



AGENDA
NEWMAN CITY COUNCIL
REGULAR MEETING SEPTEMBER 23, 2014
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order.**
2. **Pledge Of Allegiance.**
3. **Invocation.**
4. **Roll Call.**
5. **Declaration Of Conflicts Of Interest.**
6. **Ceremonial Matters.**
7. **Items from the Public - Non-Agenda Items.**
8. **Consent Calendar**
 - a. Waive All Readings Of Ordinances And Resolutions Except By Title.
 - b. Approval Of Warrants. ([View Warrant Register](#))
 - c. Approval Of Minutes Of The September 9, 2014 Meetings. ([View Minutes](#))
 - d. Adopt Resolution No. 2014- , A Resolution Of The City Of Newman Supporting Renewal Of The Stanislaus County Market Development Zone. ([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](#))
 - b. Adopt Resolution No. 2014- , Amending The Conflict Of Interest Code For Designated Positions And Rescinding Resolution No. 2000-46. ([View Report](#))
10. **Regular Business**
 - a. Adopt Resolution No. 2014- , Rejecting All Bids For The CNG Fast Fill Fueling Station Project And Authorize City Staff To Re-Bid Said Project. ([View Report](#))
 - b. First Reading And Introduction Of Ordinance No. 2014- , Amending Title 3, Business Regulations, Chapter 3.03 Peddlers And Solicitors, Of The Newman Municipal Code. ([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

September 23 – City Council - 7:00 P.M.

September 25 – West Side Healthcare Advisory’s Collective Impact Training – 9:00 A.M. – 3:00 P.M.

October 7 – NCLUSD Board Meeting - 6:00 P.M.

October 9 – Recreation Commission – 7:00 P.M.

October 13-18 – Citywide Fall Clean-Up – 7:30 A.M. – 3:50 P.M.

October 14 – City Council - 7:00 P.M.

October 16 – 2014 Healthier Choices - Biggest Loser Weigh-Out – Patterson School District - 4:30 P.M.

October 16 – Planning Commission – 7:00 P.M.

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

October 28 – City Council - 7:00 P.M.

October 31 – Halloween.



Manual Check Register

September 18, 2014 FY 14-15

| Vendor | Fund-Dept-Acct | Amount | Check # | Check Date | Description |
|--------------------|----------------|---------------------|---------------------|------------|--|
| HOWK SYSTEMS, INC. | 63-56-6225 | \$ 41,267.00 | 106145 | 9/10/2014 | Water well assessment @ #5/jetted/videoed & repaired |
| | | \$ 41,267.00 | 106145 Total | | |
| | | \$ 41,267.00 | Grand Total | | |



AP Check Register

September 19, 2014 FY 14-15

| Vendor | Fund-Dept-Acct | Check # | Amount | Check date | Description |
|----------------------------------|----------------|---------------------|--------------------|------------|---|
| ADAMSON POLICE PRODUCTS | 10-21-6200 | 106146 | \$ 360.55 | 9/19/2014 | 40) Winchester 12 gA #6 shot super-X game 25/box/PD |
| | | 106146 Total | \$ 360.55 | | |
| ALL STAR CHEMICAL CORP | 10-22-6300 | 106147 | \$ 274.78 | 9/19/2014 | 6 truck wash concentrates/Fire dept |
| | | 106147 Total | \$ 274.78 | | |
| ARROWHEAD MOUNTAIN SPRING | 10-14-6300 | 106148 | \$ 21.00 | 9/19/2014 | Bottled water delivered @ city hall |
| ARROWHEAD MOUNTAIN SPRING | 60-50-6300 | 106148 | \$ 21.00 | 9/19/2014 | Bottled water delivered @ city hall |
| ARROWHEAD MOUNTAIN SPRING | 63-56-6300 | 106148 | \$ 21.00 | 9/19/2014 | Bottled water delivered @ city hall |
| ARROWHEAD MOUNTAIN SPRING | 10-45-6300 | 106148 | \$ 36.71 | 9/19/2014 | Bottled water delivered @ rec dept |
| ARROWHEAD MOUNTAIN SPRING | 10-21-6300 | 106148 | \$ 9.98 | 9/19/2014 | Bottled water delivered @ police dept |
| ARROWHEAD MOUNTAIN SPRING | 60-50-6300 | 106148 | \$ 86.91 | 9/19/2014 | Bottled water delivered @ corp yard |
| ARROWHEAD MOUNTAIN SPRING | 63-56-6300 | 106148 | \$ 86.91 | 9/19/2014 | Bottled water delivered @ corp yard |
| ARROWHEAD MOUNTAIN SPRING | 60-50-6300 | 106148 | \$ 47.66 | 9/19/2014 | Bottled water delivered @ WWTP |
| | | 106148 Total | \$ 331.17 | | |
| AT&T MOBILITY | 10-21-6420 | 106149 | \$ 457.60 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 63-56-6420 | 106149 | \$ 169.60 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 10-44-6420 | 106149 | \$ 29.86 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 69-47-6420 | 106149 | \$ 10.25 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 60-50-6420 | 106149 | \$ 272.31 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 10-07-6420 | 106149 | \$ 8.69 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 10-22-6420 | 106149 | \$ 25.38 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 10-33-6420 | 106149 | \$ 32.95 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 10-02-6420 | 106149 | \$ 33.41 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 10-45-6420 | 106149 | \$ 81.39 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 10-03-6420 | 106149 | \$ 31.25 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 10-14-6420 | 106149 | \$ 42.28 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 73-70-6420 | 106149 | \$ 31.39 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 22-20-6420 | 106149 | \$ 3.48 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 10-06-6420 | 106149 | \$ 91.41 | 9/19/2014 | Cell phone usage and service 8-6-14 to 9-5-14 |
| AT&T MOBILITY | 10-21-6420 | 106149 | \$ 410.43 | 9/19/2014 | Mobile access in patrol units 8/3/14 to 9/2/14 |
| | | 106149 Total | \$ 1,731.68 | | |
| Avid Identification Systems, Inc | 10-33-6300 | 106150 | \$ 1,135.44 | 9/19/2014 | 5 gals white oil/glass beads/street painting |
| | | 106150 Total | \$ 1,135.44 | | |
| Bartkiewicz, Kronick & Shanahan | 60-50-6200 | 106151 | \$ 35.42 | 9/19/2014 | Professional services/August 2014 |
| Bartkiewicz, Kronick & Shanahan | 63-56-6200 | 106151 | \$ 35.42 | 9/19/2014 | Professional services/August 2014 |
| Bartkiewicz, Kronick & Shanahan | 10-15-6200 | 106151 | \$ 35.41 | 9/19/2014 | Professional services/August 2014 |
| | | 106151 Total | \$ 106.25 | | |
| BERTOLOTTI DISPOSAL | 69-47-6220 | 106152 | \$ 267.78 | 9/19/2014 | Dumping fees for trash bin @ corp yard/August 2014 |
| BERTOLOTTI DISPOSAL | 10-33-6220 | 106152 | \$ 267.77 | 9/19/2014 | Dumping fees for trash bin @ corp yard/August 2014 |



AP Check Register

September 19, 2014 FY 14-15

| Vendor | Fund-Dept-Acct | Check # | Amount | Check date | Description |
|---|----------------|---------|--------------------|------------|--|
| 106152 Total | | | \$ 535.55 | | |
| BUSINESS CARD | 10-00-5830 | 106153 | \$ 164.59 | 9/19/2014 | Mesh polos with logo/reimbursed |
| BUSINESS CARD | 10-22-6690 | 106153 | \$ 59.06 | 9/19/2014 | Meals/Fire dept |
| BUSINESS CARD | 10-33-6690 | 106153 | \$ 6.00 | 9/19/2014 | Travel/parking/STANCOG meetings |
| BUSINESS CARD | 60-50-6300 | 106153 | \$ 7.99 | 9/19/2014 | Dashboard suction car mount holder for cell phone |
| BUSINESS CARD | 63-56-6300 | 106153 | \$ 8.00 | 9/19/2014 | Dashboard suction car mount holder for cell phone |
| BUSINESS CARD | 63-56-6690 | 106153 | \$ 305.17 | 9/19/2014 | Hotel stay for CASQA conference/Kim |
| BUSINESS CARD | 42-36-6690 | 106153 | \$ 560.00 | 9/19/2014 | Registration fee for CASQA conference/Kim |
| 106153 Total | | | \$ 1,110.81 | | |
| CAMPOS VICTOR | 10-21-6200 | 106154 | \$ 448.53 | 9/19/2014 | Fall festival security 8/31 and 9/1/14/18.5 hours/Campos |
| 106154 Total | | | \$ 448.53 | | |
| Canon Solutions America, Inc. | 10-21-6200 | 106155 | \$ 49.42 | 9/19/2014 | Copier maintenance/August 2014 and black & color copies/PD |
| Canon Solutions America, Inc. | 10-14-6200 | 106155 | \$ 56.39 | 9/19/2014 | Copier maintenance/August 2014 and black & color copies/city hal |
| Canon Solutions America, Inc. | 60-50-6200 | 106155 | \$ 56.39 | 9/19/2014 | Copier maintenance/August 2014 and black & color copies/city hal |
| Canon Solutions America, Inc. | 63-56-6200 | 106155 | \$ 56.38 | 9/19/2014 | Copier maintenance/August 2014 and black & color copies/city hal |
| Canon Solutions America, Inc. | 60-50-6200 | 106155 | \$ 60.22 | 9/19/2014 | Copier maintenance/August 2014 and black & color copies/PW |
| Canon Solutions America, Inc. | 63-56-6200 | 106155 | \$ 60.24 | 9/19/2014 | Copier maintenance/August 2014 and black & color copies/PW |
| 106155 Total | | | \$ 339.04 | | |
| Canon Financial Services, Inc. | 10-14-6200 | 106156 | \$ 106.06 | 9/19/2014 | Copier lease/Sept 2014/City hall |
| Canon Financial Services, Inc. | 60-50-6200 | 106156 | \$ 106.06 | 9/19/2014 | Copier lease/Sept 2014/City hall |
| Canon Financial Services, Inc. | 63-56-6200 | 106156 | \$ 106.06 | 9/19/2014 | Copier lease/Sept 2014/City hall |
| Canon Financial Services, Inc. | 60-50-6200 | 106156 | \$ 86.70 | 9/19/2014 | Copier lease/Sept 2014/PW |
| Canon Financial Services, Inc. | 63-56-6200 | 106156 | \$ 86.70 | 9/19/2014 | Copier lease/Sept 2014/PW |
| Canon Financial Services, Inc. | 10-21-6200 | 106156 | \$ 196.96 | 9/19/2014 | Copier lease/Sept 2014/PD |
| 106156 Total | | | \$ 688.54 | | |
| Challenger Teamwear | 10-45-6735 | 106157 | \$ 6,677.30 | 9/19/2014 | Youth soccer uniforms/coaches shirts |
| 106157 Total | | | \$ 6,677.30 | | |
| Chevron & Texaco Business Card Services | 10-33-6500 | 106158 | \$ 75.54 | 9/19/2014 | Gas and diesel purchases 8/15/14 to 9/14/14 |
| Chevron & Texaco Business Card Services | 10-44-6500 | 106158 | \$ 130.76 | 9/19/2014 | Gas and diesel purchases 8/15/14 to 9/14/14 |
| Chevron & Texaco Business Card Services | 63-56-6500 | 106158 | \$ 699.83 | 9/19/2014 | Gas and diesel purchases 8/15/14 to 9/14/14 |
| Chevron & Texaco Business Card Services | 60-50-6500 | 106158 | \$ 186.15 | 9/19/2014 | Gas and diesel purchases 8/15/14 to 9/14/14 |
| Chevron & Texaco Business Card Services | 10-21-6500 | 106158 | \$ 4,766.44 | 9/19/2014 | Gas and diesel purchases 8/15/14 to 9/14/14 |
| Chevron & Texaco Business Card Services | 10-22-6500 | 106158 | \$ 302.59 | 9/19/2014 | Gas and diesel purchases 8/15/14 to 9/14/14 |
| Chevron & Texaco Business Card Services | 69-47-6500 | 106158 | \$ 128.84 | 9/19/2014 | Gas and diesel purchases 8/15/14 to 9/14/14 |
| Chevron & Texaco Business Card Services | 10-07-6500 | 106158 | \$ 55.25 | 9/19/2014 | Gas and diesel purchases 8/15/14 to 9/14/14 |
| 106158 Total | | | \$ 6,345.40 | | |
| CROP PRODUCTION SERVICES | 60-50-6230 | 106159 | \$ 594.70 | 9/19/2014 | 10 gals Malathion/1 gal acidiphactant for black aphids |
| 106159 Total | | | \$ 594.70 | | |
| CSG Consultants, Inc | 10-23-6215 | 106160 | \$ 2,323.16 | 9/19/2014 | Building permit issuances/August 2014 |



