



**CITY OF HUGHSON
CITY COUNCIL MEETING**
City Hall Council Chambers
7018 Pine Street, Hughson, CA

AGENDA
MONDAY, JANUARY 23, 2012 – 7:00 P.M.

CALL TO ORDER: Mayor Ramon Bawan

ROLL CALL: Mayor Ramon Bawan
Mayor Pro Tem Matt Beekman
Councilmember Jill Silva
Councilmember George Carr
Councilmember Jeramy Young

FLAG SALUTE:

INVOCATION:

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken):

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.

2. PRESENTATIONS: None.

3. CONSENT CALENDAR:

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

- 3.1: Approval of the January 9, 2012, Regular City Council Minutes.
- 3.2: Approval of the Warrants for the Months of December 2011 and January 2012.
- 3.3: Approval of Resolution No. 2012-06, authorizing Staff to dispose of surplus vehicles.

4. UNFINISHED BUSINESS:

- 4.1: Consider Resolution No. 2012-07, a Resolution of the City, in its capacity as the successor agency to the City of Hughson Redevelopment Agency, adopting the Enforceable Obligations Payment Schedule required by AB 1X26; and the City of Hughson's election to retain the housing assets and functions of the former Redevelopment Agency, contingent upon the adoption of SB 654 or similar legislation.

5. PUBLIC HEARINGS: None.

6. NEW BUSINESS:

- 6.1: Consider Resolution No. 2012-05, approving the Industrial Wastewater Discharge Permit for the Dairy Farmers of America Milk Processing Facility Located at 2331 Tully Road and Authorizing the City Manager to Sign the Permit.
- 6.2: Review and Approve the Law Enforcement Action Plan and schedule a Public Hearing for the SLESF.

7. CORRESPONDENCE: None.

8. COMMENTS:

- 8.1: Staff Reports and Comments: (Information Only – No Action)

City Manager:

City Clerk:

Community Development Director:

Director of Finance:

Police Services:

City Attorney:

- 8.2: Council Comments: (Information Only – No Action)

8.3: Mayor's Comments: (Information Only – No Action)

9. CLOSED SESSION:

**9.1: CONFERENCE WITH LEGAL COUNSEL - - ANTICIPATED LITIGATION
Initiation of litigation pursuant to subdivision (c) of Section 54956.9:**

One (1) potential case

9.2: CONFERENCE WITH LABOR NEGOTIATORS

City Designated Representative: Ramon Bawanan, Mayor

Unrepresented Employee: City Manager

10. REPORT FROM CLOSED SESSION:

ADJOURNMENT:

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).

**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.

UPCOMING EVENTS:

January 23	▪ Economic Development Committee Meeting - 5:30pm City Council Meeting - 7:00pm
January 24	▪ 2+2 Fire Committee Meeting, 6:00pm, Fire District.
January 28	▪ HHS Celebrity Waiter Dinner and Auction, 6:00pm, St. Anthony's Church
February 4	▪ Hughson Ag Boosters Dinner Auction Fundraiser, 5-10pm, 7th Street.
February 6	▪ Budget & Finance Subcommittee Meeting, 5:30pm, City Chambers

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.**

AFFIDAVIT OF POSTING

DATE: January 20, 2012 **TIME:** 4:30p.m.
NAME: Dominique Spinale *DS* **TITLE:** Deputy City Clerk

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

General Information: The Hughson City Council meets in the Council Chambers on the second and fourth Mondays of each month at 7:00 p.m., unless otherwise noticed.

Council Agendas: The City Council agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054



CITY OF HUGHSON
CITY COUNCIL MEETING
 City Hall Council Chambers
 7018 Pine Street, Hughson, CA

MINUTES
MONDAY, JANUARY 9, 2012 – 7:00 P.M.

CALL TO ORDER: Mayor Ramon Bawan

ROLL CALL: Mayor Ramon Bawan
 Mayor Pro Tem Matt Beekman
 Councilmember Jill Silva
 Councilmember George Carr
 Councilmember Jeramy Young

FLAG SALUTE: Mayor Ramon Bawan

INVOCATION: Mayor Ramon Bawan
 Invocation was followed by a moment of silence for Ms. Mary Donahue with the Stanislaus County Sheriff's Department. The Mayor and Council gave their condolences to her family and loved ones.

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the City Council. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time. Time cannot be yielded to another person. Under State Law, matters presented under this item cannot be discussed or acted upon at this time by the City Council. The public will be invited to make comments on agenda items when the item comes up for Council consideration. For Closed Session items, the public will be invited to make comments before the meeting is recessed to Closed Session. For record purposes, you must step up to the podium, state your name, and speak into the microphone when addressing the City Council.

Public Comments:

Ms. Jean Henley –Hatfield spoke to the Council in regard to painting the water tank located on Santa Fe. She urged the Council pursue this project and advised that some of the local committees and clubs have agreed to donate funds towards the project in order to expedite the project.

2. PRESENTATIONS

2.1: Certificate of Recognition to Ms. Jean Henley-Hatfield.

Mayor Bawanan presented Ms. Henley-Hatfield with the Certificate.

2.2: The Sustainable Community Strategy – Jaylen French, StanCOG

Vince Harris, Executive Director of StanCOG provided some background information about the Sustainable Community Strategy process to the Council.

Jaylen French, Planner with StanCOG presented the PowerPoint presentation and discussed the Sustainable Community Strategy with the Council. The Council, Mr. Harris, and Mr. French discussed this item further. No action was taken.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

3.1: Approval of the December 12, 2011, Regular City Council Minutes.

3.2: Approval of the Warrants for the Month of December 2011.

3.3: Approval of the Treasurers Report for the Month of September 2011.

3.4: Adoption of Resolution No. 2012-01, approving an Agreement with Environmental Management Services (EMS) for Professional Services as Chief Plant Operator for the Wastewater Treatment Plant and for Oversight of the Water System and Authorizing the City Manager to Sign the Agreement.

3.5: Adoption of Resolution No. 2012-03, delegating authorization to the City Manager and the Community Development Director/ Acting Director of Public Works, authorizing them to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, and/or Fund Transfer Agreements, and any amendments thereto with the California Department of Transportation (Caltrans).

Beekman/Young 5-0-0-0 motion passes to approve all items on the Consent Calendar.

4. UNFINISHED BUSINESS: None.

5. PUBLIC HEARINGS: None.

6. NEW BUSINESS:

- 6.1:** Review and Discuss the Council Committee Appointments and confirm and/or amend them for 2012.

Council reviewed this item and added committees and boards that were not listed in the Staff Report. Staff will update the List. The Councilmembers currently assigned to the committees were not changed.

Beekman/Silva 5-0-0-0 motion passes to confirm the Council Committee Appointments for 2012.

- 6.2:** Consider the Adoption of Resolution No. 2012-02, awarding the Bid for Energy Efficiency Improvements to Central Valley Electric Inc., in the Amount of \$32,555 and Authorizing the City Manager to Sign the Contract.

Silva/Carr 5-0-0-0 motion passes to adopt Resolution No. 2012-02.

- 6.3:** Consider the Adoption of Resolution No. 2012-04, electing to have the City of Hughson serve as the Successor Agency to the Hughson Redevelopment Agency pursuant to Health & Safety Code Section 34173(d)(1) and designate the City Manager as the official from whom the Department of Finance may make requests pursuant to Section 34169(i).

Beekman/Silva 5-0-0-0 motion passes to adopt Resolution No. 2012-04.

7. CORRESPONDENCE: None.**8. COMMENTS**

- 8.1:** Staff Comments: (Information Only – No Action)

Chief Gharat with Police Services provided the Council with an update on recent criminal activity in the City.

Attorney Schroeder provided the Council with an updated booklet on the Brown Act. He also explained the changes made effective on January 1, 2012.

- 8.2:** Council Comments: (Information Only – No Action)

Councilmember Carr advised that the Hughson Ag Boosters will be holding an Auction/Fundraiser on February 4 at the High School.

Councilmember Silva updated the Council on her attendance at the 2+2 School District Committee Meeting.

Councilmember Beekman shared his concerns with the graffiti at Starn Park. He reminded Staff to stay diligent and encouraged to look into other ways to deter

graffiti, including growing ivy plants on the walls. Beekman also thanked StanCOG for their presentation.

