



AGENDA
NEWMAN CITY COUNCIL
SPECIAL MEETING JANUARY 14, 2014
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 - Potential Litigation – Stanislaus County – One Case - G.C. 54956.9.
 - b. Return To Open Session.
5. **Adjournment.**

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (the "Agreement") is entered into by and between the County of Stanislaus ("County") and the City of Newman ("City"). County and City are also collectively referred to herein as "the Parties."

Recitals

A. The County charges cities within the County a property tax administration fee ("PTAF") for assessing, collecting, and allocating property tax revenues pursuant to Revenue and Taxation Code section 95.3.

B. The County treated property tax revenue diverted from the County's Educational Revenue Augmentation Fund ("ERAF") as a result of the so-called "Triple Flip" (Rev. & Tax. Code, § 97.68) and the "Vehicle License Fee Swap" (Rev. & Tax. Code, § 97.70) as a form of property tax subject to the PTAF.

C. A dispute has arisen between the County and the City regarding the interpretation of Revenue and Taxation Code sections 95.3 and 97.75, and the County's method of calculating the amount of PTAF that the City is charged as to property tax revenue diverted by the Triple Flip and the Vehicle License Fee Swap.

D. The California Supreme Court issued a decision in *City of Alhambra, et al. v. County of Los Angeles* (S185457, 11/19/12), which held that ERAF monies diverted by the Triple Flip and the Vehicle License Fee Swap are exempt from the PTAF, and that Revenue and Taxation Code section 97.75 authorizes counties to charge cities for only the new, incremental costs associated with administering the Triple Flip and the Vehicle License Fee Swap. The PTAF charged by the County on property tax revenue diverted as a result of the Triple Flip and the Vehicle License Fee Swap, but not including the actual annual cost for administering the Triple Flip and the Vehicle License Fee Swap, is hereafter referred to as the "Disputed Administration Fee."

E. The City claims that the County should cease collection of the Disputed Administration Fee, and should reimburse the City for the Disputed Administration Fee that was previously withheld from property tax distribution to the City for fiscal year 2006-2007 and continuing through fiscal year 2011-2012.

F. The County disputes that the City is legally entitled to be reimbursed for the Disputed Administration Fee for all of the periods claimed by the City because it failed to comply with procedures set forth in Paragraph B of Stanislaus County Code section 4.44.010 to challenge the proposed PTAF.

G. These circumstances and facts described herein are collectively referred to as the "Dispute."

Now, therefore, the Parties hereto wish to settle, compromise and resolve forever the Dispute without admitting liability or responsibility as follows:

Agreement

1. Compromise and Settlement. The Parties to this Agreement, in consideration of the promises and concessions made by each party to this Agreement, agree that the foregoing recitals are true and correct, and agree to mutually compromise and settle the Dispute upon all of the terms, conditions and provisions of this Agreement, including, without limitation, all of the following:

- (a) Commencing with Fiscal Year 2012-2013, and each year thereafter, the County will cease collection of the Disputed Administration Fee unless and until authorized by statute or court order; and
- (b) County will pay the City the Remaining Balance as set forth in Attachment A in a single lump sum payment within 30-days after execution of this Agreement by the City.

2. Dismissal of claim and lawsuit, if any. On the date the City signs this Agreement, any claim by that City pertaining to the Dispute or Disputed Administration Fee shall be deemed settled and released in accordance with this Agreement. If the City has filed a lawsuit against the County pertaining to the Dispute or Disputed Administration Fee, the City shall take any and all steps to dismiss the lawsuit with prejudice, and shall provide to County a file-stamped copy of such dismissal.

3. Mutual Releases. Upon fulfillment of the terms and conditions set forth in Paragraphs 1 and 2 above, and with the exception of any and all covenants, representations and/or warranties and the rights created or expressly reserved under this Agreement, each party hereto hereby agrees to and does mutually release, remise and forever discharge each other and their respective heirs, executors, principals, officers, agents, employees, representatives and successors from any and all claims, demands, actions or causes of action, fees, costs, interest, known or unknown, suspected or unsuspected, arising out of or related in any way to the Dispute.

4. Waiver of Unknown Claims. This Agreement is a full and final release applying to all unknown and unanticipated losses or damages arising out of the matters arising out of or related in any way to the Dispute, as well as to those now known or disclosed, and the Parties hereto waive all rights or benefits which the Parties hereto now have or in the future may have under the terms of Civil Code Section 1542, which provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

The Parties acknowledge that they may hereafter discover facts different from, or in addition to, those which they now know or believe to be true with respect to any of the claims released herein and agree that each release, waiver and warranty made in this Agreement is now and will remain effective, notwithstanding the existence of any such different or additional facts or the discovery thereof.

5. No Admission of Liability. The Parties understand and acknowledge that this Agreement is a compromise of disputed claims and does not constitute an admission of liability by either party.

6. Documents. The Parties agree to act in good faith and to promptly execute any and all agreements or other documents which are necessary, or may become necessary, to complete or effectuate the purposes of this Agreement.

7. No Assignment. The Parties warrant and represent that they have the right and authority to execute this agreement and that they have not assigned or transferred, or purported to assign or transfer, to any person or entity, any of the claims released in this Agreement and shall indemnify and hold harmless the other party against any claim or cause of action based, arising out of, or in connection with any such transfer or assignment or purported transfer or assignment.

8. Attorney's Fees. Each party to this Agreement shall bear all of its own costs and attorney's fees arising from or out of the Dispute, this Agreement and all related matters. In the event that any action, suit, or other proceeding is instituted to remedy, prevent or obtain relief from any breach of this Agreement, the prevailing party shall recover all of such party's full and actual attorney's fees incurred in such action, suit, or proceeding, including any and all appeals therefrom or petitions associated therewith.

9. Heirs and Assigns. This Agreement shall be binding upon and inure to the benefit of each party and each party's respective heirs, legal representatives, successors and assigns.

10. Entire Agreement. This Agreement supersedes any and all other agreements, either oral or in writing, between the County and the City with respect to the subject matter hereof and contains all the agreements between the Parties with respect to such matter. Each party acknowledges that no representations, inducements, promises or agreements, oral or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement or promise not contained in this Agreement shall be valid or binding. The Parties cannot amend, alter, modify, or otherwise change this Agreement, except in writing executed by the Parties hereto and expressly stating that it is an amendment to this Agreement.

11. Advice of Attorney. Each party warrants and represents that in executing this Agreement, it has received independent legal advice from its attorneys or the opportunity to seek such advice. This Agreement is a compromise by and between the Parties, and any ambiguity herein shall not be construed against the drafter, but rather the terms hereof shall be given a reasonable interpretation as if each party had in fact drafted the Agreement.

12. Captions. All captions to the provisions of this release are solely for the convenience of the Parties, are not a part of the Agreement, and shall not be used to interpret or determine the validity of this Agreement or any of its provisions.

13. Severability. If any provision of this Agreement is held invalid, the remainder of the Agreement shall nevertheless remain in full force and effect in all other circumstances, so long as the essential purpose of the Agreement can still be achieved by both sides to the settlement embodied in this Agreement.

14. Mistake. The Parties fully understand and declare that if the facts under which this Agreement is executed are found hereafter to be different from the facts now believed by them to be true they assume the risk of such possible differences in facts and hereby agree that this Agreement shall be, and will remain, effective, notwithstanding such differences in facts.

15. Incorporation of Recitals. The Recitals to this Agreement, stated above, are hereby incorporated herein and made a part hereof.

16. Governing Law. This Agreement shall be construed and interpreted in accordance with the laws of the State of California.

17. Counterpart Execution. This Agreement may be executed in counterparts, each of which shall be deemed to be an original and said counterparts shall constitute one in the same instrument which may be sufficiently evidenced by one counterpart.

In Witness Whereof, the Parties hereto have executed this Agreement as set forth below.

COUNTY OF STANISLAUS

By _____ Dated: _____
Stan Risen
Chief Executive Officer

Approved as to Form:

By _____
John P. Doering
County Counsel

CITY OF NEWMAN

By _____ Dated: _____
Michael Holland
City Manager

Approved as to Form:

By _____
Tom Hallinan
City Attorney

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12 ¹	Total Principal	Interest ²	Total Including Interest	5/7/13 Payment ³	Remaining Balance
Newman			\$14,021.98	\$12,981.91	\$12,018.39	\$14,429.31	\$53,451.59	\$10,838.98	\$64,290.57	\$14,552.03	\$49,738.54

Already Paid

1. Principal amount paid with interest in May 2013
2. Interest is compounded annually at 7% for years 2008/09 - 2010/11 and compounded annually using the pooled rate for 2011/12
3. Includes interest at the Pooled Rate



AGENDA
NEWMAN CITY COUNCIL
REGULAR MEETING JANUARY 14, 2014
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order.**
2. **Pledge Of Allegiance.**
3. **Invocation.**
4. **Roll Call.**
5. **Declaration Of Conflicts Of Interest.**
6. **Ceremonial Matters.**
7. **Items from the Public - Non-Agenda Items.**
8. **Consent Calendar**
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants. ([View Warrant Register](#))
 - c. Approval Of Minutes Of The December 10, 2013 Meeting. ([View Minutes](#))
 - d. Adopt Resolution 2014- , Approving The Local Transportation Fund Claim For FY 2013/14 Other Purposes And Authorize The Finance Director To Execute The Claim On Behalf Of The City Of Newman. ([View Report](#))
 - e. Adopt Resolution No. 2014- , Supporting The Healthy Eating, Active Living (HEAL) Campaign. ([View Report](#))
9. **Public Hearings**
 - a. Second Reading And Adoption Of Ordinance No. 2014- , An Ordinance Amending Title 5, Zoning And Accompanying Zoning Maps Of The City Of Newman And Authorizing Staff To Publish A Summary Of Said Ordinance. ([View Report](#))
10. **Regular Business**
 - a. Adopt Resolution No. 2014- , A Resolution Consenting To Inclusion Of Properties Within The City's Jurisdiction In The California HERO Program To Finance Distributed Generation Renewable Energy Sources, Energy And Water Efficiency Improvements And Electric Vehicle Charging Infrastructure And Approving The Amendment To A Certain Joint Powers Agreement Related Thereto. ([View Report](#))
 - b. First Reading And Introduction Of Ordinance 2014- , An Ordinance Amending Title 11 Public Ways And Property, Adding Chapter 11.120 Storm Water Management And Discharge Control To The Newman City Code-Complying With The NPDES Phase II Permit Effective March 1, 2014. ([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

January 14 - City Council - 7:00 P.M.

January 16 - Planning Commission - Cancelled

January 20 - Martin Luther King Jr. Day - City Offices Closed

January 21 - Two-On-Two Meeting With The School Board - 4:00 P.M.

January 28 - City Council - 7:00 P.M.

February 4 - NCLUSD Board Meeting - 6:00 P.M.

February 11 - City Council - 7:00 P.M.

February 13 - Recreation Commission - 7:00 P.M.

February 17 - Presidents' Day Holiday - City Offices Closed.

February 18 - Two-On-Two Meeting With The School Board - 4:00 P.M.

February 20 - Planning Commission - 7:00 P.M.

February 25 - City Council - 7:00 P.M.

Accounts Payable

AP Check Register for Council



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

User: efaria

Printed: 01/09/2014 - 10:54 AM

Name	Account	Description	ACH C	Check I	Check N	Amount
ABBOTT & KINDERMANN, LLP	10-15-62	Services rendered thru 12/20/13/Sherman Ranch	No	01/09/201	104777	997.67
ARAMARK UNIFORM SERVICES	10-33-62	Mat rental/uniform cleaning/towels/Dec 2013	No	01/09/201	104778	95.78
ARAMARK UNIFORM SERVICES	10-44-62	Mat rental/uniform cleaning/towels/Dec 2013	No	01/09/201	104778	63.85
ARAMARK UNIFORM SERVICES	60-50-62	Mat rental/uniform cleaning/towels/Dec 2013	No	01/09/201	104778	95.78
ARAMARK UNIFORM SERVICES	63-56-62	Mat rental/uniform cleaning/towels/Dec 2013	No	01/09/201	104778	63.85
ARAMARK UNIFORM SERVICES	10-22-62	Mat rental/uniform cleaning/towels/Dec 2013	No	01/09/201	104778	51.68
ARAMARK UNIFORM SERVICES	10-07-62	Mat rental/uniform cleaning/towels/Dec 2013	No	01/09/201	104778	121.00
ARAMARK UNIFORM SERVICES	10-21-62	Mat rental/uniform cleaning/towels/Dec 2013	No	01/09/201	104778	119.58
AT&T	10-14-64	Analog line @ city hall alarm/11/13 to 12/12/13	No	01/09/201	104779	5.53
AT&T	60-50-64	Analog line @ city hall alarm/11/13 to 12/12/13	No	01/09/201	104779	5.53
AT&T	63-56-64	Analog line @ city hall alarm/11/13 to 12/12/13	No	01/09/201	104779	5.52
AT&T	10-21-64	Telephone service 11/13/13 to 12/12/13	No	01/09/201	104779	17.37
AT&T	10-14-64	Telephone service 11/13/13 to 12/12/13	No	01/09/201	104779	46.12
AT&T	10-07-66	Telephone service 11/13/13 to 12/12/13	No	01/09/201	104779	15.46
AT&T	63-56-64	Telephone service 11/13/13 to 12/12/13	No	01/09/201	104779	46.36
AT&T	60-50-64	Telephone service 11/13/13 to 12/12/13	No	01/09/201	104779	16.16
AT&T	10-21-64	Emergency dispatch line @ PD 11/20/13 to 12/19/13	No	01/09/201	104779	136.53
AT&T	10-21-64	T1 line @ PD 11/20/13 to 12/19/13	No	01/09/201	104779	336.23
AutoZone	60-50-63	Iphone car charger/vise grips/LED worklight	No	01/09/201	104780	57.91
AutoZone	60-50-63	Credit on returned hardcase iphone	No	01/09/201	104780	-12.58
BERTOLOTTI DISPOSAL	10-41-62	Garbage service/Dec 2013	No	01/09/201	104781	60,948.25
BERTOLOTTI DISPOSAL	69-47-62	franchise fee/dump fees/Dec 2013	No	01/09/201	104782	200.00
BERTOLOTTI DISPOSAL	10-33-62	franchise fee/dump fees/Dec 2013	No	01/09/201	104782	270.72
B G AUTO	60-50-65	metal battery terminal/distilled water	No	01/09/201	104783	10.90
B G AUTO	10-33-63	rain cap	No	01/09/201	104783	18.29
B G AUTO	10-22-63	misapplied payment between Fire dept & city's bill	No	01/09/201	104783	-6.57
CALIFORNIA CONSULTING, LL	10-02-62	Monthly retainer/grant & lobbying services/Jan 2014	No	01/09/201	104784	1,001.08
CALIFORNIA CONSULTING, LL	60-50-62	Monthly retainer/grant & lobbying services/Jan 2014	No	01/09/201	104784	1,001.08
CALIFORNIA CONSULTING, LL	63-56-62	Monthly retainer/grant & lobbying services/Jan 2014	No	01/09/201	104784	1,001.08
Canon Solutions America, Inc.	10-21-62	Copier charges 12/1 to 12/31/13/PD	No	01/09/201	104785	20.39
Canon Solutions America, Inc.	60-50-62	Copier copy charges 12/1 to 12/31/13	No	01/09/201	104785	5.51
Canon Solutions America, Inc.	63-56-62	Copier copy charges 12/1 to 12/31/13	No	01/09/201	104785	5.52
Canon Solutions America, Inc.	10-14-62	Copier copy charges 12/1 to 12/31/13	No	01/09/201	104785	21.48
Canon Solutions America, Inc.	60-50-62	Copier copy charges 12/1 to 12/31/13	No	01/09/201	104785	21.48
Canon Solutions America, Inc.	63-56-62	Copier copy charges 12/1 to 12/31/13	No	01/09/201	104785	21.48
CARTER JEFF	68-68-77		No	01/09/201	104786	100.00
CBA (ADMIN FEES)	10-00-22	Dental-vision admin fees/Jan 2014	No	01/09/201	104787	227.50
C B MERCHANT SERVICES,INC	63-56-66	Bad debt payable/Dec 2013	No	01/09/201	104788	113.87
CENTRAL SANITARY SUPPLY	10-44-66		No	01/09/201	104789	6.38
CENTRAL SANITARY SUPPLY	10-44-66		No	01/09/201	104789	3.19
CENTRAL SANITARY SUPPLY	10-07-63		No	01/09/201	104789	1.60
CENTRAL SANITARY SUPPLY	10-21-63		No	01/09/201	104789	1.59
CENTRAL SANITARY SUPPLY	10-07-66		No	01/09/201	104789	0.80
CENTRAL SANITARY SUPPLY	10-22-63		No	01/09/201	104789	0.80
CENTRAL SANITARY SUPPLY	10-44-63		No	01/09/201	104789	0.79

