



AGENDA
NEWMAN CITY COUNCIL
SPECIAL MEETING NOVEMBER 18, 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 October 28, 2014 Meeting. ([View Minutes](#))
9. Public Hearings.
10. Regular Business
 - a. Report On Handbill Distribution (NMC §9.01.070). ([View Report](#))
 - b. Report On 2015 Little League Baseball/Softball Season. ([View Report](#))
 - c. Report On Establishment Of Aquatic Center Sub Committee. ([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

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

November 18 - Special City Council Meeting - 7:00 P.M.

November 20 - Planning Commission - Cancelled.

November 25 - City Council - Cancelled.

November 27-28 - Thanksgiving Holiday- City Offices Closed.

December 2 - NCLUSD Board Meeting - 6:00 P.M.

December 6 - Chamber Of Commerce Tree Lighting Event - 3:00 P.M. - 7:00 P.M.

December 9 - City Council - 7:00 P.M.

December 11 - Recreation Commission - 7:00 P.M.

December 16 - Two-On-Two Meeting With The School Board - Cancelled.

December 18 - Planning Commission - 7:00 P.M.

December 23 - City Council - Cancelled.

December 25 - Christmas Day.

December 25-31 - Winter Holiday Closure - City Offices Closed.



AP Check Register

November 05, 2014 FY 14-15

Vendor	Fund-Dept-Acct	Check #	Amount	Check date	Description
AT&T	10-21-6420	106395	\$ 337.32	11/7/2014	T1 line @ PD 9-20-14 to 10-19-14
AT&T	10-21-6420	106395	\$ 136.98	11/7/2014	Emergency dispatch line @ PD 9-20-14 to 10-19-14
		106395 Total	\$ 474.30		
BERTOLOTTI DISPOSAL	10-00-5080	106396	\$ (11,523.85)	11/7/2014	Monthly garbage service franchise fee from Bertolotti/Oct 2014
BERTOLOTTI DISPOSAL	10-00-5730	106396	\$ 15,639.51	11/7/2014	Reclass Bertolotti Franchise/street fees/Oct 2014
BERTOLOTTI DISPOSAL	10-00-5733	106396	\$ (4,115.66)	11/7/2014	Monthly street sweeping fee/Bertolotti/Oct 2014
BERTOLOTTI DISPOSAL	10-41-6200	106396	\$ 61,734.93	11/7/2014	Monthly garbage service/Oct 2014
		106396 Total	\$ 61,734.93		
BSN Sports, Inc.	10-45-6730	106397	\$ 519.66	11/7/2014	Youth basketball uniforms
BSN Sports, Inc.	10-45-6735	106397	\$ 194.23	11/7/2014	Youth soccer uniforms
		106397 Total	\$ 713.89		
Carillo Michael	10-45-6735	106398	\$ 96.50	11/7/2014	Youth soccer referee/Carillo
		106398 Total	\$ 96.50		
CARTER JEFF	68-68-7722	106399	\$ 100.00	11/7/2014	Parking lot rent/Nov 2014
		106399 Total	\$ 100.00		
CDW GOVERNMENT, INC	10-21-7105	106400	\$ 4,305.00	11/7/2014	2 Watchguard XTM/PD
CDW GOVERNMENT, INC	10-21-7105	106400	\$ 650.00	11/7/2014	HPE 5Y NBD DI360E/PD
CDW GOVERNMENT, INC	10-21-7105	106400	\$ 85.20	11/7/2014	MS SLD DT OPT/PD
CDW GOVERNMENT, INC	10-21-7105	106400	\$ 582.40	11/7/2014	HPE 5Y NBD DL360E/PD
CDW GOVERNMENT, INC	10-21-7105	106400	\$ 4,526.69	11/7/2014	Netmotion MOBI/Netmotion mobility/PD
		106400 Total	\$ 10,149.29		
Comcast	10-21-6200	106401	\$ 187.90	11/7/2014	Internet for T1 line to Oakdale/10/21 to 11/20/14
		106401 Total	\$ 187.90		
COMCAST CABLE	10-21-6200	106402	\$ 39.61	11/7/2014	High speed internet/PD
COMCAST CABLE	60-50-6200	106402	\$ 39.61	11/7/2014	High speed internet/sewer
COMCAST CABLE	63-56-6200	106402	\$ 39.62	11/7/2014	High speed internet/water
		106402 Total	\$ 118.84		
Davidson's Training	63-56-6690	106403	\$ 250.00	11/7/2014	Water treatment certification review class/Rocha
		106403 Total	\$ 250.00		
Del Puerto Health Care District	10-21-6200	106404	\$ 140.00	11/7/2014	Pre-employment physical/Mashburn
Del Puerto Health Care District	10-33-6200	106404	\$ 70.00	11/7/2014	Pre-employment physical/Pacheco
Del Puerto Health Care District	10-44-6200	106404	\$ 70.00	11/7/2014	Pre-employment physical/Pacheco
		106404 Total	\$ 280.00		
Escobar Isaiah	10-45-6735	106405	\$ 310.00	11/7/2014	Youth soccer referee/Escobar
		106405 Total	\$ 310.00		
Esparza Vincent Xavier	10-45-6735	106406	\$ 155.00	11/7/2014	Youth soccer referee/Esparza
		106406 Total	\$ 155.00		
GEORGE W. LOWRY, INC	60-50-6500	106407	\$ 513.22	11/7/2014	150 gallons red dyed diesel/WWTP
GEORGE W. LOWRY, INC	60-50-6500	106407	\$ 1,255.51	11/7/2014	400 gallons unleaded gas/WWTP



