



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

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

**CALL TO ORDER:** Mayor Ramon Bawanan

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

**FLAG SALUTE:**

**INVOCATION:**

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**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:**

- 2.1:** Certificate of Recognition to Adeline Garza, Athlete of the Week at Hughson High School.
- 2.2:** A Proclamation proclaiming May as Older Americans Month.  
(Stanislaus County Commission on Aging)

**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 April 9, 2012 Regular City Council Minutes.
- 3.2: Approval of the Warrants for the Month(s) of March and April.
- 3.3: Approval of the Treasurer's Report for March 2012.
- 3.4: Rejection of Claim for Damages made by Joan Masellis.
- 3.5: Rejection of Claim for Damages made by Carmen Spencer Mendez.

**4. UNFINISHED BUSINESS:** None.

**5. PUBLIC HEARINGS:** None.

**6. NEW BUSINESS:**

- 6.1: Consideration of Resolution No. 2012-20, approving the City of Hughson Facilities Energy Efficiency Improvements Project, Releasing the 10% Retention to Central Valley Electric and Authorizing the City Clerk to File a Notice of Completion with the County Recorder's Office.
- 6.2: Consideration of Resolution No. 2012-19, Requesting of the Stanislaus County Planning Commission and Board of Supervisors Denial of the Time Extension for Rezone Application No. 2007-01 – Santa Fe Crossing – P-D (313).
- 6.3: Consider whether to change the existing term of the office of Mayor for the City of Hughson from a two (2) year term to a four (4) year term pursuant to California Government Code Section 34900.

**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:**

Two (2) potential cases

**10. REPORT FROM CLOSED SESSION:** None.

**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).

**UPCOMING EVENTS:**

<b>April 28</b>	▪ <b>Citywide Garage Sale Day, All Day, No Charge for Residents</b>
<b>April 28</b>	▪ <b>LOVE Hughson Event at Rolland Starn Park 9:00-12:00pm</b>
<b>May 5</b>	▪ <b>Citywide Clean Up Day, Walker and Tully, 7:30am-2:30pm</b>
<b>May 8</b>	▪ <b>Parks and Recreation Commission Meeting, City Chambers, 6:00pm</b>
<b>May 12</b>	▪ <b>Annual Chicken BBQ, Hughson Fire, 4:00-8:00pm at the Station, 883-2863</b>
<b>May 14</b>	▪ <b>City Council Meeting, City Chambers, 7:00pm</b>
<b>May 15</b>	▪ <b>Planning Commission Meeting, City Chambers, 6:00pm</b>
<b>May 28</b>	▪ <b>City Council Meeting, City Chambers, 7:00pm</b>
<b>June 18</b>	▪ <b>Local Community Blood Drive, United Methodist Church, 3:00-7:00pm</b>

**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.**

**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.

**AFFIDAVIT OF POSTING**

**DATE:** April 20, 2012 **TIME:** 5:00pm  
**NAME:** Dominique Spinale **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 Hughson 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](http://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, APRIL 9, 2012 – 7:00 P.M.**

**CALL TO ORDER:** Mayor Ramon Bawan

**ROLL CALL:**

Present: Mayor Ramon Bawan  
Councilmember Jill Silva  
Councilmember George Carr  
Councilmember Jeramy Young

Absent: Mayor Pro Tem Matt Beekman

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

**FLAG SALUTE:** Mayor Ramon Bawan

**INVOCATION:** Reverend Kevin Little, Pentecostal Church of God

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

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expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

## **2. PRESENTATIONS:**

- 2.1:** A Proclamation commending the Stanislaus County Library system on the occasion of its 100<sup>th</sup> Anniversary and proclaiming April 8-14, 2012, National Library Week in Stanislaus County, urging everyone to visit their library to take advantage of the numerous resources available, provided through the voter-approved 1/8-cent sales tax dedicated to the support of libraries.  
(To be received by Jim McCoy, Temporary Hughson Library Supervisor)

**Mayor Bawan presented the Proclamation to Jim McCoy and Janet Ciccarelli with the Hughson library branch. Mr. McCoy and Ms. Ciccarelli each spoke to the Council about the library's upcoming events and asked that they support the voter approved 1/8-cent sales tax.**

- 2.2:** Presentation on 2-1-1 Stanislaus, presented by Michael Wilkinson, 2-1-1 Director.

**Mr. Wilkinson provided an informative presentation on the 2-1-1 Stanislaus hotline and encouraged the Council to utilize it when needed as a valuable resource for many different instances.**

## **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 March 26, 2012 Regular City Council Minutes.
- 3.2:** Approval of the Warrants for the Month(s) of March.

**Silva/Carr 4-0-0-1 (Beekman- absent) motion passes to approve the Consent Calendar Items 3.1 and 3.2.**

**4. UNFINISHED BUSINESS:** None.

**5. PUBLIC HEARINGS:** None.

## **6. NEW BUSINESS:**

- 6.1:** Review and Approve the City Council Meeting Schedule for the remainder of 2012.

**Council reviewed the Calendar and adjusted some dates. The Council approved the calendar 4-0.**

**7. CORRESPONDENCE:** None.

**8. COMMENTS:**

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

**City Manager:** Updated the Council on the Pine Street Infill Project and the WWTP Ribbon cutting ceremony.

**City Clerk:**

**Community Development Director:**

**Director of Finance:**

**Police Services:**

**City Attorney:**

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

**Councilmember Carr updated the Council on his attendance at the Family Resource Center meeting.**

**Councilmember Silva updated the Council on her attendance at Lorraine’s Luncheon and Assembly member’s Kristen Olsen’s Coffee Night.**

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

**Mayor Bawanani complimented the Modesto Bee’s Article on the City of Hughson and requested that Staff look into a genizing discussion on changing the Mayor of Hughson’s term from two years to four years. He also asked Staff to consider the idea of creating a map for next year’s Clean Up Day.**

**9. CLOSED SESSION:** None.

**10. REPORT FROM CLOSED SESSION:** None.

**ADJOURNMENT:** This meeting adjourned at 7:39p.m.

ATTEST:

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

\_\_\_\_\_  
Ramon Bawanani, Mayor

REPORT.: Apr 19 12 Thursday  
 RUN....: Apr 19 12 Time: 14:06  
 Run By.: KATHY DAHLIN

City of Hughson  
 Cash Disbursement Detail Report  
 Check Listing for 04-12 Bank Account.: 0100

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

*JW*

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
42168	4/18/2012	GRE01	RON GREENFIELD	\$ (256.04)	B20308u	Ck# 042168 Reversed
42229	4/9/2012	MEL00	MELLO TRUCK REPAIR CO	\$ (587.36)	25683u	Ck# 042229 Reversed
42290	4/10/2012	ABS00	ABS PRESORT	\$ 1,553.05	46058	PRINTING OF UTILITY BILLS 3/2012
42291	4/10/2012	ATT01	AT&T	\$ 20.42	B20410	PHONE
42292	4/10/2012	CAL44	CALIFORNIA CONTRACTORS SU	\$ 134.19	2151	WORK GLOVES
42293	4/10/2012	CEN14	CENTRAL JANITOR'S SUPPLY	\$ 283.43	1098825	SANITARY SUPPLIES
42294	4/10/2012	EWI00	EWING IRRIGATION PRODUCTS	\$ 134.76	5735799A	HERBICIDE FOR WWTP
42295	4/10/2012	EXP00	EXPRESS PERSONNEL SERVICE	\$ 216.00	108343831	WWTP EXTRA HELP WEEK ENDING 3/25
				\$ 432.00	108628876	WWTP EXTRA HELP WEEK ENDING 2/19, 4/1
			Check Total:	\$ 648.00		
42296	4/10/2012	GIB00	GIBBS MAINTENANCE CO	\$ 685.00	12952	JANITOR SVCS 3/12
42297	4/10/2012	HUG08	CITY OF HUGHSON	\$ 1,869.10	B20409	LLD WATER SVC
42298	4/10/2012	HUG34	HUGHSON AUTO & TRUCK SUPP	\$ 61.40	53541	AIR FILTER
42299	4/10/2012	IND05	INDUSTRIAL ELECTRICAL CO	\$ 2,450.63	1035438	MOTOR REPAIR
42300	4/10/2012	KUB00	KUBWATER RESOURCES, INC	\$ 2,437.84	2743	POLYMER
42301	4/10/2012	LEG01	LEGAL SHIELD	\$ 51.80	B20409	LEGAL SVCS
42302	4/10/2012	MEL01	MELLO TRANSMISSION CO	\$ 587.36	25683	REPAIR PWU-24 VACTOR TRUCK
42303	4/10/2012	MEN05	DARIO MENDOZA	\$ 67.42	B20409	MEICAL REIMB
42304	4/10/2012	OPE01	OPERATING ENGINEERS LOCAL	\$ 389.00	B20409	LOCAL UNION #3 DUES
42305	4/10/2012	SAF02	SAFETY-KLEEN CORP.	\$ 299.44	57034008	SERVICE OF RENTED PARTS CLEANER
42306	4/10/2012	STA27	STANISLAUS COUNCIL	\$ 645.35	B20409	REGIONAL TRANSPORTATION IMPACT FEE
42307	4/10/2012	USA02	USA MOBILITY	\$ 11.64	V0190776D	PAGER SERVICE
42308	4/10/2012	WAS01	WASTE MANAGEMENT	\$ 769.29	2729457-0	DISPOSAL OF CITY REFUSE
42309	4/16/2012	JEF00	JEFFERY ACCIDENT & INJURY	\$ 135.00	B20416	REIMB.MED EXP NOT PD BY TASC
42310	4/16/2012	MED00	MEDICREDIT, INC	\$ 184.00	B20416	REIMB.MED EXP NOT PD BY TASC
42311	4/16/2012	STA01	STANISLAUS COUNTY	\$ 800,000.00	B20416	RDA CONTRIBUTION OF UNENCUMBERED LOW & MOD INCOME
42312	4/16/2012	SUT00	SUTTER GOULD MEDICAL FOUN	\$ 191.96	B20416	REIMB MED EXP NOT PD BY TASC
42313	4/17/2012	EMP01	STATE OF CALIFORNIA	\$ 1,184.07	B20416	PAYROLL TAXES
42314	4/17/2012	HAR02	THE HARTFORD	\$ 604.63	B20416	DEFERRED COMPENSATION
42315	4/17/2012	PER01	P.E.R.S.	\$ 7,727.73	B20416	RETIREMENT
42316	4/17/2012	STA23	CitiStreet	\$ 20.00	B20416	DEFERRED COMPENSATION

42317	4/17/2012	UNI07	UNITED WAY OF STANISLAUS	\$	9.00	B20416	UNITED WAY
42318	4/19/2012	AFL01	AFLAC	\$	941.45	960482	AFLAC
42319	4/19/2012	ARF01	A.R.F.	\$	51.50	11440	ANNUAL FIRE EXT. INSP. UNITED SAMARITAN
				\$	51.50	11441	ANNUAL FIRE EXT. INSP SENIOR CENTER
				\$	266.95	11442	ANNUAL FIRE EXT. INSP CITY HALL BLDGS
				\$	464.29	11443	ANNUAL FIRE EXT. INSP. PW CORP YARD
				\$	213.18	11444	ANNUAL FIRE EXT. INSP WWTP
			Check Total:	\$	1,047.42		
42320	4/19/2012	ARR00	ARROWHEAD MOUNTAIN SPRING	\$	21.40	02D002566	BOTTLED WATER
42321	4/19/2012	ATT01	AT&T	\$	1,329.43	B20418	PHONE
42322	4/19/2012	AVA00	AVAYA, INC	\$	59.17	273181402	PHONE - POLICE DEPT
				\$	76.49	273181761	PHONE
			Check Total:	\$	135.66		
42323	4/19/2012	BLU00	BLUE SHIELD	\$	10,482.00	B20418	HEALTH PREMIUMS 5/1/12
				\$	591.00	C20418	COBRA PREM.
				\$	948.00	D20418	HEALTH PREMIUM
			Check Total:	\$	12,021.00		
42324	4/19/2012	BLU03	BLUE SHIELD OF CALIFORNIA	\$	108.20	745207	HEALTH PREMIUM MEDICARE
42325	4/19/2012	BRE01	W.H. BRESHEARS	\$	2,113.23	221576	UNLEADED FUEL
42326	4/19/2012	CEN21	CENTRAL VALLEY ELECTRONIC	\$	202.50	14974	ENERGY EFFICENCY IMPROVEMENTS
				\$	11,094.75	14975	ENERGY EFFICENCY IMPROVEMENTS
			Check Total:	\$	11,297.25		
42327	4/19/2012	DEP08	DEPT. OF CONSERVATION	\$	134.80	B20418	QUARTERLY SMIP FEES 1-3/12
42328	4/19/2012	ENV01	ENVIRONMENTAL MANAGEMENT	\$	7,089.44	917	CONSULTING SVCS FOR WATER & WASTE WATER 3/2012
42329	4/19/2012	ENV02	ENVIRONMENTAL SYSTEMS	\$	1,788.93	26075	STREET SWEEPING 4/2012
42330	4/19/2012	FGL00	FGL ENVIRONMENTAL	\$	100.00	230698A	WELL WATER TESTING
				\$	560.00	230937A	WELL WATER TESTING
				\$	187.00	231138A	WELL WATER TESTING
				\$	198.00	231386A	WWTP TESTING
				\$	263.00	231459A	WWTP TESTING
				\$	191.00	231545A	WWTP TESTING
				\$	58.00	231719A	WWT TESTING
				\$	100.00	231742A	WELL WATER TESTING
				\$	168.00	231982A	WELL WATER TESTING
				\$	58.00	231983A	WWTP TESTING
				\$	490.00	232025A	WELL WATER TESTING
				\$	140.00	232026A	WELL WATER TESTING
				\$	58.00	232187A	WWTP TESTING
				\$	49.00	232316A	WELL WATER TESTING
				\$	100.00	232362A	WELL WATER TESTING
				\$	49.00	232402A	WELL WATER TESTING
			Check Total:	\$	2,769.00		
42331	4/19/2012	GEO01	GEOANALYTICAL LABORATORIE	\$	70.00	Y2A0601	ARESENIC TEST FOR WELL 8
42332	4/19/2012	HUG11	HUGHSON FARM SUPPLY	\$	540.00	2919-48	TIRES FOR PW-2
				\$	21.91	0381525IN	CAPS FOR WEED EATERS
			Check Total:	\$	561.91		

42333	4/19/2012	HUG28	HUGHSON TIRE	\$	60.00	8899-9	1 TIRE & ROTATION
42334	4/19/2012	IKO02	IKON FINANCIAL SERVICES	\$	1,767.59	86808704	COPIER LEASE
42335	4/19/2012	IND05	INDUSTRIAL ELECTRICAL CO	\$	984.07	1034625	SEMI ANNUAL MAINTENANCE ON STANDBY GENERATORS
				\$	1,107.82	1034626	SEMI ANNUAL MAINT ON STANDBY GENERATORS
				\$	1,068.05	1034627	SEMI ANNUAL MAINT ON STANDBY GENERATORS
				\$	1,120.10	1034628	SEMI ANNUAL MAINT OF STANDBY GENERATORS
				\$	1,008.77	1034629	SEMI ANNUAL MAINTENANCE ON STANDBY GENERATORS
				\$	1,008.77	1034630	SEMI ANNUAL MAINT ON STANDBY GENERATORS
				\$	1,107.82	1034631	SEMI ANNUAL MAINT ON STANDBY GENERATORS
				\$	450.00	1035230	WELL 4 RATCHET ASSEMBLY
				\$	297.50	1035257	TEST WELL MOTOR
				\$	212.50	1035682	REPLACE WELL 3 FAN RELAY
			Check Total:	\$	8,365.40		
42336	4/19/2012	MOD04	CITY OF MODESTO	\$	8,050.00	50555	SDEA CONTRIB POLICE DEPT FY-12
42337	4/19/2012	NIE00	NIEWSMA, ELIZABETH	\$	90.00	B20411	REFUND DAMAGE DEPOSIT
42338	4/19/2012	QUI03	QUICK N SAVE	\$	149.44	1-9368	DIESEL FUEL
42339	4/19/2012	RES01	RESCUE ENGINEERS, INC	\$	600.00	1057.1	OPERATING TRAINING FOR WELL #8
42340	4/19/2012	SHO02	SHORE CHEMICAL COMPANY	\$	474.53	33485	C12 FOR WELL SITES
42341	4/19/2012	STA42	STANISLAUS COUNTY	\$	6,393.00	R12258644	2011-2012 4TH QTR OPERATIONAL COST
				\$	1,191.00	R12258645	2011-2012 4TH QTR DEBT SERVICE
			Check Total:	\$	7,584.00		
42342	4/19/2012	STA47	STANISLAUS COUNTY SHERIFF	\$	66,219.25	1112-280	LAW ENFORCEMENT 3/12
				\$	74,140.50	1112-284	LAW ENFORCEMENT SERVICES 4/12
			Check Total:	\$	140,359.75		
42343	4/19/2012	TUR12	TURLOCK, CITY OF	\$	280.40	2012-36	CNG FUEL
42344	4/19/2012	USA01	USA BLUE BOOK	\$	178.63	635831	REPAIR PARTS FOR WELL 8
42345	4/19/2012	WIL03	C.H. WILLIAMS & SONS	\$	100.00	123258	RENTALS OF TORCH BOTTLES 1 YEAR
			Cash Account Total:	\$	1,031,800.97		
			Total Disbursements:	\$	1,031,800.97		



## CITY OF HUGHSON AGENDA ITEM NO. 3.3

### SECTION 3: CONSENT CALENDAR

**Meeting Date:** April 23, 2012  
**Subject:** Treasurer's Report – March 2012  
**Presented By:** Lisa Whiteside, Finance Manager

**Approved By:** \_\_\_\_\_

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Enclosed you will find the City of Hughson Treasurer's Report for March 2012. After review and evaluation of the report, I have researched the following Fund's with a deficit balance. After discussion with other management staff personnel, I submit the following detailed explanation:

**Public Facilities Development Streets Fund:**

The Public Facilities Development Streets Fund currently reflects a negative balance of (\$941,363.33). The deficit is a result of the Euclid Bridge Project, which was constructed in Fiscal Year 2006/2007, for approximately \$1.3 million. The project was completed in anticipation of funding from Developer Impact Fees collected from new development. Unfortunately, the housing market declined significantly and the new development never materialized. Once the economy strengthens and new building starts again, we can recognize additional developer impact fees and reduce the deficit more quickly.

