

HUGHSON CITY COUNCIL

MINUTES

REGULAR SESSION @ 7:00 P.M.

*Community/Senior Center
2307 4th Street

**February 8, 2010
Regular Meeting**

CALL TO ORDER: Mayor Ramon Bawanan at 7:00 P.M.

ROLL CALL:

Present: Mayor Ramon Bawanan
Councilmember Matt Beekman
Councilmember Ben Manley
Councilmember Thom Crowder

Absent: Councilmember Doug Humphreys (excused)

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

PLEDGE OF ALLEGIANCE: Mayor Ramon Bawanan

INVOCATION: Reverend Spears

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.

Peter Sugia commented on the conduct of Council members Crowder, Humphreys, and Manley and requested their resignations

George Carr, Hughson resident, announced that he was leading a group of citizens to begin the recall process against the Council members (Crowder, Humphreys, and Manley) and requested that they step down.

Pete Glen, Hughson resident, expressed his concerns with Councilmember Crowder's actions, with his comments that were quoted in the Modesto Bee, and with his lack of completing the required ethics training for elected officials. Mr. Glenn requested that Councilmember's Humphreys, Manley, and Crowder resign.

Dianne David, Hughson resident, addressed the Council reminding them of their role and responsibilities as public officials and questioned Councilmember Crowder's actions on financial decisions and his comments made to the Modesto Bee.

- 1) Consent Calendar: (Motion needed)
 - a) Approval of Minutes of the regular January 11, 2010, City Council Meeting and move the approval of the regular January 25, 2010, City Council Minutes to February 22.

- b) Approval of Warrants.
- c) Rejection of Claim for Damages made by Hannah Chilton.
- d) Rejection of Claim for Damages made by Floralyn V. McCarthy, Trustee for WWTP Trespass.
- e) Rejection of Claim for Damages made by Derek and Carol Ross, dba Pizza Factory.
- f) Rejection of Claim for Damages made by Ray and Matt Lacy, dba Lacy's Furniture and Home Decor.

Councilmember Crowder inquired about warrants #39086 and #39099. Debbie Paul, Finance Director explained the warrants.

Councilmember Crowder requested to pull items (e) and (f) from consent.

Council and Staff discussed items (e) and (f) and the legalities of the claims.

Beekman/Bawanan 2-2-0-1 (Manley and Crowder—nay; Humphreys—absent) Motion failed to approve the Consent Calendar as presented.

Crowder/Manley 4-0-0-1 (Humphreys—absent) motion passed to reconsider the vote on the Consent Calendar, pulling items (e) and (f) from the vote.

Beekman/Manley 4-0-0-1 (Humphreys—absent) motion passed to approve Consent Calendar Items (a), (b), (c), and (d).

- 2) Oral Report from Alex Peterson, P.E., with Kennedy/Jenks Consultants, regarding the status of Well #8 Grant/Loan Funding.

Presentation was given by project manager Alex Peterson with Kennedy-Jenks Consultants.

Councilmember Beekman requested that Staff provide the Council with a copy of the Well 8 agreement.

CONSIDER THE FOLLOWING:

- 3) Civil Grand Jury Response.
(Staff Report)

Mayor Bawanan read his response to the Civil Grand Jury Report; the Council members made no comments.

Beekman/Bawanan 2-2-0-1 (Manley and Crowder—nay; Humphreys—absent) motion failed to approve the Civil Grand Jury Response.

The Mayor requested to have this Item return for consideration at the next meeting with a full Council present.

- 4) Consider Proposal for IT Services of Evidence of possible compromise of personal and/or City information.
(Supporting Documents)

This item was pulled at the request of Councilmember Humphreys; to be placed on the next Council meeting agenda.

- 5) Consider Resolution No. 2010-04 which authorizes the Adoption of a Formal Investment Policy.
(Supporting Documents)

Councilmember Beekman requested the following changes be made to this policy: Strike out 7.0 (N) on page 4, and a language modification on 10.0 DIVERSIFICATION, changing “diversification strategies shall be determined and revised periodically...” to “diversification strategies shall be reviewed on an annual basis at minimum...”

Debbie Paul, Finance Director, stated the she would need check if striking out 7.0 (N) would keep the city in compliance with its LAIF Investments.

Beekman/Bawanan 4-0-0-1 (Humphreys—absent) motion passed to authorize the adoption of the Formal Investment Policy, as *amended: Strike out 7.0 (N) on page 4, and a language modification on 10.0 DIVERSIFICATION, changing “diversification strategies shall be determined and revised periodically...” to “diversification strategies shall be reviewed on an annual basis at minimum...” (*Councilmember Crowder voted in favor of the policy amendment as long as the City remained in compliance with the LAIF investment holdings.)

City Attorney John Stovall recommended the item return to Council if it is determined that there is an issue.

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:

- 6) Treasurer's Report for the month of December 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:

Chief of Police Janet Rasmussen made a correction to the statistics that were provided at the last Council Meeting and informed everyone of recent daytime burglaries that have taken place in Hughson. She encouraged anyone seeing a suspicious person(s) to contact the Sheriff's department.

CITY ATTORNEY'S REPORT:

COUNCIL MEMBER COMMENTS:

Councilmember Beekman: 1) Reminded Staff to include the complaint log in future Council agendas; 2) Reported on his attendance of the Parks and Recreation Commission design workshop; 3) Stated that he would strongly recommend that the park be able to hold baseball tournaments; and 4) Requested an update of the Wastewater Treatment Plant Project at the next City Council meeting.

Councilmember Manley agreed with Councilmember Beekman's comments in reference to the park and stated it would be a park that City would be proud of.

Mayor Bawanan: 1) Commented on Councilmember Crowder's request to teleconference from St. Mary's Hospital and requested that he provide clarification of the hospital's authorization; 2) Referred to the Code of Conduct for Elected Officials in relation to Councilmember Crowder's comments quoted in the Modesto Bee; 3) Commented on the excessive expenditures the City will incur in fulfilling a public records request made by Councilmember Crowder and requested City Attorney John Stovall research

the request in response to his questions; and 4) Reviewed the Internal Relations section of the Hughson Municipal Code.

Council discussed the status of Ethics Training requirements.

ADJOURNMENT:

There being no further business, Mayor Bawanán adjourned the meeting at 8:09 p.m.

APPROVED:

RAMON BAWANAN, Mayor

ATTEST:

ANNABELLE AGUILAR, Interim City Clerk