



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

**AGENDA
MONDAY, JULY 27, 2015 – 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: Hughson Ministerial Association

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: Introduction of New Employee Jose Vasquez, Maintenance Worker
I/II

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 Minutes of the Regular Meeting of July 13, 2015.
- 3.2: Approve the Warrants Register.
- 3.3: Consider the Request by the Hughson Chamber of Commerce to Have and Sell Alcohol at the Hughson Fruit and Nut Festival - Saturday, September 19 and Sunday, September 20, 2015
- 3.4: Approve the lease agreement with Holtzclaw Compliance to occupy office space at the Hughson Business Incubation Center (City Hall Annex Building) at 7012 Pine Street and authorize the City Manager to execute the lease agreement inclusive of any final edits by the City Attorney.
- 3.5: Waive the second reading of Ordinance No. 2015-07, an Ordinance of the City Council of the City of Hughson, adding a new Chapter to the Hughson Municipal Code (HMC), Chapter 17.03.062 – Reasonable Accommodation
- 3.6: Waive the second reading of Ordinance No. 2015-08, an Ordinance of the City Council of the City of Hughson, amending the Hughson Municipal Code (HMC) Chapter 17 – Zoning, regarding Transitional and Supportive Housing.
- 3.7: Waive the second reading of Ordinance No. 2015-09, an Ordinance of the City Council of the City of Hughson, amending the Hughson Municipal Code (HMC) Chapters 8.08.010 – Definitions, 8.08.035 – Animals as a nuisance, 8.26.020 – Definitions, 8.26.050 – Property maintenance standards and unlawful conditions, 10.32.290 – Commercial vehicle parking, 17.02.008 – Residential zones, 17.02.012 – Commercial zones, and 17.02.020 – Public use zones.
- 3.8: Review and Approve the Treasurer's Report: Investment Portfolio Report – May 2015
- 3.9: Review and approve the City of Hughson Treasurer's Report for May 2015.

4. UNFINISHED BUSINESS:

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

6. NEW BUSINESS:

- 6.1: Adopt Resolution No. 2015-23, awarding the Hughson Avenue Improvement Project to McFadden Construction, Inc. in the amount of \$131,975 and authorizing a 10% construction contingency as well as a 10% set-aside for construction testing and inspections.

7. CORRESPONDENCE:

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: **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to Government code Section 54957:

Title: City Manager

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:

August 4	▪ National Night Out!
August 10	▪ City Council Meeting, City Hall chambers, 7:00 p.m
August 13	▪ Hughson Farmer’s Market, Downtown Hughson, Charles St, 4:00-8:00 p.m
August 24	▪ City Council Meeting, City Hall chambers, 7:00 p.m
August 27	▪ Hughson Farmer’s Market, Downtown Hughson, Charles St, 4:00-8:00 p.m

RULES FOR ADDRESSING CITY COUNCIL

Members of the audience who wish to address the City Council are requested to complete one of the forms located on the table at the entrance of the Council Chambers and submit it to the City Clerk. **Filling out the card is voluntary.**

AFFIDAVIT OF POSTING

DATE: July 23, 2015 **TIME:** 5:00 pm
NAME: Marilyn Castaneda **TITLE:** Management Intern

**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.

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 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: July 27, 2015
Subject: Approval of the City Council Minutes
Presented By: Marilyn Castaneda, Management Intern

Approved By: _____

Staff Recommendation:

Approve the Minutes of the Regular Meeting of July 13, 2015.

Background and Overview:

The draft minutes of the July 13, 2015 meeting are prepared for the Council's review.



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

**MINUTES
MONDAY, JULY 13, 2015 – 7:00 P.M.**

CALL TO ORDER: Mayor Matt Beekman

ROLL CALL:

Present: Mayor Matt Beekman
Councilmember Jill Silva
Councilmember George Carr

Absent: Mayor Pro Tem Jeramy Young
Councilmember Harold Hill

Staff present: Raul L. Mendez, City Manager
Daniel J. Schroeder, City Attorney
Jaylen French, Community Development Director
Shannon Esenwein, Finance Director
Lisa Whiteside, Finance Manager
Jaime Velazquez, Utilities Superintendent
Marilyn Castaneda, Management Intern
Michelle Roberts, Accounting Technician

FLAG SALUTE: Mayor Matt Beekman

INVOCATION: Ken Sartain, Hughson Ministerial Association

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

Jean Henley-Hatfield, announced to City Council and public the Hughson Historical Society will be recognizing the Beck and Zambruno Family for 15 years of dedication and outstanding service during their 15th Annual Appreciation Dinner. Ms. Henley-Hatfield also thanked Sam Rush for fixing the broken street

lights in a timely manner and Mayor Beekman for his service to the Local Agency Formation Commission.