AP Check Register

November 05, 2014 FY 14-15

Vendor	Fund-Dept-Acct	Check #	Amount	Check date	Description
		106407 Total	\$ 1,768.73		
Gonzalez Javier	10-45-6735	106408	\$ 370.00	11/7/2014	Youth soccer referee/Gonzalez
		106408 Total	\$ 370.00		
HARD DRIVE GRAPHICS	10-33-6300	106409	\$ 42.46	11/7/2014	12 cotton twill hats
HARD DRIVE GRAPHICS	60-50-6300	106409	\$ 42.45	11/7/2014	12 cotton twill hats
HARD DRIVE GRAPHICS	63-56-6300	106409	\$ 84.92	11/7/2014	12 cotton twill hats
		106409 Total	\$ 169.83		
HUTCHINS JASON	10-21-6695	106410	\$ 200.00	11/7/2014	Per Diem POST trng "Radar Operator"/Hutchins
		106410 Total	\$ 200.00		
Kaufmann Bryanna	10-45-6735	106411	\$ 292.50	11/7/2014	Youth soccer referee/Kaufmann
		106411 Total	\$ 292.50		
Lopez Anthony	10-45-6735	106412	\$ 345.00	11/7/2014	Youth soccer referee/Lopez
		106412 Total	\$ 345.00		
Lopez Mayela	10-45-6735	106413	\$ 250.00	11/7/2014	Youth soccer referee/Lopez
		106413 Total	\$ 250.00		
Madrigal Oscar	10-45-6735	106414	\$ 225.00	11/7/2014	Youth soccer referee/Madrigal
		106414 Total	\$ 225.00		
Marquez Joselin	10-45-6735	106415	\$ 150.00	11/7/2014	Youth soccer referee/Marquez
		106415 Total	\$ 150.00		
MARRIOTT JOHN E.	10-21-6695	106416	\$ 40.00	11/7/2014	Per Diem/STOP trng/Marriott
		106416 Total	\$ 40.00		
Musson Henry	10-00-2841	106417	\$ 227.59	11/7/2014	Partial refund of deposit paid for new water service @ 1259 T
		106417 Total	\$ 227.59		
NEWMAN SMOG AND LUBE	10-21-6530	106418	\$ 37.69	11/7/2014	Lube & oil change 2011 Nissan
NEWMAN SMOG AND LUBE	10-33-6530	106418	\$ 11.99	11/7/2014	Smog check/2001 Chevy pickup
NEWMAN SMOG AND LUBE	10-33-6530	106418	\$ 15.82	11/7/2014	Smog check/2005 Chevy pickup
NEWMAN SMOG AND LUBE	10-33-6530	106418	\$ 61.49	11/7/2014	Transmission service/1997 Chevy pickup
NEWMAN SMOG AND LUBE	10-44-6530	106418	\$ 15.83	11/7/2014	Smog check/2005 Chevy pickup
NEWMAN SMOG AND LUBE	10-44-6530	106418	\$ 122.98	11/7/2014	Transmission service/1997 Chevy pickup
NEWMAN SMOG AND LUBE	60-50-6530	106418	\$ 21.58	11/7/2014	Smog check/2001 Chevy pickup
NEWMAN SMOG AND LUBE	60-50-6530	106418	\$ 23.98	11/7/2014	Smog check/1993 Ford pickup
NEWMAN SMOG AND LUBE	63-56-6530	106418	\$ 14.38	11/7/2014	Smog check/2001 Chevy pickup
NEWMAN SMOG AND LUBE	63-56-6530	106418	\$ 47.95	11/7/2014	Smog check/2000 Chevy pickup
NEWMAN SMOG AND LUBE	69-47-6530	106418	\$ 16.30	11/7/2014	Smog check/2005 Chevy pickup
NEWMAN SMOG AND LUBE	69-47-6530	106418	\$ 23.97	11/7/2014	Smog check/1993 Ford pickup
NEWMAN SMOG AND LUBE	69-47-6530	106418	\$ 61.49	11/7/2014	Transmission service/1997 Chevy pickup
		106418 Total	\$ 475.45		
Newman City Tow Service, Inc	10-33-6530	106419	\$ 15.00	11/7/2014	Towing Pickup to corp yard
Newman City Tow Service, Inc	10-44-6530	106419	\$ 30.00	11/7/2014	Towing Pickup to corp yard



