



CITY OF HUGHSON  
**CITY COUNCIL MEETING**  
CITY HALL COUNCIL CHAMBERS  
7018 Pine Street, Hughson, CA

**AGENDA**  
**MONDAY, JANUARY 27, 2014 – 7:00 P.M.**

**CALL TO ORDER:** Mayor Matt Beekman

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

**FLAG SALUTE:** Mayor Matt Beekman

**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:** An Unmet Transit Needs Assessment provided by the Stanislaus Council of Governments (StanCOG).

**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:** Approve the January 13, 2014 Regular Meeting Minutes.

- 3.2: Approve the Warrants Register.
- 3.3: Review and Approve the Treasurer's Report for September 2013.
- 3.4: Adopt Resolution No. 2014-02, Approving Application to the Federal Land and Water Conservation Fund for a Park Acquisition Project.
- 3.5: Approve the Lease Agreement between the Hughson Unified School District and the City of Hughson for the LeBright Fields Property and authorize the Mayor to Execute the Agreement.
- 3.6: Consider Resolution No. 2014-04, a resolution of the City Council of the City of Hughson awarding the Well No. 6 Improvements Project to Travioli Construction, Inc in the amount of \$237,068 and authorizing a 10% construction contingency and a 10% set-aside for construction testing and inspection.

**4. UNFINISHED BUSINESS:**

- 4.1: Consider re-appointing Julie Strain, Karen Minyard, and Mark Fontana to the Hughson Planning Commission or provide direction to advertise the vacancies.
- 4.2: Accept the Progress Report on the City of Hughson Lighting and Landscaping Districts and Benefit Assessment Districts.

**5. PUBLIC HEARING TO CONSIDER THE FOLLOWING:**

- 5.1: Public Hearing to Consider Annexation of Property to the Fontana Ranch North Benefit Assessment District and Landscape and Lighting District and Adoption of Resolution No. 2014-03, Certifying the Annexation and Imposition of the Existing Assessment.

**6. NEW BUSINESS: NONE.**

**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 TO DISCUSS THE FOLLOWING:**

**9.1:** CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION  
(Subdivision (a) of Section 54956.9)

Case Name: City of Bellflower et. al. vs. Ana Matosantos, Case  
Number: 34-2012-80001269, Superior Court of  
California, County of Sacramento.

**10. REPORT FROM CLOSED SESSION:**

**ADJOURNMENT:**

**WAIVER WARNING**

If you challenge a decision/direction of the City Council 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>February 10</b>	▪ City Council Meeting, City Council Chambers, 7:00pm
<b>February 14</b>	▪ President Abraham Lincoln’s Birthday- Holiday- City Hall Closed
<b>February 17</b>	▪ President George Washington’s Birthday- Holiday- City Hall Closed
<b>February 18</b>	▪ Planning Commission Meeting, City Council Chambers, 6:00pm
<b>February 24</b>	▪ City Council Meeting, City Council Chambers, 7:00pm

**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:** January 24, 2014      **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 AGENDA ITEM NO. 3.1 SECTION 3: CONSENT CALENDAR**

**Meeting Date:** January 27, 2014  
**Subject:** Approval of the City Council Minutes  
**Presented By:** Dominique Spinale, Deputy City Clerk

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

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### **Staff Recommendation:**

Approve the Regular Meeting Minutes of January 13, 2014 as presented.

### **Background and Overview:**

The Draft Minutes of the January 13, 2014 meetings are prepared for the City Council's review.



CITY OF HUGHSON  
**CITY COUNCIL MEETING**  
CITY HALL COUNCIL CHAMBERS  
7018 Pine Street, Hughson, CA

**MINUTES**  
**MONDAY, JANUARY 13, 2014 – 7:00 P.M.**

**CALL TO ORDER:** Mayor Matt Beekman

**ROLL CALL:**

**Present:** Mayor Matt Beekman  
Councilmember Jill Silva  
Councilmember George Carr  
Councilmember Harold Hill

**Absent:** Mayor Pro Tem Jeramy Young

**Staff Present:** Raul Mendez, City Manager  
Jim Duval, Interim Community Development Director  
Daniel J. Schroeder, City Attorney  
Dominique Spinale, Management Analyst/Deputy City Clerk  
Sam Rush, Public Works Superintendent

**FLAG SALUTE:** Mayor Matt Beekman

**INVOCATION:** Mayor Matt Beekman

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

No Public Comments.

**2. PRESENTATIONS: NONE.**

**3. CONSENT CALENDAR:**

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

- 3.1: Approve the December 9, 2013 Regular Meeting Minutes.
- 3.2: Approve the Warrants Register.
- 3.3: Waive the Second Reading by Title Only and Adopt Ordinance No. 2013-04, an Ordinance of the City Council of the City of Hughson Amending the Hughson Municipal Code, Title 15 Building Code Regulations (California Code of Regulations, Title 24).
- 3.4: Approve a One Year Extension for the Professional Services Agreement between the City of Hughson and MCR Engineering Inc for City Engineer and Civil Engineering Services.
- 3.5: Approve a Professional Services Agreement between the City of Hughson and the City of Modesto for On-Call Planning Services.
- 3.6: Approve the City Council Meeting Calendar for 2014.

**SILVA/CARR 4-0 (YOUNG- Absent) motion passes to approve the Consent Calendar as presented.**

**4. UNFINISHED BUSINESS:**

- 4.1: Accept the Progress Report on the City of Hughson Lighting and Landscaping Districts and Benefit Assessment Districts.

**City Manager Mendez provided an update to the Council and advised that once Turlock's cost proposal is received and evaluated, staff will return with a recommendation for Council's review for Stanislaus County or the City of Turlock to assist the City with the districts.**

**No action was taken on this item.**

**5. PUBLIC HEARING TO CONSIDER THE FOLLOWING:**

- 5.1: Consider Resolution No. 2014-01, Adopting the East Stanislaus Integrated Regional Water Management Plan (IRWMP).

**Management Analyst Spinale presented the staff report on this item and Leslie Dumas with RMC Water and Environmental was present to answer other questions of presented at the public hearing.**

**Mayor Beekman opening the public hearing at 7:15pm and with no public comments presented, he closed the hearing at 7:15pm.**

**HILL/CARR 4-0 (YOUNG- Absent) motion passes to adopt Resolution No. 2014-01, Adopting the East Stanislaus Integrated Regional Water Management Plan (IRWMP).**

- 5.2:** Consider the Adoption of a Program Income Reuse Plan to Establish a List of Allowable Uses for the Administration and Utilization of Income Received as a Result of Activities Funded under the Community Development Block Grant (CDBG) Program.

**Community Development Director Duval presented the staff report to the Council and answered questions of the Council.**

**Mayor Beekman opening the public hearing at 7:21pm and with no public comments presented, he closed the hearing at 7:21pm.**

**SILVA/HILL 4-0 (YOUNG-Absent) motion passes to Adopt a Program Income Reuse Plan to Establish a List of Allowable Uses for the Administration and Utilization of Income Received as a Result of Activities Funded under the Community Development Block Grant (CDBG) Program.**

**6. NEW BUSINESS:**

- 6.1:** Provide Staff Direction in Filling the Three Hughson Planning Commission Seats, which Terms of Office Expired December 31, 2013.

**Deputy City Clerk Spinale presented the staff report to Council. Council deliberated on the item.**

**Julie Strain, Planning Commission Chair, spoke on the item and asked that Council consider re-appointing all of the commissioners. She expressed that the Commission has experienced multiple seating changes in the last few years and would like to move forward with the current commissioners that are seated.**

**Mayor Beekman shared his concerns with the Council about not advertising the vacancies. City Attorney Schroeder advised that the language presented in the Agenda is unclear what action may be considered by Council; therefore any re-appointments could not be considered because they are not specified on the Agenda. Council deliberated on this item further and directed staff to bring the item back on the next Agenda to consider the re-appointment of the current planning commissioners.**

- 6.2:** Approve Submission of an Application for Consideration to the Stanislaus County Board of Supervisors for Appointment to the Stanislaus County Water Advisory Committee.

**City Manager Mendez presented the staff report to the Council.**

**HILL/CARR 4-0 (YOUNG- Absent) motion passes to Approve Submission of an Application for Consideration to the Stanislaus County Board of Supervisors for the Appointment of Matt Beekman to the Stanislaus County Water Advisory Committee.**

**7. CORRESPONDENCE: NONE.****8. COMMENTS:****8.1: Staff Reports and Comments: (Information Only – No Action)**

**City Manager:** City Manager Mendez discussed with Council that a study session/workshop with the Council on the water system and water rate analysis will be scheduled during the week on January 27, depending on the availability of the Council and staff.