**Water Developer Impact Fee Fund:**

The Water Developer Impact Fee Fund currently reflects a negative balance of (\$662,275.91). The City has submitted the final claim for Well 8 project costs in the amount of \$67,000 for reimbursement. The City has received the majority of the grant funds associated with the Well # 8 project. The \$67,000 in reimbursements is all that is left for the City to collect for Well #8 project costs.

After extensive review City staff discovered that the remaining deficit is attributable to settlement arrangements that were made in FY 2008/2009 and FY 2009/2010 for the Water Tank on Fox Road near Charles Street. During that period the City paid out \$650,000 in settlements.

This account will be in a deficit position until additional development occurs and developer impact fees are collected to cover those costs.

**Transportation Capital Project Fund:**

The Transportation Capital Project Fund currently reflects a negative balance of (\$220,475.16). The City has submitted additional claims for reimbursement of our expenditures to the State of California. Additional entries may be necessary to cover the "Match" portion of expenditures.

**Recommendation:**

Staff recommends the City Council review and receives the enclosed City of Hughson Treasurer's Report for March 2012.

**City of Hughson  
Treasurer's Report  
MARCH 2012**

	<b>MONEY MARKET</b>	<b>GENERAL</b>	<b>REDEVELOPMENT**</b>	<b>TOTAL</b>
Bank Statement Totals	\$ 5,709,740.56	\$ 967,424.24	\$ 206,385.46	\$ 6,883,550.26
Adjustment-Direct Deposit Payroll	\$ -	\$ -	\$ -	\$ -
Outstanding Deposits +	\$ 1,063.34	\$ 730.63	\$ -	\$ 1,793.97
Outstanding Checks/transfers -	\$ 412.05	\$ (61,691.05)	\$ -	\$ (61,279.00)
<b>ADJUSTED TOTAL</b>	<b>\$ 5,711,215.95</b>	<b>\$ 906,463.82</b>	<b>\$ 206,385.46</b>	<b>\$ 6,824,065.23</b>
Investments: Various				\$ 975,928.44
California Bank Trust				\$ 355,068.45
Multi-Bank WWTP				\$ 1,377,928.08
Investments: L.A.I.F.		\$ 39,099.52	\$ 38,975.19	\$ 78,074.71

**TOTAL CASH & INVESTMENTS** **\$ 9,611,064.91**

<b>Books - All Funds</b>	<b>March 2011</b>	<b>March 2012</b>
2 Water/Sewer Deposit	24,805.31	27,553.35
4 Sale of Vehicle	25,682.17	0.00
5 AB939 Source Reduction	15,343.87	0.00
7 Public Safety Augmentation	14,634.92	0.00
8 Vehicle Abatement	-31,904.18	6,885.08
11 Traffic Congestion Fund	85,075.40	126,611.92
13 Redevelopment - Debt Service	275,902.05	367,484.60
14 Redevelopment - Housing	738,626.78	797,305.40
15 Redevelopment - Capital Projects	-195,787.99	-352,134.45
17 Federal Officer Grant	6,620.00	6,620.00
19 Asset Forfeiture	1,663.47	1,660.43
25 Gas Tax 2106	52,072.46	36,357.58
30 Gas Tax 2107	25,332.63	2,523.37
31 Gas Tax 2105	105,245.44	65,900.60
35 Gas Tax 2107.5	9,657.81	12,672.14
40 General Fund	-148,710.73	85,076.41
401 General Fund Contingency Reserve	667,532.60	669,648.85
48 Senior Community Center	-8,632.74	1,449.95
49 IT Reserve	0.00	21,756.38
50 U.S.F. Resource Com. Center	14,912.69	3,988.41
51 Self-Insurance	106,238.61	107,036.31
52 CLEEP(California Law Enforcement E	201.15	0.00
53 SLESF (Supplemental Law Enforcem	156,572.59	216,683.01
54 Park Project	297,071.45	345,882.25
60 Sewer O & M	-558,286.94	27,033.61
61 Sewer Fixed Asset Replacement	830,787.32	1,279,192.33
66 WWTP Expansion 2008	3,537,799.53	4,086,847.77
70 Local Transportation	-35,510.97	39,686.03
71 Transportation	-326,750.24	-220,475.16
100/200 LLD's and BAD's	145,578.21	62,487.98
80 Water O & M	-1,226.12	149,393.68
82 Water Fixed Asset Replacement	6,012.81	65,788.54
80 Water Reserve-USDA GRANT	21,524.50	21,524.50
90 Garbage/Refuse	96,849.96	4,467.68
91 Misc. Grants	-201,051.45	-36,898.02
92 98-EDBG-605 Small Bus. Loans	93,498.36	93,585.12
94 96-EDBG-438 Grant	404.16	403.43
95 94-STBG-799 Grant	152,320.65	157,183.82
96 HOME Program Grant (FTHB)	37,775.87	37,810.91
97 96-STBG-1013 Grant	8,361.01	15,958.86
98 HOME Rehabilitation Fund	-1,084.71	-1,084.71
Developer Impact Fees ***	575,430.35	1,277,196.95
<b>TOTAL ALL FUNDS:</b>	<b>6,620,588.06</b>	<b>9,611,064.91</b>

I hereby certify that the investment activity for this reporting period conforms with the Investment Policy adopted by the Hughson City Council, and the California Government Code Section 53601. I also certify that there are adequate funds available to meet the City of Hughson's budgeted and actual expenditures for the next six months.

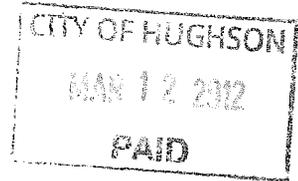
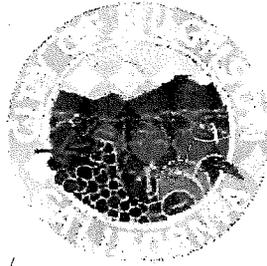
<b>Break Down of Impact Fees ***</b>		
10 Storm Drain	8,202.94	71,425.27
20 Community Enhancement	80,634.62	109,036.12
41 Public Facilities Development	2,145,395.46	1,661,026.89
42 Public Facilities Development-Streets	-1,034,497.43	-941,363.33
55 Parks DIF	28,846.83	157,366.18
62 Sewer Developer Impact Fees	824,685.43	881,981.73
81 Water Developer Impact Fees	-1,477,837.50	-662,275.91
<b>Break Down of Impact Fees ***</b>	<b>575,430.35</b>	<b>1,277,196.95</b>

\*\*Cash Held by Fiscal Agent-2006 Bond Issue

\_\_\_\_\_  
Lisa Whiteside, Treasurer

\_\_\_\_\_  
Date

City of Hughson  
7018 Pine Street \* PO Box 9  
Hughson, CA 95326  
(209) 883-4054 Fax (209) 883-2638



CLAIM FORM  
Form B

CLAIM AGAINST City of Hughson  
(Name of Entity)

Claimant's name: Joan Masellis

S \_\_\_\_\_ DOB: 12/3/57 Gender: Male \_\_\_\_\_ Female X

Claimant's address: \_\_\_\_\_

Address where notices about claim are to be sent, if different from above: \_\_\_\_\_

Date of incident/accident: 3/12/2012

Date injuries, damages, or losses were discovered: 3/12/2012

Location of incident/accident: on side walk by Azzazz Pharmacy  
Corranza

What did entity or employee do to cause this loss, damage, or injury?  
Same as above  
(Use back of this form or separate sheet if necessary to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? NO

What specific injuries, damages, or losses did claimant receive? Hurt Back, Hand, right leg  
walking tripped on uneven side walk  
(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking or, if the amount is in excess of \$10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]  
Want Doctor Bill's paid amount unknown

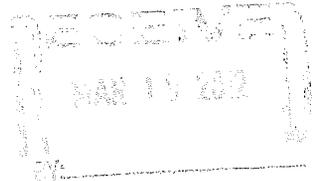
How was this amount calculated (please itemize)? not known

3/28/2012 (Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 3/12/2012 Signature: Joan Masellis

If signed by representative:  
Representative's Name \_\_\_\_\_ Address \_\_\_\_\_  
Telephone # \_\_\_\_\_  
Relationship to Claimant \_\_\_\_\_

City of Hughson  
7018 Pine Street \* PO Box 9  
Hughson, CA 95326  
(209) 883-4054 Fax (209) 883-2638



CLAIM FORM  
Form B

(Cal Govt Code, section 910)

CLAIM AGAINST City of Hughson

Claimant's name: Carmen Spencer Mendez, a <sup>(Name of Entity)</sup> minor, by his mother Stephanie Beidleman

SS#: \_\_\_\_\_ DOB: 4/1/2003 Gender: Male  Female \_\_\_\_\_

Claimant's address: Hughson, CA 95326

Address where notices about claim are to be sent, if different from above: Law Office of Aaron O. Anguiano  
429 13th Street, Modesto, CA 95354

Date of incident/accident: 9/24/2011 at about 2:30 p.m.

Date injuries, damages, or losses were discovered: Sprained neck

Location of incident/accident: The Harvest Festival at Hughson Elementary School

What did entity or employee do to cause this loss, damage, or injury? The Bouncin Bin installed the air up slide incorrectly, causing a few children to fall including our client.  
*(Use back of this form or separate sheet if necessary to answer this question in detail.)*  
*claimant/our client. (next page) Attachment.*

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? City of Hughson and Hughson Family Center (Harvest Festival).

What specific injuries, damages, or losses did claimant receive? Sprained neck.

*(Use back of this form or separate sheet if necessary to answer this question in detail.)*

What amount of money is claimant seeking or, if the amount is in excess of \$10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]  
This claim is for medical expenses and general

damages according to proof. Limited civil case under \$10,000.00

How was this amount calculated (please itemize)? Ambulance: \$2,158.16; Emergency room physician: \$401.00; X-rays: \$351.00; hospital: Unknown/

*(Use back of this form or separate sheet if necessary to answer this question in detail.)*

Date Signed: 3-16-2012 Signature: [Signature]

If signed by representative:

Representative's Name Aaron O. Anguiano, Esq. Address 429 13th St.

Telephone # (209) 567-1040 Modesto, CA 95354

Relationship to Claimant Attorney

ATTACHMENT.

The City of Hughson, its employees and/or its agents negligently installed, maintained and/or operated the air up slide attraction, causing some children to fall, including claimant/our client.

(2002)



## CITY OF HUGHSON AGENDA ITEM NO. 6.1

### SECTION 6: NEW BUSINESS

**Meeting Date:** April 23, 2012

**Subject:** Consideration of Resolution No. 2012-20, A Resolution of the City Council of the City of Hughson Authorizing an Additional Appropriation of \$67,000 to Fund 91-4706 in this Fiscal Year's Budget, Approving the City of Hughson Facilities Energy Efficiency Improvements Project, Releasing the 10% Retention to Central Valley Electric and Authorizing the City Clerk to File a Notice of Completion with the County Recorder's Office

**Enclosures:**

1. Resolution No. 2012-20
2. Memorandum of Understanding for Administration of Energy Efficiency and Conservation Block Grant funds by the San Joaquin Valley Air Pollution Control District (SJVUAPCD)

**Presented By:** Thom Clark, Community Development Director

**Approved By:** \_\_\_\_\_

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#### **RECOMMENDATION:**

Adopt Resolution No. 2012-20, A Resolution of the City Council of the City of Hughson Authorizing an Additional Appropriation of \$67,000 to Fund 91-4706 in this Fiscal Year's Budget, Approving the City of Hughson Facilities Energy Efficiency Improvements Project, Releasing the 10% Retention to Central Valley Electric and Authorizing the City Clerk to File a Notice of Completion with the County Recorder's Office.

#### **BACKGROUND AND OVERVIEW:**

Pursuant to an Energy Efficiency Community Block Grant award, city facilities have been retrofitted to contain more energy efficient lighting fixtures, including seven street lights on Seventh Street, as well as the signal light at Santa Fe and Whitmore Avenues. The project also included replacement of one of the antiquated HVAC units on the Community Senior Center roof.

Staff has been working with the San Joaquin Valley Clean Energy Organization and the SJVUAPCD, who have helped administer the project, mostly at the State level. About 40 other small cities and two counties belong to this organization. Their assistance with ensuring compliance with the Davis Bacon Act was most helpful.

I have attached the Memorandum of Understanding (MOU) for this project administration assistance to the City Council can see the specific facilities that were retrofitted.

Regarding the specific facilities retrofitted, the City Council may recall that this project was bid twice before it was awarded. The first bid was based on the unit quantities as shown in the MOU and came in far over budget. After we rebid the project, we dropped the number of street light retrofits to seven, instead of the 25 lights shown in the MOU. These new lights are the first seven streetlights on Seventh Street from Hatch Road south.

### **FISCAL IMPACT**

The total grant award to the City of Hughson was \$36,712. Of that amount 8% was set aside for administration of the project. The final cost of the project (the amount paid the contractor) was \$33,835. 8% of that amount or \$2,707 will come back to the City to cover administration. The project was originally anticipated for execution in FY 2010-11 and funding was inadvertently not carried over to the present fiscal year. Staff is therefore requesting an additional appropriation of \$37,000 to cover the grant funded work.

There will also be ongoing savings from the reduction of energy used from the serving utility. Turlock Irrigation District (TID) has estimated a yearly savings of 33,382 kilowatt hours (kWh). Using an average cost per watt of \$0.075, the savings should equate to about \$2,537 annually.

Additionally, we anticipate another \$3,200 in rebates from TID.

### **ADDITIONAL FUNDING**

We have very recently been notified by the San Joaquin Valley Clean Energy Organization that other jurisdictions do not plan on spending all of their awarded grant funds under this program. They have indicated they are willing to let Hughson use some of that funding. As of this writing staff is unsure of the amount available but believes it to be between \$24,000 and \$30,000. The latter number is the maximum bid award allowed by law without competitive bidding. The project(s) must be closed out at the California Energy Commission by the end of May so a competitive bid process will not give us enough time. Staff is therefore requesting an additional appropriation for the largest amount of \$30,000, anticipating that we can make this work by the deadline. The project will be to continue to retrofit street lighting with energy efficient induction lights.

Adding this funding to the aforementioned \$37,000 gives us a total request for an additional appropriation to Fund 91-4706 (Misc. Grants) of \$67,000.

