

**HUGHSON CITY COUNCIL and
HUGHSON REDEVELOPMENT AGENCY BOARD**

MINUTES

**JUNE 27, 2011
REGULAR SESSION 7:00 P.M.**

Council Chambers
7018 Pine Street, Hughson CA
City Hall

June 27, 2011
Regular Scheduled Meeting

CALL TO ORDER:

ROLL CALL:

Present: Mayor Ramon Bawanan
Mayor Pro Tem Matt Beekman
Councilmember Jill Silva
Councilmember George Carr
Councilmember Jeramy Young

Staff Present: Bryan Whitemyer, City Manager
Dan Schroeder, City Attorney
Monica Streeter, Deputy City Attorney
Thom Clark, Community Development Director
Janet Rasmussen, Chief of Police Services
Lisa Whiteside, Acting Finance Manager
Dominique Spinale, Mgmt. Analyst/Deputy City Clerk
Sam Rush, Public Works Superintendent

PLEDGE OF ALLEGIANCE: Mayor Ramon Bawanan

INVOCATION: Reverend Spears

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
NOTIFICATION FOR THE CITY OF HUGHSON**

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).

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk's office at 209 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

WAIVER WARNING

Waiver Warning: If you challenge a decision/direction of the City Council/Redevelopment Agency in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

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. **Filling out the card is voluntary.**

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 City of Residence for the record (requirement of Name and City of Residence is optional) 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.

Mr. Martin Lemire asked the City Council and Staff to keep the community informed of the revival of the Hughson Fruit and Nut Festival.

The Hughson Library Branch Manager advised the City Council and public about the Summer Programs and events being offered at the library.

Reverend Spears thanked City Staff and Police Services for their assistance with the God and Country Event at Starn Park. He advised that the Event was very successful and fun.

1) **CONSENT CALENDAR:**

All items are approved by a single action. A member of the Public, Staff, or the City Council may remove any of the items from the Consent Calendar for discussion.

- a) Approval of the Minutes: Regularly Scheduled Session of June 13, 2011 (CC/RDA) Spinale
- b) Approval of the Warrants for the Month of May and June 2011.

(CC/RDA) Whiteside

- c) Approval of the Treasurers Report for the Month of May 2011.
(CC/RDA) Whiteside
- d) Rejection of Claim for Damages made by Berenise Barajas.

Councilmember Beekman pulled Items (b) and (c) for discussion.

Carr/Silva 5-0-0-0 motion passes to approve items (a) and (d) of the Consent Calendar.

Councilmember Beekman asked for additional information regarding some payments made in the warrants and the balances listed in the Treasurer's Report.

Staff was asked to research how the funds in the report labeled "small business loans" can be utilized. Staff will follow up when they have the information requested.

Beekman/Silva 5-0-0-0 motion passes to approve items (b) and (c) of the Consent Calendar.

2) PRESENTATIONS:

- a) Review and Discuss Waste Management's request to increase rates and authorize Staff to set a Public Hearing for the rate increases.
(CC) Whitemyer (Staff Report Included)

Jennelle Bechthold, Municipal Contract Manager with Waste Management, Inc presented a power point presentation on their request of the Council to approve a rate increase. The request included rate increases for refuse, recyclables, yard waste, and transportation services for the last three (3) years, as the Hughson City Council has not passed any rate increases for garbage services since 2008.

Waste Management requested the following increases:

- CPI rate adjustment of 1.70% for and 1.79% for 2010. (CPI adjustments are for previous twelve months each year)
- 2.27% for the 2011 extraordinary fuel increase
- 1.944% for the 2010 extraordinary fuel increase
- Stanislaus County Landfill tipping fee increase at the Fink Road Landfill from \$30.00 to \$33.00 per ton, effective July 1, 2009.

Ms. Bechthold explained to the Council the rising costs that have affected their

company and its ability to provide services, therefore forcing them to make cuts within their company and services.

The Council deliberated on this item asking for additional information and further clarifications as to why the rate increases are necessary and what Waste Management has done to decrease their costs and adjust to the changes in the economy. Ms. Bechthold and Mr. Tom Sanchez with Waste Management discussed these items with the Council.

Mayor Bawanan requested the Public Hearing be scheduled for the meeting of July 25th, as he will not be present at the July 11th meeting. Council agreed.

Beekman/Young 5-0-0-0 motion passes to authorize Staff to set a Public Hearing for Waste Management's rate increases for the July 25, 2011 City Council Session.

CITY BUSINESS – CONSIDER THE FOLLOWING:

- 3) Review and approve the formation of an Economic Development Committee.
(CC) Whitemyer (Staff Report Included)

City Manager Whitemyer reviewed the Staff Report with the Council and answered the Council's questions, advising that the City would take applications through August 1. The Council will hold an interview process in August and have the committed selected by September.

Councilmember Young suggested increasing the committee's jurisdiction. Council widened the boundaries to include all areas using the Hughson zip code of 95326.