AP Check Register

September 19, 2014 FY 14-15

| Vendor | Fund-Dept-Acct | Check # | Amount | Check date | Description |
|---------------------------|----------------|---------------------|--------------------|------------|---|
| CSG Consultants, Inc | 10-23-6215 | 106160 | \$ 244.89 | 9/19/2014 | Building permit finals/August 2014 |
| CSG Consultants, Inc | 10-23-6215 | 106160 | \$ 1,090.37 | 9/19/2014 | Plan check services/August 2014 |
| CSG Consultants, Inc | 10-23-6243 | 106160 | \$ 50.00 | 9/19/2014 | Bus lic inspects-The purple rose-Valadez Jewelers/August 2014 |
| | | 106160 Total | \$ 3,708.42 | | |
| Custom Valley Harobeds | 60-50-6230 | 106161 | \$ 720.00 | 9/19/2014 | Hay hauling 3rd cutting of terraces @ WWTP |
| | | 106161 Total | \$ 720.00 | | |
| E&M ELECTRIC, INC. | 69-47-6200 | 106162 | \$ 459.71 | 9/19/2014 | Repaired wiring to street light & sprinkler timer @ Yancey Park |
| E&M ELECTRIC, INC. | 10-44-6200 | 106162 | \$ 576.59 | 9/19/2014 | Replaced photo eye and light @ Pioneer Park |
| E&M ELECTRIC, INC. | 10-44-6300 | 106162 | \$ 58.09 | 9/19/2014 | 3 Sylvania LU 100 bulbs |
| | | 106162 Total | \$ 1,094.39 | | |
| ECONOMIC TIRE SHOP | 10-44-6530 | 106163 | \$ 23.96 | 9/19/2014 | 1 new tire tube/mower #2 |
| ECONOMIC TIRE SHOP | 10-44-6530 | 106163 | \$ 29.37 | 9/19/2014 | 1 new tire/Chevy PU 2500 |
| ECONOMIC TIRE SHOP | 10-33-6530 | 106163 | \$ 29.37 | 9/19/2014 | 1 new tire/Chevy PU 2500 |
| ECONOMIC TIRE SHOP | 60-50-6530 | 106163 | \$ 88.12 | 9/19/2014 | 1 new tire/Chevy PU 2500 |
| | | 106163 Total | \$ 170.82 | | |
| FERGUSON ENTERPRISES, INC | 63-56-6300 | 106164 | \$ 292.21 | 9/19/2014 | 4 LF corps |
| FERGUSON ENTERPRISES, INC | 63-56-6300 | 106164 | \$ 425.80 | 9/19/2014 | 4 lead free water meter resetters |
| | | 106164 Total | \$ 718.01 | | |
| FRANKLIN PET CEMETERY & C | 10-21-6208 | 106165 | \$ 27.60 | 9/19/2014 | Animal disposal clinic |
| FRANKLIN PET CEMETERY & C | 10-21-6208 | 106165 | \$ 95.20 | 9/19/2014 | Animal disposal clinic |
| FRANKLIN PET CEMETERY & C | 10-21-6208 | 106165 | \$ 11.20 | 9/19/2014 | Animal disposal clinic |
| FRANKLIN PET CEMETERY & C | 10-21-6208 | 106165 | \$ 19.60 | 9/19/2014 | Animal disposal clinic |
| FRANKLIN PET CEMETERY & C | 10-21-6208 | 106165 | \$ 20.40 | 9/19/2014 | Animal disposal clinic |
| | | 106165 Total | \$ 174.00 | | |
| GEOANALYTICAL LAB, INC. | 60-50-6200 | 106166 | \$ 355.00 | 9/19/2014 | BOD/TSS/nitrates @ WWTP |
| GEOANALYTICAL LAB, INC. | 63-56-6200 | 106166 | \$ 780.00 | 9/19/2014 | Bacti/nitrates/chromium levels/water |
| | | 106166 Total | \$ 1,135.00 | | |
| Gouveia Engineering, Inc | 71-07-7505 | 106167 | \$ 1,819.13 | 9/19/2014 | Memorial Bldg renovation engineering services/Aug 2014 |
| Gouveia Engineering, Inc | 71-07-7505 | 106167 | \$ 7,233.99 | 9/19/2014 | Memorial Bldg renovation engineering services/Aug 2014 |
| | | 106167 Total | \$ 9,053.12 | | |
| Grand Lodge of California | 40-07-8130 | 106168 | \$ 595.18 | 9/19/2014 | Monthly principal payment on new city hall/Oct 2014 |
| Grand Lodge of California | 60-50-8130 | 106168 | \$ 595.18 | 9/19/2014 | Monthly principal payment on new city hall/Oct 2014 |
| Grand Lodge of California | 63-56-8130 | 106168 | \$ 595.18 | 9/19/2014 | Monthly principal payment on new city hall/Oct 2014 |
| Grand Lodge of California | 40-07-8120 | 106168 | \$ 1,043.05 | 9/19/2014 | Monthly interest payment on new city hall/Oct 2014 |
| Grand Lodge of California | 60-50-8125 | 106168 | \$ 1,043.05 | 9/19/2014 | Monthly interest payment on new city hall/Oct 2014 |
| Grand Lodge of California | 63-56-8125 | 106168 | \$ 1,043.06 | 9/19/2014 | Monthly interest payment on new city hall/Oct 2014 |
| | | 106168 Total | \$ 4,914.70 | | |
| GRAPHIC PRINT SHOP | 10-45-6722 | 106169 | \$ 6.50 | 9/19/2014 | Name plate engraving |
| | | 106169 Total | \$ 6.50 | | |



AP Check Register

September 19, 2014 FY 14-15

| Vendor | Fund-Dept-Acct | Check # | Amount | Check date | Description |
|--------------------------|----------------|---------------------|--------------------|------------|--|
| HOUSE STEPHANIE | 10-45-6735 | 106170 | \$ 4.82 | 9/19/2014 | Reimbursement for keys for snack bar |
| HOUSE STEPHANIE | 10-45-6739 | 106170 | \$ 54.95 | 9/19/2014 | Reimbursement for teen center snack bar |
| | | 106170 Total | \$ 59.77 | | |
| INFOSEND, INC | 60-50-6200 | 106171 | \$ 956.89 | 9/19/2014 | Utility bill and late notice printing & mailing/August 2014 |
| INFOSEND, INC | 63-56-6200 | 106171 | \$ 956.88 | 9/19/2014 | Utility bill and late notice printing & mailing/August 2014 |
| | | 106171 Total | \$ 1,913.77 | | |
| IN-SYNCH SYSTEMS | 10-21-6200 | 106172 | \$ 1,020.00 | 9/19/2014 | Monthly RMS subscription/10/1/14 to 10/31/14 PD |
| | | 106172 Total | \$ 1,020.00 | | |
| MID VALLEY IT, INC | 10-21-6200 | 106173 | \$ 1,431.20 | 9/19/2014 | IT CONTRACT/PD |
| MID VALLEY IT, INC | 10-14-6200 | 106173 | \$ 715.60 | 9/19/2014 | IT CONTRACT/FIN |
| MID VALLEY IT, INC | 63-56-6200 | 106173 | \$ 715.60 | 9/19/2014 | IT CONTRACT/WATR |
| MID VALLEY IT, INC | 60-50-6200 | 106173 | \$ 715.60 | 9/19/2014 | IT CONTRACT/SEWR |
| MID VALLEY IT, INC | 10-03-6310 | 106173 | \$ 159.84 | 9/19/2014 | Website renewal/Blue Host Annual renewal |
| | | 106173 Total | \$ 3,737.84 | | |
| Newman Youth Baseball | 10-00-5823 | 106174 | \$ 90.30 | 9/19/2014 | Reimbursement for supplies used by skate park fundraiser. |
| | | 106174 Total | \$ 90.30 | | |
| NEWMAN MINI MART | 10-21-6500 | 106175 | \$ 41.91 | 9/19/2014 | Gas pumped @ Newman Mini Mart/PD |
| | | 106175 Total | \$ 41.91 | | |
| NEWMAN SMOG AND LUBE | 10-21-6530 | 106176 | \$ 80.00 | 9/19/2014 | Mounted and balance customer provided tires/2011 Dodge |
| NEWMAN SMOG AND LUBE | 10-21-6530 | 106176 | \$ 904.63 | 9/19/2014 | Installed front & back brake pads and rotors/2011 Dodge |
| | | 106176 Total | \$ 984.63 | | |
| O'Dell Engineering | 17-44-7521 | 106177 | \$ 1,530.40 | 9/19/2014 | Newman Skate plaza 7/7/14 to 8/10/14 |
| | | 106177 Total | \$ 1,530.40 | | |
| OSNER GEORGE | 40-06-6245 | 106178 | \$ 406.00 | 9/19/2014 | Invoice for planning services Jan-Feb 2014/Master Plan area #3 |
| | | 106178 Total | \$ 406.00 | | |
| CITY OF PATTERSON | 10-03-6200 | 106179 | \$ 660.00 | 9/19/2014 | Video reimbursement for council meetings/August 2014 |
| CITY OF PATTERSON | 10-03-6200 | 106179 | \$ 250.00 | 9/19/2014 | Fire data collection input/July 2014 |
| | | 106179 Total | \$ 910.00 | | |
| Perez Jorge | 10-00-5334 | 106180 | \$ 25.00 | 9/19/2014 | Refund alcohol permit fee/Perez |
| | | 106180 Total | \$ 25.00 | | |
| P G & E | 10-07-6410 | 106181 | \$ 569.00 | 9/19/2014 | Gas and electric @ city ahll 8/7 to 9/7/14 |
| P G & E | 60-50-6410 | 106181 | \$ 569.00 | 9/19/2014 | Gas and electric @ city ahll 8/7 to 9/7/14 |
| P G & E | 63-56-6410 | 106181 | \$ 569.01 | 9/19/2014 | Gas and electric @ city ahll 8/7 to 9/7/14 |
| | | 106181 Total | \$ 1,707.01 | | |
| RELIABLE OFFICE SUPPLIES | 60-50-6300 | 106182 | \$ 183.91 | 9/19/2014 | Hi-liters/legal manila folders/HP ink cargridges |
| RELIABLE OFFICE SUPPLIES | 60-50-6300 | 106182 | \$ 87.65 | 9/19/2014 | 4 HP ink cargridges |
| | | 106182 Total | \$ 271.56 | | |
| SJVAPCD | 60-50-6675 | 106183 | \$ 212.00 | 9/19/2014 | 14/15 portable equipment registration/sewer maching/corp yard |
| | | 106183 Total | \$ 212.00 | | |