**City Clerk:**

**Community Development Director:**

**Director of Finance:**

**Police Services:** Chief Gharat reviewed the 4<sup>th</sup> Quarter Police Services Report with the Council.

**City Attorney:**

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

**Councilmember Carr updated the Council on his attendance at the Sierra Vista Children and Family Board and Hughson Family Resources Board meetings.**

**Councilmember Silva updated the Council on her attendance at the 2+2 School District meeting.**

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

**Mayor Beekman updated the Council on his attendance at the StanCOG meeting. He also asked staff to look into advertising the position of City Treasurer and that staff conduct a preliminary analysis on whether the City could sell water from the non-potable water distribution system to TID.**

**9. CLOSED SESSION TO DISCUSS THE FOLLOWING: 7:55pm.****9.1: CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION  
(Subdivision (a) of Section 54956.9)**

**Case Name:** City of Bellflower et. al. vs. Ana Matosantos, Case Number: 34-2012-80001269, Superior Court of California, County of Sacramento.

**10. REPORT FROM CLOSED SESSION: 8:33pm.**

No reportable action was taken.

**ADJOURNMENT:**

Councilmember Carr motioned to adjourn the meeting, following by a motion from Councilmember Silva. The meeting adjourned at 8:33pm.

\_\_\_\_\_  
**MATT BEEKMAN, Mayor**

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





## CITY OF HUGHSON AGENDA ITEM NO. 3.2

### SECTION 3: CONSENT CALENDAR

**Meeting Date:** January 27, 2014  
**Subject:** Approval of Warrants Register  
**Enclosures:** Warrant Register  
**Presented By:** Lisa Whiteside, Finance Manager

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

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#### **Staff Recommendation:**

Approve the Warrants Register as presented.

#### **Background and Overview:**

The warrant register presented to the City Council is a listing of all expenditures paid from December 10, 2013 through January 24, 2014.

#### **Fiscal Impact:**

There are reductions in various funds for payment of expenses.

REPORT.: Jan 24 14 Friday  
 RUN....: Jan 24 14 Time: 08:43  
 Run By.: KATHY DAHLIN

City of Hughson  
 Cash Disbursement Detail Report  
 Check Listing for 01-14 Bank Account.: 0100

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

*fw*

Check Number	Check Date	Vendor Number	Vendor Name	Net Amount	Payment Information	
					Invoice #	Description
44598	12/20/2013	FRU00	FRUIT YARD	\$ 107.94	B40122H	EMPLOYEE DINNER
44657	1/14/2014	MOD01	THE MODESTO BEE	\$ (1,231.19) \$ (197.60)	58223u B40109u	Ck# 044657 Reversed Ck# 044657 Reversed
			Check Total:	\$ (1,428.79)		
44684	1/10/2014	EXP00	EXPRESS PERSONNEL SERVICE	\$ 4,730.89	B40110	EXTRA HELP 10/23,11/13,11/20, 12/04,12/11,12/18
44685	1/10/2014	REG00	REGIONAL GOVERNMENT SERVI	\$ 1,683.89	3817	CONTRACT SERVICES
44686	1/10/2014	TID01	TURLOCK IRRIGATION DIST.	\$ 32,291.47	B40110	ELECTRIC
44687	1/17/2014	EMP01	STATE OF CALIFORNIA	\$ 3,110.27	B40116	PAYROLL TAXES
44688	1/17/2014	HAR02	THE HARTFORD	\$ 529.66	B40116	DEFERRED COMPENSATION
44689	1/17/2014	PER01	P.E.R.S.	\$ 7,409.36	B40116	RETIREMENT
44690	1/17/2014	STA23	CaIPERS SUPPLEMENTAL INCO	\$ 20.00	B40116	DEFERRED COMPENSATION
44691	1/17/2014	UNI07	UNITED WAY OF STANISLAUS	\$ 2.00	B40116	UNITED WAY
44692	1/22/2014	EMP01	STATE OF CALIFORNIA	\$ 1,239.63 \$ 1,217.29 \$ 1,588.60 \$ 1,509.35 \$ 1,136.93	103013 111513 113013 121513 123013	PR TAXES PR TAXES PR TAXES PR TAXES PR TAXES
			Check Total:	\$ 6,691.80		
44693	1/22/2014	HAR02	THE HARTFORD	\$ 2,623.30	B40121	DEFERRED COMPENSATION
44694	1/22/2014	HOM02	HOMEWOOD SUITES	\$ 101.70	B40122	LODGING 1 NIGHT M.SERRATO -GRANT WRITING CLASS
44695	1/22/2014	PER01	P.E.R.S.	\$ 22,515.17	B40121	RETIREMENT
44696	1/22/2014	SER01	SERRATO, MARTHA	\$ 191.36	B40122	MILEAGE & MEAL ALLOWANCE GRANT WRITING CLASS
44697	1/22/2014	STA23	CaIPERS SUPPLEMENTAL INCO	\$ 100.00	B40121	DEFERRED COMPENSATION
44698	1/22/2014	UNI07	UNITED WAY OF STANISLAUS	\$ 10.00	B40121	UNITED WAY
44699	1/23/2014	ABS00	ABS PRESORT	\$ 5,000.00	MP2014012	POSTAGE ADVANCE
44700	1/23/2014	AFL01	AFLAC	\$ 747.38	116629	AFLAC
44701	1/23/2014	AME04	AMERICAN WATER WORKS	\$ 96.50	700007654	LETS TALK SAFETY BOOKS
44702	1/23/2014	AND02	ANDREWS ELECTRIC	\$ 1,350.64	75851	TULLY STORM PUMP
44703	1/23/2014	ARR00	ARROWHEAD MOUNTAIN SPRING	\$ 31.80	04A002566	BOTTLED WATER
44704	1/23/2014	ATT01	AT&T	\$ 20.85 \$ 2,012.05	B40123 C40123	PHONE PHONE
			Check Total:	\$ 2,032.90		
44705	1/23/2014	AVA00	AVAYA, INC	\$ 72.22	273293166	PHONE