Name	Accoun	Description	ACH C	Check I	Check N	Amount
CENTRAL SANITARY SUPPLY	10-46-63		No	01/09/201	104789	0.80
CENTRAL SANITARY SUPPLY	10-44-66		No	01/09/201	104789	352.58
CENTRAL SANITARY SUPPLY	10-44-66		No	01/09/201	104789	176.29
CENTRAL SANITARY SUPPLY	10-07-63		No	01/09/201	104789	88.15
CENTRAL SANITARY SUPPLY	10-21-63		No	01/09/201	104789	88.14
CENTRAL SANITARY SUPPLY	10-07-66		No	01/09/201	104789	44.07
CENTRAL SANITARY SUPPLY	10-22-63		No	01/09/201	104789	44.08
CENTRAL SANITARY SUPPLY	10-44-63		No	01/09/201	104789	44.07
CENTRAL SANITARY SUPPLY	10-46-63		No	01/09/201	104789	44.07
CENTRAL SANITARY SUPPLY	10-44-66		No	01/09/201	104789	20.22
CENTRAL SANITARY SUPPLY	10-44-66		No	01/09/201	104789	10.12
CENTRAL SANITARY SUPPLY	10-07-63		No	01/09/201	104789	5.05
CENTRAL SANITARY SUPPLY	10-21-63		No	01/09/201	104789	5.06
CENTRAL SANITARY SUPPLY	10-07-66		No	01/09/201	104789	2.53
CENTRAL SANITARY SUPPLY	10-22-63		No	01/09/201	104789	2.52
CENTRAL SANITARY SUPPLY	10-44-63		No	01/09/201	104789	2.53
CENTRAL SANITARY SUPPLY	10-46-63		No	01/09/201	104789	2.53
Chief Supply Corporation	10-21-63	8 custom badges two tone/PD	No	01/09/201	104790	703.45
City National Bank	63-56-81	Interest payment on 1982 Water revenue bonds	No	01/09/201	104791	7,111.55
COELHO CARL J. (CHUCK)	10-22-66		No	01/09/201	104792	50.00
COMCAST CABLE	60-50-62	High speed internet 12/22 to 1/21/14	No	01/09/201	104793	35.20
COMCAST CABLE	63-56-62	High speed internet 12/22 to 1/21/14	No	01/09/201	104793	35.20
COMCAST CABLE	10-21-62	High speed internet 12/22 to 1/21/14	No	01/09/201	104793	35.21
CRESCENT SUPPLY CO. #1	10-21-63	Namebar/belt/pant/shirt/Explorers	No	01/09/201	104794	111.89
CSJVRMA	10-00-22	Worker's comp program 13/14 third quarter	No	01/09/201	104795	29,239.00
CSJVRMA	10-15-66	Worker's comp program 2013/2014 third quarter	No	01/09/201	104795	5,497.00
CSJVRMA	60-50-66	Worker's comp program 2013/2014 third quarter	No	01/09/201	104795	5,497.00
CSJVRMA	63-56-66	Worker's comp program 2013/2014 third quarter	No	01/09/201	104795	5,497.00
CSJVRMA	10-00-22	2013 worker's comp retrospective adjustment	No	01/09/201	104795	9,399.00
Division of the State Architect	10-00-26	SB1186 fees Oct-Dec 2013	No	01/09/201	104796	35.00
Division of the State Architect	10-00-50	SB1186 fees Oct-Dec 2013/fees payable	No	01/09/201	104796	-24.50
E&M ELECTRIC, INC.	10-33-63	3 Sylvania lamps	No	01/09/201	104797	58.09
E&M ELECTRIC, INC.	10-33-63	1 200 watt lamp/2 100 watt lamps	No	01/09/201	104797	70.99
E&M ELECTRIC, INC.	69-47-62	3 150 watt lamps	No	01/09/201	104797	78.01
E&M ELECTRIC, INC.	10-45-62	Lamp and photo eye replaced/teen center	No	01/09/201	104797	118.14
E&M ELECTRIC, INC.	10-33-62	Replaced missing electric box in front of Ace	No	01/09/201	104797	350.43
E&M ELECTRIC, INC.	10-33-62	Replaced recepticle in front of Newman Medical	No	01/09/201	104797	75.24
E&M ELECTRIC, INC.	10-33-62	Installed new street light @ Canal School & Inyo	No	01/09/201	104797	7,700.57
FRANKLIN PET CEMETERY & C	10-21-62	Animal disposal clinic	No	01/09/201	104798	24.40
FRANKLIN PET CEMETERY & C	10-21-62	Animal disposal clinic	No	01/09/201	104798	2.00
FRANKLIN PET CEMETERY & C	10-21-62	Animal disposal clinic	No	01/09/201	104798	4.00
HALLINAN TOM	10-15-62		No	01/09/201	104799	525.00
HALLINAN TOM	60-50-62		No	01/09/201	104799	525.00
HALLINAN TOM	63-56-62		No	01/09/201	104799	525.00
HUB INTERNATIONAL OF CA I	10-00-28	Liability insurance premiums payable/Dec 2013	No	01/09/201	104800	365.60
HUTCHINS JASON	10-21-66	Per diem/POST trng/Hutchins	No	01/09/201	104801	40.00
J&E Janitorial and Handyman	10-07-62	Complete floor cleaning and buffing/city hall	No	01/09/201	104802	100.00
JOE'S LANDSCAPING & CONCR	10-33-63	1/2 yard concrete	No	01/09/201	104803	149.60
JOE'S LANDSCAPING & CONCR	69-47-62	Landscape services for LLD/Dec 2013	No	01/09/201	104803	10,075.00
KAISER PERMANENTE	10-00-22	Health insurance premium/Feb 2014	No	01/09/201	104804	3,605.54
Mendoza Maria	10-00-28	Refund Memorial Bldg deposit/Mendoza	No	01/09/201	104805	200.00
Millan Perfecto	10-00-28	Refund Memorial Bldg deposit/cancelled use/Millan	No	01/09/201	104806	200.00
NBS	69-47-62	Qtrly admin fees/Jan to Mar 2014/1972 Act District Admin	No	01/09/201	104807	2,476.08
NEWMAN SMOG AND LUBE	10-21-65	Lube & oil/new battery/07 Chevy Tahoe	No	01/09/201	104808	214.47
NEWMAN SMOG AND LUBE	10-21-65	Lube & oil & filter change/2011 Chevy Tahoe	No	01/09/201	104808	37.69

Name	Accoun	Description	ACH C	Check I	Check N	Amount
NEWMAN ACE HARDWARE/JACT,	10-07-63	light bulbs/flour bulbs/door stop/misc fastners/duster	No	01/09/201	104809	196.65
NEWMAN ACE HARDWARE/JACT,	10-33-63	duplex recepticle/Stihl link chain/hearing protector/	No	01/09/201	104809	66.89
NEWMAN ACE HARDWARE/JACT,	10-21-62	phillips bit & screwdruver/screwdriver returned	No	01/09/201	104809	4.29
NEWMAN ACE HARDWARE/JACT,	68-68-66	Supplies for downtown Christmas lighting & tree	No	01/09/201	104809	377.15
NEWMAN ACE HARDWARE/JACT,	63-56-63	gloves/fixaflat/duck tape/nails/pipe insulation/pliers	No	01/09/201	104809	93.10
NEWMAN ACE HARDWARE/JACT,	10-44-63	face shield/knee pads/paint/screwdrivers/hose clamp	No	01/09/201	104809	105.91
NEWMAN ACE HARDWARE/JACT,	10-44-66	Pfister handle	No	01/09/201	104809	8.60
NEWMAN ACE HARDWARE/JACT,	10-01-66	Ornaments/hooks/twine/125th tree for Chamber event	No	01/09/201	104809	8.36
NEWMAN ACE HARDWARE/JACT,	60-50-63	garbage bags	No	01/09/201	104809	55.92
O'Dell Engineering	17-44-75	Services from 11/4 to 12/1/13/Skate park	No	01/09/201	104810	1,365.00
Ohlin Sales, Inc	10-22-63	Mag-Lite flashlight/Fire dept	No	01/09/201	104811	55.02
Oliveros Patricia	63-00-20	Replacement of lost ck#103783 UB refund	No	01/09/201	104812	27.78
OPERATING ENGINEERS/	10-00-22	Health insurance premium/Feb 2014	No	01/09/201	104813	723.00
Otis Elevator Company	10-07-62	Service contract for elevator @ city hall/1/1/14 to 3/31/14	No	01/09/201	104814	562.59
P G & E	10-07-64	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	1,012.02
P G & E	10-22-64	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	383.93
P G & E	10-33-64	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	6,415.15
P G & E	10-44-64	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	417.76
P G & E	10-45-64	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	83.07
P G & E	10-46-64	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	351.58
P G & E	10-44-66	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	470.23
P G & E	10-07-66	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	173.79
P G & E	10-44-66	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	523.43
P G & E	60-50-64	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	20,536.20
P G & E	62-60-64	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	261.23
P G & E	62-60-64	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	1,001.16
P G & E	63-56-64	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	10,664.40
P G & E	69-47-64	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	2,880.18
P G & E	73-70-66	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	147.22
P G & E	73-70-66	Gas and electric 11-14-13 to 12-15-13	No	01/09/201	104815	671.30
PITNEY BOWES, Inc	63-56-63	Postage meter rental 10/1/13 to 12/31/13	No	01/09/201	104816	41.98
PITNEY BOWES, Inc	60-50-63	Postage meter rental 10/1/13 to 12/31/13	No	01/09/201	104816	41.98
PITNEY BOWES, Inc	10-14-63	Postage meter rental 10/1/13 to 12/31/13	No	01/09/201	104816	41.97
Precision Concrete Cutting	69-47-62	Sidewalk improvements @ various locations per PO 14-51	No	01/09/201	104817	5,000.00
Precision Concrete Cutting	10-33-62	Sidewalk improvements @ various locations per PO 14-51	No	01/09/201	104817	9,800.00
Precision Concrete Cutting	10-33-63	Sidewalk improvements @ various locations per PO 14-51	No	01/09/201	104817	254.20
RALEY'S IN STORE CHARGE	10-14-63	Sugar/coffee mate/sweetner	No	01/09/201	104818	4.05
RALEY'S IN STORE CHARGE	60-50-63	Sugar/coffee mate/sweetner	No	01/09/201	104818	4.05
RALEY'S IN STORE CHARGE	63-56-63	Sugar/coffee mate/sweetner	No	01/09/201	104818	4.06
RALEY'S IN STORE CHARGE	10-01-66	Supplies for Healthcare Meeting	No	01/09/201	104818	92.53
SAFE-T-LITE	60-50-65	Flashing light bar for PW truck	No	01/09/201	104819	110.94
SIERRA DISPLAY, INC.	68-68-66	94 plastic mounting clips/489 C-9 lamps/downtown	No	01/09/201	104820	184.18
Soundscapes Electric Security & Audio	10-07-62	3 months alarm monitoring @ city hall	No	01/09/201	104821	195.00
STAN CNTY ASSOC LAW ENFOR	10-21-66	Membership dues 2014/Richardson	No	01/09/201	104822	25.00
STAN COUNTY SHERIFF'S REG	10-21-66	POST training registration/Hutchins	No	01/09/201	104823	838.00
STANTEC CONSULTING SERVIC	64-56-62	Site visit for hydrogeologic evaluation of new well site.	No	01/09/201	104824	531.00
SUN VALLEY PORTABLES	69-47-62	Portable restroom rental-service/Dec 2013	No	01/09/201	104825	155.76
TelePacific Communications	10-21-64	Telephone monthly service 1/1/14 to 1/31/14	No	01/09/201	104826	214.59
TelePacific Communications	10-45-64	Telephone monthly service 1/1/14 to 1/31/14	No	01/09/201	104826	132.84
TelePacific Communications	60-50-64	Telephone monthly service 1/1/14 to 1/31/14	No	01/09/201	104826	132.84
TelePacific Communications	63-56-64	Telephone monthly service 1/1/14 to 1/31/14	No	01/09/201	104826	132.84
TESCO CONTROL, INC.	63-56-62	Mileage traveled & labor to do repairs @wells 5&6	No	01/09/201	104827	2,179.80
T.H.E. OFFICE CITY	60-50-63	blue pen refills	No	01/09/201	104828	1.16
T.H.E. OFFICE CITY	63-56-63	blue pen refills	No	01/09/201	104828	1.16
Timeless Memories	10-01-66	3 rolls gold ribbon/1 box greens/2 cans gold paint for Christ	No	01/09/201	104829	85.73

Name	Account	Description	ACH C	Check E	Check N	Amount
TOSTA BARBARA J.	10-45-67	Young at Heart instructor/Dec 2013	No	01/09/201	104830	150.00
TORRES MIRNA	63-00-20	Refund Check	No	01/09/201	104831	71.73
ENGLAND GLENDA	63-00-20	Refund Check	No	01/09/201	104832	14.01
ENGLAND GLENDA	63-00-20	Refund Check	No	01/09/201	104833	80.28
USA BLUEBOOK	60-50-63	3 Reddington Hour meters	No	01/09/201	104834	331.72
USA BLUEBOOK	60-50-63	Flare nut wrenches	No	01/09/201	104834	67.63
VALLEY PARTS SERVICE	60-50-65	Belt-alternator/car polish	No	01/09/201	104835	32.03
VALLEY PARTS SERVICE	60-50-63	Blaster penetrant/sewer machine	No	01/09/201	104835	6.58
VALLEY PARTS SERVICE	60-50-65	Halogen bulb	No	01/09/201	104835	5.08
VALLEY PARTS SERVICE	63-56-65	pwr steering fluid/funnel/multi-vehicle ATF quart	No	01/09/201	104835	14.86
VALLEY PARTS SERVICE	10-44-65	Ford F150 mirror	No	01/09/201	104835	65.84
VALLEY PARTS SERVICE	60-50-65	Ford F150 mirror	No	01/09/201	104835	21.94
VALLEY PARTS SERVICE	60-50-65	Battery/core deposit/motor oil/core deposit credited	No	01/09/201	104835	343.05
VALLEY PARTS SERVICE	60-50-65	Napagold air filters/tran fluid/oil	No	01/09/201	104835	131.29
VALLEY PARTS SERVICE	60-50-65	tire foam/accufit hybrid/terry towel/fuse/flare kit/CNG	No	01/09/201	104835	112.94
VALLEY PARTS SERVICE	10-21-65	Solenoid	No	01/09/201	104835	88.67
VALLEY PARTS SERVICE	60-50-65	4 wheel cylinders/water truck	No	01/09/201	104835	134.09
VALLEY PARTS SERVICE	60-50-65	brakeline/double flaring tool/B/fluid	No	01/09/201	104835	65.91
VALLEY PARTS SERVICE	60-50-63	drum brake shoe lock/mini tube cutter	No	01/09/201	104835	9.12
VALLEY PARTS SERVICE	60-50-65	AFT plus 4/Zerex fluid	No	01/09/201	104835	21.49
VANNUCCI WILLIAM J.	64-56-62	Hardin Rd well monitoring/boring/pvc casing/equipment	No	01/09/201	104836	34,740.00
VARGAS GEORGE	10-22-66		No	01/09/201	104837	50.00

 165,365.03

Accounts Payable

AP Check Register for Council



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

User: efaria

Printed: 12/20/2013 - 1:00 PM

Name	Account	Description	Amount	Check Num	Check Da	ACH Ch
BUSINESS CARD	10-44-6700	24.5 cubic yards red sand/baseball fields	381.89	104776	12/20/2013	No
BUSINESS CARD	10-44-6700	24.5 cubic yards red sand/baseball fields	381.89	104776	12/20/2013	No
BUSINESS CARD	10-00-5823	Supplies for skate park fundraiser	14.78	104776	12/20/2013	No
BUSINESS CARD	10-45-6300	Folding work light/rec	43.04	104776	12/20/2013	No
BUSINESS CARD	10-45-6735	3 plastic pails	19.34	104776	12/20/2013	No
BUSINESS CARD	10-21-6300	Dispatch meeting luncheon	55.42	104776	12/20/2013	No
BUSINESS CARD	10-21-6630	Meeting luncheon with EMS/PD	39.80	104776	12/20/2013	No
BUSINESS CARD	10-21-6635	Legal resource update/PD	85.00	104776	12/20/2013	No
CITY OF NEWMAN-PETTY C	10-21-6620	Shop with a cop promotion/reimbursed	1,000.00	104701	12/11/2013	No
			2,021.16			

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: lhumphries
Printed: 12/20/2013 - 9:53 AM

<u>Name</u>	<u>Account</u>	<u>Description</u>	<u>Amount</u>	<u>Check Number</u>	<u>Check Date</u>	<u>ACH Check</u>
SJVIA	10-00-2260	Health Insurance premium Jan 2014	15,755.88	0	12/20/2013	Yes
			<hr/> <hr/>			
			15,755.88			
			<hr/> <hr/>			