City Attorney Dan Schroeder advised that members would only need to file Form 700 economic interests for their interests within the City limits only. He also recommended changing the wording in the Staff Report from "ex officio" to "staff support", as voting or non-voting does not change whether somebody is a member of a particular committee or not so they would count towards a quorum.

Bawanan/Beekman 5-0-0-0 motion passes to establish the City Council as the selection committee.

Bawanan/Silva 5-0-0-0 motion passes to establish the committee based on parameters and purpose of the committee as indicated in the staff report, with the modifications that the language "staff support" replaces "ex officio" and that the committee members live and/or have a business interest within the zip code of 95326.

- 4) Consider the Adoption of Resolution No. 2011-045, appointing Acting Finance Manager Lisa Whiteside as the City Treasurer.
(CC) Whiteside (Staff Report Included)

Carr/Beekman 5-0-0-0 motion passes to adopt Resolution No. 2011-045.

- 5) Consider the Adoption of Resolution 2011-037, approving Amendment #1 to the Stanislaus County Drug Enforcement Agreement (SDEA), dated June 8, 2008.
(CC) Rasmussen (Staff Report Included) (Continued from May 23, 2011)

Chief of Police Janet Rasmussen presented this item and answered any questions that were asked by Council.

Silva/Young 5-0-0-0 motion passes to adopt Resolution 2011-037.

- 6) Consider the Adoption of Resolution No. 2011-046, authorizing the City Manager to enter into a contract for \$33,000 with California Consulting Incorporated for general grant writing and government affairs services.
(CC) Whitemyer (Staff Report Included)

City Manager Whitemyer presented this item to the Council. This item was discussed at a previous meeting and then agenzized for action at this meeting.

Beekman/Carr 5-0-0-0 motion passes to adopt Resolution No. 2011-046.

- 7) Consider the Adoption of Resolution No. 2011-047, Authorizing the Transfer of \$9,508 From the United Samaritan Foundation Community Center, Fund 50, to the United Samaritan Foundation, as well as an Additional Appropriation of \$2,000 for Fund 50 in the FY 2011-12 Budget.
(CC) Clark (Staff Report Included)

Mayor Bawanan declared a conflict of interest and excused himself from this item by leaving the Chamber.

Community Development Director Thom Clark presented this item and answered any questions asked by Council.

Silva/Carr 4-0-1-0 motion passes to adopt Resolution No. 2011-047.

Mayor Bawanan returned to the dais when the action on this item was completed.

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 TO CONSIDER:

No Public Hearing was scheduled.

CORRESPONDENCE:

No Correspondence was scheduled.

CITY MANAGER REPORT:

- 8) Designation of Voting Delegates and Alternates- League of CA Cities Annual Conference – September 21-23, San Francisco.

Councilmember Young was designated as Delegate and Councilmember Beekman was designated as the Alternate.

CITY CLERK REPORT:

COMMUNITY DEVELOPMENT DIRECTOR REPORT:

DIRECTOR OF FINANCE REPORT:

POLICE SERVICES REPORT:

CITY ATTORNEY REPORT:

CITY COUNCIL MEMBERS REPORTS AND COMMENTS:

Councilmember Carr updated the Council on his attendance at the Turlock Mosquito Abatement District Meeting and reminded the Council and public that the County Fair is three weeks away.

Councilmember Beekman updated the Council on his attendance at the StanCOG meeting and the ribbon cutting and grand opening event of El Rancho Market.

Mayor Bawanana updated the Council on his attendance at the Mayor's Meeting on the 23rd. The next Mayor's Meeting is scheduled for July 13 and invites all fire and police chiefs to attend.

COMMUNITY EVENTS:

- ↓ July 9, 2011 – Quarterly Arboretum Day 8:30 a.m. -12:00 p.m.
- ↓ July 9, 2011 -- Family Fun Day, Hughson Athletic Boosters, Citywide Event
- ↓ August 1-5th - Hughson United Methodist Church – Day Camp at 6th & Fox Road; 8:30-12:00 p.m. Must pre-register by phone: (209) 883-4952

- ✦ August 20, 2011 – The Hughson Historical Society will be honoring the longstanding Citizens at Saint Anthony’s Church at 6:00 p.m.

9) **CLOSED SESSION: Council Members will meet in Closed Session for the following scheduled items:**

A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)**

Gary Madsen, individually and as Trustee of the Gary Madsen 2003 Revocable Trust (Petitioner/Plaintiff) v. City of Hughson and Hughson City Council (Respondents/Defendants); and Feathers Glen, LLC and Kiper Development, Inc. (Real Parties in Interest) (Stanislaus County Superior Court, Case No. 633986)

B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

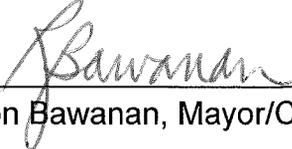
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Two potential cases

- 10) Return to Open Session; report on Closed Session.

All five Council members were present for this Closed Session Item. No reportable action was taken.

ADJOURNMENT: Mayor Bawanan adjourned this meeting at 9:17 p.m.

APPROVED



Ramon Bawanan, Mayor/Chair

ATTESTED

Dominique Spinale, Deputy City Clerk