Diane Lemire thanked City staff for being so helpful to residents in the transition to Gilton Solid Waste Management. Also, Ms. Lemire asked for City staff and City Council to make communication with residents more readable.

2. PRESENTATIONS:

2.1: Introduction of New Employee Michelle Roberts, Accounting Technician

Finance Director, Shannon Esenwein introduced Michelle Roberts as Hughson's new Accounting Technician to City Council and the public.

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 Minutes of the Regular Meeting of June 22, 2015.

3.2: Approve the Warrants Register.

3.3: Approve the lease agreement with Holtzclaw Compliance to occupy office space at the Hughson Business Incubation Center (City Hall Annex Building) at 7012 Pine Street and authorize the City Manager to execute the lease agreement.

Mayor Matt Beekman pulled Consent Calendar item 3.3 and indicated it would be brought back for consideration during a future City Council meeting.

SILVA/CARR 3-0 (HILL/YOUNG – ABSENT) motion passes to approve the Consent Calendar items 3.1 and 3.2.

4. UNFINISHED BUSINESS: NONE.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

5.1: Introduce and waive the first reading of Ordinance No. 2015-07, an Ordinance of the City Council of the City of Hughson, adding a new

Chapter to the Hughson Municipal Code (HMC), Chapter 17.03.062 – Reasonable Accommodation.

Director French presented the staff report on this item. Councilmember Carr had questions regarding what defines the limits of reasonable accommodations.

Mayor Beekman opened the Public Hearing at 7:18 P.M. There were no public comments. The Public Hearing was closed at 7:19 P.M.

CARR/SILVA 3-0 (HILL/YOUNG – ABSENT) motion passes to introduce and waive the first reading of Ordinance No. 2015-07, an Ordinance of the City Council of the City of Hughson, adding a new Chapter to the Hughson Municipal Code (HMC), Chapter 17.03.062 – Reasonable Accommodation.

- 5.2:** Introduce and waive the first reading of Ordinance No. 2015-08, an Ordinance of the City Council of the City of Hughson, amending the Hughson Municipal Code (HMC) Chapter 17 – Zoning, regarding Transitional and Supportive Housing.

Director French presented the staff report on this item.

Mayor Beekman opened the Public Hearing at 7:22 P.M. Diane Lemire addressed the City Council asking which kind of housing will it be (Section 8, rehabilitation etc.) Mayor Beekman as well as Councilmember Silva addressed provided clarification and cited examples. The Public Hearing was closed at 7:24 P.M.

SILVA/CARR 3-0 (HILL/YOUNG – ABSENT) motion passes to introduce and waive the first reading of Ordinance No. 2015-08, an Ordinance of the City Council of the City of Hughson, amending the Hughson Municipal Code (HMC) Chapter 17 – Zoning, regarding Transitional and Supportive Housing.

- 5.3:** Introduce and waive the first reading of Ordinance No. 2015-09, an Ordinance of the City Council of the City of Hughson, amending the Hughson Municipal Code (HMC) Chapters 8.08.010 – Definitions, 8.08.035 – Animals as a nuisance, 8.26.020 – Definitions, 8.26.050 – Property maintenance standards and unlawful conditions, 10.32.290 – Commercial vehicle parking, 17.02.008 – Residential zones, 17.02.012 – Commercial zones, and 17.02.020 – Public use zones.

Stefanie Voortman, Code Enforcement Officer, presented the staff report on this item. Councilmember Silva raised questions regarding 4-H animals (i.e., chickens, rabbits) being restricted in this Ordinance. City Manager Mendez and Mayor Beekman indicated that the current amendment could be considered as presented but with direction to City staff for additional work on the definition of

animals deemed a nuisance to be brought back for City Council consideration once researched.

Mayor Beekman opened Public Hearing at 7:41 P.M. Mark Fontana addressed City Council and thanked Councilmember Silva for addressing the issue on 4-H animals, as well as recommending bringing back this item to figure out how to revise this Ordinance to let chickens be an exception when being used for as a food resource. Diane Lemire suggested adding the number of chickens that a residence is allowed to have per household. Mayor Beekman recommended that each residence register their animals with the City or County for safety reasons. The Public Hearing was closed at 7:48 P.M.

BEEKMAN/SILVA 3-0 (HILL/YOUNG – ABSENT) motion passes to introduce and waive the first reading of Ordinance No. 2015-09, an Ordinance of the City Council of the City of Hughson, amending the Hughson Municipal Code (HMC) Chapters 8.08.010 – Definitions, 8.08.035 – Animals as a nuisance, 8.26.020 – Definitions, 8.26.050 – Property maintenance standards and unlawful conditions, 10.32.290 – Commercial vehicle parking, 17.02.008 – Residential zones, 17.02.012 – Commercial zones, and 17.02.020 – Public use zones.

