

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA # *A-5a

Urgent ☐

Routine ☒

AGENDA DATE July 13, 2010

CEO Concurs with Recommendation YES ☒ NO ☐

(Information Attached)

4/5 Vote Required YES ☐ NO ☒

SUBJECT:

Approval to Consolidate the City of Newman's General Municipal Election with the Gubernatorial General Election to be Held on Tuesday, November 2, 2010

STAFF RECOMMENDATIONS:

Approve the consolidation of the City of Newman's General Municipal Election with the Gubernatorial General Election to be held on Tuesday, November 2, 2010.

Contact person: Christine Ferraro Tallman, Clerk of the Board

Telephone: 525-4494

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2010-447

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST:


CHRISTINE FERRARO TALLMAN, Clerk

File No.



June 23, 2010

Christine Ferraro Tallman, Clerk of the Board
Stanislaus County Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

Re: November 2, 2010 Gubernatorial General Election

Dear Christine:

On behalf of the City of Newman, this letter is to formally request that the Board of Supervisors consolidate the City of Newman's November 2, 2010 Municipal Election with the County's Gubernatorial General Election on the same date.

Council Member Edward "Ted" Kelly resigned from the City Council at the March 23, 2010 City Council Meeting. The Council considered methods of filling the vacancy created by Kelly's resignation at the April 13, 2010 Council Meeting; at said meeting, the Council unanimously agreed not to appoint a new Council Member. Had he stayed in office, Council Member Kelly's term would have expired this election cycle.

The City Council at their May 11, 2010 regular meeting, adopted Resolution No. 2010-29, requesting that the Board of Supervisors Consolidate the November 2, 2010 City of Newman Municipal Election with the Gubernatorial General Election To Be Held On The Same Date.

Enclosed please find a certified copy of the aforementioned resolution, requesting that the Board of Supervisors of Stanislaus County consolidate the November 2, 2010 City of Newman Municipal Election with the Gubernatorial General Election to be held on November 2, 2010. For your records, I have also enclosed copies of the minutes from the aforementioned City Council Meetings.

The City of Newman appreciates the ongoing cooperation of Stanislaus County. Should you require additional information or have any questions, please contact me.

Sincerely,

MIKE MAIER
Deputy City Clerk
mmaier@cityofnewman.com

cc: Lee Lundrigan, Stanislaus County Clerk-Recorder, Elections Division

BOARD OF SUPERVISORS
2010 JUN 30 AM 11:02

RESOLUTION NO. 2010-29

A Resolution Requesting That The Board Of Supervisors Of Stanislaus County Consolidate The November 2, 2010 City Of Newman Municipal Election And Consolidate The Municipal Election To Fill The Vacancy Created By The Resignation Of Council Member Edward "Ted" Kelly With The Gubernatorial General Election To Be Held On November 2, 2010.

WHEREAS, the City of Newman will hold an election on November 2, 2010 to fill the vacancy created by the resignation of Council Member Edward "Ted" Kelly; and,

WHEREAS, Council Member Kelly's seat would have been up for election in November regardless of his resignation; and,

WHEREAS, the City of Newman will hold a municipal election on November 2, 2010, purpose of electing a Mayor, and a two Council Members; and,

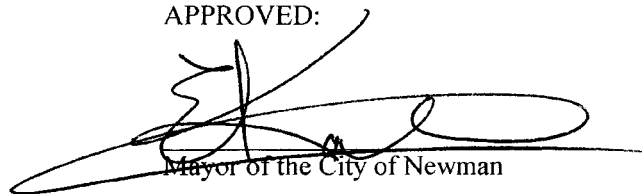
WHEREAS, it is desirable that the that Municipal Elections be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, polling places, and election officers of the two elections be the same, and that the county election department of the County of Stanislaus canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election,.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newman that the Board of Supervisors of Stanislaus County, California, is hereby requested to order the consolidation of the November 2, 2010 City of Newman Municipal Election and the consolidation of the Municipal Election to fill the vacancy created by the resignation of Council Member Edward "Ted" Kelly, for the purpose of electing a Mayor, and a two Council Members with the Gubernatorial General Election to be held on November 2, 2010.