Accounts Payable

AP Check Register for Council



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

User: efaria

Printed: 12/09/2013 - 1:12 PM

<u>Name</u>	<u>Account</u>	<u>Description</u>	<u>Check Number</u>	<u>Check Date</u>	<u>Amount</u>
Candea Nicholas	10-01-6020	To replace lost payroll check #5609	104690	12/09/2013	92.35

					92.35

Accounts Payable

AP Check Register for Council



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

User: efaria

Printed: 12/19/2013 - 8:28 AM

Name	Account	Description	Check Nu	Check D	Amount
ARROWHEAD MOUNTAIN SPRING	10-14-630	Bottled water deliveries/Nov 2013	104702	12/20/2013	-8.45
ARROWHEAD MOUNTAIN SPRING	60-50-630	Bottled water deliveries/Nov 2013	104702	12/20/2013	-8.44
ARROWHEAD MOUNTAIN SPRING	63-56-630	Bottled water deliveries/Nov 2013	104702	12/20/2013	-8.45
ARROWHEAD MOUNTAIN SPRING	10-45-630	Bottled water deliveries/Nov 2013	104702	12/20/2013	51.43
ARROWHEAD MOUNTAIN SPRING	10-21-630	Bottled water deliveries/Nov 2013	104702	12/20/2013	-0.01
ARROWHEAD MOUNTAIN SPRING	60-50-630	Bottled water deliveries/Nov 2013	104702	12/20/2013	6.43
ARROWHEAD MOUNTAIN SPRING	63-56-630	Bottled water deliveries/Nov 2013	104702	12/20/2013	6.43
ARROWHEAD MOUNTAIN SPRING	60-50-630	Bottled water deliveries/Nov 2013	104702	12/20/2013	47.23
Associated Engineering Group, Inc.	40-06-624	Prepared revisions to Master Plan Area 3 per staff	104703	12/20/2013	212.50
AT&T MOBILITY	10-21-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	414.58
AT&T MOBILITY	63-56-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	165.92
AT&T MOBILITY	10-44-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	26.04
AT&T MOBILITY	69-47-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	9.72
AT&T MOBILITY	60-50-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	276.94
AT&T MOBILITY	10-07-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	8.24
AT&T MOBILITY	10-22-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	24.48
AT&T MOBILITY	10-33-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	31.19
AT&T MOBILITY	10-02-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	32.95
AT&T MOBILITY	10-45-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	80.48
AT&T MOBILITY	10-03-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	30.75
AT&T MOBILITY	10-14-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	41.12
AT&T MOBILITY	73-70-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	30.89
AT&T MOBILITY	22-20-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	3.30
AT&T MOBILITY	10-06-642	Cell phone use 11/6/13 to 12/5/13	104704	12/20/2013	90.35
AT&T MOBILITY	10-21-642	Mobile wireless access 11/3/13 to 12/2/13/PD	104704	12/20/2013	404.94
AT&T	10-21-642	Emergency dispatch line @ PD 10/20/13 to 11/19/13	104705	12/20/2013	136.53
AT&T	10-21-642	T1 line at PD 10/20/13 to 11/16/13.	104705	12/20/2013	336.23
BERTOLOTTI DISPOSAL	10-33-622	Garbage bin rental/Nov 2013	104706	12/20/2013	78.00
BEST BEST & KRIEGER, LLP	73-70-620	Professional services rendered thru 11/30/13	104707	12/20/2013	397.28
Bettencourt Jose H.	10-15-621	Property damage release/1140 Mariposa St	104708	12/20/2013	1,800.00
BLUE SHIELD OF CALIFORNIA	10-00-226	Health insurance premium/Dec 2012	104709	12/20/2013	14,650.00
BSK Associates	63-56-620	Water well testing UCMR3	104710	12/20/2013	1,915.00
BUSINESS CARD	10-01-662	Decorations for 125th Christmas tree	104711	12/20/2013	9.50
BUSINESS CARD	10-01-662	Decorations for 125th Christmas tree	104711	12/20/2013	8.95
BUSINESS CARD	10-01-662	Decorations for 125th Christmas tree	104711	12/20/2013	13.36
BUSINESS CARD	10-22-669	Meals/Firemen's training	104711	12/20/2013	117.66
CALIFORNIA RURAL WATER	63-56-663	Membership dues Jan 2014 to Jan 2015	104712	12/20/2013	457.50
CALIFORNIA RURAL WATER	60-50-663	Membership dues Jan 2014 to Jan 2015	104712	12/20/2013	457.50
Canon Solutions America, Inc.	10-21-620	Copy charges/copier @ PD	104713	12/20/2013	32.68
Canon Solutions America, Inc.	60-50-620	Copy charges/copier @ PW	104713	12/20/2013	19.78
Canon Solutions America, Inc.	63-56-620	Copy charges/copier @ PW	104713	12/20/2013	19.78
Canon Solutions America, Inc.	10-14-620	Copy charges/copier @ CH	104713	12/20/2013	28.00
Canon Solutions America, Inc.	60-50-620	Copy charges/copier @ CH	104713	12/20/2013	28.00
Canon Solutions America, Inc.	63-56-620	Copy charges/copier @ CH	104713	12/20/2013	27.99
Canon Financial Services, Inc.	60-50-620	Copier lease 12/1/13 to 12/31/13/PW	104714	12/20/2013	115.07

Name	Account	Description	Check Nu	Check D	Amount
Canon Financial Services, Inc.	63-56-620	Copier lease 12/1/13 to 12/31/13/PW	104714	12/20/2013	115.06
Canon Financial Services, Inc.	10-14-620	Copier lease 12/1/13 to 12/31/13/CH	104714	12/20/2013	143.03
Canon Financial Services, Inc.	60-50-620	Copier lease 12/1/13 to 12/31/13/CH	104714	12/20/2013	143.02
Canon Financial Services, Inc.	63-56-620	Copier lease 12/1/13 to 12/31/13/CH	104714	12/20/2013	143.03
Canon Financial Services, Inc.	10-21-620	Copier lease 12/1/13 to 12/31/13/PD	104714	12/20/2013	270.53
C B MERCHANT SERVICES,INC	63-56-663	Bad debt payable/Nov 2013	104715	12/20/2013	319.30
CDW GOVERNMENT, INC	10-33-630	Visio software/PW	104716	12/20/2013	58.80
CDW GOVERNMENT, INC	63-56-631	Visio software/PW	104716	12/20/2013	58.80
CDW GOVERNMENT, INC	60-50-631	Visio software/PW	104716	12/20/2013	58.80
Chevron & Texaco Business Card Services:	10-33-650	Gas and diesel purchases 11/15/13 to 12/14/13	104717	12/20/2013	74.75
Chevron & Texaco Business Card Services:	10-44-650	Gas and diesel purchases 11/15/13 to 12/14/13	104717	12/20/2013	190.17
Chevron & Texaco Business Card Services:	63-56-650	Gas and diesel purchases 11/15/13 to 12/14/13	104717	12/20/2013	801.56
Chevron & Texaco Business Card Services:	60-50-650	Gas and diesel purchases 11/15/13 to 12/14/13	104717	12/20/2013	234.56
Chevron & Texaco Business Card Services:	10-21-650	Gas and diesel purchases 11/15/13 to 12/14/13	104717	12/20/2013	3,223.03
Chevron & Texaco Business Card Services:	10-22-650	Gas and diesel purchases 11/15/13 to 12/14/13	104717	12/20/2013	466.86
Chevron & Texaco Business Card Services:	69-47-650	Gas and diesel purchases 11/15/13 to 12/14/13	104717	12/20/2013	85.19
Chevron & Texaco Business Card Services:	10-07-650	Gas and diesel purchases 11/15/13 to 12/14/13	104717	12/20/2013	45.46
City of Turlock	10-15-620	City attorney transactional legal services/Nov 2013	104718	12/20/2013	600.00
Consolidated Electrical Distributors, Inc	10-07-630	Lighting relay	104719	12/20/2013	247.54
C.R. Fudge Company	10-00-582	Proceeds from Skate Park fundraiser @ tree lighting	104720	12/20/2013	171.75
ENVIRONMENTAL TECHNIQUES	60-50-630	60 ProOxidizer/aeration basin #1	104721	12/20/2013	3,540.00
Equarius Waterworks	63-56-630	20 water meters	104722	12/20/2013	1,244.52
FGL ENVIRONMENTAL, INC	60-50-620	WWTP Bacti & inorganic analyses & sampling	104723	12/20/2013	3,236.00
FGL ENVIRONMENTAL, INC	60-50-620	WWTP Bacti & inorganic analyses & sampling	104723	12/20/2013	1,036.00
FRANKLIN PET CEMETERY & C	10-21-620	Disposal clinic/Nov 2013	104724	12/20/2013	3.20
G BAR N VETERINARY CLINIC	10-21-620	Animal services/Nov 2013	104725	12/20/2013	1,365.00
Gouveia Engineering, Inc	10-00-254	Improve plans/meeting @ City hall/Mattos Ranch	104726	12/20/2013	1,281.00
Gouveia Engineering, Inc	10-00-253	Review & comment/Meeting with staff/1035 T St Map	104726	12/20/2013	252.00
Gouveia Engineering, Inc	10-31-620	Dollar General review	104726	12/20/2013	1,425.38
Gouveia Engineering, Inc	10-31-620	Meeting with staff/misc ongoing and future projects	104726	12/20/2013	177.00
Gouveia Engineering, Inc	20-32-777	CDBG waterline replacement 2013/14	104726	12/20/2013	84.00
Gouveia Engineering, Inc	20-32-778	Tulare St infrascuture 13/14	104726	12/20/2013	1,084.13
Gouveia Engineering, Inc	20-32-778	Tulare St infrascuture 13/14/prelim estimates	104726	12/20/2013	456.75
Gouveia Engineering, Inc	71-07-750	Memorial Bldg renovation/cost estimates	104726	12/20/2013	233.63
Grand Lodge of California	40-07-813	New city hall payment/Jan 2014	104727	12/20/2013	569.04
Grand Lodge of California	60-50-813	New city hall payment/Jan 2014	104727	12/20/2013	569.06
Grand Lodge of California	63-56-813	New city hall payment/Jan 2014	104727	12/20/2013	569.06
Grand Lodge of California	40-07-812	New city hall payment/Jan 2014	104727	12/20/2013	1,069.18
Grand Lodge of California	60-50-812	New city hall payment/Jan 2014	104727	12/20/2013	1,069.18
Grand Lodge of California	63-56-812	New city hall payment/Jan 2014	104727	12/20/2013	1,069.18
GRANDFLOW	10-14-630	50/1099 Misc/50/ 1099 Int	104728	12/20/2013	38.30
GRANDFLOW	60-50-630	50/1099 Misc/50/ 1099 Int	104728	12/20/2013	38.30
GRANDFLOW	63-56-630	50/1099 Misc/50/ 1099 Int	104728	12/20/2013	38.29
HOUSE STEPHANIE	10-45-674	Reimbursement for AV composite RCA cable for Nintendo Wii	104729	12/20/2013	4.35
INFOSEND, INC	60-50-620	Utility bill and late notice mailings/Nov 2013	104730	12/20/2013	911.78
INFOSEND, INC	63-56-620	Utility bill and late notice mailings/Nov 2013	104730	12/20/2013	911.78
IN-SYNCH SYSTEMS	10-21-620	Monthly RMS subscription 1/1/14 to 1/31/14/PD	104731	12/20/2013	1,020.00
IRRIGATION DESIGN & CONST	10-33-627	Coveralls for weed spraying	104732	12/20/2013	13.83
IRRIGATION DESIGN & CONST	60-50-630	90 Degree elbow/ clamps	104732	12/20/2013	95.48
J&E Janitorial and Handyman	10-07-620	Floor mopping/sweeping and buffing/City Hall	104733	12/20/2013	100.00
JOE'S LANDSCAPING & CONCR	69-47-620	Landscape services at Lighting & Landscape district/Nov 2013	104734	12/20/2013	8,720.00
LEAGUE OF CALIF. CITIES	10-01-663	Membership dues for 2014/LCC	104735	12/20/2013	6,057.70
MID VALLEY IT, INC	10-21-620	Monthly IT services/PD	104736	12/20/2013	1,273.20
MID VALLEY IT, INC	10-14-620	Monthly IT services/CH	104736	12/20/2013	636.60
MID VALLEY IT, INC	60-50-620	Monthly IT services/CH	104736	12/20/2013	636.60

Name	Account	Description	Check Nu	Check D	Amount
MID VALLEY IT, INC	63-56-620	Monthly IT services/CH	104736	12/20/2013	636.60
Modesto Regional Fire Authority	10-22-620	Annual Fire RMS Billing July 2013-June 2014	104737	12/20/2013	232.71
Munoz Coral	10-00-284	Refund Memorial Bldg deposit/Munoz	104738	12/20/2013	200.00
NEWMAN FIREFIGHTERS, INC.	10-01-662	Donation in Memory of Mary Jane Ford	104740	12/20/2013	50.00
NEWMAN FIREFIGHTERS, INC.	10-22-620	Monthly Dinner Meeting reimbursement/2013	104739	12/20/2013	2,000.00
NEWMAN SMOG AND LUBE	10-33-653	Smog check/1991 Chevy pickup	104741	12/20/2013	47.95
NEWMAN SMOG AND LUBE	10-22-653	Smog check/1979 Fire truck	104741	12/20/2013	37.95
NEWMAN SMOG AND LUBE	60-50-653	Replaced oxygen sensor/spark plug/ignition coil/06 Crown Victori	104741	12/20/2013	480.66
Ohlin Sales, Inc	10-22-630	Thermal imagers and 2 batteries/FD	104742	12/20/2013	287.28
PACIFIC WATER RESOURCES	62-60-622	3 Float switches	104743	12/20/2013	264.55
PACIFIC WATER RESOURCES	62-60-622	3 Electrode housing assemblies/1 dome assembly/1 switch	104743	12/20/2013	437.91
CITY OF PATTERSON	10-03-620	Video reimbursement of Council meetings/Nov 2013	104744	12/20/2013	660.00
P G & E	10-21-651	Natural gas usage for CNG vehicles11/5/13 to 12/5/13	104745	12/20/2013	32.19
P G & E	10-33-651	Natural gas usage for CNG vehicles11/5/13 to 12/5/13	104745	12/20/2013	96.55
P G & E	10-44-651	Natural gas usage for CNG vehicles11/5/13 to 12/5/13	104745	12/20/2013	64.38
P G & E	60-50-651	Natural gas usage for CNG vehicles11/5/13 to 12/5/13	104745	12/20/2013	32.19
P G & E	63-56-651	Natural gas usage for CNG vehicles11/5/13 to 12/5/13	104745	12/20/2013	32.19
P G & E	10-07-641	Electric & gas 11/4 to 12/5/13/City Hall	104745	12/20/2013	319.75
P G & E	60-50-641	Electric & gas 11/4 to 12/5/13/City Hall	104745	12/20/2013	319.75
P G & E	63-56-641	Electric & gas 11/4 to 12/5/13/City Hall	104745	12/20/2013	319.75
Precision Concrete Cutting	10-33-620	Sidewalk trip hazard repair @ 1140 Mariposa Street	104746	12/20/2013	313.00
Rabobank	10-02-612	2014 HSA deposits	104747	12/20/2013	750.00
Rabobank	10-06-612	2014 HSA deposits	104747	12/20/2013	225.00
Rabobank	10-07-612	2014 HSA deposits	104747	12/20/2013	750.00
Rabobank	10-14-612	2014 HSA deposits	104747	12/20/2013	2,413.75
Rabobank	10-21-612	2014 HSA deposits	104747	12/20/2013	15,892.50
Rabobank	10-33-612	2014 HSA deposits	104747	12/20/2013	375.00
Rabobank	22-20-612	2014 HSA deposits	104747	12/20/2013	545.00
Rabobank	60-50-612	2014 HSA deposits	104747	12/20/2013	8,095.00
Rabobank	63-56-612	2014 HSA deposits	104747	12/20/2013	9,347.50
Rabobank	69-47-612	2014 HSA deposits	104747	12/20/2013	375.00
Rabobank	73-70-612	2014 HSA deposits	104747	12/20/2013	906.25
RELIABLE OFFICE SUPPLIES	60-50-630	Batteries/Inkjet ink/clip-on fan/WWTP	104748	12/20/2013	139.97
Rivera Electric	10-07-620	Labor/replaced 2 ballasts/10 light bulbs/City Hall	104749	12/20/2013	648.00
SIERRA DISPLAY, INC.	68-68-662	70-light LED Strings (48)/2013 Lighting season	104750	12/20/2013	1,190.83
SIERRA INSTALLATIONS, INC	68-68-662	Installation services for the 2013 Holiday Season	104751	12/20/2013	1,495.50
SPRINGBROOK SOFTWARE	10-14-631	Monthly Web payments/Nov 2013	104752	12/20/2013	231.67
SPRINGBROOK SOFTWARE	60-50-631	Monthly Web payments/Nov 2013	104752	12/20/2013	231.67
SPRINGBROOK SOFTWARE	63-56-631	Monthly Web payments/Nov 2013	104752	12/20/2013	231.66
State of Calif Dept of Justice	10-21-620	Fingerprint apps/FBI apps/Nov 2013	104753	12/20/2013	177.00
Stanislaus County Auditor-Controller	10-21-651	Natural gas purchases/PD	104754	12/20/2013	2.02
STAPLES ADVANTAGE	63-56-630	Marker board/dry erase/stapler/wrls mouse/PW director	104755	12/20/2013	87.82
STAPLES ADVANTAGE	60-50-630	Marker board/dry erase/stapler/wrls mouse/PW director	104755	12/20/2013	87.82
STAPLES ADVANTAGE	10-06-630	Orange folders/Plng	104755	12/20/2013	16.13
STAPLES ADVANTAGE	10-06-630	Accu-stamp mailed/Plng	104755	12/20/2013	11.61
STAPLES ADVANTAGE	10-14-630	3-tab file folders/posting rolls/window envelopes	104755	12/20/2013	14.70
STAPLES ADVANTAGE	60-50-630	3-tab file folders/posting rolls/window envelopes	104755	12/20/2013	14.70
STAPLES ADVANTAGE	63-56-630	3-tab file folders/posting rolls/window envelopes	104755	12/20/2013	14.70
T.H.E. OFFICE CITY	10-14-630	2 Keyboard trays/Finance dept	104756	12/20/2013	70.24
T.H.E. OFFICE CITY	60-50-630	2 Keyboard trays/Finance dept	104756	12/20/2013	70.24
T.H.E. OFFICE CITY	63-56-630	2 Keyboard trays/Finance dept	104756	12/20/2013	70.25
T.H.E. OFFICE CITY	63-56-630	Pen refills	104756	12/20/2013	9.58
T.H.E. OFFICE CITY	60-50-630	Pen refills	104756	12/20/2013	9.58
T.H.E. OFFICE CITY	60-50-630	Leather letter holder/PW	104756	12/20/2013	65.54
T.H.E. OFFICE CITY	63-56-630	Leather letter holder/PW	104756	12/20/2013	65.53

