



**AGENDA**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING JULY 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. Employee Recognition.
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 June 24, 2014 Meeting. ([View Minutes](#))
  - d. Authorize The City Manager To Execute A Contract With The Westside Niners For Use Of Barrington Park As A Practice Facility. ([View Report](#))
9. **Public Hearings.**
10. **Regular Business**
  - a. Report On Title 3, Business Regulations, Chapter 3.03 Peddlers and Solicitors. ([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**

July 4 - Independence Day Holiday - City Offices Closed.

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

July 10 - Recreation Commission - Cancelled.

July 17 - Planning Commission - Cancelled.

July 19 - Outdoor Movie Night - *Despicable Me 2* - Sherman Park - 8:00 P.M.

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



# ACH Register for Council June 24, 2014

Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
SJVA	10-00-2260	\$ 17,772.56	6/24/2014	ACH	Health insurance premium/July 2014



## Manual Check Register

### June 30, 2014

Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
BUSINESS CARD	10-21-6635	\$ 685.00	105706	6/30/2014	Membership dues for CPCA-Richardson & Short/IACP for Richardson
BUSINESS CARD	10-45-6740	\$ 243.94	105706	6/30/2014	Mat/various games for playstation/teen center
BUSINESS CARD	10-45-6724	\$ 1,093.00	105706	6/30/2014	Movie rental/supplies for snack bar for Movie Night
BUSINESS CARD	10-21-6300	\$ 207.25	105706	6/30/2014	ScheduleBase3 stylus pens/table/batteries
BUSINESS CARD	10-21-6620	\$ 416.94	105706	6/30/2014	Supplies for community BBQ
BUSINESS CARD	10-21-6530	\$ 24.00	105706	6/30/2014	Car washes/PD
BUSINESS CARD	10-21-6690	\$ 89.02	105706	6/30/2014	Meals/PD
BUSINESS CARD	10-21-6630	\$ 64.55	105706	6/30/2014	Meals/PD
BUSINESS CARD	60-50-6530	\$ 7.00	105706	6/30/2014	Car wash
BUSINESS CARD	10-03-6200	\$ 59.95	105706	6/30/2014	Vimeo Plus membership
BUSINESS CARD	10-45-6739	\$ 26.89	105706	6/30/2014	Supplies for teen center snack bar
		<b>\$ 2,917.54</b>		<b>6/30/2014 Total</b>	
CALIF DEPT OF PUBLIC HEAL	63-56-6635	\$ 100.00	105704	6/24/2014	Grade D3 examination fee/G. Stonebarger
CALIF DEPT OF PUBLIC HEAL	63-56-6635	\$ 100.00	105705	6/24/2014	Grade D3 examination fee/C. Cantu
CALIF DEPT OF PUBLIC HEAL	63-56-6635	\$ 60.00	105707	6/24/2014	Grade D2 certification renewal fee/C. Cantu
		<b>\$ 260.00</b>		<b>6/24/2014 Total</b>	
EDWARDS, LIEN & TOSO, INC	60-50-7405	\$ 2,000.00	105703	6/23/2014	Retainer for appraisal services for 200 acres/McPike #2 Lucas
		<b>\$ 2,000.00</b>		<b>6/23/2014 Total</b>	
		<b>\$ 5,177.54</b>		<b>Grand Total</b>	



## AP Check Register

### July 3, 2014

Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
ABBOTT & KINDERMANN, LLP	10-15-6200	\$ 1,754.53	6/30/2014	105709	Professional services rendered thru 6/20/14/Sherman Ranch
		<b>\$ 1,754.53</b>		<b>105709 Total</b>	
A Plus Plumbing	10-07-6200	\$ 1,095.00	6/30/2014	105710	Parts & labor to repair line/strapping & replace toilets @ schoo
		<b>\$ 1,095.00</b>		<b>105710 Total</b>	
Atkinson, Andelson, Loya, Ruud and Romo	10-15-6200	\$ 8,050.00	6/30/2014	105711	Professional services rendered thru 5/31/14
		<b>\$ 8,050.00</b>		<b>105711 Total</b>	
AT&T MOBILITY	10-21-6420	\$ 404.94	6/30/2014	105712	Mobile access units in patrol cars 5/3/14 to 6/2/14
		<b>\$ 404.94</b>		<b>105712 Total</b>	
AT&T	10-21-6420	\$ 336.23	6/30/2014	105713	T1 line @ PD 5/20/14 to 6/19/14
AT&T	10-21-6420	\$ 136.53	6/30/2014	105713	Emergency dispatch line @ PD 5/20/14 to 6/19/14
		<b>\$ 472.76</b>		<b>105713 Total</b>	
BERTOLOTTI DISPOSAL	10-41-6200	\$ 60,100.66	6/30/2014	105714	Garbage service for June 2014
		<b>\$ 60,100.66</b>		<b>105714 Total</b>	
Best Electric	10-00-5310	\$ 57.00	6/30/2014	105715	Refund of Building permit # 2014-135/cancelled permit
		<b>\$ 57.00</b>		<b>105715 Total</b>	
B G AUTO	62-60-6225	\$ 2.49	6/30/2014	105716	Hex C/hex nuts/washers
		<b>\$ 2.49</b>		<b>105716 Total</b>	
BONANDER PONTIAC, INC	10-33-6530	\$ 1,517.51	6/30/2014	105717	Replaced fuel solenoid/camshaft control assembly/battery and oil
		<b>\$ 1,517.51</b>		<b>105717 Total</b>	
CALIF DEPT OF PUBLIC HEAL	63-56-6635	\$ 65.00	6/30/2014	105718	Grade 2 application for water treatment operator/Rocha
		<b>\$ 65.00</b>		<b>105718 Total</b>	
CALIF DEPT OF PUBLIC HEAL	63-56-6635	\$ 65.00	6/30/2014	105719	Grade 2 application for water treatment operator/Stonebarger
		<b>\$ 65.00</b>		<b>105719 Total</b>	
CALIF DEPT OF PUBLIC HEAL	63-56-6690	\$ 55.00	6/30/2014	105718	Certification fee for Grade 1 Water treatment opr/Rocha
		<b>\$ 55.00</b>		<b>105718 Total</b>	
CALIF DEPT OF PUBLIC HEAL	63-56-6690	\$ 55.00	6/30/2014	105719	Certification fee for Grade 1 Water treatment opr/Stonebarger
		<b>\$ 55.00</b>		<b>105719 Total</b>	
Candy Cane Inn	10-21-6695	\$ 603.72	6/30/2014	105720	Hotel lodging/training/Villalobos
		<b>\$ 603.72</b>		<b>105720 Total</b>	
CARTER JEFF	68-68-7722	\$ 100.00	7/2/2014	105721	Parking lot rent/July 2014
		<b>\$ 100.00</b>		<b>105721 Total</b>	
CBA (CALIFORNIA BENEFITS)	10-00-1110	\$ 8,500.00	7/2/2014	105722	Pre-paid dental-vision deposit
		<b>\$ 8,500.00</b>		<b>105722 Total</b>	
CENTRAL SANITARY SUPPLY	10-44-6660	\$ 306.69	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-44-6670	\$ 153.35	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-07-6300	\$ 76.67	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-21-6300	\$ 76.67	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-07-6665	\$ 38.34	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-22-6300	\$ 38.34	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-44-6300	\$ 38.33	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-46-6300	\$ 38.34	6/30/2014	105723	