AP Check Register

November 05, 2014 FY 14-15

Vendor	Fund-Dept-Acct	Check #	Amount	Check date	Description
Newman City Tow Service, Inc	69-47-6530	106419	\$ 15.00	11/7/2014	Towing Pickup to corp yard
		106419 Total	\$ 60.00		
Orozco Anthony	10-45-6735	106420	\$ 390.00	11/7/2014	Youth soccer referee/Orozco
		106420 Total	\$ 390.00		
P G & E	10-07-6410	106421	\$ 2,044.88	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	10-07-6665	106421	\$ 89.67	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	10-22-6410	106421	\$ 514.98	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	10-33-6410	106421	\$ 4,869.10	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	10-44-6410	106421	\$ 1,286.19	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	10-44-6660	106421	\$ 133.82	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	10-44-6670	106421	\$ 306.16	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	10-45-6410	106421	\$ 278.48	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	10-46-6410	106421	\$ 429.70	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	60-50-6410	106421	\$ 22,262.75	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	62-60-6411	106421	\$ 286.54	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	62-60-6412	106421	\$ 1,041.13	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	63-56-6410	106421	\$ 19,052.89	11/7/2014	Gas and electric 9-17-14 to 10-15-14
P G & E	69-47-6410	106421	\$ 3,069.80	11/7/2014	Gas and electric 9-17-14 to 10-15-14
		106421 Total	\$ 55,666.09		
Quezada Jesus	10-45-6735	106422	\$ 135.00	11/7/2014	Youth soccer referee/Quezada
		106422 Total	\$ 135.00		
SAFE-T-LITE	10-33-6300	106423	\$ 158.41	11/7/2014	10 barricades/12 6volt batteries/glasses
SAFE-T-LITE	10-33-6300	106423	\$ 380.88	11/7/2014	10 barricades/USA marking paint
SAFE-T-LITE	10-44-6300	106423	\$ 17.84	11/7/2014	10 barricades/12 6volt batteries/glasses
SAFE-T-LITE	10-44-6300	106423	\$ 15.59	11/7/2014	Lime safety vest/Pacheco
SAFE-T-LITE	63-56-6300	106423	\$ 158.42	11/7/2014	10 barricades/12 6volt batteries/glasses
SAFE-T-LITE	63-56-6300	106423	\$ 231.29	11/7/2014	10 barricades with flashing lites with batteries
		106423 Total	\$ 962.43		
Saucedo Martin	10-45-6735	106424	\$ 50.00	11/7/2014	Youth soccer referee-setup/Saucedo
		106424 Total	\$ 50.00		
ServiceMaster Building Maintenance	10-07-6200	106425	\$ 1,250.00	11/7/2014	Cleaned interior walls of Memorial Bldg
		106425 Total	\$ 1,250.00		
South Bay Regional PSTC	10-21-6695	106426	\$ 105.00	11/7/2014	Registration POST trng "Radar operator" Hutchins
		106426 Total	\$ 105.00		
State of Calif Dept of Justice	10-00-2014	106427	\$ 828.00	11/7/2014	Fingerprint apps payable/Sept 2014
State of Calif Dept of Justice	10-06-6200	106427	\$ 32.00	11/7/2014	GIS intern livescan/Sept 2014
State of Calif Dept of Justice	10-21-6200	106427	\$ 322.00	11/7/2014	Code enforcement intern livescan/Mashburn/Sept 2014
		106427 Total	\$ 1,182.00		
STATE WATER RESOURCES	63-56-6635	106428	\$ 90.00	11/7/2014	Application for D3 water distribution certification/Rocha