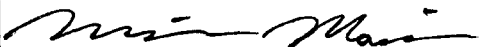
The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 11th day of May, 2010 by Council Member Davis who moved its adoption, which motion was duly seconded and it was upon roll call vote adopted.

AYES: Davis, Candea, Martina and Mayor Katen
NOES: None
ABSENT: None

APPROVED:


Mayor of the City of Newman

ATTEST:


Deputy City Clerk of the City of Newman

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING MARCH 23, 2010
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** - Mayor Katen 7:02 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** - Council Member Kelly.
4. **Roll Call PRESENT:** Kelly, Davis, Candea, Martina And Mayor Katen.
ABSENT: None.
5. **Declaration Of Conflicts Of Interest** - None
6. **Ceremonial Matters**
 - a. Badge Pinning Of Officer Bryon Elness.

Chief McGill Introduced And Performed The Swearing In Of New Officer Bryon Elness.

- b. Recognition Of Sergeant Richardson Receiving A Bachelor's Degree.

Chief McGill Congratulated Sgt. Richardson For Receiving A Bachelor's Degree.

7. Items From The Public - Non-Agenda Items

Scott Pasco, 1338 Stephens Avenue, Stated That He Lives Near Orestimba High School And Its Multi-Purpose Room. Pasco Reviewed The Names Of Other Stephens Avenue Residents And Explained That There Have Been Several Incidents Regarding Parking That Had Recently Taken Place That Involved Both Students And Teachers. Pasco Asked The Council To Institute A Permit Parking System During Weekdays To Help Alleviate The Long Standing Parking Issues In His Neighborhood. Pasco Indicated That He Would Be Willing To Pay For The Cost Of The Signs If The City Was Unwilling To Do So.

Chief McGill Commented That The School Is Supportive Of The Idea Because Some Students Park Off Campus To Try To Avoid School Regulations. McGill Mentioned That The Department Had Previously Explored The Idea Of Permit Parking On Stephens Avenue And That He Had Previously Corresponded With Mr. Pasco But That He Did Not Recall The Estimated Costs For Implementing Such A Program.

The City Council Directed City Staff To Bring This Item Back To The Council At A Future Meeting.

William Davis, Fighting Dragons Martial Arts Group, Requested The Council's Monetary Support Of His Group's Karate Tournament. Davis Mentioned That This Would Be The First Martial Arts Tournament Hosted By The Fighting Dragons. He Explained That The Tournament Would Take Place At Yolo Middle School On May 15th With The Possibility Of Bringing In Over 1,000 Visitors Into The City. Davis Reminded The Council That His Group Continues To Provide A Year-Round Free/Low Cost Martial Arts Training To Children Regardless Of Their Financial Status. Davis Thanked The City For Their Support And Stated That They Are Putting Newman On The Karate Map.

The Council Directed Staff To Donate The Remaining \$192.74 From The Community Promotions Fund To The Tournament And Mayor Katen, Council Member Kelly, City Manger Holland And The Police K9 Association Donated The Remainder Of The Funds Needed To Reach The Fighting Dragons Request Of \$500.00

8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The March 9, 2010 Regular Meeting.
- d. Adopt Resolution No. 2010-19, Declaring Certain Personal Property Surplus Property And Authorizing Disposal And/Or Sale Of Property.

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

9. Public Hearings

- a. Adopt Resolution No. 2010-20, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

Mayor Katen Opened The Public Hearing At 7:37 P.M.

There Being No Public Comment Martina Closed The Public Hearing At 7:38 P.M.

ACTION: On Motion By Kelly Seconded By Davis And Unanimously Carried, Resolution No. 2010-20, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4, Was Adopted.

10. Regular Business

- a. First Reading And Introduction Of Ordinance No. 2010- , An Ordinance Amending Title 9 Police Regulations, Prohibiting The Consumption Of Alcoholic Beverages In Public.

ACTION: Ordinance No. 2010- , Amending Title 9 Police Regulations Of The Newman City Code Adding Chapter 9.01.021 Drinking In Public Was Introduced By Council Member Martina, Ordinance Had Its First Reading By Title Only.

- b. First Reading And Introduction Of Ordinance No. 2010- , An Ordinance Eliminating The Time Limit On Incurring Debt And Extending The Time Limitation For The Effectiveness Of The Redevelopment Plan And The Repayment Of Debt For The Newman Redevelopment Project.