- 5.4:** Approval of Resolution No. 2015-21, Confirming Diagrams, Assessments and Reports and Levying Assessments for Fiscal Year 2015/2016 for All Landscape and Lighting Districts and Benefit Assessment Districts within the City of Hughson
1. Conduct a Public Hearing to consider approval of the Fiscal Year 2015-2016 assessments for the City of Hughson Landscape and Lighting Districts and Benefit Assessment Districts.
 2. Adopt Resolution No. 2015-21, confirming diagrams, assessments and reports and levying assessments for Fiscal Year 2015/2016 for all Landscape and Lighting Districts and Benefit Assessment Districts within the City of Hughson.
 3. Direct the City of Turlock City Engineer to File, or Cause to be Filed, a Certified Copy of this Resolution and the Report for Each Assessment District with the Tax Collector for the County of Stanislaus.

Director French presented the staff report on this item as well as a PowerPoint presentation. He indicated that Garner Reynold from the City of Turlock was also in the audience to answer questions if needed. Mayor Beekman and Councilmember Silva thanked Director French for the detailed material given.

Mayor Beekman opened the Public Hearing at 8:15 P.M. Mark Fontana addressed the City Council with the concern of why the tax bill looked so large and thanked Director French for putting so much time and how he broke down each area in his presentation. The Public Hearing was closed at 8:17 P.M.

SILVA/CARR 3-0 (HILL/YOUNG – ABSENT) motion passes to Approve Resolution No. 2015-21, Confirming Diagrams, Assessments and Reports and Levying Assessments for Fiscal Year 2015/2016 for All Landscape and Lighting Districts and Benefit Assessment Districts within the City of Hughson.

- 5.5:** Conduct a public hearing to consider adoption of Proposition 218 noticed water rates for the City of Hughson and In the absence of a majority protest, move forward with the water rate increase in order to access Safe Drinking Water State Revolving Funds (SDWSRF) for the Well No. 7 Replacement Project through adoption of Resolution No. 2015-22.

City Manager Mendez presented the staff report on this item accompanied with Doug Dove, the City’s Utility Rates Consultant with Bartle Wells.

Mayor Beekman opened Public Hearing at 8:30 P.M. Diane Lemire addressed the City Council and ask for clarification on the price increase. Mr. Dove provided some additional clarification as to how the City’s rates were composed (fixed/variable elements). The Public Hearing was closed at 8:41 P.M.

BEEKMAN/CARR 3-0 (YOUNG/HILL – ABSENT) motion passes to adopt Resolution No. 2015-22, Proposition 218 water rates for the City of Hughson and move forward with the water rate increase in order to access Safe Drinking Water State Revolving Funds (SDWSRF) for the Well No. 7 Replacement.

6. NEW BUSINESS: NONE.

7. CORRESPONDENCE:

- 7.1:** Update of the Hatch Road and Santa Fe Avenue Signal Project.

8. COMMENTS:

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

City Manager:

City Manager Mendez was pleased with the turn out at the City Council meeting and the public’s recommendations to improve communication on City business. City Manager Mendez reminded the

City Council and the public of the upcoming National Night Out on August 4th from 6 p.m - 9 p.m. Also, he thanked Council for their participation in the 2014 National Night Out especially with the block parties and invited any member interested to the 2015 festivities.

City Clerk:

Community Development Director: Director French informed the City Council and the public that the Tully Road construction project will be complete in 8-10 weeks and Tully at Santa Fe will be closed but businesses can still go through. The small project on Hughson Avenue by the High School will hopefully be done before school starts. Also, reminded the City Council that Stanislaus County will award the widening or channelization project to George Reed, Inc. on Tuesday, July 14, 2015. City Manager Mendez indicated that he would attend the meeting to express the City's support for the project and moving forward.

Director of Finance:

Police Services: Sergeant Hector Longoria, Hughson Police Services, provided City Council with the monthly Statistic Report. Also, he informed the City Council that Hughson Police Services will be preparing for National Night Out and also discuss some incidents in the City since the last meeting.

City Attorney:

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

Councilmember Carr informed the City Council on his attendance at the Stanislaus County Fair and that Hughson has 40 students in 4-H and FFA with animals competing. He also shared his excitement for this year’s National Night Out event.

Councilmember Silva thanked and appreciated the work that the Hughson Police Services is doing in the community.

