

HUGHSON CITY COUNCIL

MINUTES

REGULAR SESSION @ 7:00 P.M.

*Community/Senior Center
2307 4th Street

**January 25, 2010
Regular Meeting**

At 7:00 p.m., Annabelle Aguilar, Interim City Clerk, declared that in the absence of a quorum in the City Council Chambers, the Council meeting was Adjourned to the Community/Senior Center building.

CALL TO ORDER: Mayor Ramon Bawanan at 7:02 p.m.

ROLL CALL:

Present: Mayor Ramon Bawanan
Councilmember Matthew Beekman
Councilmember Ben Manley
Councilmember Thom Crowder
Councilmember Doug Humphreys (arrived @ 7:03 p.m.)

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
Linda Kuipers, Redevelopment & Housing Analyst
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.

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.

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.

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.

Henry Hesling, Hughson resident, commented on a Modesto Bee article that referred to Councilmember Crowder's request for a Civil Grand Jury apology and also cautioned Council to seek legal counsel when voting on certain items due to the findings of the Civil Grand Jury.

Leroy Ille, Hughson resident, addressed the water and sewer rate increases, and requested that Council take residents on fixed incomes into consideration.

Thom Crowder, Council member, commented on the initiation of a Grand Jury investigation, the process of making public records requests, a letter from the State Water Control Board regarding violations at the WWTP, his experience as a Council member and knowledge of the Brown Act, and checks payable to John Doe received from the City's Risk Management Authority.

Ben Manley, Council member, read a statement regarding his experience and knowledge as a Hughson resident and elected official and his desire and commitment to make Hughson a better community.

Candice Steelman disagreed with Thom Crowder's comments and commented on the Civil Grand Jury report.

- 1) Consent Calendar: (Motion needed)
 - a) Approval of Minutes of the regular January 11, 2010, City Council Meeting to be moved to the February 8, 2010 meeting.
 - b) Approval of Warrants.
 - c) Rejection of claim for damages dated 12/20/2009 made by Derek and Carol Ross, Pizza Factory.
 - d) Rejection of claim for damages dated 12/21/2009, made by Ray and Matt Lacy, Ray Lacy Furniture.
 - e) Authorize the City Manager to sign a letter assigning the Lease Agreement between the City of Hughson and Dickey Enterprises, Inc. to Sunil Kumar Kumria, Business Name of Hughson Shell.
 - f) Consider Resolution No. 2010-02 Accepting the Centennial Plaza Project and Authorizing the Filing of a Notice of Completion. (Staff Report with Agenda) (Motion needed)
 - g) Adopt Resolution No. 2010-03 of the City Council of the City of Hughson for Declaration of Support for *Get Connected* and a Call to Action. (Supporting Documents)

Councilmember Crowder pulled Items (c) and (d) for Council discussion.

Councilmember Manley inquired about the status of the grant for the Well 8 project. Debbie Paul, Finance Director explained the grant payments and responded that all documents for reimbursement have been sent to the State for review. Joe Donabed, City Manager explained funding of the project and offered to have the Project Consultant make a presentation at the next meeting.

Humphreys/Beekman, 5-0-0-0, Motion passed to approve Items (a), (b), (e), (f), and (g) of the Consent Calendar as presented.

Public comments:

Ken Moore, Hughson resident, reminded Council of a clause in the City's Redevelopment Agency funds that can be used for reimbursements.

Henry Hesling, Hughson resident, recommended rejection of the claims, to have the Risk Management Authority investigate the claims and cautioned of other businesses declaring "me to" claims.

Tess Camagna suggested protocol be considered.

City Attorney John Stovall advised Council to continue the Items to the next meeting to allow Staff to gather more information.

Council continued Items (c) and (d) to the next regular Council Meeting.

- 2) Receive the Annual Crime Statistics Report for 2009 presented by Chief Janet Rasmussen. (Supporting Document)

Chief Janet Rasmussen presented the Annual Report Summary and the Hughson Crime Rate per 1,000 Population Report (1995-2009).

CONSIDER THE FOLLOWING:

- 3) Schedule the National Incident Management Systems (NIMS) Executive Training Course with the Stanislaus County OES to be hosted by the City of Hughson. (For Discussion)

Chief Janet Rasmussen provided an update on the NIMSTraining. Mayor Bawanan requested Staff schedule a date for hosting a training class and follow up with Council.

- 4) Letter from concerned Citizens Group addressed to the Chief Assistant Attorney General. (Requested by citizen Candice Steelman) (For Discussion) (Supporting Document)

Candice Steelman, Hughson resident, presented the Letter sent to the State Attorney General's Office, recapped on the past events concerning the Council member's (Crowder, Humphreys, and Manley) conduct and the Civil Grand Jury report, and demanded their resignations.

Public comments:

Brian Sinclair, Hughson resident, agreed with the Civil Grand Jury report and with the request for the Council members to step down.

Martha Vasquez, Hughson resident, expressed concerns in regards to barriers between those that guide and those that execute within the City and the effectiveness of the City Manager's guidance.

Councilmember Humphreys disagreed with the Citizens for Better Government letter and indicated that it was incorrect and a defamation of character.

- 5) Discussion of AB 1234, Ethics Training requirement for Elected and Appointed Local Officials. (Requested by Mayor Bawanan)

Mayor Bawanan presented this item. He informed Council of an upcoming training course and reminded Councilmember Crowder of the training requirement.