ACTION: Ordinance No. 2010- , An Ordinance Eliminating The Time Limit On Incurring Debt And Extending The Time Limitation For The Effectiveness Of The Redevelopment Plan And The Repayment Of Debt For The Newman Redevelopment Project Was Introduced By Council Member Candea, Ordinance Had Its First Reading By Title Only.

- c. Council Review And Direction On Draft Letter To County Board Of Supervisors Regarding Public Facility Impacts Fee Study.

ACTION: The Council Directed Staff To Send The Letter As Presented And Attend The Board Of Supervisor's Meeting.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Informed The Council That The Regional Transportation Fee Portion Of The PPF Update Has Been Pulled From The Board's Agenda And That The County Is Willing To Work With The City To Find A Resolution. DeMartini Reminded The Council The Next West Side Health Care Taskforce Meeting Would Be On April 29, 2010 In Gustine And That The Taskforce Sponsored Hiking And Biking Tours Will Be Held On April 17th, May 15th, And June 19th As Part Of The Healthy Choices Campaign. DeMartini Explained That The Orestimba Creek Flood Control Project Has Suffered A Delay And Will Not Be Able To Meet The Funding Deadline Due To The Additional Core Samples And Studies Requirements.

12. Items From The City Manager And Staff.

City Manager Holland Mentioned That The City Had Received A Letter Thanking Fire Department For Their Response To A Motor Vehicle Crash Along Interstate-5. Holland Reminded Everyone That City Offices Would Be Closed On April 2, 2010 For A Furlough Day And That The Chamber Luncheon Would Be On March 31, 2010 . Holland Noted That Staff Would Be Presenting Options To The Council Regarding Boat Issues On April 13, 2010. Holland Indicated That He Would Be Attending The Stanislaus County Board Of Supervisors Meeting On March 30, 2010.

Chief McGill Stated That He Was Happy To Report That Officer Gonzalez Received A Commendation For His Work On Recent Graffiti Cases. McGill Reminded Everyone That The K-9 Association Crab Feed Was Scheduled For April 24, 2010 And That The Next Animal Clinic Would Be On May 1, 2010 At Pioneer Park. McGill Commented That Three Officers Had Recently Competed In The Modesto Half Marathon And That Two Groups Would Be Running In The Big Sur Mud Run.

Public Works Director Reynolds Informed The Council That Plaza Project Is Out To Bid And That The Downtown Improvement Day Would Be Held On April 17, 2010.

13. Items From City Council Members.

Council Member Candea Noted That The Newman Sign Has Been Replaced Along Interstate-5

Council Member Martina Congratulated Sergeant Richardson For Obtaining His Degree.

Council Member Kelly Stated That He Had To Regrettably Resign From The City Council. Kelly Thanked Several Local Residents And Officials. He Expressed That He Will Miss Newman But That His Need To Be Closer To His Grandchildren Is Far Greater.

Mayor Katen Asked About The Removal Of Graffiti Along Fig Lane. Katen Mentioned That He Had Spoken With Congressman Cordoza Regarding The Orestimba Creek Flood Control Project And The Congressman Had Volunteered To Call The Army Corps Of Engineers To See If There Was Any Way To Speed Up The Process.

14. Adjourn To Closed Session - 8:29 P.M.

- a. Public Employee Personnel Evaluation – City Manager – G.C. 54957.
- b. Return To Open Session. - 9:07 P.M.

Mayor Katen Reported That The City Council Had Given City Manger Holland A Positive Evaluation.

15. Adjournment.

ACTION: On Motion By Kelly Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 9:11 P.M.

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING APRIL 13, 2010
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

1. **Call To Order** - Mayor Katen 7:02 P.M.
2. **Pledge Of Allegiance.**
3. **Invocation** – Council Member Candea.
4. **Roll Call PRESENT:** Davis, Candea, Martina And Mayor Katen.
ABSENT: None.
5. **Declaration Of Conflicts Of Interest** – None.
6. **Ceremonial Matters**
 - a. Proclamation - Library Week.

Mayor Katen Presented The Library Week Proclamation To Newman Library Branch Librarian Barbara Alexander.

