.E. OFFICE CITY	63-56-630	Returned calendar	103088	2/8/2013	-4.00
T.H.E. OFFICE CITY	10-14-630	Sign here flags/calendar	103088	2/8/2013	4.14
T.H.E. OFFICE CITY	60-50-630	Sign here flags/calendar	103088	2/8/2013	4.15
T.H.E. OFFICE CITY	63-56-630	Sign here flags/calendar	103088	2/8/2013	4.14
T.H.E. OFFICE CITY	10-03-630	Clasp envelopes	103088	2/8/2013	35.44
T.H.E. OFFICE CITY	10-14-630	Clasp envelopes	103088	2/8/2013	8.61
T.H.E. OFFICE CITY	60-50-630	Clasp envelopes	103088	2/8/2013	8.60
T.H.E. OFFICE CITY	63-56-630	Clasp envelopes	103088	2/8/2013	8.61
T.H.E. OFFICE CITY	10-14-630	Cherry corner table	103088	2/8/2013	181.89
T.H.E. OFFICE CITY	10-03-630	Blue report covers	103088	2/8/2013	35.45
COSBY SHANNON	63-00-201	Refund Check	103089	2/8/2013	63.93
BURKE JACQUI	63-00-201	Refund Check	103090	2/8/2013	75.50
SANGUINO MARIA	63-00-201	Refund Check	103091	2/8/2013	114.52
MAMARIL MAGDALENA & ALEJ	63-00-201	Refund Check	103092	2/8/2013	50.09
GARCIA SOCORRO	63-00-201	Refund Check	103093	2/8/2013	37.17
SPAULDING LORRAINE	63-00-201	Refund Check	103094	2/8/2013	45.46
GONZALEZ LEOPOLDO	63-00-201	Refund Check	103095	2/8/2013	94.91
U.S. BANK	73-70-810	RDA 1997 tax allocation project administration fees 2013	103096	2/8/2013	2,887.50
Valley Tire Sales	10-21-653	4 tires	103097	2/8/2013	476.63
VALLEY PARTS SERVICE	60-50-653	Batteries	103098	2/8/2013	105.33
VALLEY PARTS SERVICE	63-56-653	Batteries	103098	2/8/2013	105.34

<b>Name</b>	<b>Account</b>	<b>Description</b>	<b>Check Nu</b>	<b>Check D</b>	<b>Amount</b>
VALLEY PARTS SERVICE	10-21-653	Oil/radiator funnel	103098	2/8/2013	40.05
VALLEY PARTS SERVICE	60-50-653	Fan belt for 77-2 water truck	103098	2/8/2013	13.09
VALLEY PARTS SERVICE	63-56-653	Oil/super protector	103098	2/8/2013	18.26
VARGAS GEORGE	10-22-650		103099	2/8/2013	50.00
Zoll Data Systems, Inc	10-22-620	Rescuenet maintenance 2/1/13-1/14	103100	2/8/2013	560.00
					=====
					292,122.16
					=====



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

**Date: January 28, 2013  
To: City Council  
From: Mike Maier**

**Subject: Rejection Of Claim**

On January 22, 2013, a claim against the City of Newman was filed by Renee Kimball. Based upon the recommendation of the City's liability claim adjuster, staff recommends the Council reject said claim. Copies of the the claim submitted by Ms. Kimball and the proposed resolution rejecting the claim are all attached.

It is important that this resolution be adopted soon in order to meet time limit requirements; a claim must be allowed or rejected within forty-five (45) days of its presentation. Adherence to this forty-five (45) day rule is important because it triggers the time within which the claimant must legally file any lawsuit arising from the incident. If the City fails to reject the claim within the forty-five (45) day period, the claimant has two (2) years to file suit, essentially extending the period of vulnerability for the City from six (6) months to (2) two years.

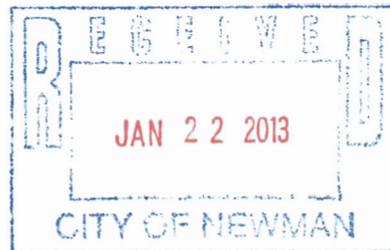
Any discussions of the claim must be done in closed session as potential litigation/liability claims.



CITY OF NEWMAN CLAIM FORM FORM B

(Please Type Or Print)

AMENDED CLAIM



CLAIM AGAINST City of Newman (Name of Entity)

Claimant's name: Renee Kimball will provide on

SS#: on non-public document DOB: Gender: Male Female X

Claimant's address: 1506 Canyon Creek Dr, Newman, CA 95360

Address where notices about claim are to be sent, if different from above: Cory B. Chartrand, Esq., Triebisch & Frampton, 300 N. Palm St., Turlock, CA 95380

Date of incident/accident: July 24, 2012

Date injuries, damages, or losses were discovered: July 24, 2012

Location of incident/accident: City sidewalk/planter bricks in front of 1305 Main Street, Newman, California in front of Knights of Pythias building

What did entity or employee do to cause this loss, damage, or injury? Claimant tripped and fell on uneven sidewalk and planter bricks property. Sidewalk and planter bricks were uneven with discrepancies over one inch and the public entity had notice of this condition.

(Use back of this form or separate sheet if necessary to answer this question in detail.)

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

What specific injuries, damages, or losses did claimant receive? fracture of the right humerus, including the humeral head; this necessitated surgery and physical therapy, as well as lost wages.

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking or, if the amount is in excess of \$10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)] Unlimited Civil Case in excess of \$25,000.00

How was this amount calculated (please itemize)? Medical, surgery, physical therapy = \$20,000.00 (estimated - not all medical bills have been received); \$40,000.00 = pain and suffering; \$6,728.58 = current wage loss; \$12,931.20 = future wage loss.

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 1/24/2013 Signature: [Signature]

If signed by representative:

Representative's Name Cory B. Chartrand, Esq. Address 300 N. Palm St., Turlock Ca 95380

Telephone # (209) 667-2300

Relationship to Claimant Attorney for claimant.







**RESOLUTION NO. 2013-**

**A RESOLUTION REJECTING THE CLAIM OF RENEE KIMBALL**

WHEREAS, a claim for damages in an amount within the Superior Court jurisdiction was filed against the City of Newman by Renee Kimball, on January 22, 2013 for alleged damages.

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12<sup>th</sup> day of February, 2013, by Council Member \_\_\_\_\_, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Honorable Mayor and Members  
of the Newman City Council

**REPORT ON THE AUTOMATIC ANNUAL INFLATION ADJUSTMENT FOR CAPITAL FACILITY  
AND IMPACT FEES FOR THE PERIOD OF MARCH 1, 2013 THROUGH FEBRUARY 28, 2014**

**RECOMMENDATION:**

Adopt Resolution No. 2013- authorizing the Automatic Annual Inflation Adjustment for Capital Facility and Impact Fees for the Period of March 1, 2013 through February 28, 2014.

**BACKGROUND:**

In April 2002, the City Council adopted Resolution No. 2002-22 approving the comprehensive update of Capital Facility and Impact Fees. The resolution provides for the automatic adjustment of the fees based on current construction indexes for the area. The following information is presented to the Council for review and approval.

**ANALYSIS:**

The City of Newman is considered a part of the Engineering News-Record's (ENR) San Francisco region. The 2012 ENR CCI inflation index for this region is 1.5%; this is up from the 0.8% increase last year. This increase has been applied to the Capital Facility and Impact Fees to originate new rates for the period of March 1, 2013 through February 28, 2014.

**FISCAL IMPACT:**

The adjusted rates will increase development fees due at time of development. For example, a vested single-family (Low Density) residential unit will go from \$10,243.63 to \$10,397.30 in impact fees. The adjusted fees apply to all development types; business park, commercial, industrial and residential.

**CONCLUSION:**

Staff recommends approval of Resolution No. 2013- , authorizing the Automatic Annual Inflation Adjustment for Capital Facility and Impact Fees for the period of March 1, 2013 through February 28, 2014. Upon approval, adjusted Fees will be initiated on March 1, 2013 and Notices will be forwarded to the BIA.