AP Check Register

September 19, 2014 FY 14-15

| Vendor | Fund-Dept-Acct | Check # | Amount | Check date | Description |
|-------------------------|----------------|---------------------|--------------------|------------|---|
| SPRINGBROOK SOFTWARE | 10-14-6310 | 106184 | \$ 266.66 | 9/19/2014 | Monthly web payments/ |
| SPRINGBROOK SOFTWARE | 60-50-6310 | 106184 | \$ 266.67 | 9/19/2014 | Monthly web payments/ |
| SPRINGBROOK SOFTWARE | 63-56-6310 | 106184 | \$ 266.67 | 9/19/2014 | Monthly web payments/ |
| | | 106184 Total | \$ 800.00 | | |
| STAPLES ADVANTAGE | 10-14-6300 | 106185 | \$ 29.47 | 9/19/2014 | window envelopes/folders/colored paper |
| STAPLES ADVANTAGE | 10-14-6300 | 106185 | \$ 29.47 | 9/19/2014 | window envelopes/folders/colored paper |
| STAPLES ADVANTAGE | 63-56-6300 | 106185 | \$ 29.48 | 9/19/2014 | window envelopes/folders/colored paper |
| | | 106185 Total | \$ 88.42 | | |
| TOSTA BARBARA J. | 10-45-6725 | 106186 | \$ 165.00 | 9/19/2014 | Young @ Heart instructor/August 2014 |
| | | 106186 Total | \$ 165.00 | | |
| Watts Richard E. | 10-21-6200 | 106187 | \$ 539.22 | 9/19/2014 | Fall Festival security Aug 30 & 31/14/Watts |
| | | 106187 Total | \$ 539.22 | | |
| MATTOS NEWSPAPERS, INC. | 20-06-6600 | 106188 | \$ 84.00 | 9/19/2014 | Legal-CDBG Urban county-spanish |
| MATTOS NEWSPAPERS, INC. | 20-06-6600 | 106188 | \$ 84.00 | 9/19/2014 | Legal-CDBG Urban county-English |
| MATTOS NEWSPAPERS, INC. | 10-03-6600 | 106188 | \$ 80.00 | 9/19/2014 | Legal-Public hearing-Conflict of Interest code |
| MATTOS NEWSPAPERS, INC. | 10-03-6240 | 106188 | \$ 64.00 | 9/19/2014 | Public notice-Nominees for office |
| MATTOS NEWSPAPERS, INC. | 71-07-7505 | 106188 | \$ 396.00 | 9/19/2014 | Notice to bid-Memorial Bldg renovation |
| MATTOS NEWSPAPERS, INC. | 10-01-6620 | 106188 | \$ 275.00 | 9/19/2014 | Fall Festival tabloid ad 1/2 page |
| MATTOS NEWSPAPERS, INC. | 10-45-6724 | 106188 | \$ 39.45 | 9/19/2014 | Display ad Movie Night |
| MATTOS NEWSPAPERS, INC. | 10-45-6724 | 106188 | \$ 78.90 | 9/19/2014 | Display ad Movie Night |
| MATTOS NEWSPAPERS, INC. | 10-01-6600 | 106188 | \$ 88.00 | 9/19/2014 | Public notice-Ord 14-7 Purchasing system ordinance |
| MATTOS NEWSPAPERS, INC. | 63-56-7010 | 106188 | \$ 32.00 | 9/19/2014 | Notice to bid-Public works truck |
| MATTOS NEWSPAPERS, INC. | 24-32-7766 | 106188 | \$ 405.00 | 9/19/2014 | Notice to bid-CNG fast-fill fueling station |
| MATTOS NEWSPAPERS, INC. | 10-21-6300 | 106188 | \$ 145.02 | 9/19/2014 | Overtime request forms/PD |
| | | 106188 Total | \$ 1,771.37 | | |
| WEST SIDE PUBLIC SCALE | 60-50-6230 | 106189 | \$ 10.00 | 9/19/2014 | Weight certification 3rd cutting of terraces/WWTP |
| | | 106189 Total | \$ 10.00 | | |
| YANCEY LUMBER COMPANY | 10-21-6307 | 106190 | \$ 50.58 | 9/19/2014 | 1 bag dog food/K-9 |
| YANCEY LUMBER COMPANY | 10-33-6300 | 106190 | \$ 80.74 | 9/19/2014 | scraper blade/light bulbs/paint pail/street painting supplies |
| YANCEY LUMBER COMPANY | 10-44-6300 | 106190 | \$ 444.28 | 9/19/2014 | Fixt/misc pvc/deadbolt/paint/lumber/bolts/ |
| YANCEY LUMBER COMPANY | 63-56-6300 | 106190 | \$ 199.29 | 9/19/2014 | spray paint/anti-freeze/shovel/cement/ear muffs |
| YANCEY LUMBER COMPANY | 60-50-6300 | 106190 | \$ 11.71 | 9/19/2014 | motor/ready mix concrete |
| YANCEY LUMBER COMPANY | 69-47-6300 | 106190 | \$ 12.10 | 9/19/2014 | 1 box dust mask |
| YANCEY LUMBER COMPANY | 62-60-6225 | 106190 | \$ 20.82 | 9/19/2014 | pliers |
| YANCEY LUMBER COMPANY | 10-46-6300 | 106190 | \$ 10.72 | 9/19/2014 | Phillips screwsetter |
| YANCEY LUMBER COMPANY | 10-07-6300 | 106190 | \$ 10.16 | 9/19/2014 | Lawn faucet |
| YANCEY LUMBER COMPANY | 10-21-6307 | 106190 | \$ 101.16 | 9/19/2014 | 2 bags dog food/K-9 |
| | | 106190 Total | \$ 941.56 | | |



AP Check Register

September 19, 2014 FY 14-15

| Vendor | Fund-Dept-Acct | Check # | Amount | Check date | Description |
|-----------------|----------------|---------------------|---------------------|------------|---|
| Zendejas Bianca | 10-21-6200 | 106191 | \$ 606.62 | 9/19/2014 | Fall Festival security 8/31 and 9/1/14/Zendejas |
| | | 106191 Total | \$ 606.62 | | |
| | | Grand Total | \$ 60,207.08 | | |



MINUTES
NEWMAN CITY COUNCIL
SPECIAL MEETING SEPTEMBER 9, 2014
CITY HALL CONFERENCE ROOM, 6:30 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Pro Tem Martina 6:31 P.M.
2. **Roll Call PRESENT:** Davis, Hutchins, Candea And Mayor Pro Tem Martina.
ABSENT: Mayor Katen (Excused).
3. **Items From The Public** - None.
4. **Adjourn To Closed Session** - 6:31 P.M.
 - a. Conference With Real Property Negotiator - Merced County APNs 054-060-011 And 054-050-022 - G.C. 54956.8. Agency Negotiator: Michael E. Holland. Negotiating Parties: City Of Newman And Dunkley/Lucas Holdings. Under Negotiation: Price And Term Of Payment.
 - b. Return To Open Session - 6:56 P.M.

No Reportable Action Was Taken.

5. Adjournment.

ACTION: On Motion By Candea Seconded By Davis, The Meeting Was Adjourned At 6:57 P.M. By The Following Vote: AYES: Davis, Hutchins, Candea And Mayor Pro Martina; NOES: None; ABSENT: Mayor Katen; NOT PARTICIPATING: None.



MINUTES
NEWMAN CITY COUNCIL
REGULAR MEETING SEPTEMBER 9, 2014
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Pro Tem Martina 7:05 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**

Carolyn Casey, 655 Eucalyptus Avenue, Stated That She Was Concerned About The Condition Of Sherman Parkway. She Explained That It Was A Safety Concern And That It Was Horribly Embarrassing Due To The Condition Of The Trees, Weeds, Tall Grass And The Ditch Itself.

8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The August 12, 2014 Meetings.
- d. Adopt Resolution No. 2014-46, Declaring Certain Personal Property Surplus Property And Authorizing Disposal And/Or Sale Of Property.
- e. Adopt Resolution 2014-47, A Resolution Of Concurrence And Support For The Fiscal Year 2013-2014 CAPER.
- f. Adopt Resolution No. 2014-48, A Resolution Authorizing The City Manager To Execute An Agreement Designating The City Of Newman As A Sub-Recipient Of CDBG Funds For Fiscal Year 2014-2015 With Stanislaus County.
- g. Adopt Resolution No. 2014-49, A Resolution Approving The Filing Of The Final Map For The Villas At Sherman Ranch - Unit 2.
- h. Adopt Resolution No. 2014-50, A Resolution Requesting Action By Congress On Drought Legislation.
- i. Authorize The City Manager To Execute An Amendment To The Land Purchase And Sale Agreement For 200+/- Acres For Use In Operation Of The Wastewater Treatment Facilities.