			\$	92.57	273293357	PHONE CITY HALL
		Check Total:	\$	164.79		
44706	1/23/2014 BAR07	BARCO PRODUCTS	\$	116.99	121300486	PET WASTE BAGS
44707	1/23/2014 BAY02	BAY ALARM CO	\$	148.86	225704140	WWTP ALARM MONITORING
			\$	215.01	225704214	WWTP ALARM MONITORING
		Check Total:	\$	363.87		
44708	1/23/2014 BRE01	W.H. BRESHEARS	\$	2,356.78	244381	UNL ETH GASOLINE
44709	1/23/2014 CAL32	CSMFO	\$	110.00	52334	2014 MEMBERSHIP RENEWAL
44710	1/23/2014 CAL44	CALIFORNIA CONTRACTORS SU	\$	378.99	6130	SAFETY VESTS & GLOVES
44711	1/23/2014 CSJ03	CSJVRMA	\$	13,329.00	20130454	2013 WORKER'S COMP RETRO ADJ
			\$	10,963.00	20130495	2013/14 3RD QTR DEPOSITS
		Check Total:	\$	24,292.00		
44712	1/23/2014 EWI00	EWING IRRIGATION PRODUCTS	\$	502.37	7394688	REPLACEMENT BACKFLOW
44713	1/23/2014 GEO01	GEOANALYTICAL LABORATORIE	\$	55.00	Z3L0302	WWTP MONITORING
			\$	150.00	Z3L1002	WWTP MONITORING
			\$	55.00	Z3L1701	WWTP MONITORING
			\$	55.00	Z3L2405	WWTP MONITORING
			\$	55.00	Z3L3101	WWTP MONITORING
		Check Total:	\$	370.00		
44714	1/23/2014 GRA01	GRAND FLOW	\$	165.87	126940	W-2'S & 1099'S
44715	1/23/2014 GRO01	FERGUSON ENTERISES, INC 1	\$	157.63	953899	REPAIR OF FIRE HYDRANT
44716	1/23/2014 HUG11	HUGHSON FARM SUPPLY	\$	32.13	0502126IN	KEYS
44717	1/23/2014 HUG34	VALLEY PARTS WAREHOUSE, I	\$	55.79	110045	HYD OIL FL
44718	1/23/2014 JOB00	JOBS AVAILABLE INC.	\$	409.50	1402013	AD COMM DVLPMNT DIRECTOR
44719	1/23/2014 KUB00	KUBWATER RESOURCES, INC	\$	2,448.65	3718	POLYMER
44720	1/23/2014 LEG01	LEGAL SHIELD	\$	51.80	B40123	LEGAL SVCS
44721	1/23/2014 MOD01	THE MODESTO BEE	\$	197.60	B40123	ANNUAL RENEWAL
44722	1/23/2014 MOD04	CITY OF MODESTO	\$	1,231.19	B40123	PLANNING SERVICES 10/13
44723	1/23/2014 OPE01	OPERATING ENGINEERS LOCAL	\$	414.00	B40123	LOCAL UNION #3 DUES
44724	1/23/2014 RIC04	RICOH USA, INC	\$	2,058.43	91595488	COPIER LEASE
44725	1/23/2014 SAU00	SAUNDERS A/C & HEATING	\$	998.54	T5834	BI ANNUAL AC SERVICE
44726	1/23/2014 SHO02	SHORE CHEMICAL COMPANY	\$	1,400.76	38854	CHLORINE TO BE USED AT WELL SIGHTS
44727	1/23/2014 SHR02	SHRED-IT CENTRAL CA	\$	123.18	940304953	SHREDDING
44728	1/23/2014 SPI00	SPINALE, DOMINIQUE	\$	23.57	B40123	REIMB FOR MEETNG EXP
44729	1/23/2014 STA02	STAPLES	\$	58.29	B40123	BUDGET SUPPLIES
44730	1/23/2014 STA42	STANISLAUS COUNTY	\$	1,190.00	R13313959	13/14 3RD QTR DEBT SERVICE
			\$	6,929.00	R13313960	13/14 3RD QTR OPERATIONAL COST
		Check Total:	\$	8,119.00		
44731	1/23/2014 STA47	STANISLAUS COUNTY SHERIFF	\$	2,020.56	1314-137	VEHICLE CHARGES 11/2013
44732	1/23/2014 SYN02	SYNAGRO WEST, LLC	\$	6,146.31	30-102414	SLUDGE REMOVAL

44733	1/23/2014	TES00	TESCO CONTROLS, INC	\$	697.00	53229IN	HOOK UP PUMPS AT WELL #8
44734	1/23/2014	UND01	UNDERGROUND SERVICE ALERT	\$	102.00	13120005	ALERT SERVICES
44735	1/23/2014	UNI11	UNIVAR USA, INC	\$	472.54	SJ593436	SODIUM HYPOCHLORITE
				\$	439.43	SJ595063	SODIUM HYPCHLORITE
			Check Total:	\$	911.97		
44736	1/23/2014	WAR00	WARDEN'S OFFICE	\$	252.71	1812164-0	OFFICE SUPPLIES
				\$	(183.39)	C18077460C	RETURN
			Check Total:	\$	69.32		
44737	1/23/2014	WAS01	WASTE MANAGEMENT	\$	2,275.42	59195	DISPOSAL OF CITY REFUSE
44738	1/23/2014	WIL01	CORBIN WILLITS SYSTEM	\$	571.40	B401151	ENHANCEMENT & SERVICE FEE
44739	1/23/2014	WIL05	WILLE ELECTRIC	\$	1,179.37	S15452881	STREET LIGHT REPAIR KITS
			Cash Account Total:	\$	150,524.31		
			Total Disbursements:	\$	150,524.31		



## CITY OF HUGHSON AGENDA ITEM NO. 3.3

### SECTION 3: CONSENT CALENDAR

**Meeting Date:** January 27, 2014  
**Subject:** Approval of the Treasurer's Report – September 2013  
**Presented By:** Lisa Whiteside, Finance Manager

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

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#### **Staff Recommendation:**

Review and approve the Treasurer's Report for September 2013.

#### **Background and Overview:**

Enclosed is the City of Hughson Treasurer's Report for September 2013. After review and evaluation of the report, City staff has researched funds with a significant deficit balance and submit the following detailed explanation:

#### ***Redevelopment - Debt Service***

The Redevelopment Debt Service Fund currently has a negative balance of (\$23,745.92). This account is negative as we are waiting for the next allocation of tax increment revenue from Stanislaus County. The expenditures and revenues are currently tracking as planned. This is simply a cash flow situation that will be resolved with the receipt of budgeted revenues from the county.

#### ***Public Facilities Development Streets Fund***

The Public Facilities Development Streets Fund currently reflects a negative balance of (\$607,612.33). 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, the City 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

(\$575,804.79). After extensive review, City staff discovered that the remaining deficit is attributable to settlement arrangements that were made in Fiscal Year 2008/2009 and Fiscal Year 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 (\$444,402.29). The City currently has 4<sup>th</sup> Street project that is complete and awaiting reimbursement from CMAQ and CDBG funds.

### **Fiscal Impact:**

As of September 2013, the total cash and investments balance for the City of Hughson was \$9,015,624.84 compared to September 2012, the total cash and investments balance was \$8,273,029.40.

**City of Hughson  
Treasurer's Report  
September 2013**

	<b>MONEY MARKET</b>	<b>GENERAL</b>	<b>REDEVELOPMENT**</b>	<b>TOTAL</b>
Bank Statement Totals	\$ 5,464,476.62	\$ 1,022,730.14	\$ 206,387.20	\$ 6,693,593.96
Adjustment-Direct Deposit Payroll	\$ -			\$ -
Outstanding Deposits +	\$ (54,495.45)	\$ 455.90	\$ -	\$ (54,039.55)
Outstanding Checks/transfers -	\$ 2,444.32	\$ (102,416.01)	\$ -	\$ (99,971.69)
<b>ADJUSTED TOTAL</b>	<b>\$ 5,412,425.49</b>	<b>\$ 920,770.03</b>	<b>\$ 206,387.20</b>	<b>\$ 6,539,582.72</b>
Investments: Various				\$ 1,000,276.51
California Bank Trust				\$ -
Multi-Bank WWTP				\$ 1,397,386.26
Investments: L.A.I.F.		\$ 39,252.09	\$ 39,127.26	\$ 78,379.35
<b>TOTAL CASH &amp; INVESTMENTS</b>				<b>\$ 9,015,624.84</b>

<b>Books - All Funds</b>	<b>September 2012</b>	<b>September 2013</b>
2 Water/Sewer Deposit	28,667.61	32,854.06
4 Sale of Vehicle	1,890.00	0.00
5 AB939 Source Reduction	0.00	0.00
7 Public Safety Augmentation	0.00	0.00
8 Vehicle Abatement	10,510.17	12,317.85
11 Traffic Congestion Fund	169,620.83	48,534.54
13 Redevelopment - Debt Service	246,910.01	-23,745.92
14 Redevelopment - Housing	-2,713.17	0.00
15 Redevelopment - Capital Projects	-362,118.21	0.00
17 Federal Officer Grant	6,620.00	6,620.00
18 Public Safety Realignment	0.00	8,328.63
19 Asset Forfeiture	1,660.43	6,995.43
25 Gas Tax 2106	31,399.33	2,491.76
30 Gas Tax 2107	13,548.70	16,624.45
31 Gas Tax 2105	34,082.69	5,472.02
35 Gas Tax 2107.5	14,672.14	16,672.14
40 General Fund	88,320.00	282,923.21
401 General Fund Contingency Reserve	670,321.01	671,603.83
43 Trench Cut	0.00	70,676.80
48 Senior Community Center	1,774.73	5,382.45
49 IT Reserve	27,175.38	31,579.29
50 U.S.F. Resource Com. Center	5,611.10	344.46
51 Self-Insurance	106,583.49	87,032.49
52 CLEEP(California Law Enforcement E	0.00	0.00
53 SLESF (Supplemental Law Enforcem	197,673.53	113,953.80
54 Park Project	366,256.26	400,087.58
60 Sewer O & M	665,848.79	1,538,057.27
61 Sewer Fixed Asset Replacement	1,391,659.93	1,865,265.86
66 WWTP Expansion 2008	2,353,992.11	1,264,555.00
70 Local Transportation	127,583.98	148,430.38
71 Transportation	-252,180.65	-444,302.29
100/200 LLD's and BAD's	33,660.77	46,552.69
80 Water O & M	347,567.31	268,201.36
82 Water Fixed Asset Replacement	77,941.23	316,145.92
88 PW CDBG Street Project	0.00	-60,644.24
80 Water Reserve-USDA GRANT	21,524.50	21,524.50
90 Garbage/Refuse	3,166.84	60,372.78
91 Misc. Grants	-35,297.50	0.00
92 98-EDBG-605 Small Bus. Loans	93,585.12	93,585.12
94 96-EDBG-438 Grant	403.43	403.43
95 94-STBG-799 Grant	157,998.20	157,606.25
96 HOME Program Grant (FTHB)	35,762.19	35,041.19
97 96-STBG-1013 Grant	33,405.89	131,659.15
98 HOME Rehabilitation Fund	-2,084.71	0.00
Developer Impact Fees ***	1,560,025.94	1,776,421.60
<b>TOTAL ALL FUNDS:</b>	<b>8,273,029.40</b>	<b>9,015,624.84</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	127,774.84	194,932.86
20 Community Enhancement	80,552.93	64,639.77
41 Public Facilities Development	1,551,298.21	1,504,089.62
42 Public Facilities Development-Streets	-723,835.33	-607,612.33
55 Parks DIF	193,032.66	267,080.11
62 Sewer Developer Impact Fees	912,820.40	929,096.36
81 Water Developer Impact Fees	-581,617.77	-575,804.79
<b>Break Down of Impact Fees ***</b>	<b>1,560,025.94</b>	<b>1,776,421.60</b>