## AP Check Register

### July 3, 2014

Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
CENTRAL SANITARY SUPPLY	10-44-6660	\$ 334.20	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-44-6670	\$ 167.09	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-07-6300	\$ 83.55	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-21-6300	\$ 83.55	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-07-6665	\$ 41.78	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-22-6300	\$ 41.77	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-44-6300	\$ 41.78	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-46-6300	\$ 41.77	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-44-6660	\$ 12.62	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-44-6670	\$ 6.30	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-07-6300	\$ 3.16	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-21-6300	\$ 3.15	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-07-6665	\$ 1.58	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-22-6300	\$ 1.58	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-44-6300	\$ 1.57	6/30/2014	105723	
CENTRAL SANITARY SUPPLY	10-46-6300	\$ 1.58	6/30/2014	105723	
		<b>\$ 1,633.76</b>		<b>105723 Total</b>	
City National Bank	63-56-8130	\$ 40,602.00	7/2/2014	105724	Refinancing of 1982 water revenue bonds/Principal
City National Bank	63-56-8125	\$ 7,111.55	7/2/2014	105724	Refinancing of 1982 water revenue bonds/Interest
		<b>\$ 47,713.55</b>		<b>105724 Total</b>	
City of Turlock	10-15-6200	\$ 1,000.00	6/30/2014	105725	Legal services for April 2014
City of Turlock	10-15-6200	\$ 1,000.00	6/30/2014	105725	Legal services for May 2014
		<b>\$ 2,000.00</b>		<b>105725 Total</b>	
CITY OF MODESTO	10-21-6200	\$ 8,990.00	6/30/2014	105726	SDEA Contribution for 2nd half of fiscal year 14
		<b>\$ 8,990.00</b>		<b>105726 Total</b>	
COELHO CARL J. (CHUCK)	10-22-6690	\$ 50.00	7/2/2014	105727	Monthly Fire Stipend/July 2014
		<b>\$ 50.00</b>		<b>105727 Total</b>	
COMCAST CABLE	60-50-6200	\$ 40.12	6/30/2014	105728	High speed internet/sewer/6/22/14 to 7/21/14
COMCAST CABLE	63-56-6200	\$ 40.12	6/30/2014	105728	High speed internet/water/6/22/14 to 7/21/14
COMCAST CABLE	10-21-6200	\$ 40.12	6/30/2014	105728	High speed internet/PD/6/22/14 to 7/21/14
		<b>\$ 120.36</b>		<b>105728 Total</b>	
CROP PRODUCTION SERVICES	60-50-6230	\$ 455.41	6/30/2014	105729	4 gals Permethrin/1 gal Acidiphactant/WWTP
		<b>\$ 455.41</b>		<b>105729 Total</b>	
Escatel Raul	10-00-2840	\$ 200.00	6/30/2014	105730	Refund Memorial Bldg deposit/Escatel
		<b>\$ 200.00</b>		<b>105730 Total</b>	
FERGUSON ENTERPRISES, INC	63-56-6300	\$ 1,397.79	6/30/2014	105731	Repair clamps/bolts/pvc pipe/water dept
FERGUSON ENTERPRISES, INC	63-56-6300	\$ 314.84	6/30/2014	105731	Repair clamps/pvc pipe/water dept
FERGUSON ENTERPRISES, INC	63-56-6300	\$ 233.55	6/30/2014	105731	Repair clamps/water dept
FERGUSON ENTERPRISES, INC	63-56-6300	\$ 104.93	6/30/2014	105731	4 end caps/water dept
		<b>\$ 2,051.11</b>		<b>105731 Total</b>	
Gause Sophia	10-45-6722	\$ 150.00	6/30/2014	105732	Basketball camp coach/Gause
		<b>\$ 150.00</b>		<b>105732 Total</b>	



## AP Check Register

### July 3, 2014

Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
GEORGE W. LOWRY, INC	60-50-6300	\$ 581.44	6/30/2014	105733	55 gallon drum hydraulic oil/WWTP
GEORGE W. LOWRY, INC	60-50-6500	\$ 1,289.17	6/30/2014	105733	330 gallons unleaded gas/WWTP
		<b>\$ 1,870.61</b>		<b>105733 Total</b>	
HD Supply Waterworks, Nationwide	63-56-6300	\$ 421.80	6/30/2014	105734	4" Ultra flex coupling/end caps/galv plug head
		<b>\$ 421.80</b>		<b>105734 Total</b>	
HUB INTERNATIONAL OF CA I	10-00-2845	\$ 288.08	6/30/2014	105735	Liability insurance payable/June 2014
		<b>\$ 288.08</b>		<b>105735 Total</b>	
Hunt Christopher	10-45-6722	\$ 150.00	6/30/2014	105736	Basketball camp coach/Hunt
		<b>\$ 150.00</b>		<b>105736 Total</b>	
Independent Stationers	10-14-6300	\$ 10.93	6/30/2014	105737	Highlighters/air freshener
Independent Stationers	60-50-6300	\$ 10.93	6/30/2014	105737	Highlighters/air freshener
Independent Stationers	63-56-6300	\$ 10.93	6/30/2014	105737	Highlighters/air freshener
Independent Stationers	10-14-6300	\$ 5.17	6/30/2014	105737	High-yield ink/1 ream perforated paper
Independent Stationers	60-50-6300	\$ 5.17	6/30/2014	105737	High-yield ink/1 ream perforated paper
Independent Stationers	63-56-6300	\$ 5.18	6/30/2014	105737	High-yield ink/1 ream perforated paper
Independent Stationers	10-45-6300	\$ 37.75	6/30/2014	105737	High-yield ink/1 ream perforated paper
Independent Stationers	10-45-6300	\$ 45.87	6/30/2014	105737	Colored paper/3 receipt books
Independent Stationers	10-14-6300	\$ 9.37	6/30/2014	105737	Colored paper/3 receipt books
Independent Stationers	60-50-6300	\$ 9.37	6/30/2014	105737	Colored paper/3 receipt books
Independent Stationers	63-56-6300	\$ 9.38	6/30/2014	105737	Colored paper/3 receipt books
		<b>\$ 160.05</b>		<b>105737 Total</b>	
IN-SYNCH SYSTEMS	10-21-6200	\$ 1,020.00	7/2/2014	105738	Monthly RMS subscription/August 2014
		<b>\$ 1,020.00</b>		<b>105738 Total</b>	
JOE'S LANDSCAPING & CONCR	10-33-6300	\$ 46.28	6/30/2014	105739	Wonder Gro top soil
JOE'S LANDSCAPING & CONCR	10-33-6300	\$ 86.10	6/30/2014	105739	4 Dietes
JOE'S LANDSCAPING & CONCR	24-32-7727	\$ 82.87	6/30/2014	105739	Gray granite fines/street repairs
JOE'S LANDSCAPING & CONCR	10-33-6300	\$ 451.90	6/30/2014	105739	12 Dietes Begeta
JOE'S LANDSCAPING & CONCR	10-21-6270	\$ 275.00	6/30/2014	105739	Weed abatement @ 1002 Blue Bonnet Drive
JOE'S LANDSCAPING & CONCR	24-32-7727	\$ 149.60	6/30/2014	105739	1/2 yard concrete for Merced St sidewalk repairs
JOE'S LANDSCAPING & CONCR	69-47-6200	\$ 9,350.00	6/30/2014	105739	Landscape services for the Lighting & Landscape District June 14
		<b>\$ 10,441.75</b>		<b>105739 Total</b>	
KAISER PERMANENTE	10-00-2260	\$ 3,256.27	7/2/2014	105740	Health insurance premium/August 2014
		<b>\$ 3,256.27</b>		<b>105740 Total</b>	
Livak Bob	60-50-6230	\$ 3,500.00	6/30/2014	105741	Swathing and raking of 140 acres of oats/WWTP
		<b>\$ 3,500.00</b>		<b>105741 Total</b>	
NBS	69-47-6200	\$ 2,374.90	7/2/2014	105742	Qrtly administration fees Jul 1,2014 to Sept 30, 2014/LLD
		<b>\$ 2,374.90</b>		<b>105742 Total</b>	
NEWMAN SMOG AND LUBE	60-50-6530	\$ 850.15	6/30/2014	105743	Replaced fuel pump on 2007-1 pickup/WWTP
NEWMAN SMOG AND LUBE	10-21-6530	\$ 117.69	6/30/2014	105743	Oil and filter change/tire rotation/2010 Dodge/PD
NEWMAN SMOG AND LUBE	10-21-6530	\$ 517.87	6/30/2014	105743	2 Front tension struts installed/09 Dodge charger
NEWMAN SMOG AND LUBE	10-21-6530	\$ 43.75	6/30/2014	105743	Oil and filter change/13 Dodge Charger
		<b>\$ 1,529.46</b>		<b>105743 Total</b>	