Council Member Hutchins Requested That Item 8.i. Be Pulled From The Consent Calendar.

ACTION: On A Motion By Hutchins Seconded By Davis, The Consent Calendar Minus Item 8.i. Was Approved By The Following Vote: **AYES:** Davis, Hutchins, Candea And Mayor Pro Tem Martina; **NOES:** None; **ABSENT:** Mayor Katen; **NOT PARTICIPATING:** None.

City Manager Holland Reviewed The Staff Report For Item 8.i. And Explained That As A Result Of The Appraisal On The Property, Staff Agreed To A \$3.3 Million Sale And Purchase Agreement. Holland Pointed Out That The New Sale Price Was Down From The Original Sale Price Of \$3.5 Million.

Council Member Hutchins Inquired About Funding For The Wastewater Treatment Land Purchase.

City Manager Holland Explained That Cost Of The Land Purchase Was Already Included In The City's Existing Utility Rate Structure.

ACTION: On A Motion By Candea Seconded By Davis, Item 8.i. Was Approved By The Following Vote: AYES: Davis, Hutchins, Candea And Mayor Pro Tem Martina; NOES: None; ABSENT: Mayor Katen; NOT PARTICIPATING: None.

9. Public Hearings - None.

10. Regular Business

- a. Adopt Resolution No. 2014-51, Awarding The L.J. Newman Memorial Building Rehabilitation Project To Harris Builders Construction In The Amount Of \$431,350.00.

Council Member Davis Asked If Any Of The Interior Walls Were Being Moved As A Part Of The Renovation.

City Planner Ocasio Noted Only The Bathrooms And Storage Rooms Would Be Modified To Comply With Americans With Disabilities Act Requirements.

Council Member Davis Asked If The Stove Would Remain On.

City Planner Ocasio Noted That The New Range Would Have Electronic Igniters And Would No Longer Have Pilot Lights That Remain On.

ACTION: On Motion By Hutchins Seconded By Candea, Resolution No. 2014-51, Awarding The L.J. Newman Memorial Building Rehabilitation Project To Harris Builders Construction In The Amount Of \$431,350.00, Was Adopted By The Following Vote: AYES: Davis, Hutchins, Candea And Mayor Pro Tem Martina; NOES: None; ABSENT: Mayor Katen; NOT PARTICIPATING: None.

- b. Adopt Resolution No. 2014-52, Authorizing The Mayor To Execute A Five-Year Agreement With The City Of Oakdale To Provide Police Dispatch And Related Services.

Council Member Candea Asked If Oakdale Is Currently Dispatching For Other Agencies.

City Manager Holland Noted That They Do Not Currently Dispatch For Outside Agencies But That They Do Dispatch For Their Police Department. He Indicated That Staff Was Very Comfortable With Their Existing Operations.

Chief Richardson Noted That Currently, There Are Thirty To Forty Officers On One Channel As Opposed To About Eight If Oakdale Becomes Our Dispatch Provider. Richardson Mentioned That Oakdale's Dispatchers Provide More Verbal Information To Their Officers And Enter More Information Into The Computer System Thereby Creating Less Work For The Officers. He Explained That The Reduced Number Of Officers On The Radios, The Additional Verbal Information And The Data Entered In The Computer System Will All Equate To A Higher Level Of Service.

Council Member Hutchins Noted That The Switch To Oakdale Dispatching Would Alleviate Potential Communications Log Jams.

Mayor Pro Tem Inquired About How Non-Emergency Calls Would Be Handled.

Chief Richardson Noted Oakdale Would Also Receive Those And That There Would Be A New Phone Number For Non-Emergency Calls.

Council Member Hutchins Noted That A New Records Management System Would Also Be An Improvement.

ACTION: On Motion By Hutchins Seconded By Candea, Resolution No. 2014-52, Authorizing The Mayor To Execute A Five-Year Agreement With The City Of Oakdale To Provide Police Dispatch And Related Services, Was Adopted By The Following Vote: AYES: Davis, Hutchins, Candea And Mayor Pro Tem Martina; NOES: None; ABSENT: Mayor Katen; NOT PARTICIPATING: None.

- c. Authorize The City Manager To Execute A Lease Purchase Agreement With Sun Ridge Systems, Inc.

ACTION: On Motion By Candea Seconded By Davis, The City Council Authorized The City Manager To Execute A Lease Purchase Agreement With Sun Ridge Systems, Inc. By The Following Vote: AYES: Davis, Hutchins, Candea And Mayor Pro Tem Martina; NOES: None; ABSENT: Mayor Katen; NOT PARTICIPATING: None.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Noted That The Biggest Loser Contest was in full swing and that the Health Care Services Guides Were Delivered To City Hall And Are Available To The Public. DeMartini Mentioned That The West Side Healthcare Calendar And Essay Contest Were Also Underway. He Reminded Everyone To Return Their Walk Wheels From The West Side Walks Campaign. DeMartini Stated That The West Side Healthcare Taskforce Is Reaching Out To Everyone That Is Interested In Health Issues And That They'll Be Hosting A Meeting On September 25th At The West Side Theatre At 9:00 A.M.

12. Items From The City Manager And Staff.

City Manager Holland Thanked The City Council For Adopting The Resolution Supporting Drought Legislation. Holland Thanked The VFW For Their Service To The Community And The City Council For Donating The Surplused Chairs to The Local VFW Post. He Concluded By Reminding Everyone That The Youth Soccer Season Begins On Saturday, September 13th.

Chief Richardson Thanked The Council For Approving The Police Dispatch Services Agreement With The City Of Oakdale.

Public Works Director Kim Reported That City Had Been Awarded Two CMAQ Grants For A Total Of \$531,000.00 To Purchase A GNG Sweeper And Fund New Bike Paths. Kim Updated The Council On Drought Conditions And That Staff Is Only Finding Minor Conservation Violations. He Concluded By Stating That Every Resident Has Complied With The Mandated 20% Water Use Reduction.

Finance Director Humphries Reported That The Auditors Would Soon Be Back And Most Likely Present Their Annual Report To The City Council In December.

City Planner Ocasio Thanked The Council For Awarding The L.J. Newman Memorial Building Rehabilitation Project. Ocasio Reported That She Was Working To Reconnect The City's GIS System To Stanislaus County's Server And That A New CSUS GIS Intern Would Be Starting Soon.

13. Items From City Council Members.

Council Member Hutchins Inquired About The Watering Of Lots In The Monte Vista Estates Subdivision.

City Manager Holland Noted That Permits To Build New Homes Had Been Pulled And That They Are Watering In Preparation For Construction.

Council Member Candea Noted That We Need To Do A Better Job Maintaining The Sherman Ditch.

Mayor Pro Tem Martina Declared That The New Community Service Officer Has Many Things To Address.. Martina Stated That Staff And The Community Need To Not Become Complacent About Issues And Indicated That He Thought The City Needed A Good Cleaning. He Mentioned That The Fall Festival Was An Excellent Event That Provided Good Times For Everyone And Thanked Everyone Involved For Making It Possible.

14. Adjournment.

ACTION: On Motion By Candea Seconded By Hutchins, The Meeting Was Adjourned At 7:52 P.M. By The Following Vote: AYES: Davis, Hutchins, Candea And Mayor Pro Tem Martina; NOES: None; ABSENT: Mayor Katen; NOT PARTICIPATING: None.

Honorable Mayor and Members
of the Newman City Council

**REPORT ON SUPPORT OF RENEWAL OF THE STANISLAUS COUNTY
RECYCLING MARKET DEVELOPMENT ZONE**

RECOMMENDATION:

Adopt Resolution No. 2014- , A Resolution Of The City Of Newman Supporting Renewal Of The Stanislaus County Market Development Zone.

BACKGROUND:

California's Integrated Waste Management Act (IWMA), which originally passed in 1989 and has since been amended, requires each jurisdiction within the State to reduce the amount of waste disposed in landfills by 50% by the year 2000 and every year thereafter. To assist California cities and counties in reaching this goal, the Recycling Market Development Zone (RMDZ) program was created by the California Department of Resources and Recovery (CalRecycle).

The RMDZ program is available throughout the state providing incentives to encourage development of local markets for processing, and the manufacturing and marketing of products made from reused, recycled and discarded materials. The program also helps create jobs, can increase the tax base, reduce transportation costs of local recycled materials and reduce energy demands, as many recycled content products use significantly less energy to manufacture than non-recycled content products

In 1993, Stanislaus County and the nine incorporated cities established a Recycling Market Development Zone to stimulate development of post-consumer and secondary materials markets for recyclables in compliance with California Public Resources Code Section 42010. In 2004, the County and the nine incorporated cities resolved to renew participation in the RMDZ by renewing the program for second ten year period.

ANALYSIS:

Recycling Market Development Zones must be redesignated every ten years by CalRecycle if they wish to continue their status as a RMDZ, the Stanislaus County RMDZ designation expires on November 14, 2014. Redesignation of the Stanislaus County RMDZ would enable continued provision of these benefits to companies within the Zone for another ten years. This program is administered by the Stanislaus County Department of Environmental Resources who works with the cities to promote recycling and to assist these jurisdictions in meeting the aforementioned established landfill waste reduction goals.

FISCAL IMPACT:

None

CONCLUSION:

Renewal of the Stanislaus County Recycling Market Development Zone is still necessary to facilitate local and regional planning, coordination, and support existing recycling-based manufacturing businesses, as well as attract private sector recycling investments to the RMDZ and assist all the Stanislaus County jurisdictions in meeting their landfill waste reduction goals. Staff recommends that the City Council Adopt Resolution No. 2014- , A Resolution Of The City Of Newman Supporting Renewal Of The Stanislaus County Market Development Zone.