Councilmember Young updated the Council on his attendance at the 2+2 School District Committee Meeting and announced that he and other members of the community are working on reestablishing the Hughson Chamber of Commerce.

8.3: Mayor's Comments: (Information Only – No Action)

Mayor Bawanen updated the Council on his attendance at the Hughson Family Resource Center Meeting and the Mayor's Meeting.

9. CLOSED SESSION

9.1: PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957.

Title: City Manager

10. REPORT FROM CLOSED SESSION:

Council entered into closed session at 8:04pm and returned from closed session at 8:55pm. All five council members were present. No reportable action was taken.

ADJOURNMENT: Mayor Bawanen adjourned the meeting at 8:55pm.

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UPCOMING EVENTS:

January 10	▪ Parks and Recreation Meeting - 6:00pm
January 16	▪ Martin Luther King Jr. Holiday - City Hall Closed
January 17	▪ Planning Commission Meeting - 6:00pm
January 23	▪ Economic Development Committee Meeting - 5:30pm ▪ City Council Meeting - 7:00pm

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REPORT.: Jan 19 12 Thursday
 RUN.....: Jan 19 12 Time: 15:33
 Run By.: KATHY DAHLIN

City of Hughson
 Cash Disbursement Detail Report
 Check Listing for 01-12 Bank Account.: 0100

PAGE: 001
 ID #: PY-DP
 CTL.: HUG

fw

Check Number	Check Date	Vendor Number	Vendor Name	Net Amount	-----Payment Information-----	
					Invoice #	Description
41941	1/17/2012	ALL05	ALLIED ADMINISTRATORS	\$ 2,430.99	B20117	DELTA DENTAL 2/2012
41942	1/17/2012	ARA00	ARAMARK UNIFORM SERVICE	\$ 1,446.01	B20111	UNIFORMS
41943	1/17/2012	ATT01	AT&T	\$ 21.01	B20111	PHONE
41944	1/17/2012	BLU00	BLUE SHIELD	\$ 191.00	B20111	HEALTH PREMIUMS 1/2012
41945	1/17/2012	BLU02	BLUE SHIELD OF CALIFORNIA	\$ 110.00	B20111	HEALTH PREM. D. MENDOZA 1/2012
41946	1/17/2012	EMP01	STATE OF CALIFORNIA	\$ 3,203.42	B20113	PAYROLL TAXES
41947	1/17/2012	EXP00	EXPRESS PERSONNEL SERVICE	\$ 216.00	104981592	WWTP EXTRA HELP 12/25/11
				\$ 216.00	105281836	WWTP EXTRA HELP 1/1/12
			Check Total:	\$ 432.00		
41948	1/17/2012	FIL00	J.R. FILANC CONSTRUCTION	\$ 221,417.00	24	WWTP UPGRADE & EXPANSION PROJ
41949	1/17/2012	HAR02	THE HARTFORD	\$ 604.63	B20113	DEFERRED COMPENSATION
41950	1/17/2012	HUG11	HUGHSON FARM SUPPLY	\$ 865.22	0364890IN	PARTS TO REPAIR LAWN MOWER
41951	1/17/2012	MOD01	THE MODESTO BEE	\$ 113.09	TB8122113	LEGAL PUBLICATION/RDA 5 YR PLAN
41952	1/17/2012	PER01	P.E.R.S.	\$ 7,592.19	B20113	RETIREMENT
41953	1/17/2012	REI00	REIS, MARTIN H.	\$ 1,536.33	1661	CITY OWNED BACKFLOW INSPECTION & REPAIR
41954	1/17/2012	SAF02	SAFETY-KLEEN CORP.	\$ 283.49	56004300	SERVICE OF PARTS WASHER
41955	1/17/2012	SHR02	SHRED-IT CENTRAL CA	\$ 111.72	47991137	SHREDDING
41956	1/17/2012	STA23	CitiStreet	\$ 20.00	B20113	DEFERRED COMPENSATION
41957	1/17/2012	STA47	STANISLAUS COUNTY SHERIFF	\$ 5,407.88	1112-146	SLESF-EXTRA PATROL & RECORDS MGMT 10/11
				\$ 2,404.61	1112-161	VEHICLE CHARGES 11/11
				\$ 1,038.50	1112-165	SLESF-RECORDS MGMT 11/11
			Check Total:	\$ 8,850.99		
41958	1/17/2012	TEL00	TELEPACIFIC	\$ 112.65	338393110	PHONE
41959	1/17/2012	TID01	TURLOCK IRRIGATION DIST.	\$ 417.05	B20111	ELECTRIC ON WATER STORAGE TANK
41960	1/17/2012	TUR12	TURLOCK, CITY OF	\$ 259.40	2012-25	CNG FUEL
41961	1/17/2012	UNI07	UNITED WAY OF STANISLAUS	\$ 9.00	B20113	UNITED WAY
41962	1/17/2012	USA02	USA MOBILITY	\$ 11.64	V0190776A	PAGER SERVICE
41963	1/19/2012	ARR00	ARROWHEAD MOUNTAIN SPRING	\$ 32.86	02A002566	BOTTLED WATER WWTP
41964	1/19/2012	ATT01	AT&T	\$ 1,224.51	B20119	PHONE
41965	1/19/2012	AVA00	AVAYA, INC	\$ 59.17	273160897	PHONES/POLICE DEPT
				\$ 76.49	273169445	PHONES/CITY HALL
			Check Total:	\$ 135.66		
41966	1/19/2012	AZE01	AZEVEDO'S AUTO SERVICE	\$ 508.64	50937	REPAIR PW-4

41967	1/19/2012	BLU00	BLUE SHIELD	\$	9,470.00	B20119	HEALTH PREMIUMS 2/12
				\$	233.00	C20119	HEALTH PREM. D.SPINALE 2/12
				\$	591.00	D20119	COBRA D.PAUL 2/12
			Check Total:		----- \$ 10,294.00		
41968	1/19/2012	BLU02	BLUE SHIELD OF CALIFORNIA	\$	110.00	B20119	HEALTH PREMIUMS D.MENDOZA 2/12
41969	1/19/2012	CAL47	CALIFORNIA CONSULTING	\$	2,785.00	B20119	CONSULTING SVCS 1/12
41970	1/19/2012	CCA02	CITY CLERKS ASSOCIATION	\$	80.00	2012	MEMBERSHIP D.SPINALE
41971	1/19/2012	CLA03	CLARK'S PEST CONTROL	\$	102.00	12302207	PEST CONTROL
				\$	57.00	12335781	PEST CONTROL
			Check Total:		----- \$ 159.00		
41972	1/19/2012	CON15	CONEXIS	\$	30.00	1211OR330	MO ADMIN FEES 12/11
41973	1/19/2012	DET01	DETROIT INDUSTRIAL TOOL	\$	225.89	453228	DIAMOND BLADE
41974	1/19/2012	DIA01	DIAZ, DANIEL	\$	285.00	B20119	REFUND HALL RENTAL 6/30/12
41975	1/19/2012	ENV01	ENVIRONMENTAL MANAGEMENT	\$	4,950.00	904	WATER & WASTE WATER CONSULTING 12/11
41976	1/19/2012	EXP00	EXPRESS PERSONNEL SERVICE	\$	216.00	105437305	WWTP EXTRA HELP 1/8/12
41977	1/19/2012	FGL00	FGL ENVIRONMENTAL	\$	250.00	139628A	WWTP MONITORING
				\$	325.00	139646A	WWTP MONITORING
				\$	325.00	150064A	WWTP MONITORING
				\$	250.00	150142A	WWTP MONITORING
				\$	250.00	150286A	WWTP MONITORING
				\$	250.00	150370A	WWTP MONITORING
				\$	325.00	150399A	WWTP MONITORING
				\$	250.00	150481A	WWTP MONITORING
41977	1/19/2012	FGL00	FGL ENVIRONMENTAL	\$	250.00	150634A	WWTP MONITORING
				\$	109.00	150638A	WELL WATER MONITORING
				\$	490.00	150676A	WELL WATER MONITORING
				\$	250.00	150763A	WWTP MONITORING
				\$	210.00	150765A	WELL WATER MONITORING
				\$	325.00	150908A	WWTP MONITORING
				\$	250.00	150992A	WWTP MONITORING
			Check Total:		----- \$ 4,109.00		
41978	1/19/2012	GIL01	GILTON SOLID WASTE MANAGE	\$	810.00	1211251	SLUDGE REMOVAL
41979	1/19/2012	GRA03	W.W. GRAINGER, INC.	\$	184.24	971407853	BASE GUIDE ARM FOR VAC TRUCK
41980	1/19/2012	HUG08	CITY OF HUGHSON	\$	1,870.47	B20119	LLD WATER SERVICE
41981	1/19/2012	HUG34	HUGHSON AUTO & TRUCK SUPP	\$	6.43	46974	LAMP
				\$	3.99	47581	CAP SCREW
				\$	415.64	48191	ANNUAL SERVICE OF ENGINES
			Check Total:		----- \$ 426.06		
41982	1/19/2012	IKO02	IKON FINANCIAL SERVICES	\$	2,350.77	86287876	COPIER LEASE
41983	1/19/2012	KUB00	KUBWATER RESOURCES, INC	\$	1,625.23	1192	POLYMER
41984	1/19/2012	LEA01	LEAGUE OF CALIF. CITIES	\$	3,953.00	115065	MEMBERSHIP DUES 2012
41985	1/19/2012	LOF01	LOFORTI, JAMES	\$	210.00	B20119	REFUND DAMAGE & KEY DEPOSIT
41986	1/19/2012	MCR01	MCR ENGINEERING, INC	\$	1,430.00	9056	ENGINEERING SVCS 12/11