AP Check Register

November 05, 2014 FY 14-15

Vendor	Fund-Dept-Acct	Check #	Amount	Check date	Description
STATE WATER RESOURCES	63-56-6635	106428	\$ 90.00	11/7/2014	Application for D3 water distribution certification/Stonebarger
		106428 Total	\$ 180.00		
STAPLES ADVANTAGE	10-14-6300	106429	\$ 8.42	11/7/2014	Dab and seal/glue sticks
STAPLES ADVANTAGE	10-14-6300	106429	\$ 11.24	11/7/2014	Pen ink refills
STAPLES ADVANTAGE	60-50-6300	106429	\$ 8.42	11/7/2014	Dab and seal/glue sticks
STAPLES ADVANTAGE	60-50-6300	106429	\$ 11.25	11/7/2014	Pen ink refills
STAPLES ADVANTAGE	63-56-6300	106429	\$ 8.41	11/7/2014	Dab and seal/glue sticks
STAPLES ADVANTAGE	63-56-6300	106429	\$ 11.25	11/7/2014	Pen ink refills
		106429 Total	\$ 58.99		
STANTEC CONSULTING SERVICE, Inc	60-50-6200	106430	\$ 3,894.00	11/7/2014	Newman water & wastewater On-Call 2013-2014
		106430 Total	\$ 3,894.00		
Sun Valley Portables	69-47-6200	106431	\$ 155.73	11/7/2014	Portable restroom rental and service/Sept 2014
Sun Valley Portables	69-47-6200	106431	\$ 155.73	11/7/2014	Portable restroom rental and service/Oct 2014
		106431 Total	\$ 311.46		
TelePacific Communications	10-14-6420	106432	\$ 103.74	11/7/2014	Telephone service with long distance/Oct 2014
TelePacific Communications	10-21-6420	106432	\$ 204.38	11/7/2014	Telephone service with long distance/Oct 2014
TelePacific Communications	10-45-6420	106432	\$ 103.74	11/7/2014	Telephone service with long distance/Oct 2014
TelePacific Communications	60-50-6420	106432	\$ 103.74	11/7/2014	Telephone service with long distance/Oct 2014
TelePacific Communications	63-56-6420	106432	\$ 103.73	11/7/2014	Telephone service with long distance/Oct 2014
		106432 Total	\$ 619.33		
NEWMAN DEPOT GARAGE	63-00-2010	106433	\$ 150.00	11/7/2014	Refund Check
		106433 Total	\$ 150.00		
MCKENZIE ROBERT	63-00-2010	106434	\$ 7.22	11/7/2014	Refund Check
		106434 Total	\$ 7.22		
MURDOCK KRYSTAL	63-00-2010	106435	\$ 45.72	11/7/2014	Refund Check
		106435 Total	\$ 45.72		
CHAVEZ DAVID	63-00-2010	106436	\$ 150.00	11/7/2014	Refund Check
		106436 Total	\$ 150.00		
SHINNICK JASON	63-00-2010	106437	\$ 99.82	11/7/2014	Refund Check
		106437 Total	\$ 99.82		
ANTILLON ALEJANDRA	63-00-2010	106438	\$ 96.57	11/7/2014	Refund Check
		106438 Total	\$ 96.57		
DUPONT RICHIE	63-00-2010	106439	\$ 89.52	11/7/2014	Refund Check
		106439 Total	\$ 89.52		
UNIVAR USA, INC	63-56-6300	106440	\$ 269.06	11/7/2014	Delivery cancellation charge for well #5
UNIVAR USA, INC	63-56-6300	106440	\$ 326.01	11/7/2014	120 gallons sodium hypochlorite/well #6
UNIVAR USA, INC	63-56-6300	106440	\$ 509.08	11/7/2014	197 gallons sodium hypochlorite/well #8
		106440 Total	\$ 1,104.15		
VILLALOBOS MIGUEL	10-21-6695	106441	\$ 40.00	11/7/2014	Per diem/POST "Stop Training" Villalobos