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

Mayor Beekman thanked staff for developing all the resources to provide City Council and public with such helpful information this evening.

9. CLOSED SESSION TO DISCUSS THE FOLLOWING: NONE.

10. REPORT FROM CLOSED SESSION: NONE.

ADJOURNMENT:

BEEKMAN/SILVA adjourned this meeting at 9:04 P.M.

MATT BEEKMAN, MAYOR

DOMINIQUE SPINALE ROMO, City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 3.2

SECTION 3: CONSENT CALENDAR

Meeting Date: July 27, 2015
Subject: Approval of Warrants Register
Enclosure: Warrants Register
Presented By: Shannon Esenwein, Director of Finance

Approved By: _____

Staff Recommendation:

Approve the Warrants Register as presented.

Background and Overview:

The warrants register presented to the City Council is a listing of all expenditures paid from 7/16/15-7/23/15

Fiscal Impact:

There are reductions in various funds for payment of expenses.

REPORT.: Jul 23 15 Thursday
RUN.....: Jul 23 15 Time: 11:47
Run By.: MARTHA SERRATO

City of Hughson
Cash Disbursement Detail Report
Check Listing for 07-15 Bank Account.: 0100

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

Check Number	Check Date	Vendor Number	Name	Net Amount	-----Payment Information-----	
					Invoice #	Description
46666	7/16/2015	VOID	VOID	\$ -		VOIDED
46667	7/16/2015	EMP01	STATE OF CALIFORNIA	\$ 1,498.39	B50716	PAYROLL TAXES
46668	7/16/2015	HAR02	THE HARTFORD	\$ 429.66	B50716	DEFERRED COMPENSATION
46669	7/16/2015	UNI07	UNITED WAY OF STANISLAUS	\$ 29.00	B50716	UNITED WAY
46670	7/16/2015	\A008	ALDAVA, MICHAEL & SAMANTHA	\$ 33.78	00B50701	MQ CUSTOMER REFUND
46671	7/16/2015	\B003	BERTUCIO, BRITTANY	\$ 87.60	00B50701	MQ CUSTOMER REFUND
46672	7/16/2015	\G003	GUZMAN, ANGELA	\$ 101.41	00B50701	MQ CUSTOMER REFUND
46673	7/16/2015	\R006	RUIZ, MARIO & MARIA	\$ 9.12	00B50701	MQ CUSTOMER REFUND
46674	7/16/2015	ABS00	ABS PRESORT	\$ 1,833.38 \$ 1,584.62	99513 99568	CCR 2014 PRINTING OF UTILITY BILLS
46675	7/20/2015	ALL07	ALLEY INSURANCE SERVICE	\$ 592.00	1008	HEALTH PLAN CONSULTING
46676	7/20/2015	ATT01	AT&T	\$ 21.69 \$ 3,307.62	B50720 B50721	PHONE PHONE
46677	7/20/2015	BRE01	W.H. BRESHEARS	\$ 1,168.99	265492	DIESEL
46678	7/20/2015	CAL10	CALIFORNIA RURAL WATER	\$ 250.00	B50720	WATER DISTRIBUTION CLASS
46679	7/20/2015	CHA01	CHARTER COMMUNICATIONS	\$ 166.56	B50720	IP ADDRESS-PINE ST
46680	7/20/2015	COD00	CODE PUBLISHING COMPANY	\$ 300.00	50281	HUGHSON MUNICIPAL CODE
46681	7/20/2015	EZN00	EZ NETWORK SOLUTIONS	\$ 294.55 \$ 2,552.95	29859 TS29824	OFF SITE DATA STORAGE IT SERVICE
46682	7/20/2015	MEN20	MENDEZ, RAUL	\$ 500.00 \$ 500.00 \$ 517.50	B50720 B50721 B50722	LEAGUE OF CA CITIES (MEND EZ) REIMBURSEMENT LEAGUE OF CA CITIES (YOUN G) REIMBURSEMENT WATERING SCHEDULE MAGNETS REIMBURSEMENTS
46683	7/20/2015	MUN06	MUNOZ, MARIA	\$ 150.00	B50720	SR CENTER DEPOSIT REFUND 7/4/2015
46684	7/20/2015	OFF06	OFFICE TEAM	\$ 608.64	43450481	EXTRA HELP 7/10/15
46685	7/20/2015	RIC04	RICOH USA, INC	\$ 1,918.50	95069860	COPIER LEASE
46686	7/20/2015	SAN05	SAN JOAQUIN VALLEY	\$ 479.00	N111417	15/16 ANNUAL PERMITS TO OPERATE
46687	7/20/2015	STA01	STANISLAUS COUNTY	\$ 3,968.56	FY15-16HU	LAFCO ANNUAL FEES FY 2015-2016
46688	7/20/2015	STA42	STANISLAUS COUNTY	\$ 1,190.00	R15362243	2015-2016 1ST QUARTER