## AP Check Register

### July 3, 2014

Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
NEWMAN ACE HARDWARE/JACT,	10-44-6300	\$ 80.07	6/30/2014	105744	Cell phone holder/bushing/paint/gloves/spreader/tape
NEWMAN ACE HARDWARE/JACT,	69-47-6300	\$ 105.68	6/30/2014	105744	Graffiti remover/spraypaint/paint rollers & tray
NEWMAN ACE HARDWARE/JACT,	10-07-6665	\$ 69.73	6/30/2014	105744	Air filter/sprinklers/flour bulbs
NEWMAN ACE HARDWARE/JACT,	10-07-6300	\$ 79.80	6/30/2014	105744	Dowel/air filters/pop-up sprinkler/misc fastners
NEWMAN ACE HARDWARE/JACT,	10-33-6300	\$ 587.01	6/30/2014	105744	hose clamp/chainsaw chain/20" chainsaw/pik stick/paint
NEWMAN ACE HARDWARE/JACT,	63-56-6300	\$ 64.07	6/30/2014	105744	Pliers/barracade tape/mini tubing
NEWMAN ACE HARDWARE/JACT,	10-46-6300	\$ 2.45	6/30/2014	105744	PVC cap/adapter
NEWMAN ACE HARDWARE/JACT,	10-21-6308	\$ 47.50	6/30/2014	105744	Master key/bleach and sprayer/double impact snake
NEWMAN ACE HARDWARE/JACT,	64-56-7505	\$ 24.35	6/30/2014	105744	Latex paint/camofl paint
NEWMAN ACE HARDWARE/JACT,	61-55-7505	\$ 21.62	6/30/2014	105744	Latex paint/camofl paint
NEWMAN ACE HARDWARE/JACT,	10-46-6300	\$ 8.60	6/30/2014	105744	Stihl cycle oil
NEWMAN ACE HARDWARE/JACT,	10-21-6300	\$ 61.32	6/30/2014	105744	5/8" hose/PD
NEWMAN ACE HARDWARE/JACT,	10-22-6300	\$ 19.34	6/30/2014	105744	Lime-rust remover
		<b>\$ 1,171.54</b>		<b>105744 Total</b>	
Nino's Auto Repair	63-56-6530	\$ 24.66	6/30/2014	105745	One flat repaired/tire rotation/09 Honda Civic
Nino's Auto Repair	60-50-6530	\$ 24.66	6/30/2014	105745	One flat repaired/tire rotation/09 Honda Civic
		<b>\$ 49.32</b>		<b>105745 Total</b>	
NORMAC, INC.	69-47-6300	\$ 404.89	6/30/2014	105746	18 falcon rotors/6 falcon rotors
NORMAC, INC.	10-44-6300	\$ 134.96	6/30/2014	105746	18 falcon rotors/6 falcon rotors
NORMAC, INC.	69-47-6300	\$ 38.78	6/30/2014	105746	1 Toro solenoid
		<b>\$ 578.63</b>		<b>105746 Total</b>	
Otis Elevator Company	10-07-6200	\$ 562.59	7/2/2014	105747	Elevator service contract 7/1/14 to 9/30/14
		<b>\$ 562.59</b>		<b>105747 Total</b>	
CITY OF PATTERSON	10-22-6200	\$ 250.00	6/30/2014	105748	Data entry/fire dept/April 2014
		<b>\$ 250.00</b>		<b>105748 Total</b>	
Tank Town Media LLC	10-21-6600	\$ 139.38	6/30/2014	105749	Employment ad/community service officer
		<b>\$ 139.38</b>		<b>105749 Total</b>	
P G & E	10-07-6410	\$ 2,110.15	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	10-22-6410	\$ 482.58	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	10-33-6410	\$ 4,962.83	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	10-44-6410	\$ 701.48	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	10-45-6410	\$ 493.16	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	10-46-6410	\$ 532.80	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	10-44-6660	\$ 1,269.78	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	10-07-6665	\$ 76.83	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	10-44-6670	\$ 392.85	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	60-50-6410	\$ 28,154.13	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	62-60-6411	\$ 342.85	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	62-60-6412	\$ 1,513.62	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	63-56-6410	\$ 26,639.27	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	69-47-6410	\$ 3,281.20	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
P G & E	73-70-6651	\$ 374.58	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14