**ATTACHMENTS:**

1. Resolution No. 2013-
2. Exhibit A: Fee Comparison Spreadsheet

Respectfully submitted,

  
\_\_\_\_\_  
Lewis A. Humphries  
Finance Director

**REVIEWED/CONCUR**

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

**RESOLUTION NO. 2013-**

**A RESOLUTION AUTHORIZING THE AUTOMATIC ANNUAL INFLATION ADJUSTMENT  
FOR CAPITAL FACILITY AND IMPACT FEES FOR THE PERIOD OF  
MARCH 1, 2013 THROUGH FEBRUARY 28, 2014**

WHEREAS, the City Council of the City of Newman has adopted Resolution No. 2002-22 "Approving Comprehensive Update of Capital Facility Fees Program"; and

WHEREAS, the City Council of the City of Newman has provided for the annual adjustment of the Capital Facility Fees by the inflation factor; and

WHEREAS, the accepted inflation factor, using the Construction Cost Index for the San Francisco Area published by the Engineering News Report for December 2012 is 1.5%.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman accepts and implements the adjusted Capital Facility Fee Schedule (Exhibit A).

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12<sup>th</sup> of February, 2013 by Council Member \_\_\_\_\_, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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

**City of Newman - Development Fees 2013-2014**

Inflation Factor - 1.5% (ENR - SF CCI Dec 2012 over Dec 2011)

**EXHIBIT A**

**Fees for Vested Maps - 03/01/13 through 02/28/14**

	IMPACT FEES								PARKS		MUNICIPAL FACILITY FEES												TOTALS					
	Water		Traffic		Storm		Sewer		Park		Com Bldg		Police		Fire		Govt Bldg		Corp Yard		Wildlife		Gen Admin		PER UNIT			
	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New
<b>Residential Land Use</b>																												
Low Density	1,069.25	1,085.29	2,298.56	2,333.04	1,154.20	1,171.51	726.37	737.27	2,678.59	2,718.77	380.82	386.53	372.47	378.06	689.81	700.16	427.59	434.00	207.10	210.21	48.43	49.16	190.44	193.30	<b>10,243.63</b>	<b>10,397.30</b>		
Medium Density	505.32	512.90	1,872.37	1,900.46	563.49	571.94	354.63	359.95	2,142.87	2,175.01	342.42	347.56	335.74	340.78	621.34	630.66	384.18	389.94	187.07	189.88	43.43	44.08	170.38	172.94	<b>7,523.24</b>	<b>7,636.10</b>		
High Density	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
<b>Non-Residential Land Use</b>																												
Downtown Commercial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
General commercial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Light Industrial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Service Industrial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Heavy Industrial	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Business Park	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

**Fees for New Development - 03/01/13 through 02/28/14**

	IMPACT FEES								PARKS		MUNICIPAL FACILITY FEES												TOTALS					
	Water		Traffic		Storm		Sewer		Park		Com Bldg		Police		Fire		Govt Bldg		Corp Yard		Wildlife		Gen Admin		PER UNIT			
	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New	Old	New
<b>Residential Land Use</b>																												
Low Density	1,104.25	1,120.81	4,004.55	4,064.62	1,835.70	1,863.24	750.16	761.41	5,153.55	5,230.85	N/A	N/A	882.81	896.05	463.69	470.65	1,186.66	1,204.46	N/A	N/A	50.02	50.77	203.86	206.92	<b>15,635.25</b>	<b>15,869.78</b>		
Medium Density	539.09	547.18	3,567.43	3,620.94	896.22	909.66	366.24	371.73	5,091.23	5,167.60	N/A	N/A	872.18	885.26	458.09	464.96	1,172.34	1,189.93	N/A	N/A	44.86	45.53	201.38	204.40	<b>13,209.06</b>	<b>13,407.19</b>		
High Density	336.94	341.99	2,816.42	2,858.67	560.13	568.53	228.90	232.33	4,628.49	4,697.92	N/A	N/A	792.87	804.76	416.46	422.71	1,065.75	1,081.74	N/A	N/A	39.68	40.28	183.09	185.84	<b>11,068.73</b>	<b>11,234.77</b>		
<b>Non-Residential Land Use</b>																												
Downtown Commercial	602.71	611.75	N/A	N/A	720.13	730.93	230.66	234.12	N/A	N/A	N/A	N/A	285.45	289.73	149.91	152.16	383.68	389.44	N/A	N/A	N/A	N/A	65.91	66.90	<b>2,438.45</b>	<b>2,475.03</b>		
General commercial	602.71	611.75	3,171.06	3,218.63	720.13	730.93	230.66	234.12	N/A	N/A	N/A	N/A	285.45	289.73	149.91	152.16	383.68	389.44	N/A	N/A	N/A	N/A	65.91	66.90	<b>5,609.51</b>	<b>5,693.66</b>		
Light Industrial	602.71	611.75	1,606.40	1,630.50	720.13	730.93	230.66	234.12	N/A	N/A	N/A	N/A	190.29	193.14	99.95	101.45	255.78	259.62	N/A	N/A	N/A	N/A	43.93	44.59	<b>3,749.85</b>	<b>3,806.10</b>		
Service Industrial	602.71	611.75	980.55	995.26	720.13	730.93	230.66	234.12	N/A	N/A	N/A	N/A	190.29	193.14	99.95	101.45	255.78	259.62	N/A	N/A	N/A	N/A	43.93	44.59	<b>3,124.00</b>	<b>3,170.86</b>		
Heavy Industrial	602.71	611.75	667.60	677.61	720.13	730.93	230.66	234.12	N/A	N/A	N/A	N/A	190.29	193.14	99.95	101.45	255.78	259.62	N/A	N/A	N/A	N/A	43.93	44.59	<b>2,811.05</b>	<b>2,853.21</b>		
Business Park	602.71	611.75	1,606.40	1,630.50	720.13	730.93	230.66	234.12	N/A	N/A	N/A	N/A	285.45	289.73	149.91	152.16	383.68	389.44	N/A	N/A	N/A	N/A	65.91	66.90	<b>4,044.85</b>	<b>4,105.53</b>		

**Connection Fees**

Sewer Connection Fees per single family residence	\$2,330.00
Water Connection Fees per single family residence	\$1,035.00
Water Meter per single family residence	\$200.00

**AUTHORIZE CITY MANAGER TO ENTER INTO A DISPOSAL AGREEMENT  
WITH STANISLAUS COUNTY.**

**RECOMMENDATION:**

Staff recommends the Council authorize the City Manager to enter into a Disposal Agreement with Stanislaus County.

**BACKGROUND:**

In 1989, the State enacted the California Integrated Waste Management Act requiring local jurisdictions responsible for solid waste disposal and planning to implement waste diversion programs from the disposal facilities. Under the Public Resource Code, the County and the cities elected to form a regional agency to streamline and coordinate future solid waste management and planning to comply with the Act. In July 2002, the Stanislaus County Regional Solid Waste Planning Agency was approved by the California Integrated Waste Management.

**ANALYSIS:**

In November 2012, the City met with staff from the County's Department of Environmental Resources regarding a new program/agreement they were offering to the cities. The goal of the program was to secure a commitment for the Waste to Energy (WTE) component of the Fink Road Landfill project. The County expressed an interest in the Disposal Agreement to ensure the WTE plant operates as economically as possible.

The Disposal Agreement has been crafted to help the WTE facility secure a steady, reliable waste stream to utilize as fuel. In return for guaranteeing a minimum quantity of solid waste, the County has agreed to reduce the tipping fee through a refund at the end of the year. The refund amounts to \$3.00 per ton during times when diversion is taking place. The City would guarantee a minimum of 75% of its solid waste would be delivered to Fink Road.

**FISCAL IMPACT:**

Minimal. The City would expect to receive approximately \$3,000 through this agreement. Funds would be returned to the General Fund account.

**CONCLUSION:**

Overall, the proposed Disposal Agreement would refund the City for a committing a minimum amount of the solid waste to the Fink Road landfill facility. Since the City already utilizes this facility, staff recommends the Council approve the Disposal Agreement and authorize the City Manager to enter into said agreement.