ATTACHMENTS:

1. Resolution No. 2014-

Respectfully Submitted,



Michael E. Holland
City Manager

RESOLUTION NO. 2014-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN SUPPORTING THE
REDESIGNATION OF THE STANISLAUS COUNTY RECYCLING MARKET
DEVELOPMENT ZONE**

WHEREAS, California Public Resources Code Section 42010, et al. provides for the establishment of the Recycling Market Development Zone (RMDZ) program throughout the State which provides incentives to stimulate development of post-consumer and secondary materials markets for recyclables; and

WHEREAS, all California jurisdictions must meet a 50% reduction in landfill waste disposal as mandated by the California Integrated Waste Management Act; and

WHEREAS, the Stanislaus County Recycling Market Development Zone includes the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, and Waterford and the unincorporated areas of Stanislaus County surrounding these cities; and

WHEREAS, the Stanislaus County Recycling Market Development Zone is dedicated to establishing, sustaining and expanding recycling-based manufacturing businesses, which is essential for market development and to assist these jurisdictions in meeting the established landfill waste reduction goals; and

WHEREAS, the designation of the Stanislaus County Recycling Market Development Zone expires on November 14, 2014; and

WHEREAS, the City of Newman desires existing and new recycling-based manufacturing businesses located within the Stanislaus County Recycling Market Development Zone to be eligible for the technical and financial incentives associated with the RMDZ program; and

WHEREAS, the renewal of the Stanislaus County Recycling Market Development Zone as a RMDZ is still necessary to facilitate local and regional planning, coordination, and support existing recycling-based manufacturing businesses, as well as attract private sector recycling investments to the RMDZ; and

WHEREAS, the continued development of local markets for recycled materials would reduce the need to transport them out of the region in the future; and

WHEREAS, the current and proposed waste management practices and conditions are favorable to the development of post-consumer and secondary waste materials markets; and

WHEREAS, the California Legislature has defined environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies” [Government Code section 65040.12(e)], and has directed the California Environmental Protection Agency to conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state [Public Resources Code section 71110(a)]; and

WHEREAS, CalRecycle has adopted a goal to continuously integrate environmental justice concerns into all of its programs and activities; and

WHEREAS, the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock, and Waterford and the unincorporated areas of Stanislaus County surrounding these cities have agreed to submit an application to CalRecycle requesting renewal as a RMDZ; and

WHEREAS, the County of Stanislaus has agreed to act as Lead Agency for the proposed renewal of the RMDZ; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), the County of Stanislaus has determined that this redesignation is exempt from CEQA; and

WHEREAS, the City of Newman finds there are no grounds for the City of Newman to assume the lead Agency role or to prepare an environmental document; and

NOW THEREFORE, BE IT RESOLVED, that the City of Newman hereby resolves that: The City of Newman as Responsible Agency, approves the renewal of the Stanislaus County Recycling Market Development Zone as a RMDZ and directs the Stanislaus County RMDZ Administrator to submit an application to CalRecycle requesting renewal of the Stanislaus County Recycling Market Development Zone as a RMDZ which includes the Cities of Ceres, Hughson, Modesto, Newman, Oakdale, Patterson, Riverbank, Turlock and Waterford and the unincorporated areas of Stanislaus County surrounding these cities.

BE IT FURTHER RESOLVED, that the member jurisdictions of the Stanislaus County Recycling Market Development Zone will administer the RMDZ program in a manner that seeks to ensure the fair treatment of people of all races, cultures, and incomes, including but not limited to soliciting public participation in all communities within the RMDZ, including minority and low income populations.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of September, 2014 by _____, 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:

ATTEST:

Mayor of the City of Newman

Deputy City Clerk of the City of Newman

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, September 22, 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 September 23, 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 23rd day of September, 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. 2107 Orchard Creek

Garbage and debris throughout the front of the property

2. 2105 Hidden Canyon

Garbage and debris along the side of the house; portion of the backyard fence is missing making the garbage visible from the street









#0012293
QTY: 1

CALL CENTER: 800-451-7269
WWW.HOMEREMEDIES.COM



Net Weight: 11.5 lbs
Gross Weight: 13.5 lbs
Dimensions: 16.5" x 16.5" x 16.5"



800 lbs



Efficiency Toilet
is a revolutionary new
toilet that saves
water and money.

**AMEND THE CONFLICT OF INTEREST CODE FOR DESIGNATED
POSITIONS AND RESCIND RESOLUTION NO. 2000-46.**

RECOMMENDATION:

1. Adopt Resolution No. 2014- , a resolution amending the conflict of interest code for designated positions and rescinding Resolution No. 2000-46
2. Authorize the City Manager to sign the 2014 Local Agency Biennial Notice indicating that an amendment is required.

BACKGROUND:

The Political Reform Act (Government Code Sections 81000-91014) requires most state and local governmental officials and certain employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in decisions which may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the State of Economic Interest, Form 700, and for interpreting the law's provisions.

Persons holding the position of Mayor, City Council Member, City Manager, City Attorney, City Treasurer and Planning Commissioner are required to file a Form 700 pursuant to Government Code §87200. In addition, local government agencies must adopt and carry forth a local Conflict of Interest Code (Code). The aforementioned positions should not be included in the local Code as they are already required by Government Code §87200 to report their economic interests. The local Code must designate any other positions that make or participate in the making of decisions which may foreseeably have a material effect on any financial interest. The State Political Reform Act also requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate, or alternatively, needs amending. The City originally adopted the current Model Conflict of Interest Code on September 26, 2000.

ANALYSIS:

After review of the City's existing Code, staff has determined that the Code requires updating to comply with State law. Attached is the Resolution amending the Conflict of Interest Code for the City of Newman. The Resolution designates City employee's disclosure categories as set forth in Government Code and is attached by reference in Exhibit "A".

The following positions are recommended for removal, as indicated by the strikeouts:

| | |
|---|--------------------------------|
| City Manager/City Clerk | City Attorney |
| Administrative Assistant | Building Inspector |
| All Members Of Planning Commission | Planning Director |
| City Treasurer | Recreation Director |

The following positions are recommended to be added, as indicated by the underscores:

| | |
|--|--------------------------------|
| <u>Deputy City Clerk</u> | <u>Police Lieutenant</u> |
| <u>All Members Of The Architectural Review Committee</u> | <u>Chief Building Official</u> |
| <u>W.W.T.P. Superintendent</u> | <u>City Planner</u> |
| <u>Public Works Superintendent</u> | <u>Recreation Coordinator</u> |
| <u>Contracting Attorneys</u> | |

FISCAL IMPACT:

None

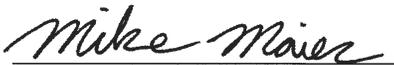
CONCLUSION:

In order to comply with The State Political Reform Act, the City must review its Conflict of Interest Code biennially to determine if it is accurate or needs amending. Staff has concluded that the Code requires updating to comply with State law and recommends the Council adopt Resolution No. 2014- , amending the conflict of interest code for designated positions and rescinding Resolution No. 2000-46 and authorize the City Manager to sign the 2014 Local Agency Biennial Notice indicating that an amendment is required.

ATTACHMENTS:

1. Resolution No. 2014-, amending the conflict of interest code for designated positions and rescinding Resolution No. 2000-46.
2. 2014 Local Agency Biennial Notice.

Respectfully submitted,



Mike Maier
Deputy City Clerk

Respectfully submitted,



Michael Holland
City Manager

RESOLUTION NO. 2014-

A RESOLUTION AMENDING THE CONFLICT OF INTEREST CODE FOR DESIGNATED POSITIONS AND RESCINDING RESOLUTION NO. 2000-46

WHEREAS, the Newman City Council adopted a Conflict of Interest Code pursuant to the Political Reform Act of 1974, Government Code Sections 81000, et seq; and

WHEREAS, the Newman City Council last amended the Conflict of Interest Code on September 26, 2000 by adopting Resolution 2000-46; and

WHEREAS, pursuant to Government Code Section 87306.5, each local government agency must review it's Conflict of Interest Code on a biennial basis and either amend the code or report that the Code is not in need of amendment; and

WHEREAS, the City Council rescinds the Conflict of Interest Code adopted by Resolution 2000-46; and,

WHEREAS, Exhibit "A", listing the designated positions, is hereby amended to remove, change, and include the current designated positions; and,

WHEREAS, The City of Newman will continue to incorporate by reference Title 2, California Administrative Code Section 18730 and amendments to it, adopted by the Fair Political Practices Commission (FPPC), which will save time and money by minimizing the actions required of the Council to keep its Code in conformity with the Reform Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman as follows:

1. The terms of Title 2, California Administrative Code Section 18730 and any amendments to it duly adopted by the FPPC, along with the attached "Exhibit "A" in which designated positions and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the City of Newman.
2. Persons holding designated positions shall file Statements of Economic Interests, Form 700, pursuant to the Code with the City Clerk, who shall be deemed the Filing Officer and who shall make the statements available to the public for inspection and reproduction.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of September, 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 of the City of Newman

CITY OF NEWMAN

APPENDIX

Conflict of Interest Code

Exhibit "A"

| <u>Designated Positions:</u> | <u>Disclosures Category:</u> |
|--|------------------------------|
| <u>City Manager/City Clerk</u> | 1, 2, 3 |
| Finance Director | 1, 2, 3 |
| <u>Administrative Assistant</u> | 1, 2, 3 |
| <u>Deputy City Clerk</u> | 1, 2, 3 |
| <u>All Members Of Planning Commission</u> | 1, 2, 3 |
| <u>All Members Of The Architectural Review Committee</u> | 1, 2, 3 |
| Public Works Director | 1, 2, 3 |
| <u>W.W.T.P. Superintendent</u> | 1, 2, 3 |
| <u>Public Works Superintendent</u> | 1, 2, 3 |
| <u>City Treasurer</u> | 1, 2, 3 |
| <u>City Attorney</u> | 1, 2, 3 |
| <u>Contracting Attorneys</u> | 1, 2, 3 |
| Chief of Police | 1, 2, 3 |
| <u>Police Lieutenant</u> | 1, 2, 3 |
| Fire Chief | 1, 2, 3 |
| City Engineer | 1, 2, 3 |
| <u>Building Inspector</u> | 1, 2, 3 |
| <u>Chief Building Official</u> | 1, 2, 3 |
| <u>Planning Director</u> | 1, 2, 3 |
| <u>City Planner</u> | 1, 2, 3 |
| <u>Recreation Director</u> | 1, 2 |
| <u>Recreation Coordinator</u> | 1, 2, |
| Consultant | |

**CITY OF NEWMAN
CONFLICT OF INTEREST CODE
APPENDIX "A1"**

The following is a listing of the positions that are required to submit Statements of Economic Interests pursuant to Government Code Section 87200.

Public Officials Specified in Government Code Section 87200: The following positions are not covered by this conflict of interest code because the individuals holding these positions must file under Government Code Section 87200. These positions are listed for informational purposes only:

Mayor

City Council Members

City Manager

City Attorney

City Treasurer

Planning Commissioners

Candidates for any of the above offices at any election

Consultants (those involved in the investment of public funds)

An individual holding one of the above-listed positions may contact the Fair Political Practices Commission for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The Fair Political Practices Commission makes the final determination whether a position is covered by Government Code Section 87200.

