



AGENDA
NEWMAN CITY COUNCIL
SPECIAL MEETING APRIL 8, 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. Public Employee Personnel Evaluation – City Manager – G.C. 54957.6.
 - b. Return To Open Session.
5. **Adjournment.**



AGENDA
NEWMAN CITY COUNCIL
REGULAR MEETING APRIL 8, 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
 - a. Proclamation – Library Week.
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 March 25, 2014 Meeting. ([View Minutes](#))
 - d. Adopt Resolution No. 2014- , Declaring Certain Personal Property Surplus Property And Authorizing Disposal And/Or Sale Of Property. ([View Report](#))
9. Public Hearings
 - a. Adopt Resolution No. 2014- , A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4. ([View Report](#))
10. Regular Business
 - a. Report On Appointments To Fill Architectural Review Committee Vacancies. ([View Report](#))
 - b. Report On Park Rental Fees. ([View Report](#))
 - c. Report On Potential Voter Approved Residential Urban Growth Boundary. ([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

April 1 - NCLUSD Board Meeting - 6:00 P.M.

April 7-12 - Spring Clean-Up Week.

April 8 - City Council - 7:00 P.M.

April 10 - Skate Plaza Meeting - 6:00 P.M.

April 10 - Recreation Commission - 7:00 P.M.

April 15 - Tax Day

April 17 - Planning Commission - 7:00 P.M.

April 20 - Easter Day.

April 22 - City Council - 7:00 P.M.

Proclamation

of the Mayor of the City of Newman

WHEREAS, library use is up nationwide among all types of library users, continuing a decade-long trend; and,

WHEREAS, a literate workforce is essential to the economic health of our community; and,

WHEREAS, reading is a basic key to achieving personal success in school, business and life; and,

WHEREAS, librarians are actively building partnerships in the community and making special efforts to reach out to parents, children and low-literate adults; and,

WHEREAS, libraries ensure equal access to knowledge, information and offer valuable reading resources and services to the public; and,

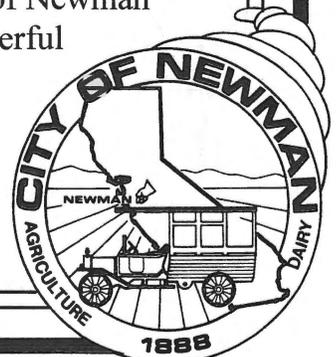
WHEREAS, librarians and libraries are actively involved in providing equitable access to the Internet and other computer technologies; and,

WHEREAS, libraries provide free resources such as employment searches, online interview preparation, resume assistance and tutoring support, that are particularly important during difficult economic times; and

WHEREAS, libraries offer pre-school Story Times and summer reading programs to encourage children to begin a habit of reading that will serve to benefit their personal and professional lives,

NOW, THEREFORE, I, Ed Katen, Mayor of the City of Newman do hereby proclaim April 13th-19th, 2014, as National Library Week in the City of Newman and urge everyone to visit libraries and to take advantage of the wonderful resources they provide.

Signed _____



Accounts Payable

ACH Batch AP register for Council



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

User: efaria

Printed: 03/26/2014 - 4:51 PM

<u>Name</u>	<u>Account</u>	<u>Description</u>	<u>Amount</u>	<u>Check Date</u>	<u>ACH Check</u>
SJVIA	10-00-2260	Health insurance premium/April 2014	16,089.35	03/21/2014	Yes
			<hr/> <hr/>		
			16,089.35		
			<hr/> <hr/>		

Accounts Payable

Manual 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: 03/31/2014 - 3:28 PM

Vendor N	Name	Account	Description	Check Num	Check Da	Amount
HUT04	HUTCHINS D	10-01-6690	Per diem/milage reimbursement/D. Hutchins/LCC meeting	105225	03/26/2014	515.12
RAB01	Rabobank	60-50-6120	Balance on HSA deposits/Faria/Millan/Mendonca	105226	03/31/2014	1,417.50
RAB01	Rabobank	63-56-6120	Balance on HSA deposits/Faria/Millan/Mendonca	105226	03/31/2014	1,215.00
RAB01	Rabobank	10-14-6120	Balance on HSA deposits/Faria/Millan/Mendonca	105226	03/31/2014	742.50
RAB01	Rabobank	10-33-6120	Balance on HSA deposits/Faria/Millan/Mendonca	105226	03/31/2014	375.00
						4,265.12

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: 04/03/2014 - 12:07 PM

Vendo	Name	Accoun	Description	Check N	Check	Amount
ABB00	ABBOTT & KINDERMANN, LLP	10-15-62	Professional services rendered thru 3/20/14/Sherman Ranc	105227	04/03/20	1,066.48
ALM01	Almetek Industries, Inc	42-36-77	440 Round stainless steel storm drain markers "No dumpin	105228	04/03/20	2,997.72
ATK01	Atkinson, Andelson, Loya, Ruud and Romo	10-15-62	Professional services rendered thru 2/28/14	105229	04/03/20	2,176.44
ATT11	AT&T	10-21-64	Telephone service 2-13-14 to 3-12-14	105230	04/03/20	18.24
ATT11	AT&T	10-14-64	Telephone service 2-13-14 to 3-12-14	105230	04/03/20	46.71
ATT11	AT&T	10-07-66	Telephone service 2-13-14 to 3-12-14	105230	04/03/20	15.54
ATT11	AT&T	63-56-64	Telephone service 2-13-14 to 3-12-14	105230	04/03/20	46.36
ATT11	AT&T	60-50-64	Telephone service 2-13-14 to 3-12-14	105230	04/03/20	16.62
ATT11	AT&T	63-56-64	Analog line @ city hall for alarm 2-13-14 to 3-12-14	105230	04/03/20	5.70
ATT11	AT&T	60-50-64	Analog line @ city hall for alarm 2-13-14 to 3-12-14	105230	04/03/20	5.70
ATT11	AT&T	10-14-64	Analog line @ city hall for alarm 2-13-14 to 3-12-14	105230	04/03/20	5.71
AVI01	Avid Identification Systems, Inc	10-21-63	FriendChip/animal control	105231	04/03/20	298.95
BER01	BERTOLOTTI DISPOSAL	10-41-62	Garbage service/	105232	04/03/20	60,723.61
BGA00	B G AUTO	10-44-65	2 quarts motor oil	105233	04/03/20	9.23
CAR21	CARTER JEFF	68-68-77		105234	04/03/20	100.00
CBA02	CBA (ADMIN FEES)	10-00-22	Dental-vision administration fees/April 2014	105235	04/03/20	227.50
CEN11	CENTRAL SANITARY SUPPLY	10-44-66		105236	04/03/20	182.72
CEN11	CENTRAL SANITARY SUPPLY	10-44-66		105236	04/03/20	91.35
CEN11	CENTRAL SANITARY SUPPLY	10-07-63		105236	04/03/20	45.68
CEN11	CENTRAL SANITARY SUPPLY	10-21-63		105236	04/03/20	45.68
CEN11	CENTRAL SANITARY SUPPLY	10-07-66		105236	04/03/20	22.84
CEN11	CENTRAL SANITARY SUPPLY	10-22-63		105236	04/03/20	22.84
CEN11	CENTRAL SANITARY SUPPLY	10-44-63		105236	04/03/20	22.84
CEN11	CENTRAL SANITARY SUPPLY	10-46-63		105236	04/03/20	22.84
CEN11	CENTRAL SANITARY SUPPLY	10-44-66		105236	04/03/20	86.92
CEN11	CENTRAL SANITARY SUPPLY	10-44-66		105236	04/03/20	43.47
CEN11	CENTRAL SANITARY SUPPLY	10-07-63		105236	04/03/20	21.73
CEN11	CENTRAL SANITARY SUPPLY	10-21-63		105236	04/03/20	21.73
CEN11	CENTRAL SANITARY SUPPLY	10-07-66		105236	04/03/20	10.86
CEN11	CENTRAL SANITARY SUPPLY	10-22-63		105236	04/03/20	10.87
CEN11	CENTRAL SANITARY SUPPLY	10-44-63		105236	04/03/20	10.86
CEN11	CENTRAL SANITARY SUPPLY	10-46-63		105236	04/03/20	10.87
COE01	COELHO CARL J. (CHUCK)	10-22-66		105237	04/03/20	50.00
COM14	COMCAST CABLE	60-50-62	High speed internet/sewer	105238	04/03/20	40.12
COM14	COMCAST CABLE	63-56-62	High speed internet/water	105238	04/03/20	40.12
COM14	COMCAST CABLE	10-21-62	High speed internet/PD	105238	04/03/20	40.12
CRO16	CROP PRODUCTION SERVICES	10-33-63	30 gals credit 41 extra/weed spraying	105239	04/03/20	203.41
CRO16	CROP PRODUCTION SERVICES	63-56-63	30 gals credit 41 extra/weed spraying	105239	04/03/20	203.41
CRO16	CROP PRODUCTION SERVICES	69-47-63	30 gals credit 41 extra/weed spraying	105239	04/03/20	203.41
DAV07	Dave's Drain Cleaning & Plumbing	10-21-62	Snaked main drain line @ kitchen sink/PD	105240	04/03/20	75.00
DEL04	Del Puerto Health Care District	10-45-62	Pre-employment physical/A. Arevalo Perez	105241	04/03/20	130.00
DEP99	DEPARTMENT OF HEALTH SERV	63-56-66	Water system fees 7/1/13 to 12/31/13	105242	04/03/20	1,331.20
DEPA8	DEPT PUBLIC HEALTH/DRINKI	63-56-66	Water treatment certification renewal/Millan	105243	04/03/20	110.00
DEPA9	DEPARTMENT OF INDUSTRIAL RELATI	10-07-62	Annual elevator conveyance @ city hall	105244	04/03/20	225.00
DIV01	Division of the State Architect	10-00-26	Jan-March 2014 SB1186 fees payable	105245	04/03/20	31.00