**ATTACHMENTS:**

1. Copy of the Disposal Agreement

Respectfully submitted,



---

Michael Holland  
City Manager



**DEPARTMENT OF ENVIRONMENTAL RESOURCES**  
3800 Cornucopia Way, Suite C,  
Modesto, Ca 95358-9492  
Phone: (209) 525-6700  
Fax: (209) 525-6774

## DISPOSAL AGREEMENT

This DISPOSAL AGREEMENT (hereinafter referred to as "Agreement") is made and entered into by and between the County of Stanislaus, (hereinafter referred to as "County") and the City of Newman (hereinafter referred to as "City"), on \_\_\_\_\_, 2013.

### RECITALS

WHEREAS, Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of title 1 of the Government Code authorizes two or more public agencies, by a joint powers agreement entered into respectively by them and authorized by their legislative or governing bodies, to exercise jointly any power or powers common to the contracting parties; and

WHEREAS, under California Integrated Waste Management Act of 1989 (the "Act"; Pub. Resources Code § 4000 et seq.), each of the parties is authorized to and responsible for solid waste disposal and planning within their respective jurisdictions, including implementation of programs for the diversion of solid waste from disposal facilities; and

WHEREAS, Article 3 (commencing with § 40970) of Chapter 1 of Part 2 of Division 30 of the Public Resources Code authorizes the County and the cities to form a regional agency to streamline and coordinate future solid waste management and planning and to comply with the Act;

WHEREAS, the County, together with the local incorporated Cities of Hughson, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford formed the Stanislaus County Regional Solid Waste Planning Agency (hereinafter referred to as "Regional Agency") on July 9, 2002, when the Formation Agreement was approved by the California Integrated Waste Management Board.

WHEREAS, the County desires to enter into Disposal Agreements with the Regional Agency cities for long-term solid waste planning purposes and to ensure that both the Fink Road Landfill (hereinafter referred to as "Landfill") and the Covanta Stanislaus, Inc., Waste to Energy (WTE) Facility (hereinafter referred to as "WTE Facility") are operated as economically as possible; and

WHEREAS, the City's Source Reduction and Recycling Element identifies waste disposal capacity which is located in the unincorporated area of the County as its method of meeting the state's 15-year minimum disposal capacity requirement. This disposal capacity includes both the WTE Facility and Landfill;

NOW, THEREFORE, in consideration of the mutual promises, covenants, terms and conditions hereinafter contained, the parties hereby agree as follows:

### AGREEMENT

#### 1. Scope of Agreement

1.1 County and City acknowledge that it is beneficial to use all available capacity at the WTE Facility by ensuring optimum deliveries of acceptable solid waste. The WTE Facility transforms such waste in an environmentally responsible manner and is an integral part of the solid waste disposal system of the County and its cities. Economies of scale in the operation of the Landfill is such that the

additional tonnage the Landfill would receive on average would not increase overall operational costs significantly.

1.2 County shall provide City, and City's Hauler on behalf of City, the right to deposit for disposal in a lawful manner, all acceptable solid waste and nonhazardous solid waste generated within the limits of City which is collected and offered for disposal by City and/or City's waste hauler, as such may now exist and as such limits may exist at any time during the term of this contract.

1.3 The City, in cooperation with its contracted refuse haulers (hereinafter referred to as "Hauler"), agrees to transport the greater of \_\_\_\_\_% of its total municipal solid waste disposal tonnage, or \_\_\_\_\_ tons of municipal solid waste, per each fiscal year ending June 30, to the WTE Facility and/or the Landfill in accordance with the City's Source Reduction and Recycling Element.

## 2. Consideration

2.1 In consideration for entering into this Agreement, the Regional Agency cities, through their Haulers, will receive a discounted tipping fee of \$30 per ton, at the Landfill, as set by the Stanislaus County Board of Supervisors (hereinafter referred to as the "Board"), only on the waste that is delivered for disposal during diversions at the WTE.

2.2 The Hauler shall pay the County the standard tipping fee of \$33 per ton, at the Landfill on municipal solid waste that is not diverted from the WTE.

2.3 The Board reserves the right to change the discount and the tipping fee from time to time as needed. The County shall give City notice 45 days prior to the hearing in which the Board is considering changing the tipping fee or discount.

2.4 Diversions at the WTE Facility. There will be periods of time when the WTE Facility, due to scheduled or unscheduled maintenance, permit limits, availability of the tipping floor, or similar reasons, may not be able to accept deliveries of "Acceptable Solid Waste." The County identifies these periods as "Diversions at the WTE Facility" and will provide the City's waste hauler notice of these circumstances. During these diversion periods, the County will offer a discounted Landfill tipping fee to the City's Hauler. The current Landfill discount on the standard tipping fee, as set by the Board on July 1, 2012, is \$3 per ton. The standard tipping fee without the discount is \$33 per ton. The tipping fee with the discount is currently \$30 per ton during diversions.

2.5 County and City acknowledge that the discounted Landfill tipping fee during diversions at the WTE Facility will not be offered without the execution of this Disposal Agreement and if the annual minimum amount of municipal solid waste tonnage is not delivered to the County's WTE Facility and/or the Landfill.

## 3. Payment Terms

3.1 County shall calculate the discount, if applicable, from the Hauler's disposal-based reports and issue a payment annually to the City within 90 to 120 days after the end of each fiscal year, if a discount is warranted.

3.2 County and City acknowledge that this contract is for the mutual benefit of the County and City. County and City agree that the discount agreed upon is to be paid directly to the City.

## 4. Term

4.1 The term of this Agreement shall be from January 1, 2013, and end December 31, 2018, unless sooner terminated as provided below or unless some other method or time of termination is listed herein.

4.2 Should either party default in the performance of this Agreement or materially breach any of its provisions, the other party, at that party's option, may terminate this Agreement by giving written notification to the other party.

4.3 If the City is unable to transport to the County's WTE Facility and/or the Landfill the minimum tons of municipal solid waste identified in Section 1.3 of this Agreement, for two consecutive fiscal years, this Agreement shall be terminated immediately.

5. Contract Extension

5.1 This contract shall be extended for two (2), five (5) year term extensions with the same terms and conditions, unless a written notice of nonrenewal is served by either party 60 days prior to the end of initial term, and if applicable, 60 days prior to the end of each successive five (5)-year extensions. Specifically, if the notice of nonrenewal is served by either party then the Agreement shall terminate on December 31, 2018.

5.2 If a notice of nonrenewal is not served by either party then the Agreement shall automatically renew for an extended five (5) year term. Subsequently, if the notice of nonrenewal is served by either party 60 days prior to the end of extended five (5)-year term, then the Agreement shall terminate on December 31, 2023.

5.3 If a notice of nonrenewal is not served by either party by 60 days prior to the end of the first extended five (5)-year term, then the Agreement shall be extended for a second and final five (5) year term, and shall terminate on December 31, 2028.

6. Miscellaneous Provisions

6.1 Amendment. This agreement may be modified, amended, changed, added to or subtracted from by the mutual consent of the parties hereto if such amendment or change is in written form and executed by the City and by the County.

6.2 Notices. All notices permitted or required by this Agreement or by law to be served on or given to either party hereto by the other party, shall be in writing and shall be effective when personally delivered to the party to whom it is directed, or in lieu of personal service, when deposited in the United States mail addressed as follows, or any other address designated by the party:

**To: County of Stanislaus:**  
Department of Environmental Resources  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358  
Attn: Susan M. Garcia, C.P.M

**To: City of Newman:**  
City Manager  
Attn: Michael Holland  
P.O. Box 787  
Newman, CA 95360

6.3 Disposal Site. The parties agree that for the waste the City commits to delivering to the County in this Agreement, the County will direct the City's waste hauler to either the WTE Facility or the Landfill.

6.4 Acceptable Solid Waste. Acceptable Solid Waste, deposited for disposal by City and/or City's waste hauler on behalf of City, is defined in the State and Federal regulations and the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste Among the County of Stanislaus, the City of Modesto; and Covanta Stanislaus, Inc. A copy of the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste is attached to this Agreement. The definition of Acceptable Solid Waste may be redefined from time to time according to new laws and County shall then have the option at its sole discretion to either amend the Amended and Restated Service Agreement for the Supply and Acceptance of Solid Waste according to the new laws or terminate this contract.

6.5 Nonhazardous Solid Waste. "Nonhazardous Solid Waste" means, for the purpose of this Agreement, waste which may be disposed of in a Class III sanitary landfill in accordance with local, State and Federal regulations.