**CITY OF NEWMAN
CONFLICT OF INTEREST CODE
APPENDIX "B"**

Designated Employees are those positions within this City who may exercise independent judgment or make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Consultant means any individual who, pursuant to a contract with a state or local government agency:

- (A) makes a governmental decision whether to
1. approve a rate, rule or regulation;
 2. adopt or enforce a law;
 3. issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
 4. authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
 5. grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
 6. grant agency approval to a plan, design, report, study, or similar item;
 7. adopt, or grant agency approval of policies, standards or guidelines for the agency, or for any subdivision thereof; or

(B) serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

The City Manager or his designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements. The City Manager or his designee's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

EXHIBIT "C"

DISCLOSURE CATEGORIES

An investment, interest in real property, or income is reportable if the business entity in which the investment is held the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

Designated employees in Group "1" must report:

- a) All interests in real property which are located in whole or in part within the District.
- b) Investment in or income from persons or businesses entities engaged in the business of acquisition or disposal of real property within the District.

Designated employees in Group "2" must report:

- a) Investments in any business entity which, within the last two years, has contracted, or in the future foreseeably may contract with the city to provide services, supplies, materials, machinery or equipment to the city.
- b) Income from any source which, within the last two years has contracted, or in the future foreseeably may contract with the district to provide services, supplies, materials, machinery or equipment to the city.
- c) Status as a director, officer, sole owner, partner, trustee, employee or holder of a position of management in any business entity which, within the last two year, has contracted or in the future foreseeably may contract with the city to provide services, supplies, materials, machinery or equipment to the city.
- d) Investments and income otherwise reportable under Paragraphs a) and b) of Category "2", shall not be reportable unless the total amount of all contracts by the business entity to provide services, supplies, materials, machinery, or equipment to the City was more than \$1,000.00 in the prior calendar year, or unless the contracts by the business entity to provide services, supplies, materials, machinery or equipment to the city will be more than \$1,000.00 in the next calendar year.

Designated Employees in Group "3" must report:

- a) Investments in any business entity which within the last calendar year has been regulated by the city or foreseeably may be regulated by the city in the next calendar year.
- b) Each source of income, provided that the income was furnished by or on behalf of any business entity which within the last calendar year has been regulated by the city or foreseeably may be regulated by the city in the next calendar year.
- c) Status as a director, officer, sole owner, partner, trustee, employee or any position of management in any business entity which within the last calendar year has been regulated by the city, or foreseeably, may be regulated by the city, in the next calendar year.

2014 Local Agency Biennial Notice

Name of Agency: City of Newman
Mailing Address: P.O. Box 787
Contact Person: Mike Maier, Deputy City Clerk Phone No: (209) 862-3725
E-Mail: mmaier@cityofnewman.com

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (check one box):

An amendment is required. The following amendments are necessary:

(Mark all that apply.)

- Include new positions (including consultants) that must be designated
- Revise disclosure categories
- Revise the titles of existing positions
- Delete positions that no longer make or participate in making governmental decisions
- Other *(describe)* _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is more than five years old, amendments may be necessary.)

Verification

This agency's conflict of interest code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

Complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2014**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF THE CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC

ADOPT RESOLUTION NO. 2014- , REJECTING ALL BIDS FOR THE CNG FAST FILL FUELING STATION PROJECT, AND AUTHORIZE CITY STAFF TO RE-BID SAID PROJECT

RECOMMENDATION:

It is recommended that the Newman City Council:

1. Adopt Resolution No. 2014-, rejecting all bids for the CNG Fast Fill Fueling Station Project
2. Authorize City staff to re-bid said project

BACKGROUND:

CMAQ improvement funding program was implemented to support surface transportation projects and other related efforts that contribute air quality improvements and provide congestion relief. The proposed CNG Fast Fill Fueling Station project is eligible for CMAQ funding derived from the applicable regional air quality plan that emphasizes clean fuel technology.

The CNG Fast Fill Station Project includes improvement to the existing CNG slow fill fueling station, installation of new CNG fast fill fueling station, new chain link fences, and an automated gate to the yard at the Water Tower.

ANALYSIS:

Project bids were advertised for approximately three weeks and included a mandatory pre-bid meeting. The received bids were opened and read on September 2, 2014 at 2:30pm. A total of three qualifying bids were submitted for this project ranging from \$416,561.67 to \$508,000.00. The Engineer's Estimate for the project base bid is \$410,859.

The City Engineer has reviewed the bids and found that a subcontractor of the lowest responsive bidder was not properly licensed to perform the CNG equipment installation works that were listed to perform on the subcontractor's list. The City Attorney has reviewed the above issue associated with the state license requirement for the subcontractor, and recommended to reject all bids and re-bid the project.

The bid proposal for the project is summarized as follows and the lowest responsive bid is marked in **bold**.

Bids:

| | |
|---------------------------|---------------------|
| Marko Construction | \$416,561.67 |
| Franzen Hill Corp | \$499,814.00 |
| Hobs Construction, Inc. | \$508,000.00 |

FISCAL IMPACT:

The project costs are funded with 2014/15 CMAQ funding.

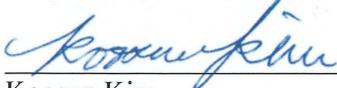
CONCLUSION:

The City of Newman advertised and received bids for the CNG Fast Fill Station Project. The lowest responsive bidder's subcontractor was not licensed properly when received bids were opened on September 2, 2014 at 2:30pm. Therefore, staff recommends City Council adopt Resolution No. 2014- , rejecting all bids for the CNG Fast Fill Fueling Station Project and authorize City staff to re-bid said project.

ATTACHMENTS:

1. Resolution No. 2014-
2. Abstract of Bids
3. CNG Fast Fill Station Project Map

Respectfully Submitted,



Koosun Kim
Director of Public Works

REVIEWED/CONCUR:



Michael E. Holland
City Manager

RESOLUTION NO. 2014-

ADOPT RESOLUTION NO. 2014- , REJECTING ALL BIDS FOR THE CNG FAST FILL FUELING STATION PROJECT AND AUTHORIZE CITY STAFF TO RE-BID SAID PROJECT

WHEREAS, The proposed Compressed Natural Gas (CNG) Fast Fill Fueling Station Project has been eligible for the Congestion Mitigation and Air Quality (CMAQ) funds from the applicable regional air quality plan that utilizes clean fuel technology and results in the generation of fewer emissions; and

WHEREAS, Project bids for said project were advertised for approximately three weeks including a mandatory pre-bid meeting and received bids were opened and read on September 2, 2014 at 2:30pm; and

WHEREAS, the City of Newman has solicited for and received the following bids:

Bids:

| | |
|-------------------------|--------------|
| Marko Construction | \$416,561.67 |
| Franzen Hill Corp | \$499,814.00 |
| Hobs Construction, Inc. | \$508,000.00 |

; and

WHEREAS, The City Engineer has reviewed the bids and found that a subcontractor of the lowest responsive bidder was not properly licensed to perform the CNG equipment installation works that were listed to perform on the subcontractor's list; and

WHEREAS, The City Attorney has reviewed the issue associated with the state license requirement for the subcontractor, and recommended to reject all bids and re-bid the project; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that;

1. Reject all bids for the CNG Fast Fill Fueling Station Project
2. Authorize City staff to re-bid said project

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of September, 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 of the City of Newman

**ABSTRACT OF BIDS FOR
CITY OF NEWMAN
CNG Fast Fill Fueling Station CML-5172(022)
Bid Opening: September 2, 2014; 2:30 p.m.**

| Item No. | Item Description | Quantity and Unit | Engineer's Estimate | | Marko Construction 3675 E. Jensen Fresno, CA 93725 | | Franzen Hill Corp 1100 N."J" St. Tulare, CA 93274 | | Hobbs Construction, Inc 12357 N. Friant Road Fresno, CA 93730 | | Unit Price | Amount | Unit Price | Amount |
|------------------|---|-------------------|---------------------|--------------|--|--------------|---|--------------|---|--------------|------------|--------|------------|--------|
| | | | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount | | | | |
| 1 | Mobilization | 1 LS | 8,000.00 | 8,000.00 | 8,000.00 | 8,000.00 | 8,000.00 | 8,000.00 | 8,000.00 | 8,000.00 | | 0.00 | | 0.00 |
| 2 | Demolition | 1 LS | 5,000.00 | 5,000.00 | 16,656.20 | 16,656.20 | 8,892.00 | 8,892.00 | 10,000.00 | 10,000.00 | | 0.00 | | 0.00 |
| 3 | Site Concrete Work | 1 LS | 10,000.00 | 10,000.00 | 18,791.90 | 18,791.90 | 23,932.00 | 23,932.00 | 20,000.00 | 20,000.00 | | 0.00 | | 0.00 |
| 4 | Install Bollards | 1 LS | 18,400.00 | 18,400.00 | 14,577.00 | 14,577.00 | 8,371.00 | 8,371.00 | 20,000.00 | 20,000.00 | | 0.00 | | 0.00 |
| 5 | Furnish CNG Compressor | 1 LS | 146,619.00 | 146,619.00 | 167,692.00 | 167,692.00 | 136,969.00 | 136,969.00 | 140,000.00 | 140,000.00 | | 0.00 | | 0.00 |
| 6 | Furnish Gas Dryer | 1 LS | 22,869.00 | 22,869.00 | 8,096.45 | 8,096.45 | 21,331.00 | 21,331.00 | 22,000.00 | 22,000.00 | | 0.00 | | 0.00 |
| 7 | Furnish Dome Load/Priority Panel | 1 LS | 21,780.00 | 21,780.00 | 11,752.00 | 11,752.00 | 20,209.00 | 20,209.00 | 20,000.00 | 20,000.00 | | 0.00 | | 0.00 |
| 8 | Furnish Storage Sphere | 2 EA | 45,577.00 | 91,154.00 | 37,516.00 | 75,032.00 | 30,312.00 | 60,624.00 | 36,000.00 | 72,000.00 | | 0.00 | | 0.00 |
| 9 | Furnish Fast Fill Dispenser Post | 2 EA | 8,470.00 | 16,940.00 | 8,093.06 | 16,186.12 | 7,858.00 | 15,716.00 | 8,000.00 | 16,000.00 | | 0.00 | | 0.00 |
| 10 | Delivery/Freight | 1 LS | 12,100.00 | 12,100.00 | 17,176.00 | 17,176.00 | 8,982.00 | 8,982.00 | 10,000.00 | 10,000.00 | | 0.00 | | 0.00 |
| 11 | Installation, Piping, Electrical and Mechanical Connection | 1 LS | 20,000.00 | 20,000.00 | 16,272.00 | 16,272.00 | 116,568.00 | 116,568.00 | 141,500.00 | 141,500.00 | | 0.00 | | 0.00 |
| 12 | Adjust Slow Fill Station and Relocate | 1 LS | 15,000.00 | 15,000.00 | 16,272.00 | 16,272.00 | 48,600.00 | 48,600.00 | 5,000.00 | 5,000.00 | | 0.00 | | 0.00 |
| 13 | Startup, Testing and Training | 1 LS | 6,897.00 | 6,897.00 | 8,475.00 | 8,475.00 | 9,100.00 | 9,100.00 | 10,000.00 | 10,000.00 | | 0.00 | | 0.00 |
| 14 | Furnish and Install Fence and Sliding Gate | 1 LS | 6,100.00 | 6,100.00 | 8,701.00 | 8,701.00 | 7,020.00 | 7,020.00 | 6,000.00 | 6,000.00 | | 0.00 | | 0.00 |
| 15 | Furnish and Install Slide Gate Operator, Card Reader, Access Controller, and Keypad | 1 LS | 10,000.00 | 10,000.00 | 12,882.00 | 12,882.00 | 5,500.00 | 5,500.00 | 7,500.00 | 7,500.00 | | 0.00 | | 0.00 |
| BID TOTAL | | | | \$410,859.00 | | \$416,561.67 | | \$499,814.00 | | \$508,000.00 | | \$0.00 | | \$0.00 |