**CITY COUNCIL**  
**CITY OF HUGHSON**  
**RESOLUTION NO. 2012-20**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON  
AUTHORIZING AN ADDITIONAL APPROPRIATION OF \$67,000 TO  
FUND 91-4706 IN THIS FISCAL YEAR'S BUDGET, APPROVING THE  
CITY OF HUGHSON FACILITIES ENERGY EFFICIENCY  
IMPROVEMENTS PROJECT, RELEASING THE 10% RETENTION TO  
CENTRAL VALLEY ELECTRIC, AND AUTHORIZING THE CITY CLERK  
TO FILE A NOTICE OF COMPLETION WITH THE COUNTY  
RECORDER'S OFFICE**

**WHEREAS**, the California Energy Commission made available \$49.6 million for the Energy Efficiency and Conservation Block Grant (EECBG) program for cities with populations less than 35,00 and counties with populations less than 200,000; and

**WHEREAS**, the City of Hughson applied for and was awarded EECBG funds in the amount of \$36,712 for energy efficient improvements to city facilities; and

**WHEREAS**, the project was competitively bid and low bidder, Central Valley Electric Inc. (CVE) was awarded the bid on January 9, 2012 in the amount of \$32,555; and

**WHEREAS**, project change orders added an additional \$1,280 to the amount paid to CVE; and

**WHEREAS**, the project is now complete and the City of Hughson needs to release the 10% retention to CVE and file a Notice of Completion on the project; and

**WHEREAS**, additional funding through the EECBG program has very recently been made available to Hughson in the maximum amount of \$30,000; and

**WHEREAS**, an additional appropriation of \$67,000 to Fund 91-4706 is needed to expend these grant funds and collect offsetting revenue; and

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Hughson does hereby approve the City of Hughson Facilities Energy Efficiency Improvements Project, authorize an additional appropriation of \$67,000 to Fund 90-4706 in this fiscal year's budget, authorize staff to release the 10% retention amount, and file a Notice of Completion with the County Recorder's Office.

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

AYES:

NOES:

ABSTENTIONS:

ABSENT:

\_\_\_\_\_  
RAMON BAWANAN, Mayor

ATTEST:

\_\_\_\_\_  
DOMINIQUE SPINALE, Deputy City Clerk



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**MEMORANDUM OF UNDERSTANDING**

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**Administration of Energy Efficiency and Conservation Block Grant funds by  
the San Joaquin Valley Unified Air Pollution Control District  
for the City of Hughson**

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This agreement is made this 19<sup>th</sup> day of August, 2011, by and between the City of Hughson (“City”) and the San Joaquin Valley Unified Air Pollution Control District (“SJVUAPCD”).

16

**Recitals**

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**WHEREAS**, the California Energy Commission (CEC) administers the Energy Efficiency and Conservation Block Grant Program (“Program”), a program created by the Energy Independence and Security Act of 2007 (EISA) and funded by the American Recovery and Reinvestment Act of 2009 (ARRA), for small cities and counties in the State of California for cost-effective energy efficiency activities and programs;

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**WHEREAS**, the SJVUAPCD has partnered with the San Joaquin Valley Clean Energy Organization (SJVCEO) to form the San Joaquin Valley Clean Energy Partnership (Partnership) to assist small cities and counties in applying for and administering the Program; and

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26

**WHEREAS**, the City was allocated \$36,712 under Award Agreement CBG-09-135 (“Award Agreement”) to implement certain identified projects; and

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**WHEREAS**, the parties approved for the City to direct its allocation under the Award Agreement CBG-09-135 to SJVUAPCD and for the Partnership to implement the Program within the City.



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**Terms**

**NOW THEREFORE**, in consideration of the terms and conditions set forth herein, the parties agree as follows:

**1. PROJECT FUNDS**

The allocation was specified in the Award Agreement as follows:

- Total City Allocation: \$36,712.00
- Projects Non-Labor Allocation: \$18,576.82
- Maximum Labor Expense: \$15,198.57
- Amount held for Program administration (approximate): \$2,936.61

To implement the following project(s):

- Hughson Community Senior Center, 2307 4th St., 1970s
  - 29 units -- 2-lamp F40 T12 to 2-lamp F32 RLO ballast
  - 30 units -- 4-lamp F40 T12 to 3-lamp F32 RLO ballast
- Hughson City Hall, 7018 Pine St., 1970s
  - 27 units -- 2-lamp F40 T12 to 2-lamp F32 RLO ballast
  - 15 units -- 4-lamp F40 T12 to 3-lamp F32 RLO ballast
- Hughson Corp Yard, 2301 1st St., 1970s
  - 25 units -- 2-lamp F40 T12 to 2-lamp F32 RLO ballast
  - 15 units -- 4-lamp F40 T12 to 3-lamp F32 RLO ballast
- Hughson Police Department, 7018 Pine St., 1970s
  - 23 units -- 2-lamp F40 T12 to 2-lamp F32 RLO ballast
  - 10 units -- 4-lamp F40 T12 to 3-lamp F32 RLO ballast
- 1 5-ton AC unit replacement

1

2 28 units – Occupancy sensors throughout city buildings

3

4 Street lights

5 25 units – HPS to induction

6

7 Traffic lights

8 4-way stop – Convert traffic lights to LED

9 **2. PROGRAM IMPLEMENTATION**

10 Upon receipt of Program funds awarded to the City, SJVUAPCD shall utilize the funds  
11 for Program implementation within the City and be responsible for any and all monitoring and  
12 reporting requirements associated with the Program. SJVUAPCD agrees to implement the City's  
13 local program in accordance with the applicable terms of the City Award Agreement. The  
14 SJVCEO shall be the Partnership's implementation agent for the collection of data and  
15 coordination of the projects' implementation.

16 The City, SJVUAPCD, SJVCEO and the Partnership, as applicable, agree to comply with all  
17 applicable requirements of the Award Agreement General Terms and Conditions which are  
18 incorporated herein by reference and are available on the web address:

19 [www.energy.ca.gov/recovery/documents/EXHIBIT-C\\_ARRA\\_Grant\\_T+C\\_EECBG.pdf](http://www.energy.ca.gov/recovery/documents/EXHIBIT-C_ARRA_Grant_T+C_EECBG.pdf)

20 **3. PERMITS**

21 The City is responsible for proper permitting for applicable projects identified in the  
22 Award Agreement.

23 **4. PROJECT BIDDING**

24 The City will be offered multiple options for contracting work for energy efficiency  
25 projects. The City will work with the SJVCEO to establish the most effective process or  
26 processes to procure services. Available methods of procurement include one or more of the  
27 following:

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- 1       1. Jurisdiction Procurement- The City will conduct its own bidding process and  
2             subcontractor selection using its standard procedures. RFP templates with Award  
3             Agreement requirements will be available for use. The Partnership will work to  
4             provide any other assistance the jurisdiction requires.
- 5       2. Sole Source Selection- If necessary and eligible the City can choose to make a sole source  
6             selection of a contractor. If this option is chosen, justification must be submitted in  
7             written form for the CEC to review.
- 8       3. Assisted Procurement- The Partnership can provide assistance with the bidding and  
9             selection of a contractor if the resources are not available for the City to conduct the  
10            procurement themselves.
- 11      4. Job Order Contracting- The option is available to utilize a yet to be determined Job Order  
12            Contractor. The process will consist of the Partnership bidding and selecting a  
13            Contractor, followed by that contractor bidding out work to subcontractors to do the  
14            work. The selected Job Order Contractor will be responsible for all project  
15            procurement, reporting and wage submission.
- 16      5. PG&E Streetlight Program- For Jurisdictions with a portion of their work through the  
17            LED Streetlight Program; PG&E will be responsible for the bidding and reporting  
18            requirements associated with that portion of the project. However, PG&E will  
19            submit all invoices to the Jurisdiction.

20            Under the guidance of the Partnership all RFP's must require eligible bidders to meet the  
21            applicable requirements of ARRA and CEC funding including but not limited to Buy  
22            American, Davis Bacon Act, and Weekly Payroll Submission. To ensure all the applicable  
23            requirements are met, RFP's are subject to Partnership review and approval prior to release.

24            The Partnership will review winning bids as well to ensure subcontractor is eligible to  
25            compete for and receive Federal Funding. Per CEC requirements, the City is not permitted to let  
26            project work begin until there is notification from the CEC approving applicable subcontracts and  
27            wage determinations.

28            **5. REPORTING**

29            Concurrent with the submittal of any Program reports to the California Energy  
30

1 Commission, U.S. Department of Energy, or U.S. Office of Management and Budget,  
2 SJVUAPCD shall provide the City with such reports.

3 The City shall provide all necessary reports requested by the Partnership for reporting  
4 purposes in a timely manner. Such reports may include utility records 12 months prior to project  
5 installation and 12 months after. Additional reporting requirements may include photographs,  
6 permits and additional proof of project installation.

#### 7 **6. REIMBURSEMENT**

8 The City shall submit invoices from subcontractor to SJVCEO to ensure timely  
9 reimbursement. Invoices will be collected by SJVCEO staff and reviewed by SJVUAPCD before  
10 submitting the reimbursement request to the CEC. Following review and payment from the State  
11 Controller's Office, payment will be received by the SJVUAPCD and distributed to the  
12 Jurisdiction. The SJVUAPCD will pursue expedited reimbursement from CEC.

#### 13 **7. AUDITING**

14 The SJVUAPCD shall reserve the right to perform audits to ensure the jurisdictions are  
15 accurately reporting project information and meeting all the necessary requirements of ARRA,  
16 the CEC and the SJVUAPCD. Upon written request, the City shall provide SJVUAPCD detailed  
17 documentation of all related expenses. The City shall also allow reasonable access to the records  
18 upon written request for three years as specified in the Award Agreement.

#### 19 **8. PAYMENT WITHOLDING**

20 The SJVUAPCD reserves the right to withhold or if necessary deny payment if the  
21 expenditure is not deemed eligible. Examples may include, but are not limited to: City is not  
22 eligible to receive federal funds, City does not maintain current registration with the Central  
23 Contract Registration (CCR), Subcontractor is on Excluded Parties List, or the project cost  
24 incurred is not qualified for Energy Efficiency and Conservation Block Grant funding.

#### 25 **9. INDEMNIFICATION**

26 The City agrees to indemnify, save, hold harmless, and, at SJVUAPCD's request, defend  
27 SJVUAPCD, its boards, committees, representatives, officers, agents, and employees from and  
28 against any and all costs and expenses (including reasonable attorneys' fees and litigation costs),  
29 damages, liabilities, claims, and losses (whether in contract, tort, or strict liability, including, but  
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1 not limited to, personal injury, death, and property damage) occurring or resulting to SJVUAPCD  
2 which arises from any grossly negligent or wrongful acts or omissions of the City, its officers,  
3 agents, subcontractors, or employees in their performance of this Agreement.

4 SJVUAPCD agrees to indemnify, save, hold harmless, and at the City's requests, defend  
5 the City, its boards, committees, representatives, officers, agents, and employees from and against  
6 any and all costs and expenses (including reasonable attorneys' fees and litigation costs),  
7 damages, liabilities, claims, and losses (whether in contract, tort, or strict liability, including , but  
8 not limited to, personal injury, death, and property damage) occurring or resulting to the City  
9 which arises from any negligent or wrongful acts or omissions of SJVUAPCD, its officers,  
10 agents, subcontractors, or employees in their performance of this Agreement.

11 **10. RECORD RETENTION**

12 The City shall maintain all applicable records for three years following the completion of  
13 the project to comply with the CEC requirements outlined in the Award Agreement. These  
14 records may include but are not limited to invoices, receipts and contracts.

15 **11. TERMINATION**

16 Either party may terminate this Agreement at any time upon giving the other party at least  
17 thirty (30) days advance written notice of intention to terminate.

18 **12. AMENDMENT**

19 This agreement may be amended upon the mutual written consent of both parties.  
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IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

**PARTICIPANT**

**DISTRICT**

1 City of Hughson

2 By: 

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4 *Approved as to legal form:*

5 By: 

6 City Legal Counsel

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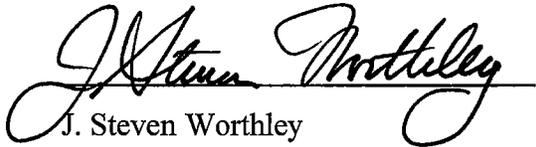
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San Joaquin Valley Unified Air Pollution  
Control District



J. Steven Worthley

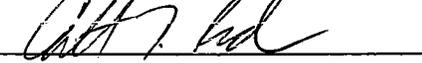
Governing Board Chair

By:  Deputy  
APCO

Seyed Sadredin

Executive Director/APCO

*Approved as to legal form:*

By: 

Catherine T. Redmond

District Counsel

*Approved as to accounting form:*

By: 

Cindi Hamm

Director of Administrative Services





## **CITY OF HUGHSON AGENDA ITEM NO. 6.2**

### **SECTION 6: NEW BUSINESS**

**Meeting Date:** April 23, 2012

**Subject:** Consideration of Resolution No. 2012-19, A Resolution of the City Council of the City of Hughson Opposing the Time Extension for Rezone Application No. 2007-01 – Santa Fe Crossing – P-D (313) and Requesting Denial by the Stanislaus County Planning Commission and Board of Supervisors

**Enclosures:**

1. Resolution No. 2012-19
2. June 12, 2006 Agreement between the City of Hughson and Stanislaus County
3. Letter Requesting a Five-Year Extension from Hawkins & Associates Engineering, Inc. Dated March 13, 2012
4. Description of the Original Project by the Project Proponent
5. Development Standards for the Original Project Including Development Schedule and Maps

**Presented By:** Thom Clark, Community Development Director

**Approved By:** \_\_\_\_\_

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#### **BACKGROUND AND OVERVIEW:**

Rezone Application No. 2007-01 was approved as amended by the Stanislaus County Planning Commission on December 6, 2007 and approved by the County Board of Supervisors on January 8, 2008. The project is in the County's PD zoning district and is identified as P-D (313). It is also located within the Sphere of Influence of the City of Hughson and is identified in our Land Use Element as Service Commercial.

The project consists of a three-phase development plan to construct a 19,250 square foot commercial building, 435 mini storage units, 52 RV storage spaces, a gas station with a 5,065 square foot mini market, and a drive through coffee shop. The applicant initially requested a seven-year build-out schedule which was modified by the County Planning Commission to a maximum of five years. The approved development schedule ends on January 8, 2013.

The project proponents have requested a five-year extension of the development schedule, placing the new date to complete construction on January 8, 2018. They cite the downturn in the economy as the reason they are not on schedule and claim that "...significant investments have been (sic) made, in that improvement for both on-site and off-site construction have been prepared and approved, but no construction has occurred". We surmise this means improvement *plans* have been drawn and therefore disagree that significant investments have been made. Further, staff has checked with County Planning, Building, and Public Works Divisions/Departments and no applications have been received for this address since 2007 and no work of any kind has occurred on the property to date either. Therefore, the statement that the plans have been approved is extremely misleading at best.

Stanislaus County Planning is asking the City of Hughson if we believe the project may have a significant impact on the environment pursuant to CEQA. Staff believes there are significant impacts including:

1. Non-compliance with AB 32, which requires a project to show that it will not increase greenhouse gas emissions.
2. Negative impacts to the City's public water system.
  1. Although there is an existing water well on the site, it is at best a small residential type well. Once the well is serving either 25 people for 60 days out of the year or has five or more service connections, it is considered a public water system and must comply with all laws required of our system. It will be located roughly a mile from our public water system.

We have recently lost our Well No. 7 to nitrate contamination and have high nitrates in other wells in the system too; some approach the allowable contamination limit and may need to be taken off-line in the near future. Nitrate contamination is mainly caused by land applied fertilizers; dairies, and septic tanks. This project will add to the nitrate contamination of our water system.

2. Our ground water flows to us generally from the Sierra Nevadas. Our water system had less contamination issues in the past because there were less water wells pulling water from the ground in front of and around us. With the current overdraft of the aquifer, our groundwater cannot recharge itself as quickly as in the past and therefore the pollutant levels in our water system continue to rise. This project will adversely impact the groundwater we draw from for our water system by decreasing the ability of the aquifer to cleanse itself of pollutants.