6.6 Collection and Transportation Within the City. City retains the right to regulate the collection and transportation of all solid waste originating within the boundaries of City.

IN WITNESS WHEREOF, the parties have executed this Agreement on \_\_\_\_\_, 2013.

COUNTY OF STANISLAUS

By: \_\_\_\_\_  
William O'Brien  
Chair of the Board of Supervisors

"County"

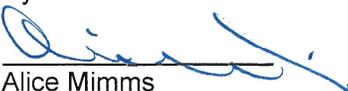
ATTEST: Christine Ferraro Tallman  
Clerk of the Board of Supervisors or the  
County of Stanislaus, State of California

By: \_\_\_\_\_  
County Clerk

APPROVED AS TO CONTENT:  
Department of Environmental Resources

By: \_\_\_\_\_  
Jami Aggers  
Interim Director

APPROVED AS TO FORM:  
John P. Doering  
County Counsel

By:   
Alice Mimms  
Deputy County Counsel

*(City Signatures on the next page)*

APPROVED AS TO FORM:

CITY OF \_\_\_\_\_

By: \_\_\_\_\_  
City Attorney

By: \_\_\_\_\_  
(Name/Title)  
\_\_\_\_\_  
(Department)

ATTEST:

By: \_\_\_\_\_  
City Clerk  
"CITY"



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

**Date:** February 8, 2013

**To:** Mayor Katen and City Council

**From:** Michael E. Holland, City Manager *MEH*

**Subject:** Resolution No. 2013- , in Support of Enterprise Zones.

At the request of the League of CA Cities, the attached Resolution is submitted for your review. The league is requesting Resolutions from cities showing support for Enterprise Zones as members of the Legislature begin a campaign to eliminate them. Mr. Qualls uses these resolutions to garner support from our representatives at the State level.

### History of Enterprise Zone Program

California's Enterprise Zone program was established in 1984 to stimulate business investment in depressed areas of the state and create job opportunities for Californians. According to the California Association of Enterprise Zones, in 2010, Enterprise Zones created or retained more than 118,000 jobs while California experienced unprecedented unemployment.

When Governor Brown released his 2011-2012 budget proposal, he proposed the elimination of all enterprise zone tax incentives, including Targeted Tax Areas, Manufacturing Enhancement Areas, and Local Agency Military Base Recovery Areas. Tax benefits to be repealed included: hiring credit, credit for sales tax paid, credit for employees who earn wages within the areas, and a deduction for interest received from businesses in the area. The proposal was estimated to save the state over \$300 million in 2010-2011 and almost \$600 million in 2011-2012.

What would replace enterprise zones? The Governor proposed that "local agencies that want to keep any local incentives could continue to do so." Furthermore, the Governor's budget stated that the primary benefit of enterprise zones is to shift economic activity from one geographic region within California to another geographic region within California and is therefore, not a policy of statewide interest.

One of the challenges of eliminating enterprise zones in 2011 and 2012 was that it required a 2/3 vote of the Legislature. With several moderate Democrats and most Republicans supporting enterprise zones, elimination proved difficult. By the time that the Governor's May Revision was released, enterprise zones were retained, but the Governor proposed reforming enterprise zones to help ensure that the zones are creating incentives for new jobs, rather than reward businesses for decisions they have already made. As a result of the Governor's proposal, the Department of Housing and Community Development (HCD) embarked on the task to make changes to the enterprise zone program through the regulatory process, which would also avoid the need for a 2/3 vote. HCD has looked at limiting retroactive vouchering, reducing Target Employment Areas and restricting expansions of zones. In addition to these changes, HCD is using "its authorized discretion to not open up applications for new zones until the program is sufficiently reformed to strengthen its effectiveness to incentivize job creation." As a result, two enterprise zones that reached the end of their 15-year designation in 2012 (the City of Watsonville and the Antelope Valley Zone) were allowed to expire.

In response, Assemblyman Alejo introduced, and the League supported AB 484 (2012) which would have allowed a temporary redesignation of the expired 2012 enterprise zones. Unfortunately, this bill failed in the Senate Governance and Finance Committee by a vote of 3-5.

The reforms from HCD were anticipated to be released in the later part of 2012; however, the election on November 6, 2012 may have brought with the results a shifting of the winds. Now that the Democrats in both Senate and the Assembly have a 2/3 supermajority, the release date of the enterprise zone reforms haven't materialized. News articles, like the one in the Sacramento Bee on December 27, 2012, state that "one program at the top of the Labor Federation's list of targets is the state's enterprise zones." The Desert Sun on December 17, 2012, published an article stating that "California lawmakers, looking to balance the budget, have signaled, they'll once again consider cuts to the state's largest economic development effort: enterprise zones." In a post swearing-in conference on December 6, state Senate President Pro Tem Darrell Steinberg, indicated that the enterprise zone program needs to be looked at as part of the legislators' upcoming budget talks. In a California Budget Project meeting in early December, the Assembly Speaker's office indicated that the Speaker's middle-class scholarship program for the program could be paid for by closing corporate loopholes, an oil severance tax, and eliminating enterprise zone program.

**RESOLUTION NO. 2013-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN IN SUPPORT OF ENTERPRISE ZONES**

WHEREAS, the City of Newman is part of the Stanislaus County Enterprise Zone that was established on November 16, 2005; and

WHEREAS, California's Enterprise Zone program was established in 1984 by the Legislature to stimulate business investment in depressed areas of the state and create job opportunities for Californians; and

WHEREAS, according to the findings and declarations of the Enterprise Zone Act, it is in the economic interest of the state to have one strong, combined, and business-friendly incentive program to help attract business and industry to the state, to help retain and expand existing state business and industry, and to create increased job opportunities for all Californians; and

WHEREAS, Enterprise Zones attract businesses to California and retain them. Once a zone is approved, businesses construct facilities, purchase equipment, hire workers and make other investments; and

WHEREAS, Enterprise Zones provide a geographically targeted economic development tool designed to improve poor and blighted communities; and

THEREFORE, BE IT RESOLVED that the City of Newman formally supports the positive benefits of the Enterprise Zone program in local communities and on a statewide economic level.

THEREFORE, BE IT FURTHER RESOLVED, that the Newman City Council authorizes its city staff to communicate its support for Enterprise Zones and opposition to any proposal that would threaten their existence.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12<sup>th</sup> day of February 2013 by Council Member \_\_\_\_\_, who moved its adoption which motion was duly seconded and the resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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

Honorable Mayor and Members  
of the Newman City Council

**Agenda Item: 9.a.**  
City Council Meeting  
of February 12, 2013

**REPORT ON NUISANCE ABATEMENT**

**RECOMMENDATION:**

Adopt Resolution No. 2013- , 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, February 11, 2013. 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. 2013- , 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. 2013-**

**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 February 12, 2013, 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 12<sup>th</sup> day of February, 2013 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. 1139 Mariposa Street**

Garbage and debris inside and outside the residence as well as open doors and windows that need to be secured.

Honorable Mayor and Members  
of the Newman City Council

**REPORT ON VETERINARY SERVICES CONTRACT PROPOSALS**

**RECOMMENDATION:**

1. Adopt Resolution No. 2013- , a resolution approving a veterinary services contract with either G-N Veterinary Clinic or Westside Animal Hospital.

**BACKGROUND:**

On June 1, 2010 the Newman Police Department Animal Shelter opened; which has increased our responsibility to each animal that we take into the shelter. Along with the opening of the animal shelter, we have implemented vaccine protocols as well as an adoption program. In addition, the Police Department also holds two clinics a year and provides the public with a low cost option to vaccinate their pets. At this time our contract with G-N Veterinary Clinic has expired. A request for proposals was sent to both G-N Veterinary Clinic and Westside Animal Hospital.

**ANALYSIS:**

On January 17, 2013 the Police Department requested proposals from two local veterinary hospitals. G-N Veterinary Clinic and Westside Animal Hospital have submitted proposals. G-N Veterinary Clinic has proposed a flat rate of \$900.00 per month, totaling \$10,800.00 per year, for routine medical treatment and euthanasia services. Westside Animal Hospital has proposed a flat rate of \$650.00 per month, totaling \$7,800.00 per year, for routine medical treatment. Staff has reviewed the submitted proposals and determined the proposal from G-N Veterinary Clinic best represents the city's interest. G-N Veterinary Clinic will provide oversight of medical programs at the shelter, euthanize animals as needed, provide emergency services twenty four hours a day, provide three hundred doses of the vaccine DHLPP and continue to train staff to better their skills in the handling of animals as well as providing first aid to injured animals in the field all under the monthly fee.