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
				\$ 6,174.00	R15362245	DEBT SERVICE 2015-2016 1ST QUARTER OPERATIONAL COST
46689	7/20/2015	USA02	USA MOBILITY	\$ 11.69	Y0190776G	PAGER SERVICE
46690	7/20/2015	USH00	US HEALTHWORKS MEDICAL	\$ 141.00	2731805CA	PROFESSIONAL SERVICES
46691	7/20/2015	VIV00	VIVEIROS, GERALDINE	\$ 150.00	B50720	DAMAGE DEPOSIT SR CENTER 8/2/15
46692	6/30/2015	ABS00	ABS PRESORT	\$ 5,000.00	20150612	POSTAGE ADVANCE FOR JUNE & JULY
46693	6/30/2015	ALL08	ALL STAR TROPHIES & BANNERS	\$ 235.70	20225	BANNERS
46694	6/30/2015	ARR00	ARROWHEAD MOUNTAIN SPRING	\$ 110.75	B50720	DRINKING WATER FOR WWTP
46695	6/30/2015	CEN06	CENTRAL VALLEY CONCRETE	\$ 342.24	4065	CONCRETE AT WELL #8
46696	6/30/2015	EAS01	EAST STANISLAUS RESOURCE	\$ 3,260.08	INV15MMGR	SERVICES PROVIDED
46697	6/30/2015	FON00	ANTHONY FONTANA	\$ 60.00	B50720	GRADE 2 WATER TREATMENT OPERATOR CERTIFICATE
				\$ 84.00	B50721	GRADE 2 WATER COLLECTION MAINT. RENEWAL
				\$ 169.69	B50722	GRADE 2 WATER TREATMENT EXAM FEE REIMB.
				\$ 137.49	B50723	QAC CERTIFICATION CONTINUING EDUC.
46698	6/30/2015	HUG03	HUGHSON CHRONICLE	\$ 149.25	107098	LEGAL #1180 WEEK OF 7/7/15
				\$ 149.25	107100	LEGAL #1181 WEEK OF 6/7/15
				\$ 149.25	107101	LEGAL #1182 WEEK OF 6/7/15
				\$ 109.45	107102	LEGAL #1186 WEEK OF 6/7/15
				\$ 109.45	107103	LEGAL #1187 WEKK OF 6/7/15
46699	6/30/2015	SHO02	SHORE CHEMICAL COMPANY	\$ 1,273.26	42974	CHLORINE
46700	6/30/2015	STA56	STANISLAUS GROWN	\$ 899.89	HCFMBAGS	2015 HUGHSON CFM BAGS
46701	6/30/2015	STE07	STEELEY, JARED WATER & WASTE	\$ 2,100.00	6034	CONSULTING SERVICES
46702	6/30/2015	WIL14	WILLDAN ENGINEERING	\$ 1,827.25	319538	ENGINEERING SERVICES FOR APRIL & MAY
46703	7/23/2015	PER02	CalPERS	\$ 100,055.00	14566549	ANNUAL UNFUNDED ACCRUED
				\$ 26,718.00	14566556	ANNUAL UNFUNDED ACCRUED
			Cash Account Total:	\$ 173,510.21		
			Total Disbursements:	\$ 173,510.21		



CITY OF HUGHSON AGENDA ITEM NO. 3.3

SECTION 3: CONSENT CALENDAR

Meeting Date: July 27, 2015
Subject: Consider the Request by the Hughson Chamber of Commerce to Have and Sell Alcohol at the Hughson Fruit and Nut Festival - Saturday, September 19 and Sunday, September 20, 2015
Presented By: Raul Mendez, City Manager

Approved: _____

Staff Recommendation:

Approve the request by the Hughson Chamber of Commerce to have and sell alcohol at the Hughson Fruit and Nut Festival - Saturday, September 19 and Sunday, September 20, 2015

Background:

Section 9.24.020 of the Municipal Code (Drinking and possession – Public areas) states that *“It is unlawful for any person to drink any alcoholic beverage or to possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, on any public sidewalk, alley, street or highway, or in any city-owned park or other city-owned public place, unless the consumption of alcoholic beverages in such public place or places has been authorized by the city council. This section shall not be deemed to make punishable any such act or acts which are prohibited by the California Vehicle Code or by any other law of the state. (Ord. 86-01 § 1, 1986).”*

The Hughson Chamber of Commerce has requested that the City Council authorize the selling and serving of alcohol at the upcoming Hughson Fruit and Nut Festival scheduled Saturday, September 19, 2015 from 10a.m – 5p.m and Sunday, September 20, 2015 from 10a.m – 4p.m.