3. Cumulative traffic impacts and degradation of our street and circulation system.

The County also asks us for other comments we may have on the project. Staff has a number of comments on the project. As further background, below is the text

of a portion of the County's General Plan Land Use Element as it relates to city spheres of influence (in italics). Please see highlighted section:

## **SPHERES OF INFLUENCE**

### **BACKGROUND**

*In 1973, Stanislaus County adopted a new General Plan concept called Urban Transition. This designation was placed on property outside the city limits but within the city's general plan boundary. One of the reasons for development of this designation was ongoing conflicts between the County and the cities. The County routinely approved development of land within a city's general plan boundary without regard to consistency with the city's plans. This caused a variety of problems for a city. First, although rare, development sometimes occurred which was not acceptable to the city, therefore, no attempt was made to annex the property resulting in islands of unincorporated area within a city. Second, if the County permitted urban development within the County, there was no incentive for the property owner to annex. This often prevented annexation. Third, even if the city wanted to annex the property and the property owner agreed, the development seldom met city standards with respect to street improvements, landscaping, signage, etc. At this point, there was no recourse for the city to upgrade the requirements.*

*With the adoption of the Urban Transition designation, development in most instances was required to annex before approval. Development which was allowed by ordinance without annexation was referred to the appropriate city for comment. The intent of the referral was to gain city input on whether or not a proposal was consistent with the city's plans and, if so, did the proposed development standards equal what the city would require if development were to occur in the city.*

*Originally, referrals were only made if the general plan designation was Urban Transition although the Urban Transition area is only a portion of the area within a city's general plan boundary. Gradually, referrals were made of all applications within a city's general plan boundary regardless of whether or not the property was designated Urban Transition. In late 1984, the Local Agency Formation Commission (LAFCO) adopted spheres of influence for each city as required by state law. These spheres are "a plan for the probable ultimate physical boundaries and service area of a local agency." (Section 56425 of the California Government Code.) Since a sphere of influence is usually the general plan boundary of a city, the term more accurately describes the area in which referrals have been made.*

### **POLICY**

*Whenever an application is to be considered which includes property within the sphere of influence of a city or special district (e.g., sewer, water, community services) or areas of specific designation created by agreement between County and City, the following procedures should be followed:*

- 1. Development, other than agricultural uses and churches, which requires discretionary approval from incorporated cities shall be referred to that city for preliminary approval. The project shall not be approved by the County unless written communication is received from the city memorializing their approval. If approved by the city, the city should specify what conditions are*

*necessary to ensure that development will comply with city development standards. Requested conditions for such things as sewer service in an area where none is available shall not be imposed. Approval from a city does not preclude the County decision-making body from exercising discretion, and it may either approve or deny the project.*

*2. Agricultural uses and churches which require discretionary approval should be referred to that city for comment. The County Planning Commission and Board of Supervisors shall consider the responses of the cities in the permit process. If the County finds that a project is inconsistent with the city's general plan designation, it shall not be approved. Agricultural use and churches shall not be considered inconsistent if the only inconsistency is with a statement that a development within the urban transition area or sphere of influence shall be discouraged (or similar sweeping statement). The city shall be asked to respond to the following questions:*

- (a) Is the proposed project inconsistent<sup>1</sup> with the land use designation on the city's general plan? If so, please include a copy of the map (or that portion which includes the subject property) and the text describing uses permitted for the general plan designation. All findings of inconsistency must include supporting documentation.*
- (b) If the project is approved, specifically what type of conditions would be necessary to ensure the development will comply with city development standards such as street improvements, setbacks and landscaping?*

*In the case of a proposed project within the sphere of influence of a sanitary sewer district, domestic water district or community services district, the proposal shall be forwarded to the district board for comment regarding the ability of the district to provide services. If the district serves an unincorporated town with a Municipal Advisory Council (MAC), the proposal shall also be referred to the MAC for comment.*

It is apparent that the intent of the County with regard to city spheres of influence is to eventually have the property annex to the city. In the case of this project and especially in light of the property tax sharing agreement we have with the County, we will never have any reason to annex, nor will the property owner unless they would wish to connect to our water system. If the time extension is approved, an island of unincorporated area will be created within our Sphere of Influence (see again highlighted excerpt above from the County General Plan). The County is aware of problems created by leapfrog development and has addressed the issue under Policy Thirteen of their General Plan Land Use Element, which address unincorporated communities. This policy says, "Expansion of urban boundaries of unincorporated communities should be based on infilling and elimination of existing "islands" and should not permit leapfrog development or create new "islands". This is good planning policy and although it is specific to unincorporated communities, good planning policy dictates that new unincorporated islands should not be created inside the Sphere of Influence of incorporated communities as well.

## JUNE 12, 2006 AGREEMENT BETWEEN THE CITY OF HUGHSON AND STANISLAUS COUNTY

Following the adoption of your General Plan in 2005, the City and County entered into an agreement (attached) regarding mutual concerns regarding future development in the area around Geer Road. The fifth and last “WHEREAS” on the first page states that “...both the CITY and the COUNTY desire to work cooperatively to ensure that growth occurs in a logical and orderly manner with a consistent set of development standards...”. This project is the polar opposite of growth in a logical and orderly manner. The logical and orderly manner of growth would be to develop lands next to the city limits first, then extend municipal services outward without leapfrogging over undeveloped parcels. Staff asserts that this project is therefore in conflict with the mutual City/County Agreement.

Section A of the Agreement, also on the first page, goes on to say that, “CITY and COUNTY agree to respect and protect each other’s interests on both sides of Geer Road...”. The City’s interests include encouraging and strengthening existing businesses within the city limits. If the County truly respects our interests and wishes to protect them, they should not be placing almost 20,000 square feet of commercial development within our Sphere of Influence to compete with already struggling commercial businesses within city limits. Also, please note the empty commercial storefronts existing on Hughson Avenue and at the Market Place on Whitmore Avenue.

Another issue staff has with the Agreement is the driveway cuts allowed on Geer Road. As specified in Section F of the Agreement, Geer Road is designated a 6-lane, Class B Expressway. In EXHIBIT A, a Class B Expressway is defined as: a partially access-controlled road with traffic-controlled intersections at Major roads and other Expressways. Collectors and Locals are permitted right-in, right-out access only at ¼ to ½ mile intervals. This project has been allowed a driveway cut on Geer Road, accessible to both left and right turning movements. This is a clear violation of our mutual Agreement.

### COUNTY GENERAL PLAN LAND USE ELEMENT

In addition to the cited Land Use Elements above, there are other issues of concern with this project regarding consistency with the County’s General Plan.

Goal Three of the Land Use Element is to: Foster stable economic growth through appropriate land use policies.

Policy Seventeen is to, “Promote diversification and growth of the local economy”.

Policy Twenty is to, “Facilitate retention and expansion of existing businesses”.

*Constructing nearly 20,000 square feet of commercial development inside of our Sphere of Influence will financially damage existing businesses within city limits that are already plagued with declining revenues and vacant store fronts. This project will not therefore foster stable economic growth nor facilitate business*

*retention, so is in conflict with Goal Three as well as Policies Seventeen and Twenty.*

Goal Four of the Land Use Element is to: Ensure that an effective level of public service is provided in unincorporated areas.

Policy Twenty-Two states that, "Future growth shall not exceed the capabilities/capacity of the provider of services such as sewer, water, public safety, solid waste management, road systems, schools, health care facilities, etc".

Implementation Measure 2 of that Policy states that, "Only development requests for which sewer service capacity that meets the standards of Measure X and domestic water are available shall be approved.

Implementation Measure 5 states that, "The current level of service of public agencies shall be determined and not allowed to deteriorate as a result of new development.

*The City of Hughson has been a purveyor of water to the public for over forty years. Water quality and quantity issues are worse now than they have ever been. We have just shut one of our water wells down because of nitrate contamination and half of the existing operating wells are approaching the maximum level of nitrates. As noted above, nitrate contamination comes mainly from fertilizer applications and septic tanks. This project proposes to drill a new well or wells to supply water to another public water system within our Sphere of Influence. This will have a negative impact on the aquifer that our water system relies on, as will the creation of additional septic systems by this project.*

*We submit that the project proponent has no experience operating a public water system and does not have any idea of the complexities and costs of operating such a system. Further, we have noted the lack of sufficient fire flow at the Wesley truck stop that burned to the ground and have no assurance that a similar disaster will not happen with this project since there are no specific requirements of the project proponent regarding fire flow.*

*We therefore believe the project is in conflict with Goal Four of the County General Plan, as well as Policy Twenty-Two and Implementation Measures 2 and 5.*

Policy Twenty-Three states that, "New development shall pay its fair share of the cost of cumulative impacts on circulation and transit systems.

*The project will have cumulative impacts to the circulation system inside city limits. The development has not been conditioned to pay for its fair share of the cost to the City of those impacts so is not in conformance with Policy Twenty-Three.*

Goal Five of the Land Use Element is to: Complement the general plans of cities within the County.

Policy Twenty-Four states that, "Development, other than agricultural uses and churches, which requires discretionary approval and is within the sphere of

influence of cities or in areas of specific designation created by agreement (e.g., Sperry Avenue and East Las Palmas Corridors), shall not be approved unless first approved by the city within whose sphere of influence it lies or by the city for which areas of specific designation were agreed. Development requests within the spheres of influence or areas of specific designation of any incorporated city shall not be approved unless the development is consistent with agreements with the cities which are in effect at the time of project consideration. Such development must meet the applicable development standards of the affected city as well as any public facilities fee collection agreement in effect at the time of project consideration.

(Comment: This policy refers to those development standards that are transferable, such as street improvement standards, landscaping, or setbacks. It does not always apply to standards that require connection to a sanitary sewer system, for example, as that is not always feasible.)”.

Implementation Measure 1. of Policy Twenty-Four states that, “All discretionary development proposals within the sphere of influence or areas of specific designation of a city shall be referred to that city to determine whether or not the proposal shall be approved and whether it meets their development standards. If development standards of the city and County conflict, the city's standards shall govern.

Implementation Measure 2. of Policy Twenty-Four states that, “The policies described in the section on SPHERES OF INFLUENCE for projects within a city's sphere of influence or areas of specific designation shall be followed.

Implementation Measure 3. of Policy Twenty-four states that, “The County shall limit its approval of discretionary projects in spheres of influence to agricultural uses, churches and projects recommended for approval by the city unless such projects are exempt from this implementation measure as a result of individual city/county agreements (e.g., upper McHenry Avenue, Beard Tract areas).

*This project is not approved by the City of Hughson so is therefore in conflict with Goal Five of the County's Land Use Element, as well as Policy Twenty-Four and Implementation Measures 1, 2, and 3. Furthermore, it would never pass the City's required Design Review process. It is a shining example of aesthetic blight at one of the main Gateways into the City of Hughson.*

#### DEVELOPMENT STANDARDS FOR REZONE APPLICATION NO. 2007-01, SANTA FE CROSSING

The project proponent has made no effort to comply with the development schedule adopted by the County Planning Commission and Board of Supervisors. In fact, the Planning Commission amended the Development Standards to reduce the development schedule from the proposed seven year schedule, to one that would be complete in five years.

There are numerous requirements which require the proponent to take some action prior to developing the property or the right-of-way. Specifically these are:

1. Standard 7 requires building permits to be applied for. No applications have been made.
2. Standard 8 requires that landscape plans be submitted for approval. No plans have been submitted.
3. Standard 15 requires California Fish and Game fees to be paid within five days of "...approval of this project by the Planning Commission or the Board of Supervisors...". The Planning Commission approved the project on December 6, 2007 and the Board of Supervisors on January 8, 2008. The fees were paid on January 14, 2008, six days after the approval by the Board of Supervisors and 39 days after approval by the Planning Commission. The fees were not paid in a timely manner.
4. Standard 17 requires proof of contact with the Army Corps of Engineers prior to issuance of building permits. No proof of contact has been submitted.
5. Standard 18 requires proof of contact with California Fish and Game prior to issuance of building permits. No proof of contact has been submitted.
6. Standard 19 requires proof of contact with the State Water Resources Control Board prior to issuance of building permits. No proof of contact has been submitted.
7. Standard 20 requires proof of contact with the US Fish and Wildlife Service and the California Department of Fish and Game prior to issuance of building permits. No proof of contact has been submitted.
8. Standard 22 requires submittal of Landscape and Irrigation Plans to the City of Hughson for approval. No plans have been submitted.
9. Standard 24 requires dedication of a 10-foot wide public utility easement along the frontages of Geer and Santa Fe prior to the issuance of building permits. No dedication has been made.
10. Standard 26 requires all off-site improvement plans to be approved prior to the issuance of building permits. No improvement plans have been submitted.
11. Standard 27 requires a financial guarantee for street improvements be deposited with Public Works prior to the issuance of building permits. No financial guarantee has been submitted.
12. Standard 29 requires encroachment permits be obtained prior to any work within the rights-of-way. No encroachment permit application has been submitted.
13. Standard 32 requires a Master Grading and Drainage Plan be approved prior to issuance of building permits. No Master Grading and Drainage Plan has been submitted.
14. Standard 34 requires payment of Public Facilities Fees prior to or at the time of building permit issuance. No Public Facility Fees have been paid.
15. Standard 35 requires a Grading Permit be obtained prior to the movement of any soil on the project. No Grading Permit application has been submitted.
16. Standard 36 requires both a Notice of Intention (NOI) be filed with the California Regional Water Quality Control Board as well as a Waste Discharge Identification Number obtained and submitted to Public

Works. No NOI has been filed or a Waste Identification Number submitted to Public Works.

17. Standard 41 requires Public Facilities Impact Fees and Fire Facility Fees be paid at the time of issuance of building permits. These fees have not been paid.
18. Standard 52 requires an approved Air Quality Impact Assessment from the San Joaquin Valley Air Pollution Control District (SJVAPCD). No Assessment has been submitted.
19. Standard 53 requires various permits to be obtained from the SJVAPCD. No permit applications have been submitted.
20. Standard 54 requires a 13-foot Public Utility Easement be dedicated along all street frontages. No easements have been dedicated.
21. Standard 57 requires annexation to the City of Hughson if a public water system is required. Although a public water system is required, no annexation efforts have been made.

Clearly the project proponent has made almost no effort to comply with the Development Standards approved by the County of Stanislaus, nor have “significant investments” been made as claimed by the proponent’s engineer. This claim is not factual and appears an obfuscation of this projects readiness and willingness to proceed under the Development Standards required by the County.

### LEGAL

1. General Plan consistency is a legal requirement, not a discretionary one. This project is discretionary however and is not consistent with the County’s General Plan Land Use Element, and as such, should not have its development schedule extended.
2. California Fish and Game fees were not paid in a timely manner. The project is therefore out of compliance with the Development Standards and should not have its development schedule extended.

### FISCAL IMPACT

At this time it is hard to estimate a precise fiscal impact if this project’s approval is extended but it is safe to say it will have a negative impact on City finances, as well as a negative impact on businesses within the city limits.

As noted above it will negatively impact our water system, causing our rate payers further water quality financial impacts.

It will negatively impact existing businesses within city limits causing a loss of sales tax revenue, which is a negative impact to our General fund.

The traffic will negatively impact our city streets and the project proponent is not required to mitigate these impacts, causing further financial strain on our General Fund.

**RECOMMENDATION:**

Normally, staff would oppose a project like this without a City Council resolution. In this case, staff believes the additional weight of including City Council opposition may be beneficial. We have until April 30<sup>th</sup> to respond and staff will work with the City Attorney's office to ensure the response is logical and defensible.

Staff therefore recommends that the City Council adopt Resolution No. 2012-19, A Resolution of the City Council of the City of Hughson opposing the time extension for Rezone Application No. 2007-01 – Santa Fe Crossing – P-D (313) and requesting denial by the Stanislaus County Planning Commission and Board of Supervisors.

