

## HUGHSON CITY COUNCIL

### MINUTES REGULAR MEETING 7:00 P.M.

Council Chambers  
7018 Pine Street, Hughson CA  
City Hall

November 14, 2011  
Regular Scheduled Meeting

#### CALL TO ORDER:

#### ROLL CALL:

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

Staff Present: Bryan Whitemyer, City Manager  
Dan Schroeder, City Attorney  
Thom Clark, Community Development Director  
Darin Gharat, Chief of Police Services  
Lisa Whiteside, Acting Finance Manager  
Dominique Spinale, Mgmt. Analyst/Deputy City Clerk

PLEDGE OF ALLEGIANCE: Mayor Bawanan

INVOCATION: Reverend Ernie 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.

Public Comments:

**Jean Henley-Hatfield complimented and thanked the Council for attending the Grand Opening Ceremony at Bella Viva Orchards and invited everyone to attend the Tree Lighting Ceremony on December 3. A grand opening of the Museum by the Hughson Historical Society will follow the tree lighting ceremony.**

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 of the October 10 and October 24, 2011 meetings.  
(Spinale)
- b) Approval of the Warrants for the Month of October 2011.  
(Whiteside)
- c) Approval of the second reading and adoption of Ordinance No. 2011-06, an Ordinance of the City Council of the City of Hughson adding Chapter 9.25 to the Hughson Municipal Code; Prohibiting Underage

Drinking and Assessing Liability to those who knowingly host gatherings where minors consume alcohol. (Whitemyer)

**Mayor Bawanan pulled Item (c) of the Consent Calendar for discussion.**

**Carr/Silva 5-0-0-0 motion passes to approve Consent Calendar Items (a) and (b).**

**Mayor Bawanan declared a Conflict of Interest on Item (c), as he is a member of the Board of Directors for the Hughson Family Resource Center. He removed himself from the dais and left the chambers. Mayor Pro Tem Beekman continued the meeting.**

**Beekman/Silva 4-0-0 (Bawanan – abstained) motion passes to approve Consent Calendar Item (c), adoption of Ordinance No. 2011-06.**

**Mayor Bawanan returned to the dais.**

### **PRESENTATIONS**

- 2) The Hughson Arboretum and Gardens.  
(Clark – PowerPoint) (Information Only)

**Thom Clark, President of the Hughson Arboretum and Gardens provided a presentation on the Arboretum and Gardens to the Council and public.**

### **CITY BUSINESS – CONSIDER THE FOLLOWING:**

- 3) Consider a rate request from Waste Management and direct Staff to advertise and schedule for a Public Hearing.  
(Whitemyer – Staff Report Included) (Motion Needed)

**Jennelle Bechthold, Municipal Contract Manager with Waste Management, Inc. presented a PowerPoint.**

**Beekman/Carr 5-0-0-0 motion passes directing Staff to advertise and schedule a Public Hearing on the rate request presented.**

- 4) Consider approval of the Proposal from Staff to close City Hall during the week of December 26, 2011 through January 2, 2012.  
(Whitemyer – Staff Report Included)(Motion Needed)

**Silva/Young 5-0-0-0 motion passes to approve the closing of City Hall during the week of December 26 – January 2, 2012.**

- 5) Consider approval of Resolution No. 2011-074, a Cooperative Funding Agreement, Contract Administration and Release of Request for Proposal for a Nexus Study for the Regional Transportation Impact Fee (RTIF).  
(Whitemyer – Staff Report Included) (Motion Needed)

**Amy Gedney with the City of Modesto presented a PowerPoint and discussed this item with the City Council.**

**Councilmember Beekman requested that the Nexus Study show the difference between land use designations, including residential, industrial, commercial, etc.**

**Silva/ Beekman 5-0-0-0 motion passes to approve Resolution No. 2011-074.**

**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.

**6) PUBLIC HEARING TO CONSIDER THE FOLLOWING:**

No public hearing was scheduled.

**CORRESPONDENCE:**

No Correspondence was scheduled.

**CITY MANAGER REPORT:**

**CITY CLERK REPORT:**

**COMMUNITY DEVELOPMENT DIRECTOR REPORT:**

**Councilmember Carr asked for further clarification on the EECBG Project and the Hatch Road Overlay Project.**

**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 all of the Arts and Craft Fair and FFA Sunday Breakfast scheduled that weekend.**

**Councilmember Beekman updated the Council on his attendance at the StanCOG and Economic Development Committee Meetings, and advised that he is unable to attend the November 28 meeting of the Council.**

**Mayor Bawanan congratulated Bella Viva Orchards on their Grand Opening Ceremony and advised that the ceremony had a great turn out of people.**

**COMMUNITY EVENTS:**

- ↓ **November 19-20** – 20<sup>th</sup> Century Arts & Crafts Fair at the High School -- 9-4:00pm
- ↓ **December 3** – Tree Lighting Ceremony -- Hughson Garden Club – 7<sup>th</sup> St and Hughson Avenue 5:00pm, followed by the Historical Society's Open House at 6:00pm.
- ↓ **December 9** – Ross Middle School– Annual 6<sup>th</sup> Grade Outdoor Education Dinner Fundraiser, 4:30-8:30pm, Ross Middle School Cafeteria, call Tammy 620-3131

**CLOSED SESSION TO DISCUSS THE FOLLOWING:** (8:04 pm)

**7) Council Members will meet in Closed Session for the Following scheduled items:**

- a. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code section 54957.6.**

Agency Negotiator: Bryan Whitemyer, City Manager

Employee Organizations: Operating Engineers Local No. 3  
(Skilled Trades, Professional and Technical)

Management

- b. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code section 54956.9(b).**

One (1) potential case

- c. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to Government Code section 54956.9(c).**

One (1) potential case

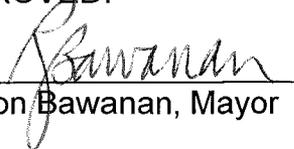
**d. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to  
Government Code section 54957.**

Title: City Manager

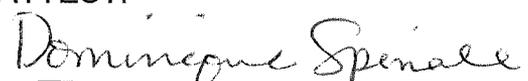
**Council returned from Closed Session at 9:23 p.m. All five Council members  
were present for the duration of the session. No reportable action was taken.**

**ADJOURNMENT: Mayor Bawanan adjourned the Meeting at 9:25pm.**

APPROVED:

  
\_\_\_\_\_  
Ramon Bawanan, Mayor

ATTEST:

  
\_\_\_\_\_  
Dominique Spinale, Deputy City Clerk