During its June 1, 2015 regular meeting, the Hughson Chamber of Commerce Board of Directors approved hosting the “Barrel Room” during this year’s event. The Hughson Chamber of Commerce Board will provide for sale of local wine and craft beer options for festival goers in a controlled enclosed area adjacent to the entertainment state. The Chamber will work with the City of Hughson and Hughson Police Services to ensure adequate private security and safety measures are in place to provide a secure environment. The Chamber plans to decorate the

“Barrel Room” fenced area with tables, chairs, umbrellas, wine barrels and table top arrangements in harvest colors. The St. Anthony’s Catholic Church Knights of Columbus will join Hughson Chamber of Commerce Boardmembers as servers at the “Barrel Room.”

The Hughson Chamber of Commerce will secure the appropriate daily licenses for the Hughson Fruit and Nut Festival weekend through the State Department of Alcoholic Beverage Control (ABC). The Chamber will coordinate as needed with the City of Hughson and Hughson Police Services. Per the ABC application requirements, the required form must be received within ten (10) days of the event, but should not be submitted more than thirty (30) days in advance to the local office (Stockton).

Allison Riggs, Office Manager with Hughson Chamber of Commerce, will be present at the meeting to answer any questions the City Council may have.

Fiscal Impact:

There is no fiscal impact to the City of Hughson associated with approval of this item. Net proceeds will be utilized by the Hughson Chamber of Commerce to continue providing the annual Hughson Fruit and Nut Festival for the enjoyment of residents and visitors.



CITY OF HUGHSON AGENDA ITEM NO. 3.4

SECTION 3: CONSENT CALENDAR

Meeting Date: July 27, 2015
Subject: Approval of Lease Agreement with Holtzclaw Compliance for Office Space at the Hughson Small Business Incubator
Presented By: Raul L. Mendez, City Manager

Approved By: _____

Staff Recommendation:

1. Approve the lease agreement with Holtzclaw Compliance to occupy office space at the Hughson Small Business Incubator (City Hall Annex Building) at 7012 Pine Street
2. Authorize the City Manager to execute the lease agreement inclusive of any final edits by the City Attorney,.

Background and Overview:

The City Council created the Hughson Small Business Incubator Program officially on July 25, 2011 and is located at the City Hall Annex Building at 7012 Pine Street. A business incubator is defined as “an organization designed to accelerate the growth and success of entrepreneurial companies through an array of business support resources and services that could include physical space, capital, coaching, common services and networking connections.”

The Hughson Small Business Incubator is currently the home of the Hughson Chamber of Commerce and the Hughson Chronicle through separate lease agreements. The Hughson Small Business Development Center (SBDC) utilizes an office and the conference rooms a few hours each month or on an as needed basis.

During the amendment to the Hughson Chamber of Commerce lease back on August 25, 2014, the City Council established standard rental rates for tenants (\$200/month per office) to serve as the baseline for future tenants in hopes of occupying the remaining offices. The Hughson Small Business Incubator has three offices available for lease.

At a recent Economic Development Committee meeting, the Committee directed staff to continue efforts to try and identify tenants for the remaining offices. It was reported at that time that in the last year, there has been expressed interest by various prospective businesses in occupying an office at the Hughson Small Business Incubator. These include an insurance agency, bail bond consultant, real estate agent, tax preparation service and others.

Holtzclaw Compliance

Holtzclaw Compliance is an existing sole proprietorship business (Liz and Bryan Holtzclaw) that originally began as a travel agency (under the name Hughson Travel) back in 2011. The local business has evolved over the last few years with the development of a business compliance consulting arm that provides services to manufacturers and importers of wine, spirits, cider and beer. The travel element of the business is now a small component and only has a small amount of activity. Holtzclaw Compliance is currently comprised of a Principal and two employees but has plans to hire a third employee after adequate office space is secured. The business currently operates out of a home office. Based on the most recent figures, the business reported that it brought in an estimated \$350,000 in annual revenues.

Due to the success of the business and its expansion needs, Holtzclaw Compliance has begun actively searching to purchase property to establish a permanent location in downtown Hughson. The Hughson Small Business Incubator will be an interim move to allow them to continue business operations and expand services. In order to accommodate the planned expansion, Holtzclaw Compliance has requested the use of three offices at the Hughson Small Business Incubator with immediate plans to occupy the space on August 1, 2015.