**CITY COUNCIL  
CITY OF HUGHSON  
RESOLUTION NO. 2012-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON  
OPPOSING THE TIME EXTENSION FOR RE-ZONE APPLICATION NO.  
2007-1 - SANTA FE CROSSING – P-D (313) AND REQUESTING DENIAL  
FROM THE STANISLAUS COUNTY PLANNING COMMISSION AND  
BOARD OF SUPERVISORS**

**WHEREAS**, the development project know as Santa Fe Crossing (“Project”), at the corner of Geer Road and Santa Fe Avenue was approved by the Stanislaus County Planning Commission on December 6, 2007 and the Board of Supervisors on January 8, 2008; and

**WHEREAS**, the Project proponents have requested a five-year time extension for the project, which is a discretionary approval; and

**WHEREAS**, the Project is situated in the sphere of influence of the City of Hughson; and

**WHEREAS**, Development Standards were adopted as a condition of approval for the Project, including a five year, 3-phase build-out schedule culminating on January 8, 2013; and

**WHEREAS**, the Project does not conform with the Development Standards approved for the project since no construction has been started on the project site as required in the Development Schedule; and

**WHEREAS**, very little effort and little capital investment has been put forth by the Project proponent with the exception of drawings and rights-of-way dedication; and

**WHEREAS**, the Project does not conform with current law (Assembly Bill 32) in regard to reduction of green house gas emissions; and

**WHEREAS**, the City of Hughson believes there are environmental impacts of the Project that are not satisfactorily addressed by the Project proponent including: green house gas emissions pursuant to AB 32, water quality issues, and traffic issues; and as such believe the Project is not in compliance with CEQA; and

**WHEREAS**, the Project proponents failed to timely pay the California Fish and Game fees for the Project within five days of approval of either the Planning Commission or the Board of Supervisors as required by Item 15 of the Development Standards; and

**WHEREAS**, the Project does not conform with the Land Use Element of the Stanislaus County General Plan, specifically Goals 3,4,and 5; Policies 17, 20, 22, 23,and 24; Implementation Measures 2 and 5 of Policy 22, Implementation Measures 1,2, and 3 of Policy 24; as well as the Policy regarding Spheres of Influence; and

**WHEREAS**, the Project does not conform with the mutual agreement between the County of Stanislaus and the City of Hughson dated June 12, 2006 since a driveway cut has been approved on the Class B Expressway (Geer Road) defined in Exhibit A; and

**WHEREAS**, Section A of the agreement says County and City agree to respect each other's interest on both sides of Geer Road; and

**WHEREAS**, the Agreement also states that both City of Hughson and County of Stanislaus desire to work cooperatively to ensure that growth occurs in a logical and orderly manner; and

**WHEREAS**, another County General Plan Goal is to foster stable economic growth with policies that strive to promote growth of the local economy as well as to facilitate retention of existing business; and

**WHEREAS**, there are currently vacant storefronts and financially struggling businesses in the City of Hughson that would be adversely impacted by the construction of nearly 20,000 square feet of commercial space just outside the city limits; and

**WHEREAS**, the Project will adversely affect economic growth in the Hughson community and hinder retention of existing businesses; and

**WHEREAS**, the County's General Plan has a goal of complementing city general plans and an implementation policy of denying discretionary projects if within a city sphere of influence and opposed by that city; and

**WHEREAS**, the City of Hughson opposes the Project and the current request for a time extension; and

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Hughson does hereby oppose the time extension application for Rezone Application No. 2007-01 – Santa Fe Crossing – P-D (313) and requests denial of the extension by the Stanislaus County Planning Commission and the Board of Supervisors.

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

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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RAMON BAWANAN, Mayor

ATTEST:

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DOMINIQUE SPINALE, Deputy City Clerk

## AGREEMENT

This agreement is made and entered on the 12<sup>th</sup> day of June 2006, by and between the CITY of HUGHSON, (hereinafter "CITY") and the COUNTY OF STANISLAUS, a political subdivision of the State of California, (hereinafter "COUNTY").

This agreement is made with reference to the following recitals:

WHEREAS, the General Plan approved by the CITY on December 12, 2005 requests a Sphere of Influence boundary line extending east of Geer Road; and

WHEREAS, COUNTY acknowledges that CITY may want to someday expand east of Geer Road as is evidenced by the CITY'S General Plan; and

WHEREAS, COUNTY has expressed concerns over this expansion east of Geer Road at this time; and

WHEREAS, the CITY General Plan and COUNTY Circulation Element contain inconsistencies between the two documents in roadway designations; and

WHEREAS, both the CITY and COUNTY acknowledge that the regional movement of goods, services and people on roadways such as Geer Road, Hatch Road, Santa Fe Road and Tully Road is essential to their economic well being and vitality; and

WHEREAS, both the CITY and COUNTY desire to work cooperatively to ensure that growth occurs in a logical and orderly manner with a consistent set of development standards;

NOW, THEREFORE, CITY and COUNTY agree to the following understandings:

- A. COUNTY and CITY agree to respect and protect each other's interests on both sides of Geer Road, and
- B. COUNTY agrees to require that any new development in the Urban Reserve, east of Euclid and West of Geer Road, will be consistent with the City's land use designations. The CITY will delineate these land use designations in a future Specific Plan(s); and
- C. COUNTY agrees to seek input from the CITY on development east of Geer Road and within the CITY'S Adopted General Plan area; and
- D. CITY will not request a proposed Sphere of Influence boundary line of the City east of Geer Road at this time; and
- E. CITY agrees to collect County Public Facilities Fees (PFF) commencing 30 days from the date of this Agreement; CITY will remit collections to the COUNTY

Auditor-Controller on a quarterly basis; COUNTY agrees to allow CITY to retain a 1% administrative fee for collection of the PFF; in the event any person, corporation or entity disputes or refuses to pay COUNTY'S PFF, COUNTY shall be solely responsible for compliance with protest provisions as set forth in Section 66000 et seq. of the Government Code, as the same now exists or hereafter may be amended; COUNTY will have the right to perform periodic audits on PFF collections; and

- F. COUNTY and CITY agree that Geer Road is to be designated 6-lane, Class B Expressway, Hatch Road a 4-lane, Class C Expressway, Santa Fe Avenue a 4-lane, Class C Expressway outside the CITY limits and Major within CITY limits, Service Road a 4-lane, Class C Expressway, Tully Road a Collector, and Whitmore Avenue a Major (see Exhibit A for roadway definitions); and
- G. CITY and COUNTY agree to cooperatively develop plan lines for the above-designated roadways; and
- H. CITY and COUNTY agree that in as much as the areas between Euclid and Geer have been designated as Urban Reserve, the development of specific access controls and roadway geometrics will be established through the use of Specific Plans; and
- I. CITY and COUNTY agree that, subject to LAFCO approval of "out of boundary" service, CITY may provide municipal services as available (e.g. sewer and water) to areas within the Sphere of Influence and COUNTY will require connection to those services when available for new development in said area.
- J. CITY agrees to indemnify and hold harmless COUNTY and its officers, agents and employees from any and all liabilities, claims, demands, actions, losses, damages or costs including attorneys fees, caused by, arising out of, or in any way connected, directly or indirectly, to any and all action undertaken by CITY pursuant to this Agreement.
- K. COUNTY agrees to indemnify and hold harmless CITY and its officers, agents and employees from any and all liabilities, claims, demands, actions, losses, damages or costs including attorneys fees, caused by, arising out of, or in any way connected, directly or indirectly, to any and all action undertaken by COUNTY pursuant to this Agreement.
- L. Implementation of this Agreement shall commence upon the later of the dates of approval by the CITY and COUNTY of this Agreement and shall continue indefinitely. However, either party may terminate this Agreement or any extensions thereto, at any time, as long as 90 days prior written notice is given to the other party in this Agreement.

M. Any notices or communication required or permitted hereunder shall be in writing and sufficiently given if delivered in person or sent by certified or registered mail, return receipt requested, postage prepaid, as follows:

If to COUNTY:

Chief Executive Officer,  
Stanislaus County  
1010 Tenth Street, Suite 6800  
Modesto, California 95354

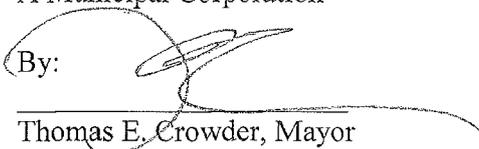
If to CITY:

City Manager,  
City of Hughson  
7018 Pine Street  
Hughson, California

- N. The waiver by either party of a breach of any provision of this Agreement by the other party shall not operate or be construed to operate as a waiver of any subsequent breach.
- O. The provision of the Agreement shall constitute the entire agreement between the parties and may be modified only by written agreement duly executed by the parties hereto.
- P. COUNTY and CITY further covenant to cooperate with one another in all respects necessary to insure the successful consummation of the actions contemplated by this Agreement, and each will take action within its authority to insure cooperation of its officials, officers, agents, and employees

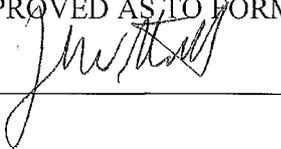
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first written above.

CITY OF HUGHSON,  
A Municipal Corporation

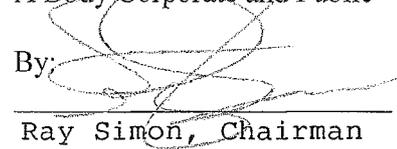
By: 

Thomas E. Crowder, Mayor

APPROVED AS TO FORM:

By: 

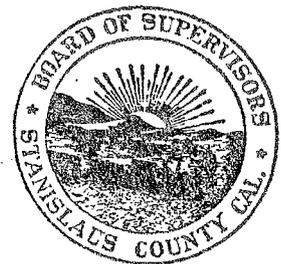
COUNTY OF STANISLAUS,  
A Body Corporate and Public

By: 

Ray Simon, Chairman  
Board of Supervisors

APPROVED AS TO FORM:

By: 



## EXHIBIT A

### Road Classification Glossary

Expressway. The function of an Expressway is to move high volumes of people and goods between urban areas within the county at higher speeds depending upon the level of access control. Direct access to abutting property is specified within the standard for each expressway class. Expressways serve a similar function to that of Freeways - the fast and safe movement of people and goods within the county - and provide access to the interregional freeway system. On-street parking is not permitted on Expressways except under very special and rare circumstances where the Department of Public Works has determined that traffic flow and safety conditions allow on-street parking. The design features of Expressways are determined by the level of access control and the number of lanes designated for each expressway route segment (see Figure 2-3):

- (1) A "Class A" Expressway is a fully access-controlled road with grade separated interchanges at intervals of approximately one mile at other Expressway, Major, or Local roads. The typical right-of-way is 110 or 135 feet (4 or 6 lanes, respectively).
- (2) A "Class B" Expressway is a partially access-controlled road with traffic-controlled intersections at Major roads and other Expressways. Collectors and Locals are permitted right-in, right-out access only at 1/4- to 1/2-mile intervals. The typical right-of-way is 110 or 135 feet (4 or 6 lanes, respectively). On limited rights-of-way, Class B Expressways may be 100 feet for four lanes and 124 for six lanes.
- (3) A "Class C" Expressway is a limited access-controlled road with traffic-controlled intersections at Majors and other Expressways. Intersections at Collectors and Locals may or may not be controlled by a traffic signal. The typical right-of-way is 110 or 135 feet (4 or 6 lanes, respectively). On limited rights-of-way, Class C Expressways may be 100 feet for four lanes and 124 for six lanes.

Major. The function of a Major road is to carry moderate- to high-volume traffic to and from collectors to other Majors, Expressways, and Freeways with a secondary function of land access. Majors located within areas zoned for heavy or light industrial or that are expected to carry large or heavy trucks shall be constructed to Industrial Major standards. Limited direct access is provided to abutting property. On-street parking will be permitted only where the Department of Public Works has determined that traffic flow and safety conditions allow on-street parking. The typical right-of-way is 110 feet (up to 6 lanes, ultimately). On limited rights-of-way, Majors may be 100 feet.

Collector. Collectors serve a dual function by providing both access to abutting property and movement of moderate volumes of people and goods for medium length trips. Collectors serve as transition facilities, carrying traffic from lower to higher level roads. Most Collectors are two-lane roads with a typical right-of-way of 60 feet. On-street parking will be permitted only where the Department of Public Works has determined that traffic flow and safety conditions allow on-street parking. In urban residential subdivisions, roads not shown on the General Plan Circulation Diagram or as an Official Plan Line that will serve more than 50 dwelling units, when the maximum density and full extent of the development is considered, shall be deemed Collectors. In some instances, the Department of Public Works may determine that project design features dictate that a road serving as few as 20 urban dwelling units be deemed a Collector. Under certain circumstances, 80 feet of right-of-way may be required to provide additional capacity to provide two additional through lanes to accommodate projected traffic demand, to facilitate the movement of large trucks, or to improve safety due to limited visibility or other safety hazards. Those collectors that require 80 feet of right-of-way are specifically identified in the County General Plan.



**CHIEF EXECUTIVE OFFICE**

**Richard W. Robinson**  
Chief Executive Officer

**Patricia Hill Thomas**  
Chief Operations Officer/  
Assistant Executive Officer

**Monica Nino-Reid**  
Assistant Executive Officer

**Stan Risen**  
Assistant Executive Officer

1010 10<sup>th</sup> Street, Suite 6800, Modesto, CA 95354  
P.O. Box 3404, Modesto, CA 95353-3404

Phone: 209.525.6333 Fax: 209.525.4033

July 3, 2006

City Manager Joe Donabed  
City of Hughson  
7018 Pine Street  
Hughson, CA 95326



Re: **SPHERE OF INFLUENCE EXPANSION**

Dear Mr. Donabed:

Attached is the agreement made between the City of Hughson and the County of Stanislaus regarding the City's Sphere of Influence expansion. The Board approved the Agreement at their June 27, 2006 Board meeting.

We are grateful for the opportunity to have worked with the City of Hughson on this effort.

Sincerely,

Richard W. Robinson  
Chief Executive Officer



## HAWKINS & ASSOCIATES ENGINEERING, INC.

*Civil Engineering • Land Surveying • Land Planning*

436 Mitchell Road  
Modesto, CA 95354

Ph: (209) 575-4295

Fx: (209) 578-4295

www.hawkins-eng.com

March 13, 2012

Ms. Angela Freitas  
Interim Planning Director  
Stanislaus County Planning  
1010 Tenth Street, 3<sup>rd</sup> Floor  
Modesto, CA 95354

Re: Santa Fe Crossing – Rezone  
Application Number: 2007-01

Dear Ms. Freitas,

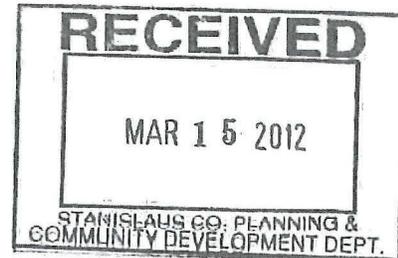
The re-zone application for Santa Fe Crossing was approved by the Board of Supervisors on January 8, 2008, with a five year development schedule, which will expire January 8, 2013. As we all know, the economy has been in a major recession and as far as development it is as if this last five years didn't happen. As for this project specifically, significant investments have been made, in that improvement for both on-site and off-site construction have been prepared and approved, but no construction has occurred. Therefore, I am requesting a five year extension to the development schedule, to January 8, 2018.

Enclosed, please find our processing fee of \$523.00. If you need additional information or have any questions, please do not hesitate to call.

Sincerely,

Rodrick H. Hawkins, PE  
President

cc: Mr. Martin Ruddy  
Mr. Mike Ruddy, Jr.





## SANTA FE CROSSING COMMERCIAL DEVELOPMENT

### PHASE ONE

Phase One development, as shown on the development exhibit, will include 537 mini-storage units covering 4.62 acres in the northeast portion of the site. There is an existing structure in the northwest corner currently housing tire sales and diesel truck repair business. We expect that use to continue with Phase 1 development.

Also located on-site is an existing non-conforming use, repair and sales of bulk storage containers. The location of the container units will be relocated to the west-center portion of the site away from Santa Fe Avenue. Approval is being requested for a use permit for the container storage use with Phase One development. The existing uses are short term and will be replaced with Phase Two development.

Phase One development will include construction of driveway access from both Santa Fe Avenue and Geer Road with signs at each point of entry. Four parking spaces will be included with the min-storage facility and 11 parking spaces will be provided at the existing tire and repair building. Each business will include the required handy-cap parking.

Roadway dedication to 65 feet from centerline at Santa Fe Avenue, and 67.50 feet from centerline at Geer Road will be made along the entire frontage of the site. A 40 foot radius return would also be dedicated; all with Phase one development. Roadway improvements will be constructed with each phase as shown.

Sanitary sewer will be by on-site treatment and disposal in conformance with County Standards. Water will be provided by on-site well and provide volumes as required for the proposed use, fire flows and planting. Stubs will be provided for future connection to municipal facilities as they become available.

Mini storage units will be constructed with a fire sprinkler system sized in accordance with the County Fire Prevention Bureau and conform to applicable codes and regulations.

Construction of the mini-storage facility is expected to begin with approval by the County. Completion of Phase One development is expected within 1 to 5 years.

### PHASE TWO

Phase Two development will convert the tire and truck repair area to recreational vehicle sales, service and repair and include RV, boat and trailer storage. The area housing the bulk container sales and repair will likewise be converted to RV storage or mini-storage units.

Completion of Phase Two development is expected within 2 to 7 years.

### PHASE THREE

Phase three includes a proposed mini-mart, coffee shop and fueling station at the southerly corner of the project. Fifteen parking spaces including handy-cap are proposed. An additional driveway from Santa Fe Avenue will be constructed with this phase.

The northerly portion of the Phase Three site is expect to develop as a carwash and auto shop, although we would like to reserve the option for a selected group of alternative uses listed with the site plan. Sanitary sewer and water will be provided by on site facilities as described in Phase One.

Roadway construction, including an additional driveway at Santa Fe Avenue will be completed with this phase.

Completion of Phase Three development is expected within 3 to 7 years.