Vendo	Name	Accoun	Description	Check N	Check	Amount
DIV01	Division of the State Architect	10-00-50	Jan-March 2014 SB1186 fees payable	105245	04/03/20	-21.70
ENV02	ENVIRONMENTAL TECHNIQUES	60-50-63	60 ProOxidizer/WWTP	105246	04/03/20	3,540.00
ENV02	ENVIRONMENTAL TECHNIQUES	60-50-63	Bio Dredging service/WWTP	105246	04/03/20	3,134.70
GEO03	GEOANALYTICAL LAB, INC.	60-50-62	BOD/TSS?Nitrates at WWTP/March 2014	105247	04/03/20	355.00
GEO03	GEOANALYTICAL LAB, INC.	63-56-62	Bacti/Nitrate testing/water dept/March 2014	105247	04/03/20	415.00
GRA02	GRANDFLOW	10-14-63	2750 Accounts payable checks	105248	04/03/20	196.72
GRA02	GRANDFLOW	60-50-63	2750 Accounts payable checks	105248	04/03/20	196.72
GRA02	GRANDFLOW	63-56-63	2750 Accounts payable checks	105248	04/03/20	196.72
HAL04	HALLINAN TOM	10-15-62		105249	04/03/20	525.00
HAL04	HALLINAN TOM	60-50-62		105249	04/03/20	525.00
HAL04	HALLINAN TOM	63-56-62		105249	04/03/20	525.00
HOU02	HOUSE STEPHANIE	10-45-67	Reimbursement for supplies for teen center snack bar	105250	04/03/20	7.73
HOU03	Housing authority of County of Stanislaus	15-48-79	Loan servicing fees from 7/13 to 12/13/4 home loans	105251	04/03/20	264.00
HUB00	HUB INTERNATIONAL OF CA I	10-00-28	Liability insurance premium payable/March 2014	105252	04/03/20	254.02
HUM01	Humphries Lewis	60-50-66	Mileage reimbursement/CSJVRMA mtg @ Selma	105253	04/03/20	36.59
HUM01	Humphries Lewis	63-56-66	Mileage reimbursement/CSJVRMA mtg @ Selma	105253	04/03/20	36.59
HUM01	Humphries Lewis	10-03-66	Mileage reimbursement/CSJVRMA mtg @ Selma	105253	04/03/20	36.58
J&E01	J&E Janitorial and Handyman	10-07-62	Complete floor cleaning and buffing @ city hall	105254	04/03/20	100.00
KAI01	KAISER PERMANENTE	10-00-22	Health insurance premium/May 2014	105255	04/03/20	3,256.27
LAM01	Lamphier-Gregory, Inc	40-06-62	Progress report #12/Northwest master plan thru 11/8/13	105256	04/03/20	167.15
MED9D	MEDINA AUTO REPAIR	10-44-65	Repaired mirror on Ford F150	105257	04/03/20	82.72
MED9D	MEDINA AUTO REPAIR	60-50-65	Repaired mirror on Ford F150	105257	04/03/20	27.57
MOD01	Modesto Alarm, Inc	10-07-62	12 months alarm monitoring April 2014 to March 2015/CI	105258	04/03/20	360.00
NBS00	NBS	69-47-62	Quarterly administration fees 4/1/14 to 6/30/14/1972 Act c	105259	04/03/20	2,368.74
NEW46	NEWMAN SMOG AND LUBE	60-50-65	Replaced cracked AC condensor & condensor tube/2009 F	105260	04/03/20	278.34
NEW46	NEWMAN SMOG AND LUBE	63-56-65	Replaced cracked AC condensor & condensor tube/2009 F	105260	04/03/20	278.34
NEW49	Newman City Tow Service, Inc	10-21-62	Towing of 03 Mitsubishi to police dept.	105261	04/03/20	170.00
NEW55	NEWMAN ACE HARDWARE/JACT,	10-07-63	Ant bait/tape/sprinklers/	105262	04/03/20	25.02
NEW55	NEWMAN ACE HARDWARE/JACT,	10-44-63	Pik stik/couplings/drill bit/	105262	04/03/20	93.65
NEW55	NEWMAN ACE HARDWARE/JACT,	24-32-77	Plastic pail	105262	04/03/20	6.45
NEW55	NEWMAN ACE HARDWARE/JACT,	10-33-63	Cement cleaner	105262	04/03/20	21.51
NEW55	NEWMAN ACE HARDWARE/JACT,	10-22-63	Batteries/lights/rope for flag/snap bolts	105262	04/03/20	46.87
NEW55	NEWMAN ACE HARDWARE/JACT,	69-47-63	Stihl cycle oil/key	105262	04/03/20	10.74
NEW55	NEWMAN ACE HARDWARE/JACT,	63-56-63	Knee pad/misc pvc	105262	04/03/20	23.31
NEW55	NEWMAN ACE HARDWARE/JACT,	60-50-63	Trash bags/bungee cords/plier-wrench set/screwdrivers	105262	04/03/20	95.26
NIN00	Nino's Auto Repair	60-50-65	Oil and filter change on Honda Civic/PW	105263	04/03/20	56.76
NOR02	NORMAC, INC.	10-44-63	Rainbird plastic industrial irrigation valve	105264	04/03/20	72.47
ODE01	O'Dell Engineering	17-44-75	Professional services thru 3/9/14/skate park	105265	04/03/20	758.72
OTI01	Otis Elevator Company	10-07-62	Contract services 4/1/14 to 6/30/14 on elevator @ city hall	105266	04/03/20	562.59
PAP00	PAPA	60-50-66	Certification exam preparation course fee/PAPA/Perry	105267	04/03/20	80.00
PAT09	CITY OF PATTERSON	10-22-62	Fire data collection/Feb 2014	105268	04/03/20	250.00
PGE00	P G & E	10-07-64	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	883.10
PGE00	P G & E	10-22-64	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	296.41
PGE00	P G & E	10-33-64	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	4,765.87
PGE00	P G & E	10-44-64	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	328.15
PGE00	P G & E	10-45-64	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	106.50
PGE00	P G & E	10-46-64	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	246.16
PGE00	P G & E	10-44-66	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	403.26
PGE00	P G & E	10-07-66	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	94.62
PGE00	P G & E	10-44-66	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	278.11
PGE00	P G & E	60-50-64	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	19,271.23
PGE00	P G & E	62-60-64	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	311.82
PGE00	P G & E	62-60-64	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	949.71
PGE00	P G & E	63-56-64	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	9,112.57
PGE00	P G & E	69-47-64	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	2,932.02