7. Items From The Public - Non-Agenda Items

Susan Mattos, Mattos Newspapers, Thanked The City For Contributing To The Upcoming Downtown Planting Day On Saturday, April 17, 2010 At 8:00A.M. Mattos Noted That The City Of Newman Had Lost Ricky Dykes In December 2009 And Reminiscenced That He Was "A Beautiful Person"; Mattos Explained That Remaining Contributions From The Ricky Dikes Memorial Fund Would Be Used To Help Purchase The Plants For The Downtown Planting Day. Mattos Indicated That As Part Of The Planting Day They Would Be Affixing A Plaque Remembering Ricky On A Bench. Mattos Clarified That Some Local Businesses And The Afterschool Program Also Made Financial Contributions To Purchase Plants For The Aforementioned Event. Mattos Pointed Out That The Orestimba High School F.F.A. And The Afterschool Programs Have Agreed To Provide Maintenance For The Downtown Pots Twice A Month.

8. Consent Calendar

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The March 23, 2010 Regular Meeting.
- d. Approval Of City Manager Contract Extension And Amendment.
- e. Adopt Resolution No. 2010-21, A Resolution Rejecting The Claim Of Maria Gonzalez.

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

9. Public Hearings

- a. Adopt Resolution No. 2010-22, A Resolution Declaring The Existence Of A Public Nuisance Under Ordinance No. 95-4.

ACTION: No Action Was Taken; The Nuisance Was Abated Prior To The Council Meeting.

- b. Second Reading And Adoption Of Ordinance No. 2010-03, An Ordinance Amending Title 9 Police Regulations, Prohibiting The Consumption Of Alcoholic Beverages In Public And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.

Mayor Katen Opened The Public Hearing At 7:05 P.M.

There Being No Public Comment Mayor Katen Closed The Public Hearing At 7:06 P.M.

ACTION: Ordinance No. 2010-03, Amending Title 9 Police Regulations, Prohibiting The Consumption Of Alcoholic Beverages In Public Of The Newman City Code Had Its Second Reading By Title Only. A Motion By Martina Seconded By Candea Said Ordinance Was Unanimously Adopted And Staff Was Authorized To Prepare And Publish A Summary Of Said Ordinance.

- c. Second Reading And Adoption Of Ordinance No. 2010-04, An Ordinance Eliminating The Time Limit On Incurring Debt And Extending The Time Limitation For The Effectiveness Of The Redevelopment Plan And The Repayment Of Debt For The Newman Redevelopment Project And Authorize Staff To Prepare And Publish A Summary Of Said Ordinance.

Mayor Katen Opened The Public Hearing At 7:07 P.M.

There Being No Public Comment Mayor Katen Closed The Public Hearing At 7:08 P.M.

ACTION: Ordinance No. 2010-04, Eliminating The Time Limit On Incurring Debt And Extending The Time Limitation For The Effectiveness Of The Redevelopment Plan And The Repayment Of Debt For The Newman Redevelopment Project Had Its Second Reading By Title Only. A Motion By Davis Seconded By Martina Said Ordinance Was Unanimously Adopted And Staff Was Authorized To Prepare And Publish A Summary Of Said Ordinance.

- d. Approval Of The Stanislaus County CDBG Annual Action Plan (Fiscal Year 2010/2011) And Close 30 Day Public Comment Period.

Mayor Katen Opened The Public Hearing At 7:15 P.M.

There Being No Public Comment Mayor Katen Closed The Public Hearing At 7:16 P.M.

ACTION: On Motion By Candea Seconded By Martina And Unanimously Carried, The Council Approved The Proposed CDBG Projects For The Stanislaus County Annual Action Plan (Fiscal Year 2010-2011), The Amendment To The (Fiscal Year 2008-2009) NSP Annual Action Plan, The

Amendment To The (Fiscal Year 2007-2012) Consolidated Plan And Closed 30 Day Public Comment Period.

10. Regular Business

- a. Adopt Resolution No. 2010-22, A Resolution Approving The Application For Grant Funds For The Urban Greening Planning Grant Program Under The Safe Drinking Water, Water Quality And Supply, Flood Control, River And Coastal Protection Bond Act Of 2006 (Proposition 84).