### OFF-SITE DEVELOPMENT

Off-site curb, gutter and sidewalk design and road right-of-way will be in accordance with the County master plan for roadway development standards. Storm drainage will be by horizontal infiltration and storage facilities.

### NOTE:

This development plan is proposed based upon extensive contacts with County planning staff, public works, and fire district, and a number of contacts with City of Hughson planning staff and engineering.

As Amended by the Planning Commission  
December 6, 2007  
As Approved by the Board of Supervisors  
January 8, 2008

## DEVELOPMENT STANDARDS

### REZONE APPLICATION NO. 2007-01 SANTA FE CROSSING

#### Stanislaus County - Department of Planning and Community Development

1. This project is to be constructed and operated as described in the application information submitted including submittals modifying the project in accordance with other laws and ordinances.
2. All exterior lighting shall be designed (aimed down and toward the site) to provide adequate illumination without a glare effect.
3. Construction of the project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
4. A plan for any proposed signs indicating the location, height, area of the sign, and message must be approved by the City of Hughson and the County Planning Director prior to installation. Maximum height of any sign shall not exceed 20 feet.
5. Trash bins shall be kept in trash enclosures constructed of materials compatible with the architecture of the development. Trash enclosures shall be placed in locations as approved by the refuse collecting agency and the Planning Director.
6. All outside storage and mechanical equipment shall be screened from the view of any public right-of-way by a screen fence of uniform construction as approved by the Planning Director. Any required water tanks for fire suppression shall be painted to blend with the surrounding landscape or screened with landscaping and shall not be used as a sign unless approved by the Planning Director.
7. Applicant and/or subsequent property owner(s), must obtain building permits for all proposed structures, equipment, and utilities. Plans shall be prepared by a California licensed engineer working within the scope of his/her license.
8. A landscape plan consistent with Section 21.102, Landscape and Irrigation Standards, of the Stanislaus County Zoning Ordinance, shall be submitted and approved by the Planning Director. The landscaping shall be installed prior to operation of business.
9. Any required landscaping plan shall be reviewed by the Stanislaus County Agricultural Commissioner's Office prior to installation of any landscaping and include plant species and identification of the plant's origin. Said review is necessary to help stop the spread of the Glassy-winged Sharpshooter, an injurious insect to agriculture, which can enter our County on the leaves of landscape plants.

10. The applicant, or subsequent property owner, shall be responsible for maintaining landscape plants in a healthy and attractive condition. Dead or dying plants shall be replaced with materials of equal size and similar variety. Any dead trees shall be replaced with a similar variety of a 15-gallon size or larger.
11. A business license shall be obtained for any businesses operating on the site.
12. The project site shall install infrastructure on site now to allow connection to sewer and water service in the event it becomes available.
13. Should any archeological or human remains be discovered during development, work shall be immediately halted within 150 feet of the find until it can be evaluated by a qualified archaeologist. If the find is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resource shall be formulated and implemented.
14. Developer shall pay all Public Facilities Impact Fees and Fire Facilities Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of a building permit for any construction in the development project and shall be based on the rates in effect at the time of building permit issuance.
15. Pursuant to Section 711.4 of the California Fish and Game Code (effective January 1, 2007), the applicant is required to pay a Department of Fish and Game filing fee at the time of recording a "Notice of Determination." Within five (5) days of approval of this project by the Planning Commission or Board of Supervisors, the applicant shall submit to the Department of Planning and Community Development a check for **\$1,857.00**, made payable to **Stanislaus County**, for the payment of Fish and Game, and Clerk Recorder filing fees.  
  
Pursuant to Section 711.4 (e)(3) of the California Fish and Game Code, no project shall be operative, vested, or final, nor shall local government permits for the project be valid, until the filing fees required pursuant to this section are paid.
16. The applicant is required to defend, indemnify, or hold harmless the County, its officers and employees from any claim, action, or proceedings against the County to set aside the approval of the project which is brought within the applicable statute of limitations. The County shall promptly notify the applicant of any claim, action, or proceeding to set aside the approval and shall cooperate fully in the defense. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit.
17. Pursuant to Section 404 of the Clean Water Act, prior to construction, the developer shall be responsible for contacting the US Army Corps of Engineers to determine if any "wetlands," "waters of the United States," or other areas under the jurisdiction of the Corps of Engineers are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from the Corps, including all necessary water quality

certifications, if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit, **if permits from this agency are necessary, copies of said permits shall be submitted to the Planning Department prior to the issuance of any building permit.**

18. Pursuant to Section 1600 and 1603 of the California Fish and Game Code, prior to construction, the developer shall be responsible for contacting the California Department of Fish and Game and shall be responsible for obtaining all appropriate stream-bed alteration agreements, permits or authorizations, if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit **if permits from this agency are necessary, copies of said permits shall be submitted to the Planning Department prior to the issuance of any building permit.**
19. Pursuant to State Water Resources Control Board Order 99-08-DWQ and National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, prior to construction, the developer shall be responsible for contacting the California Regional Water Quality Control Board to determine if a "Notice of Intent" is necessary, and shall prepare all appropriate documentation, including a Storm Water Pollution Prevention Plan (SWPPP). Once complete, and prior to construction, a copy of the SWPPP shall be submitted to the Stanislaus County Department of Public Works. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit **if permits from this agency are necessary, copies of said permits shall be submitted to the Planning Department prior to the issuance of any building permit.**
20. Pursuant to the federal and state Endangered Species Acts, prior to construction, the developer shall be responsible for contacting the US Fish and Wildlife Service and California Department of Fish and Game to determine if any special status plant or animal species are present on the project site, and shall be responsible for obtaining all appropriate permits or authorizations from these agencies, if necessary. Written evidence of said contact shall be submitted to the Planning Department prior to issuance of any building permit **if permits from this agency are necessary, copies of said permits shall be submitted to the Planning Department prior to the issuance of any building permit.**
21. The Department of Planning and Community Development shall record a Notice of Administrative Conditions and Restrictions with the County Recorder's Office within 30 days of project approval. The Notice includes: Conditions of Approval/Development Standards and Schedule; any adopted Mitigation Measures; and a project area map.
22. The applicant shall be required to submit Landscape and Irrigation plans, prepared by a Licensed Landscape Architect, to the City of Hughson for approval. The landscape plan shall meet current City of Hughson landscape standards.
23. All proposed "alternative" uses within the Planned Development zone shall obtain a Staff Approval Permit, in accordance with Chapter 21.100 of the Stanislaus County Code, prior to any construction or use, to allow site plan, operational/design/review, elevations and imposition of applicable conditions. The staff approvals shall be circulated for comments per adopted County procedures

**Stanislaus County - Department of Public Works**

24. The property owners shall dedicate a 10 foot wide public utility easement along the entire road frontages of Geer Road and Santa Fe Avenue adjacent to the right-of-way prior to the issuance of any building permit.
25. Street improvements per County standards shall be installed along the property's frontage on Geer Road and Santa Fe Avenue. The improvements shall include, but not be limited to, curb, gutter, sidewalk, street pavement, drainage facilities, signs, pavement markings, and left turn pockets at all driveway locations. The installation of these improvements may be phased in conjunction with the phasing of the development.

*Phase 1:* The installation of all required street improvements including a left turn pocket along the Geer Road frontage adjacent to the mini-storage complex. The installation of a left turn pocket on Santa Fe Avenue at the most southerly driveway that provides access to the Phase 1 development and the existing container storage area.

*Phase 2:* The installation of all required street improvements along the Geer Road and Santa Fe Avenue frontages adjacent to the Phase 2 development.

*Phase 3:* The installation of all required street improvements along the Santa Fe Avenue frontage adjacent to the Phase 3 development. These improvements shall include a left turn pocket at the most northerly driveway. If the existing storage, sales, and repair use changes to a different use with the development of either Phase 1 or 2, the left turn pocket at the most northerly driveway on Santa Fe Avenue shall be installed as a requirement of that particular phase.

The required road improvements shall be installed prior to final and/or occupancy of any building that is associated with the phase that triggers the improvements **or the developer may enter into a deferred street improvement agreement with Stanislaus County. The improvements may be deferred until Phase 3 or until such time that the Director of Public Works requires the improvements to be installed (County Code 13.08.030).**

26. Off-site improvement plans (including left turn pockets) for the entire road frontages of Geer Road and Santa Fe Avenue for all phases of development shall be approved by the Department of Public Works prior to the issuance of the first building permit for ~~Phase 1~~ development. **An Engineer's estimate shall be submitted for the entire project with the off-site plans.**
27. A financial guarantee in a form acceptable to the Department of Public Works to ensure the construction of the street improvements required for each phase shall be deposited with the Department prior to the issuance of the first building permit for the particular phase. **If the deferred street improvement agreement is filed with this Department, the financial guarantee requirement will be waived for this phase of work.**

28. All driveway locations and widths shall be approved by the Department of Public Works.
29. An encroachment permit shall be obtained from the Department of Public Works prior to the start of any work within the road right-of-way.
30. Road right-of-way shall be dedicated to Stanislaus County to provide the following:
  - A. 67.5 feet west of the centerline of Geer Road along the entire frontage to comply with the 6-lane Expressway standard;
  - B. 85 feet east of the railroad right-of-way on Santa Fe Avenue to comply with the 4-lane Class C Expressway standard for this road; and,
  - C. The chord of a 50 foot radius at the Geer / Santa Fe intersection.

A Road Easement document shall be prepared by the applicant's engineer and executed prior to the issuance of a building permit for Phase 1.
31. No parking, no loading or unloading of vehicles shall be permitted within the right-of-ways of Geer Road and Santa Fe Avenue. The developer will be required to install or pay for the installation of all required signs and/or markings, if warranted.
32. A Master Grading and Drainage Plan for the entire parcel that meets County standards shall be approved by the Department of Public Works prior to the issuance of any building permit. Runoff and storage capacity calculations shall be provided as part of the approval process. Adequate land shall be reserved for a drainage basin that is capable of handling the runoff of the entire parcel. The drainage system necessary for each phase shall be installed prior to occupancy of that phase.
33. All on-site parking areas and driveways from Geer Road and Santa Fe Avenue to the parking areas shall be paved per County standards. All parking spaces shall be double striped per County standards.
34. The developer shall pay Public Facilities Fees prior to or at the time of building permit issuance as part of mitigating traffic impacts.
35. A Grading Permit shall be obtained from the Department of Public Works prior to the start of importing, exporting, or otherwise moving any dirt.
36. Prior to the approval of the off-site improvement plans, the applicant shall file a Notice of Intention (NOI) with the California Regional Water Quality Control Board and a Waste Discharge Identification Number must be obtained and provided to the Department of Public Works.

**Stanislaus County - Fire Prevention Bureau**

37. All mini-storage buildings to be protected by an automatic fire sprinkler system. All buildings 5,000 square feet and greater shall be provided with an automatic fire sprinkler system.

38. Per the 2001 California Fire Code (Section 902), fire access roads (easements) shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. Fire access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface as to provide all-weather driving capabilities. The turning radius of a fire apparatus access road shall be as approved, (50 foot outside, 30 foot inside turning radius).
39. All buildings constructed shall comply with on-site water for fire protection. Based on preliminary submittal for the mini-storage, a minimum water supply for fire protection is 107,500 gallons. This may be reduced based on protection of the buildings with a fully complying automatic fire sprinkler system.
40. All traffic signals installed and/or retrofitted, due to the proposed project, shall be provided with signal preemption.
41. Developer shall pay all Public Facilities Impact Fees and Fire Facility Fees as adopted by Resolution of the Board of Supervisors. The fees shall be payable at the time of issuance of the building permit for any construction and shall be based on the rates in effect at the time of building permit issuance.

**Stanislaus County - Department of Environmental Resources (DER)**

42. On-site wastewater disposal system (OSWDS) shall be by individual Primary & Secondary wastewater treatment units, operated under conditions and guidelines established by Measure X.
43. The on-site wastewater disposal system (OSWDS) is to be engineer designed for the maximum occupancy of an office building.
44. The OSWDS design system shall provide 100% expansion area. Any portion of the drainfield of the on-site wastewater installed under pavements is to be doubled.
45. Water supply for this project is defined by the State regulations as a public water system. Water system owner must submit plans for the water system construction or addition; and obtain approval from this Department, prior to construction. Prior to final approval of the project, the owner must obtain a Water Supply Permit from the Department of Environmental Resources. "The Water Supply Permit Application must include a technical report that demonstrates compliance with State regulations and include the technical, managerial, and financial capabilities of the owner to operate a public water system." Contact the DER for the required submittal information.

At such time that the water well's water is consumed or washing hands by 25 or more persons, 60 days or more out of the year, or there are five (5) or more service connections, the owner must obtain a public water supply permit from DER. The water supply permit issuance is contingent upon the water system meeting construction standards and providing water, which is of acceptable quantity and quality.

46. At any time the project consists of any food facility (Phase 3), applicant must submit 3 sets of food facility construction plans to the Department of Environmental Resources for review and approval for compliance with the California Uniform Retail Food Facilities Law (Section 27550).

**Stanislaus County - Building Permit Division**

47. The proposed development shall comply with current adopted Title 24 Building Codes.

**Stanislaus County - Environmental Review Committee (ERC)**

48. The applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I and II studies) prior to the issuance of a grading permit. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
49. Prior to and during construction, the Hughson Fire Protection District shall approve provisions for serviceable fire vehicle access and fire protection water supply.
50. Applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (Calif. H&S, Division 20)
- A. Permits for the underground storage of hazardous substances at a new or the modification of existing tank facilities.
  - B. Requirements for registering as a handler of hazardous materials in the County.
  - C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
  - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program, which must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.
  - E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
  - F. Permits for the treatment of hazardous waste on-site will be required from the hazardous materials division.
  - G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act.

**San Joaquin Valley Air Pollution Control District (SJVAPCD)**

51. Any construction resulting from this project shall comply with standardized dust controls adopted by the San Joaquin Valley Air Pollution Control District.
52. Applicant must complete and have approved an Air Quality Impact Assessment (AQIA) by the SJVAPCD.
53. Project to comply with the following rules from the SJVAPCD:
  - Regulation VIII (Fugitive PM10 Prohibitions)
  - Rule 2010 (Permits Required)
  - Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)
  - Rule 4102 (Nuisance)
  - Rule 4601 (Architectural Coatings)
  - Rule 4622 (Gasoline Transfer into Motor Vehicle Fuel Tanks)
  - Rule 4623 (Storage of Organic Liquids)
  - Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving, & Maintenance operations)
  - Rule 9510 (Indirect Source Review)
  - District Permitting

**Turlock Irrigation District (TID)**

54. A 13-foot Public Utility Easement must be dedicated along all street frontages.
55. A review of District maps and records indicate that there was once an irrigation pipeline entering the parcel from the north. This line is no longer active and any remnants of the pipeline must be removed as per District Standards.
56. The District's electric utility has an existing overhead power line within the proposed development. The owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.

**Local Agency Formation Commission (LAFCO)**

57. Should the proposed commercial development require the use of public water and/or sewer services, annexation of the area must occur prior to the connection of public services to the City of Hughson.