Vendo	Name	Accoun	Description	Check N	Check	Amount
PGE00	P G & E	73-70-66	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	93.82
PGE00	P G & E	73-70-66	Gas and electric use 2/14/14 to 3/17/14	105269	04/03/20	384.74
PIO01	PIONEER DRUG	63-56-63	SDS sheets for well houses	105270	04/03/20	10.04
PIO01	PIONEER DRUG	63-56-63	Binders for water dept.	105270	04/03/20	18.68
PIT01	PITNEY BOWES, Inc	63-56-63	postage meter rent	105271	04/03/20	45.34
PIT01	PITNEY BOWES, Inc	60-50-63	postage meter rent	105271	04/03/20	45.34
PIT01	PITNEY BOWES, Inc	10-14-63	postage meter rent	105271	04/03/20	45.47
R-S00	R-SAFE SPECIALTY	69-47-63	Kestrel 2000 pocket wind meter for weed spraying	105272	04/03/20	34.44
R-S00	R-SAFE SPECIALTY	10-33-62	Kestrel 2000 pocket wind meter for weed spraying	105272	04/03/20	34.44
R-S00	R-SAFE SPECIALTY	60-50-63	Kestrel 2000 pocket wind meter for weed spraying	105272	04/03/20	34.44
R-S00	R-SAFE SPECIALTY	69-47-63	1 case of coveralls for weed spraying	105272	04/03/20	23.32
R-S00	R-SAFE SPECIALTY	60-50-63	1 case of coveralls for weed spraying	105272	04/03/20	23.32
R-S00	R-SAFE SPECIALTY	10-33-62	1 case of coveralls for weed spraying	105272	04/03/20	23.32
RAL00	RALEY'S IN STORE CHARGE	10-14-63	Sugar cubes/coffee mate/spoons/sweetner	105273	04/03/20	5.69
RAL00	RALEY'S IN STORE CHARGE	60-50-63	Sugar cubes/coffee mate/spoons/sweetner	105273	04/03/20	5.69
RAL00	RALEY'S IN STORE CHARGE	63-56-63	Sugar cubes/coffee mate/spoons/sweetner	105273	04/03/20	5.70
RAL00	RALEY'S IN STORE CHARGE	10-46-63	Coffee/spoons/creamers/foam cups	105273	04/03/20	17.90
RAL00	RALEY'S IN STORE CHARGE	10-14-63	Coffee filters	105273	04/03/20	0.11
RAL00	RALEY'S IN STORE CHARGE	60-50-63	Coffee filters	105273	04/03/20	0.11
RAL00	RALEY'S IN STORE CHARGE	63-56-63	Coffee filters	105273	04/03/20	0.10
RAL00	RALEY'S IN STORE CHARGE	60-50-63	Sunny D/V8 Splash/pastries/interview panel for PW	105273	04/03/20	21.66
RIO01	Rios Michael	10-00-28	Refund Memorial Bldg deposit/Rios	105274	04/03/20	200.00
SAF00	SAFE-T-LITE	10-44-63	4 pair safety glasses/20 particular masks	105275	04/03/20	25.49
SAF00	SAFE-T-LITE	69-47-63	4 pair safety glasses/20 particular masks	105275	04/03/20	25.50
STA02	Stanislaus County Dept of Environmental R	60-50-66	Hazardous materials business plan/generator @ corp yard	105276	04/03/20	81.00
STA02	Stanislaus County Dept of Environmental R	63-56-66	Hazardous materials business plan/generator @ corp yard	105276	04/03/20	81.00
STA02	Stanislaus County Dept of Environmental R	60-50-66	Hazardous materials business plan/generator @ WWTP	105276	04/03/20	217.00
STA42	STANISLAUS COUNTY DEPT	10-00-28	Reimbursable bus ticket sales/Oct-Dec 2013	105277	04/03/20	778.50
STA42	STANISLAUS COUNTY DEPT	10-00-28	Reimbursable bus ticket sales/Jan-March 2014	105277	04/03/20	1,216.50
STAA0	STAPLES ADVANTAGE	10-14-63	posting rolls/colored paper/steno books/dust destroyer	105278	04/03/20	31.23
STAA0	STAPLES ADVANTAGE	60-50-63	posting rolls/colored paper/steno books/dust destroyer	105278	04/03/20	31.23
STAA0	STAPLES ADVANTAGE	63-56-63	posting rolls/colored paper/steno books/dust destroyer	105278	04/03/20	31.23
STAA4	STANTEC CONSULTING SERVICE, Inc	64-56-62	Predesign of well and transmission	105279	04/03/20	6,279.32
SUN9B	SUN VALLEY PORTABLES	69-47-62	Portable restroom rental and service/March 2013	105280	04/03/20	155.73
TEL01	TelePacific Communications	10-21-64	Telephone service 4/1/14 to 4/30/14/long distance charges	105281	04/03/20	203.87
TEL01	TelePacific Communications	10-45-64	Telephone service 4/1/14 to 4/30/14/long distance charges	105281	04/03/20	103.48
TEL01	TelePacific Communications	60-50-64	Telephone service 4/1/14 to 4/30/14/long distance charges	105281	04/03/20	103.48
TEL01	TelePacific Communications	10-14-64	Telephone service 4/1/14 to 4/30/14/long distance charges	105281	04/03/20	103.49
TEL01	TelePacific Communications	63-56-64	Telephone service 4/1/14 to 4/30/14/long distance charges	105281	04/03/20	103.48
TEL02	Telcion Communications Group	10-07-62	ShoreCare support contract for 1 year.	105282	04/03/20	841.00
TEL02	Telcion Communications Group	60-50-62	ShoreCare support contract for 1 year.	105282	04/03/20	841.00
TEL02	Telcion Communications Group	63-56-62	ShoreCare support contract for 1 year.	105282	04/03/20	841.00
TEL99	TEL STAR INSTRUMENTS, INC	60-50-62	Installation of radio at Silva Ranch lift station	105283	04/03/20	954.00
TEN01	Ten-Four Communications, Inc	10-21-65	Kenwood Mobile Radio/antenna/roof mount/connector for	105284	04/03/20	589.03
THE22	T.H.E. OFFICE CITY	10-14-63	Clasp envelopes/paper clips/highlighters	105285	04/03/20	12.12
THE22	T.H.E. OFFICE CITY	60-50-63	Clasp envelopes/paper clips/highlighters	105285	04/03/20	12.12
THE22	T.H.E. OFFICE CITY	63-56-63	Clasp envelopes/paper clips/highlighters	105285	04/03/20	12.12
THE22	T.H.E. OFFICE CITY	60-50-63	File folders/legal ruled pads/	105285	04/03/20	29.46
THE22	T.H.E. OFFICE CITY	63-56-63	File folders/legal ruled pads/	105285	04/03/20	29.45
UB*002	BETTENCOURT DUSTI	63-00-20	Refund Check	105286	04/03/20	115.68
USP00	UNITED STATES POSTMASTER	10-21-63	Postage stamps/PD	105287	04/03/20	132.00
VAL9C	VALLEY PARTS SERVICE	60-50-65	air filter/silver oil filter	105288	04/03/20	27.30
VAL9C	VALLEY PARTS SERVICE	60-50-65	halogen bulb	105288	04/03/20	14.97
VAL9C	VALLEY PARTS SERVICE	10-21-65	Serpentine belt/03 Crown Vic	105288	04/03/20	28.74
VAL9C	VALLEY PARTS SERVICE	10-44-65	Light bulb	105288	04/03/20	3.09

Vendo	Name	Accoun	Description	Check N	Check	Amount
VAL9C	VALLEY PARTS SERVICE	10-33-65	Light bulb	105288	04/03/20	1.54
VAL9C	VALLEY PARTS SERVICE	69-47-65	Light bulb	105288	04/03/20	1.55
VAR07	VARGAS GEORGE	10-22-66		105289	04/03/20	50.00
VUL00	VULCAN MATERIALS COMPANY	24-32-77	Cement delivered @ 1028 R St	105290	04/03/20	251.12

						45,945.57



MINUTES
NEWMAN CITY COUNCIL
SPECIAL MEETING MARCH 25, 2014
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 Pursuant To California -Government Code Section 54956.9(d)(2), (1 Case).
 - b. Return To Open Session - 6:59 P.M.