Subcontractors Listed: W.C. Maloney Richter Fence Jay Cox Construction
Hensley Paving Valley Entry Systems Richter Fence
A&S Construcion MCR Rebar FBI Electric Company
R&F Fence Hart Paving History Concrete
Revolution CNG Mc Maloney
Valley Entry Systems Alaniz Construcion
O'Dell Engineering

**ABSTRACT OF BIDS FOR
CITY OF NEWMAN
CNG Fast Fill Fueling Station CML-5172(022)
Bid Opening: September 2, 2014; 2:30 p.m.**

ADDITIVE BID SCHEDULE "A"

| | | | <i>Engineer's Estimate</i> | | Marko Construction 3675 E. Jensen Fresno, CA 93725 | | Franzen Hill Corp 1100 N."J" St. Tulare, CA 93274 | | Hobbs Construction, Inc 12357 N. Friant Road Fresno, CA 93730 | | | | | |
|-------------------------------|---|----------|----------------------------|-------------|--|-------------|---|-------------|---|-------------|------------|--------|------------|--------|
| No. | Item Description | Quantity | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount |
| 1 | Demolition | 1 LS | 5,000.00 | 5,000.00 | 2,938.00 | 2,938.00 | 43,100.00 | 43,100.00 | 6,500.00 | 6,500.00 | | 0.00 | | 0.00 |
| 2 | Furnish and Place Asphalt Concrete Pavement | 4,410 SF | 14.00 | 61,740.00 | 7.73 | 34,089.30 | 4.08 | 17,992.80 | 6.60 | 29,106.00 | | 0.00 | | 0.00 |
| 3 | Furnish and Place Drain Rock | 78 TON | 40.00 | 3,120.00 | 86.91 | 6,778.98 | 57.23 | 4,463.94 | 65.00 | 5,070.00 | | 0.00 | | 0.00 |
| TOTAL ADDITIVE BID "A" | | | | \$69,860.00 | | \$43,806.28 | | \$65,556.74 | | \$40,676.00 | | \$0.00 | | \$0.00 |

ADDITIVE BID SCHEDULE "B"

| | | | <i>Engineer's Estimate</i> | | Marko Construction 3675 E. Jensen Fresno, CA 93725 | | Franzen Hill Corp 1100 N."J" St. Tulare, CA 93274 | | Hobbs Construction, Inc 12357 N. Friant Road Fresno, CA 93730 | | | | | |
|-------------------------------|------------------------------------|-------------------|----------------------------|-------------|--|-------------|---|-------------|---|-------------|------------|--------|------------|--------|
| Item No. | Item Description | Quantity and Unit | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount | Unit Price | Amount |
| 1 | Furnish and Install Storage Sphere | 1 LS | 45,577.00 | 45,577.00 | 41,584.00 | 41,584.00 | 39,024.00 | 39,024.00 | 35,000.00 | 35,000.00 | | 0.00 | | 0.00 |
| TOTAL ADDITIVE BID "B" | | | | \$45,577.00 | | \$41,584.00 | | \$39,024.00 | | \$35,000.00 | | \$0.00 | | \$0.00 |

LEGEND

| | EXISTING | PROPOSED |
|--------------------------|----------|----------|
| UNDERGROUND GAS LINE | | |
| ABOVE GRADE GAS LINE | | |
| CHAINLINK FENCE | | |
| WATER METER | | |
| WATERLINE | | |
| POWER POLE | | |
| GUY WIRE | | |
| OVERHEAD LINE | | |
| BOLLARDS | | |
| REMOVABLE BOLLARDS | | |
| AREA OF CONCRETE REMOVAL | | |
| CONCRETE AREA | | |
| GRAVEL AREA | | |
| ASPHALT CONCRETE (AC) | | |
| SPOT ELEVATION | | |
| UTILITY DROP LOCATION | | |

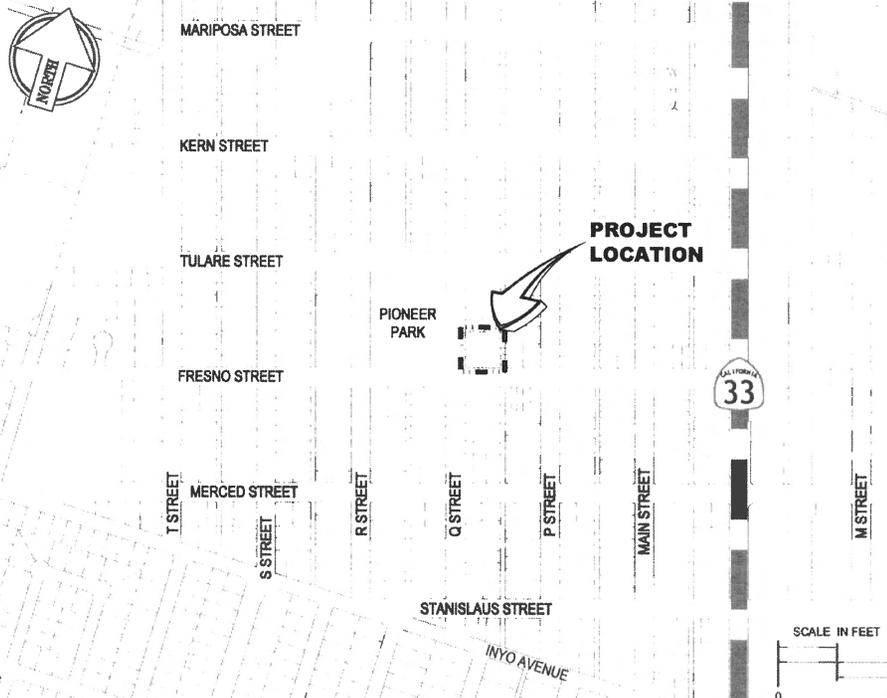
FOR CLARITY PURPOSES SYMBOLS SHOWN IN THE LEGEND MAY APPEAR SMALLER THAN SHOWN ON THE PLANS.

GENERAL NOTES

- CONTRACTOR TO EXERCISE EXTREME CAUTION WHILE EXCAVATING IN AREAS NEAR NATURAL GAS, TV, AT&T, AND OTHER EXISTING UTILITIES. CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL COSTS RELATED TO CUT LINES OR DISRUPTED SERVICE CAUSED BY ANY ACTIVITIES AS THEY RELATE TO THIS PROJECT.
- EXISTING UTILITY LOCATIONS ARE SHOWN BASED ON FIELD SURVEY DATA AND RECORD INFORMATION ONLY. ACTUAL BUILT LOCATIONS MAY VARY. CONTRACTOR TO VERIFY ACTUAL DEPTH AND LOCATION OF EXISTING UTILITIES PRIOR TO EXCAVATION ACTIVITIES AND IS RESPONSIBLE FOR ALL COSTS RELATED TO BROKEN LINES OR DISRUPTION OF SERVICE CAUSED BY ANY ACTIVITIES AS THEY RELATE TO THIS PROJECT.
- UTILITY CONFLICTS ARE TO BE WORKED OUT IN THE FIELD WITH THE CITY ENGINEER OR PROJECT OBSERVER.
- CONTRACTOR SHALL RESTORE ALL DISTURBED AND DAMAGED SURFACES TO THEIR ORIGINAL CONDITION AFTER CONSTRUCTION IS COMPLETE AND PRIOR TO CITY ACCEPTANCE.
- CONTRACTOR SHALL EXERCISE CARE TO MINIMIZE DAMAGE TO FACILITIES ADJACENT TO PROJECT IMPROVEMENTS SUCH AS CNG EQUIPMENT AND ANY OTHER EQUIPMENT, FENCING, CONCRETE FLATWORK, LANDSCAPING, LANDSCAPE IRRIGATION, ECT. FACILITIES DAMAGED BY THE CONTRACTOR BEYOND THE LIMITS OF CONSTRUCTION SHALL BE RESTORED BY THE CONTRACTOR TO THEIR PRE-CONSTRUCTION CONDITION AT NO COST TO THE CITY.
- ANY EXISTING GAS SERVICE CONNECTIONS ARE TO BE TRANSFERRED FROM THE EXISTING GAS LINE TO THE PROPOSED GAS LINE BEING INSTALLED.
- ANY EXISTING CNG EQUIPMENT SUCH AS COMPRESSOR, PIPING, DRYER AND CONNECTIONS SHALL BE PROTECTED AT ALL TIMES DURING CONSTRUCTION.

**PROJECT PLANS FOR CONSTRUCTION OF
CMAQ - CNG FAST FILL STATION**

**CML-5172 (022)
CITY OF NEWMAN**

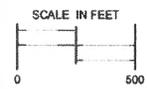


INDEX OF DRAWINGS

| | |
|---|---|
| 1 | LOCATION MAP AND INDEX OF DRAWINGS |
| 2 | DEMOLITION PLAN |
| 3 | GRADING PLAN |
| 4 | SITE IMPROVEMENT PLAN |
| 5 | CNG STATION LAYOUT AND CONSTRUCTION DETAILS |
| 6 | FENCING AND BOLLARD DETAILS |
| 7 | ELECTRICAL LEGEND AND NOTES |
| 8 | ELECTRICAL SITE PLAN |
| 9 | ELECTRICAL DETAILS |

SIGNATURE BLOCK
REVIEWED AND APPROVED BY THE CITY OF NEWMAN PUBLIC WORKS DEPARTMENT
BY: DATE: 8/13/2014
KOOSUN KIM
DIRECTOR OF PUBLIC WORKS

BENCHMARK
VERTICAL AND HORIZONTAL DATUM:
VERTICAL AND HORIZONTAL DATUM INFORMATION WAS TAKEN FROM THE NGS DATA SHEET FOR PID #S2406.
VERTICAL DATUM: NAVD83
ELEVATION: 90.6'
HORIZONTAL DATUM: NAD83(1986), CALIFORNIA SPCS, ZONE 3
DESCRIPTION: AT NEWMAN, AT THE INTERSECTION OF FRESNO STREET AND Q STREET, AN IRON RING PAINTED WHITE IN THE TOP OF THE CONCRETE BASE SUPPORTING THE SOUTHEAST LEG OF THE CITY WATER TANK, 0.9 FOOT NORTHWEST OF THE SOUTHEAST CORNER OF THE CONCRETE BASE AND ABOUT 1 FOOT ABOVE THE GROUND.