\*\*\*\*\*

*Please note: If Development Standards are amended by the Planning Commission or Board of Supervisors, such amendments will be noted in the upper right hand corner of the first page of the Development Standards, new wording is in **bold**, and deleted wording will have a ~~line through it~~.*

(I:\Staff\prpt\REZ\2007\REZ 2007-01 - Santa Fe Crossing\staff report.wpd)

As Amended by the Planning Commission  
December 6, 2007  
As Approved by the Board of Supervisors  
January 8, 2008

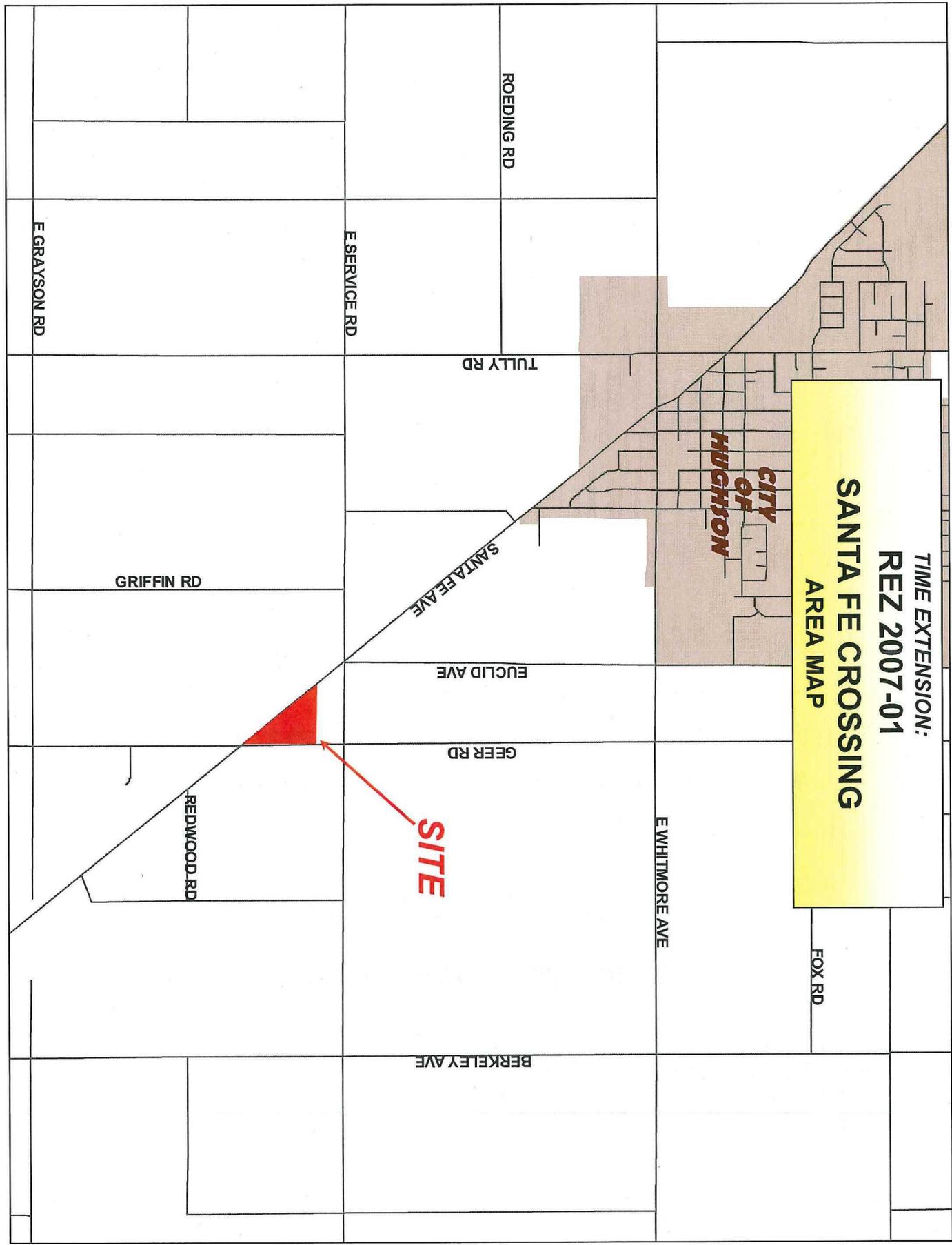
## **DEVELOPMENT SCHEDULE**

### **REZONE APPLICATION NO. 2007-01 SANTA FE CROSSING**

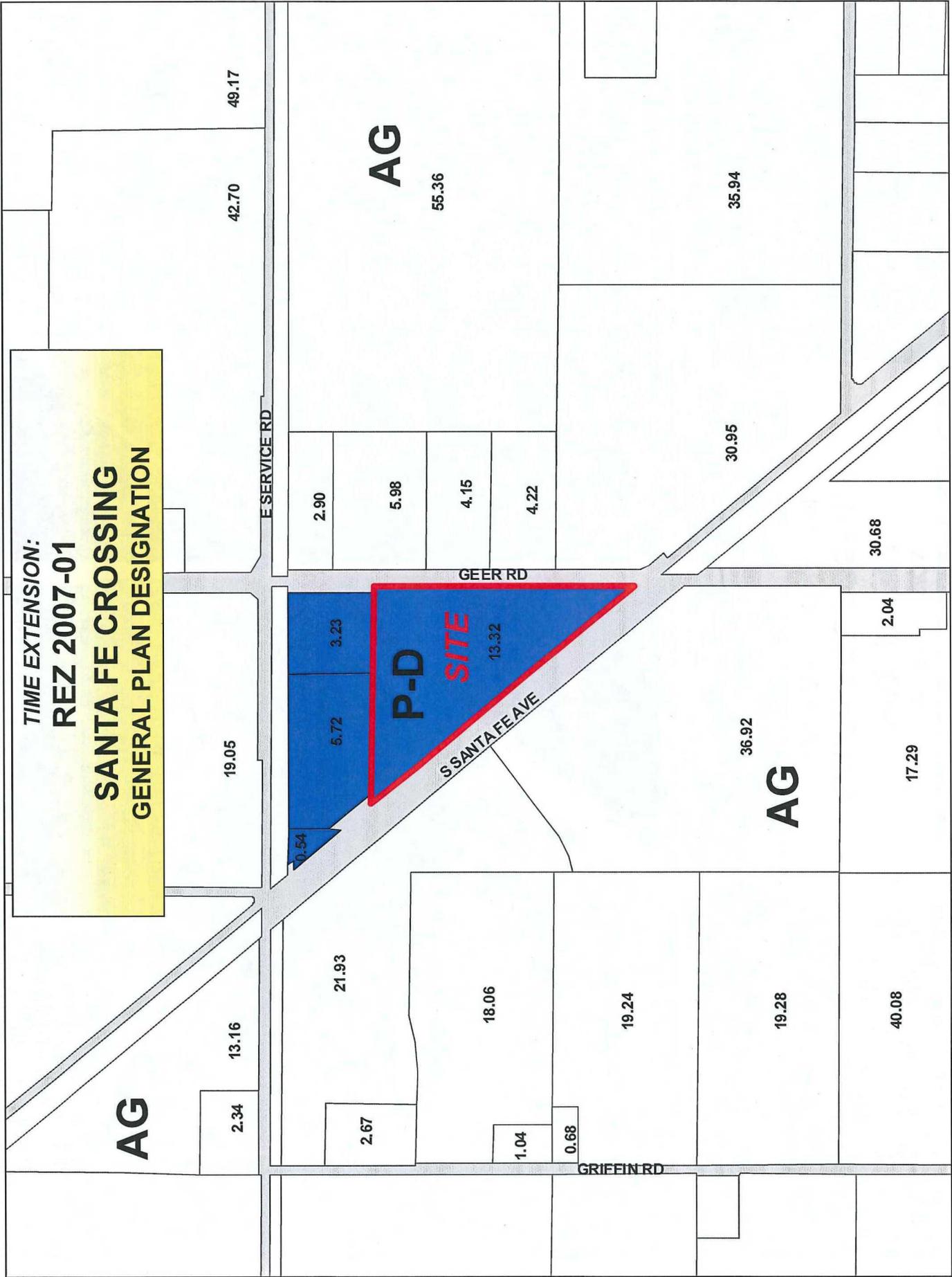
- Phase 1 is expected to be completed within 5 years from the date of approval.
- Phase 2 is expected to be completed within 2 to 7 5 years from approval.
- Phase 3 is expected to be completed within 3 to 7 5 years of approval.