## AP Check Register

### July 3, 2014

Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
P G & E	73-70-6672	\$ 778.33	7/2/2014	105750	Gas and electric usage 5-16-14 to 6-16-14
		<b>\$ 72,106.44</b>		<b>105750 Total</b>	
PIONEER DRUG	42-36-7751	\$ 9.62	6/30/2014	105751	Binders for FEMA application
PIONEER DRUG	10-33-6300	\$ 13.87	6/30/2014	105751	First aid kit
		<b>\$ 23.49</b>		<b>105751 Total</b>	
PITNEY BOWES, Inc	10-14-6330	\$ 41.98	6/30/2014	105752	Postage meter rental invoice 4/1/14 to 6/30/14
PITNEY BOWES, Inc	60-50-6330	\$ 41.98	6/30/2014	105752	Postage meter rental invoice 4/1/14 to 6/30/14
PITNEY BOWES, Inc	63-56-6330	\$ 41.97	6/30/2014	105752	Postage meter rental invoice 4/1/14 to 6/30/14
		<b>\$ 125.93</b>		<b>105752 Total</b>	
Port of Stockton	42-36-6635	\$ 100.00	7/2/2014	105753	San Joaquin Valley Storm Water Quality dues 7/14 to 6/15
		<b>\$ 100.00</b>		<b>105753 Total</b>	
PROFORCE LAW ENFORCEMENT	10-21-6300	\$ 4,279.25	6/30/2014	105754	Amunition/PD
		<b>\$ 4,279.25</b>		<b>105754 Total</b>	
RALEY'S IN STORE CHARGE	10-46-6300	\$ 10.16	6/30/2014	105755	Spoons/foam cups/corp yard
RALEY'S IN STORE CHARGE	10-01-6620	\$ 58.42	6/30/2014	105755	Supplies for city softball game
RALEY'S IN STORE CHARGE	10-46-6300	\$ 12.16	6/30/2014	105755	Sugar/coffee mate/sweetner/corp yard
RALEY'S IN STORE CHARGE	61-55-7505	\$ 105.42	6/30/2014	105755	Supplies for break room housewarming @ corp yard
RALEY'S IN STORE CHARGE	64-56-7505	\$ 105.41	6/30/2014	105755	Supplies for break room housewarming @ corp yard
		<b>\$ 291.57</b>		<b>105755 Total</b>	
ROCHA BACKHOE SERVICE, IN	63-56-6300	\$ 405.00	6/30/2014	105756	12.45 tons gravel/12.66 tons sand/2 hrs trucking
ROCHA BACKHOE SERVICE, IN	10-33-6300	\$ 135.00	6/30/2014	105756	12.45 tons gravel/12.66 tons sand/2 hrs trucking
		<b>\$ 540.00</b>		<b>105756 Total</b>	
ROCHA RORY	63-56-6635	\$ 17.00	6/30/2014	105757	Tuition reimbursement/R. Rocha
		<b>\$ 17.00</b>		<b>105757 Total</b>	
SAN JOAQUIN VALLEY AIR	10-21-6200	\$ 80.00	7/2/2014	105758	14/15 Annual Permit to operate generator @ PD
SAN JOAQUIN VALLEY AIR	63-56-6675	\$ 240.00	7/2/2014	105758	14/15 Annual Permit to operate generator @ well 6
SAN JOAQUIN VALLEY AIR	62-60-6200	\$ 479.00	7/2/2014	105758	14/15 Annual Permit to operate generator @ canal school lift sta
		<b>\$ 799.00</b>		<b>105758 Total</b>	
STANISLAUS COUNTY AGRICUL	60-50-6300	\$ 400.06	6/30/2014	105759	Rodent bait/WWTP
		<b>\$ 400.06</b>		<b>105759 Total</b>	
Stat-X General Engineering, Inc.	20-32-7780	\$ 3,762.87	6/30/2014	105760	Retention payment on 2014 CDBG Tulare Street improvements
		<b>\$ 3,762.87</b>		<b>105760 Total</b>	
Stanislaus County Auditor-Controller	10-01-6635	\$ 3,480.32	7/2/2014	105761	LAFCO annual fees/FY 2014-2015
		<b>\$ 3,480.32</b>		<b>105761 Total</b>	
STANISLAUS COUNTY FIRE CH ATT: Erik Klevmyr	10-22-6690	\$ 100.00	7/2/2014	105762	2014-2015 Fire Chief's Association dues
		<b>\$ 100.00</b>		<b>105762 Total</b>	
STAPLES ADVANTAGE	10-14-6300	\$ 3.86	6/30/2014	105763	Pen refills
STAPLES ADVANTAGE	60-50-6300	\$ 3.85	6/30/2014	105763	Pen refills
STAPLES ADVANTAGE	63-56-6300	\$ 3.85	6/30/2014	105763	Pen refills
STAPLES ADVANTAGE	10-14-6300	\$ 19.30	6/30/2014	105763	Brother ink ribbon/hanging folders/pen refills/paper
STAPLES ADVANTAGE	60-50-6300	\$ 19.30	6/30/2014	105763	Brother ink ribbon/hanging folders/pen refills/paper