AP Check Register
November 05, 2014 FY 14-15

Vendor	Fund-Dept-Acct	Check #	Amount	Check date	Description
		106441 Total	\$ 40.00		
		Grand Total	\$ 145,732.05		



Manual Check Register

October 31, 2014

Vendor	Fund-Dept-Acct	Amount	Check #	Check Date	Description
State of Calif Franchise Tax Board	10-45-6200	\$ 50.00	106394	10/28/2014	SOS Cert penalty/nonprofit/Newman Recreationa opportunities 12/1
		\$ 50.00	106394 Total		
		\$ 50.00	Grand Total		



ACH Register for Council October 29, 2014

Vendor	Vendor No	Account No	Invoice No	Description	Amount	ACH Check
SJVA	SJV01	10-00-2260	Nov-14	Health Insurance premium Nov 2014	\$ 14,918.24	TRUE
					\$ 14,918.24	TRUE Total
					\$ 14,918.24	Grand Total



Manual Check Register November 13, 2014

Vendor	Fund-Dept-Acct	Amount	Check #	Check Date	Description
Blythe Steven	10-15-6217	\$ 55.00	106454	11/12/2014	Claim settlement/property damage/Blythe
		\$ 55.00	106454 Total		
Williams Ashley	10-21-6695	\$ 200.00	106442	11/7/2014	Per diem/POST training "Radar operator" Williams
		\$ 200.00	106442 Total		
		\$ 255.00	Grand Total		



Void Check Register November 13, 2014

Verndor No	Vendor Name	Account	Invoice	Description	Amount	Check Number	Void
HUT05	HUTCHINS JASON	10-21-6695	11/10/14	Per Diem POST trng "Radar Operator"/Hutchins	\$ 200.00	106410	TRUE
					\$ 200.00	106410	



MINUTES
NEWMAN CITY COUNCIL
REGULAR MEETING OCTOBER 28, 2014
CITY COUNCIL CHAMBERS, 7:00 P.M., 938 FRESNO STREET

1. **Call To Order** - Mayor Katen 7:01 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation-** Council Member Hutchins.
4. **Roll Call - PRESENT:** Hutchins, Candea, Martina And Mayor Katen.
ABSENT: Davis (Excused).
5. **Declaration Of Conflicts Of Interest** - None.

6. Ceremonial Matters

- a. Recognition Of Pacific Gas & Electric Company For Skate Plaza Grant Award.

Recreation Coordinator House Introduced PG&E Representative Thomas Reeves.

Thomas Reeves Reported That PG&E Awarded \$2,000.00 In Grant Funds For The City's Skate Plaza Project.

Mayor Katen Thanked PG&E For Their Donation To The Skate Plaza Project.

7. Items from the Public - Non-Agenda Items

Natalie Karsten, Newman Librarian, Reviewed Current And Upcoming Library Programs. Karsten Thanked Outgoing Friends Of The Newman Library President Crescencia Maurer For All Her Hard Work And Support Of The Newman Library.

8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The October 14, 2014 Meetings.
- d. Adopt Resolution No. 2014-60, Approving The Local Transportation Fund Claim For Fiscal Year 2014/2015 Other Purposes And Authorize The Finance Director To Execute The Claim On Behalf Of The City Of Newman.