41987	1/19/2012	NEU01	NEUMILLER & BEARDSLEE	\$	1,200.00	245834	LEGAL SVCS 12/11
				\$	3,470.00	245835	LEGAL SVCS 12/11
				\$	1,080.00	245841	LEGAL SVCS 12/11
				\$	1,783.44	245842	LEGAL SVCS 12/11
			Check Total:		-----		
				\$	7,533.44		
41988	1/19/2012	OPE01	OPERATING ENGINEERS LOCAL	\$	389.00	B20119	LOCAL UNION #3 DUES
41989	1/19/2012	PAC05	PACIFIC PLAN REVIEW	\$	3,315.00	B20119	INSPECTION SERV & PLAN CK 12/11
41990	1/19/2012	QUI03	QUICK N SAVE	\$	123.22	1-0031	DIESEL
41991	1/19/2012	SAF01	SAFETLITE	\$	76.92	283880	BLUE ROAD REFLECTORS
41992	1/19/2012	SAN05	SAN JOAQUIN VALLEY	\$	479.00	N89900	12/13 ANNUAL PERMITS TO OPERATE #N5079
				\$	117.00	N89901	12/13 ANNUAL PERMITS TO OPERATE #5080
			Check Total:		-----		
				\$	596.00		
41993	1/19/2012	STA12	SWRCB ACCOUNTING OFFICE	\$	427.00	SW0044942	ANNUAL PERMIT FEE ID #5S50C357425
41994	1/19/2012	STA47	STANISLAUS COUNTY SHERIFF	\$	1,040.58	1112-186	SLESF-RECORDS MGMT 12/11
41995	1/19/2012	TUR12	TURLOCK, CITY OF	\$	277.40	2012-27	CNG FUEL
41996	1/19/2012	USH00	US HEALTHWORKS MEDICAL	\$	94.00	2017520CA	PROFESSIONAL SVCS
41997	1/19/2012	WAR00	WARDEN'S OFFICE	\$	509.53	1733664-0	OFFICE SUPPLIES
				\$	3.75	1733664-1	OFFICE SUPPLIES
			Check Total:		-----		
				\$	513.28		
41998	1/19/2012	WAS01	WASTE MANAGEMENT	\$	392.60	229336054	DISPOSAL OF CITY REFUSE
41999	1/19/2012	WHI05	WHITEMYER, BRYAN	\$	78.89	B20119	REIMBURSEMENT OF MEETING EXPENSES
42000	1/19/2012	WIL01	CORBIN WILLITS SYSTEM	\$	571.40	B201151	ENHANCEMENT & SERVICE FEES
			Cash Account Total:		-----		
				\$	303,472.89		
			Total Disbursements:		-----		
				\$	303,472.89		
					=====		



CITY OF HUGHSON AGENDA ITEM NO. 3.3

SECTION 3: CONSENT CALENDAR

Meeting Date: January 23, 2012
Subject: Declaration of Surplus Vehicles
Presented By: Sam Rush, Public Works Superintendent

Approved By:

A handwritten signature in blue ink, which appears to be "Sam Rush", is written over a horizontal line.

Background:

Staff has identified City vehicles that have no further useful value to the City. In accordance with Chapter 3.08 of the Hughson Municipal Code (HMC), all property must be declared surplus by resolution prior to being sold.

Discussion:

A list of proposed surplus vehicles is included with this staff report. This includes vehicles that have been previously stored on site pending inventory and declaration of being surplus property. Upon adoption of Resolution No. 2012-06, the vehicles will be scheduled for disposal by auction. This will be preceded by public notice as required by HMC Section 3.08.040, or otherwise if scrap metal, by HMC Section 3.08.020.

Fiscal Impact:

The City will receive some small but indeterminate proceeds from the sale of the vehicles.

Staff Recommendation:

Consider authorizing staff to dispose of surplus vehicles by adoption of Resolution No. 2012-06.

CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2012-06

**A RESOLUTION OF THE HUGHSON CITY COUNCIL
DECLARING CERTAIN VEHICLES TO BE SURPLUS AND
AUTHORIZING THEIR DISPOSAL**

WHEREAS, the City of Hughson has certain items of surplus property that have no further use to the City; and

WHEREAS, the list of surplus items has been presented to the City Council for their review; and

WHEREAS, the Hughson Municipal Code Chapter 3.08 requires that property belonging to the City, of whatever kind, shall be sold only after having been declared by resolution of the City Council to be surplus property of the City; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hughson declares that the listed vehicles in the attached Exhibit A are made part of this Resolution and are Surplus Property and authorizes them to be disposed of in accordance with the Hughson Municipal Code.

PASSED AND ADOPTED by the Hughson City Council at a regular meeting thereof held on January 23, 2012, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk

CITY OF HUGHSON AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS



Executive Summary

Presented By: Bryan Whitemyer, City Manager
Meeting Date: January 23, 2012
Subject: Consideration of City of Hughson Resolution No. 2012-07, a Resolution of the City, in its capacity as the successor agency to the City of Hughson Redevelopment Agency, adopting the Enforceable Obligations Payment Schedule required by AB 1X26; and the City of Hughson's election to retain the housing assets and functions of the former Redevelopment Agency, contingent upon the adoption of SB 654 or similar legislation.

Budget Action: None at this time.
Desired Action: Adopt City of Hughson Resolution No. 2012-07.

Background:

The City of Hughson ("City") created the City of Hughson Redevelopment Agency ("Hughson RDA") in accordance with the Redevelopment Agency ("RDA") law (*Health and Safety Code* sections 33000 et. seq.) in existence at the time. Since its creation, the Hughson RDA has been involved in several redevelopment projects that have been beneficial to the City and in compliance with its authority under the RDA law.

On June 28, 2011, as part of the 2011-12 State budget bill, the California Legislature enacted and the Governor signed, companion bills Assembly Bill 1X 26 ("AB 1X 26") and Assembly Bill 1X 27 ("AB 1X 27"), requiring that each redevelopment agency be dissolved unless the city that created it enacts an ordinance committing it to making certain payments. AB 1X 26 expressly required each RDA to submit an Enforceable Obligations Payment Schedule ("Schedule") by August 29, 2011.

In July a lawsuit was filed by several entities with the California Supreme Court ("Court") for a determination of whether AB 1X26 and AB 1X27 are in violation of the California Constitution. On December 29, 2011, the Court issued its opinion upholding AB 1X26 and declaring AB 1X27 invalid in its entirety.