## AP Check Register

### July 3, 2014

Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
STAPLES ADVANTAGE	63-56-6300	\$ 19.31	6/30/2014	105763	Brother ink ribbon/hanging folders/pen refills/paper
		<b>\$ 69.47</b>		<b>105763 Total</b>	
STANTEC CONSULTING SERVICE, Inc	64-56-6201	\$ 2,018.67	6/30/2014	105764	Professional services rendered thru 5/16/14/Predesign of well
STANTEC CONSULTING SERVICE, Inc	60-50-6200	\$ 277.50	6/30/2014	105764	Professional services/Wastewater on-call thru 5/16/14
		<b>\$ 2,296.17</b>		<b>105764 Total</b>	
SUN VALLEY PORTABLES	69-47-6200	\$ 155.73	6/30/2014	105765	Portable restroom rental-service/June 2014
		<b>\$ 155.73</b>		<b>105765 Total</b>	
Taser International	71-21-7105	\$ 921.22	6/30/2014	105766	X26E USB Dataport download kit/PD
		<b>\$ 921.22</b>		<b>105766 Total</b>	
TEL STAR INSTRUMENTS, INC	60-50-6200	\$ 1,525.00	6/30/2014	105767	2014 Annual calibrations/WWTP
		<b>\$ 1,525.00</b>		<b>105767 Total</b>	
T.H.E. OFFICE CITY	10-14-6300	\$ 4.87	6/30/2014	105768	1 ream red paper
T.H.E. OFFICE CITY	60-50-6300	\$ 4.88	6/30/2014	105768	1 ream red paper
T.H.E. OFFICE CITY	63-56-6300	\$ 4.88	6/30/2014	105768	1 ream red paper
T.H.E. OFFICE CITY	10-45-6300	\$ 13.44	6/30/2014	105768	colored paper/rec dept
T.H.E. OFFICE CITY	10-45-6300	\$ 4.08	6/30/2014	105768	"Hello My Name" badges
T.H.E. OFFICE CITY	42-36-7751	\$ 32.89	6/30/2014	105768	Binders for FEMA application
T.H.E. OFFICE CITY	10-14-6300	\$ 4.85	6/30/2014	105768	File folders/paper clips
T.H.E. OFFICE CITY	60-50-6300	\$ 4.85	6/30/2014	105768	File folders/paper clips
T.H.E. OFFICE CITY	63-56-6300	\$ 4.86	6/30/2014	105768	File folders/paper clips
T.H.E. OFFICE CITY	10-45-6300	\$ 61.98	6/30/2014	105768	3 pak combo Brother ink/rec dept
		<b>\$ 141.58</b>		<b>105768 Total</b>	
Torres Mirna	10-00-2840	\$ 200.00	6/30/2014	105769	Refund Memorial Bldg deposit/Torres
		<b>\$ 200.00</b>		<b>105769 Total</b>	
LOPES JR. FRANK	63-00-2010	\$ 10.81	6/30/2014	105770	Refund Check
		<b>\$ 10.81</b>		<b>105770 Total</b>	
MANNING DYLAN	63-00-2010	\$ 23.69	6/30/2014	105771	Refund Check
		<b>\$ 23.69</b>		<b>105771 Total</b>	
UNIVAR USA, INC	63-56-6300	\$ 193.81	6/30/2014	105772	75 gals sodium hypochlorite delivered/well #6
UNIVAR USA, INC	63-56-6300	\$ 111.12	6/30/2014	105772	43 gals sodium hypochlorite delivered/well #5
UNIVAR USA, INC	63-56-6300	\$ 555.58	6/30/2014	105772	190 gals sodium hypochlorite delivered/well #8
UNIVAR USA, INC	63-56-6300	\$ 129.23	6/30/2014	105772	50 gals sodium hypochlorite delivered/well #5
UNIVAR USA, INC	63-56-6300	\$ 103.36	6/30/2014	105772	40 gals sodium hypochlorite delivered/well #6
UNIVAR USA, INC	63-56-6300	\$ 452.22	6/30/2014	105772	150 gals sodium hypochlorite delivered/well #8
		<b>\$ 1,545.32</b>		<b>105772 Total</b>	
USA BLUEBOOK	63-56-6300	\$ 79.46	6/30/2014	105773	pH 4.00 Buffer/rapid dissolve tablets
		<b>\$ 79.46</b>		<b>105773 Total</b>	
Valley Tire Sales	10-21-6530	\$ 486.02	6/30/2014	105774	4 new tires/PD
		<b>\$ 486.02</b>		<b>105774 Total</b>	
VALLEY PARTS SERVICE	60-50-6530	\$ 17.73	6/30/2014	105775	Car duster
VALLEY PARTS SERVICE	60-50-6530	\$ 25.53	6/30/2014	105775	Windshield wipers for Yukon



## AP Check Register

### July 3, 2014

Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
VALLEY PARTS SERVICE	63-56-6530	\$ 29.30	6/30/2014	105775	Portable inflator
VALLEY PARTS SERVICE	60-50-6530	\$ 29.30	6/30/2014	105775	Portable inflator
VALLEY PARTS SERVICE	10-21-6530	\$ 18.67	6/30/2014	105775	5 quarts motor oil
VALLEY PARTS SERVICE	63-56-6530	\$ 12.98	6/30/2014	105775	Power punch/motor oil
		<b>\$ 133.51</b>		<b>105775 Total</b>	
VARGAS GEORGE	10-22-6690	\$ 50.00	7/2/2014	105776	Monthly Fire stipend/July 2014
		<b>\$ 50.00</b>		<b>105776 Total</b>	
Vernon Construction & Roofing, Inc	60-50-7505	\$ 13,098.00	6/30/2014	105777	Tear off/inspection/install facia, felt, composition roofing WWTP
		<b>\$ 13,098.00</b>		<b>105777 Total</b>	
WEST SIDE AERIAL APPLICAT	60-50-6230	\$ 1,287.00	6/30/2014	105778	Aerial applied insecticide on alfalfa @ WWTP
WEST SIDE AERIAL APPLICAT	60-50-6230	\$ 1,089.00	6/30/2014	105778	Aerial applied insecticide on corn @ WWTP
		<b>\$ 2,376.00</b>		<b>105778 Total</b>	
		<b>\$ 283,165.09</b>		<b>Grand Total</b>	



# AP Check Register

## July 3, 2014

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Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
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# AP Check Register

## July 3, 2014

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Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
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# AP Check Register

## July 3, 2014

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Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
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# AP Check Register

## July 3, 2014

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Vendor	Fund-Dept-Acct	Amount	Date	Check #	Description
		\$ 283,165.09		Grand Total	



**MINUTES**  
**NEWMAN CITY COUNCIL**  
**REGULAR MEETING JUNE 24, 2014**  
**CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET**

1. **Call To Order** - Mayor Pro Tem Martina 7:01 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** – Council Member Hutchins.
4. **Roll Call** - **PRESENT:** Davis, Hutchins, Candea And Mayor Pro Tem Martina.  
**ABSENT:** Katen (Excused).
5. **Declaration Of Conflicts Of Interest** – None.
6. **Ceremonial Matters** – None.
7. **Items from the Public - Non-Agenda Items**

Boden Holland, 250 Sunbird Drive, Turlock California, Stated That He Would Like An Exemption From The Door To Door Solicitation Ordinance For Solar City, The Company He Works For. Holland Stated That Solar City Believes That The Ordinance Puts Newman’s Residents At A Disadvantage And Restricts Their Opportunities.

City Manager Holland Noted That Staff And Legal Council Could Review The Ordinance And Report Back To The City Council At The July 8<sup>th</sup> City Council Meeting.

**8. Consent Calendar**

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The June 17, 2014 Special Meeting.
- d. Adopt Resolution No. 2014-39, A Resolution Ratifying Memorandum Of Understanding Between The City Of Newman And The Operating Engineers Local No. 3 Miscellaneous Bargaining Group.
- e. Adopt Resolution No. 2014-40, A Resolution Amending The City Of Newman Personnel Rules.
- f. Adopt Resolution No. 2014-41, A Resolution Adopting Salary Schedule For Management, Supervisory And Confidential Positions For The City Of Newman.

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

## **9. Public Hearings**

- a. Adopt Resolution No. 2014-42, A Resolution Confirming The Assessment And Ordering The Levy For The Lighting And Landscape Maintenance District For Fiscal Year 2014/2015.

Mayor Pro Tem Martina Opened The Public Hearing At 7:08 P.M.

There Being No Public Comment, Martina Closed The Public Hearing At 7:09 P.M.

**ACTION:** On Motion By Candea Seconded By Hutchins, Resolution No. 2014-42, A Resolution Confirming The Assessment And Ordering The Levy For The Lighting And Landscape Maintenance District For Fiscal Year 2014/2015, Was Adopted. By The Following Vote: AYES: Davis, Hutchins, Candea And Martina; NOES: None; ABSENT: Katen; NOT PARTICIPATING: None.

## **10. Regular Business**

- a. Adopt Resolution 2014-43, A Resolution Authorizing The City Manager To Execute A Land Purchase And Sale Agreement For 200+/- Acres For Use In Operation Of The Wastewater Treatment Facilities.

Council Member Hutchins Asked If The Price Was Consistent With Other Comparable Properties.