Name	Account	Description	Check Nu	Check D	Amount
T.H.E. OFFICE CITY	60-50-630	Document frame	104756	12/20/2011	15.80
T.H.E. OFFICE CITY	63-56-630	Document frame	104756	12/20/2011	15.80
T.H.E. OFFICE CITY	60-50-630	Leather letter holder	104756	12/20/2011	32.77
T.H.E. OFFICE CITY	63-56-630	Leather letter holder	104756	12/20/2011	32.77
T.H.E. OFFICE CITY	10-45-630	Ink toner/rec dept	104756	12/20/2011	247.52
BLACKWELL, CAROL	63-00-201	Refund Check	104757	12/20/2011	89.85
AGUILAR TOMASA	63-00-201	Refund Check	104758	12/20/2011	21.65
UNIVAR USA, INC	63-56-630	175 gallons sodium hypochlorite delivered to well #8	104759	12/20/2011	516.80
UNIVAR USA, INC	63-56-630	75 gallons sodium hypochlorite delivered to well #6	104759	12/20/2011	193.81
USA BLUEBOOK	10-07-630	1 U.S. Flag/1 Calif flag	104760	12/20/2011	156.91
USA BLUEBOOK	10-44-630	1 U.S. Flag/1 Calif flag	104760	12/20/2011	156.91
USA BLUEBOOK	60-50-630	Solberg element filter/wrenches/WWTP	104760	12/20/2011	259.19
MATTOS NEWSPAPERS, INC.	63-56-630	500 Business cards for Koosun Kim	104761	12/20/2011	60.27
MATTOS NEWSPAPERS, INC.	60-50-630	500 Business cards for Koosun Kim	104761	12/20/2011	60.27
MATTOS NEWSPAPERS, INC.	10-06-630	250 Business cards for Stephanie Ocasio	104761	12/20/2011	89.33
MATTOS NEWSPAPERS, INC.	10-45-660	Notice of vacancy/baseball board	104761	12/20/2011	30.00
MATTOS NEWSPAPERS, INC.	10-23-620	Legal ad/adoption of ordinance 2013-2	104761	12/20/2011	82.50
MATTOS NEWSPAPERS, INC.	10-23-620	Legal ad/adoption of ordinance 2013-3	104761	12/20/2011	82.50
WESTSIDE THEATER FOUNDATI	10-03-669	Reimbursement for Mayor's dinner meeting	104762	12/20/2011	114.20
YANCEY LUMBER COMPANY	10-33-630	mortar mix/concrete patch/flex board knife	104763	12/20/2011	57.29
YANCEY LUMBER COMPANY	63-56-630	Galv plug/chest waders	104763	12/20/2011	239.68
YANCEY LUMBER COMPANY	10-21-627	50 sheets plywood for 1519 Main Street	104763	12/20/2011	19.56
YANCEY LUMBER COMPANY	10-44-630	Ball chrome/sealant/teflon tape/bushings	104763	12/20/2011	37.98
YANCEY LUMBER COMPANY	10-07-630	Ready mix concrete	104763	12/20/2011	4.73
YANCEY LUMBER COMPANY	10-21-630	Dog food	104763	12/20/2011	151.73
YANCEY LUMBER COMPANY	60-50-630	construction screws	104763	12/20/2011	11.61
					125,178.68



MINUTES
NEWMAN CITY COUNCIL
SPECIAL MEETING DECEMBER 10, 2013
CITY HALL CONFERENCE ROOM, 6:30 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Katen 6:30 P.M.
2. **Roll Call** - **PRESENT:** Davis, Hutchins, Candea, Martina And Mayor Katen.
ABSENT: None.
3. **Items From The Public:** None.
4. **Adjourn To Closed Session** - 6:31 P.M.
 - a. Conference With Legal Counsel - Potential Litigation - Stanislaus County - One Case - G.C. 54956.9.
 - b. Return To Open Session - 6:54 P.M.

Mayor Katen Reported That The Council Provided Staff And Legal Counsel Direction.

5. Adjournment.

ACTION: On Motion By Martina Seconded By Candea And Unanimously Carried, The Meeting Was Adjourned At 6:55 P.M.



MINUTES
NEWMAN CITY COUNCIL
REGULAR MEETING DECEMBER 10, 2013
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Katen 7:06 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Council Member Hutchins.
4. **Roll Call - PRESENT:** Davis, Hutchins, Candea, Martina And Mayor Katen.
ABSENT: None.

Request To Add Emergency Item.

City Attorney Hallinan Requested That Item 10.c. Be Added To The Agenda. Hallinan Explained That The Item Was Brought To His Attention After The Agenda Was Posted And That It Requires Immediate Action. The Item Pertains To A Subordination Agreement With The Housing Authority.

5. **Declaration Of Conflicts Of Interest** - None.
6. **Ceremonial Matters.**
 - a. Presentation By StanCOG Regarding Fiscal Year 2014/15 Unmet Transit Needs Assessment.

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

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 November 12, 2013 Meeting.
 - d. Adopt Resolution No. 2013-56, A Resolution Accepting The Dollar General Highway 33 Dedication And Authorizing The City Manager To Execute Agreement.

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

9. Public Hearings

- a. Second Reading And Adoption Of Ordinance No. 2013- , An Ordinance Amending Title 5, Zoning And Accompanying Zoning Maps Of The City Of Newman And Authorizing Staff To Publish A Summary Of Said Ordinance. (Request To Continue The Public Hearing To The January 14, 2013 City Council Meeting)

Mayor Katen Continued The Public Hearing At 7:16 P.M.

ACTION: On Motion By Candea Seconded By Martina And Unanimously Carried, The Council Continued The Public Hearing To The Next Regularly Scheduled Council Meeting On January 14, 2014 As Requested By The Applicant.

10. Regular Business

- a. Report On Appointments To The Newman Youth Baseball/Softball Board.

ACTION: The City Council Unanimously Agreed To Appoint Derek Solano And Ricky Stice To The Newman Youth Baseball/Softball Board.

- b. Report On Parks And Recreation Commission Review Of Organized Team Activities.

Council Member Hutchins Inquired If The City Could Legally Limit Access To Public Facilities.

City Attorney Hallinan Responded That The City Could Limit Access.

Council Member Martina Inquired About How Other Cities Are Handling These Types Of Situations.

Recreation Coordinator House Noted That The City Of Patterson Charges \$25 For The Use Of Some Of Their Facilities. House Stated That The Recreation Programs Need To Be Regulated To Better Coordinate Schedules And Ensure Fields Are Cared For Properly. She Mentioned That Not All Facilities Are Designed For Their Current Various Uses.

Council Member Hutchins Suggested That The City Designate Specific Use Areas .

Chief Richardson Suggested That The City Issue A Permit For The Use Of Facilities, As Is Done in Other Jurisdictions.

ACTION: The Council Directed Staff To Proceed With The Recreation Commission's Recommendations And Include A Permit Process.

- c. Authorize The City Manager To Execute A Subordination Agreement With The Housing Authority County Of Stanislaus.

ACTION: On Motion by Hutchins Seconded by Davis and Unanimously Carried, The Council Authorized The City Manager To Execute A Subordination Agreement With The Housing Authority

11. Items From District Five Stanislaus County Supervisor - None.

12. Items From The City Manager And Staff.

City Manager Holland Reviewed City Holiday Closures And Meeting Cancellations. Holland Reported That The Youth Basketball Season Would Begin In January And Noted That Practices Were Already Underway. He Updated The City Council As To The Progress Of The Northwest Master Plan. Holland Concluded By Reminding The Council That The Test Hole For The New Well Would Be Drilled Later In The Week.

Chief Richardson Noted That The Holiday Season Has Arrived And Encouraged Everyone To Celebrate Safely.

Public Works Director Kim Reviewed A Presentation Regarding The Canal School Road Improvements And Overall Progress Of The Project.

City Planner Ocasio Reminded Everyone That The Historical Society Was Still Collecting Items For The Time Capsule.

13. Items From City Council Members.

Council Member Martina Stated That He Thought The Chamber Tree Lighting Was A Nice Event.

Mayor Katen Reminded Everyone How Important It Is To Take Care Of Those In Need, Especially During The Holiday Season. Katen Noted That Unfortunately, Some Groups Who Have Provided For Those In Need In The Past Are At Odds This Year. He Stated That He Was Bothered By The Infighting Amongst The Different Community Groups And Hopes That People Would Put Aside Their Differences For The Betterment Of The Community. Katen Thanked RETA (Refrigeration Engineers & Technicians Association) For Their Donation Of Toys And Clothing To The Local Toys For Tots Program. He Reported That He Would Be Hosting The Mayors Meeting This Month And Agreed With Mayor Pro Tem Martina That The Annual Tree Lighting Was A Successful Event.

14. Adjournment.

ACTION: On Motion By Candea Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 8:09 P.M.

Honorable Mayor and Members
of the Newman City Council

**AUTHORIZATION OF FINANCE DIRECTOR TO SUBMIT LOCAL TRANSPORTATION FUND
CLAIM FOR FISCAL YEAR 2013/14 OTHER PURPOSES**

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt resolution 2014- , approving the Local Transportation Fund Claim for FY 2013/14 Other Purposes; and
2. Authorize the Finance Director to execute the claim on behalf of the City of Newman.

BACKGROUND:

Each fiscal year, in accordance with the Transportation Development Act, the Stanislaus Council of Governments, acting as administrator, allocates an amount to each City and County for qualified transportation projects. Cities must submit claims based on calculated eligible amounts and budgeted projects. To claim those funds we need to submit this 2013/14 Claim. Once the Newman City Council approves the claim it will be submitted to the StanCOG Policy Board for approval.

ANALYSIS:

The item before the Council is a request for approval to submit the Local Transportation Development Act (TDA) Claim to StanCOG. This process will obtain the City's allocation of Local Transportation Funding for Other Purposes. The claim for \$138,138 is to provide for bicycle and pedestrian facilities, sidewalk repairs and the installation of root barriers to add longevity to the life of the sidewalks in need at various locations throughout our City.

FISCAL IMPACT:

There is no cost in submitting the claim. The claim will provide the City with a total of \$138,138 to offset costs.

CONCLUSION:

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

ATTACHMENTS:

1. Resolution 2014- ,
2. StanCOG LTF Claim forms for Fiscal Year 2013/14 Other Purposes

Respectfully submitted,



Lewis A. Humphries
Finance Director

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2014-

**A RESOLUTION APPROVING THE LOCAL TRANSPORTATION FUND CLAIM FOR
FY 2013/14 OTHER PURPOSES AND AUTHORIZING THE FINANCE DIRECTOR TO
EXECUTE THE SAME ON BEHALF OF THE CITY OF NEWMAN**

WHEREAS, the Stanislaus Council of Governments has presented to the City Council of the City of Newman the claim form for funds to be paid from the Local Transportation Fund for the fiscal year 2013-14; and

WHEREAS, the City Council of the City of Newman approves said amount and agrees that a claim in said sum should be submitted to the Stanislaus Council of Governments;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that the 2013/14 Local Transportation Fund Claim for Other Purposes to the Stanislaus Council of Governments in the amount of \$138,138 is hereby approved, and authorizes the Finance Director to execute the transportation claim on behalf of the City of Newman.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of January, 2014 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

**TRANSPORTATION DEVELOPMENT ACT
LOCAL TRANSPORTATION FUND
CLAIM FOR FISCAL YEAR 2013/14 OTHER PURPOSES**

TO: Stanislaus Council of Governments
1111 I Street, Suite 308
Modesto, CA 95354

FROM: Applicant: City of Newman
Address: 938 Fresno Street
City Newman Zip: 95360
Contact Person: Lew Humphries Phone: (209) 862-3725
E-mail Address: lhumphries@cityofnewman.com Fax: (209) 862-3199

The City of Newman hereby requests, in accordance with the Transportation Development Act and applicable rules and regulations, that its claim for other purposes be approved in the amount of \$138,138 for fiscal year 2013/14, to be drawn from the Local Transportation Fund.

When approved, please transmit this claim to the County Auditor for payment. Approval of the claim and payment by the County Auditor to this applicant is subject to such monies being on hand and available for distribution, and to the provisions that such monies will be used only in accordance with the terms contained in the approving resolution to the Stanislaus Council of Governments.

The claimant certifies that this Local Transportation Fund claim and the financial information contained therein is reasonable and accurate to the best of my knowledge and conforms with the requirements of the Transportation Development Act and applicable rules and regulations.

Submitted by: Lew Humphries
Title: Finance Director
Date: January 14, 2014

StanCOG Board of Directors:

Date of approval: _____

Resolution #: _____

StanCOG Approving Authority
Vincent Canales, Jr., Finance Director

**LOCAL TRANSPORTATION FUND
CLAIM FOR OTHER PURPOSES
FY 2013/14**

TABLE 1

1.	Planning, Local --PUC 99262/99402	\$	-
2.	Transit *	\$	-
3.	Streets and Roads --PUC 99400 (a)	\$	130,308
4.	Nonmotorized - 2% LTF funds --PUC 99233.2/99234	\$	7,830
5.	Nonmotorized - Other LTF funds --PUC 99233.2/99234	\$	-
6.	TOTAL CLAIM	\$	138,138

<i>This table is to be filled out by StanCOG staff</i>			
City of Newman			
Total LTF available to be claimed for other purposes:			
	FY 2013/14 Nonmotorized apportionment	\$	7,219
	FY 2012/13 Nonmotorized supplemental	\$	611
	Total 2% Nonmotorized	\$	7,830
	FY 2013/14 Other Purposes apportionment	\$	99,553
	FY 2012/13 Other Purposes supplemental	\$	30,755
	Total Other Purposes	\$	130,308
	Total available to be claimed at this time	\$	138,138

* If you have proposed transit expenditures, please fill in the appropriate PUC Code.