Lisa Whiteside, Treasurer

Date



## CITY OF HUGHSON AGENDA ITEM NO. 3.4

### SECTION 3: CONSENT CALENDAR

**Meeting Date:** January 27, 2014  
**Subject:** Consideration of Resolution No. 2014-02, Approving Application to the Federal Land and Water Conservation Fund for a Park Acquisition Project  
**Presented By:** Raul L. Mendez, City Manager

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

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#### **Staff Recommendation:**

Adopt Resolution No. 2014-02 of the City Council of the City of Hughson approving application to the Federal Land and Water Conservation Fund for a park acquisition project.

#### **Background and Overview:**

The Land and Water Conservation Fund (LWCF) was established back on September 3, 1964 to assist states in planning, acquisition and development of recreation lands. The LWCF program is currently administered nationally by the National Park Service (NPS). Funds allocated to California are administered by the Department of Parks and Recreation.

General parameters of the LWCF program include:

- Eligible Agencies – cities, counties, federally recognized Native American tribes, public joint powers authorities, and non-state agency recreation and parks districts and special districts with certain authorizes.
- Maximum Grant Amount for Application – \$2,000,000 is the maximum grant request mount although applicants are encouraged to establish a grant request range.
- Amount of Funds Available – based on annual apportionment to the State of California (recent years have been approximately \$3 million to \$4 million). There are three potential funding sources: annual apportionment, unobligated funds

from previous apportionments and State reapportionment account funds from previous apportionments.

- Match Requirement – the maximum grant request amount cannot exceed 50% of the total project cost.
- Eligible Projects – acquisition or development projects are consistent with the Statewide Comprehensive Outdoor Recreation Plan.

### **Proposed Acquisition Project for Hughson:**

An Ad Hoc Committee called Hughson C.A.R.E.S. was formed in August of 2008 to assess the recreational needs of the community and to garner public support for new facilities. The Committee developed five different configurations for the design of a new park facility on property owned by the Hughson Unified School District at the corner of Whitmore Avenue and Seventh Street.

At its regular meeting of February 9, 2010, the Hughson Parks and Recreation Commission hosted a final public workshop to combine the five designs developed into a single design to be incorporated into future grant funding applications. In 2010, the City of Hughson applied for grant funds for both acquisition and development through the Statewide Park Development and Community Revitalization Program of 2008 but were unsuccessful.

The maximum grant amount available per project from the Land and Water Conservation Fund is \$2 million with a 50% match requirement. The deadline for this annual grant opportunity is February 3 of every year. The grant application must only be for acquisition or development—not both. Examples of acquisition include creating a new park, expanding or providing a buffer for an existing park, or providing a wildlife corridor. Acquisition must result in a new recreation opportunity for the public within three years after the completion of the acquisition. Only a phase that creates a full-useable recreational opportunity must be completed and open to the public within three years after the completion of the acquisition.

Grant applications to the Land and Water Conservation Fund are reviewed and evaluated through a competitive process. The scoring criteria are as follows:

1. Unmet Need (20 points)
2. Type of Project (10 points)
3. Amount of Acreage Placed Under 6(f)(3) protection (15 points)
4. Population Density (10 points)
5. Underserved Population (20 points)

6. Public Input (10 points)
7. Project Readiness (15 points)
8. Applicant Capacity

Phasing of the project was discussed at the workshops back in 2010. The first phase of the project was envisioned to include acquisition of the 29 acres of Hughson Unified School District property, made up of six parcels, at the corner of Seventh Street and Whitmore Avenue. Development would be on approximately 20 of those acres and would include a large storm water basin, soccer fields, four baseball diamonds, a skate park, picnic and tot lot areas, etc. A Swimming Pool Complex (Aquatic Park) was not envisioned in the first phase because of the associated cost. The Swimming Pool Complex was discussed as a future phase for the park development project along with a plan for associated costs for operations and maintenance. If awarded grant funding, it will be necessary to revisit the original scope of the park project to ensure that the various components are still appropriate. This will be done through the Hughson Parks and Recreation Commission and possible reactivation of an Ad Hoc Committee.

### **Discussion at 2+2 City of Hughson/Hughson Unified School District Committee**

The grant funding opportunity through the Land and Water Conservation Fund was discussed with the 2+2 City of Hughson/Hughson Unified School District Committee during both its December 2013 and January 2014 meeting. The City Manager and District Superintendent discussed the desire to submit an application during the current funding cycle to present the acquisition project as envisioned by the City of Hughson back in 2010 for potential funding. In order to begin to formulate the grant request, an appraisal is necessary and was initiated by the City Manager and District Superintendent at an estimated cost of \$5,000—to be equally shared by both entities. The 2+2 Committee was supportive of the City and School District working together to submit an application for consideration by the deadline of February 3, 2014. The City Manager indicated that the grant application would be prepared by existing staff—consistent with the goal to bring the grant writing expertise in-house rather than rely on a grant writing firm like in the past that would come at an additional cost (the City previously hired California Consulting for grant writing services).

City staff is prepared to submit a grant application for consideration by the Department of Parks and Recreation Office of Grants and Local Services. The City has reached out to the Stanislaus County Department of Parks and Recreation for technical advice with this funding source given their past experience and grant writing success. County staff has provided insight into the appraisal process for acquisition of property using federal sources. The Land and Water Conservation Fund program requires that an appraisal and independent review be conducted for any property acquisition projects. The appraisal must meet “Yellow Book” uniform appraisal standards. The City has hired Cogdill and Giomi (Modesto, CA) and Way and Associates (Hughson, CA) to perform the required appraisal. The appraisal will provide the City and School District with

valuable information for the park acquisition project. The valuation will be incorporated in the park acquisition project submitted to the Land and Water Conservation Fund for grant funding consideration. The appraisal will also be used for future grant funding opportunities.

If awarded grant funding, City staff will return with the details of the award and finalize the recommended financing plan for completion of the acquisition of the property. City staff anticipates this project be accomplished in various phases but acquisition of property is the first step to the creation of a park site facility in the southern portion of the City.

**Fiscal Impact:**

The appraisal will demonstrate the current value of the Hughson Unified School District property and will be the basis for the grant application. The maximum grant request will be based on the appraised value of the property and the associated match requirement. The City of Hughson has two capital project funds that can be utilized as the source for the match requirement (Park Project In Lieu and Park Development Impact Fees). As indicated in the City's Final Adopted Budget for Fiscal Year 2013-2014, it is anticipated that the City will have a combined fund balance of nearly \$800,000 at year end.