City Manager Holland Noted The Property Must Appraise For At Least The Purchase Price Or The Purchase Agreement Would Have To Be Renegotiated And Brought Back To The City Council.

**ACTION:** On Motion By Candea Seconded By Davis, Resolution No. 2014-43, A Resolution Authorizing The City Manager To Execute A Land Purchase And Sale Agreement For 200+/- Acres For Use In Operation Of The Wastewater Treatment Facilities, Was Adopted By The Following Vote: AYES: Davis, Hutchins, Candea And Martina; NOES: None; ABSENT: Katen; NOT PARTICIPATING: None.

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

Supervisor DeMartini Reminded Everyone That The Biggest Loser Contest And Health Summit Will Be Held On August 21<sup>st</sup> At The West Side Theatre In Newman. DeMartini Noted That The Next West Side Healthcare Taskforce Meeting Would Be On Thursday June 26<sup>th</sup> In Patterson. He Concluded By Mentioning That The West Side Walks Campaign Was Underway.

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

City Manager Holland Informed The Council That Superintendent Felt's Last Day Would Be Thursday, June 26<sup>th</sup> And That The District Was Hosting A Retirement Open House. Holland Noted That Senator Jeff Denham Had Invited The Council To Attend A Citizen Naturalization Ceremony On July 1<sup>st</sup>. He Reminded Everyone That The Comforting Kids Car Show Would Be On June 29<sup>th</sup>. Holland Reported That The City Was In The Process Of Closing Escrow On The Four Redevelopment Agency Properties That Are Being Transferred To The City. He Concluded By Mentioning That City Offices Would Be Closed On July 4<sup>th</sup> For The Independence Day Holiday.

Finance Director Humphries Pointed Out That There Was Only One Week Left In The Fiscal Year And Noted That He Was Already Preparing For The Auditors.

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

Mayor Pro Tem Martina Cheered On The USA Soccer Team.

**14. Adjournment.**

**ACTION:** On Motion By Hutchins Seconded By Candea, The Meeting Was Adjourned At 7:23 P.M. By The Following Vote: AYES: Davis, Hutchins, Candea And Martina; NOES: None; ABSENT: Katen; NOT PARTICIPATING: None.

**REPORT ON AGREEMENT WITH THE WESTSIDE NINERS**

**RECOMMENDATION:**

Staff recommends the Council authorize the city manager to execute a contract with the Westside Niners for use of Barrington Park as a practice facility.

**BACKGROUND:**

Over the past several years, the Westside Niners youth football and Cheer teams have utilized Barrington Park as a practice facility. Prior to using Barrington Park, they used Hunt Elementary School as their practice field. All games are currently held at Orestimba High School.

**ANALYSIS:**

The continued use of Barrington Park allows the Westside Niners to have immediate access to restrooms facilities, an area that can be used for cheer squads and a place to store practice equipment (Snack Shack). The attached agreement is modeled after the baseball agreement. As part of the agreement, the southernmost soccer field will continue to be reserved as a practice facility for City soccer teams.

**FISCAL IMPACT:**

None.

**CONCLUSION:**

Staff believes that Barrington Park is a suitable location for the Westside Niners to hold practice for their four (4) teams and cheer squad. The facility has immediate access to restroom facilities and allows for storage of equipment used on a daily basis. The Westside Niners have expressed an interest in continuing its use. Therefore, staff is recommending approval of the contract.

**ATTACHMENTS:**

1. Copy of the proposed contract

Respectfully submitted,



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

NEWMAN YOUTH FOOTBALL  
PRACTICE FIELD AGREEMENT  
July 2014

WHEREAS, The City of Newman, municipal corporation (“City”), owns and maintains Barrington Park, in Newman; and

WHEREAS, the Westside Niners Football, an unincorporated association (“Board”), desires to use the facilities for a designated period and dates; and

WHEREAS, the Board has requested and the City desires to assist the Board in its endeavors to operate a youth football program

NOW THEREFORE, for and in consideration of the premises and the mutual promises, covenants, and agreements hereinafter set forth the City and Board agree as follows:

1. The City gives the Board the right to use Barrington Park for scheduled practices between July 21, 2014 and October 31, 2014. The Board shall have the responsibility to supply the City with one copy of its 2014 practice schedule for City approval a minimum of ten days before practice begins. Said schedule shall become a part of this agreement and shall constitute the days and times for which the Board is granted use of City fields. Board may use the fields at times other than specified in the schedule on a first come, first served basis. **The Board shall have sole right to use the identified fields for scheduled practices only.** The City reserves the southernmost soccer field for soccer practices and baseball diamonds.
2. The Board shall accept responsibility for the following regarding use of facilities:
  - a. The maintenance, replenishing of supplies and security of restrooms facilities. The Board shall be responsible for cleaning the facilities. The restrooms are not open to the public and therefore are the sole responsibility of the Board.
  - b. Keep the fields and visitor areas clean of debris, and empty trash receptacles when necessary.
  - c. Pay standard fees for special park maintenance as needed.
  - d. The Board shall provide paper products for restrooms and all other equipment and supplies necessary to maintain the facilities.

- e. Any work performed by the City above the normal maintenance shall be charged to the Board. (Normal maintenance includes mowing, edging, and other work performed by City park maintenance personnel.)
  - f. No glass bottles shall be brought on site by coaches, players, spectators or sold at the snack bar.
3. The Snack Shack building is property of the City of Newman. The Board has exclusive rights to use the Snack Shack during the football season. The Board is allowed to store all necessary supplies and equipment in the building during the season, at their own risk. Snack Shacks must be cleared of all Board property no later than October 31, 2014. The Board shall be responsible for contacting Newman Youth Baseball and Softball organization to coordinate joint use of the facilities until All-Star competition is complete. This shall include use of the Snack Shack.
  4. All problems, possible hazardous situations and other suggestions to improve facilities should be brought to the City Manager's attention immediately (in writing, signed and dated by a Board Official). The City will act on the suggestions as they deem feasible. Any enhancements/repairs that are to be undertaken shall be agreed to by both parties.
  5. The Board shall not permit any vehicles to be driven on park facilities, except for the purpose of delivering supplies or equipment for concessions as may be needed.
  6. No material shall be brought and/or left on City property which may interfere with regular maintenance of fields and grounds. The use of a block sled is permitted but shall be stored in a location that will not interrupt the ability of City Staff to mow and edge the facility.
  7. During the Board's usage of City's facilities, it shall be understood that behavior and conduct of spectators and players should be controlled. The City reserves the right to cancel this agreement at any time because of inappropriate conduct or behavior by spectators, players or Board members or employees.
  8. The Board shall be responsible for selection and control of all coaches, umpires and other officials. Any disagreements shall be handled by the Board.
  9. Private properties bordering the park should not be trespassed on without specific permission from the Owner. This includes retrieving of equipment under all circumstances.