**NONMOTORIZED PROJECTS
FY 2013/14**

(Use additional forms if necessary)

**TABLE 2
BREAKDOWN BY PROJECT**

BRIEFLY DESCRIBE PROJECTS AND EXPENDITURES INCLUDED IN THE 3 YEAR PERIOD BELOW										
ID	PROJECT TITLE	MODE			FOR BIKE PROJECTS ONLY		2011/12 ACTUAL EXPENDITURES	2012/13 ESTIMATED EXPENDITURES	2013/14 CLAIM	ACTUAL / ESTIMATED EXPENDITURES FOR 3 YEAR PERIOD
		B I K E	P E D	P L A N	PROJECT IN StanCOG's BIKE PLAN *	PROJECT IN CITY/CO BIKE PLAN *				
	Bicycle Lane Maintenance	X			X	X	\$3,950.00	\$4,500.00	\$3,750.00	\$12,200.00
	Sidewalk Repair		X				\$2,775.00	\$3,142.00	\$4,080.00	\$9,997.00
							\$0.00	\$0.00	\$0.00	\$0.00
							\$0.00	\$0.00	\$0.00	\$0.00
							\$0.00	\$0.00	\$0.00	\$0.00
TOTAL FUNDS APPROPRIATED TO PROJECTS							\$6,725.00	\$7,642.00	\$7,830.00	\$22,197.00

**TABLE 3
BREAKDOWN BY CATEGORY**

RECORD LTF FUNDS ONLY							
	% of Total Expenditures	2009/10 Actual	2010/11 Actual	2011/12 Actual	2012/13 Estimate	2013/14 Claim	5 Year Total
Bicycle facilities	50.00%	\$0.00	\$4,300.00	\$3,911.00	\$4,500.00	\$3,750.00	\$16,461.00
Pedestrian facilities	50.00%	\$0.00	\$6,423.00	\$2,814.00	\$3,142.00	\$4,080.00	\$16,459.00
Preparation of Bicycle Plan	0.00%	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL AMOUNT OF BIKE/PED EXPENDITURES		\$0.00	\$10,723.00	\$6,725.00	\$7,642.00	\$7,830.00	\$32,920.00
DOES THIS CLAIM MEET THE MINIMUM 50% BICYCLE EXPENDITURE STANCOG PERFORMANCE STANDARD?						YES	
StanCOG 50% bicycle expenditure requirement: The 5 year bicycle expenditures must be 50% or greater.							

**TABLE 4
FUNDS HELD IN RESERVE AT JURISDICTION**

RECORD LTF FUNDS ONLY				
	2009/10	2010/11	2011/12	2012/13
Fiscal year beginning fund balance	\$0.00	\$0.00	\$0.00	\$0.00
Plus fiscal year 2% nonmotorized claim	\$0.00	\$10,723.00	\$6,725.00	\$7,642.00
Plus interest	\$0.00	\$0.00	\$0.00	\$0.00
Minus nonmotorized expenditures	\$0.00	(\$10,723.00)	(\$6,725.00)	(\$7,642.00)
Fiscal year ending fund balance	\$0.00	\$0.00	\$0.00	\$0.00

1. Prior year(s) LTF carryover held by jurisdiction applied towards FY 2013/14 Nonmotorized claim (TABLE 4)	\$0
2. Interest earned on previously paid LTF funds held by jurisdiction (required by State law) (TABLE 4)	\$0
3. FY 2013/14 Nonmotorized 2% funds applied towards FY 2013/14 projects (must match Page 2, Line 4)	\$7,830
4. FY 2013/14 Other LTF funds applied towards Nonmotorized claim (must match Page 2, Line 5)	\$0
5. FY 2013/14 Nonmotorized 2% funds to be held at StanCOG	\$0
6. Total of lines #1 through #5 above	\$7,830

SEE PAGE 3b FOR NONMOTORIZED REGULATIONS/POLICIES AND NOTES

NONMOTORIZED PROJECTS
FY 2013/14
(Continued)

NONMOTORIZED REGULATION/POLICY REMINDERS:

- A. State law allows a jurisdiction to use LTF to update a Bicycle Action Plan once every five years (PUC 99234(h)).
- B. State law allows a jurisdiction to use up to 20% of the amount available each year to restripe Class II bicycle lanes (PUC 99234(h)).
- C. State law allows a jurisdiction to use up to 5% of the amount available each year to supplement moneys from other sources to fund bicycle safety education programs, but the funds shall not be used to fully fund the salary of any one person (PUC 99233.3).
- D. All funds must be spent within five years of receipt. Over the five-year period shown in Table 3, at least 50% of funds must be spent for bicycle purposes. StanCOG will not allocate funds to any jurisdiction which is in violation of these policies.

NOTES:

- * By StanCOG policy, all bike projects must appear in either StanCOG's Bicycle Action Plan, or in a City or County bicycle plan, to be eligible for LTF funding.
- ** Beginning with FY 2003/04, nonmotorized funds will only be allocated by StanCOG for specific projects. If no project is identified, funds will be held in reserve at StanCOG for eventual use by that jurisdiction.

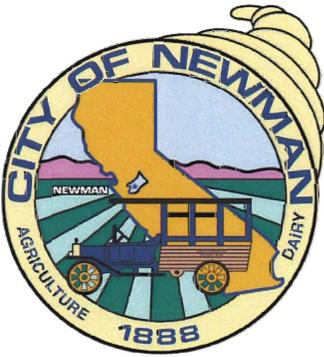
**ANNUAL PROJECT AND FINANCIAL PLAN
PROJECTS FOR OTHER PURPOSES
FY 2013/14**

(Use additional forms as necessary)

TABLE 5

Briefly describe all proposed projects and indicate proposed project expenditures					
Project Title & Brief Description	Will this Project add new travel lanes? Yes or No	Will this Project use Federal Funds? Yes or No	Is this Project consistent with the RTP Yes or No	Total Project Cost	LTF Funds Utilized
STIP Application Prepare STIP Funding application for Street Project	No	No	Yes	\$ 2,320	\$ 2,320
Sidewalk Repair at Various Locations Repair sidewalks, curb & gutter damaged and raised by tree roots and install root barriers (where applicable) to add longevity to the life of the sidewalk.	No	No	Yes	\$ 152,911	\$ 152,911
TOTAL				155,231.00	155,231.00

- | | |
|---|------------|
| 1. LTF carryover applied towards FY 2013/14 Other Purposes | 24,923.00 |
| 2. Interest earned on LTF carryover (required by State law) | - |
| 3. FY 2013/14 apportionment applied towards FY 2013/14 Other Purposes | 130,308.00 |
| 4. Total of Lines 1, 2 and 3 above | 155,231.00 |



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

Date: January 10, 2014
To: Mayor Katen and City Council
From: Michael E. Holland, City Manager *MEH*

Subject: Support for Healthy Eating Active Living (HEAL) Cities Campaign.

On behalf of the Westside Health Care Taskforce and Stanislaus County, Supervisor DeMartini has requested the City consider adopting a resolution supporting the Healthy Eating Acting Living (HEAL) Cities Campaign. The HEAL Cities Campaign is a partnership between the California Center for Public Health Advocacy and the League of CA Cities. The goal of the partnership is to support local policy makers in their efforts to keep health front and center on their City's agenda. The City of Newman has been active in this arena for many years. Examples include adoption of strong goals and policies within our General Plan that promote a walkable community, installation of exercise stations in various parks throughout the City, adoption of a Citywide non-motorized transportation plan, summertime FIT Kids program, and financial support for the Weekend Wellness program that provides nutrition to school aged individuals during the weekends.

RESOLUTION NO. 2014-

**RESOLUTION OF THE CITY OF NEWMAN SUPPORTING THE HEALTHY EATING,
ACTIVE LIVING (HEAL) CAMPAIGN**

WHEREAS, in 2004, the League of California Cities adopted an Annual Conference resolution to encourage cities to embrace policies that facilitate activities to promote healthier lifestyles and communities, including healthy diet, nutrition and adoption of city design and planning principles that enable citizens of all ages and abilities to undertake exercise; and

WHEREAS, the League of California Cities has a strategic goal to promote and develop safe and healthy cities; and

WHEREAS, in July 2010, the League's Board of Directors resolved to partner with and support the national *Let's Move Campaign* and encourages California cities to adopt preventative measures to fight obesity; and

WHEREAS, more than half of California's adults and a quarter of our youth are overweight or obese and therefore at risk for many chronic conditions including diabetes, heart disease, cancer, arthritis, stroke, hypertension and a lower life span; and

WHEREAS, local land use policy governs development of the built environment in which individuals make personal nutrition and physical activity choices; and

WHEREAS, by supporting the HEAL Campaign, the health of residents and the local workforce would be improved.

NOW, THEREFORE, BE IT RESOLVED, that the Newman City Council hereby recognizes that obesity is a serious issue threatening the health and wellbeing of adults, children and families. While individual lifestyle changes are necessary; significant societal and environmental changes are needed to support individual efforts to make healthier choices. To that end, the City of Newman adopts this resolution in support of the Healthy Eating, Active Living (HEAL) Campaign

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of January, 2014, 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 vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

Deputy City Clerk

Honorable Mayor and Members
of the Newman City Council

REPORT ON ZONE CHANGE No. 13-01

RECOMMENDATION:

1. Open a Public Hearing and accept public comment regarding the proposed Zone Change/Ordinance
2. Conduct Second Reading of Ordinance #2014- , An Ordinance Amending Title 5, Zoning And Accompanying Zoning Maps Of The City Of Newman

BACKGROUND:

In 2005, the Newman City Council approved Ordinance No. 2005-2 rezoning the area now known as The Villas from R-3 (Multiple Residential) to P-D. The developer is requesting a zone change to modify the Planned-Development as follows: revised layout, wider lots, reduced density (elimination of 18 lots), replacement of four of the five two-story plans with single-story plans, option of additional living space over garages, elimination of paseos and creation of alleys

On August 1, 2013 the Architectural Review Committee conditionally approved the project's new conceptual elevations contingent upon final elevations being returned to the Committee for formal approval. Revised elevations were submitted to staff on January 2nd, a Committee meeting is currently being scheduled.

On August 15, 2013, the Planning Commission unanimously recommended approval of the Zone Change to the City Council.

On October 22, 2013, the first reading of Ordinance No.2013- , An Ordinance Amending Title 5, Zoning and Accompanying Zoning Maps of the City of Newman was held by the City Council. Concerns were raised about the lack of a safety barrier between the proposed development and traffic on Hills Ferry Road. The public hearing was opened and continued on both the November 12th and December 10th City Council meetings.

ANALYSIS:

The applicant (The Villas, LLC) is proposing changes to the existing Planned Development known as The Villas at Sherman Ranch. Said changes will (according to the applicant) allow for a more marketable product leading to increased building activity and subsequent sales.

The subject properties are located in the northeast portion of Newman in the Sherman Ranch development. The partially developed project site has a General Plan Land Use designation of High Density Residential and has already met environmental review requirements through the adopted General Plan EIR. The Planning Commission staff report was provided during the first reading for additional analysis and findings.

In response to the City Council's concerns regarding a barrier between the development and Hills Ferry Road, staff contacted the applicant regarding said concerns. Staff met with the applicant on November 20th to discuss existing conditions, potential solutions and available mitigation options. Based on that discussion, staff received a narrative from the applicant on January 8, 2014. The narrative provides a summary of the issue, how the project relates and potential mitigations to the concerns raised by the Council. Potential mitigations include:

1. Repainting existing striping on Hills Ferry Road,
2. Painting additional striping (identifying a travel lane) along the west bound portion of Hills Ferry Road, between Sherman Parkway and Edinburgh Way.
3. Installing rumble strips at the City entrance (northeast of Sherman Parkway).
4. Planting trees along Hills Ferry Road.

Additionally, although not formal mitigations, the applicant also identified the following items as "natural" (or environmental) existing barriers:

5. Minimal side streets (i.e. intersections)
6. Wide lanes
7. Posted speed limit of 35 miles per hour
8. Straight road alignment
9. Existing illumination
10. Existing vehicular parking along Hills Ferry Road

FISCAL IMPACT:

None

CONCLUSION:

The proposed changes to the The Villas Planned Development project are compatible with the approved residential use but are technically inconsistent with the current General Plan. It is important to note, however, that the proposal is consistent with the 1992 General Plan designation of Neighborhood Planned Residential (which was in effect at the time of the project's original approval).

The proposed reconfiguration, new plans and elevations are considerably different from the original development. However, given the changes in the housing market, housing trends and valley housing tendencies, staff believes that the revised Planned Development proposal is consistent with the original intent of The Villas P-D and will provide an additional housing option in the community.

Upon review of the submitted narrative and mitigations, staff agrees with the intent of the proposed measures. However, the following items will need to be addressed:

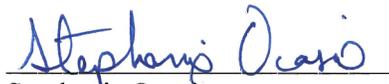
1. The narrative identifies the above listed items as options; staff recommends that all mitigations be implemented prior to construction of additional units.
2. Existing Hills Ferry Road striping to be repainted (No. 1 above) shall span from the right-turn lane north of Sherman Parkway to Driskell Avenue.
3. Additional striping (No. 2 above) will need to be consistent with the City's Non-Motorized Transportation Plan, therefore staff recommends a 10' parking lane, 5' bicycle lane and a 15' travel lane along the northern portion of Hills Ferry Road between Sherman Parkway and Driskell Avenue.
4. To better utilize the notion of a street parking barrier, the exchange of the "No Parking 2AM-5AM" signs with "No Truck Parking" signs is recommended.
5. Trees and landscaping shall be planted in accordance with City of Newman Street Tree Plan and PG&E guidelines (given their proximity to existing high voltage power lines).

Therefore, staff recommends that the Council hold the public hearing, approve the zone change (with conditions) and conduct the second reading of Ordinance No. 2014- , An Ordinance Amending Title 5, Zoning and Accompanying Zoning Maps of the City of Newman.

ATTACHMENTS:

1. Ordinance No. 2014- , An Ordinance Amending Title 5, Zoning And Accompanying Zoning Maps Of The City Of Newman.
2. Potential Hills Ferry Road Traffic Barrier Narrative

Respectfully submitted,



Stephanie Ocasio
City Planner

REVIEWED/CONCUR



Michael Holland
City Manager

ORDINANCE NO. 2014-

**AN ORDINANCE AMENDING TITLE 5, ZONING AND ACCOMPANYING ZONING MAPS
OF THE CITY OF NEWMAN**

WHEREAS, the Newman 2030 General Plan was adopted on April 10, 2007 designating the project site as High Density Residential; and

WHEREAS, the Planning Commission has recommended approval of a zone change in a certain territory known as The Villas at Sherman Ranch; and

WHEREAS, it is the applicant's desire to modify said territory's Planned Development designation; and

WHEREAS, the Planning Commission has conducted a public hearing on the proposal and recommended approval of the zone change (ZC No. 13-01); and

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

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

Section 1.

That certain real properties situated in the City of Newman, County of Stanislaus, State of California, more articulately described in Exhibit A, Planned Development designation is hereby amended.

Section 2.

That a duly noticed public hearing was held by the City Council on November 12, 2013.

Section 3.

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

Introduced at a regular meeting of the City Council of the City of Newman held on the 22nd day of October, 2013 by Council Member _____, and adopted at a regular meeting of said City Council held on the 14th day of January, 2014 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

ATTEST:

Mayor of the City of Newman

Deputy City Clerk



Zone Change applies to areas bordered in blue

FROM 049-060
 DRAWN 9-15-08 DM

70' EDINBURGH WAY

040



100' HILLS FERRY ROAD

100' HILLS FERRY ROAD

**POTENTIAL HILLS FERRY ROAD TRAFFIC BARRIER
THE VILLAS AT SHERMAN RANCH - SCM HOMES
NEWMAN, CA
JANUARY 14, 2014**

According to the AASHTO Policy on Geometric Design of Highways and Streets (Fourth Edition, 2001), a common characteristic of many high-crash locations is that they place large or unusual demands on the information-processing capabilities of drivers. Crashes usually occur where the driver's chances for information-handling errors are high. At locations where information-processing demands on the driver are high, the possibility of error and inappropriate driver performance increases. Fortunately, the conditions of the Villas at Sherman Ranch frontage along Hills Ferry Road are such that large and unusual demands for driver decision making are minimal. Drivers along this segment of Hills Ferry Road are not necessarily required to perform several highly complex tasks simultaneously under extreme time pressure.

Typical design countermeasures that help alleviate potential problems are: improving sight and decision distances, minimizing intersecting side streets, providing wider lanes and brighter pavement markings, reduce sign clutter, and enforcing speed limits. Again, many of these elements and conditions already exist at Hills Ferry Road. Summarized below are additional factors to review when considering vehicle barrier options along Hills Ferry Road:

SPEED

Perhaps the single biggest factor in safety along Hills Ferry Road is the reduction in posted speed limit to 35 MPH for vehicles entering the City limits at the project site. With routine police enforcement, the lower speed limit can be an effective preventative measure against speed related accidents. For drivers, speed reduces the visual field, restricts peripheral vision, and limits the time available for driver decisions. The selected speed limit (35 MPH) is the biggest contributor to a safe driving environment. It should be noted that a recent City of Newman Traffic Assessment (prepared by KDA, dated 5/6/2013) included measured speeds (approximate) on Hills Ferry Road just east of Canal School Road of 44 MPH at the 85% Percentile. The Caltrans Highway Design Manual prescribes minimum sight distances for stopping at various speeds. At 35 MPH (posted speed) the minimum stopping distance is 250 feet; at 44 MPH (actual speed) the minimum stopping distance is 360 feet. The existing conditions at Hills Ferry Road far exceed these minimum distances.