**CITY OF HUGHSON  
CITY COUNCIL  
RESOLUTION NO. 2014-02**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON  
APPROVING APPLICATION FOR LAND AND WATER CONSERVATION FUND  
FOR A PARK ACQUISITION PROJECT - 7<sup>TH</sup> STREET PARK PROJECT**

**WHEREAS**, the Congress under Public Law 88-578 has authorized the establishment of a federal Land and Water Conservation Fund Grant-In-Aid program, providing Matching funds to the State of California and its political subdivisions for acquiring lands and developing Facilities for public outdoor recreation purposes; and

**WHEREAS**, the California Department of Parks and Recreation is responsible for administration of the program in the State, setting up necessary rules and procedures governing APPLICATIONS by local agencies under the program; and

**WHEREAS**, the APPLICANT certifies by resolution the approval of the APPLICATION and the availability of eligible MATCHING funds prior to submission of the APPLICATION to the State; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Hughson hereby:

1. Approves the filing of an APPLICATION for Land and Water Conservation Fund assistance for the proposed; 7<sup>TH</sup> STREET PARK PROJECT
2. Agrees to abide by SECTION 6(F) (3) of Public Law 88-578 which states “No property acquired or developed with assistance under this section shall, without the approval of the National Secretary of the Interior, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.”
3. Certifies that said agency has MATCHING funds from eligible source(s) and can finance 100 percent of the Project, which up to half may be reimbursed; and
4. Appoints the City Manager as agent of the APPLICANT to conduct all negotiations and execute and submit all documents, including, but not limited to, APPLICATIONS, CONTRACTS, amendments, payment requests, and compliance with all applicable current state and federal laws which may be necessary for the completion of the aforementioned PROJECT.

**PASSED AND ADOPTED** by the City Council of the City of Hughson at its regular meeting held on this 27<sup>th</sup> day of January, 2014 by the following roll call votes:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENT:**

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**MATT BEEKMAN, Mayor**

**ATTEST:**

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**DOMINIQUE SPINALE, Deputy City Clerk**



## CITY OF HUGHSON AGENDA ITEM NO. 3.5

### SECTION 3: CONSENT CALENDAR

**Meeting Date:** January 27, 2014  
**Subject:** Approval of the Lebright Lease Agreement Renewal  
**Presented By:** Dominique Spinale, Management Analyst

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

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#### **Staff Recommendation:**

Approve the lease agreement between the City of Hughson and the Hughson Unified School District for the Lebright property and authorize the Mayor to execute the agreement.

#### **Background and Overview:**

For several years, the City of Hughson and the Hughson Unified School District have partnered to maintain the Lebright property as a beneficial recreation area for the community. The District currently owns the 8.5 acre property that is identified as APN 018-029-006 and APN 018-029-007. The City via a lease agreement with the District has taken over the maintenance and use of the property and the baseball playing field. The current three year lease agreement expires in April 1, 2014. Lebright fields receive a high volume of use throughout the year and is an excellent recreational asset to the community. The proposed lease renewal is for an additional a three-year term that will commence on April 1, 2014 and end on April 1, 2017.

#### **Fiscal Impact:**

The District does not charge the City to use the property. However, the City is responsible to maintain the property in good repair and in a clean and orderly manner. Additionally, the City takes care of the general upkeep and maintenance of the property on a regularly scheduled basis. The anticipated labor costs, supplies and other materials, and utility costs (sewer/water) is anticipated to cost approximately \$35,000. The cost to maintain and operate the facility is accounted for in the 2013-2014 Adopted Final Budget. The expenses incurred are offset by any rental revenue received by the City for the use of the facility.

**LEASE AGREEMENT BETWEEN  
THE HUGHSON UNIFIED SCHOOL DISTRICT AND  
THE CITY OF HUGHSON FOR THE LEBRIGHT PROPERTY**

This Lease Agreement ("Agreement") Renewal is made and entered into this 14th day of January, 2014, by and between the Hughson Unified School District, a political subdivision of the State of California ("District") and the City of Hughson, a municipal corporation, ("City").

**Recitals**

**WHEREAS**, the District owns that certain real property and all structures and improvements thereon, commonly referred to as the Lebright Property, located at the southwest corner of Fox Road and Charles Street in the City of Hughson, which is approximately 8.5 acres in size and further identified by APN 018-029-006 and APN 018-029-007, hereinafter referred to as the "Property"; and

**WHEREAS**, the City desires to lease the Property, subject to the terms and conditions of this Agreement, for recreational use, including use as a baseball playing field; and

**WHEREAS**, the District desires to assist the City in providing for the recreational needs of the community on a temporary basis; and

**WHEREAS**, the District and the City are attempting to negotiate a purchase and sale agreement during the period of the Agreement.

**NOW, THEREFORE**, the District agrees to lease to the City the Property under the following terms and conditions:

**Agreement**

1. **Term of Lease**

This lease ("Lease") shall be for a period of three (3) years, commencing on April 1, 2014 and ending on April 1, 2017.

2. **Rental Fee**

In recognition of the public benefit provided to the residents of the City of Hughson, District agrees that no rental fees shall be charged for the lease of the Property.

3. **Leased Property Description**

City shall be allowed access and use of those areas of the Property depicted in Exhibit "A", attached hereto and incorporated herein by reference. The approximately 0.55 acre portion of the Property in use as an adult educational facility is expressly excluded from this Agreement.

4. **Use of the Property**

City will have the right to use the property for park purposes, such as outdoor recreation, including but not limited to, a baseball playing field. City shall not make any other use of the Property, unless it first requests and receives the District's written consent. City shall not commit, or allow to be committed, any waste on the premises, or any nuisance, nor shall City use or allow the Property to be used for unlawful purposes.

5. **Maintenance and Repairs**

Lessee shall maintain the Property in good repair and in a clean and orderly manner, and shall be responsible for general upkeep and maintenance of the Property on a regularly scheduled basis.

6. **Alterations and Repairs**

No alterations, additions or improvements may be made to the Property without the express written consent of the District. Removal of dead trees, branches, and other immediate hazardous conditions shall not constitute alterations, additions or improvements that require express written consent of the District. All such alterations, additions, and/or improvements shall become part of the Property and shall become property of the District upon termination of this Agreement regardless of the cause of termination.

7. **Utilities**

City shall be responsible for paying for all utilities furnished or used on the Property, including water, electricity, and sewer services, during the term of this Agreement.

8. **Right of Entry**

District shall retain the right to enter Property without the prior written consent of City, at any time, for any purpose and in any manner. Should the District exercise its right of entry it shall to the fullest extent allowed by law, agrees to save, indemnify, and hold harmless the City, its officers, employees, agents, volunteers, and elected and appointed officials from and against any and all claims, demands, damages, liabilities, costs, attorney fees, and all other damage and detriment whatsoever to any person or entity whatsoever, arising out of or related to this Right of Entry. Such indemnity shall include, without limitation, the obligation to provide all costs of defense against any such claims, provided that such indemnity shall not extend to any loss arising from City's negligence or willful misconduct.

9. **Insurance**

City shall maintain at all times during the term of this Agreement a policy of liability insurance, with a carrier and in a form satisfactory to District, to cover both the City as the primary insured party and District as an additional insured party by endorsement, insured against bodily injury, including death, and property damage for which the City or District may be liable, with "occurrence" coverage of no less than \$1,000,000 per occurrence for bodily injury, personal injury or property damage, and \$2,000,000 in the aggregate. The policy shall be endorsed to state that coverage shall not be canceled by either party except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to District at the address provided below. City shall furnish the District with original certificates and amendatory

endorsements affecting coverage required herein. The District reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required herein.

10. **Indemnification**

To the fullest extent allowed by law, City agrees to save, indemnify, and hold harmless District, its officers, employees, agents, volunteers, and elected and appointed officials from and against any and all claims, demands, damages, liabilities, costs, attorney fees, and all other damage and detriment whatsoever to any person or entity whatsoever, arising out of or related to this Agreement or from City's use of the Property. Such indemnity shall include, without limitation, the obligation to provide all costs of defense against any such claims, provided that such indemnity shall not extend to any loss arising from District's negligence or willful misconduct.

11. **Assignment or Sublease**

This Agreement shall not be assigned to any other party. Any attempted assignment shall be null and void and of no effect. Any attempted assignment shall be sufficient grounds for immediate termination of this Agreement.

12. **Termination**

This Agreement may be terminated without liability, by the mutual written consent of the parties at any time, or by thirty (30) day notice by one party to the other of its intent to terminate, provided such notice shall be in writing.

13. **No Waiver Of Covenants Or Conditions**

The failure of either District or City to insist on strict performance of any covenant or condition hereof, or to exercise any right herein contained, shall not be construed as a waiver of such covenant, condition or right in any other instance. Notwithstanding the foregoing, City expressly waives all claims against the District for damage or injury to person or property from any cause whatsoever occurring on, or in relation to the City's use of the Property. District shall not be liable for any claims for injury to person or property damage from any cause related to City's use of the Property.

