

**HUGHSON CITY COUNCIL**

**MINUTES**

**REGULAR SESSION @ 7:00 P.M.**

\*Community Senior Center\*  
2307 4<sup>th</sup> Street

**January 11, 2010  
Regular Meeting**

CALL TO ORDER: Mayor Ramon Bawanan at 7:00 p.m.

ROLL CALL:

Present: Mayor Ramon Bawanan  
Councilmember Matthew Beekman  
Councilmember Ben Manley

Absent: Councilmember Doug Humphreys (excused)  
Councilmember Thom Crowder (excused)

Staff Present: Joseph Donabed, City Manager  
Thom Clark, Planning & Building Director  
Deborah Paul, Director of Finance/City Treasurer  
Annabelle Aguilar, Interim City Clerk  
Dominique Spinale, Management Analyst/ Deputy City Clerk  
Sam Rush, Public Works Superintendent  
Janet Rasmussen, Chief of Police  
John Stovall, City Attorney  
Dan Schroeder, Deputy City Attorney

PLEDGE OF ALLEGIANCE: Mayor Ramon Bawanan

INVOCATION: Mayor Ramon Bawanan

**AMERICANS WITH DISABILITIES ACT  
NOTIFICATION FOR THE CITY OF HUGHSON**

The City of Hughson will make all reasonable accommodations for the disabled to participate in the City Council meetings. Should you need auxiliary aids, please notify the City Clerk immediately at (209) 883-4054.

RULES FOR ADDRESSING CITY COUNCIL

Members of the audience who wish to address the City Council are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk.

CALIFORNIA BROWN ACT

This agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the City Clerk at (209) 883-4054, during regular business hours, at least twenty-four hours prior to the time of the meeting.

PUBLIC COMMENT

Members of the Audience may address the City Council on any item of interest to the public pertaining to the City and may step to the podium, state their name and address and make their presentation. Please limit presentations to five minutes. Since the City Council cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

**Martha Vasquez expressed her concerns with the performance of City Manager Joe Donabed and requested that he answer a series of questions. Mayor Bawanan asked her to send her list of questions to the City Clerk for a response.**

**Ken Moore, disagreed with Martha Vasquez and responded to her statements.**

**Lawrence Montoya spoke in favor of the City Manager's performance.**

- 1) Consent Calendar: (Motion needed)
  - a) Approval of Minutes of the regular November 23, 2009, and regular December 14, 2009, Meetings.
  - b) Approval of Warrants.
  - c) Rejection of claim by Maricella Gamboa dated 07/18/2009.
  - d) Adopt Resolution No. 2010-01 of the Hughson City Council Approving the Amended Funding Agreement Between State of California Department of Public Health and City of Hughson for Project Number: 5010008-009, Data Universal Number: 004953105, Number AR09FP54 ("Funding Agreement") and Authorizing the City Manager to Sign Funding Agreement and Amendments for Funding under the California Safe Drinking Water State Revolving Fund and the American Recovery and Reinvestment Act of 2009; Authorizing the City manager to Sign All Certifications and Reports Required for such Funding Agreement; Authorizing the City Manager to Execute Budget and Expenditure Summary; Authorizing the City Manager to Approve Claims for Reimbursement; Authorizing the City

Manager to Sign the Contractor's Release Form and to Sign the Certification of Project Completion.

**Councilmember Beekman inquired about Warrants No. 38971, 38933, and 38978 and requested copies of the supporting documents.**

**Beekman/Manley 3-0-0-2 (Humphreys and Crowder – absent) Motion passed approving Consent Calendar Items (a), (b), (c), and (d), as presented.**

- 2) Recognize Isabel Figueroa, former Hughson Library Branch Manager.

**A Certificate of Appreciation was presented by Mayor Bawanan. Ms. Figueroa thanked everyone for the recognition.**

- 3) Recognize Dianne David for her dedication and service as former Planning Commissioner and Chairperson for the City of Hughson.

**Certificate of Appreciation was presented by Mayor Bawanan. Ms. David thanked everyone for the recognition.**

**CONSIDER THE FOLLOWING:**

- 4) Review, consider response, and give direction regarding the December 2009 Stanislaus County Civil Grand Jury Report, Case No. 010-04, concerning the City of Hughson. (Report attached)

**Joe Donabed, City Manager, introduced the item and deferred to City Attorney John Stovall for its presentation to Council.**

**Councilmember Manley requested to hire an outside, unbiased attorney to assist with the response to the Grand Jury report since Mr. Stovall and Mr. Donabed testified before the Grand Jury and may have a conflict.**

**Council and Staff deliberated the item**

**Mayor Bawanan suggested that he prepare a draft in response to the Civil Grand Jury's recommendation items 2, 3, and 4 by the first meeting in February and present it to the entire Council for review and approval.**