**FISCAL IMPACT:**

G-N Veterinary Clinic has proposed a flat rate of \$900.00 per month, totaling \$10,800.00 per year, for routine medical treatment, euthanasia services, and emergency services twenty four hours a day. In addition G-N Veterinary Clinic will be supplying three hundred doses of DHLPP per year (a vaccine that every dog must receive upon intake into the animal shelter to prevent diseases) under the monthly contract fee which is a savings of \$3,000.00. Euthanasia services will also be handled under the contract fee which will be a savings to the City because we will no longer be paying an officer incentive for this service. The amount of \$667.00 a month, or \$8,000.00 a year, has been included in G-N Veterinary clinics contract. G-N Veterinary Clinics proposal also covers 24 hour emergency service at no additional cost. Westside Animal could not guarantee 24 hour emergency service which could result in additional charges by having to call out an alternate veterinary service which would most likely be G-N Veterinary Clinic. Under this contract, a number of animals will be seen at our low cost licensing and vaccination clinics that will be held twice a year. All costs related to our annual licensing and vaccination clinics are expected to be covered through yearly licensing fees. In addition to the low cost clinics, a number of animals will be adopted from the animal shelter and will be altered before being placed with the adoptive families. All costs related to the altering of these animals are expected to be covered by the adoption fees that are put in place.

**CONCLUSION:**

This staff report is submitted for City Council consideration and action. The proposed contract received from G-N Veterinary Clinic best serves the City of Newman animal control program and Newman's residents. The additional costs for services that the City would need to pay Westside Animal Hospital are covered under G-N Veterinary Clinic's contract, making it a cost effective choice for the City.

**ATTACHMENTS:**

1. Resolution No.2013- , a resolution for a veterinary services contract with G-N Veterinary Clinic or Westside Animal Hospital.
2. Exhibit A – Contracts and proposals of fees from both G-N Veterinary Clinic and Westside Animal Hospital.

Respectfully submitted,



---

Randy Richardson  
Chief of Police

**REVIEWED/CONCUR:**



---

Michael Holland  
City Manager

**RESOLUTION NO. 2013-**

**APPROVAL OF VETERINARY SERVICES CONTRACT G-N VETERINARY CLINIC**

WHEREAS, the City Manager of the City of Newman has recommended that the City Council approve a contract with G-N Veterinary Clinic for veterinary services related to the City of Newman's animal services program; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman and in accordance with the recommendations of the City Manager the contract with G-N Veterinary Clinic is approved.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12<sup>th</sup> day of February by Council Member \_\_\_\_\_, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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



# G<sup>bar</sup>N Veterinary Clinic

2025 N Street • Newman, Calif., 95360  
Office: (209) 862-2688 • Fax: (209) 862-2690

---

1/24/13

## Veterinary Services Proposal:

### Limitations of previous agreements:

- 1) In 2009 Westside Animal Hospital was awarded the city contract and had difficulty honoring the agreement to see after-hours emergencies when it is not part of their regularly offered services. G-N routinely saw these cases at an extra charge to the city.
- 2) During the 2010-2012 contracts, Animal service officers were to learn how to euthanize animals. G-N continues to provide this service at no additional charge as the animal services officers were not sent to the class - Euthanasia for Shelter Workers.
- 3) Price per service agreements tend to be too expensive and unpredictable.
- 4) City budget constraints are too tight for shelter upgrades. It is a very old, worn facility that needs upgrades to be sanitary.

### Successes of previous agreements:

- 1) G-N oversight of the shelter has brought progress in these areas:
  - a. Shelter is cleaner and more sanitary.
  - b. Current disinfection protocol is safer for staff and easier on facilities.
  - c. An account has been established for the wholesale purchase of vaccines, disinfection and supplies.
  - d. Vaccination protocols are in place.
  - e. Microchips are being purchased, installed and recorded.

- f. Jesse has been trained at G-N and is now skilled at animal handling and first aid.
  - g. NPD now takes checks and credit cards making licensing easier and increasing compliance.
- 2) The new per month charge has successfully contained city costs and made budgeting predictable. G-N absorbs the risk of higher costs, so no need to consider cost risk management.
  - 3) The vaccine/licensing clinics have gone very well increasing spays, neuters, and microchip implantation in our town and expanding the wellness vaccines to include DHLPP, bordatella and cat vaccines. This improves the overall health of our animal community, reduces the population of dogs and cats, and speeds recovery of lost pets.
  - 4) Services have been available and provided 24/7 without difficulty, saving the city money and improving service. Our ready availability has even reduced the costs of sworn officer time.

Current proposal:

- Price quotes: Since the original request for proposals, the city/veterinarian agreement has changed to a monthly fee vs. a cost per services charge. We propose a \$900.00 per month.
- All services necessary are included in the monthly fee:
  - Oversight of facilities.
  - DHLPP vaccine in the \$900 monthly fee, but not to exceed 300 doses/yr.
  - Euthanize animals as needed for the shelter.
  - Oversight of the medical programs at the shelter, including teaching veterinary first aid to staff, vaccine protocols, cleaning and general safety of facility
  - Stabilization and treatment of sick and injured animals at no additional cost. Stabilization and minor treatment defined as up to a value of \$265/case at our regular prices. This is an increase from

\$250 in our current contract. The increase to \$265 will help us care for stray pets, but will not affect the monthly fee at all.

- No additional emergency fees for after-hours service.
- A doctor to staff two 3 hour vaccine clinics per year
- We always have and always will provide 24 hour care for the residents of Newman including Newman Police Department.
- Altering Services are outside the monthly fee and would be charged as follows. These prices have remained the same for 3 years and have served as a model for the rescue groups and the Gustine Altering Program (GAP):

Dogs: Spay            \$100

          Neuter        \$75

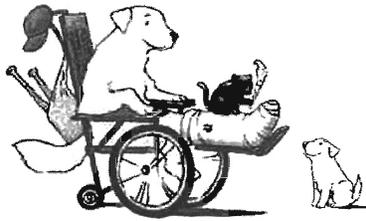
Cats Spay            \$60

          Neuter        \$30

- With the increased responsibility of euthanasia (about 100 animals/year) and inflation the proposed monthly fee would be \$900. The value of the euthanasia service is \$667/month.
- We propose a 2 year contract with 2 year renewals as long as both parties agree with a 5% a year increase in the monthly fee.

Submitted Respectfully,

Cathy Wallace, DVM, MPVM



## Westside Animal Hospital

Hwy 33 & Kern St.  
P.O. Box 777  
Newman, CA 95360  
Ph: 209-862-9400

Suzanne E. Solvin, DVM

January 31, 2013

**To:** Randy Richardson, Chief of Police  
City of Newman Police Department  
1200 Main Street,  
Newman, CA 95360

**Subject:** "Attachment A" for Veterinary Services Contract for the City of Newman

Dear Chief Richardson,

I have examined the records of our Westside Animal Hospital veterinary services to the City of Newman during 2009/2010 and the available information from the G-N Veterinary Clinic 2011/2012 contract for veterinary services and can offer you the following proposal.

For a monthly fee of \$650, Westside Animal Hospital will provide the following services to the City of Newman.

1. Train a Newman Police Department officer (Officer Hutchins) to euthanize animals humanely. Westside Animal Hospital will supply all necessary drugs for euthanasia and keep records of the controlled substances as required by the U. S. DEA.
2. Provide a Veterinarian (licensed in California) **plus** Spanish speaking staff to assist in two City of Newman Rabies Vaccination Clinics per year.
3. Participate as an advisor to the City of Newman Animal Shelter, including making recommendations as necessary in matters such as sanitation, animal restraining techniques, wound treatment, infectious disease containment, animal acclimatization to temperatures, vaccination protocols, and providing continuing education as necessary to the Newman Police Department officers and volunteers.
4. Provide **free** physical examinations as necessary to impounded animals when presented to Westside Animal Hospital Monday through Saturday 9:00am to 5:00pm.
5. Provide **free** yearly general physical examinations and **free** routine vaccinations to the City of Newman Police Department Canines. If necessary, any diagnostic testing and treatments will be at our normal fee **less 30%**.
6. Assist and advise the City of Newman Police Department with criminal investigations in cases of animal cruelty or neglect.