The Court's decision revised effective dates or deadlines for performance of obligations arising before May 1, 2012 to take effect four months later. Accordingly, the City, as the successor agency, must re-adopt the Enforceable Obligation Payment Schedule by February 1, 2012. (*Health and Safety Code* Section 34175(b))

Discussion:

As part of the winding down of RDA's under AB 1X 26 and the Court's decision, each successor agency must re-adopt the Enforceable Obligation Schedule that will serve as the basis for the remaining authorized performance of RDA enforceable obligations using RDA funds. The purpose of the Scheduled is to ensure that the successor agency to RDA performs all enforceable obligations until completed. The Schedule is also used to determine what amount of RDA tax revenues are need to complete the obligations identified in the Schedule with the excess RDA tax revenues being treated as property taxes and distributed to the tax receiving entities that receive property taxes.

Cities that had authorized redevelopment agencies can also elect to retain the housing assets and functions previously performed by the redevelopment agency. If the City of Hughson elects to retain these responsibilities, all rights, power, duties, and obligations, *excluding* any amounts on deposit in the Low and Moderate Income Housing Fund, will be transferred to the City. (Health & Safety Code Section 34176). The City of Hughson does not have any housing assets and functions under Section 34176 which would create a benefit to the City to retain these responsibilities.

However, proposed Senate Bill 654 provides that if a city elects to retain the housing authority functions, it will retain all rights, power, duties and obligations *including* any amounts on deposit in the Low and Moderate Income Housing Fund. The balance of this fund is \$800,000.

If SB 654, or another piece of legislation which allows for the retention of affordable housing funds, is adopted and becomes law it is in the City's best interest to retain the housing functions. If such legislation does not pass, the funds in the Low and Moderate Income Housing Fund will be transferred to the County Auditor-Controller and redistributed as property taxes to all the entities in the County. If such legislation does pass and the City of Hughson retains the housing authority functions, the \$800,000 remains in its Low and Moderate Income Housing Fund. If such legislation passes and the City does not retain the housing authority functions, the \$800,000 in the Low and Moderate Income Housing Fund is transferred to the Stanislaus Housing Authority.

Fiscal Impact:

There is no fiscal impact on the preparation of the Schedule and any potential fiscal impact from retaining the housing authority functions is contingent upon successful passage of future legislation.

Staff Recommendation:

Adopt Resolution No. 2012-07, a Resolution of the City of Hughson, in its capacity as the successor agency to the City of Hughson Redevelopment Agency, adopting the Enforceable Obligations Payment Schedule required by AB 1X26; and the City of Hughson's election to retain the housing assets and functions of the former Redevelopment Agency, contingent upon the adoption of SB 654 or similar legislation that would allow the City to retain Low and Moderate Income Housing Funds.

Attachments:

Resolution No. 2012 - 07

Instructions for Enforceable Obligation Payment Schedule (EOPS)

General Instructions:

Agencies may complete the set of forms (Blank pages 1 through 4) included in this workbook for all of its project areas combined. Blank-Pg 1 is the primary page. The remaining blank tabs are used if additional space is needed to list obligations. The totals from the additional blank pages are linked to Blank-Pg1 to calculate the grand total at the bottom of Blank-Pg1. "Other Obligations" have been included with its own form.

Although not required, an agency may be interested in completing one set of forms for each of its project areas.

Specific Instructions by Column Heading:

Column Name	Description and Examples	Clarifications
Project Name	Names of projects associated with the enforceable obligation payment, which include the following:	Refer to ABX1 26, §34167(d) for the definition of an enforceable obligation. <u>Please note:</u> for each listed item, supporting documentation is not required to be provided in the EOPS, however, it is advisable to maintain such documentation.
	Bonds: Includes debt service, reserve set-asides and any other payments related to the repayment of bonds, notes, interim certificates, debentures, or other obligations. Examples include tax allocation bonds, revenue bonds, certificates of participation (COPs), and California Infrastructure and Economic Development Bank (IBANK) bonds. Other payments related to bonds could include fiscal agent fees, letter of credit bank fees, continuing disclosure fees, etc.	Includes bonds as defined by H&S Code §33602 and issued pursuant to Government Code §5838. On the form, bond payments may be grouped together, however, it is recommended that non-housing and housing bond payments be entered under separate project names.
	Loans or Moneys Borrowed by Agency: Includes loans or moneys borrowed for legal purposes. Examples include loans from the LMIHF and <i>certain</i> loans from the sponsoring entity—i.e. the city, county, or city and county that created the agency. Other examples include repayment of loans from other public agencies, such as CalHFA, HUD Section 108.	This schedule should include all City - Agency loan agreements. The list of Enforceable Obligations to be approved by the Successor Agency has differing requirements, and any agency that plans to dissolve should review those agreements with its legal counsel prior to making any decisions on whether to dissolve or make the payments per AB 27.
	Payments: required by the federal and state governments or in connection with agency employees.	Includes payments such as salaries, pension payments, pension obligation debt service, and unemployment payments. Does not include pass-through payments.
	Judgments and settlements.	Includes payments related to court or other binding decisions.
	Legally binding and enforceable agreements or contracts: Includes all obligations of agency not listed above, both housing and non-housing. <u>Please note:</u> report all regardless of source of funding, such as those that will be funded with bond or other debt proceeds. Examples include obligations such as construction contracts, Disposition and Development Agreements (DDAs), Owner Participation Agreements (OPAs), pre-development loans, Community Facilities District (CFD) reimbursements, rental subsidies, and professional services contracts. Also includes agreements pledging future receipt of tax increment to other entities, such as a matching grant or promissory note.	Per ABX1 26, §34167.(d)(5), includes any legally binding and enforceable agreement or contract that is not otherwise void as violating the debt limit or public policy. However, as noted above, pursuant to ABX1 26, §34171.(d)(2), the definition of enforceable obligations to be paid by a Successor Agency does not include any agreements, contracts, or arrangements between the sponsoring entity and the agency, except for two specific categories of loans as defined in the legislation. <u>Please note:</u> list all other sponsoring entity and agency agreements in the Other Obligations" section of this EOPS Form. <u>Please also note:</u> discuss with your legal counsel whether an agreement such as an Exclusive Negotiation Agreement (ENA) should be listed as an enforceable obligation under §34167 and §34169 Enforceable Obligations, or included in the "Other Obligations Payment Schedule" portion of this form.
	Contracts or agreements necessary for continued administration or operation of agency such as, but not limited to, office space rent, equipment, supplies, insurance, and services.	Per ABX1 26, §34167.(d)(5), includes contracts or agreements necessary for continued administration or operation of the agency including, but not limited to, agreements to purchase or rent office space, equipment and supplies, and pay-related expenses pursuant to §33127 and for carrying insurance pursuant to §33134.
Payee	Recipient of debt or obligation payments.	Include name of public agency, entity or other organization to receive payment.
Description	Description of the nature of the work, product, service, facility or other thing [sic] of value for which payment is to be made.	
Total Outstanding Debt or Obligation	Total remaining debt or obligation, including principal and interest, as applicable.	Although this amount is not required by §34169, it may be prudent to include the total amount for purposes of preparing the Recognized Obligation Payment Schedule (ROPS) or SOI. <u>Please note:</u> estimate for the remaining term of obligation. The SOI is a good source for this data.
Total Due During Fiscal Year	Total payments (including principal and interest) for FY 2011/12.	While not required to be included on the Schedule, this column is included to help with monthly payment calculations for those payments that are budgeted on an annual basis, rather than on a monthly basis.
Payments by Month	Payments remitted in each month from August through December 2011. <u>Please note:</u> payments that have to be made in the month prior to their due date should be listed in the month preceding the actual debt service payment due date.	Notations should be made in cases where an agency is estimating the amount to be paid in any given month.
Other Obligations - Payment Schedule	Include all other obligations of Agency, such as contractual and statutory pass-through payments. Also include any other obligations required by the CRL, such as housing fund deficit repayments.	Please include § 33401, 33607.5 and 33607.7 passthrough payments. Also includes sponsoring entity and agency agreements not included elsewhere. Include any other statutorily required payments.