14. **Severability.**

If any provision of this Agreement, or its application, is held invalid, it will not affect other provisions or application herein which can be given effect without the invalid provision or application. To this end, all provisions of this Agreement are severable.

15. **No Waiver Of Successive Breach**

The waiver by either City or District of any breach of this Agreement shall not be deemed a waiver of any subsequent breach or of the enforcement of any other provision hereof.

16. **Remedies Are Cumulative**

The rights of City and District hereto and remedies hereunder are cumulative, and in addition to any other and all legal rights which either party may have in the event of any default or breach on the part of the other.

17. **Attorney Fees And Costs**

In the event that District or City shall commence any legal action or proceeding, including an action for declaratory relief, against the other by reason of the alleged failure of the other to perform or keep any term, covenant or condition of this Agreement, the party prevailing in said action or proceeding shall be entitled to recover, in addition to its court costs, reasonable attorney's fees to be fixed by the court, and such recovery shall include court costs and attorney's fees on appeal, if any. The Court will determine who is the "Prevailing Party," whether or not the suit proceeds to final judgment. However, if an action is voluntarily dismissed, or dismissed pursuant to a settlement of the case, neither party will be entitled to recover its attorney's fees.

18. **Governing Law And Venue**

The laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this Agreement. Any action and/or proceeding that is initiated or undertaken to enforce or interpret any provision, performance, obligation or covenant set forth in this Lease shall be brought in a California state court in the County of Stanislaus.

19. **Notices**

Notices to City and District shall be given at the following addresses:

"CITY"  
7018 Pine Street  
P.O. Box 9  
Hughson, CA 95326  
Attention: City Manager

"DISTRICT"  
6815 Hughson Avenue  
Hughson, CA 95326  
Attention: Superintendent

20. **Complete Agreement**

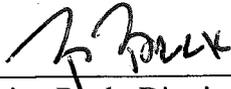
District and City agree that this Agreement contains the entire, sole, and only agreement between them concerning the Property and correctly sets forth their rights and obligations to each other concerning the Property. Any agreement or representations respecting the Property or the duties of either City or District in relation thereto not expressly set forth in this Agreement, or the attachments thereto, are null and void. This Agreement may only be modified by a written notice.

SIGNATURE PAGE FOLLOWS.

Executed at Hughson, California, by the HUSD Governing Board on January 14, 2014.

HUGHSON UNIFIED SCHOOL DISTRICT

By:   
Rick Applegate, Board President

Attest:   
Brian Beck, District Superintendent

Executed at Hughson, California, by the Hughson City Council on \_\_\_\_\_.

CITY OF HUGHSON

By: \_\_\_\_\_  
Matt Beekman, Mayor

Attest: \_\_\_\_\_  
Dominique Spinale, City Clerk

1141782.2



## CITY OF HUGHSON CONSENT ITEM NO. 3.6

### SECTION 3: CONSENT CALENDAR

**Meeting Date:** January 27, 2014  
**Subject:** Award Well No. 6 Improvements Project to Travioli Construction, Inc.  
**Presented By:** Dominique Spinale, Management Analyst

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

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#### **Staff Recommendation:**

Consider Resolution No. 2014-04, a Resolution of the City Council of the City of Hughson awarding the Well No. 6 Improvements Project to Travioli Construction, Inc in the amount of \$237,068 and authorizing a 10% construction contingency and a 10% set-aside for construction testing and inspection.

#### **Background and Overview:**

The City published a Notice Inviting Bids in November 2013 that resulted in the submittal of bids that were much higher than the engineer's estimate. MCR Engineering recommended rejecting all bids and the City Council approved the rejection of bid and the re-advertising of the project at the December 9 meeting.

The work in this project includes the installation of a hydro-pneumatic tank and controls, modification piping, the installation of a magnetic flow meter, and miscellaneous electrical and mechanical improvements to the City's existing Well No. 6 facility located on Locust Street near Samaritan Village. This is the first phase of Well No. 6 modifications needed to fulfill the future implementation of the Non-Potable Water Distribution System.

City staff worked with the City Engineer to review and revise the plans and specifications and re-advertised the project on December 31, 2013. The bid opening was conducted on January 24, 2014 and five bids were received:

1.	Travioli Construction	\$ 237,068.00
2.	Falco Construction	\$ 263,593.00
3.	Haskell & Haskell Construction	\$ 349,626.00
4.	Hobbs Construction	\$ 254,300.00
5.	KW Emerson	\$ 296,487.00

The low bid was from Travioli Construction, Inc and has been analyzed and found to be responsive and complete. The revised engineer's estimate for the project was \$200,000. Although the lowest bid continued to be higher than the estimate, City staff and the City Engineer does not anticipate it would receive lower results if re-bid a second time. The higher amount has been attributed to the current construction environment, as companies are busy and prices are becoming more competitive. The City did save \$40,000 by re-bidding the project and staff will be working with Travioli in an attempt to lower the costs associated with the project.

A Notice to Proceed will be issued within the next two weeks. Once the Notice to Proceed is issued, the contractor can order the tank and equipment, which may take up to 2-3 months to procure. During that time some site work will be completed. The project is anticipated to be completed in May 2014.

**Fiscal Impact:**

Monies for this project are budget in the 2013-2014 Final Adopted Budget in the amount of \$292,000. City staff is requesting a 10% construction contingency and a 10% set-aside for construction testing and inspection. The total budget for the project is therefore \$284,481.60.

**CITY COUNCIL  
CITY OF HUGHSON  
RESOLUTION NO. 2014-04**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON  
AWARDING THE WELL NO. 6 IMPROVEMENTS PROJECT TO TRAVIOLI  
CONSTRUCTION, INC IN THE AMOUNT OF \$237,068 AND AUTHORIZING A  
10% CONSTRUCTION CONTINGENCY AND A 10% SET-ASIDE FOR  
CONSTRUCTION TESTING AND INSPECTION**

**WHEREAS**, the Well No. 6 Improvements Project was competitively bid pursuant to Public Contract Code § 22032(b); and

**WHEREAS**, bids were opened on January 24, 2014 and the low bidder was Travioli Construction, Inc with a bid amount of \$237,068; and

**WHEREAS**, a 10% construction contingency as well as a 10% construction testing and inspection set-aside is needed for the project budget, totaling \$284,481.60; and

**WHEREAS**, the costs for this project are included in the fiscal year 2013/2014 budget;

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Hughson does hereby award the Well No. 6 Improvements Project to Travioli Construction, Inc in the amount of \$237,068 and authorizes a 10% construction contingency as well as a 10% set-aside for construction testing and inspection, totaling \$284,481.60.

**PASSED AND ADOPTED** by the Hughson City Council at a regular meeting thereof held on January 27, 2014, by the following vote:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENT:**

\_\_\_\_\_  
**MATT BEEKMAN, Mayor**

**ATTEST:**

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



## CITY OF HUGHSON AGENDA ITEM NO. 4.1

### SECTION 4: UNFINISHED BUSINESS

**Meeting Date:** January 27, 2014  
**Subject:** Re-appointment of Julie Strain, Karen Minyard, and Mark Fontana to the Hughson Planning Commission  
**Presented By:** Dominique Spinale, Management Analyst

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

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#### **Staff Recommendation:**

Consider re-appointing Julie Strain, Karen Minyard, and Mark Fontana to the Hughson Planning Commission or provide direction to advertise the vacancies.

#### **Background and Overview:**

At the January 13, 2014 regular meeting, the City Council was advised that the City of Hughson Planning Commission has three Commissioners whose terms expired on December 31, 2013. Commissioners Julie Strain, Karen Minyard, and Mark Fontana have all shared their interest with staff in seeking re-appointment by the City Council.

However, the Council was unable to act on the item, as the language on the agenda was unclear in its intent. The City Council directed staff to add the re-appointment of Planning Commissioners to the next agenda for consideration.

Procedurally, the Mayor may make the appointment(s) subject to the approval of the City Council. In the previous staff report, it was indicated that the Planning Commission is unable to meet, due to three member's terms being expired, but this is incorrect. Section 2.12.030 of the Hughson Municipal Code provides that "members of the planning commission shall serve for a term of two years and until their respective successors are appointed and qualified."

Therefore, if the Council wishes to advertise the openings rather than re-appoint at this time, they may do so, as the Planning Commissioners whose terms have expired can still serve in their current capacity until their successor(s) are appointed.