Services not included in the Monthly fee:

1. *Vaccinations:* Provide vaccines, needles and syringes for impounded animals and for vaccine clinics at our cost plus 10%. (for example, in 2010 we charged the city of Newman \$2.25 per dose for Rabies vaccines and \$5.25 per dose for DHLPP, a.k.a. "Distemper-Parvo" vaccines.)  
**NOTE: Income from Newman Rabies Vaccination Clinics should be enough to cover these costs.**
2. *Spay/Neuter:* Any unneutered pets adopted from the City of Newman Animal Shelter, or pets with a Spay/Neuter Voucher from one of the City of Newman Rabies Vaccination Clinics will be spayed or neutered by a California licensed veterinarian according to the following price schedule: (Medications to alleviate pain will be included in these fees).

Dogs: Spay	\$100
Neuter	\$ 75
Cats: Spay	\$ 65
Neuter	\$ 35

**NOTE: Income from Newman Spay/Neuter Vouchers will more than offset these costs.**
3. *Treatment of injured animals:* It is understood that charges for stabilization and minor treatment of any sick or injured animal will not exceed a maximum of \$250/animal. Our regular fees structure will be used.  
**NOTE: Every effort will be made to treat animals as economically and humanely as practicable.**
4. *After Hours Emergency Services:* Westside Animal Hospital is open from 8:00am to 5:00pm Monday through Saturday (closed on 5 holidays a year). In general, if the office is closed and I have left the premises, I am unable to return. After business hours the office phone is forwarded to my cell so that I can be reached for consultation.

  
Suzanne E. Solvin, DVM

1 / 31 / 13  
Date

**INDEPENDENT CONTRACTOR SERVICES AGREEMENT**  
**Between**  
**WESTSIDE ANIMAL HOSPITAL**  
**And the**  
**CITY OF NEWMAN**

**THIS AGREEMENT** is entered into this 31st day of January, 2013, by and between WESTSIDE ANIMAL HOSPITAL, hereinafter referred to as "CONTRACTOR" and the CITY OF NEWMAN, a municipal corporation of the State of California, hereinafter referred to as "CITY."

**NOW, THEREFORE**, CITY hereby engages the services of CONTRACTOR and, in consideration of the mutual promises and covenants herein contained, the parties agree as follows:

**TERM:** This Agreement shall be for a period of two years, commencing on January 31<sup>st</sup>, 2013 and ending on January 31<sup>st</sup>, 2015. Either party may terminate this Agreement upon thirty days written notice to the other party.

**SERVICES:**

- a) **Scope of Work:** CONTRACTOR agrees to provide CITY with 24-hour-a-day limited, emergency treatment of injured animals. If CONTRACTOR is unavailable for four (4) or more requests for service during a twelve (12) month period this agreement may be cancelled without recourse.
- b) **Consultation:** CONTRACTOR shall provide consultation to Animal Control Services free of charge.
- c) **Low cost Clinics:** CONTRACTOR agrees to participate (as defined in Attachment A) in at least two (2) low cost mutually sponsored "license-vaccination-spay/neuter" clinics to be held each year at a location to be determined by the CITY. Additional, clinics can occur by mutual agreement between the parties. The CITY will provide i) animal restraint via the Animal Control Officer (ACO) and ii) staff to process all monies and required paperwork. CONTRACTOR will provide veterinarian and staff to prepare and perform vaccinations, micro-chipping, and to provide technical and support information to both animal owners and CITY personnel. For liability reasons, CONTRACTOR staff will not restrain the animals.
- d) **Treatment:** Animals being treated by the CONTRACTOR pursuant to this agreement fall into one of three categories:
  1. **Stray with no owner information available.** Treatment of animals without owner information and in the care, custody, and control of the CITY will only include the necessary treatment(s) to reduce suffering or stabilize the animal. The treatments can include stabilization and management of pain/suffering due to the animal's condition. Generally, animals with significant injury or illness that are not deemed adoptable should be euthanized to avoid suffering and excessive expense of taxpayer dollars. The evaluation and treatment of the animal should not exceed **\$250.00**. If in the opinion of the concerned parties the animal cannot be stabilized within these guidelines the animal will be euthanized. If the animal is euthanized the next available ACO will transport the animal to the Shelter for disposal. CITY will pick up and/or dispose of animals delivered to

CONTRACTOR by Newman Animal Control or Police Officers within three (3) days.

2. Animals where owner information is available, but owner is not reachable in timely fashion for the injury involved. These cases will be treated as in Paragraph "1" above. CITY will inform the attendees of CITY's low-cost "license-vaccination-spay/neuter" clinics of this policy via posting or handouts.
  3. Animals where owner information is available, and owner is reachable in timely fashion for the injury involved. In these cases, the CONTRACTOR agrees to directly invoice the owner (using a policy of "payment before treatment") without any involvement of the CITY. However, if owner defaults on payment, CITY agrees to assist in collection of fees in any way legally possible.
- e) **Euthanasia:** For all animals brought to the CONTRACTOR by the CITY, CONTRACTOR shall perform euthanasia services only at the request of CITY. CONTRACTOR has no responsibility to contact an owner or owners before providing euthanasia services for CITY. CITY shall be solely responsible to contact owners (if owner is known) before CONTRACTOR provides euthanasia services for CITY. Liability for any claims based on the failure to contact an owner before euthanasia services were provided shall be the sole responsibility of CITY.
- f) **Additional Services:** Additional services are outlined with Attachment A.

**FEES:** As outlined in Attachment A.

**INSURANCE REQUIREMENTS:** CONTRACTOR shall, at its own expense, obtain and maintain in effect at all times during the life of this Agreement, general liability, including professional malpractice, insurance with combined single limits of \$1,000,000. All CONTRACTOR policies shall contain an endorsement that written notice shall be given to CITY at least thirty (30) days prior to termination, cancellation, or reduction of coverage in the policy or policies.

**INDEMNIFICATION:** Each party shall defend, indemnify and hold the other party, its subsidiaries and affiliates, and the officers, directors, employees and agents of each of them (the "Indemnified Parties") harmless from and against any claims, liens, expenses, costs, liabilities, damages, losses, demands, actions or causes of action of whatever kind or nature (collectively "Claims") incurred by reason of any negligent acts, errors or omissions of that party, its agents or employees arising out of or in any way connected with this Agreement. If either party becomes liable for damages caused by such party's solely negligent or wrongful acts or omissions, the negligent party shall pay such damages without contribution from the other party.

**NO EMPLOYER-EMPLOYEE RELATIONSHIP:** No relationship of employer or employee is created by this Agreement. It is understood that CONTRACTOR will act hereunder as an independent contractor and shall have no claim number under this Agreement or otherwise against CITY for vacation with pay, sick leave, retirement, medical, dental, social security, workers' compensation, disability or unemployment insurance benefits or employee benefits of any kind. The parties agree that CONTRACTOR will not be treated as an employee for federal or state tax purposes.

**GOVERNING LAW:** The validity of this Agreement and of any of its terms or provisions as well as the rights and duties of the parties hereunder, shall be governed by the laws of the State of California.

**IN WITNESS WHEREOF,** the parties hereto have caused this Agreement to be executed by and through their respective officers thereunto duly authorized on the date first reflected hereinabove.

**CITY OF NEWMAN, a municipal corporation**

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

**WESTSIDE ANIMAL HOSPITAL**

By:  \_\_\_\_\_  
Suzanne E. Solvin, DVM

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Thomas Hallinan, City Attorney

Honorable Mayor and Members  
of the Newman City Council

**FIRST READING AND INTRODUCTION OF ORDINANCE NO. 2013- AMENDING TITLE 11  
PUBLIC WAYS AND PROPERTY, SECTION 11.05.040 WATER RATES – OF THE NEWMAN CITY  
CODE – SETTING WATER RATES, FEES AND RELATED SERVICE CHARGES EFFECTIVE  
APRIL 1, 2013**

**RECOMMENDATION:**

It is recommended that City Council introduce by title and waive first reading of Ordinance No. 2013- amending Title 11 Public Ways and Property, Section 11.05.040 Water Rates of the Newman City Code – setting water rates, fees and related service charges effective April 1, 2013.