Project Area(s) _____

OTHER OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					
					Aug**	Sept	Oct	Nov	Dec	Total
1) Section 33676 Payments	Comm College	Payments per former CRL 33676	1,866,000.00	50,400.00					25,200.00	\$ 25,200.00
2) Section 33676 Payments	County Office of Ed	Payments per former CRL 33676	1,248,000.00	34,000.00					17,000.00	\$ 17,000.00
3) Section 33676 Payments	Unified SD	Payments per former CRL 33676	1,248,000.00	34,000.00					17,000.00	\$ 17,000.00
4) Pass Through Agreement	County	Payments per former CRL 33401	76,000,000.00	3,156,000.00					1,578,000.00	\$ 1,578,000.00
5) Pass Through Agreement	County Cemetary	Payments per former CRL 33401	840,000.00	35,000.00					17,500.00	\$ 17,500.00
6) Pass Through Agreement	Flood Control Dist	Payments per former CRL 33401	2,352,000.00	97,000.00					48,500.00	\$ 48,500.00
7) Statutory Payments	City	Payments per CRL 33607.5 and .7	4,465,000.00	66,000.00					33,000.00	\$ 33,000.00
8) Statutory Payments	Mosquito Abatment	Payments per CRL 33607.5 and .7	213,000.00	2,000.00					1,000.00	\$ 1,000.00
9) Statutory Payments	Unified SD	Payments per CRL 33607.5 and .7	8,270,000.00	81,000.00					40,500.00	\$ 40,500.00
10) Statutory Payments	Comm College	Payments per CRL 33607.5 and .7	1,022,000.00	10,000.00					5,000.00	\$ 5,000.00
11) Statutory Payments	County Office of Ed	Payments per CRL 33607.5 and .7	683,000.00	7,000.00					3,500.00	\$ 3,500.00
12) Section 33676 Payments	Comm College	Payments per former CRL 33676	1,866,000.00	50,400.00					25,200.00	\$ 25,200.00
13) Section 33676 Payments	County Office of Ed	Payments per former CRL 33676	1,248,000.00	34,000.00					17,000.00	\$ 17,000.00
14) Housing Fund Deficit	City housing fund	Repayment for housing fund	1,000,000.00	100,000.00					50,000.00	\$ 50,000.00
15)										\$ -
16)										\$ -
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28)										\$ -
Totals - Other Obligations			\$ 102,321,000.00	\$ 3,756,800.00	\$ -	\$ -	\$ -	\$ -	\$ 1,878,400.00	\$ 1,878,400.00

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)

If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

** Include only payments to be made after the adoption of the EOPS.

*** All payment amounts are estimates

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE
 Per AB 26 - Section 34167 and 34169 (**)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month				
					January	February	March	April	Total
1) Series 2006 Refunding Tax Allocation Bonds	Union Bank of California	Downtown Streetscape Improvements	\$2,935,000	202,931.26			70,865.63		\$ 70,865.63
2) Contract for Consulting Services	California Consulting	Govt. Affairs, Grant Writing	5,004.00	5,004.00	417.00	417.00	417.00	417.00	\$ 1,668.00
3) Employees and Salary Benefits	Employees of Agency	Payroll for Employees	78,588.00	78,588.00	6,549.00	6,549.00	6,549.00	6,549.00	\$ 26,196.00
4) Hughson Family Apartments*	Hughson Pacific Assoc.	42 Unit Low Income Housing Complex	800,000.00	Funds due in 2013					\$ -
5) Disclosure Services	Urban Futures	Continuing Disclosure Services	2,150.00			2,150.00			\$ 2,150.00
6) Statement of Indebtedness	Urban Futures	Statement of indebtedness	675.00		675.00				\$ 675.00
7) Annual Agency Report	Thales Consulting	Annual Agency Report	1,350.00		1,350.00				\$ 1,350.00
8)									\$ -
9)									\$ -
10)									\$ -
OTHER OBLIGATIONS - PAYMENT SCHEDULE (PASS THROUGH OBLIGATIONS)									\$ -
11) Pass Through Payments				80,000.00	6,666.67	6,666.67	6,666.67	6,666.67	\$ 26,666.68
12)									\$ -
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29)									\$ -
Totals - This Page			\$ 3,822,767.00	\$ 366,523.26	\$ 15,657.67	\$ 15,782.67	\$ 84,498.30	\$ 13,632.67	\$ 129,571.31
Totals - Page 2			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 3			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Page 4			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Totals - Other Obligations			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Grand total - All Pages			\$ 3,822,767.00	\$ 366,523.26	\$ 15,657.67	\$ 15,782.67	\$ 84,498.30	\$ 13,632.67	\$ 129,571.31

* According to AB 1x 26 these funds need to be remitted to the county auditor-controller, however, if SB 654, or similar legislation allowing for the retention of affordable housing funds, passes these funds would remain with the project.

** Include only payments to be made after the adoption of the EOPS.

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total
						Aug**	Sept	Oct	Nov	Dec	
1)											\$ -
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Totals - This Page				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.) If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE
Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total
						Aug**	Sept	Oct	Nov	Dec	
1)											\$ -
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Totals - This Page				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

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ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					Total
						Aug**	Sept	Oct	Nov	Dec	
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Totals - This Page				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

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OTHER OBLIGATION PAYMENT SCHEDULE

Per AB 26 - Section 34167 and 34169 (*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					
						Aug**	Sept	Oct	Nov	Dec	Total
1)											\$ -
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Totals - Other Obligations				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)
 If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.
 ** Include only payments to be made after the adoption of the EOPS.
 *** All payment amounts are estimates

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO 2012-07**

**A RESOLUTION OF THE CITY OF HUGHSON IN ITS CAPACITY AS THE
SUCCESSOR AGENCY TO THE HUGHSON REDEVELOPMENT AGENCY
ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE
REQUIRED BY AB 1X26 AND THE CITY OF HUGHSON'S ELECTION TO RETAIN
THE HOUSING ASSETS AND FUNCTIONS OF THE FORMER REDEVELOPMENT AGENCY
CONTINGENT UPON THE ADOPTION OF SB 654 OR SIMILAR LEGISLATION**

WHEREAS, the Board of Directors ("Board") of the Hughson Redevelopment Agency ("Hughson RDA") was created in accordance with the Redevelopment Agency ("RDA") law (*Health and Safety Code* sections 33000 et. seq.) in existence at the time; and

WHEREAS, since its creation, the Hughson RDA has been involved in several redevelopment projects that have been beneficial to the City and in compliance with its authority under the RDA law; and

WHEREAS, on June 28, 2011 Assembly Bill 1X 26 ("AB 1X 26") and Assembly Bill 1X 27 ("AB 1X 27"), were enacted with AB 1X26 requiring that each redevelopment agency ("RDA") be dissolved unless the city that created it enacts an ordinance required in AB 1X27 committing it to making certain payments; and

WHEREAS, AB 1X 26 expressly required each RDA to adopt an Enforceable Obligation Payment Schedule ("Schedule") by August 29, 2011 and provide it to the successor agency if a successor agency is established; and

WHEREAS, in July a lawsuit was filed by several entities with the California Supreme Court ("Court") for a determination of whether AB 1X 26 and AB 1X 27 are in violation of the California Constitution; and

WHEREAS, on December 29, 2011, the Court issued its opinion upholding AB 1X 26 and declaring AB 1X 27 invalid in its entirety; and

WHEREAS, the Court's decision revised effective dates or deadlines for the performance of obligations arising before May 1, 2012 to take effect four months later; and

WHEREAS, the City of Hughson adopted Resolution NO. 2012-07 electing to serve as the successor agency to the Hughson Redevelopment Agency pursuant to California Health and Safety Code Section 34173; and

WHEREAS, the City of Hughson, as the successor agency, must re-adopt the Enforceable Obligation Payment Schedule by February 1, 2012 pursuant to Health and Safety Code Section 34175(b); and

WHEREAS, California Health and Safety Code Section 34176 allows cities that had authorized redevelopment agencies to elect to retain the housing assets and functions previously performed by the redevelopment agency; and

WHEREAS, if the City of Hughson elects to retain the housing assets and functions pursuant to Section 34176, all rights, power, duties, and obligations, excluding any amounts on deposit in the Low and Moderate Income Housing Fund will be transferred to the City; and

WHEREAS, the City of Hughson does not have any housing assets and functions as set forth in Section 34176; and

WHEREAS, proposed Senate Bill 654 provides that if a city elects to retain the housing assets and functions, it will retain all rights, power, duties and obligations including any amounts on deposit in the Low and Moderate Income Housing Fund; and

WHEREAS, the City of Hughson Redevelopment Agency Low and Moderate Income Housing Fund has a balance of \$800,000; and

WHEREAS, the City of Hughson wishes to elect to retain the housing assets and functions previously performed by the City of Hughson Redevelopment Agency contingent upon the adoption of SB 654 or similar legislation that allows for the retention of Low and Moderate Income Housing Funds.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUGHSON AS FOLLOWS:

1. The City of Hughson, in its capacity as the successor agency to the Hughson Redevelopment Agency, hereby adopts the Enforceable Obligation Payment Schedule attached hereto as Attachment "A".
2. The City of Hughson elects to retain the housing assets and functions previously performed by the City of Hughson Redevelopment Agency contingent upon the adoption of SB 654 or similar legislation that would allow the City of Hughson to retain the Low and Moderate Income Housing Funds.