Mayor Katen Reported That Staff And Legal Counsel Were Given Direction.

5. Adjournment.

ACTION: On Motion By Hutchins Seconded By Davis, The Meeting Was Adjourned At 7:00 P.M. By The Following Vote: **AYES:** Davis, Hutchins, Candea, Martina And Mayor Katen; **NOES:** None; **ABSENT:** None; **NOT PARTICIPATING:** None.



MINUTES
NEWMAN CITY COUNCIL
REGULAR MEETING MARCH 25, 2014
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Katen 7:05 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** – Council Member Hutchins.
4. **Roll Call - PRESENT:** Davis, Hutchins, Candea, Martina And Mayor Katen.
ABSENT: None.
5. **Declaration Of Conflicts Of Interest** – None.
6. **Ceremonial Matters** – None.
7. **Items from the Public - Non-Agenda Items** – None.
8. **Consent Calendar**
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants.
 - c. Approval Of Minutes Of The March 11, 2014 Meetings.

ACTION: On A Motion By Candea Seconded By Davis, The Consent Calendar Was Approved By The Following Vote: AYES: Davis, Hutchins, Candea, Marina And Mayor Katen; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

9. Public Hearings

- a. Adopt Resolution No. 2014- 14, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Katen Opened The Public Hearing At 7:09 P.M.

There Being No Public Comment, Katen Closed The Public Hearing At 7:10 P.M.

ACTION: On Motion By Hutchins Seconded By Candea, Resolution No. 2014- 14, Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted By The Following Vote: AYES: Davis, Hutchins, Candea, Martina And Mayor Katen; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

10. Regular Business

- a. Report To The City Council And Successor Agency Recommending The Transfer Of Properties From The Successor Agency To The City.
 - I. Adopt Resolution No. 2014- 15, A Resolution Of The Successor Agency To The Dissolved Redevelopment Agency Of The City Of Newman Approving The Transfer To The City Of Certain Properties.

ACTION: On Motion By Candea Seconded By Martina, Resolution No. 2014- 15, A Resolution Of The Successor Agency To The Dissolved Redevelopment Agency Of The City Of Newman Approving The Transfer To The City Of Certain Properties, Was Adopted By The Following Vote: AYES: Davis, Hutchins, Candea, Martina And Mayor Katen; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

II. Adopt Resolution No. 2014-16, A Resolution Of The City Council Of The City Of Newman Accepting The Transfer Of Certain Properties From The Successor Agency To The City.

ACTION: On Motion By Hutchins Seconded By Davis, Resolution No. 2014-16, A Resolution Of The City Council Of The City Of Newman Accepting The Transfer Of Certain Properties From The Successor Agency To The City, Was Adopted By The Following Vote: AYES: Davis, Hutchins, Candea, Martina And Mayor Katen; NOES: None, ABSENT: None; NOT PARTICIPATING: None.

b. Consider Financial Pledge For South County Corridor.

Council Member Hutchins Commented That The Potential ZachariasRoute Of The South County Corridor Is Too Close To State Route 132 And Noted That It Would Be More Efficient To Use Fink Road For Southbound Traffic.

Mayor Katen Questioned Whether East County Residents Would Use The ZachariasRoute To Take Interstate 5 South.

ACTION: On Motion By Hutchins Seconded By Davis, The City Council Authorized The Use Of \$6,000 In LTF Funds For The South County Corridor Study By The Following Vote: AYES: Davis, Hutchins, Candea, Martina And Mayor Katen; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

c. Resolution No. 2014-17, A Resolution Authorizing The City Manager To To Execute An Agreement For City Attorney Legal Services With Churchwell White LLP.

City Attorney Nubia Goldstien Recused Herself And Left The Room.

Council Member Martina Stated That He Thought Nubia Was A Good Choice.

ACTION: On Motion By Candea Seconded By Martina, Resolution No. 2014-17, Authorizing The City Manager To Execute An Agreement For City Attorney Legal Services With Churchwell White LLP, Was Adopted By The Following Vote: AYES: Davis, Hutchins, Candea, Martina And Mayor Katen; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

City Attorney Nubia Goldstien Returned To The Room.

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

12. Items From The City Manager And Staff.

City Manager Holland Mentioned That The City Had Received A Letter From The Center For Human Services Thanking The City For Its Donation To The Weekend Wellness Program. Holland Noted That Dollar General Store Was Slated To Open Soon. He Reminded Everyone That The Spring Clean-Up Week Would Be From April 7th-12th And That The Curbside Leaf And Brush Pick-Up Program

Ends On Monday March 31st. Holland Requested That All Council Members Complete And Return Their Annual Form 700s. Holland Informed The Council That They Would Be Reviewing An Urban Growth Boundary Measure At The Next Meeting. He Concluded By Notifying Everyone That The Youth Baseball Opening Day Would Be On The Following Saturday.

Public Works Director Kim Reviewed Current Drought Conditions And City Watering Regulations. Kim Stated That He Was Developing A Drought Action Plan In The Case Of An Emergency. He Reported That FEMA Had Removed Violations Issued In 2010 By The Department Of Water Resources And That Staff Was Working On Moving The CRS Program Forward.

City Planner Ocasio Informed The Council That Staff Had Met With State Department Of Parks And Recreation For A Site Visit In Relation To The City's Submitted LWCF Grant For The Skate Plaza. Ocasio Also Noted That The CDBG Funded Tulare Street Infrastructure Project Was Mobilizing And Work Is Expected To Begin In Early April.

13. Items From City Council Members.

Council Member Hutchins Stated That He Was Looking Forward To The Youth Baseball Season.

Council Member Martina Noted That He Was Concerned About The Intersection Of Highway 33 And Inyo Avenue Intersection Due To Dollar General's Opening.

14. Adjournment.

ACTION: On Motion By Candea Seconded By Hutchins, The Meeting Was Adjourned At 7:45 P.M. By The Following Vote: AYES: Davis, Hutchins, Candea, Martina And Mayor Katen; NOES: None; ABSENT: None; NOT PARTICIPATING: None.

Honorable Mayor and Members
of the Newman City Council

DECLARE CERTAIN PROPERTY AS SURPLUS AND APPROVE OF ITS DISPOSAL

RECOMMENDATION:

Adopt Resolution No. 2014- , a resolution declaring certain property as surplus property and authorizing disposal by destruction or auction.

BACKGROUND:

The City has property that becomes obsolete, is not repairable, or is no longer of use. In order for the City to legally dispose of this property, it must be declared surplus by the City Council.

ANALYSIS:

The sale of these items will bring in a small amount of revenue and free up much needed space at the facilities where they are currently stored.

FISCAL IMPACT:

The fiscal impact will be a positive influx of revenue for the general fund of a small, undetermined amount.

CONCLUSION:

This staff report is submitted for City Council consideration and action. Staff recommends adoption of Resolution No. 2014- , a resolution declaring certain property as surplus property and authorizing disposal by destruction or auction.

ATTACHMENTS:

1. Resolution No. 2014-
2. List of City-owned property for surplus

Respectfully submitted,



Brett Short, Police Lieutenant

REVIEWED/CONCUR:



Michael Holland, City Manager

RESOLUTION NO. 2014-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN DECLARING
CERTAIN PROPERTY AS SURPLUS AND AUTHORIZING DISPOSAL**

WHEREAS, The City has property that becomes obsolete, is not repairable, or is no longer of use; and

WHEREAS, in order for the City to legally dispose of this property, it must be declared surplus by the City Council; and

WHEREAS, the sale of these items will bring in a small amount of revenue and free up much needed space at the facilities where they are currently stored; and

WHEREAS, the fiscal impact will be a positive influx of revenue for the general fund of a small, undetermined amount.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman to declare certain property as surplus property and authorizing disposal by destruction or auction.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 8th day of April, 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