**Bawanan/Beekman 3-0-0-2 (Manley – aye with reservations; Humphreys and Crowder - absent) Motion passed to have Mayor Bawanan prepare a draft in response to the Civil Grand Jury's recommendation items 2, 3, and 4 by the first meeting in February and present it to the entire Council for review and approval.**

**Mayor Bawanan read a statement he prepared in response to the Grand Jury's findings and requested that the three Council members (Crowder, Humphrey's and Manley) immediately resign.**

**Mayor Bawanan opened the item for public comment.**

**Doug Coons stated that he believed Mr. Donabed and Mr. Stovall testified while under a subpoena representing the City.**

**Henry Hesling reminded Council of their vote to waive their immunity and allow the City Attorney to testify before the Civil Grand Jury, thereby relinquishing their client-relationship privilege of communications.**

- 5) Consideration of request by Council Member Crowder to temporarily participate in City Council Meetings via teleconference and to make improvements to the teleconference location(s) so that they comply with the Americans with Disabilities Act. (Staff Report with Agenda) (Motion needed)

**Deputy City Attorney Dan Schroeder presented the item and recommended that the "teleconferencing" take into consideration the accessibility of the location.**

**Manley/Beekman 1-2-0-2 (Beekman and Bawanan - nay; Humphreys and Crowder – absent) Motion failed to approve Councilmember Crowder's request for temporary teleconferencing accommodations.**

- 6) Waive the Second Reading and Adopt Ordinance No. 09-09, an Ordinance of the City Council of the City of Hughson, Amending the Development Agreement by and between the City of Hughson and Andrew F. Fontana, George Harcrow, and HFR Partners, LLC relating to the Development known as Fontana Ranch Estates North. (Ordinance attached) (Motion needed)

**Thom Clark, Planning & Building Director, presented the staff report. Discussion between Council and Staff ensued.**

**Councilmember Beekman requested to push the Ordinance back for further review and to consider changing the timelines from six years to eighteen months.**

**Manley/Bawanan 2-1-0-2 (Beekman – nay; Humphreys and Crowder – absent) Motion failed to adopt Ordinance No. 09-09 as presented.**

**Mayor Bawanan requested that the City Attorney research the process of reconsideration of the Ordinance. Mr. Stovall would inform the City Manager of his findings.**

7) Direction on Filling the Planning Commission Vacancies.

**Joe Donabed, City Manager, presented the Staff Report and informed Council that there were three (3) vacancies.**

**Discussion between Council and Staff ensued.**

**Bawanan/Beekman 2-1-0-2 (Manley – nay; Humphreys and Crowder – absent) Motion passed to reappoint Jean Henley-Hatfield and Miguel Oseguera to the Planning Commission for another two-year term (expires 12/31/2011).**

**City Attorney John Stovall explained the passage of this item with a 2–1 vote and what constituted a majority vote.**

PUBLIC HEARING

The Public Hearing process includes a staff presentation, a presentation by the applicant and public testimony (in favor, opposed & rebuttal). Following closure of the Public Hearing, the City Council will respond to questions raised during the hearing.

PUBLIC HEARING:

None.

CORRESPONDENCE:

CITY MANAGER'S REPORT:

CITY CLERK'S REPORT:

**Annabelle Aguilar, Interim City Clerk, informed Council that the National Incident Management Systems (NIMS) training schedule has been issued by Stanislaus County Office of Emergency Services and members that need to complete this training will be notified.**

DIRECTOR OF FINANCE REPORT:

DIRECTOR OF PLANNING AND BUILDING REPORT:

DIRECTOR OF PUBLIC WORKS REPORT:

POLICE DEPARTMENT REPORT:

CITY ATTORNEY'S REPORT:

COUNCIL MEMBER COMMENTS:

**Councilmember Manley recommended appointment of a short-term committee to address the concerns of Council and Staff.**

**Councilmember Beekman recommended the City waive the cost of a garage sale permit one day a year; look into organizing a citywide garage sale event, waiving the cost of permits; and having it correspond with the Clean Up weekend event. He also stated that he agreed with the Grand Jury report and that the community's trust had been violated.**

**Mayor Bawanan agreed with the citywide garage sale and suggested that it take place the weekend before the Clean Up weekend event. He thanked City staff for their work during 2009. He also expressed his approval and full confidence in the Grand Jury Report, stating that some changes in the Council needed to be made in order to move forward.**

**Mayor Bawanan allowed additional public comments.**

**Dianne David, agreed with Mayor Bawanan's previous statement to the Grand Jury report, described her view of the City's condition, and stated that a Citizens Group would be sending a letter to the Attorney General to remove the three Council members.**

**Bob Newman asked the Mayor if there would be a time limit for the three Council members to resign. Mayor Bawanan responded that in his statement he requested they immediately resign.**

**ADJOURNMENT:**

**There being no further business, Mayor Bawanan adjourned the meeting at 8:10 p.m.**

APPROVED:

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RAMON BAWANAN, Mayor

ATTEST:

\_\_\_\_\_  
ANNABELLE AGUILAR, Interim City Clerk