PASSED AND ADOPTED by the City of Hughson City Council at a regular meeting thereof held on January 23, 2012 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

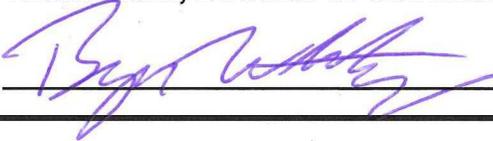
ATTEST:

DOMINIQUE SPINALE, City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date: January 23, 2012
Subject: Industrial Wastewater Discharge Permit for the Dairy Farmers of America Milk Processing Facility Located at 2331 Tully Road.
Presented By: Thom Clark, Director of Community Development
Approved By: 

Background:

Dairy Farmers of America, Inc. (DFA) has the only Industrial Wastewater Discharge Permit in the City. Their current permit expired on January 15, 2012. Staff has worked closely with DFA to modify the new permit to ensure the discharge limits are within tolerances established by the State at our new Wastewater Treatment Plant (WWTP), as well as to enable DFA to reduce costly pretreatment of their waste.

Discussion:

The California Department of Public Health, Wastewater Permitting Division, has made public for comment a draft discharge permit for the City of Hughson subsequent to the operation of our new WWTP. The limits of constituents in our discharge permit are, in most cases, directly related to what we can allow DFA to discharge to our plant. DFA has therefore had to pre-treat their discharge to stay within the constituent limits of their Industrial Wastewater Discharge permit with us. Pretreatment to reduce constituent levels can be quite costly. Staff estimates pretreatment costs at this facility to exceed \$50,000 per year.

This particular DFA plant is what is known as a "balancing plant". When there is overflow from other corporate plants, the milk is sent here for processing. Therefore, the quantity of product processed at the plant and its resultant waste discharge fluctuates depending on the quantity of milk produced at contract dairies. DFA has contemplated expanding the plant to enable them to produce new types of product which would give the Hughson plant more value to the company. However, our waste discharge rate schedule has disincentivized the parent company to expand here in Hughson and they have subsequently purchased land in Nevada to meet that purpose. The current management team at the Hughson plant however, believes that they can add value to the plant by

introducing stable product lines that may require increased flows. Staff has taken this into account while drafting the current permit.

The proposed major changes to the permit are as follows:

1. The permit has been extended from a two-year permit term to a three-year term. (Amended on page 1.)
2. The average and maximum daily flows have been doubled. (Amended on page 2 under section I.1.)
3. Language has been added to temporarily grant DFA the double flow until they or some new user purchases the capacity. (Amended on page 2 and 3 under Section I.2.)
4. BOD, TSS, Oil and Grease, and Chloride limits have been increased to reflect the increased flows, as well as the more efficient treatment capabilities at the new WWTP. (Amended on page 2 under Section I.1.)
5. The upper pH limit was increased by one point at the request of DFA. We were not able to decrease the lower pH limit as requested because increase alkalinity degrades concrete pipes faster. (Amended on page 2 under Section I.1.)
6. The TDS limits have been removed and the related EC (electrical conductivity) limits have been increased in an effort to lower pretreatment costs for DFA. (Amended on page 2 under Section I.1.)

Fiscal Impact:

There is no direct fiscal impact to approving the permit. However, if waste discharge flows increase, there will be a corresponding increase to revenue in the Sewer Enterprise Fund.

Staff Recommendation:

Adopt Resolution No. 2012-05, a Resolution of the City Council of the City of Hughson Approving the Industrial Wastewater Discharge Permit for the Dairy Farmers of America Milk Processing Facility Located at 2331 Tully Road and Authorizing the City Manager to Sign the Permit.

CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2012-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON APPROVING
AN INDUSTRIAL WASTEWATER DISCHARGE PERMIT FOR THE DAIRY FARMERS
OF AMERICA MILK PROCESSING PLANT LOCATED AT 2331 TULLY ROAD AND
AUTHORIZING THE CITY MANAGER TO SIGN THE PERMIT**

WHEREAS, the Dairy Farmers of America (DFA) milk processing plant is the major single-point waste discharger in the City of Hughson; and

WHEREAS, DFA is also the largest private sector employer within the City of Hughson; and

WHEREAS, DFA has recently celebrated their 100 year anniversary of an operating milk plant in the City of Hughson; and

WHEREAS, from time to time the City of Hughson approves a Wastewater Discharge Permit for DFA to discharge processing effluent to the Wastewater Treatment Plant; and

WHEREAS, the current Wastewater Discharge Permit has expired and both parties desire to create an amended permit which recognizes the added treatment capabilities of the new Wastewater Treatment Plant and at the same time reduces DFA's pretreatment costs; and

WHEREAS, the City of Hughson, as a part of its Business Retention efforts, wishes to assist DFA in being successful and can do so by amending the current permit discharge requirements; and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hughson does hereby approve the Industrial Wastewater Discharge Permit for the Dairy Farmers of America milk processing plant located at 2331 Tully Road and authorizes the City Manager to sign the permit.

PASSED AND ADOPTED by the Hughson City Council at a regular meeting thereof held on January 23, 2012, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk

CITY OF HUGHSON

WASTEWATER DISCHARGE PERMIT

PERMIT NO. 102 -01

COMPANY NAME: DAIRY FARMERS OF AMERICA, INC.

MAILING ADDRESS: POST OFFICE BOX 849, HUGHSON, CA 95326

FACILITY ADDRESS: 2331 TULLY ROAD, HUGHSON, CA 95326

The above industrial user is authorized to discharge industrial wastewater into the City of Hughson sewer system in compliance with the current City Code, any applicable provisions of Federal or State law or regulations, and in accordance with the discharge point(s), effluent limitations and all conditions set forth herein as Exhibit "A".

The rates set forth for these discharges are also attached in Exhibit A from the Rate Ordinance.

If you wish to appeal or challenge any condition imposed in this permit, a petition shall be filed in accordance with the requirements of section 13.04.980 of the Hughson Municipal Code within 10 working days from the issued date of this permit.

Effective Date: January 15, 2010~~2~~

Expiration Date: January 15, 201~~2~~5

Issued Date: January ~~22~~15, 2010~~20~~

CITY OF HUGHSON

By: _____
Bryan Whitemyer, City Manager

“EXHIBIT A”

CITY OF HUGHSON

WASTEWATER DISCHARGE PERMIT

PERMIT NO. 102 -01

The Wastewater Discharge Permit No. 102 -01 is subject to, without limitation, conditions and requirements as follows:

I. WASTEWATER DISCHARGE LIMITATIONS

1. Effluent Limitations. The Permittee shall comply at all times with the effluent limitations specified below. These values are not to be exceeded unless there is previous written approval by the City.

<u>Parameter</u>	<u>Average For Every Two Bi-Monthly Reporting Periods</u>	<u>Maximum</u>
Flow (0.250 mg/d)	15300,000 gal/day* (0.315 mg/d)	2500,000 gal/day
Biochemical Oxygen Demand (BOD)	650 mg/L (1,626814 lbs/d)	800 mg/L (16693,336 lbs/d)
Total Suspended Solids (TSS)	500 mg/L (1,626626 lbs/d)	1000 mg/L (4,1702086 lbs/d)
pH	6.5 – 89.6	6.5 - 89.6
OIL and GREASE	150 mg/L (188375 lbs/d)	150 mg/L (313626 lbs/d)
Total Dissolved Solids (TDS)	650 1,209mg/L (81,514 lbs/d)	750 1,395mg/L (1565 2911lbs/d)
Chloride	450 mg/L (5631,126 lbs/d)	550 mg/L (11472,294 lbs/d)
EC	71,3400 µmho/cm	71,8300 µmho/cm

*Notwithstanding the heading of this column, this 15300,000 gal/day average shall be an average over a 365 day period. For purposes of this Permit 102 -01, the 365 day period shall be calculated to commence on January 105, 20102.