2014 SURPLUS LIST

QTY	ASSET #	DESCRIPTION	DISPO	VIN/Serial Number
1	505	AMREL MOBILE COMPUTER	AUCTION	
1	507	AMREL MOBILE COMPUTER	AUCTION	
1		AMREL MOBILE COMPUTER	AUCTION	
1	355	AMREL MOBILE LAPTOP	AUCTION	
1	357	AMREL MOBILE LAPTOP	AUCTION	
1	358	AMREL MOBILE LAPTOP	AUCTION	
1	354	AMREL MOBILE LAPTOP	AUCTION	
1	504	AMREL MOBILE COMPUTER	AUCTION	
1	506	AMREL MOBILE COMPUTER	AUCTION	
3		AMREL MOBILE MONITOR	AUCTION	
1		2007 CROWN VICTORIA	AUCTION	VIN 2FAFP71W07X115491
1		2006 CROWN VICTORIA	AUCTION	VIN 2FAHP71W66X105183
1		1995 FORD SUPERDUTY	AUCTION	VIN 1FDLF47F6SEA37343
1		1992 FORD F-150	AUCTION	VIN 1FTDF15Y6NLA10624
1	430	HP 1740 MONITOR	AUCTION	
1	402	ACTION SMALL MONITOR	DISPOSE	
14		AVAYA TELEPHONES	AUCTION	
1	391	SONY HANDYCAM	AUCTION	
1		KODAK EASYSHARE CAMERA	AUCTION	
1	455	HP Compaq dx2200 MT	AUCTION	MXL7110VCX
1		HP Compaq dx2200 MT	AUCTION	MXL7110VCY
1	428	HP Compaq dx2000 MT	AUCTION	2UA510049Q
1	468	HP Compaq dx2200 MT	AUCTION	MXL711000C
1	453	HP Compaq dx2300 MT	AUCTION	MXL721030K
1	447	HP Compaq dx2200 MT	AUCTION	MXL7110VCW
1	425	HP Compaq dx2000 MT	AUCTION	2UA510049S
1	435	HP Compaq dx2000 MT	AUCTION	USU44708DT
1	417	HP Compaq dc5700	AUCTION	MXL7300GV7
1	479	Dell PP10 Inspiron 2200 Laptop	AUCTION	CN-OU6962-48643-575-1154
1	567	HP PA507A Dock Station	AUCTION	395944-001
1	418	Princeton VL1919 19" Monitor	DISPOSE	YVBG4001046
1	413	HP L1906 19" Monitor	DISPOSE	CNN5481FON
1	405	Dell 1908FPb 19" Monitor	DISPOSE	CN-ODY840-46633-77G-1LTU
1	403	Dell Optiplex 745 DCSM	AUCTION	3769RC1
1	403	Dell Optiplex 740 DCNE	AUCTION	6BP9LF1
1		Buffalo TS-RH2.0TGL/R5 Network	DISPOSE	45821480200963
1		HP1040 Fax Machine	AUCTION	CN7CPAMM9D
1		WatchGuard Firebox X10e Edge	DISPOSE	70721A110-471E
1		Drobo DRDR4-A	AUCTION	TDB1131A0402
1		Drobo DRDR4-R	AUCTION	TDD1149A0141
1		Drobo DRDR4-A	DISPOSE	TDD1149A0239
1		Sony AIT Drive Unit SDX-D400C ATDEA2	AUCTION	4-680-795-01
1		MiLAN MIL-S2400S 24 PORT 10/100 SWITCH	AUCTION	C1AMC6320848
1		Cisco PIX 515E Firewall	AUCTION	88807140473
1		Cymphonix Network Composer DC10	AUCTION	08252CE1311
1		Liebert Battery Backup GXT2-1500RT120	DISPOSE	06262R0018AF015
1		High-Rely USB Drive System	AUCTION	85264

REPORT ON NUISANCE ABATEMENT

RECOMMENDATION:

Adopt Resolution No. 2014- , Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

BACKGROUND:

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

ANALYSIS:

This notice informs property owners of all nuisance abatement procedures, option and their right to object at a public hearing. It is anticipated that many property owners will comply with the abatement notices prior to the hearing date. A final compliance survey will be done on Monday, April 7, 2014. A list of properties that have not complied with the abatement notice will be handed out at the council meeting prior to the public hearing.

FISCAL IMPACT:

None

CONCLUSION:

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

ATTACHMENTS:

1. Resolution No. 2014- , a resolution declaring the existence of a public nuisance
2. Exhibit A – Abatement List

Respectfully submitted,



Randy Richardson, Chief of Police

REVIEWED/CONCUR:



Michael Holland, City Manager

RESOLUTION NO. 2014-

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

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

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

WHEREAS, said hearing was held on April 8, 2014, at 7:00 p.m., as in said notice provided; and,

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

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

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 8th day of April, 2014 by Council Member _____, who moved its adoption, which motion was duly seconded and was adopted upon roll call vote.

AYES:
NOES:
ABSENT:

APPROVED:

Mayor

ATTEST:

Deputy City Clerk

City of Newman
Abatement list

1. 709 Fig Lane

Garbage and debris around the residence and the shed needs to be boarded up







Honorable Mayor and Members
of the Newman City Council

REPORT ON APPOINTMENTS TO FILL ARCHITECTURAL REVIEW COMMITTEE VACANCIES

RECOMMENDATION:

Consider appointment or re-appointment of Architectural Review Committee members.

BACKGROUND:

The City currently has two vacancies on the Architectural Review Committee.

As per City Code Section 4.13.060, the Architectural Review Committee shall consist of the following five members: One Planning Commissioner, One member of the Newman Historical Society, One City resident at-large, One member of the business community and/or Chamber of Commerce and One professional in one or more of the following disciplines: Architecture; Architectural history; Historical remodeling or reconstruction, Historic archaeology, Historical conservation or Related discipline to the extent such professionals are available in the community of Newman. Of the five seats on the Architectural Review Committee, the Citizen at-large and the business community/Chamber of Commerce seats are currently vacant.

A notice was published in the West Side Index and one application from Kent Madenwald was received for the Architectural Review Committee. Mr. Madenwald's application is attached for your review. Potential questions for the candidate will be provided to the Council at the meeting should you decide to interview the lone candidate.

The appointment to the Architectural Review Committee would be effective immediately. The term for the Architectural Review Committee is two years in length and will expire April of 2016.

ANALYSIS:

Should the Council re-appoint Mr. Madenwald, he would be filling the City resident at-large seat on the Architectural Review Committee. That would still leave the business community/Chamber of Commerce seat vacant until such time that an application is received and the City Council chooses to appoint someone. In addition to publishing a notice in the West Side Index, staff did reach out to the preceding Chamber of Commerce representative in an effort to solicit an application from someone in the business community but those efforts have not yet succeeded. While it would be best if the Architectural Review Committee had a complete membership, staff is confident that at this time, a four person committee can meet the needs of the community.

FISCAL IMPACT:

N/A

CONCLUSION:

Staff recommends that Council consider the reappointment of Kent Madenwald to the Architectural Review Committees the Citizen at-large seat and leave the business community/Chamber of Commerce seat open until filled.

ATTACHMENTS:

1. Copy of Mr. Madenwald's Application for Citizen Service.
2. Copy of the letter sent to Mr. Madenwald apprising them of the interview/appointment process.

Respectfully submitted,



Mike Maier
Deputy City Clerk

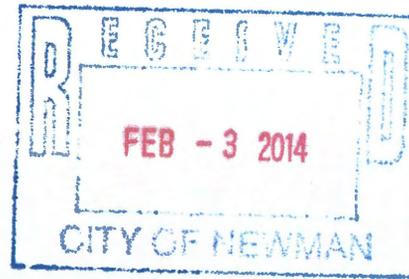
REVIEWED/CONCUR:



Michael E. Holland
City Manager



City of Newman APPLICATION FOR CITIZEN SERVICE



POSITION DESIRED: Planning Commission Parks & Recreation Commission
 Architectural Review Committee Other _____