CALL BEFORE YOU DIG



| REV | DATE | DESCRIPTION | APPR |
|-----|------|-------------|------|
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CONSULTING ENGINEERS
456 Sixth Street • Custine, California 95322
Telephone (209) 854-3300 • Fax (209) 854-3600

CITY OF NEWMAN
CMAQ - CNG FAST FILL STATION - CML-5172(022)
LOCATION MAP AND INDEX OF DRAWINGS

| | | |
|-------------|----------|----------------|
| DESIGNED BY | DATE | DRAWING |
| DGR, BC | 3/3/14 | C-101 |
| DRAWN BY | DATE | SHEET |
| B. COSTA | 5/9/14 | 1 |
| CHECKED BY | DATE | OF 9 SHEETS |
| M. GOUVEIA | 05/30/14 | 1 |
| APPROVED | DATE | PROJECT NUMBER |
| M. GOUVEIA | 05/30/14 | 525.04 |

Aug 13, 2014 - 1:08pm

Honorable Mayor and Members
of the Newman City Council

**REPORT ON PROPOSED ORDINANCE AMENDING TITLE 3 BUSINESS REGULATIONS,
CHAPTER 3.03, PEDDLERS AND SOLICITORS OF THE NEWMAN MUNICIPAL CODE**

RECOMMENDATION:

It is recommended that the City Council introduce by title and waive the reading of the attached Ordinance No. 2014- , amending Title 3 Business Regulations; Chapter 3.03 Peddlers And Solicitors, of the Newman Municipal Code.

BACKGROUND:

On June 18, 2014, Solar City contacted the City of Newman inquiring about an amendment or exemption to Newman Municipal Code (NMC) §3.03. On June 24, 2014, the City Council directed staff and legal counsel to review said Ordinance and report back to the Council.

City staff presented three options regarding door to door solicitation to the Council on July 8, 2014; staff was directed to provide options regarding the revision of NMC §3.03.

On August 12, 2014, the City Council was presented with a number of potential revisions to the Ordinance; it was determined that an Ordinance amendment that included the following was preferred:

- A Time Standard of 9:00 A.M. To 5:00 P.M.
- Not to Allow Door to Door Sales On Sundays
- Create A Do Not Disturb Registry
- Prohibit Soliciting At Locations with “No Solicitation” Signs

ANALYSIS:

Staff has researched numerous Ordinances as well as case law and has prepared the following revisions/additions to the Ordinance:

A Time Standard Of 9:00 A.M. To 5:00 P.M.

It is unlawful for any person to peddle or solicit before the hour of 9:00 a.m. or after the hour of 5:00 p.m. from Monday through Saturday.

Not To Allow Door To Door Sales On Sundays

Peddling and soliciting on Sundays is prohibited.

Create A Do Not Disturb Registry

Occupants of residential properties may annually request to have their addresses included on a registry of residential properties whose occupants do not wish to receive unsolicited handbills or solicitation.

- A. The Finance Department shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Finance Department that soliciting is not permitted on the premises (hereinafter referred to as the “No Soliciting” Registry).
- B. Registration shall be by completion of a form available at City Hall during normal business hours and shall be valid through the calendar year.
 1. New registrants shall be effective on the next month’s list.
 2. The annual “No Soliciting” Registry will reset annually on January 1st.
 3. Those wishing to renew their registration shall either annually submit a written request to remain on the registry or re-apply.
- C. The current list shall be effective on the first day of each month.
 1. If the first of the month falls on a weekend or holiday, the list shall be made available on the first following business day.
- D. Solicitors shall obtain the current “No Soliciting” Registry at the time of Business License issuance.
- E. Solicitors shall obtain an updated version of the “No Soliciting” Registry on the first of each month from the Finance Department or City website.
- F. Solicitors shall not solicit at any premises identified on the then current “No Soliciting” Registry.

Prohibit Soliciting At Locations With “No Solicitation” Signs
Already addressed in NMC §3.03.100.A

Prohibit Handbill Distribution

Per the advice of legal counsel, this matter will be addressed separately upon the completion of additional research.

In addition to the aforementioned revisions/additions, it is the recommendation of the City Attorney that portions of the existing Ordinance be stricken or revised to better comply with case law, provide clarity and to allow for better enforcement. Stricken portions include the elimination of antiquated language, replacement of the word “peddler” with “solicitor”, bond and badge requirements. Additions include: Solicitation Days and Times and Do Not Disturb Registry Sections as well as references to other portions of the Code relating to Business License and Administrative Citation processes (Exhibit A).

FISCAL IMPACT:

1. Costs associated with the adoption of this ordinance are nominal.

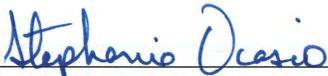
CONCLUSION:

Staff has researched various case law and regulations pertaining to door to door solicitation. Per the direction of the City Council and in conjunction with the City Attorney, staff has prepared a draft Ordinance addressing the concerns expressed during the August 12, 2014 City Council meeting. Therefore, staff recommends that the Council introduce and hold the first reading of Ordinance No. 2014- amending Title 3 Business Regulations; Chapter 3.03 Peddlers and Solicitors, of the Newman Municipal Code.

ATTACHMENTS:

1. Proposed Ordinance No. 2014-

Respectfully submitted,



Stephanie Ocasio
City Planner

REVIEWED/CONCUR



Michael Holland
City Manager

ORDINANCE NO. 2014-

**AN ORDINANCE OF THE CITY OF NEWMAN AMENDING
TITLE 3 BUSINESS REGULATIONS, CHAPTER 3.03 PEDDLERS AND SOLICITORS,
OF THE NEWMAN MUNICIPAL CODE**

WHEREAS, the City Council is concerned about the existence of unregulated door to door solicitors; and

WHEREAS, the City Council is concerned with the safety and security of its residents; and

WHEREAS, the City of Newman is desirous of drafting a comprehensive policy to heighten enforcement of its code requirements and require solicitors to be licensed and comply with the City's municipal code; and

WHEREAS, the proposed ordinance is not defined as a project under CEQA because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

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

SECTION 1.

Title 3 Business Regulations, Chapter 3.03 Peddlers And Solicitors, of the Newman City Code is amended as follows:

**CITY OF NEWMAN
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.~~ License fees.

3.03.060 Issuance of license.

3.03.070 Exemptions

3.03.080 ~~Badge.~~ Conditions of license.

3.03.090 Entry on premises prohibited.

3.03.100 Solicitation Days and Times.

3.03.110 ~~Revocation of license.~~ Do Not Disturb Registry.

3.03.120 ~~Violation, penalty.~~ Revocation of license.

3.03.130 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 in 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 for a Solicitor's License. ~~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 (*if different*), 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 *or government issued identification*. 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 *have the right to* require that the applicant shall establish his identity with the Chief of Police; *including but not limited to 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)~~

3.03.050 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)

3.03.060 Issuance of license.

A. Upon receipt of the application, together with the accompanying documents, and the appropriate fees, and being satisfied that *all the requirements set forth in this chapter are met* ~~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 *or his/her designee*, 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 Finance Department, as needed or requested by the City Council or Chief of Police, shall render a report of all licenses issued under the terms of this chapter.* ~~The City Clerk or his/her designee 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)

3.03.070 Exemptions.

The provisions of this chapter shall not apply to any person soliciting on behalf of any religious, charitable, educational, or political organization or to any person who is exempt from the provisions of this chapter by virtue of the Constitution or statutes of the United States of America or of the State of California.

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.~~

3.03.080 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 noisemaking 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.

3.03.090 Entry on premises prohibited.

A. It shall be unlawful for any ~~peddler~~ *solicitor* or person pretending to be a ~~peddler~~ solicitor 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 Solicitors,~~" "No Solicitation" 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)~~

3.03.100 Solicitation Days and Times

- A. It is unlawful for any person to peddle or solicit before the hour of 9:00 a.m. or after the hour of 5:00 p.m. from Monday through Saturday.
- B. Peddling and soliciting on Sundays is prohibited.

3.03.110 Do Not Disturb Registry

Occupants of residential properties may annually request to have their addresses included on a registry of residential properties whose occupants do not wish to receive unsolicited handbills or solicitation.

- A. The Finance Department shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Finance Department that soliciting is not permitted on the premises (hereinafter referred to as the "No Soliciting" Registry).
- B. Registration shall be by completion of a form available at City Hall during normal business hours and shall be valid through the calendar year.
 - 1. New registrants shall be effective on the next month's list.
 - 2. The annual "No Soliciting" Registry will reset annually on January 1st.
 - 3. Those wishing to renew their registration shall either annually submit a written request to remain on the registry or re-apply.
- C. The current list shall be effective on the first day of each month.
 - 1. If the first of the month falls on a weekend or holiday, the list shall be made available on the first following business day.
- D. Solicitors shall obtain the current "No Soliciting" Registry at the time of Business License issuance.
- E. Solicitors shall obtain an updated version of the "No Soliciting" Registry on the first of each month from the Finance Department or City website.
- F. Solicitors shall not solicit at any premises identified on the then current "No Soliciting" Registry.

3.03.120 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)

3.03.130 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 *and/or infraction and shall be subject to criminal prosecution and/or administrative citation as referenced in Title 8 Health and Sanitation Chapters 8.05 and 8.06.* (Ord. 77-25, 9-1977; Ord. 115, 1-12- 1932)

SECTION 2.

All other sections and provisions of Title 3 shall remain in full force and effect.

SECTION 3.

That a duly noticed public hearing was held by the City Council.

SECTION 4.

This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published and circulated in the City of Newman and thenceforth and thereafter the same shall be in full force and effect.

Introduced at a regular meeting of the City Council of the City of Newman held on the 23rd day of September, 2014 by Council Member _____, and adopted at a regular meeting of said City Council held on the 14th day of October, 2014 by the following vote:

AYES:
NOES:
ABSENT:

APPROVED:

Mayor of the City of Newman

ATTEST:

Deputy City Clerk