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**TIME EXTENSION:  
REZ 2007-01  
SANTA FE CROSSING  
AREA MAP**



**TIME EXTENSION:  
REZ 2007-01  
SANTA FE CROSSING  
GENERAL PLAN DESIGNATION**



**TIME EXTENSION:  
REZ 2007-01  
SANTA FE CROSSING  
ZONING DESIGNATION**

**A-2-40**

2.34

13.16

19.05

42.70

49.17

E SERVICE RD

2.67

21.93

0.54

5.72

**P-D (28)**

3.23

2.90

**A-2-40**

55.36

5.98

**P-D (313)**

**SITE**

13.32

4.15

SSANTA FE AVE

GEER RD

4.22

1.04

18.06

0.68

19.24

**A-2-40**

36.92

30.95

35.94

GRIFFIN RD

19.28

40.08

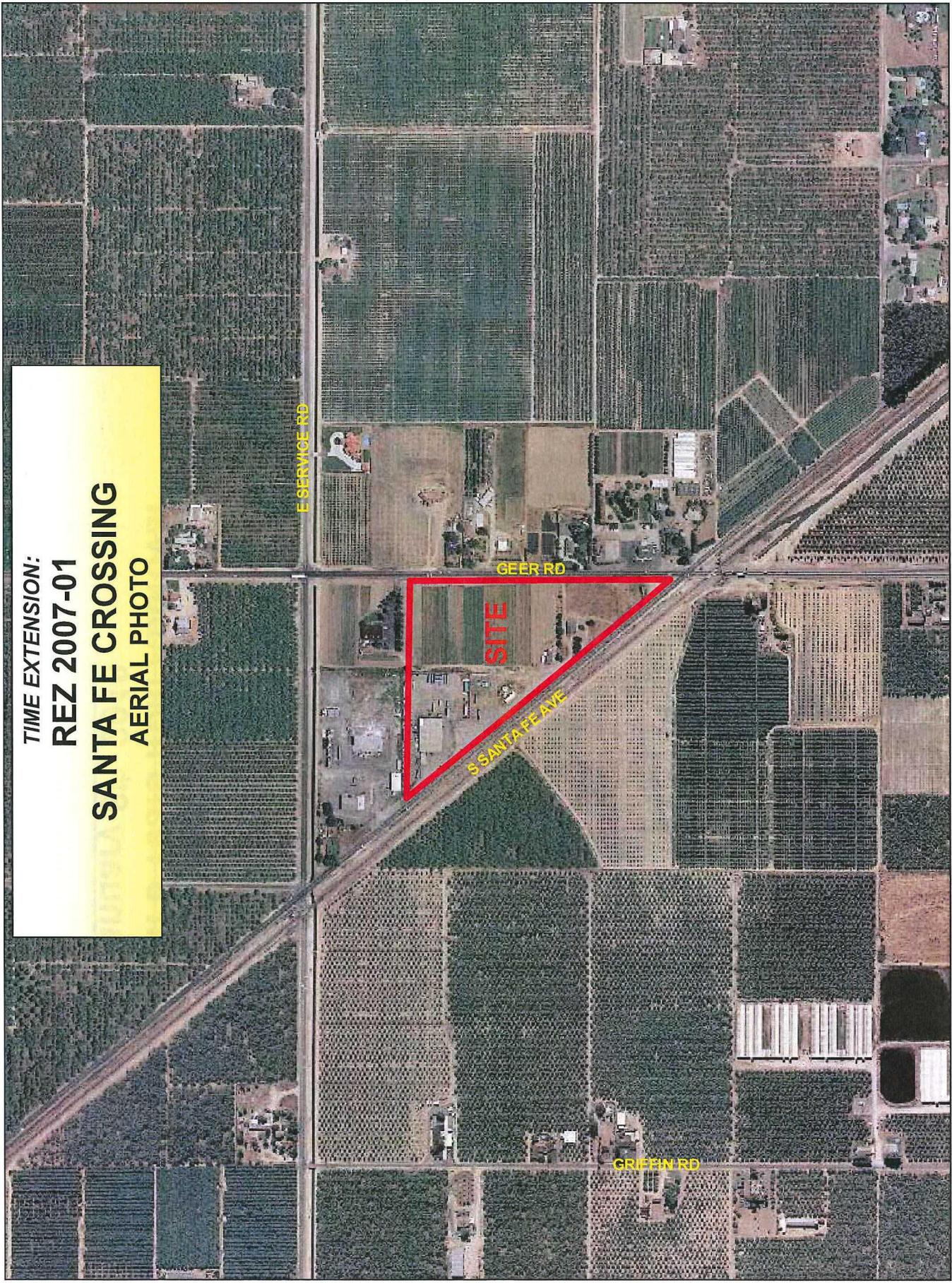
17.29

2.04

30.68

**P-D (237)**

**TIME EXTENSION:  
REZ 2007-01  
SANTA FE CROSSING  
AERIAL PHOTO**



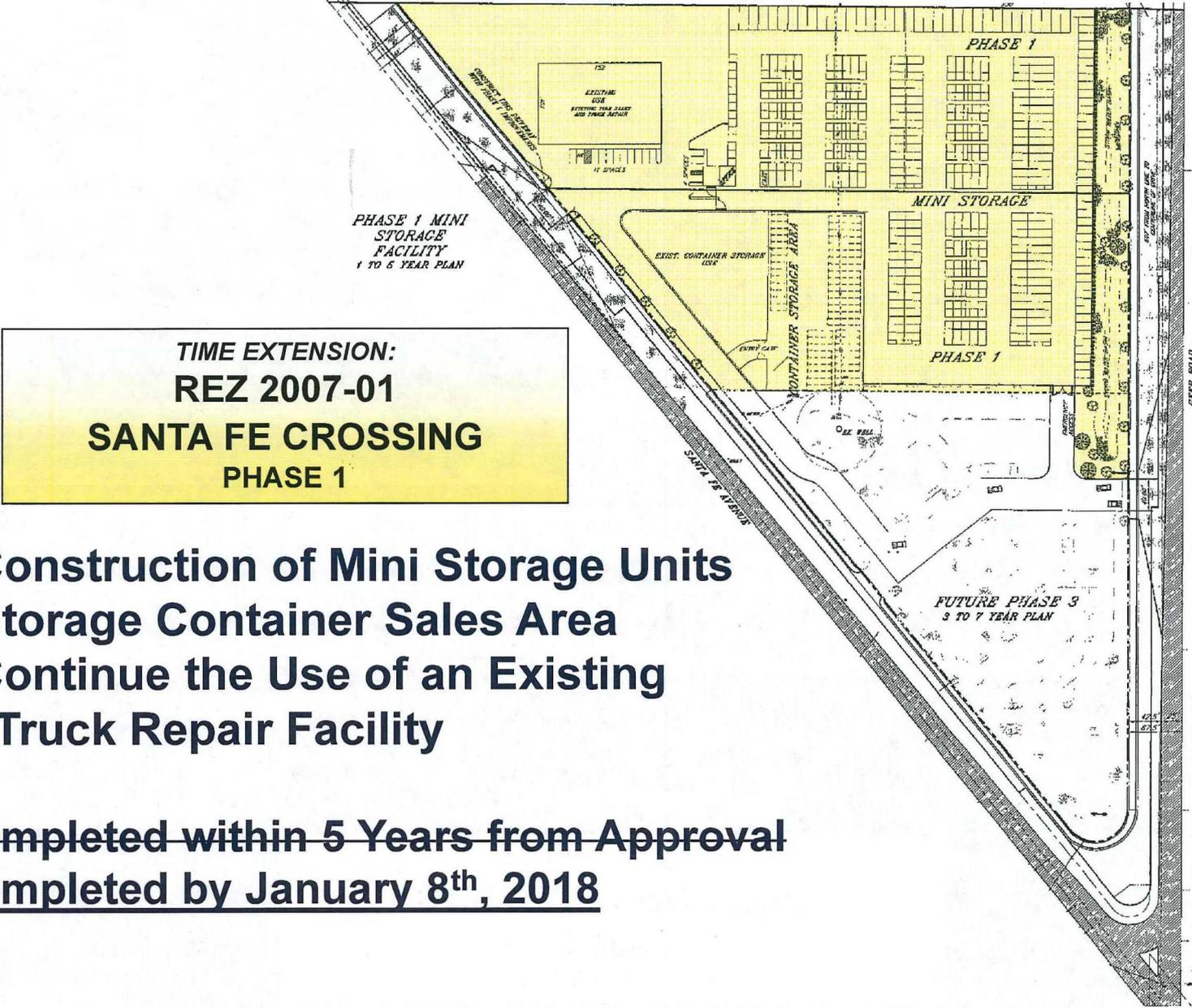
E SERVICE RD

GEER RD

SITE

S SANTA FE AVE

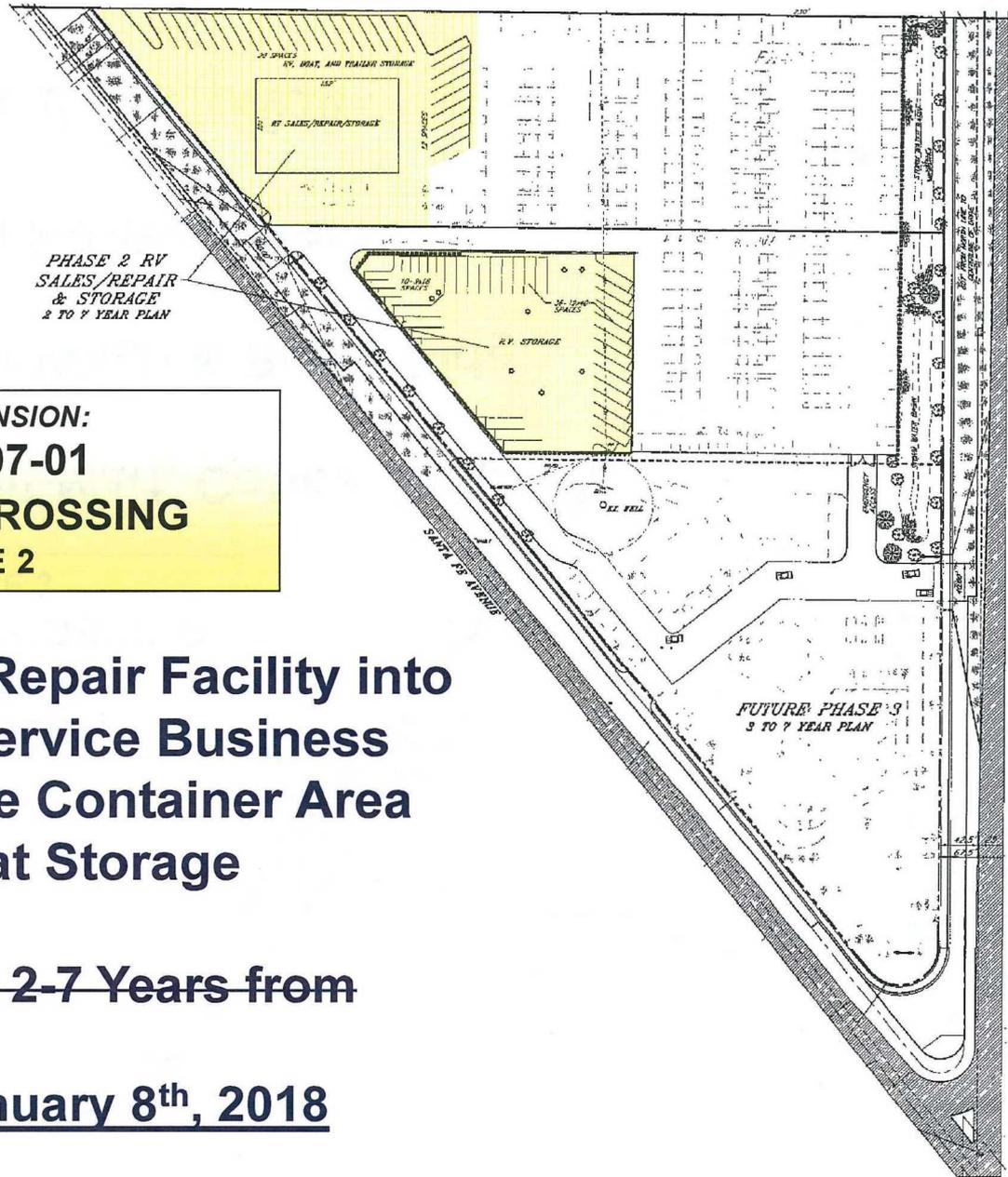
GRIFFIN RD



**TIME EXTENSION:  
REZ 2007-01  
SANTA FE CROSSING  
PHASE 1**

- Construction of Mini Storage Units
- Storage Container Sales Area
- Continue the Use of an Existing Truck Repair Facility

**Completed within 5 Years from Approval**  
**Completed by January 8<sup>th</sup>, 2018**



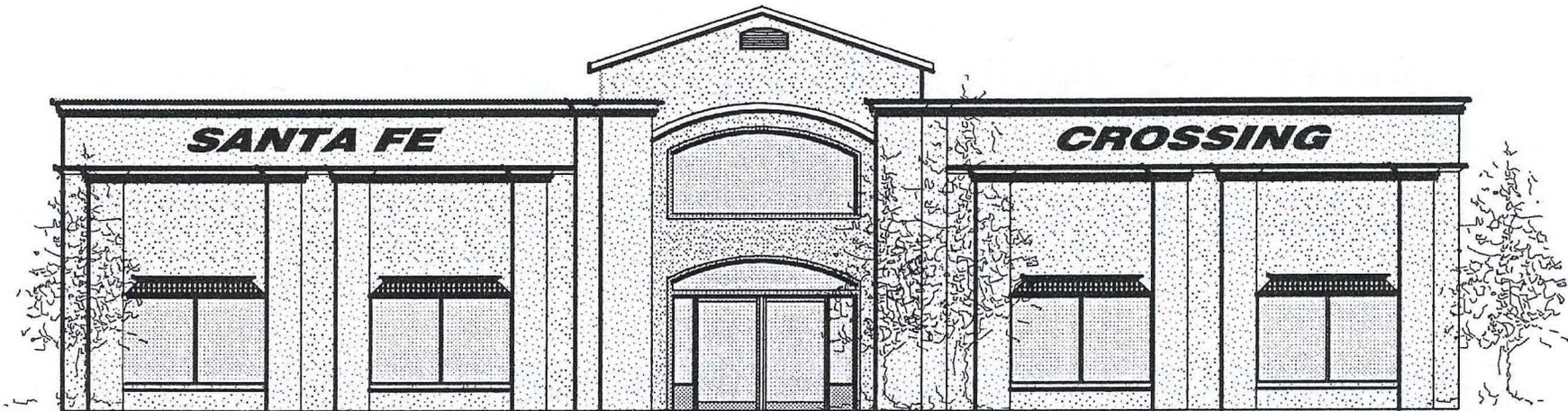
**TIME EXTENSION:  
REZ 2007-01  
SANTA FE CROSSING  
PHASE 2**

- **Convert Truck Repair Facility into R.V. Sales & Service Business**
- **Convert Storage Container Area into R.V. & Boat Storage**

**Completed within 2-7 Years from Approval**  
**Completed by January 8<sup>th</sup>, 2018**



**TIME EXTENSION:  
REZ 2007-01  
SANTA FE CROSSING  
BUILDING ELEVATIONS**



*FRONT ELEVATION*

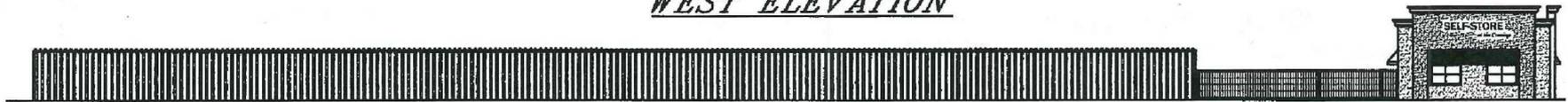
**TIME EXTENSION:  
REZ 2007-01  
SANTA FE CROSSING  
"MINI-STORAGE" ELEVATIONS**



*NORTH ELEVATION*



*WEST ELEVATION*



*SOUTH ELEVATION*



*EAST ELEVATION*

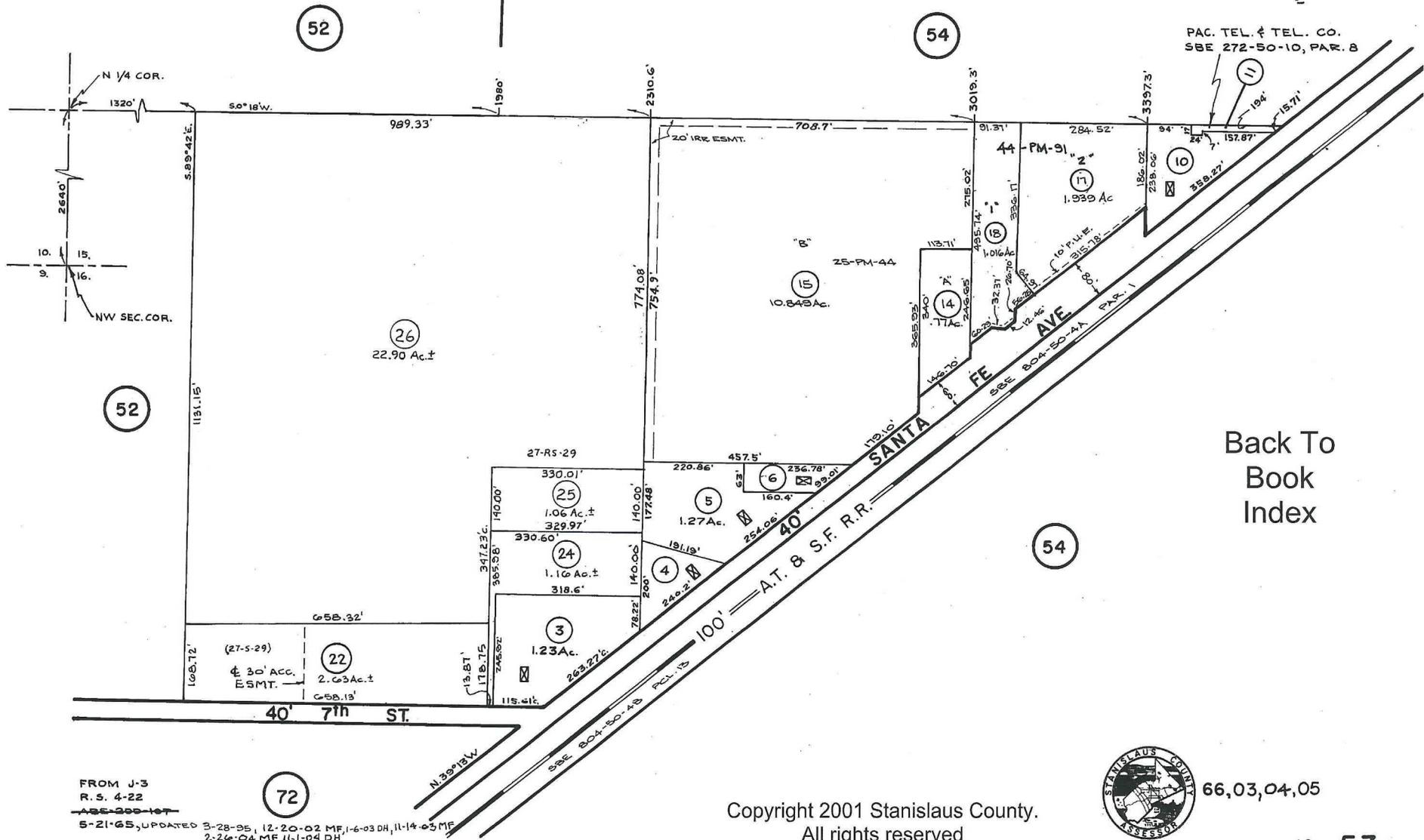
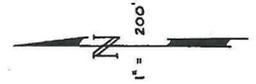
THIS MAP FOR ASSESSMENT  
PURPOSES ONLY

PORTION W 1/2 SECTION 15 T. 4 S. R. 10 E. M. D. B. & M.

9 15  
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18 - 53

THIS MAP FOR  
ASSESSMENT PURPOSES ONLY



Back To  
Book  
Index

FROM J-3  
R. S. 4-22  
~~ASS-200-107~~  
5-21-65, UPDATED 3-28-95, 12-20-02 MF, 1-6-03 DH, 11-14-03 MF  
2-26-04 MF, 11-1-04 DH

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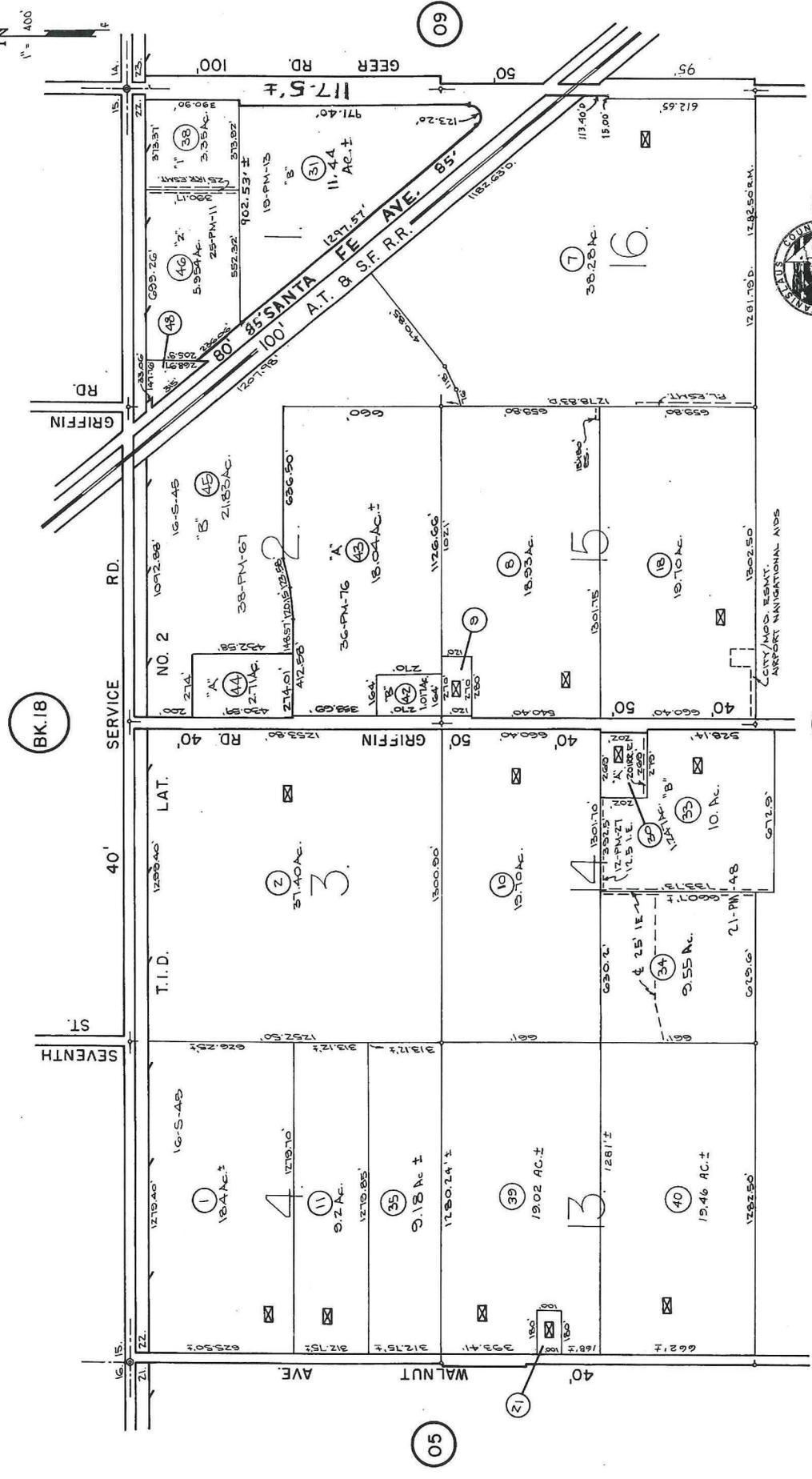
66,03,04,05

18 - 53



N. 1/2 SECTION 22 T.4 S.R. 10 E.M.D.B. & M.  
POR. TULLY TR.-LOTS 1 - 4 & 13 - 16

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ASSESSMENT PURPOSES ONLY



FROM 45-01  
R.M. 3-33  
REDRAWN 8-12-74  
UPDATED 9-29-86, 5-17-84, 7-31-07, 4-8-08, 6-9-11 M.P.







## CITY OF HUGHSON AGENDA ITEM NO. 6.3

### SECTION 6: NEW BUSINESS

**Meeting Date:** April 23, 2012  
**Subject:** Consider whether to change the existing term of the office of Mayor for the City of Hughson from a 2 year term to a 4 year term pursuant to California Government Code Section 34900 et. seq..  
**Presented By:** Dan Schroeder, City Attorney

**Approved By:** \_\_\_\_\_

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#### **RECOMMENDATION:**

That the City Council consider whether to change the existing term of the office of Mayor for the City of Hughson from a 2 year term to a 4 year term pursuant to California Government Code Section 34900 et. seq. and give staff direction.

#### **BACKGROUND AND OVERVIEW:**

Pursuant to Government Code Section 34900, the term of mayor for a general law city such as the City of Hughson shall be for either a two year or four year term. The term of office for Mayor of the City of Hughson is and has been two years. Any change in the term of the Office of the Mayor would have to be approved by the voters within the City of Hughson.

In the event the Council decides that they would like to place this issue before the voters for a decision, procedurally the City Council will need to adopt a resolution authorizing that the following question be submitted to the voters at the next regular election, the November 6, 2012 general election:

“Shall the term of office of a mayor be changed from two years to four years? Yes\_\_ No\_\_”

Upon adoption of a resolution, the City Manager will then cause the question to be placed on the November 6, 2012 ballot.

In the event the Council wants to keep the term of the Office of Mayor at two years, it need take no action.

#### **FISCAL IMPACT:**

None, other than the actual costs that the County Registrar of Voters will seek payment from the City for adding the question to the ballot.