NAME: KENT A. MADENWALD

ADDRESS: 612 WAXWING LN

HOME PHONE: 209-862-4477 BUSINESS PHONE: -

OCCUPATION: RETIRED

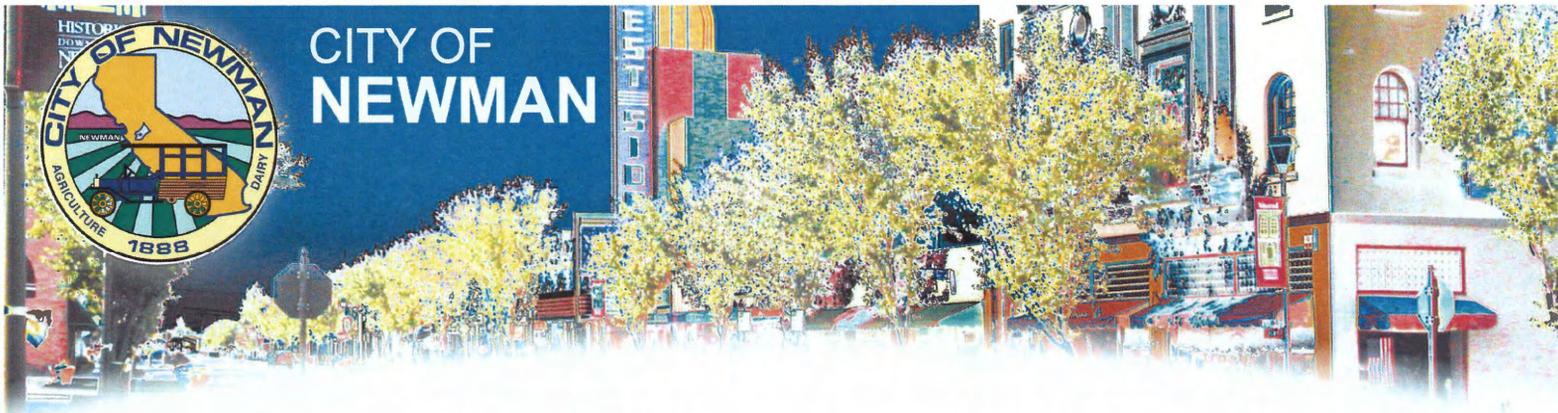
EDUCATION: (List highest year completed and all degrees): MS-1962-PhD
COURSES COMPLETED.

Are there any workday evenings you could not meet? Yes No
If so please list: _____

Why are you interested in this position? HAVE BEEN MEMBER SINCE
2006. GLAD TO HELP CITY OF NEWMAN.

What do you consider to be your major qualifications? SEVENTY YEARS OF
VARIOUS EXPERIENCE IN GEOLOGY, ENGINEERING,
GROUNDWATER, WASTEWATER PROJECTS

Please attach a written statement containing any additional information you feel would be helpful to the City Council.



April 1, 2014

Kent Madenwald
612 Waxwing Lane
Newman, CA 95360

Re: Architectural Review Committee Interview/Appointment

Dear Kent:

The City has received and processed your Application for Citizen Service. Pursuant to the City's policy for filling committee vacancies, the City Council will briefly interview each candidate at their Regular Meeting on April 8, 2014 at 7:00 p.m. in the Council Chambers, 938 Fresno Street. Following the interviews, the Mayor and Council will appoint and confirm the new committee members.

Please plan on attending the April 8th meeting. Should you have any questions regarding this process, please feel free to contact me. Thank you for your interest in serving as a member of the City of Newman's Architectural Review Committee.

Sincerely,

A handwritten signature in black ink that reads 'Mike Maier'.

Mike Maier
Deputy City Clerk

REPORT ON PARK RENTAL FEES

RECOMMENDATION:

Adopt Resolution 2014- , setting the rental fee associated with non-City sponsored sporting events held on City owned property.

BACKGROUND:

Over the past couple of years, the City has begun to experience an increase of non-City sponsored sports teams utilizing City facilities for practices and, sometimes, games. At times, these uses have created conflicts with City sanctioned teams use of the facilities. To help the City Council, the matter was referred to the Recreation Commission for their review.

After hosting a couple of meetings, the Commission finalized some recommendations for the Council to consider. The matter returned to the Council during their December 6, 2013 meeting. Earlier this year, the Council modified NMC Sec 11.11.030.X to require non-City sponsored teams to secure City approval prior to using City owned property.

ANALYSIS:

Following Council's approval of the new ordinance, Public Works staff reviewed the matter and developed a reasonable fee (\$30 per game) for use of the fields. Staff is also recommending the fee only be applied to organized games. Newman-based organization would not be charged for practice time. However, City sanctioned teams will continue to have first right to utilize the fields during these times of practice.

In addition to the \$30 per game fee, organization electing to play games at Sherman Park will pay an additional \$30 per day for the use of the restroom facilities. This \$30 will be used to cover staff time for clean-up and supplies. An organization hosting two games on a single day at Sherman Park will pay \$90, which includes a key to the restroom facilities. The same two games would cost \$60 at Bush Rose Park since no permanent restroom facilities are available.

FISCAL IMPACT:

Staff anticipates the fiscal impact to the City to be neutral to minimal. The nominal fee being collected should off-set the impact to the fields; while the restroom fee will reimburse the City for staff time cleaning and restocking supplies.

CONCLUSION:

City staff developed the proposed usage fee of \$30 per game and an additional \$30 per day for restroom usage. Public Works feels this fee will off-set any impact created by the usage and also cover the cost of staff time for cleaning and supplies. Based upon a conservative estimate of two hours for the game and warm ups, the fee would be approximately \$15/hour. Staff believes this to be reasonable fee for the use of the facility and recommends Council approved the attached Resolution setting said fee.

Attachment:

1. Resolution
2. Application forms

Respectfully submitted,



Michael Holland
City Manager



**CITY OF NEWMAN
APPLICATION FOR FIELD USE
Alfred "Bush" Rose Park
2207 Park Circle**

APPLICANT/ORGANIZATION NAME			
ADDRESS		PHONE #	
TYPE OF ACTIVITY			
ACTIVITY DATE(S) & TIME(S)		EXPECTED ATTENDANCE	

RESTROOM FACILITIES **ARE NOT** AVAILABLE AT THIS FACILITY.

Initials _____

Rules and Regulations for use of City Owned Facilities

The Applicant/Organization shall be responsible for any and all damages and/or losses to the field and/or surrounding property. This includes actions by any individuals or guests associated with the event. The Applicant/Organization shall be financially liable for the full and actual costs of said damages/losses. The extent of the amount shall be determined by the City.

Insurance

Use of City facilities requires insurance to be provided by the Applicant/Organization. THE APPLICANT/ORGANIZATION MUST HAVE THEIR OWN INSURANCE NAMING THE CITY AS AN ADDITIONAL INSURED FOR \$1,000,000.00. In case of suit brought for recovery of premises or any sum due hereunder, or because of any act which may arise out of the use of the premises, Applicant/Organization shall pay to the City of Newman all costs in connection including, but not limited to, reasonable attorney fees, whether or not the action precedes the judgment.

Full payment and all required clearances (including insurance certificate) must be received two weeks prior to activity date.

Initials _____

Cancellation By City

The City reserves the right to cancel any and all reservations for any reason without notice if:

1. The City has reason to believe that the use of the field and/or surrounding property for the intended purpose may be detrimental to the health, safety or welfare of the City or its residents.
2. The City may also cancel any and all reservations if deemed necessary in case of an emergency.

I hereby certify, that the above is true and correct and that I have read and understand the attached set of rules and regulations governing the use of Alfred "Bush" Rose Park Field, 2207 Park Circle, Newman, CA 95360, and do hereby agree to be bound by such rules and regulations

Signature

Print Name

Date

For City Use Only

Liability insurance submitted

Fees Due: \$ _____ **Amount Received: \$** _____
(Rate: \$30 Per Game X _____ Games = Total Fee Due)

Approved By: _____

Signature: _____



CITY OF NEWMAN
APPLICATION FOR FIELD USE
William Rae Sherman Park
330 Cinnamon Teal Way

APPLICANT/ORGANIZATION NAME			
ADDRESS		PHONE #	
TYPE OF ACTIVITY			
ACTIVITY DATE(S) & TIME(S)		EXPECTED ATTENDANCE	

Rules and Regulations for use of City Owned Facilities

The Applicant/Organization shall be responsible for any and all damages and/or losses to the field, restrooms and/or surrounding property. This includes actions by any individuals or guests associated with the event. The Applicant/Organization shall be financially liable for the full and actual costs of said damages/losses. The extent of the amount shall be determined by the City.

The Applicant/Organization is responsible for picking up and returning facility key(s) to City Hall, located at: 938 Fresno Street. All keys must be returned the first business day following the event.