ACTION: On Motion By Martina Seconded By Davis And Unanimously Carried, Resolution No. 2010-22, A Resolution Approving The Application For Grant Funds For The Urban Greening Planning Grant Program Under The Safe Drinking Water, Water Quality And Supply, Flood Control, River And Coastal Protection Bond Act Of 2006 (Proposition 84), Was Adopted.

- b. Report On Boat\RV Off Street Parking Ordinance Options.

Mel Souza, 1447 "T" Street, Reiterated That His Boat Has Been In the Same Place For 10 Years And That If The Entire Town Were Not Cleaned Up, Then The City Would Be Setting Itself Up For A Lawsuit.

Bob Castro, 522 Bonanza Drive, Remarked That He Has Had His Boat Outside For The Last 5 Years. Castro Mentioned How He Understands That There Are Eyesores But Declared That His Is Not. He Stated That His Property Is Always Registered, Maintained And Licensed; Which He Feels Excludes His Boat From Being Labeled As An Eyesore. Castro Expressed That He Thought That The Ordinance Was Unfair.

Jeremy Addington, 1220 Duck Blind Circle, Remarked That He Is Concerned That His Case Is Different Than Most Because His Boat Is In A Side Yard And Not The Front Yard. Addington Stated That He Does Not Think That He Is Affected By The Ordinance Because His Boat Is In His Side Yard. He Mentioned That He Is Willing To Build A Six-Foot Fence Around His Boat And That The Fence Itself Would Be More Of An Eyesore Than His Boat. Addington Told The Council That He Would Like To See The Ordinance Changed And Added That He Has Lived In The Same Place For 10 Years.

Cindy Perry, 1551 West Tulare, Clarified That The Ordinance Not Only Addresses Boats But Inoperable Vehicles, Trailers And All Types Of Recreational Vehicles. Perry Stated That She Thought That The Ordinance Was Not Being Applied Uniformly Across The Entire City. Perry Expressed That She Wanted Even And Equal Enforcement Of The Ordinance.

Bob Edwards, 2219 Orchard Creek Drive, Stated The He Is Paying Taxes On His Boat And Property And Cannot Understand Why He Needs To Move His Boat. Edwards Noted That He Is Retired And On A Fixed Income. Edwards Explained That It Would Cost \$75.00 A Month To Store His Boat And That It Would Create An Unnecessary Hassle And Expense.

Mike Wellington, 1319 Stephens Avenue, Stated That He Owns An \$80,000 Motor Home And That It Had Been Broken Into Twice While It Was Stored At A Local Storage Lot. Wellington Noted That He Now Stores His Motor Home Out Of Town. He Told The Council That He Thinks There Should Be A Plan For Affordable Parking For Recreational Vehicles And That He Would Like The City To Regulate Storage Lots And/Or Yards.

David Reed, 1541 Kern Street, Reminded The City Council That He Was On The Council When The Ordinance In Question Was Originally Instituted. Reed Noted That Residents Can Apply For A

Zoning Exemption For Vehicles Under 42" Inches And That The City Code Enforcement Was Non-Existent Until Recently.

ACTION: The Council Directed Staff To Leave The Ordinance In As It Currently Stands.

c. Report On Stephens Avenue Parking Issue.

ACTION: The Council Directed Staff To Restrict Parking On Stephens Avenue During School Hours, Implement A Parking Permit System And Make The Entire Street A Tow Away Zone.

d. Adopt Resolution No. 2010-23, A Resolution Awarding The 2010 Sewer Pump Station SCADA Additions Project To Telstar Instruments, Inc. For \$83,671.00.

ACTION: On Motion By Davis Seconded By Candea And Unanimously Carried, Resolution No. 2010-23, A Resolution Awarding The 2010 Sewer Pump Station SCADA Additions Project To Telstar Instruments, Inc. For \$83,671.00, Was Adopted.

e. Adopt Resolution No. 2010-24, A Resolution Initiating Proceedings For A Proposed Increase Of Assessments Within The City Of Newman Landscape And Lighting District, The Levy And Collection Of Assessments Therein And Ordering The Preparation Of An Assessment Engineer's Report.