2. Capacity Usage. Based on historical usage the discharger shall have the temporary right to discharge an average of 0.30 mgd and a maximum of 0.50 mgd to the sewer system at these discharge concentrations. Discharger has the permanent right to discharge an average of 0.15 mgd and a maximum of 0.25 mgd. The City shall allow the Permittee to use the available

capacity (permanent and temporary) at normal user charge rates without the purchase of additional capacity until such time as there are other users willing to purchase this capacity. At that time the Permittee shall either relinquish the capacity or purchase said capacity at the capacity cost at that time.

I. MONITORING AND REPORTING REQUIREMENTS

1. Immediate Sampling. The Permittee shall take periodic samples utilizing monitoring equipment installed and operated by Permittee of the effluent from a location immediately upstream of the discharge sump of the Dairy Farmers of America industrial facility as indicated below. The samples shall be taken, handled and analyzed in accordance with Part 136 of Title 40 of the Code of Federal Regulations. Sampling and monitoring shall be commenced immediately upon issuance of this Permit. An independent certified laboratory shall perform the analyses of the samples. The methodology, training of personnel and sampling procedures shall be submitted to the City in written form for review and approval prior to the first bi-monthly report. Any modifications of the approved methodology, training, or sampling procedures shall be implemented within fourteen (14) days after approval. All meters shall be inspected and calibrated at least once per calendar year, and the results of the inspection and calibration reported in writing to the City.

<u>Sample Parameter (mg/l)</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow	Continuous	Meter
Biochemical Oxygen Demanded (BOD)	Daily	Flow-weighted Composite
Total Suspended Solids (TSS)	Daily	Flow-weighted Composite
Total Dissolved Solids (TDS)	Weekly	Flow-weighted Composite
EC	Continuous	Meter
EC	Weekly	Flow-weighted Composite
Oil and Grease	Weekly	Flow-weighted Composite
Chloride	Weekly	Flow-weighted Composite

2. Additional Sampling. The Permittee shall take periodic samples utilizing monitoring equipment installed and operated by Permittee of the effluent from a location immediately upstream of the discharge sump of the Dairy Farmers of America industrial facility as indicated below. The samples shall be taken, handled and analyzed in accordance with Part 136 of Title 40 of the Code of Federal Regulations. Sampling and monitoring shall be commenced within fourteen (14) days of the date of this Permit. An independent certified laboratory shall perform the analyses of the sample. The methodology, training of personnel and sampling procedures shall be submitted in written form to the City for review and approval prior to the commencement of the sampling tests.

<u>Sample Parameter (mg/l)</u>	<u>Frequency</u>	<u>Sample Type</u>
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3. Reporting. Monitoring results shall be summarized and reported bi-monthly (on the fifteenth and on the last day of each month) beginning February 15, 2010 to the City using the Industrial Self Monitoring Report Form provided by City. In the event the above referenced reporting days fall on a weekend or holiday, the report shall be received at City Hall on the next following work day. The report shall indicate the nature and concentration of all pollutants in the effluent and the measured maximum and average daily flows. The report data shall also be delivered electronically in a format compatible with Microsoft Excel 2003, no later than the referenced dates. Flow measurements will show, for each reporting period, the total flow per day, and the average flow per day for the reporting period. BOD, ~~and TSS and TDS~~ measurements will show the measurement for each day, and the average of each for the reporting period. TDS measurements will show the measurement for each week, and the average of each for the reporting period. The EC (continuous) will show the maximum measurement for each day and the average for the reporting period. The EC (weekly), oil and grease, and chloride will show the measurement for each sample, and the average of the measurements for each for the reporting period. The pH measurement will show the daily maximum measurement, and the average of such measurements for the reporting period.

4. Exceedences. If discharges from Permittee exceed the discharge limitations set forth in Section I above, Permittee shall be subject to a civil penalty for each violation in the amounts specified in the Hughson Municipal Code, Section 13.04.985, as it is now or may be amended, payable 15 days from notification of the levy. If any compliance costs or fines imposed on City by the Regional Water Quality Control ("Regional Board") or any other regulatory agency are directly attributable to Permittee's violation of this permit, Permittee shall reimburse the City for such cost or fine within 15 days from written notification thereof. If, however, the negligent actions by the City in operating its Wastewater Treatment Plan are solely responsible for any resultant compliance costs or fines imposed by the Regional Board, Permittee shall not be responsible for any such fines or costs.

5. Reporting Violations. If the results of Permittee's monitoring samples indicate that a violation of the permit has occurred, including any failure to sample, test, or report as required, the Permittee must inform the City of Hughson of the violation within 24 hours. A detailed written report shall be filed within five (5) days.

6. Accidental Discharge. The Permittee shall provide protection from accidental discharge of prohibited materials and wastes regulated by the City of Hughson Sewer Use Ordinance into the storm drainage or sanitary sewer system. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Permittee's expense. The Permittee shall notify the City of Hughson immediately upon the occurrence of an accidental discharge of substances into the storm drainage or sanitary sewer system and within five (5) days provide a detailed report to the City of Hughson. An Accidental Spill Prevention Program – Spill Contingency Plan consistent with the form provided by City shall be resubmitted to the City within sixty (60) days of the effective date of this permit. Permittee shall be responsible to make payment to City within 15 days of demand any and all costs incurred by City to address, clean-up or remedy any accidental discharge of prohibited materials or wastes into the storm drainage or sanitary sewer system by Permittee.

7. Changes of wastewater. The Permittee shall notify the City prior to the introduction of new wastewater or pollutants or any reasonably anticipated change in the volume or characteristics of the wastewater being introduced into the City System from the user's industrial processes that may either decrease or increase any parameter, average or maximum, by more than ten percent (10%), or may approach an existing permit limit, or may introduce new constituents into the waste streams. Any such anticipated change shall be reported to the City Public Works Department by telephone to 209-883-4054. Formal written notification shall follow within thirty (30) days of such introduction.

8. Reporting Non-compliance. Any upset experienced by the Permittee of its pretreatment facility that places it in a temporary state of non-compliance with the wastewater discharge requirements shown in this permit, shall be reported to the City within 24 hours of first awareness of the start of the upset by telephone to the City Public Works Department at 209-883-4054. A detailed written report shall be filed within five (5) days.

9. City Monitoring. The City of Hughson may monitor flows and sample the sewer effluent for the effluent parameters listed in section I. above.

II. PRETREATMENT FACILITIES

If violations of effluent limitations occur, Permittee will be required to provide further pretreatment as provided by section 13.04.520 of the Hughson Municipal Code.

III. SPECIAL CONDITIONS

1. Hazardous Material Business Plan. The Permittee shall submit within thirty (30) days of the effective date of this permit, a current Hazardous Material Business Plan to eliminate or minimize the accidental or sludge discharge of pollutants into the sewer system, which could have an effect on the City's Wastewater Treatment Plant, sewer lines and/or workers, or cause the City to violate its' NPDES permit.

2. Plant Limitations. The discharge limitations are based on the ability of the treatment plant to properly treat the waste and the sewer lines to handle the flow. The Permittee shall never exceed the quantities of this permit.

3. Prohibited Discharge. The Permittee shall not discharge, or cause, allow, or permit to be discharged into the Sanitary Sewer System, Storm Water Facilities, Public Right of Way, or any part thereof, any substance prohibited by the Hughson Municipal Code.

IV. GENERAL TERMS

1. Right of Entry: The Permittee shall allow the City or its representatives, exhibiting proper credentials and identification, to enter upon the premises of the user, at all reasonable hours, for the purposes of inspection, sampling and maintenance of flow and sampling equipment. Reasonable hours in the context of inspection and sampling includes any time the Permittee is operating any process which results in a process wastewater discharge to the City's sewage system.