ALIGNMENT

Clearly, the straight alignment of Hills Ferry Road would lend itself to safer flow of traffic at the project site. Unlike curvilinear street alignments, a straight direction of travel increases the safety and helps eliminate errant vehicle movements. The linear alignment allows drivers to focus on other driving decisions, simplifying the driving process, which results in fewer accidents. As mentioned above, the alignment also contributes to greater stopping sight distances.

LIGHTING AND VISIBILITY

As a part of the original Park Villas site construction, the street improvements along Hills Ferry Road included City standard street lighting, meeting minimum illumination levels for public safety. Proper lighting improves safety for drivers and pedestrians. Since nighttime accidents can occur due to low visibility, the existing street lighting is the most effective way to make Hills Ferry Road more visible at night.

PAVEMENT STRIPING AND MARKINGS

Proper pavement markings are a fundamental roadway feature that promotes safe and effective driving. Along with appropriate signage, pavement markings (striping, legends, etc.) help drivers focus on decision making for vehicle movements. It should be noted that the existing yellow pavement striping on Hills Ferry Road has slightly faded over time. Perhaps a cost effective means of improving safety and visibility would be to refresh the existing striping with reflective paint in areas where the striping has faded.

Another consideration is the fact that the southbound traveled way is not well defined. Historically, vehicles traveling southbound on Hills Ferry Road remain close to the existing yellow stripe, as evidenced by the tire wear on the asphalt (see attached photo). A single solid white line could be placed on the west side of the southbound lane to establish a standard 12' wide lane between Sherman Parkway and Edinburgh Way. Providing a marked lane would encourage traffic to keep a safe distance from the curb line. Another method of alerting southbound motorists to slow down upon entering the City is the use of rumble strips (reference Merced County Standard Drawing MS-13, attached). Rumble strips consist of a grid of ceramic buttons placed in the traveled way, precisely arranged to provide a physical and audible reminder to slow down. Unlike speed bumps, rumble strips are appropriate for the vehicle speeds expected on Hills Ferry Road. It may be appropriate to wait for the build-out of the project to see if rumble strips are, in fact, warranted.

WIDTH AND SETBACK

At the Park Villas site, the paved southbound lane of Hills Ferry Road is approximately 40' wide (measured between the edge of the dual left turn lane and the curb line – see attached photo). The actual travel lane is the 12' zone adjacent to the dual left turn lane, away from the curb line (and houses). It is important to note that the proposed houses along Hills Ferry Road are actually set back farther than what the original project approvals provided. The front doors of the houses along Hills Ferry Road are a generous 30 feet (+/-) setback behind the existing curb line, nearly 60 feet from the southbound lane of travel. These are significant dimensions considering the density of the project, the straightness of the road, and the reduced speed limit.

PARKING

On-street parking is currently permissible along Hills Ferry Road. "NO PARKING 2AM – 5AM" signs are posted to discourage overnight and long-term parking. During daytime hours when pedestrian activity would be at its peak, guest and resident vehicles parked parallel along the road would create a "natural" barrier, protecting the front yard areas. It would not seem to be a logical and/or cost effective measure to construct a separate traffic barrier that would be blocked by parked cars during daytime/active hours.

HISTORY

Does the City of Newman have a history of vehicle incidents at this stretch of Hills Ferry Road? Are there any recent vehicle accidents/incidents that would create a plausible concern for pedestrian safety for this segment of Southbound Hills Ferry Road? According to City staff, the police chief has noted that this portion of Hills Ferry Road has resulted in "no incidents." To our knowledge, this segment of Hills Ferry Road does not experience an above average amount of vehicle accidents/incidents.

PLANNING

As an already approved and partially constructed project, it is important to remember that the Hills Ferry Road perimeter is not a new or unexpected condition. A perimeter wall (or traffic barrier) treatment was not desired at the time of original approval and has not been encouraged by City staff with the proposed zoning (PD) changes. When Sherman Ranch was developed, it included Sherman Park as a neighborhood destination where pedestrian and recreational activities are concentrated and encouraged. Considering the adjacency to the Villas site, it would be expected that residents would choose to use the park setting for outdoor recreation instead of the residential front lawn areas adjacent to Hills Ferry Road. Over time, as build-out of the Villas project occurs, resident behavior can be observed to see if the ample open space at the park is preferred over the limited lawn space at the home sites along Hills Ferry Road.

EFFECTIVENESS

Despite calls for a traffic barrier (or some form of protection from moving vehicles), a minimum standard of protection has not been defined by the City of Newman. In general, there are varying degrees of protection available. A common highway barrier would be something similar to the ubiquitous precast concrete "K Rail", a Caltrans standard temporary barrier that serves to redirect vehicles at certain speed thresholds. Barriers can be designed for varying degrees of effectiveness for varying crash scenarios. With so many types of barriers, the design engineer would rely on the City to define the minimum "level" of vehicle protection in order to design/select an appropriate traffic barrier for the public right-of-way. Without a defined level of minimum protection, the argument could be made that the standard vertical face concrete curb along Hills Ferry Road provides a sufficient level of protection from cars that inadvertently drift toward the curb. **Although not a formal vehicle barrier, street trees could also be planted along the road which could provide some vehicle protection when the trees reach maturity.** Unfortunately, anything other than a legitimate crash barrier could potentially provide a false sense of security from speeding cars.



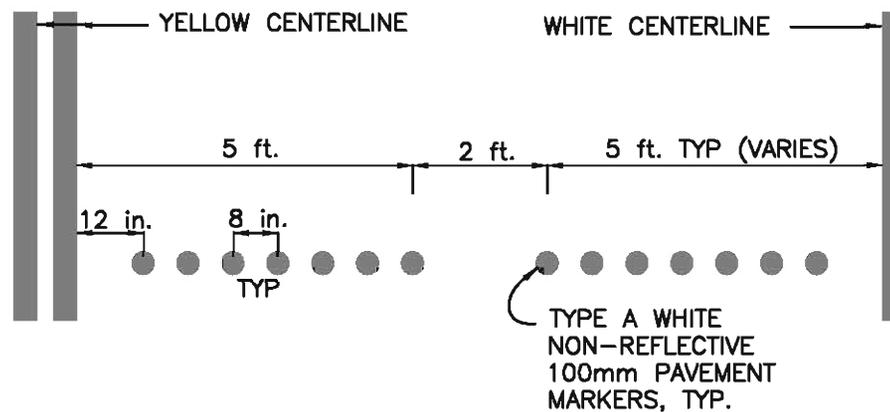
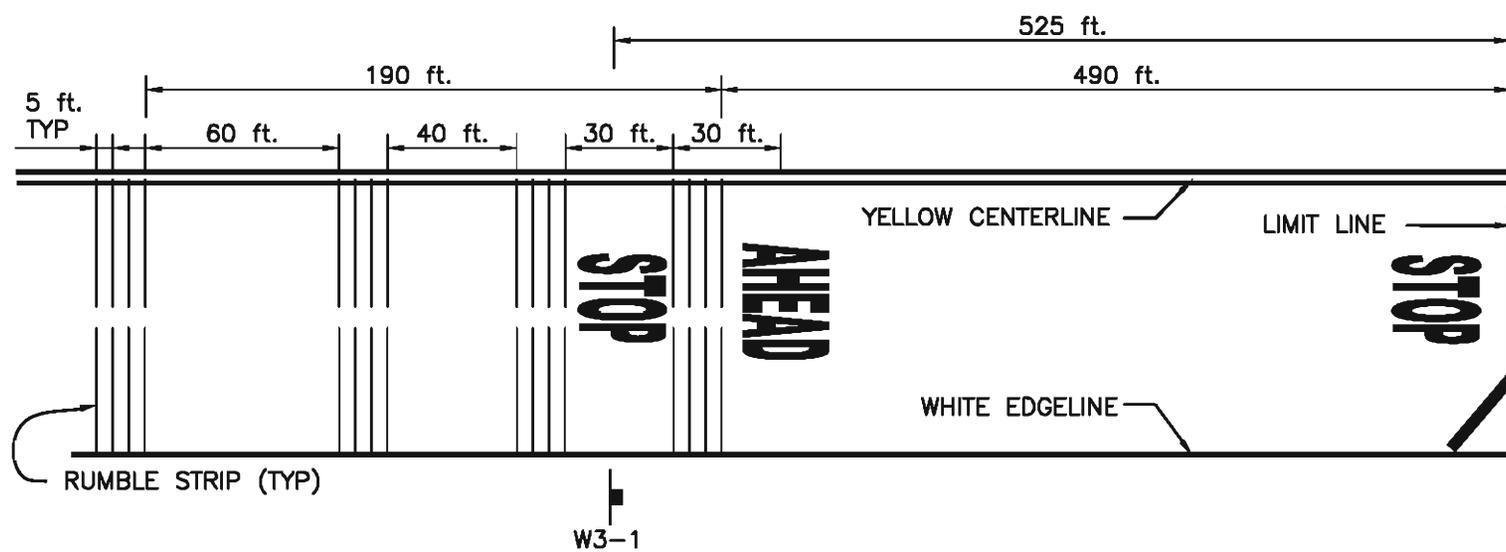
20'

12'

13.5'

X Hills Ferry Road





MERCED COUNTY DEPARTMENT OF PUBLIC WORKS IMPROVEMENT STANDARDS

RUMBLE STRIP DETAILS

DRAWING MS-13

**REPORT ON INCLUSION OF PROPERTIES WITHIN THE CITY'S
JURISDICTION IN THE CALIFORNIA HERO PROGRAM**

RECOMMENDATION:

Adopt Resolution 2014- , Consenting to the Inclusion of Properties within the City's Jurisdiction in the California HERO Program to Finance Distributed Generation Renewable Energy Sources, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and Approving an Amendment to a Certain Joint Powers Agreement Related Thereto.

BACKGROUND:

Assembly Bill (AB) 811 was signed into law on July 21, 2008, and AB 474, effective January 1, 2010, amended Chapter 29 of Part 3 of Division 7 of the Streets & Highways Code of the State of California ("Chapter 29") and authorizes a legislative body to designate an area within which authorized public officials and free and willing property owners may enter into voluntary contractual assessments to finance the installation of distributed generation renewable energy sources, energy efficiency, and/or water conservation improvements that are permanently fixed to real property, as specified.

The HERO Program has been very successful in Western Riverside County, since its launch in late 2011; the Program has approved over \$500 million in applications and has funded over \$120 million in projects. Because of its success, the California HERO Program was developed as a turnkey program to save other California jurisdictions time and resources in developing a standalone program. Jurisdictions only need to adopt the resolution accompanying this staff report and approve an amendment to the joint exercise of powers agreement related to the California HERO Program attached to such resolution to begin the process.

ANALYSIS:

The California HERO Program is being offered to allow property owners in participating cities and counties to finance renewable energy, energy water efficiency improvements and electric vehicle charging infrastructure on their property. If a property owner chooses to participate, the improvements to be installed on such owner's property will be financed by the issuance of bonds by a joint power authority, Western Riverside Council of Governments ("WRCOG"), secured by a voluntary contractual assessment levied on such owner's property. Participation in the program is 100% voluntary. Property owners who wish to participate in the program agree to repay the money through the voluntary contractual assessment collected together with their property taxes.

The benefits to the property owner include:

- Eligibility: In today's economic environment, alternatives for property owners to finance renewable energy/energy efficiency/water efficiency improvements or electric vehicle charging infrastructure may not be available. As such many property owners do not have options available to them to lower their utility bills.
- Savings: Energy prices continue to rise and selecting in energy efficient, water efficient and renewable energy models lower utility bills.
- 100% voluntary. Property owners can choose to participate in the program at their discretion.
- Payment obligation stays with the property. Under Chapter 29, a voluntary contractual assessment stays with the property upon transfer of ownership. Even if there were private enterprise alternatives, most private loans are due on sale of the benefited property, which makes it difficult for property owners to match the life of the repayment obligation with the useful life of the financed improvements. Certain mortgage providers will, however, require the assessment be paid off at the time the property is refinanced or sold.
- Prepayment option. The property owner can choose to pay off the assessments at any time, subject to applicable prepayment penalties.
- Customer oriented program. Part of the success of the program is the prompt customer service.

The benefits to the City include:

- Increase local jobs.
- An increase in housing prices (higher efficient homes are worth more money).
- An increase in sales, payroll and property tax revenue
- As in conventional assessment financing, the City is not obligated to repay the bonds or to pay the assessments levied on the participating properties.
- All California HERO Program and assessment administration, bond issuance and bond administration functions are handled by California HERO. Little, if any, City staff time is needed to participate in the California HERO Program.
- The City can provide access for its residents to the California HERO Program without the higher staff costs that an independent program established by the City would require.

The proposed resolution enables the California HERO Program to be available to owners of property within our City to finance renewable energy, energy efficiency and water efficiency improvements and electric vehicle charging infrastructure. The resolution approves an Amendment to the WRCOG Joint Powers Agreement to add the City as an Associate Member in order that the California HERO Program may be offered to the owners of property located within the City who wish to participate in the California HERO Program.

FISCAL IMPACT:

There is no negative fiscal impact to the City's general fund incurred by consenting to the inclusion of properties within the City limits in the California HERO Program. All California HERO Program administrative costs are covered through an initial administrative fee included in the property owner's voluntary contractual assessment and an annual administrative fee which is also collected on the property owner's tax bill.

CONCLUSION:

After attending a workshop where HERO was presented, staff reached out to the local representatives. After reviewing the successes of the program and understanding how it can benefit members of our community through a voluntary basis, staff recommends the Council adopt the attached Resolution authorizing the City's participation in the California HERO Program, which will enable property owners to finance permanently fixed renewable energy, energy and water efficiency improvements and electric vehicle charging infrastructure on their properties

ATTACHMENTS:

1. HERO Program Information Sheet
2. Resolution No. 2014-
3. EXHIBIT A: Amendment To The Joint Powers Agreement

Respectfully submitted,



Michael E. Holland
City Manager

HERO Stimulates
the Economy:
\$310 MILLION+
Annually



Rusty Bailey,
Mayor of Riverside, CA

"Why HERO? It's made our community better by lowering unemployment, increasing environmental efforts, and boosting our economy!"



The #1 Energy Efficient
Financing Program
in the Nation

HERO IMPACT

As HERO spreads across the state, a wave of economic and environmental impact has followed close behind.

Here are some of our successes, to date.



HERO Saves Energy:
66+ GIGAWATT
Hours Annually



Bruce and Kimberly Stagger,
Lake Elsinore, CA

"Our electric bill said 'you owe 96 cents, do not pay this bill'. We couldn't believe it. Why doesn't everyone get HERO?"

HERO Creates Jobs:
1,500+
Annually



WC Heating & Air Conditioning,
Murrieta, CA

"With HERO funding 50% of our sales, we've been able to hire 22 people this year! You should absolutely bring HERO to your community."

HERO POSITIVELY IMPACTS YOUR COMMUNITY

The HERO Program is a public / private partnership designed to help communities become more energy efficient and to stimulate their local economies. As the leading provider of PACE (Property Assessed Clean Energy) financing in the country, we are actively making a difference in local communities. Our turnkey solution will have your community up and running with HERO in no time!



Create local jobs



Increase property values



Reduce greenhouse gas emissions



Lower utility bills

Bring HERO to Your Community

Start today and be up-and-running in as few as 90 days

Step 1:

YOU ADOPT

Jurisdiction adopts a resolution making HERO available to property owners.

Step 2:

WE IMPLEMENT

HERO handles everything from setup through launch, including contractor training and local marketing.