10. The Board shall be required to have a standard first aid kit and cell phone on site for all games and is encouraged for practices. Ice shall be available in the snack bar.
11. All players, coaches, and volunteers shall be required to sign a form approved by the City releasing the City for liability claims or damage claims for injury to persons, including agents, employees, or participants of the Board, or for any property damage from any cause related to the Boards' use of facilities.
12. The Board shall obtain and keep in effect during the duration of this agreement general liability insurance covering the Board, its members, coaches, employees and volunteers for \$1,000,000.00, such insurance shall name the City as additionally insured.
13. A Board member shall attend City of Newman Parks and Recreation Commission meetings the second Thursday of each month, August through October, so that issues that arise (on both sides) can be discussed and resolved in a timely manner.
14. If at any time during the term of this Agreement, the City finds the provisions agreed upon are not being fulfilled, the City reserves the right to revoke use of said fields with 10 day notice.
15. Keys to City facilities shall not be duplicated and only issued to Board members. This contract ends the last day of October 2014, at which time all keys to facilities shall be returned to the City.

Date: \_\_\_\_\_  
Neill Newton, President  
Westside Niners

Date: \_\_\_\_\_  
Michael Holland, City Manager  
City of Newman

Honorable Mayor and Members  
of the Newman City Council

**REPORT ON DOOR TO DOOR SOLICITATION (NMC §3.03.100.B)**

**RECOMMENDATION:**

Provide staff direction regarding Newman Municipal Code (NMC) §3.03.100.B.

**BACKGROUND:**

On November 9, 1937, the Newman City Council introduced Ordinance 130, making it a misdemeanor for peddlers or solicitors to enter upon premises without invitation. Adopted on November 23, 1937, said Ordinance was modeled after the Town of Green River, Wyoming ordinance prohibiting uninvited door-to-door solicitors. The Green River Ordinance was the model for similar ordinances enacted by over 400 cities in the late 1930's.

Ordinance 130 is now referred to as NMC §3.03.100.B [Entry on premises prohibited.]

*The practice of going in and upon private residences in the City by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise not having been requested or invited so to do by the owner or occupant of said private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby prohibited, declared to be a nuisance and punishable as such as a misdemeanor. (Ord. 130, 11-23-1937)*

On June 18, 2014, Solar City contacted the City of Newman inquiring about an amendment or exemption to the aforementioned code section on the grounds that “[Newman] citizens [are] at a distinct disadvantage” in acquiring solar power services from their company. Mr. Boden Holland appeared before the City Council on June 24, 2014 to further discuss SolarCity’s request. City staff and legal counsel were directed to review said Ordinance and report back to the Council.

**ANALYSIS:**

Upon review of the Ordinance and SolarCity’s request, it has been determined that the granting of an exception would create an unfair advantage for SolarCity (as compared with other solar vendors who comply with the Ordinance as written) and may potentially trigger an equal protection challenge to the Ordinance. Therefore, in order to prevent this occurrence, staff has identified the following options:

1. Eliminate NMC §3.03.100.B in its entirety
2. Revise/Update NMC §3.03  
Revisions/Updates may include/effect:
  - a. Vendor Registration and/or Inspection (NMC §3.03.020,040)
  - b. Solicitation Time Limits (i.e. 8:00am to 8:00pm)
  - c. Required Identification Badges (NMC §3.03.080)
  - d. Clarification of §3.03.100.A. regarding “No Solicitors” signage
  - e. Vendor Background Checks
  - f. Revise violation to Administrative Citation as opposed to a misdemeanor (NMC §3.03.120)
3. No action, maintain NMC §3.03.100.B

**FISCAL IMPACT:**

None

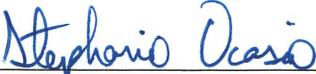
**CONCLUSION:**

Staff has conferred with legal counsel about the best course of action regarding the Ordinance. In order to address SolarCity’s concerns and in an effort to update and clarify the municipal code, staff recommends either option 1 or 2 above.

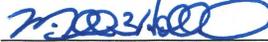
**ATTACHMENTS:**

1. Exhibit A – NMC §3.03 Peddlers and Solicitors

Respectfully submitted,

  
Stephanie Ocasio  
City Planner

**REVIEWED/CONCUR**

  
Michael Holland  
City Manager

## **Chapter 3.03 PEDDLERS AND SOLICITORS**

**Sections:**

- 3.03.010 License required.
- 3.03.020 Application for license.
- 3.03.030 Health certificates required, food vendors.
- 3.03.040 Police Chief investigation.
- 3.03.050 Bond required.
- 3.03.060 License fees.
- 3.03.070 Issuance of license.
- 3.03.080 Badge.
- 3.03.090 Conditions of license.
- 3.03.100 Entry on premises prohibited.
- 3.03.110 Revocation of license.
- 3.03.120 Violation, penalty.

### **3.03.010 License required.**

No person except a person having a fixed place of business as provided in Chapter 3.01 NCC shall engage in the business of hawking, peddling or vending, at retail, any goods, wares, merchandise, pictures, foodstuffs, services or advertising from door to door, or from or upon or with a pushcart or vehicle, either by sample or by taking or soliciting orders for immediate delivery, or for delivery in the future, without first obtaining a license as hereinafter provided; provided, that this chapter shall not apply to minors under the age of 15 years peddling, vending or soliciting the sale or subscription of magazines or newspapers; nor shall it apply to peddlers, solicitors or agents of trade supply houses calling upon specified trades. (Ord. 115, 1-12-1932)

### **3.03.020 Application for license.**

A. Any person desiring to obtain a license to engage in the business of hawking and peddling, or vending, shall make an application therefor to the City Clerk upon a blank form furnished by the City Clerk. The application for a license shall contain the following items, together with such additional information as the City Clerk may require:

1. Full name, permanent address, local address, the age and occupation of the applicant at the time of filing the application.
2. The name of the person, firm or corporation represented, if any, together with the address of the central or district office.
3. A list or general description of the article or articles to be sold or offered for sale.
4. The proposed method of delivery to buyers, whether by weight, package or otherwise, and whether the delivery will be made personally or by mail or in what manner.