Councilmember Crowder stated he would provide documentation of completion.

- 6) Discussion and Direction on appointment of an Advisory Committee to consider issues forwarded to that committee by the City Council.
(Requested by Councilmembers Manley and Crowder)

Councilmember Crowder presented this item. Council deliberated the item.

Manley/Crowder, 2-3-0-0, (Humphreys/Bawanan/Beekman- nay) Motion failed to appoint an Advisory Committee to consider issues forwarded to that committee by the City Council.

- 7) Review and discussion on Cell phone bills for City manager and City Hall for October 23, 2009.
(Requested by Councilmember Crowder) (Supporting Document)

Councilmember Crowder presented this item stating he sought clarification on phone calls by Mayor Bawanan and City Manager Joe Donabed made on the evening of October 23, when Staff had all external locks replaced.

Council discussion ensued.

- 8) Report, discussion, and direction on possible compromise of personal and/or City information by computer intrusion.
(Requested by Councilmembers Humphreys and Crowder)
(Supporting Documents)

The City's IT consultant, Cullen Byrne (Mid Valley IT) presented the item explaining the requirements of the law and the process if data is suspected to be compromised.

Councilmember Humphreys suggested having a second opinion of the evidence performed by outside information technology (IT) vendors.

Councilmember Beekman requested to first look into the cost.

Council agreed to continue the item and directed Mr. Cullen to present proposals from external IT vendors at the next meeting on February 8.

- 9) Consideration and direction on exercise of non-renewal clause in City Manager contract. (Requested by Councilmember Manley, Humphreys, and Crowder)

Council discussion ensued.

Public comments:

Todd Brownell, Hughson resident, recommended Council hold-off voting on this Item until the Grand Jury situation is resolved and that Councilmember Crowder complete the full two hours of Ethics training.

The City Attorney gave his legal opinion on this item.

Humphreys/Crowder, 3-2-0-0, (Beekman/Bawanan-nay) Motion passed to exercise the non-renewal clause in the City Manager's Contract.

- 10) Discussion and direction on request from Councilmember Crowder for accommodation for attendance at meetings through June. (Requested by Mayor Bawanan) (Motion needed)

Mayor Bawanan presented this item.

City Attorney John Stovall gave his legal opinion on this item.

Councilmember Crowder stated that the Hospital in San Francisco would be okay with the requirements of a meeting.

Humphreys/Manley, 3-2-0-0, (Beekman/Bawanan-nay) Motion passed to approve Councilmember Crowder's request for accommodation (teleconference) for attendance at meetings from March through June.

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:

- 11) Treasurer's Report for the month of November 2009.
(Informational only)

CITY MANAGER'S REPORT:

CITY CLERK'S REPORT:

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 commended the Sheriff's Department for their excellent work.

Councilmember Beekman requested Staff look into conducting a City-wide Garage Sale. He also commented on the Council member's violations of the law and their lack of remorse.

Councilmember Humphreys apologized for arriving late and thanked the Staff for their hard work.

Mayor Bawan: 1) Read Section 2.08.230 of the Hughson Municipal Code, and cautioned the Council and Staff to respect the Municipal Code and go through the City Manager as the code reads, 2) Advised Council to complete a Public Records Request form when seeking information outside the scope of their duties and to refrain from becoming involved in personnel issues, 3)

Referred to the Grand Jury findings and stated that he would continue to ask the three Council members (Crowder, Humphreys, and Manley) for their resignations at every meeting until all three have resigned, 4) Requested that Staff and Council honor the deadline for agenda items, 5) Referenced a crabmeat event and an encounter with three teenagers inquiring about the resignations of the three Council members, and 6) Asked citizens to join him at every meeting in requesting that the three Council members resign.

Mayor Bawanan allowed additional public comment.

Ken Moore thanked John Stovall for his work and dedication to the City as the City Attorney.

Bob Newman, Hughson resident, stated the only way the City's issues would be resolved is by a recall and suggested Citizens begin the process.

CLOSED SESSION TO DISCUSS THE FOLLOWING:

- 12) **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Government Code Section 54957
Title: City Manager
(Requested by Councilmembers Manley and Crowder)
(Supporting Document)

Council agreed to remove this item from the agenda.

- 13) **PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE**
Government Code Section 54957
Title: City Attorney
(Requested by Councilmember Crowder)
(Supporting Document)

Mayor Bawanan motioned to remove this item from the agenda.

Bawanan/Beekman, 2-3-0-0, (Crowder/Humphreys/Manley – nay) Motion failed to remove Item 13 from the agenda.

Mayor Bawanan allowed additional public comment.

Jean Henley-Hatfield, announced her resignation from the Planning Commission. Mayor Bawanan requested to speak with her after the meeting. She also apologized to Councilmember Humphreys if information on the

Modesto Bee's website was incorrect and was made part of the letter sent to the State Attorney General.

Council recessed to closed session at 9:31 p.m.

14) Report on Closed Sessions

Council reconvened from Closed Session at 9:55P.M.

No reportable action was taken.

ADJOURNMENT:

There being no further business, Mayor Bawanán adjourned the meeting at 9:55 p.m.

APPROVED:

RAMON BAWANAN, Mayor

ATTEST:

ANNABELLE AGUILAR, Interim City Clerk