Council Member Martina Requested That Minutes Of The October 14, 2014 City Council Meeting Be Amended To Include His Comments About The Nursery On The North End Of Town.

ACTION: On A Motion By Hutchins Seconded By Candea, The Consent Calendar Including Council Member Martina's Amendment To The October 14, 2014 City Council Meeting Minutes Was Approved By The Following Vote: AYES: Hutchins, Candea, Martina, And Mayor Katen; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

9. Public Hearings

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

ACTION: No Action Was Taken; Agenda Item 9.a. Was Pulled From The Agenda As The Public Nuisances At Both Properties Had Been Removed Prior To The City Council Meeting.

- b. Second Reading And Adoption Of Ordinance No. 2014-9, Amending Title 1 Administrative, Title 4 Building Regulations, Title 6 Subdivisions, Title 8 Health And Sanitation And Title 11 Public Ways And Property Of The Newman Municipal Code And Authorize Staff To Publish A Summary Of Said Ordinance.

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

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

ACTION: Ordinance No. 2014-9, Amending Title 1 Administrative, Title 4 Building Regulations, Title 6 Subdivisions, Title 8 Health And Sanitation And Title 11 Public Ways And Property Of The Newman Municipal Code, Had Its Second Reading By Title Only. On A Motion By Candea Seconded By Martina, Said Ordinance Was Adopted And Staff Was Authorized To Prepare And Publish A Summary Of The Ordinance By The Following Vote: AYES: Hutchins, Candea, Martina, And Mayor Katen; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

10. Regular Business

- a. Report On Newman Chamber Of Commerce Tree Lighting Event At The Downtown Plaza.

ACTION: On Motion By Hutchins Seconded By Martina, The Council Approved The Newman Tree Lighting Event As Submitted By The Chamber Of Commerce By The Following Roll Call Vote: AYES: Hutchins, Candea, Martina, And Mayor Katen; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

- b. Adopt Resolution No. 2014-61, Awarding The CNG Fast Fill Fueling Station Project To Marko Construction And Amending The Fiscal Year 2014-2015 CMAQ Budget Amount To \$500,000.00 For The CNG Fast Fill Fueling Station Project.

Council Member Hutchins Asked About The Additional Bid Option.

Public Works Director Kim Noted That The City Could Not Afford The Additional Options.

ACTION: On Motion By Martina Seconded By Candea, Resolution No. 2014-61, A Resolution Awarding The CNG Fast Fill Fueling Station Project To Marko Construction And Amending The Fiscal Year 2014-2015 CMAQ Budget Amount To \$500,000.00 For The CNG Fast Fill Fueling Station Project: AYES: Hutchins, Candea, Martina, And Mayor Katen; NOES: None; ABSENT: Davis; NOT PARTICIPATING: None.

- c. Report On Memorandum Of Understanding With Stanislaus Business Alliance.

Council Member Hutchins Noted That A Few Years Prior, The Alliance Had Done Something Similar And Noted That If The City Increases Its Funding He Would Expect More Attention Than We Received From The Previous Effort.

Honorable Mayor and Members
of the Newman City Council

REPORT ON HANDBILL DISTRIBUTION (NMC §9.01.070)

RECOMMENDATION:

Provide staff direction regarding Newman Municipal Code (NMC) §9.01.070

BACKGROUND:

On May 11, 1937, the Newman City Council introduced Ordinance 129, making it a misdemeanor for any person, firm or corporation to distribute handbills (or other printed matter) on private property and vehicles without consent or permission; Ordinance 129 is now referred to as NMC §9.01.070 [Handbills, distribution of.] and is attached (Exhibit A) for your review. The Ordinance does not apply to newspapers, publications, legal notices or signage (i.e. "For Rent", etc.).

During a City Council discussion regarding solicitors, Casey Graham expressed concern regarding the distribution of handbills in the City. He expressed that the leaflets often contained little to no information about companies, often utilized personal e-mail addresses instead of formal business domains, did not list a permit or license number on them and possibly increased the potential for crime(s) by incidentally identifying vacant or unoccupied residences. In response to his concerns, City staff and legal counsel have reviewed existing Ordinances and case law pertaining to handbill distribution.