The Hughson Small Business Incubator currently has three offices that can be available for lease: (2) 10x10 and (1) 10x14. To accommodate the request from Holtzclaw Compliance, the Hughson SBDC will be work out of the existing conference rooms. The Hughson SBDC consultant currently utilizes a mobile laptop and thus can accommodate this change easily.

Holtzclaw Compliance plans to bring in their own telecommunication lines for both phone and internet services for convenience and security. The infrastructure installation will be coordinated with the City's information technology consultant (EZ Networks).

City of Hughson Small Business Incubator Acceptance Criteria

The Hughson Small Business Incubator is meant to provide the starting point for a business venture to grow, mature and ultimately move on to become a successful member of the greater business community. Thus, acceptance to the program requires a selection process that increases the probability of success. Applicants are referred to the Alliance Small Business Development Center (SBDC) to determine if an applicant qualifies for admission to the Hughson Small Business Incubator.

The following represents the qualification criteria that the SBDC will utilize for admission consideration:

- The company must be a start up or fledgling business usually less than two years old. An older business might be considered if there has been a major change in market, products or ownership.
- The company must have a complete business and financial plan endorsed by the Alliance Small Business Development Center.
- There must be a stated intent to remain in Stanislaus County.
- The company must demonstrate a sufficient capital or revenue stream to cover operating expenses and cost of goods for a minimum of six months.
- There must be a potential to create employment.
- Willingness to conduct business in an open, collaborative and cooperative fashion to include the coaching and consulting requirements of the incubator through the Alliance Small Business Development Center.

In order to meet the requested start date of the lease, City staff referred the applicant to the Alliance SBDC who has reviewed the application and met with the Holtzclaw Consulting business owner. The Alliance SBDC has recommended qualified businesses to the Hughson Economic Development Committee (EDC). The EDC will review the application and will have opportunity to confirm the recommendation during its July 27, 2015 regular meeting.

Fiscal Impact:

It is anticipated that the lease agreement with Holtzclaw Compliance will generate revenue of \$7,400 annually. This rental revenue will be tracked accordingly in the event that the City Council wishes to designate it for future use for specific activities supporting the Hughson Small Business Incubation Program. Historically, rental revenue received from the City Hall Annex Building helps to offset operational costs incurred by the City during the fiscal year (i.e., utilities, janitorial, maintenance).

**CITY OF HUGHSON
HOLTZCLAW COMPLIANCE LEASE**

This LEASE AGREEMENT (“Lease”) is made and entered into as of August 1, 2015, by and between the City of Hughson, a municipal corporation of the State of California (“Lessor”), and the Holtzclaw Compliance (“Lessee”).

AGREEMENT

1. Premises. Lessor hereby leases and lets to Lessee, and Lessee hereby takes and leases from Lessor, subject to the terms and conditions contained herein, **three offices** (the “Premises”) of that building located at 7012 Pine Street, Hughson, California (the “Building”), as outlined on the attached Exhibit “A.”

1.1. Lessee is granted the right at all times during the Lease Term to the nonexclusive use of the main lobby of the Building, common corridors and hallways, stairwells, restrooms, kitchen, scheduled use of the conference room, and nonexclusive use of other public or common areas located in the Building. Lessor however, has the sole discretion to determine the manner in which those public and common areas are maintained and operated, and the use of those areas shall be subject to the Rules and Regulations, which may be amended at Lessor’s sole discretion from time to time, attached hereto as Exhibit “B”. Lessor shall enforce the Rules and Regulations in a consistent and nondiscriminatory manner regarding all tenants and occupants in the Building, including their respective officers, agents, employees, independent contractors, and invitees. Lessee shall comply with all such rules and regulations as published, revised, and promulgated. Lessee acknowledges that the Building is being used by the Lessor as part of a business incubator program and thus will have additional tenants occupying designated portions of the Building from time to time.

2. Term. The term of this Lease shall be an annual tenancy (“Term”) scheduled to commence on **August 1, 2015** (the “Commencement Date”).

2.1. The term of this Lease may be extended for additional periods upon the mutual written consent of the parties.

3. Rent. Lessee shall pay monthly rent (the "Rent") in the amount of **\$600** payable in advance on or before the tenth (10th) day of each consecutive calendar month. In the event Lessee shall fail to pay rent on the due date, a late charge of two percent (2%) of the monthly rent shall be added to the rental for each such late payment, and the same shall be treated as additional rent. All rent shall be paid by Lessee to Lessor at 7018 Pine Street, Hughson, California, or any other place or places that Lessor may from time to time designate by written notice given to Lessee. Rent for any partial month shall be prorated for that month based on a thirty (30) day month.

3.1. No security deposit is required for Lessee.

3.2. In no event will the Lessor accept any ownership interest in the Lessee or other business entity, nor take any interest in any property, whether real, personal, or intellectual, in lieu of rent.