**BACKGROUND:**

During the January 22, 2013 City Council meeting, the City completed the protest vote required by Proposition 218 for water rate adjustments. Proposition 218 requires a majority vote for a protest to exist. Of the almost three-thousand and one-hundred (3,100) utility customers, only one-hundred nineteen (119) protests were received; that is roughly four percent of voters and far short of the required simple majority. The Newman Municipal Code requires all rate increases to be codified through an Ordinance Amendment process.

**ANALYSIS:**

The City of Newman has completed all the necessary procedures as required by Proposition 218 for increasing the water utility rates. The final step is adoption of a local ordinance to enact the proposed rates. Adoption of this ordinance amendment will codify the rates. The new rates will be implemented during the April billing cycle. The proposed modifications are attached to this staff report.

A formal Public Hearing on this matter is scheduled for the February 26, 2013 City Council meeting.

**FISCAL IMPACT:**

Positive: Increase in revenue for the Water Fund.

**CONCLUSION:**

The City of Newman is required to follow the Proposition 218 guidelines when increasing utility rates. The City has completed this process and a majority protest did not occur. Therefore, staff recommends that City Council introduce by title and waive first reading of Ordinance No. 2013- amending Title 11 Public Ways and Property, Section 11.05.040 Water Rates of the Newman City Code – setting water rates, fees and related service charges effective April 1, 2013.

**ATTACHMENTS:**

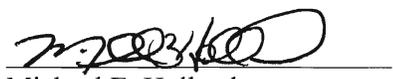
1. Ordinance No. 2013- amending Title 11 Public Ways and Property, Section 11.05.040 Water Rates of the Newman City Code – setting water rates, fees and related service charges effective April 1, 2013

Respectfully submitted,



Garner R. Reynolds  
Director of Public Works

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager

**ORDINANCE NO. 2013-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA,  
AMENDING TITLE 11 PUBLIC WAYS AND PROPERTY, SECTION 11.05.040 WATER  
RATES – OF THE NEWMAN CITY CODE – SETTING WATER RATES, FEES AND  
RELATED SERVICE CHARGES EFFECTIVE APRIL 1, 2013**

WHEREAS, the City Council, in compliance with Article XIID of the California State Constitution and the Proposition 218 Omnibus Implementation Act, notified all affected property owners and rate payers of the proposed Water Rate Increases; and

WHEREAS, the City of Newman held a Public Hearing on January 22, 2013 as noticed, to allow the City Council to hear and consider all protests and objections concerning the proposed Water Rate Increases; and

WHEREAS, the City of Newman determined a majority protest did not occur; and

WHEREAS, the City Council of the City of Newman adopted Resolution No. 2013-6 accepting the results of the noticed protest proceeding and approving certain actions for rates, fees and charges for water service; 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 monthly water service charges for residential users, commercial users, industrial users, schools and churches, both inside and outside the City, and all other users, shall be in accordance with the following rates in Attachment "A" amending Title 11 Public Ways and Property, Section 11.05.040 Water Rates.
3. All other sections and provisions of Title 11 shall remain in full force and effect.
4. This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the West Side Index, a newspaper of general circulation, published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 26<sup>th</sup> day of February 2013 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	Feb 1, 2013	Jan 1, 2014	Jan 1, 2015	Jan 1, 2016	Jan 1, 2017
<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

**RESOLUTION NO. 2013- AWARDING THE BID OF A ½ TON PICKUP TO PATCHETTS FORD**

**RECOMMENDATION:**

It is recommended that the Newman City Council adopt Resolution No. 2013- awarding the bid of a ½ Ton Pickup to Patchetts Ford in the amount of \$17,777.64.

**BACKGROUND:**

The Public Works Department has budgeted \$20,000.00 in the FY 2012/13 Budget to replace one ½ ton pickup for the Parks Division. The existing pickup is a 1996 Ford F-150 ½ ton standard cab with approximately 127,000 miles. This pickup is past its useful life expectancy and is no longer considered reliable. The proposed new pickup is a 2013 Ford F-150 ½ ton, standard cab, basic pickup. The pickup that is being replaced will continue to be utilized in the Department, however on a limited basis as needed.

**ANALYSIS:**

The City advertised for bids for approximately three weeks; received bids were opened and read on January 24, 2013 at 2:00 pm. A total of three bids were submitted. The lowest responsible bidder has been determined to be Patchetts Ford with a total bid amount of \$17,777.64. The purchase of the pickup is included in the Fiscal Year 2012/13 Budget in the amount of \$20,000.00. In addition to the purchase of the pickup, it is estimated that there will be additional costs for a light bar and a tool box in the amount of approximately \$500.00. This is a Capital Repair and Replacement Fund expenditure, and not a General Fund expense.

Bids

Steves Chevrolet - \$20,740.27  
McCauley Ford - \$17,828.03  
Patchetts Ford - \$17,777.64

**FISCAL IMPACT:**

Bid

Patchetts Ford - \$17,777.64

Funding

2012/13 Capital Repair and Repl. Fund - \$20,000.00

**CONCLUSION:**

The City of Newman advertised and received bids for the purchase of a ½ ton pickup for the Public Works Department. Patchetts Ford has been determined to be the lowest responsible bidder with a bid amount of \$17,777.64. Therefore, staff recommends City Council adopt Resolution No. 2013- awarding the bid of one ½ ton Pickup to Patchetts Ford in the amount of \$17,777.64.

**ATTACHMENTS:**

1. Resolution No. 2012- , awarding the Bid of One ½ Ton Pickup to Patchetts Ford

Respectfully Submitted,



Garner Reynolds  
Director of Public Works

**REVIEWED/CONCUR:**



Michael E. Holland  
City Manager

**RESOLUTION NO. 2013-**

**AWARDING THE BID OF ONE ½ TON PICKUP TO PATCHETTS FORD**

WHEREAS, the City Manager of the City of Newman has recommended that the City Council award the bid of one ½ ton pickup to Patchetts Ford; and

WHEREAS, the City of Newman has received sealed bids; and

WHEREAS, Patchetts Ford has been determined to be the lowest responsible bidder in the amount of \$17,777.64; and

WHEREAS, the City Council is desirous of entering into a contract with Patchetts Ford for the purchase; and

WHEREAS, the City Council of the City of Newman has available funding for the purchase of the pickup; and

WHEREAS, the City Council of the City of Newman has determined it would be in the best interest of the City to enter into a contract with Patchetts Ford for the purchase.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newman hereby approves the bid of one ½ ton pickup with Patchetts Ford in the amount of \$17,777.64, and authorizes the City Manager to execute said contract.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 12<sup>th</sup> day of February 2013 by Council Member \_\_\_\_\_, who moved its adoption which motion was duly seconded and was upon roll call carried and the resolution adopted by the following vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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

ATTEST:

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

**REPORT ON COMFORTING KIDS EVENT AT PIONEER PARK**

**RECOMMENDATION:**

Staff recommends the City Council approve the Comforting Kids event scheduled at Pioneer Park on July 27<sup>th</sup> 2013 from 9 A.M. to 4 P.M.

**BACKGROUND:**

Comforting Kids is a non-profit organization that raises funds to benefit regional children's hospitals and their patients. Comforting Kids has requested exclusive use of Pioneer Park on July 27<sup>th</sup> 2013 from 9 A.M. to 4 P.M. to host a benefit classic car show. Event organizers have invited several vehicles to attend, but do not have an accurate count as to how many will be in attendance. The vehicle estimate could be close to 125 vehicles, all parked within the grass area of the park. There will be a D.J. playing Oldies music during the event's duration and **NO** alcohol will be served or sold. The event date currently has no conflicts with other community events. The event organizers are seeking council approval for the event.

**ANALYSIS:**

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

Comforting Kids has made the following requests:

- ❖ Exclusive use of Pioneer Park.
- ❖ Use of Pioneer Park restroom facilities and electrical power at the location.