Insurance

Use of City facilities requires insurance to be provided by the Applicant/Organization. THE APPLICANT/ORGANIZATION MUST HAVE THEIR OWN INSURANCE NAMING THE CITY AS AN ADDITIONAL INSURED FOR \$1,000,000.00. In case of suit brought for recovery of premises or any sum due hereunder, or because of any act which may arise out of the use of the premises, Applicant/Organization shall pay to the City of Newman all costs in connection including, but not limited to, reasonable attorney fees, whether or not the action precedes the judgment.

Full payment and all required clearances (including insurance certificate) must be received two weeks prior to activity date. Initials _____

Cancellation By City

The City reserves the right to cancel any and all reservations for any reason without notice if:

1. The City has reason to believe that the use of the field/building and/or surrounding property for the intended purpose may be detrimental to the health, safety or welfare of the City or its residents.
2. The City may also cancel any and all reservations if deemed necessary in case of an emergency.

I hereby certify, that the above is true and correct and that I have read and understand the attached set of rules and regulations governing the use of William Rae Sherman Park Field, 330 Cinnamon Teal Way, Newman, CA 95360, and do hereby agree to be bound by such rules and regulations

Signature

Print Name

Date

For City Use Only

Liability insurance submitted

(Rate: \$30 Per Game X _____ Games + Use of Restrooms (\$30.00 per day) = Total Fee Due)

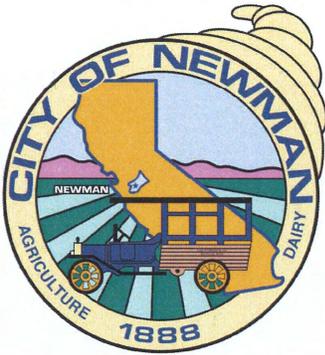
Fees Due: \$ _____ **Amount Received: \$** _____

Approved By: _____

Signature: _____

Key Pick-Up Date: _____

Key Return Date: _____



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

Date: April 2, 2014

To: Mayor Katen and City Council

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

Subject: Potential Voter Approved Residential Urban Growth Boundary.

In January 2014, the Council discussed the possibility of submitting an Urban Growth Boundary measure to a November vote in response to the Stanislaus Local Agency Formation Commission (LAFCO) Agricultural Preservation Policy adopted in September 2012. The new policy requires all Stanislaus County cities to develop a method or strategy for minimizing the loss of agricultural lands when an annexation occurs. One potential strategy identified by LAFCO includes a voter approved urban growth boundary. Attached is a *draft* ag preservation ordinance modeled after the SOAR (Save Open space and Ag Resources) measures passed in Ventura County.

At the April 8th meeting, staff will review the ordinance with the Council and seek comment. If Council supports the model ordinance, staff will schedule a meeting with LAFCO staff and selected Board Members to solicit their input and report back to the Council.

ORDINANCE NO. ____ - CS
(2014 City Council Sponsored Initiative – Measure __)

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF NEWMAN
ADDING TITLE 5, CHAPTER 29
TO THE NEWMAN MUNICIPAL CODE
TO BE KNOWN AS THE
“URBAN GROWTH BOUNDARY ORDINANCE”**

The City Council of the City of Newman does hereby ordain as follows:

Part 1

Article 1 is added to Chapter 29 of Title 5 of the Newman Municipal Code to read as follows:

Article 1. URBAN GROWTH BOUNDARY

Section 5.29.101. Title.

This ordinance shall be known as the Newman Save Open-space and Agricultural Resources, or Newman SOAR, ordinance.

Section 5.29.102. Purpose and Findings.

A. Purpose. The purpose of this ordinance is to create the City of Newman (City) Urban Growth Boundary (UGB). The City of Newman Urban Growth Boundary has the following objectives:

1. To encourage efficient growth patterns and protect the City of Newman’s quality of life by concentrating future development within the adopted Sphere of Influence;
2. To promote on lands outside the City’s UGB ongoing agricultural and other natural resource and open space uses such as preservation of natural resources, public and private outdoor recreation, uses that foster public health and safety, and productive investment for farming enterprises;
3. To manage the City’s growth in a manner that fosters and protects the character of Newman while encouraging appropriate economic development in accordance with the City’s unique local conditions;
4. To allow the City to continue to meet its reasonable housing needs for all economic segments of the population by directing the development of housing into areas where services and infrastructure are more efficiently available; and

5. To promote stability in long term planning for the City by establishing a cornerstone policy within the General Plan designating the geographic limits of long term urban development and allowing sufficient flexibility within those limits to respond to the City's changing needs over time.

B. Findings.

1. The protection of existing agricultural, open space, watershed and other lands surrounding the City is of critical importance to present and future residents of the City. Agriculture has been and remains a major contributor to the economy of the City and County of Stanislaus, directly and indirectly creating employment for many people and generating substantial revenues for the City and the County of Stanislaus.

2. In particular, the City and surrounding area, with its alluvial plain topography, excellent climate and prime agricultural soils, is located in the heart of one of the finest agricultural regions in the world. Vegetable, nut and dairy production from the County of Stanislaus and adjacent to the City continue to enhance the City's, and County's, economy and reputation.

3. Continued urban encroachment into agricultural, open space or watershed areas may impair agriculture and threaten the public health, safety and welfare by causing increased traffic congestion, associated air pollution, not only for the City but for its jurisdictional neighbors. Such urban encroachment may eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban, agricultural and open space uses.

4. The unique character of the City and quality of life of City residents depend on the protection of a substantial amount of open space, rural and agricultural lands particularly outside of City's Sphere of Influence. The protection of such lands not only ensures the continued viability of agriculture, but also protects the available water supply to surrounding communities and contributes to the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources. As importantly, adopting a UGB around the City would promote the formation and continuation of a cohesive community by defining the boundaries and by helping to prevent urban sprawl. Such an UGB would promote efficient municipal services and facilities by confining urban development to defined development areas.

5. This measure ensures that the important Goals and Policies of the General Plan are inviolable against transitory short-term political decisions and that agricultural, watershed and open space lands are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate and a vote of the people. Accordingly, the ordinance requires that until December 31, 2040, the City of Newman shall restrict the provision of urban services, or creation of urban uses, other than in certain circumstances and

according to specific procedures set forth in this measure, within the UGB created by this ordinance generally using the location of the Sphere of Influence Line established by the Local Agency Formation Commission as a reference for locating the UGB. The UGB line shall be coterminous with the Sphere of Influence line established by the Local Agency Formation Commission for the City of Newman, as it exists as of January 1, 2014.

6. Although established in the same location as the Sphere of Influence line as it exists as of January 1, 2014, the UGB is not intended to and shall in no way inhibit the Local Agency Formation Commission from changing or altering the Sphere of Influence line in accordance with state law. The two lines, although coincidentally coterminous as of one point in time are independent one from the other in legal significance and purpose. While the Sphere of Influence line may be altered by the Local Agency Formation Commission in accordance with the provisions of state law, the UGB is a local land use policy of the City and shall not be changed except as herein provided.

Section 5.29.103. General Plan Amendment: Changes in Boundary

This ordinance hereby amends the Newman General Plan by adding the following as Chapter 9 to the Community Design Element of the General Plan:

NEWMAN CITY URBAN GROWTH BOUNDARY

Introduction.

The electorate of the City of Newman have adopted a UGB line denominated the City of Newman UGB (Newman UGB). Its purpose, principals, implementation procedures, and methodologies for amendment are set forth in this General Plan Amendment.

A. Purpose.

1. The City of Newman and surrounding area, with its alluvial plain topography, excellent climate and prime agricultural soils, is located in the heart of one of the finest agricultural regions in the world. Vegetable, nut, and dairy production from the County of Stanislaus and adjacent to the City continue to enhance the City's, and County's, economy and reputation.

2. The purpose of this amendment is to ensure that the preservation of agricultural production, open space, and protection of environmentally sensitive habitat are inviolable against transitory short-term political decisions and that agricultural, viewshed, watershed, and open space lands are not prematurely or unnecessarily converted to other non-agricultural or non-open space uses without public debate and a vote of the people.

3. As importantly, limiting urban sprawl through the use of an UGB enhances the sense of community, allows for development unique to the City of Newman and promotes the efficient use of the City's infrastructure.