Start the Conversation



Northern CA

John Law | Director of Municipal Development
209-602-8990 | jlaw@heroprogram.com



Southern CA

Dustin Reilich | Director of Municipal Development
949-237-0965 | dreilich@heroprogram.com

Questions about HERO? Find Out More at: heroprogram.com

RESOLUTION NO. 2014-

A RESOLUTION CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO

WHEREAS, the Western Riverside Council of Governments ("Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the "Authority JPA"); and

WHEREAS, Authority has established the California HERO Program to provide for the financing of renewable energy distributed generation sources, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") within counties and cities throughout the State of California that elect to participate in such program; and

WHEREAS, City of Newman (the "City") is committed to development of renewable energy sources and energy efficiency improvements, reduction of greenhouse gases, protection of our environment, and reversal of climate change; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

WHEREAS, installation of such Improvements by property owners within the jurisdictional boundaries of the counties and cities that are participating in the California HERO Program would promote the purposes cited above; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency and independence, and in doing so cooperate with Authority in order to efficiently and economically assist property owners the City in financing such Improvements; and

WHEREAS, Authority has established the California HERO Program, which is such a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into April 1, 1991, as amended to date, and the Amendment to Joint Powers Agreement Adding the City of Newman as an Associate Member of the Western Riverside Council of Governments to Permit the Provision of Property Assessed Clean Energy (PACE) Program Services within the City (the "JPA Amendment"), by and between Authority and the City, a copy of which is attached as Exhibit "A" hereto, to assist property owners within the jurisdiction of the City in financing the cost of installing Improvements; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council finds and declares that properties in the City's incorporated area will be benefited by the availability of the California HERO Program to finance the installation of the Improvements.
2. This City Council consents to inclusion in the California HERO Program of all of the properties in the jurisdictional boundaries of the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.
3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the California HERO Program and authorizes Authority, upon satisfaction of the conditions imposed in this resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent such contractual assessments.
4. This City Council hereby approves the JPA Amendment and authorizes the execution thereof by appropriate City officials.
5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the California HERO Program within the City, and report back periodically to this City Council on the success of such program.
6. This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this resolution to the Secretary of the Authority Executive Committee.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of January, 2014, 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 vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk of the City of Newman

EXHIBIT A

**AMENDMENT TO THE JOINT POWERS AGREEMENT
ADDING CITY OF _____ AS
AS AN ASSOCIATE MEMBER OF THE
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
TO PERMIT THE PROVISION OF PROPERTY ASSESSED CLEAN
ENERGY (PACE) PROGRAM SERVICES WITHIN SUCH CITY**

This Amendment to the Joint Powers Agreement (“JPA Amendment”) is made and entered into on the ___ day of _____, 2013, by City of _____ (“City”) and the Western Riverside Council of Governments (“Authority”) (collectively the “Parties”).

RECITALS

WHEREAS, Authority is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the “Joint Exercise of Powers Act”) and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the “Authority JPA”); and

WHEREAS, as of October 1, 2012, Authority had 18 member entities (the “Regular Members”).

WHEREAS, Chapter 29 of the Improvement Act of 1911, being Division 7 of the California Streets and Highways Code (“Chapter 29”) authorizes cities, counties, and cities and counties to establish voluntary contractual assessment programs, commonly referred to as a Property Assessed Clean Energy (“PACE”) program, to fund certain renewable energy sources, energy and water efficiency improvements, and electric vehicle charging infrastructure (the “Improvements”) that are permanently fixed to residential, commercial, industrial, agricultural or other real property; and

WHEREAS, Authority has established a PACE program to be known as the “California HERO Program” pursuant to Chapter 29 which authorizes the implementation of such PACE financing program for cities and counties throughout the state; and

WHEREAS, City desires to allow owners of property within its jurisdiction to participate in the California HERO Program and to allow Authority under Chapter 29, as it is now enacted or may be amended hereafter, to finance Improvements to be installed on such properties; and

WHEREAS, this JPA Amendment will permit City to become an Associate Member of Authority and to participate in California HERO Program for the purpose of facilitating the implementation of such program within the jurisdiction of City; and

WHEREAS, pursuant to the Joint Exercise of Powers Act, the Parties are approving this JPA Agreement to allow for the provision of PACE services through the California

HERO Program, including the operation of such PACE financing program, within the incorporated territory of City; and

WHEREAS, the JPA Amendment sets forth the rights, obligations and duties of City and Authority with respect to the implementation of the California HERO Program within the incorporated territory of City.

MUTUAL UNDERSTANDINGS

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

A. JPA Amendment.

1. The Authority JPA. City agrees to the terms and conditions of the Authority JPA, attached.

2. Associate Membership. By adoption of this JPA Amendment, City shall become an Associate Member of Authority on the terms and conditions set forth herein and the Authority JPA and consistent with the requirements of the Joint Exercise of Powers Act. The rights and obligations of City as an Associate Member are limited solely to those terms and conditions expressly set forth in this JPA Amendment for the purposes of implementing the California HERO Program within the incorporated territory of City. Except as expressly provided for by the this JPA Amendment, City shall not have any rights otherwise granted to Authority’s Regular Members by the Authority JPA, including but not limited to the right to vote on matters before the Executive Committee or the General Assembly, the right to amend or vote on amendments to the Authority JPA, and the right to sit on committees or boards established under the Authority JPA or by action of the Executive Committee or the General Assembly, including, without limitation, the General Assembly and the Executive Committee. City shall not be considered a member for purposes of Section 9.1 of the Authority JPA.

3. Rights of Authority. This JPA Amendment shall not be interpreted as limiting or restricting the rights of Authority under the Authority JPA. Nothing in this JPA Amendment is intended to alter or modify Authority Transportation Uniform Mitigation Fee (TUMF) Program, the PACE Program administered by Authority within the jurisdictions of its Regular Members, or any other programs administered now or in the future by Authority, all as currently structured or subsequently amended.

B. Implementation of California HERO Program within City Jurisdiction.

1. Boundaries of the California HERO Program within City Jurisdiction. The boundaries within which contractual assessments may be entered into under the California HERO Program (the “Program Boundaries”) shall include the entire incorporated territory of City.

2. Determination of Eligible Improvements. Authority shall determine the types of distributed generation renewable energy sources, energy efficiency or water

conservation improvements, electric vehicle charging infrastructure or such other improvements as may be authorized pursuant to Chapter 29 (the "Eligible Improvements") that will be eligible to be financed under the California HERO Program.

3. Implementation of California HERO Program Within the Program Boundaries. Authority will undertake such proceedings pursuant to Chapter 29 as shall be legally necessary to enable Authority to make contractual financing of Eligible Improvements available to eligible property owners within the Program Boundaries.

4. Financing the Installation of Eligible Improvements. Authority shall implement its plan for the financing of the purchase and installation of the Eligible Improvements under the California HERO Program within the Program Boundaries.

5. Ongoing Administration. Authority shall be responsible for the ongoing administration of the California HERO Program, including but not limited to producing education plans to raise public awareness of the California HERO Program, soliciting, reviewing and approving applications from residential and commercial property owners participating in the California HERO Program, establishing contracts for residential, commercial and other property owners participating in such program, establishing and collecting assessments due under the California HERO Program, adopting and implementing any rules or regulations for the California HERO Program, and providing reports as required by Chapter 29.

City will not be responsible for the conduct of any proceedings required to be taken under Chapter 29; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

6. Phased Implementation. The Parties recognize and agree that implementation of the California HERO Program as a whole can and may be phased as additional other cities and counties execute similar agreements. City entering into this JPA Amendment will obtain the benefits of and incur the obligations imposed by this JPA Amendment in its jurisdictional area, irrespective of whether cities or counties enter into similar agreements.

C. Miscellaneous Provisions.

1. Withdrawal. Authority may withdraw from this JPA Amendment upon six (6) months written notice to City; provided, however, there is no outstanding indebtedness of Authority within City. The provisions of Section 6.2 of the Authority JPA shall not apply to City under this JPA Amendment. City may withdraw approval for conduct of the HERO Program within the jurisdictional limits of City upon thirty (30) written notice to WRCOG without liability to the Authority or any affiliated entity. City withdrawal shall not affect the validity of any voluntary assessment contracts (a) entered prior to the date of such withdrawal or (b) entered into after the date of such withdrawal so long as the applications for such voluntary assessment contracts were submitted to and approved by WRCOG prior to the date of City's notice of withdrawal.

2. Indemnification and Liability. Authority shall defend, indemnify and hold City and its directors, officials, officers, employees and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, to property or persons, including wrongful death, to the extent arising out of the acts, errors or omissions of Authority or its directors, officials, officers, employees and agents in connection with the California HERO Program administered under this JPA Amendment, including without limitation the payment of expert witness fees and attorneys fees and other related costs and expenses, but excluding payment of consequential damages, provided that the Authority shall not be required to defend or indemnify City and its directors, officials, officers, employees and agents for City's sole negligence or willful misconduct. Without limiting the foregoing, Section 5.2 of the Authority JPA shall not apply to this JPA Amendment. In no event shall any of Authority's Regular Members or their officials, officers or employees be held directly

3. Environmental Review. Authority shall be the lead agency under the California Environmental Quality Act for any environmental review that may required in implementing or administering the California HERO Program under this JPA Amendment.

4. Cooperative Effort. City shall cooperate with Authority by providing information and other assistance in order for Authority to meet its obligations hereunder. City recognizes that one of its responsibilities related to the California HERO Program will include any permitting or inspection requirements as established by City.

5. Notice. Any and all communications and/or notices in connection with this JPA Amendment shall be either hand-delivered or sent by United States first class mail, postage prepaid, and addressed as follows:

Authority:

Western Riverside Council of Governments
4080 Lemon Street, 3rd Floor. MS1032
Riverside, CA 92501-3609
Att: Executive Director

City:

[TO BE INSERTED]

6. Entire Agreement. This JPA Amendment, together with the Authority JPA, constitutes the entire agreement among the Parties pertaining to the subject matter hereof. This JPA Amendment supersedes any and all other agreements, either oral or in writing, among the Parties with respect to the subject matter hereof and contains all of the covenants and agreements among them with respect to said matters, and each

Party acknowledges that no representation, inducement, promise of agreement, oral or otherwise, has been made by the other Party or anyone acting on behalf of the other Party that is not embodied herein.

7. Successors and Assigns. This JPA Amendment and each of its covenants and conditions shall be binding on and shall inure to the benefit of the Parties and their respective successors and assigns. A Party may only assign or transfer its rights and obligations under this JPA Amendment with prior written approval of the other Party, which approval shall not be unreasonably withheld.

8. Attorney's Fees. If any action at law or equity, including any action for declaratory relief is brought to enforce or interpret the provisions of this Agreement, each Party to the litigation shall bear its own attorney's fees and costs.

9. Governing Law. This JPA Amendment shall be governed by and construed in accordance with the laws of the State of California, as applicable.

10. No Third Party Beneficiaries. This JPA Amendment shall not create any right or interest in the public, or any member thereof, as a third party beneficiary hereof, nor shall it authorize anyone not a Party to this JPA Amendment to maintain a suit for personal injuries or property damages under the provisions of this JPA Amendment. The duties, obligations, and responsibilities of the Parties to this JPA Amendment with respect to third party beneficiaries shall remain as imposed under existing state and federal law.

11. Severability. In the event one or more of the provisions contained in this JPA Amendment is held invalid, illegal or unenforceable by any court of competent jurisdiction, such portion shall be deemed severed from this JPA Amendment and the remaining parts of this JPA Amendment shall remain in full force and effect as though such invalid, illegal, or unenforceable portion had never been a part of this JPA Amendment.

12. Headings. The paragraph headings used in this JPA Amendment are for the convenience of the Parties and are not intended to be used as an aid to interpretation.

13. Amendment. This JPA Amendment may be modified or amended by the Parties at any time. Such modifications or amendments must be mutually agreed upon and executed in writing by both Parties. Verbal modifications or amendments to this JPA Amendment shall be of no effect.

14. Effective Date. This JPA Amendment shall become effective upon the execution thereof by the Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this JPA Amendment to be executed and attested by their officers thereunto duly authorized as of the date first above written.

[SIGNATURES ON FOLLOWING PAGES]

WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS

By: _____
Executive Committee Chair
Western Riverside Council of Governments

Date: _____

CITY OF _____

By: _____

Date: _____

Title: _____

Honorable Mayor and Members
of the Newman City Council

City Council Meeting
of January 14, 2014

**INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2014- AMENDING TITLE 11
PUBLIC WAYS AND PROPERTY, ADDING CHAPTER 11.12 STORM WATER MANAGEMENT
AND DISCHARGE CONTROL – OF THE NEWMAN CITY CODE – COMPLYING WITH NPDES
PHASE II STORMWATER PERMIT EFFECTIVE MARCH 1, 2014**

RECOMMENDATION:

It is recommended that City Council introduce by title and waive first reading of Ordinance No. 2014- amending Title 11 Public Ways and Property, adding Chapter 11.12 Storm Water Management and Discharge Control – complying with National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Permit effective March 1, 2014.

BACKGROUND:

US EPA promulgated regulations, known as Phase II NPDES, requiring small Municipal Separate Storm Sewer Systems (MS4s) to obtain permits for stormwater discharges. On July 1, 2013, the City submitted a Notice of Intent (NOI) under the State Water Resources Control Board General Permit. The permit requires MS4s to adopt an ordinance prohibiting pollutant discharges into the Storm Drain System. This ordinance will establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the City of Newman.

ANALYSIS:

Since the City became the NPDES Phase II Stormwater Permittee on July 1, 2013, the City has completed all the necessary procedures as required by the permit. The next step is adoption of a local ordinance to establish stormwater management and discharge control to protect the community. The proposed new ordinances are attached to this staff report. A formal Public Hearing on this matter is scheduled for the January 28, 2014 City Council meeting.

FISCAL IMPACT:

There is no fiscal impact to the city since staff will manage all administration associated with the proposed ordinances.

CONCLUSION:

Staff recommends that City Council introduce by title and waive first reading of Ordinance No. 2014- amending Title 11 Public Ways and Property, adding Chapter 11.12 Storm Water Management and Discharge Control of the Newman City Code – complying with the NPDES Phase II Stormwater Permit effective March 1, 2014.

ATTACHMENTS:

1. Ordinance No. 2014- amending Title 11 Public Ways and Property, adding Chapter 11.12 Storm Water Management and Discharge Control of the Newman City Code – complying with the NPDES Phase II Stormwater Permit effective March 1, 2014.

Respectfully submitted,



Koosun Kim
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

ORDINANCE NO. 2014-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA,
AMENDING TITLE 11 PUBLIC WAYS AND PROPERTY, ADDING CHAPTER 11.120
STORM WATER MANAGEMENT AND DISCHARGE CONTROL—OF THE NEWMAN CITY
CODE—COMPLYING WITH THE NPDES PHASE II PERMIT EFFECTIVE MARCH 1, 2014**

WHEREAS, the City Council, in compliance with the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Permit, notified the public; and

WHEREAS, the City of Newman held a Public Hearing on January 28, 2014 as noticed, to allow the City Council to hear and consider all protests and objections concerning the proposed Storm Water Management and Discharge Control ordinances; 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. That Title 11 of the Newman City Code be amended as stated in Attachment "A", attached hereto and made a part hereof by this reference.
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.

Introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of January, 2014 by Council Member _____ and adopted at a regular meeting of said City Council held on the 28th day of January, 2014 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”

Title 11 Public Ways and Property Chapter 11.12 Storm Water Management and Discharge Control

- 11.12.010 Purpose.
- 11.12.015 Ultimate responsibility of discharger.
- 11.12.020 Definitions.
- 11.12.030 Prohibition of illegal discharges.
- 11.12.035 Exceptions to discharge prohibitions.
- 11.12.040 Prohibition of illicit connections.
- 11.12.050 Waste disposal prohibitions.
- 11.12.060 Discharges in violation of industrial or construction activity NPDES storm water discharge permit.
- 11.12.070 Requirement to prevent, control and reduce storm water pollutants.
- 11.12.080 Landscaping and stabilization requirements.
- 11.12.090 Requirement to monitor and analyze.
- 11.12.100 Spill prevention and response plan.
- 11.12.110 Prohibition of spills.
- 11.12.120 Notification of spills.
- 11.12.130 Authority to inspect.
- 11.12.140 Authority to sample, establish sampling devices, test and photograph.
- 11.12.150 Notice of violation.
- 11.12.160 Appeal.
- 11.12.170 Abatement by city.
- 11.12.180 Charging cost of abatement/liens.
- 11.12.190 Urgency abatement.
- 11.12.200 Violations.
- 11.12.205 Strict liability.
- 11.12.210 Compensatory action.
- 11.12.220 Violations deemed a public nuisance.
- 11.12.230 Acts potentially resulting in violation of Clean Water Act and/or California Porter-Cologne Act.

11.12.010 Purpose.

The purpose of this chapter is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety and welfare of the public residing in watersheds within the city of Newman. This chapter seeks to meet that purpose through the following objectives:

- A. To comply with all federal and state laws, lawful standards and orders applicable to storm water and urban runoff pollution control;
- B. To prohibit any discharge which may interfere with the operation of, or cause any damage to the storm drain system or impair the beneficial use of the receiving waters;
- C. To prohibit illicit discharges into the storm drain system;
- D. To reduce non-storm water discharge to the storm drain system to the maximum extent practicable;
- E. Minimize increases in storm water runoff from any development in order to reduce flooding, siltation and stream bank erosion and maintain the integrity of drainage channels;
- B. Minimize increases in non-point source pollution caused by storm water runoff from development that would otherwise degrade local water quality;
- C. Minimize the total annual volume of surface water runoff that flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable; and
- D. Reduce storm water runoff rates and volumes, soil erosion and non-point source pollution wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

11.12.015 Ultimate responsibility of discharger.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards. Therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the United States caused by such person. This chapter shall not create liability on the part of the city of Newman, or any agent, or employee thereof for any damages that result from any discharger's reliance on this chapter or any administrative decision lawfully made thereunder.

11.12.020 Definitions.

For purposes of this chapter the following terms have the following meanings:

“Accelerated erosion” means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind or chemical action.