B. Each applicant shall file with the application two copies of a recent photograph. Disposition of photographs shall be made as hereinafter provided. (Ord. 96-3, 5-28-1996; Ord. 115, 1-12-1932)

### **3.03.030 Health certificates required, food vendors.**

Each applicant who proposed to vend anything to be used as food shall file a certificate from the Health Officer stating that the applicant is free from communicable, contagious, infectious, loathsome or dangerous disease. Each certificate shall be granted only after a careful examination by a licensed physician of good repute residing within the City, said examination to

include all tests and other measures necessary to establish the fact that the individual is free from such disease. The Health Officer may accept a certified statement from a physician residing elsewhere in this State when, in his judgment, the qualifications of the physician and the nature of the examination meet the requirements of this section. Such certificate shall bear a date within six months prior to the date of filing the application. The Health Officer shall not be required to make such examination except upon payment of his customary fees therefor. (Ord. 115, 1-12-1932)

**3.03.040 Police Chief investigation.**

The City Clerk shall also require that the applicant shall establish his identity with the Chief of Police; that he shall submit a certificate from the Chief of Police stating that the applicant has definitely demonstrated by reference or otherwise, that he is of good moral character. The Chief of Police shall, in such cases, take and keep records of the fingerprints of the applicant, and such other identification as he shall deem necessary. (Ord. 115, 1-12-1932)

**3.03.050 Bond required.**

The application shall be accompanied by a bond to the City approved as to form and surety by the City Clerk in the penal sum of \$100.00 with sufficient surety or sureties or sufficient collateral security, conditioned for the due observance during the time of the license of any and all ordinances which are now in force or may be hereafter adopted by the Council. In the case of hawkers and peddlers who demand, accept or receive payment or deposits of money in advance of final delivery, such bond shall be further conditioned for making final delivery of goods, wares or merchandise ordered or service to be performed in accordance with the terms of such order, or failing therein, that the advance payment on such order be refunded. Any person aggrieved by the action of any such licensed hawker and peddler shall have a right by action on the bond for recovery of money or damages, or both. Such bond shall remain in full force and effect, and in the case of a cash deposit, such deposit shall be retained by the City for a period of 90 days after the expiration of any such license, or after the termination of any action upon such bond or deposit, of which the Clerk shall have been notified, unless sooner released by the City Clerk. (Ord. 115, 1-12-1932)

**3.03.060 License fees.**

A. For each license issued under the provisions of this chapter, the applicant shall pay the appropriate fee as set forth under NCC 3.01.180.

B. Those exempt from paying a license fee are:

1. Veterans exempted by State law will not be required to pay a fee, but must fulfill the other requirements of this chapter.

2. Peddlers, solicitors and hawkers engaged in interstate commerce and who are by law exempt from payment of license fees by virtue of the fact that they are engaged in interstate commerce shall not be required to pay the license fees provided by this chapter, but shall be required to comply with all of the other provisions thereof, and they shall in addition thereto supply the City Clerk with an affidavit establishing their right to exemption from the payment of fees hereunder.

C. The City Clerk shall collect the appropriate fee before issuing the license, except as otherwise provided. (Ord. 96-3, 5-28-1996; Ord. 115, 1-12-1932)

### **3.03.070 Issuance of license.**

A. Upon receipt of the application, together with the accompanying documents, and the appropriate fees, and being satisfied that the applicant is of good moral character, the City Clerk shall issue a license in writing to such applicant, in compliance with the following requirements:

1. No license shall be granted to any minor.
2. The license shall be issued in duplicate and the duplicate shall be filed in the office of the Clerk.
3. One of the photographs submitted by the licensee shall be firmly affixed to each copy and stamped with the Clerk's seal.
4. Each licensee, upon receipt of said license, and in the presence of the City Clerk, shall affix his signature upon the license, accepting the license under all the conditions, and agreeing to the suspension and revocation of said license, should any of said conditions or regulations be violated.
5. No licensee shall alter, remove or obliterate any entry made upon such license, or deface such license in any way. Each license shall be personal and not assignable or transferable, nor shall any license be used by any person other than the licensee.

The violation of any of the provisions of this subsection shall be considered grounds for the summary suspension and revocation of the license, in addition to the criminal penalties provided therefor.

6. Each licensee shall carry his license at all times while he is engaged in the conduct of the business of hawking and peddling. Such licensee shall exhibit his license upon the request of any officer of the City or of any police officer or of any other citizen. Refusal to exhibit a license shall be prima facie evidence of failure to obtain a license.

B. The City Clerk shall notify the Chief of Police of all licenses issued under the terms of this chapter, and shall render a report thereof regularly to the City Council. (Ord. 115, 1-12-1932)

### **3.03.080 Badge.**

A. Each person licensed under this chapter shall obtain from the City Clerk a numbered badge of metal or other suitable material bearing the year issued and the words, "Licensed Peddler, City of Newman." Each licensee shall wear said badge in a conspicuous place upon the upper part of the front of his outer garment at all times when he is engaged in the conduct of the business of hawking, peddling or soliciting.

B. No licensee shall wilfully alter or deface any badge issued under the terms of this section.

### **3.03.090 Conditions of license.**

The following conditions and regulations shall also apply to the exercise of the privileges granted by licenses issued under the provisions of this chapter, in addition to those set forth herein or elsewhere in this City Code:

A. No licensee shall shout or call his wares in a loud, boisterous or unseemly manner, or to the disturbance of citizens or dwellers in the City nor shall any licensee use any horn or bell or other noise-making device to call attention to his wares.

B. Every licensee, upon the request of any police officer or other officer of the City, shall sign his name for comparison with the signature upon the license application.

C. Any licensee who solicits orders for future delivery shall write each order at least in duplicate, plainly stating the quantity of each article or commodity ordered, the price to be paid therefor, the total amount ordered, the amount paid or deposited and the amount to be paid on or after delivery. One copy shall be given to the customer.

D. No licensee shall stop or remain in any one place upon the streets, alleys or public places in the City longer than necessary to make a sale to a customer wishing to buy, except by permission of the Police Department, nor shall any licensee stop or remain upon any private property within the City without the consent of the owner thereof or some person having authority to grant such permission.

**3.03.100 Entry on premises prohibited.**

A. It shall be unlawful for any peddler or person pretending to be a peddler for the purpose of selling or pretending to sell or peddle any goods, wares, merchandise or any article, material or substance, or any solicitor or any person pretending to be a solicitor for the purpose of soliciting orders for any article, material or substance of whatsoever kind, to ring the bell or knock at the door of any residence or dwelling whereon a sign bearing the words "No Peddlers," or words of similar import, is painted or affixed so as to be exposed to public view, or to peddle or pretend to peddle, or to solicit or pretend to solicit orders of any goods, wares or merchandise or any article, material or substance in any building whereon or wherein a sign bearing the words "No Peddlers," or words of similar import, is painted so as to be exposed to public view.

B. The practice of going in and upon private residences in the City by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise not having been requested or invited so to do by the owner or occupant of said private residences for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby prohibited, declared to be a nuisance and punishable as such as a misdemeanor. (Ord. 130, 11-23-1937; Ord. 115, 1-12-1932)

**3.03.110 Revocation of license.**

A. Any police officer shall have power to suspend and take up the license and badge issued under the terms of this chapter, of any licensee found violating any of the express terms under which the said license was granted and accepted, or any ordinance of the City. Such suspension shall be reported at once to the Chief of Police and by him to the Clerk.

B. In case the license is revoked for violation of the express conditions and regulations under which it was granted, the full amount of the fee paid therefor shall be forfeited to the City, and no licensee shall have a right to refund of any part of said fee. (Ord. 115, 1-12-1932)

**3.03.120 Violation, penalty.**

Any person who engages in the business of hawking, peddling, vending or soliciting, according to the provisions of this chapter, without a license, or who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor<sup>1</sup>. (Ord. 77-25, 9-1977; Ord. 115, 1-12-1932)

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<sup>1</sup> See NCC 1.04.010.