ANALYSIS:

Similarly to door-to-door solicitation, written speech (such as handbills) is protected by the first amendment. Therefore, an Ordinance requiring specific information be listed on handbills/leaflets is not advised by the City Attorney. However, there are some options available to ensure that excessive and/or unwelcome handbills are not distributed:

1. NMC §9.01.070 Revisions/Updates may include:
 - a. Handbills/Leaflets must be door-hanger style and/or given to a citizen directly. Placement of handbills on garage doors, windows or yards would be prohibited.
 - b. Handbills/Leaflets shall not be deposited at residences bearing a "No Solicitors" (or similar) signage.
 - c. Handbills/Leaflets shall not be deposited at residences currently listed on the Do Not Disturb Registry.
 - d. Excessive handbills/leaflet distribution would be considered littering and enforced as such.

Through the adoption of some or all of the above, the City's enforcement abilities would be strengthened. It is important to note that the Ordinance amendment follows the same themes observed during the door-to-door solicitation Ordinance amendment process: First Amendment Rights, Narrowly Tailored, Due Process Rights, Reasonable Fit and Non Discriminatory.

FISCAL IMPACT:

Potential increased staff time and/or material costs depending on which ordinance revision is pursued.

CONCLUSION:

Staff has conferred with legal counsel regarding case law and the best course of action regarding an Ordinance revision; it is important to note that should a revision be adopted where case law is unsupportive, that the City may be subject to challenge. Therefore, in an effort to address public concern and comply with case law, it is staff's recommendation that NMC §9.01.070 be revised as outlined above.

ATTACHMENTS:

1. Exhibit A – NMC §9.01.070 Handbills, distribution of

Respectfully submitted,



Stephanie Ocasio
City Planner

REVIEWED/CONCUR

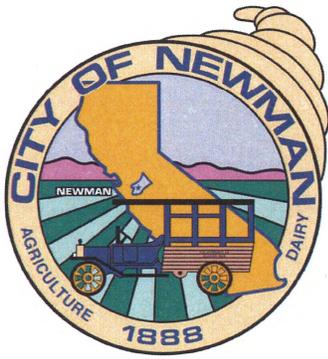


Michael Holland
City Manager

9.01.070 Handbills, distribution of.

A. It shall be unlawful for any person to distribute, or cause to be distributed, within the City any handbills or other printed or written advertising matter by, in any way, placing or causing the same to be placed, in or about any lot, yard, building or other structure within the City, not owned or occupied by the person distributing the same, and it shall be unlawful for any person to distribute any handbill or other printed or written advertising matter by placing or causing the same to be placed in or on any automobile or other vehicle within the City, not owned or operated by the person distributing the same, unless the consent or permission of such owner or operator has been obtained therefor.

B. The provisions of this section shall not be deemed to apply to any newspaper or any publication printing news of a general nature and keeping advertising space therein open to the public, and the publishing of general advertising matter therein; nor shall the provisions of this section be deemed to apply to any legal notices permitted or required by law to be posted upon any lot, building or structure, or to cards or notices advertising such lot, building or structure for sale, or that the same or some part thereof is for rent. (Ord. 129, 5-11-1937)



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

**Date: November 12, 2014
To: Mayor and City Council
From: Michael E. Holland, City Manager**

Subject: Item 10.b. – 2015 Little League Baseball/Softball season.

City staff has been contacted by the Little League board regarding the 2015 baseball/softball season. There is a concern that the Board will not contain a sufficient number of members and volunteers to organize and manage the upcoming season. The remaining Board members reached out to staff to gauge how the City would respond should the community not step forward to help run the program. They ask “Would the season be cancelled or would the City step forward and run the league?” Staff is requesting the Council consider this issue and direct staff on how to respond to the Board.



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

**Date: November 12, 2014
To: Mayor and City Council
From: Michael E. Holland, City Manager**

Subject: Item 10.c. – Establishment of Aquatic Center Sub Committee.

City staff has been exploring options on how to move forward with the development of the aquatic center. With some preliminary financial figures and an outline of a process, staff is requesting the Council form a sub-committee of two Council members to review the data and to help formulate a plan that can be presented to the full Council in early 2015.