B. Principals.

1. Continued urban encroachment into open space, watershed, watershed and agricultural areas negatively impacts sensitive environmental areas, intrudes on open space irrevocably changing its utility, diminishes the quality of life and threatens the public health, safety and welfare by causing increased traffic congestion, associated air pollution, and causing potentially serious water problems, such as pollution, depletion, and sedimentation of available water resources not only for the City of Newman but for its jurisdictional neighbors. Such urban encroachment may eventually result in both the unnecessary, expensive extension of public services and facilities and inevitable conflicts between urban and Open Space/ Agricultural uses.

2. The unique character of the City of Newman, and quality of life of City residents, depend on the protection of a substantial amount of open space, watershed, and watershed. The protection of such lands through the implementation of this measure not only ensures the continued viability of agriculture, but also protects the available water supply and contributes to flood control and the protection of wildlife, environmentally sensitive areas, and irreplaceable natural resources.

C. Implementation.

1. The City of Newman hereby establishes the Newman Urban Growth Boundary (Newman UGB). The Newman UGB is established coterminous with the Sphere of Influence line established by the Local Agency Formation Commission for the City of Newman, as it exists as of January 1, 2014.

2. Until December 31, 2040, the City of Newman shall restrict urban services (except temporary mutual assistance with other jurisdictions) and urbanized uses of land to within the Newman UGB, except as provided herein and except for the purpose of completing roadways designated in the circulation element of the Newman General Plan as of January 1, 2014, construction of public potable water facilities, public schools, public parks or other government facilities. Other than the exceptions provided for herein, upon the effective date of this UGB General Plan amendment, the City and its departments, boards, commissions, officers and employees shall not grant, or by inaction allow to be approved by operation of law, any general plan amendment, rezoning, specific plan, subdivision map, conditional use permit, building permit or any other ministerial or discretionary entitlement, which is inconsistent with the purposes of this General Plan amendment, unless in accordance with the Amendment Procedures of Section D of this General Plan Amendment.

3. "Urbanized uses of land" shall mean any development which would require the establishment of new community sewer and/or water systems or the significant expansion of existing community sewer and/or water systems; or, would result in the creation of residential densities greater than one primary

residential unit per 10 acres in area; or, would result in the establishment of commercial or industrial uses which are neither agriculturally-related nor related to the production of mineral resources.

4. The City of Newman LAND USE DESIGNATIONS Map, figure LU3 to the Land Use Element is amended to reflect the existence of the Newman UGB which is coterminous with the Sphere of Influence line as it exists as of January 1, 2014.

5. The UGB, as defined herein may not be amended, altered, revoked or otherwise changed prior to December 31, 2040, except by vote of the people or by the City Council pursuant to the procedures set forth in Section D of this General Plan Amendment.

D. Amendment Procedures.

1. Until December 31, 2040, the foregoing Purposes, Principles and Implementation provisions of this General Plan amendment, and the UGB may be amended only by a vote of the people or pursuant to one of the following methods:

a) The City Council may, by a majority vote, amend the UGB described herein for non-residential uses if it deems it to be in the public interest, provided that the amended boundary is adjacent to the UGB established by this General Plan amendment; or

b) The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend, by majority vote, the UGB as described herein to comply with General Plan Goal LU-6 'Provide adequate land for and promote development of employment uses that create high quality jobs and enhance the economy of Newman. Such amendment may be adopted only if the City Council makes each of the following findings:

i) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the UGB has provided to the City evidence that the Fire Department, Police Department, and Department of Public Works with jurisdiction over such land have adequate capacity to accommodate the proposed development and provide it with adequate public services; and

ii) That inventory of undeveloped commercial, business park, and/or industrial designated land within the UGB has reached a level of less than 100 acres. At this point, the City would be placed at an economic disadvantage when trying to recruit existing businesses to expand and/or attract new businesses to relocate to

the community; and

iii) That it is not reasonably feasible to accommodate the proposed development by redesigning lands within the UGB due to size, shape and/or location; or

c) The City Council, following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend, by majority vote, the UGB described herein to comply with state law regarding the provision of housing for all economic segments of the community. The City Council may amend the UGB as described herein in order to accommodate lands to be designated for residential uses, provided that no more land may be brought within the UGB as required for compliance with State law for this purpose. Such amendment may be adopted only if the City Council makes each of the following findings:

i) The land is immediately adjacent to existing compatibly developed areas and the applicant for the inclusion of land within the UGB has provided to the City evidence that the Fire Department, Police Department, Department of Public Works, the Community Services Department, applicable water and sewer districts, and the School District with jurisdiction over such land have adequate capacity to accommodate the proposed development and provide it with adequate public services; and

ii) That the proposed development will address the highest priority need identified in the analysis by which the City has determined it is not in compliance with State Law, i.e., low and very low income housing; and

iii) That there is no existing residentially designated land available within the UGB to accommodate the proposed development; and

iv) That it is not reasonably feasible to accommodate the proposed development by redesignating lands within the UGB; or

d) The City Council following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may amend, by majority vote, the UGB described herein, based on substantial evidence in the record, if the City Council makes each of the following findings:

i) Application of the provisions of subsections a, b or c of these amendment procedures are unworkable and failure to amend the UGB would constitute an unconstitutional taking of a landowner's property for which compensation would be required or

would deprive the landowner of a vested right; and

ii) The amendment and associated land use designations will allow additional land uses only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property or to give effect to the vested right; or

e) The City Council following at least one public hearing for presentations by an applicant and the public, and after compliance with the California Environmental Quality Act, may place any amendment to the UGB or the provisions of this ordinance on the ballot pursuant to the mechanisms provided by State Law; or

f) The General Plan may be reorganized and individual provisions, including the provisions of this ordinance, may be renumbered or reordered in the course of ongoing updates of the General Plan in accordance with the requirements of state law.

Section 5.29.104. Exemptions.

The provisions of this Article do not apply to any roadways designated in the circulation element of the Newman General Plan as of January 1, 2014, construction of public potable water facilities, public schools, public parks or other government facilities, nor to any development project that has obtained as of the effective date of this ordinance a vested right pursuant to state or local law.

Section 5.29.105. Insertion Date.

A. Upon the effective date of this ordinance, the General Plan is effectively amended to incorporate the terms of this ordinance; except, that if the four amendments of the mandatory elements of the general plan permitted by state law for any given calendar year have already been utilized in 2014, prior to the effective date of this ordinance, this General Plan amendment shall be deemed inserted into the City's General Plan on January 1, 2015.

B. The City of Newman General Plan in effect when the ordinance was adopted and that General Plan as amended by this measure, comprise an integrated, internally consistent and compatible statement of policies for the City. In order to ensure that the City of Newman General Plan remains an integrated, internally consistent and compatible statement of policies for the City, as required by state law, and to ensure that the actions of the voters in enacting this ordinance are given effect, any provision of the General Plan that is adopted between the Council submittal date to be placed on the ballot and the date that this ordinance is deemed inserted into the General Plan, shall, to the extent that such interim-enacted provision is inconsistent with the General Plan provisions adopted by Section 5.29.103 of this ordinance, that interim-enacted provision shall be amended as soon as possible and in the manner and time required by State law to ensure consistency between the provisions adopted by this ordinance and other elements of the City's General Plan. In the alternative, such interim-enacted inconsistent

provision shall be disregarded and of no validity or effect.

Section 5.29.106. Severability.

This ordinance shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this ordinance is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The voters hereby declare that this ordinance, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this ordinance is declared invalid as applied to any person or circumstance, such invalidity shall not affect any application of this ordinance that can be given effect without the invalid application. This ordinance shall be broadly construed in order to achieve the purposes stated in this ordinance. It is the intent of the voters that the provisions of this ordinance shall be interpreted by the City and others in a manner that facilitates the confinement of urban uses within the City's UGB thereby protecting agricultural, open space and rural lands, and preventing urban sprawl.

Section 5.29.107. Amendment or Repeal.

Except as otherwise provided herein, this ordinance may be amended or repealed only by the voters of the City of Newman at an election held in accordance with state law.

Section 5.29.108. Competing Measures.

In the event there are competing measures on the same ballot with this measure that purport to address the same subject matter of this measure, the following rules shall apply: If more than one such measure passes, both measures shall go into effect except to the extent that particular provisions of one measure are in direct, irreconcilable conflict with particular provisions of another measure. In that event, as to those conflicting provisions only, the provisions of the measure which received the most votes shall prevail.