“Best management practices” or “BMPs” means activities, practices, facilities and/or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges and any program, technology, process, siting criteria, operational methods or measures or engineered systems that when implemented prevent, control, remove or reduce pollution. Examples of BMPs may include: public education and outreach, proper planning of development projects, proper cleaning of catch basin inlets and proper sludge or waste-handling and disposal, among others.

“Building” means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal or property and occupying more than one hundred square feet of area.

“Channel” means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

“City” means the city of Newman.

“Detention” means the temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

“Developer” means a person who undertakes land disturbance activities.

“Development” means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects: or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity or original purposes of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Director” means the director of the city of Newman’s department of public works.

“Discharge” means any addition of any pollutant to the city storm drain system, including creeks, ditches, culverts and gutters, from any point source.

“Erosion and sediment control plan” means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

“Hazardous material” means any material that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

“Hazardous waste” means any hazardous waste having the characteristics identified under or listed pursuant to Section 6921 of Title 42 of the United States Code, but not including any waste the regulation of which has been suspended under the Solid Waste Disposal Act (42 U.S.C. Sec. 6901 et seq.) by act of Congress.

“Illegal discharges” means any discharge to the MS4 system that is prohibited under local, state or federal statutes, chapters, codes or regulations. This includes all non-storm water discharges except discharges pursuant to a separate NPDES permit and discharges that are exempted or conditionally exempted in accordance with State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ, National Pollution Discharge Elimination System (NPDES) General Permit No. CAS 000004, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (General Permit).

“Illicit connections” means any human-made conveyance that is connected to the MS4 system without a permit, excluding roof drains and other similar types of connections. Examples include channels, pipelines, conduits, inlets or outlets that are connected directly to the MS4 system.

“Infiltration” means the process of percolating storm water into the subsoil.

“Maintenance agreement” means a legally recorded document that acts as a property deed restriction and which provides for long-term maintenance of storm water management practices.

“Material” means any substance including but not limited to: garbage and debris; lawn clippings, leaves and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners and any fluid or solid containing chemicals.

“Municipal separate storm sewer system” or “MS4” means streets, gutters, conduits, natural or artificial drains, channels and watercourses or other facilities that are owned, operated, maintained or controlled by the city and used for the purpose of collecting, storing, transporting or disposing of storm water.

“Notice of intent” (“NOI”) means a document filed with the State Water Resources Control Board which can be used to clearly identify the responsible parties, locations, and scope of operations of dischargers covered by the general NPDES permit and to document the discharger’s knowledge of the requirements for a SWPPP.

“Non-point source pollution” means pollution from any source other than from any discernible, confined and discrete conveyances and includes but is not limited to pollutants from agricultural, mining, construction, subsurface disposal and urban runoff sources.

“NPDES permit” means a National Pollutant Discharge Elimination System (NPDES) Permit administered by the State of California, through its various regional water quality control boards.

“Non-stormwater discharge” means any discharge that is not entirely composed of stormwater except those exemptions noted within an NPDES permit and this chapter.

“Person” means any natural person, corporation, association, partnership or other entity.

“Pollutant” means those “pollutants” defined in Section 502(6) of the Federal Clean Water Act (33 U.S.C. § 1362(6)) or incorporated into California Water Code § 13373. Examples of pollutants include but are not limited to the following:

1. Commercial and industrial waste such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash and sludge;
2. Metals such as cadmium, lead, zinc, copper, silver, nickel and chromium and non-metals such as phosphorus and arsenic;
3. Petroleum hydrocarbons such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the state;
5. Animal wastes such as discharge from confinement facilities, kennels, pens, recreational facilities, stables and show facilities; and
6. Substances having characteristics such as pH less than six or greater than nine or unusual coloration or turbidity or excessive levels of fecal coliform, fecal streptococcus or enterococcus.

The term “pollutant” shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility.

The term “pollutant” also shall not include any substance identified in this definition if, through compliance with the best management practices (“BMPs”) available, the discharge of such substance has been reduced or eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the reduction or elimination of the discharge to the maximum extent practicable through compliance with the available BMPs.

“Redevelopment” means any land disturbing activity occurring on existing developed property.

“CCID shared facilities” means facilities owned by the Central California Irrigation District (CCID) that are also used by the city of Newman for storm drainage.

“Spill” means to cause, allow or permit the flowing, running or falling, especially in an accidental manner, of any liquid, semi-liquid or solid substance or material.

“Storm drain system” means publicly owned facilities operated by the city by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the city and are not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR Section 122.2.

“Stormwater” means any surface flow, runoff, and drainage consisting entirely of water from rain or other precipitation events.

“Storm water management” means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes and/or peak flow discharge rates.

“Storm water runoff” means water flow on the surface of the ground as the result of precipitation.

“Urban runoff” means any flow of water originating from urban areas including but not limited to rain, irrigation, wash water and air conditioning condensate.

“Watercourse” means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

“Waters of the United States” means surface watercourses and water bodies as defined in 40 CFR, Section 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

11.12.030 Prohibition of illegal discharges.

No person shall discharge, permit to be discharged or cause to be discharged any materials including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards into either any part of the MS4 or any part of a water course.

A. It is prohibited to throw, deposit, place, leave, maintain, keep or permit to be thrown, deposited, placed, left, maintained or kept any refuse, rubbish, garbage or any other discarded or abandoned objects, articles or accumulations in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place or upon any public or private plot of land in the city, so that the same might be or become a pollutant. No person shall throw or deposit litter in any fountain, pond, lake, stream or other body of water within the city. This subsection shall not apply to refuse, rubbish or garbage deposited in containers, bags or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.

B. It is prohibited to intentionally dispose of leaves, dirt or other landscape debris into the MS4.

C. No person shall discharge or allow the discharge of any of the following types of non-storm water discharges into the MS4, unless done pursuant to the terms and conditions of a separate NPDES permit or pursuant to an exemption issued by either the Central Valley Regional Water Quality Control Board (“regional board”) or the State Water Resources Control Board:

1. The discharge of untreated wash waters when gas stations, auto repair garages or other type of automotive service facilities are cleaned;

2. The discharge of untreated waste water from mobile auto washing, steam cleaning, mobile carpet cleaning and other such mobile commercial and industrial operations;

3. To the maximum extent practicable, discharges from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, is undertaken;
4. Discharges of untreated runoff from storage areas of materials containing grease, oil or other hazardous substances and uncovered receptacles containing hazardous materials;
5. Discharges of commercial/municipal swimming pool filter backwash;
6. Discharges of untreated runoff from the washing of toxic materials from paved or unpaved areas; provided, however, that non-industrial and non-commercial activities which incidentally generate urban runoff, such as the hosing of sidewalks and the non-commercial hand-washing of cars, shall be excluded from this prohibition;
7. To the maximum extent practicable, discharges from washing impervious surfaces in industrial/commercial areas which results in a discharge of untreated runoff, unless specifically required by state's, city's or Stanislaus County's health and safety codes or permitted under a separate NPDES permit;
8. Discharges from the washing out of concrete trucks;
9. Discharges of any pesticide, fungicide or herbicide banned by the United States Environmental Protection Agency ("USEPA") or the California Department of Pesticide Regulation; or
10. The disposal of hazardous wastes into trash containers used for municipal trash disposal, where such disposal causes or threatens to cause a direct or indirect discharge to the MS4.

11.12.035 Exceptions to discharge prohibitions.

The following discharges are excepted from the prohibitions set forth under Section 11.12.030:

- A. Discharges from the following activities will not be considered a source of pollutants to the MS4 system and to waters of the United States when properly managed to ensure that no potential pollutants are present and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act or this chapter: water line flushing, landscape irrigation, diverted stream flows, rising groundwater, uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)) to the MS4 system, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, flows from riparian habitats and wetlands, dechlorinated/treated swimming pool discharges and discharges or flows from firefighting activities.
- B. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered by the State of California under the authority of the USEPA, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations and provided that written approval has been granted by the city for any discharge to the MS4.
- C. The prohibition shall not apply to irrigation and drainage waters under control of the Central California Irrigation District (CCID) that are being transported by CCID shared facilities.
- D. With written concurrence of the Regional Board, the city may exempt in writing other non-storm water discharges which are neither a source of pollutants to the MS4 system nor waters of the United States.

11.12.040 Prohibition of illicit connections.

- A. The construction, use, maintenance or continued existence of illicit connections to the MS4 system is prohibited.
- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

11.12.050 Waste disposal prohibitions.

No person shall throw, deposit, leave, maintain, keep or permit to be thrown, deposited, left or maintained in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the MS4 system or water of the United States any refuse, rubbish, garbage, litter or other discarded or abandoned objects, articles and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

11.12.060 Discharges in violation of industrial or construction activity NPDES storm water discharge permit.

- A. Any person subject to an industrial NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director upon inspection of the facility, during any enforcement proceeding or action or for any other reasonable cause.
- B. Any person subject to a construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director prior to or as a condition of a subdivision map, site plan, building permit or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause. Prior to issuance of a construction permit, permittees shall electronically file a Notice of Intent (NOI) and the Storm Water Pollution Prevention Plan (SWPPP) via the State Water Board's Storm Water Multi-Application Reporting and Tracking System (SMARTS). Permittees shall submit Annual Reports electronically using the SMARTS to evaluate the implementation of Permittees' storm water program, the effectiveness of BMPs and Measuring Goals, the Permittees' improvement opportunities to achieve the Maximum Extent Practicable (MEP), and any supplemental information required by a Regional Water Board in accordance with the Regional Water Board's specific requirements.

11.12.070 Requirement to prevent, control and reduce storm water pollutants.

- A. Authorization to Adopt and Impose Best Management Practices (BMP). The city will adopt requirements identifying best management practices for any activity, operation or facility which may cause or contribute to pollution or contamination of storm water, the MS4 system or waters of the United States as a separate BMP Guidance Series. Where best management practice requirements are promulgated by the city or any federal, state of California or regional agency for any activity, operation or facility which would otherwise cause the discharge of pollutants to the MS4 system or water of the United States, every person undertaking such activity or operation or owning or operating such facility shall comply with such requirements.
- B. New Development and Redevelopment. The city may adopt requirements identifying appropriate design standards and best management practices to control the volume, rate and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The city shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or

redevelopment. The owner and developer shall comply with the terms, provisions and conditions of such land use entitlements and building permits as required in this chapter.

C. **Responsibility to Implement Best Management Practices.** Notwithstanding the presence or absence of requirements promulgated pursuant to subsections A and B, any person engaged in activities or operations or owning facilities or property which will or may result in pollutants entering storm water. The MS4 system or waters of the United States shall implement best management practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses. facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense. Best management practices required by the city can be obtained from the public works department by requesting the BMP manual appropriate to a commercial or industrial activity from the BMP Guidance Series.

D. **Maintenance Agreements.** All structural and non-structural permanent storm water BMPs not in the control of the city shall have an enforceable maintenance agreement to ensure the system functions as designed. The agreement shall include any and all maintenance easements required to access and inspect the storm water BMPs and to perform routine maintenance as required. Such agreements shall specify the parties responsible for the proper maintenance of all storm water BMPs.

11.12.080 Landscaping and stabilization requirements.

Any area of land, not covered by an impervious surface, from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be landscaped within ten days from the substantial completion of such clearing and construction. No person shall use or otherwise employ impervious material, such as plastic, placed under decorative rock, bark or other landscape covers in meeting the landscaping requirements under this section. Backyards of residential single-family dwellings which would otherwise be covered by this section are exempt where storm water is contained on the property.

11.12.090 Requirement to monitor and analyze.

The director may require by written notice that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges and/or non-storm water discharges to the MS4 or to the waters of the United States is to undertake at said person's expense such monitoring and analyses and to furnish such reports to the city as the director shall deem necessary for determining that person's compliance with this chapter.

11.12.100 Spill prevention and response plan.

Any person subject to an Industrial NPDES storm water discharge permit shall maintain a spill prevention and response plan as part of their Storm Water Pollution Prevention Plan (SWPPP). The methods, procedures, mechanisms and facilities established and utilized for the purpose of preventing accidental discharges or spills of materials with pollution potential shall be provided and maintained at the owner's or user's own cost and expense. The SWPPP shall outline the user's spill prevention and response procedure, describe the nature and location of any chemicals stored on the user's premises and shall contain procedures for immediately notifying the city and preventing adverse impacts of any discharge of chemicals, substances or materials.

11.12.110 Prohibition of spills.

No person shall allow a spill to discharge into the MS4 or any watercourse.

11.12.120 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the MS4 or water of the United States from said facility, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event that a responsible person becomes aware of a release of hazardous materials, they shall immediately notify emergency response officials of the release via emergency dispatch services (i.e., by calling 911). In the event of a release of non-hazardous materials, the responsible person shall notify the city's public works department in person, by phone or facsimile not later than five p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city's public works department within three business days of the phone notice, lithe discharge of hazardous materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

11.12.130 Authority to inspect.

Whenever necessary to make an inspection to enforce any provision of this chapter or whenever the director has cause to believe that there exists or potentially exists, in or upon any premises within the city, any condition which constitutes a violation of this chapter, the director is authorized to enter such premises at all reasonable times for the purpose of inspecting said premises. The director is further authorized to inspect and copy all records at a facility which are related to storm water compliance. In the event that the owner or occupant of the premises refuses to allow either the director or persons authorized by the director to enter said premises for the purposes of conducting an inspection authorized by this chapter after the director or a person authorized by the director has asked the owner or occupant of said property to enter thereon for the purposes authorized by this chapter, the city may seek the assistance of a court of competent jurisdiction in order to facilitate the purposes of this section.

11.12.140 Authority to sample, establish sampling devices, test and photograph.

During any inspection as provided herein, the director may take any samples, perform any testing deemed necessary and take photographs to aid in the pursuit of the inquiry or to record site activities.

11.12.150 Notice of violation.

Whenever the director finds that a person has violated or otherwise failed to meet a requirement of this chapter, the director may order a person to comply with this chapter by either personally serving that person with a written notice or by sending written notice to that person by certified mail. Such notice may require without limitation:

- A. The performance of monitoring, analyses and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices or operations shall cease and desist;

- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- E. Payment of a fine to cover administrative and remediation costs; and/or
- F. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline by which such remediation or restoration shall be completed. Said notice shall further advise that, if the violator fails to complete the remediation or restoration described in the written notice provided for under this Section within the time provided for therein, the city or a contractor designated by the director shall complete the work specified in the notice, and the city shall charge all expenses related to the city or contractor's performance of said work to the responsible person as provided for under Section 11.12.180.

11.12.160 Appeal.

Notwithstanding the provisions of Section 11.12.190, any person receiving a notice of violation under Section 11.12.150 may appeal the director's determination to the city manager. The notice of appeal must be received by the city manager within five days from the date of the notice of violation. Hearing on the appeal before the city manager or his or her designee shall take place within fifteen days from the date of city's receipt of the notice of appeal. The decision of the city manager or designee shall be final.

11.12.170 Abatement by city.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal under Section 11.12.160, within ten days of the decision of the city manager upholding the decision of the director, then the city or a contractor designated by the director shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It is unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated contractor to enter upon the premises for the purposes set forth above.

11.12.180 Charging cost of abatement/liens.

Within thirty days after abatement of the nuisance by city, the director shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the city clerk within fifteen days. The city clerk shall set the matter for public hearing by the city council. The decision of the city council shall be set forth by resolution and shall be final.

If the amount due is not paid within ten days of the decision of the city council or the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the county auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

11.12.190 Urgency abatement.

The director is authorized to require the immediate abatement of any violation of this chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the director, the city is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent city from seeking other and further relief authorized under this chapter.

11.12.200 Violations.

It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. A violation of or failure to comply with any of the requirements of this chapter shall constitute a misdemeanor and shall be punishable as set forth in California Penal Code Section 19.

11.12.205 Strict liability.

By securing a permit from the city of Newman for development, encroachment, or the construction of a work improvement the permittee shall be strictly liable, in any criminal proceeding, for allowing or failing to prevent a violation of this chapter by the permittee, its employees, subcontractors or material men.

In any prosecution for a violation of this chapter against a permittee based on the act or omissions of an employee, subcontractor, or material men it shall only be required that it be shown that the permittee was issued a development, encroachment, or construction permit and that a violation of this chapter occurred at the site for which a permit was issued.

11.12.210 Compensatory action.

In lieu of enforcement proceedings, penalties and remedies authorized by this chapter, the director may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

11.12.220 Violations deemed a public nuisance.

In addition to the enforcement processes and penalties herein before provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety and welfare, is declared and deemed a nuisance and may be summarily abated or restored by the city at the violator's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the city.

11.12.230 Acts potentially resulting in violation of Clean Water Act and/or California Porter-Cologne Act.

Any person who violates any provision of this chapter or any provision of any requirement issued pursuant to this chapter, may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts, including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.