If re-appointed, the terms of office will be renewed for an additional two years, expiring December 31, 2015. The two other seats are held by Sanjay Patel and Ken Sartain and will expire December 31, 2014.

#### **Fiscal Impact:**

Per the Hughson Municipal Code, Hughson Planning Commissioners are compensated \$50 per meeting attended and reimbursement of necessary travel and other expenses incurred by the performance of their official duties. The City's annual budget includes funding for this commitment.



## CITY OF HUGHSON AGENDA ITEM NO. 4.2

### SECTION 4: UNFINISHED BUSINESS

**Meeting Date:** January 27, 2014  
**Subject:** Progress Report on the City of Hughson Lighting and Landscaping Districts and Benefit Assessment Districts  
**Presented By:** Raul L. Mendez, City Manager  
**Approved By:** \_\_\_\_\_

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#### **Staff Recommendation:**

Accept the progress report on the City of Hughson Lighting and Landscaping Districts and Benefit Assessment Districts.

#### **Background:**

On August 12, 2013, the City Council held a public hearing to consider the annual review of special assessment districts for Fiscal Year 2013-2014. After the public hearing, the City adopted resolutions approving the annual report, confirming the assessment and ordering the levy for the City of Hughson Lighting and Landscaping Districts and Benefit Assessment Districts for Fiscal Year 2013-2014.

The City of Hughson ("City") utilizes special financing districts to provide various services and improvements to the property owners within the City. These are currently comprised of two types of assessments, Lighting and Landscaping Districts and Benefit Assessment Districts. Each Lighting and Landscaping District (LLD) was formed and the annual assessments are levied pursuant to the Lighting and Landscaping Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code (the "1972 Act"). Each Benefit Assessment District (BAD) was formed and the annual assessments are levied pursuant to the Benefit Assessment Act of 1982 (the "1982 Act"), Part 1 of Division 2 of the California Government Code.

During the August 12, 2013 public hearing and a subsequent special meeting held on September 16, 2013, the City Council expressed concerns regarding the condition of the City's special assessment districts. Specifically, those special assessment districts with low or negative reserve balances were discussed at length along with others with structural operating deficits. The Council directed staff to develop a short term and long term strategy to strengthen the fiscal stability of each district.

During the September 23, 2013 regular meeting, the City Council had an opportunity to discuss concerns with NBS Local Government Solutions who had been working with the City of Hughson since 2005. At that meeting, information was shared by NBS Local Government Solutions regarding the preparation and work needed to develop the required Engineer's Report and the process for establishing the annual assessments. The dialogue focused on the Engineer's Reports not only establishing the appropriate assessment level as provided for by State law but also being an accurate depiction of the fiscal condition of each respective district. The City Manager indicated that the special assessment districts would be a priority moving forward and staff would work on a variety of improvement areas. Technical administrative and engineering support was also discussed and City staff was directed to explore other options including partnering with the County or a local municipality.

### **Progress Report:**

A progress report will be provided at each regular meeting until such time as the City Council directs otherwise. The following is a summary of the work done by staff on the City's special assessment districts since the last reporting.

**Administrative and Engineering Assistance** – Since the last reporting, the City of Turlock has nearly completed its review and evaluation of extending administrative/engineering services the City of Hughson for the special assessment districts. A cost estimate is being finalized by the City of Turlock for comparison purposes to the proposal for similar services from Stanislaus County. The Stanislaus County Department of Public Works previously indicated that such work costs them less than \$500 annually per district. The City of Turlock Municipal Services Department has given indication that their cost estimate will be more cost effective than Stanislaus County simply based on economies of scale. The City of Turlock manages and administers over 200 special assessment districts within their city limits in comparison to the approximately 60 districts in Stanislaus County. This, coupled, with vast experience with special assessment districts in a municipality, makes the partnership with the City of Turlock the best option. Upon receiving the cost estimate provided by the City of Turlock and validation of the proposal, the City Manager intends to bring back for Council consideration a memorandum of understanding for the provision of such services.

**Utility Efficiencies** – Following the meeting with representatives from Pacific Gas and Electric Company (PG&E) to further discuss their LED Street Light Program (Turnkey Replacement Service), City staff is contacting the cities of Riverbank and Ceres to discuss their participation in the program. Additional streetlight data is also being compiled to submit to PG&E so that they complete their cost estimate. After the evaluation and estimate are complete, City staff will share the findings for discussion consideration.

**Miscellaneous** – As requested by Mayor Beekman, City staff has also been in contact with Chevron Energy Solutions to discuss some of their work in the City of Waterford. It was discovered that Chevron Energy Solutions has been working with the Hughson Unified School District to conduct an efficiency audit. Chevron Energy Solutions recently presented some of its preliminary findings to the

Hughson Unified School District Board at their meeting held on January 14, 2014. Information provided to the City of Hughson by Chevron Energy Solutions will be reviewed and brought for as appropriate.

**Fiscal Impact:**

The current Lighting and Landscaping Districts and Benefit Assessment Districts provide the City of Hughson with funding annually to provide specific services and improvements to properties within their respective approved boundaries. For Fiscal Year 2013-2014, annual assessments are expected to generate a total of \$199,295.42, an increase of 5% when compared to the prior fiscal year, for associated labor, administration, utilities, equipment, materials, and preparation of the annual Engineer's Report.



## CITY OF HUGHSON AGENDA ITEM NO. 5.1

### SECTION 5: PUBLIC HEARING

**Meeting Date:** January 27, 2014  
**Subject:** Public Hearing to Consider Annexation of Property to the Fontana Ranch North Benefit Assessment District and Landscape and Lighting District and Adoption of Resolution No. 2014-03 Certifying the Annexation and Imposition of the Existing Assessment  
**Presented By:** Raul L. Mendez, City Manager

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

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#### **Staff Recommendation:**

1. Conduct Public Hearing regarding annexation of property to the Fontana Ranch North Benefit Assessment District and Landscape and Lighting District and imposition of existing assessment.
  - a. Opening of Public Hearing.
  - b. Public comments on proposed annexation and proposed assessment.
  - c. Closure of Public Hearing.
2. Consider adoption of Resolution No. 2014-03, certifying the annexation to Fontana Ranch North Benefit Assessment District and Landscape and Lighting District and imposition of the existing assessment.

#### **Background and Overview:**

On January 8, 2007, the City Council of the City of Hughson under the Landscape and Lighting District Act of 1972 and the Benefit Assessment Act of 1982 formed the Fontana Ranch North Benefit Assessment District (BAD) and Landscape and Lighting District (LMD) originally consisting of 89 parcels. The Fontana Ranch North BAD provides services associated with the storm drain system and street maintenance with the adopted district boundaries. Likewise, the Fontana Ranch North LMD provides services associated with street lighting, planting materials, irrigation systems, open space areas, public pedestrian paths, entry monuments and grading, clearing, removal of debris.

As required on an annual basis, the City Council approved the annual assessments for all special assessment districts on August 12, 2013. For Fontana Ranch North BAD and LMD, the Maximum Rate per Equivalent Dwelling Unit was set at \$187.95, respectively.

### **Park Parcel Conversation**

On September 10, 2012, the City Council took action to change the intended use of the property designated as a park site for the Fontana Ranch North development. The Fontana Ranch North development initially contemplated the installation of a park within the development. The City later determined that the area surrounding the development did not need another park and conveyed back to the developer via grant deed with the understanding that the former park site would be developed as two residential lots. Since the development is part of the existing Fontana Ranch North Benefit Assessment District and the Fontana Ranch North Landscape and Lighting District, the two new residential lots must be annexed into the existing assessment districts.

### **Annexation of Two Residential Lots**

The City Attorney completed the work to initiate the process to incorporate the two new lots that were created as part of the sale of the park site back to the developer to the corresponding special assessment districts (Fontana Ranch North). The notice was published as required and the related Public Hearing scheduled to be held during the January 27, 2014 City Council meeting. The notice includes the (1) the total amount of the assessment chargeable to the entire district; (2) the amount chargeable to the owner's parcel(s); (3) the duration of the payments; (4) the reason for the assessment and the basis upon which the amount of the assessment was calculated; and (5) the date, time and location of the public hearing.

In accordance with Section 22608 of the Streets and Highways Code, the property owner (HRF Partners, LLC) has agreed to formally request the annexation and waive the resolution to initiate the annexation, the engineer's report, and notices of hearing and waive their right of protest. HRF Partners, LLC, has already provided City staff with the required signed documents associated with the annexation and necessary waivers.