2. Records Retention: All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the City or other enforcing body

shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with aspect to any and all appeals have expired, but in no event less than three (3) years.

3. Confidential Information: Except for data determined to be confidential, all reports required by this permit shall be available for public inspection at City Hall.

4. No Dilution: Permittee shall not increase the use of potable or process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit or in the City Sewer-Municipal Code.

5. Proper Disposal of Pretreatment Sludges and Other Wastes: The disposal of sludges and spent chemicals generated on site shall be done in accordance with Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act.

6. Signatory Requirements: All reports required by this permit shall be signed by a principal executive officer of Permittee, or his designee. The persons initially authorized to sign such reports shall be: ~~John Crockett or Ralph Sartori~~ Mike Zanos or Mike Volkerts. Permittee may change such designation at any time by written notice to City.

7. Duty to Comply: The Permittee must comply with all conditions of this permit.

In addition to civil penalties as specified in Section II.3, failure to comply with the requirements of this permit may be grounds for administrative action or enforcement proceedings including civil or criminal penalties, injunctive relief and summary abatement and any other actions or remedies permitted by law including the City of Hughson Sewer Use Ordinance (Chapter 13.04 of the Hughson Municipal Code) and the City of Hughson Administrative Enforcement Ordinance (Chapter 1.17 of the Hughson Municipal Code).

8. Duty to Mitigate: The Permittee shall take all reasonable steps to minimize or correct any adverse impact to the public treatment plant or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

9. Revocation of Permit: The permit issued to the Permittee by the City may be revoked if after inspection, monitoring or analysis it is determined that the discharge of wastewater to the sanitary sewer is in violation of Federal, State or local laws, ordinances or regulations or the conditions of this permit, or there has been a failure to pay fines, fees or penalties imposed by the City or any other regulatory agency or body or to provide immediate right of entry. Additionally, falsification or intentional misrepresentation of data or statements pertaining to the permit application or any other required reporting form shall be cause for permit revocation.

10. Severing of Sewer Service: The city maintains the right to immediately stop the sewer flow from Permittee if it is deemed necessary to protect the City property and personnel from immediate danger and/or to protect public health and safety. Reconnection will be made after it has been determined that the danger is no longer present.

11. Falsifying Information or Tampering with Monitoring Equipment: Knowingly making any false statement on any report or other document required by this permit or knowingly rendering

any monitoring device or method inaccurate, may result in punishment under the criminal laws of the City, as well as being subjected to civil penalties and relief.

12. Term; Modification or Revision of the Permit:

A. The effective date of this permit shall be the date of execution thereof by City. This permit is issued for a period from the effective date to January 15, 2010~~2~~.

B. The terms and conditions of this permit may be subject to modification by the City at any time as limitations or requirements identified by the City's ~~Sewer Use Ordinance or Ordinances~~ Municipal Code are modified or other just cause exists.

C. This permit may also be modified to incorporate special conditions resulting from the issuance of a special order.

D. The terms and conditions may be modified as a result of EPA or other agency, state, or federal, or local, having jurisdiction, promulgating a new pretreatment standard.

E. Any permit modifications which result in new conditions in the permit shall include a time schedule for compliance.

13. Duty to Reapply: A minimum of sixty (60) days prior to the expiration of this permit, the Permittee must reapply for reissuance of the permit on a form provided by the City. The application shall include a Baseline Monitoring Report consistent with the form provided by City.

14. Severability: The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such permit shall not be affected.

15. Property Rights: The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any invasion of personal rights, nor any infringement of Federal, State or local regulations.

16. Regional Water Quality Control Board. Should the City be unable to eliminate any violations cited in any Notice of Violation issued by the Regional Water Quality Control Board or to accomplish any monitoring required by the applicable state, federal or local agencies in a timely manner due to factors beyond its reasonable control, or should additional operational restrictions be imposed by the Regional Board or any other regulatory agency, the discharge of Permittee's wastewater to the Wastewater Treatment Plan may be curtailed until the restriction is lifted. It is expressly agreed by Permittee that the City shall not be liable for damages suffered by Permittee as a result of conditions imposed by the Regional Board or any other regulatory agency. This Section V.16 is not intended to, and does not, waive any rights, privileges, or immunities the City may have under applicable law, nor is it intended to, and it does not, imply that the City shall be liable for damages suffered by Permittee from any cause other than the causes specified herein.

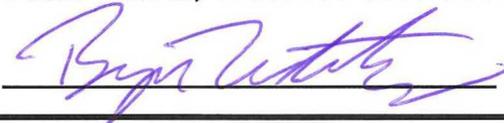


CITY OF HUGHSON AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date: January 23, 2012
Subject: Law Enforcement Action Plan and Scheduling
Supplemental Law Enforcement Services Funds (SLESF)
Public Hearing

Presented By: Darin Gharat, Chief of Police Services

Approved By: 

RECOMMENDATION:

Review, discuss and approve City of Hughson Law Enforcement Action Plan and Schedule a SLESF Public Hearing for Monday, February 13, 2012.

BACKGROUND AND OVERVIEW:

The City of Hughson is a proud community that provides a high quality of life and low crime rate for its residents. Over the last few months the City has witnessed an increase in violent criminal behavior. Staff believes that additional action is needed to ensure that this trend does not continue and that the high quality of life presently enjoyed by the community continues.

Currently, there are five (5) deputies assigned to patrol the incorporated boundaries of the City of Hughson. These deputies are divided into two squads, with two on dayshift and two on graveyard. The fifth deputy works during the hours of 1pm to 11pm Wednesday through Saturday. In addition, this fifth deputy covers a portion of the department's known absences such as vacation. SLESF funding is utilized to pay for this fifth position.

It is the intent of staff that the Law Enforcement Action Plan focuses on working primarily within our existing resources and staff. With this in mind, we will assign Deputy Jonathan Howard who has worked with our local schools and community in the past, the task of partnering with the community and our local schools in addressing Criminal Activity and Quality of Life issues. This effort along with other enforcement activities will require the use of an additional \$80,000 in SLESF funding for FY 2011-2012. Additional, SLESF funds are currently available and set aside for specifically this type of effort.

This supplementary funding will cover the cost of additional patrol coverage on Friday and Saturday nights, deputy vacation and other absences, as well as paying

for directed enforcement patrols, parole/probation activities, searches, etc. The additional patrols will provide approximately 700 hours of added patrol on the weekends. The hours budgeted will provide for a two man unit on both Friday and Saturday nights.

Deputy Howard will be concentrating his efforts on identifying areas of concern and known problem areas. He will work with other staff and other agencies (Probation, Parole, other police departments, and federal agencies), in collecting intelligence, conducting enforcement stops and conducting field interviews. He will plan operations that utilize probation, parole and other law enforcement agencies. He will work with the schools in identifying law enforcement related problems on their campuses. He will plan directed enforcement which will consist of a two man unit that will be utilized to direct enforcement into identified problem areas.

Goals:

Our primary goal is to work with the community in establishing long lasting partnerships so that we can all assist each other in keeping the City of Hughson the safest City in Stanislaus County.

In addition, a goal of this operation is to identify all suspected gang members and/or individuals who are selling narcotics who reside and/or operate in and around the City of Hughson. Develop probable cause, arrest and prosecute those individuals who are victimizing the citizens of Hughson.

Chief Gharat and Sergeant Mike Parker will report out to the community and the council on these activities. Weekly activity reports will be generated and shared with the City Council through the City Manager.

Resources:

- One Deputy Sheriff-Coroner assigned to Hughson Police Services who will work with the community and local schools.
- Two deputy Sheriff-coroners will work directed enforcement on overtime primarily on Friday and Saturday nights between the hours of 1800-0200. Approximately twenty (20) weekend patrols will be conducted. These personnel will be funded using supplemental law enforcement funding.

FISCAL IMPACT:

This action plan allocates an additional \$80,000 in SLESF Funding for various law enforcement services in Hughson for the remainder of FY 2011-2012. This will not negatively affect the City's General Fund. In order to amend the SLESF budget for FY 2011-2012 a public hearing will need to be held on Monday, February 13, 2012 in order to garner public input on the decision.

FINDINGS AND ALTERNATIVES:

The alternatives available to the City Council include:

1. Provide staff with alternative direction.