ACTION: On Motion By Candea Seconded By Martina And Unanimously Carried, Resolution No. 2010-24, A Resolution Initiating Proceedings For A Proposed Increase Of Assessments Within The City Of Newman Landscape And Lighting District, The Levy And Collection Of Assessments Therein And Ordering The Preparation Of An Assessment Engineer's Report, Was Adopted.

f. Report On Employee Home Loan Program.

ACTION: On Motion By Martina Seconded By Davis And Unanimously Carried, The Council Directed Staff To Transfer \$40,000 To The Employee Home Loan Program.

g. Consideration Of Method For Filling City Council Vacancy Created By The Resignation Of Council Member Edward "Ted" Kelly.

ACTION: The Council Unanimously Agreed To Consolidate The Vacancy With The November 2010 General Election And Not To Appoint A New Council Member.

11. Items From District Five Stanislaus County Supervisor.

Supervisor DeMartini Explained That He Would Be Traveling To Washington D.C. To Attempt To Secure Funding To Complete The Orestimba Creek Flood Control Planning Process. DeMartini Reminded Everyone That The Next West Side Healthcare Meeting On April 29, 2010 Has Been Moved From Gustine To Patterson And That The Healthy Choices Hikes And Bikes For Your Health Continues Through June.

12. Items From The City Manager And Staff.

City Manager Holland Reminded Everyone That It Was Spring Clean-Up Week And That The Hazardous Waste Would Only Be Available On April 16th And 17th. Holland Noted That Newman Downtown Flower Power Coalition Would Be Planting New Plants Downtown On Saturday, April 17, 2010 At 8:00 A.M. Holland Informed The Council That A Former City Intern And Current U.S.C. Student Will Be Creating Another City Newsletter Free Of Charge. Holland Mentioned That The City Would Be Hosting A Meeting Regarding The Downtown Plaza Project On April 20, 2010; Holland Remarked That City Staff Would Be Answering Questions And Addressing Concerns About The Plaza Project At The Aforementioned Meeting. He Encouraged Residents To Fill Out The Census Forms And Mail Them In, As They Are Important To Our Community. Holland Told The Council That Annual City Softball Game Had Been Scheduled For Sunday, June 6, 2010 And Reported That The Corporation For Better Housing Has Pulled Permits For Their Apartment Project.

Sergeant Richardson Updated The Council On The Child Drowning Incident That Had Taken Place Earlier In The Week. Richardson Implored Residents To Secure Pools And Exercise Caution To Prevent These Types Of Incidents From Occurring. Richardson Reminded The Community That The Next Animal Clinic Would Be On May 1, 2010 At Pioneer Park.

Public Works Director Reynolds Noted That The Hydro-Seeding At Hill Park Should Begin Within A Week. Reynolds Mentioned That The Next Phases Of The Hill Park Project Are Also Progressing. Reynolds Noted That The Pioneer Park Landscaping Project Would Be Bidding On Thursday, April 15, 2010. Reynolds Reminded The Council That Plaza Project Bids Are Due On May 27, 2010. He Also Noted That Caltrans Had Already Conducted A Pre-Audit Of The Plaza Project Paperwork And Gave The City A High Rating On The Work That Had Been Done Thus Far.

13. Items From City Council Members - None.

14. Adjourn To Closed Session - 8:48 P.M.

- a. Public Employee Personnel Evaluation - City Manager - G.C. 54957.6.
- b. Public Employment - Police Chief - G.C. 54957.
- c. Conference With Labor Negotiator - Operating Engineers Local #3 Miscellaneous Bargaining Unit - G.C. 54957.6.
- d. Conference With Labor Negotiator - Operating Engineers Local #3 Police Bargaining Unit - G.C. 54957.6.
- e. Conference With Legal Council - Potential Litigation - One Case - G.C. 54956.9.
- f. Return To Open Session - 9:35 P.M.

No Reportable Action Was Taken.

15. Adjournment.

ACTION: On Motion By Candea Seconded By Martina And Unanimously Carried, The Meeting Was Adjourned At 9:37 P.M.

Michael E. Holland
City Clerk

MINUTES
NEWMAN CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING MAY 11, 2010
CITY COUNCIL CHAMBERS, 7:00 P.M., 1200 MAIN STREET

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

6. **Ceremonial Matters**

- a. Proclamation - Asthma Awareness Month.