### **Fiscal Impact:**

The current Lighting and Landscaping Districts and Benefit Assessment Districts provide the City of Hughson with funding annually to provide specific services and improvements to properties within their respective approved boundaries. For Fiscal Year 2013-2014, annual assessments are expected to generate a total of \$199,295.42, an increase of 5% when compared to the prior fiscal year, for associated labor, administration, utilities, equipment, materials, and preparation of the annual Engineer's Report.

**CITY OF HUGHSON  
CITY COUNCIL  
RESOLUTION NO. 2014-03**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON,  
CALIFORNIA, DECLARING THE RESULTS OF AN ANNEXATION AND  
ASSESSMENT PROCEEDING**

The City Council of the City of Hughson (hereinafter referred to as the "City Council") does hereby resolve as follows:

**WHEREAS**, the City of Hughson annually levies and collects special assessments in order to maintain the improvements within the Fontana Ranch North Benefit Assessment District and the Fontana Ranch North Landscape and Lighting District; and

**WHEREAS**, the Fontana Ranch North development initially contemplated the installation of a park within the development but the City later determined that the City and the area surrounding the development did not need another park; and

**WHEREAS**, the City conveyed the park site back to the developer and the developer intends to develop the former park site as two residential lots; and

**WHEREAS**, since the development is part of the existing Fontana Ranch North Benefit Assessment District and the Fontana Ranch North Landscape and Lighting District, the two new residential lots must be annexed into the existing assessment districts; and

**WHEREAS**, the City Council has previously approved the levy of an assessment on each parcel within the Fontana Ranch North Benefit Assessment District and the Fontana Ranch North Landscape and Lighting District based on the Engineer's Report and pursuant to the requirements of the Benefit Assessment Act of 1982, the Landscape and Lighting Act of 1972, and Proposition 218 (California Constitution, Article XIII D, and the California Government Code); and

**WHEREAS**, the affected property owner provided written consent waiving its right of protest (pursuant to California Streets and Highways Code Section 22608) to the annexation and the assessment; and

**WHEREAS**, a public hearing was held on January 27, 2014.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON,  
CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS  
FOLLOWS:**

Section 1. The above recitals are true and correct.

Section 2. The landowner of record provided written consent waiving its right of protest to the annexation and the assessment thus no ballots were cast in the annexation or

assessment proceeding, and the lack of protest is hereby noted, approved and confirmed.

Section 3. The City Council hereby approves the annexation of the two parcels into the Fontana Ranch North Benefit Assessment District and the Fontana Ranch North Landscape and Lighting District.

Section 4. The City Council hereby approves the levy of an assessment on the two parcels consistent with the existing assessment imposed by the City Council for the Fontana Ranch North Benefit Assessment District and the Fontana Ranch North Landscape and Lighting District and authorizes the City Clerk to take the necessary steps to levy the assessment as authorized.

**PASSED AND ADOPTED** by the Hughson City Council at a regular meeting thereof held on January 27, 2014, by the following vote:

**AYES:**

**NOES:**

**ABSTENTIONS:**

**ABSENT:**

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**MATT BEEKMAN, Mayor**

**ATTEST:**

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**DOMINIQUE SPINALE, Deputy City Clerk**

OFFICE OF THE CITY MANAGER  
7018 Pine Street, P.O. Box 9  
Hughson, CA 95326  
(209) 883-4054 Fax (209) 883-2638  
[www.hughson.org](http://www.hughson.org)



Raul L. Mendez  
City Manager  
[rmendez@hughson.org](mailto:rmendez@hughson.org)

**Public Hearing  
January 27, 2014 at 7:00 p.m.  
City Hall Council Chambers  
7018 Pine Street, Hughson, CA**

December 2, 2013

Dear Parcel Owner:

The City of Hughson annually levies and collects special assessments in order to maintain the improvements within the Fontana Ranch North Benefit Assessment District and the Fontana Ranch North Landscape and Lighting District. Each District provides and ensures the continued maintenance, servicing, administration, and operation of various public improvements, landscape and lighting improvements and associated appurtenances located within the public rights-of-way and dedicated easements throughout the District.

The Fontana Ranch North development initially contemplated the installation of a park within the development. The City later determined that the City and the area surrounding the development did not need another park. The park site was conveyed back to the developer via grant deed and the developer intends to develop the former park site as two residential lots. Since the development is part of the existing Fontana Ranch North Benefit Assessment District and the Fontana Ranch North Landscape and Lighting District, the two new residential lots must be annexed into the existing assessment districts (collectively referred to as "District").

A comprehensive Engineer's Report demonstrating how the proposed assessments were developed is available to the Developer upon request from the City Clerk of the City of Hughson at 7018 Pine Street, Hughson, CA, (209) 883-4054.

**1. Why the Assessment is Needed**

The District provides and ensures the continued maintenance, servicing, administration, and operation of various public improvements, landscape and lighting improvements and associated appurtenances located within the public rights-of-way and dedicated easements throughout the District. The District is identified as a distinct area within the City with specific costs and benefits to the parcels within the District. The total cost of the improvements is proportionately spread among all benefitting properties within the District. Since two new properties are being added to the District, the cost of improvements needs to be reallocated to include the newly added parcels.

The improvements and services provided to the District are discussed in the Engineer's Report.

2. Authority for the Assessment

The City Council has previously approved the levy of an assessment on each parcel within the District based on the Engineer's Report and pursuant to the requirements of the Benefit Assessment Act of 1982, the Landscape and Lighting Act of 1972, and Proposition 218 (California Constitution, Article XIII D, and the California Government Code).

3. The Amount and Duration of the Assessment

Pursuant to Proposition 218, certain existing assessments are exempt from the substantive and procedural requirements of Proposition 218 and are not required until such time that the assessments are increased. All property owners approved the existing assessments at the time the assessments were created. Therefore, the pre-existing assessment amount is subsequently exempt from the procedural requirements of Proposition 218 until and unless any future levies of the assessment increases in excess of the amount previously approved.

The City causes to be prepared each fiscal year an Engineer's Annual Assessment Report for each District setting forth a summary of the proposed budget for the fiscal year, and the annual assessment proposed per parcel for that year. Last fiscal year, this resulted in an annual assessment of \$187.95 per parcel. The District Budget, found at the end of the Engineer's Report, identifies the proposed assessment amount for your lot or parcel. The proposed assessment includes an annual administrative assessment.

4. The Basis Upon Which the Proposed Assessment was Calculated

The total assessment is spread among all of the properties within the District using criteria described in the Engineer's Report. All the land in the District is assessed based on the historical and estimated costs to maintain the improvements that provide a direct and special benefit to properties within the District.

5. The Proposed Assessment of Your Parcel

The proposed annual assessment for your property is \$187.95 per parcel. The City intends to collect this assessment during each fiscal year through both the Lighting & Landscaping District (LLD) and the Benefit Assessment District (BAD).

6. Time, Date, and Location of the Public Hearing on the Proposed Assessment

The City will hold a Public Hearing at **7:00 p.m.** at City Hall Council Chambers located at 7018 Pine Street, Hughson, CA on **Monday, January 27, 2014.**

7. The Ballot, Procedure for Casting Your Vote, and Tabulation of the Ballots

Since you have provided written consent waiving your right of protest pursuant to California Streets and Highways Code Section 22608, a ballot for expressing your support or opposition to the proposed assessment has not been included with this notice.

If you have questions about the information contained in this letter, please contact me at (209) 883-4054.

Sincerely,



Raul Mendez  
City Manager

HFR PARTNERS, LLC  
a California limited liability company

December 5, 2013

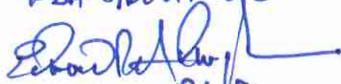
Raul L. Mendez, City Manager  
City of Hughson  
P.O. Box 9 / 7018 Pine Street  
Hughson, CA. 95326

Dear Mr. Mendez:

We hereby request that two newly created residential parcels within the Fontana Ranch Estates North Development, formerly identified as "Lot A – Park", be annexed into the Fontana Ranch North Benefit Assessment District and the Fontana Ranch North Landscape and Lighting Maintenance District.

In accordance with Section 22608 of the Streets and Highways Code, we hereby provide written notice waiving the resolution to initiate the annexation, the engineer's report, and notices of hearing and waive our right of protest.

Sincerely,

KDH GROUP, LLC  
  
VP/CEO

Managing Member of  
HFR Partners, LLC