Staff has made the following requests from Comforting Kids:

- ❖ Secure event liability insurance in the amount of \$3,000,000.00, naming the City as an additional insured.
- ❖ Secure additional waste wheelers and position them throughout the park.
- ❖ Cover the cost of one public works employee to assist with vehicle parking.
- ❖ Consider securing portable restroom facilities to supplement the park facilities.

**FISCAL IMPACT:**

Staff recommends staffing this event with one on-call public works person to assist with vehicle placement around sensitive irrigation and electrical connections. Projected overtime costs should not exceed \$200.00 for the duration indicated. It is staff's recommendation that all applicable costs be invoiced to Comforting Kids.

**CONCLUSION:**

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

1. Approve the event as indicated.
2. Reject the event.

Staff recommends Alternative 1. Staff also recommends that any additional costs be invoiced to Comforting Kids.

Respectfully submitted,



Brett Short  
Police Lieutenant

**REVIEWED/CONCUR:**



Michael Holland  
City Manager

Honorable Mayor and Members  
of the Newman City Council

**REQUEST BY TRAVEL SOCCER CLUB TO UTILIZE CITY FACILITIES**

**RECOMMENDATION:**

It is recommended that the City Council review the request and determine compliance with NMC §11.11.010.X.

**BACKGROUND:**

Over the past couple of years, staff has noticed an increase of park usage by non-City sponsored sports teams. Some of these teams utilize the parks for both practice and games; while others use them for practice only. The City has received a request from Club Deportivo Universitarios Unidos for use of City park space on Wednesdays and Thursdays from 5:30-7:30PM for practices and some Saturdays and/or Sundays from 8:00am – 12:00 noon to accommodate games.

Based upon the attached request, the club is requesting use of one of the following parks; Densmore, Sherman or Bush Rose. The fields would be used by two different age levels; 12U and 14U. Park utilization would be for ten months and extend through the month of October.

The request is a result of staff contacting the club and notifying them of Newman Municipal Code §11.11.010 (Prohibited Actions) that states “Except as otherwise authorized by law, it shall be unlawful and an infraction for any person, firm or corporation to do or cause or permit to be done any acts hereinafter specified within any park owned or operated by the City...To play or engage in any organized sports play except in such places as are specifically provided or designated for that purpose. For purposes of this subsection, “organized sports play” shall mean any game, tournament, contest, or other activity in which more than 15 persons participate, or in which the time and place of play have been predetermined by either the participants or any other person or organization. In addition, the wearing of uniforms by three or more persons shall constitute evidence of organized sports play.”

**ANALYSIS:**

Unfortunately, the City of Newman does not currently own, operate or maintain a soccer complex. During the Fall (August through October), the City utilizes Sherman Park to host a City sponsored soccer league for K-8<sup>th</sup> grade children. However, most City-sponsored teams generally practice at parks throughout town, not just Sherman Park. In addition, Newman Youth Baseball and Softball league activities begin in March and typically run through early June. While games are hosted at Barrington and Matteri fields, teams utilize all the City parks for practices. Once games start, practice facilities are difficult to find.

In the past, the City has had to respond to conflicts that have occurred between non-City sponsored soccer teams and teams practicing baseball. During one occasion, a baseball parent called to alert the City of the potential for someone to get injured due to the two teams practicing in such close proximity. Each sport requires significant open space to practice properly and to ensure the safety of all participants. Staff does not believe this space exists during the times City sanctioned leagues (baseball and soccer) are occurring.

**FISCAL IMPACT:**

Undetermined. The primary cost associated with the request is staff time and materials to repair damage to the turf. Soccer is generally tough on the playing surface; consistent use will compact the soils and eliminate the turf/sod, especially the goal areas.

**CONCLUSION:**

At this time, the City does not own a complex devoted to the sport of soccer. Unfortunately, the request by Club Deportivo cannot be accommodated due to a lack of space during the majority of the months being requested. Staff has contacted the Club and suggested they contact the school district and inquire about the use of the fields at Hunt Elementary. Therefore, based upon NMC Section 11.11.010.X, the City’s commitment to City sanctioned soccer and baseball programs, and the amount space necessary to accommodate practicing teams in safe environment, staff recommends the Council deny the request by Club Deportivo.

**ATTACHMENTS:**

1. Request by Club Deportivo Universitarios Unidos

Respectfully Submitted:



Michael E. Holland  
City Manager

Club Deportivo Universitarios Unidos  
1458 Main St Newman Ca 95360  
(209) 380-2771  
Mayolo Lopez

01/07/2013

#### Mission

Club Deportivo Universitarios Unidos (CDUU) is a soccer club with a focus on promoting human potential through soccer. By creating a positive, respectful, and competitive environment, CDUU seeks to motivate young people to stay out of drugs and gangs.

#### Vision

The vision of CDUU is to have a solid and competitive club where a college education is instilled among the youth of the city of Newman, CA.

#### Values

- Respect
- Education
- Discipline
- Athletic
- Union

#### Objectives (SMART)

To inculcate education and dissuade drug in Newman's youth through the creation of the Club Deportivo Universitarios Unidos . These objectives will be achieved in a short term (one year), medium term (three years) and long term (10 years).

#### Short-term objectives:

1-Formalize CDUU by registering the team in the Stanislaus League Soccer in the month of March to October 2013 and in the Turlock Indoor Soccer from December 2012 to April 2013.

Request permission from the city of Newman, to use soccer fields 1, 2, and 3.

- 1 - Hardd R Denismark Park
- 2 - Sherman Park
- 3 - Alfred Rose Bush Jr Park

We will use them for training on Wednesdays and Thursdays from 5:30 to 7:30 during the summer and the games would be on Saturdays or Sundays from 8:00 am to 12:00 am depending on which league we are.

2-Recruit 60 youth and children ages 8-16 years, to form the club .

#### Medium-term goals:

1. Have established the different categories of the club with competitions in the norcal section VIII.
2. Attract teams from Stockton, Modesto, Paterson, Gustine, Los Banos and other

- neighboring cities to form 2 tournaments per year.
3. To benefit the businesses of the City of Newman during tournaments and games by offering flyers of information regarding the different businesses that exist in this city to every team.

Long-term objectives:

1. Having a strong club in competition and structure.
2. Having around 8-10 teams ages ranging from 8 to 16 years with their respective competitive tournaments.
3. Having a competitive league, inviting 10 team for each category 8 -10-12-14-16 years in the City of Newman. Competitive refers to having the teams fight for a trophy or incentive giving the first place a big trophy, to the second place a medium trophy, and the third place a small trophy.

The Club will serve as support for children and young teenagers to make good decisions for their future and thus performing these three important points.

1. Keep them out of drugs
2. Maintain good grades
3. Motivate them to attend college

To reach the desired goal

- 1- I will keep communication with several key people of personal motivation.
- 2- Youth who are enrolled in college, and some supporting institutions.

Process

We have about 36 children who started with two teams in the categories U-12 and U-14. We are in need of facilities to have a soccer field to practice and for it to be our home field to receive the visiting teams. First choice of fields and parks in my proposal are the following:

- 1- Hardd R Denismark Park
- 2- Sherman Park
- 3- Alfred a Bush Rose Jr Park

We use them for practice on Wednesdays and Thursdays from 5:30 to 7:30 and the games would be on Saturdays or Sundays from 8:00 am to 12:00 am, depending on which leagues we are part of. My commitment, if you provide me with one of these fields will be to keep them clean and be responsible for the days the Club uses them. I will also submit myself to the regulations that the City of Newman has in order for us to use any of these fields. I will use advertising through the newspaper to announce to the community that we have a club and to inform them about registration of children thus bring more members to the Club to form in the teams mentioned above. We will present companies and businesses with the opportunity to sponsor us and in exchange we will provide publicity.

Evaluation

We developed a way in which the objective and goals lead to long and short term

to see if we approach our goals both academic and in helping children and community.

Budget

Leagues

\$ 1,400.00 Three seasons in the Stanislaus Soccer League

\$ 1,000.00 Turlock Indoor Two seasons League

\$ 2,100.00 2 shirts, 1 pair of shorts, 1 pair of soccer socks plus a backpack for 20 players.