Mayor Katen Presented Bernice Arnett, Stanislaus Asthma Coalition, A Proclamation Declaring May Asthma Awareness Month In The City Of Newman.

7. **Items from the Public - Non-Agenda Items** - None.

8. **Consent Calendar**

- a. Waive All Readings Of Ordinances And Resolutions Except By Title.
- b. Approval Of Warrants.
- c. Approval Of Minutes Of The April 27, 2010 Regular Meeting.
- d. Adopt Resolution No. 2010-28, A Resolution Authorizing The City Manager And The Director Of Public Works To Execute Agency-State Master Agreement And Program Supplement Agreement With Caltrans For The Construction Of The Downtown Plaza Project.
- e. Adopt Resolution No. 2010-29, A Resolution Requesting That The Board Of Supervisors Of Stanislaus County Consolidate The November 2, 2010 City Of Newman Municipal Election And Consolidate The Municipal Election To Fill The Vacancy Created By The Resignation Of Council Member Edward "Ted" Kelly With The Gubernatorial General Election To Be Held On November 2, 2010.

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

9. **Public Hearings**

- a. Report On Proposed 2010 Amendment To The Redevelopment Plan For The Newman Redevelopment Project

- I. Resolution No. 2010- (RDA Resolution No. 2010-), A Resolution Of The Community Redevelopment Agency Of The City Of Newman Approving Its Report To The City Council Of The City Of Newman On The Proposed 2010 Amendment To The Redevelopment Plan For The Newman Redevelopment Project, And Authorizing Transmittal Of The Evidentiary Record To The City Council Of The City Of Newman.
- II. Review and Consider Resolution No. 2010- (RDA Resolution No. 2010-), A Resolution Of The Community Redevelopment Agency Of The City Of Newman Considering And Adopting A Negative Declaration Of Environmental Impact For The Proposed 2010 Amendment To The Redevelopment Plan For The Newman Redevelopment Project.
- III. Review and Consider Resolution No. 2010- , A Resolution Of The City Council Of The City Of Newman Considering And Adopting A Negative Declaration Of Environmental Impact For The Proposed 2010 Amendment To The Redevelopment Plan For The Newman Redevelopment Project.
- IV. First Reading And Introduction Of Ordinance No. 2010- , An Ordinance Of The City Council Of The City Of Newman Approving And Adopting The Proposed 2010 Amendment To The Redevelopment Plan For The Newman Redevelopment Project.

Paul Schowalter, Urban Futures Inc., Gave The Council A Brief Background On The Redevelopment Plan Amendment. Schowalter Explained That The Money Comes From A Redistribution Of Property Taxes And Not From Tax Increases. Schowalter Noted That This Amendment Helps Keep Local Taxes Local.

Mayor Katen Opened The Public Hearing At 7:12 P.M.

There Being No Public Comment Katen Closed The Public Hearing At 7:13 P.M.

ACTION: The Council Conducted The Public Hearing And Continued The Remainder Of Item 9.a. To The May 25, 2010 Meeting.

10. Regular Business

- a. First Reading And Introduction Of Ordinance No. 2010- , An Ordinance Amending Title 10 Traffic Regulations, Section 10.04.050 Parking Restrictions Enumerated Of The City Of Newman Municipal Code, Prohibiting Parking On Stephens Avenue Except By Permit On School Days Between The Hours Of 7:00 A.M. And 4:00 P.M.

ACTION: Ordinance No. 2010- , An Ordinance Amending Title 10 Traffic Regulations, Section 10.04.050 Parking Restrictions Enumerated Of The City Of Newman Municipal Code, Prohibiting Parking On Stephens Avenue Except By Permit On School Days Between The Hours Of 7:00 A.M. And 4:00 P.M. Was Introduced By Council Member Martina. Ordinance Had Its First Reading By Title Only.

- b. Adopt Resolution No. 2010-30, A Resolution Approving The Preliminary Engineer's Report, Declaring Its Intentions To Levy And Collect Assessments, Setting A Time And Place For A Public Hearing And Ordering The Initiation Of Assessment Ballot Procedures For The Landscape And Lighting District.

ACTION: On A Motion By Davis Seconded By Candea And Unanimously Carried, Resolution No. 2010-30, A Resolution Approving The Preliminary Engineer's Report, Declaring Its Intentions To Levy And Collect Assessments, Setting A Time And Place For A Public Hearing And Ordering The Initiation Of Assessment Ballot Procedures For The Landscape And Lighting District, Was Adopted.

- c. Adopt Resolution No. 2010-31, A Resolution Awarding The Safe Routes To School, Street Reconstruction And P,Q,R,S,T, Fresno, Merced And West Avenue Project (Phase I) To Teichert Construction For \$209,082.40; Authorize The City Manager To Execute The Agreement And Approve A Budget Adjustment For The Safe Routes To School Portion Of Said Project.

ACTION: On A Motion By Candea Seconded By Martina And Unanimously Carried, Resolution No. 2010-31, A Resolution Awarding The Safe Routes To School, Street Reconstruction And P,Q,R,S,T, Fresno, Merced And West Avenue Project (Phase I) To Teichert Construction For \$209,082.40; Authorize The City Manager To Execute The Agreement And Approve A Budget Adjustment For The Safe Routes To School Portion Of Said Project, Was Adopted.

- d. Authorize An Increase For The On-Call Consulting Services From Eco:Logic Engineering.

ACTION: On A Motion By Candea Seconded By Davis And Unanimously Carried, The Council Authorized An Increase For The On-Call Consulting Services From Eco:Logic Engineering.

- e. Adopt Resolution No. 2010-32, A Resolution Accepting And Adopting The City Of Newman Personnel Rules.

ACTION: On A Motion By Martina Seconded By Katen And Unanimously Carried, Resolution No. 2010-32, A Resolution Accepting And Adopting The City Of Newman Personnel Rules, Failed By The Following Roll Call Vote. AYES: Martina And Katen; NOES: Davis And Candea; ABSENT: None; NOT PARTICIPATING: None.

ACTION: On A Motion By Martina Seconded By Davis And Unanimously Carried, Resolution No. 2010-32, A Resolution Accepting And Adopting The City Of Newman Personnel Rules, Was Adopted.

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

12. Items From The City Manager And Staff.

City Manager Holland Asked The Council For A Volunteer To Replace Council Member Kelly On The Business License Surcharge Committee And Council Member Davis Volunteered. Holland Noted That The Bid Opening For The Downtown Plaza Project Would Be On May 20, 2010 And That The Plaza Ground Breaking Ceremony Would Be On June 9, 2010 At 4:00 P.M. Holland Reminded The Council That The Recreation Department Would Be Hosting A Free Outdoor Movie Night On Saturday, May 22, 2010, That The League Of California Cities Quarterly Dinner Would Be On June 10, 2010 And That The May Two-On-Two Meeting With The School District Had Been Canceled. Holland Commented That The Building Department Was Now Closed On Fridays. Holland Publicly

Thanked Chief Richardson For Serving As Interim Police Chief. Holland Let The Council Know That The City Softball Game Had Been Scheduled For Sunday June 6, 2010.

Chief Richardson Noted That It Was National Police Officers Memorial Week. Richardson Thanked Staff For Their Hard Work At The Recent Animal Control Clinic And Mentioned That The Police Department Would Be Conducting A Police Canine Demonstration At The Outdoor Movie Night On May 22, 2010.

Public Works Director Reynolds Updated The Council On The Soil Boring Project, Hill Park Project, Pioneer Park Landscaping Project, Downtown Plaza Project And The Reseeding Of Sherman Park. Reynolds Noted That The Next Downtown Planting Day, Focusing On The Tree Wells, Would Be On Saturday May 15, 2010.

13. Items From City Council Members.

Council Member Davis Congratulated Chief Richardson And Reminded Everyone To Attend The Karate Tournament At Yolo Jr. High On Saturday May 15, 2010.

Mayor Katen Mentioned That He Had Spoken With Congressman Cardoza Regarding The Orestimba Creek Flood Control Project And That The Congressman Had Once Again Pledged His Support And Offered His Assistance With The Army Corps Of Engineers.

14. Adjournment.

ACTION: On Motion By Katen Seconded By Candea And Unanimously Carried, The Meeting Was Adjourned At 8:29 P.M.