4. Use. Lessee shall have the right to use the Premises solely for office purposes.

4.1. If during the Term of this Lease, or any extension hereof, the application of any statute, code or ordinance of any government, authority, agency, official or officer applicable to the Building or Premises shall make it impossible or not economical for Lessee to operate in the Premises in accordance with Paragraph 4, then Lessee or Lessor, at its option, may terminate this Lease, whereupon the Rent and all other charges payable hereunder by Lessee shall be prorated in accordance with Paragraph 3 as of such date of termination.

5. Subletting or Assignment. Lessee may not sublet or assign this Lease.

6. Lessor's Representations and Warranties. Lessor represents and warrants that:

6.1. Lessor shall maintain in good repair, reasonable wear and tear excepted, (a) all exterior glass, windows, doors and door locks in or about the Building; (b) structural elements of the Building; (c) mechanical, electrical, plumbing and fire/life safety systems serving the Building in general; (d) common areas; and (e) roof of the Building. Lessor will make such necessary repairs within a reasonable time after Lessor has notice of damage or the need for repair.

7. Lessee's Covenants. Lessee covenants and agrees it shall:

7.1. Pay rent when due without notice or demand;

7.2. Maintain the Premises in a clean, safe and good condition and return the Premises to Lessor at the Termination Date in accordance with Paragraph 10 hereof;

7.3. Comply with all statutes, codes, ordinances, rules and regulations applicable to the Premises;

7.4. Give Lessor prompt notice of any accident, damage, destruction, or occurrence affecting the Premises;

7.5. At its sole cost and expense, promptly perform all maintenance and repairs to the Premises that are not Lessor's express responsibility under Paragraph 6.1; and

7.6. Allow Lessor reasonable access to the Premises for inspection and necessary maintenance.

8. Insurance. Lessee, at its discretion, may purchase insurance for this Lease. Lessor recommends that Lessee purchase liability insurance to insure them against loss. Any insurance purchased by the Lessor covering the Premises or its contents will not provide any coverage for any property belonging to the Lessee. If the Lessee wishes such coverage for its property or for loss of Premises as a result of fire or other casualty, then Lessee will be solely responsible for purchasing same.

9. Cancellation. Notwithstanding the provisions set forth in Paragraphs 2 and 2.1 herein, Lessee and Lessor shall have the right to cancel this Lease upon giving sixty (60) days written notice of its intent to cancel to the other party.

10. Surrender. Upon the expiration or earlier termination of the Lease, Lessee shall surrender the Premises to Lessor in good order, condition, and repair, ordinary wear and tear excepted. Lessee shall, at its sole cost and expense, remove any and all of Lessee's furniture, furnishings, movable partitions and other fixtures, improvements or alterations approved by Lessor, and personal property. All fixtures and improvements not removed shall become the property of the Lessor.

11. Notice. All notice, demands, requests, consents, approvals, offers, statements, and other instruments or communications required or permitted to be given hereunder in writing shall be deemed to have been given when delivered or when mailed by first class mail, postage prepaid, addressed to Lessor or Lessee as follows

As to Lessor: City of Hughson
Attention: City Manager
7018 Pine Street
P.O. Box 9
Hughson, California 95326

As to Lessee: **Liz Holtzclaw**
Holtzclaw Compliance
2100 Thomas Taylor Drive
Hughson, CA 95326

12. Amendments. This Lease may not be amended, modified, or terminated, nor may any obligation hereunder be waived orally, and no such amendment, modification, termination, or waiver shall be effective for any purposes unless it is in writing and signed by the party against whom enforcement thereof is sought.

13. Severability. If any provision of the Lease or any application thereof shall be invalid or unenforceable, the remainder of the Lease and any other application of such provision shall not be affected thereby.

14. Governing Law. This lease shall be governed by and construed in accordance with the laws of the City of Hughson and the State of California.

15. Disclaimer. The City of Hughson covenants and agrees that it will not represent to any third party, including potential investors, that by virtue of making available facilities and providing services to the Lessee, City is in any way endorsing or has in any way approved or disapproved of the Lessee, its management, business plan, valuation or any other matter regarding the Lessee.

16. Indemnification. Lessee shall hold harmless and indemnify Lessor from and against any and all damage or claims that may arise during normal operation of Lessee's business, except loss or damage arising from any negligent act by Lessor, its agents or employees.

17. Waiver. Lessee waives any and all rights that it may have or assert to have to make any claim or file any legal action against the Lessor, its elected officials, directors, agents, officers, employees, or other representatives for any decision made or which City fails to make regarding the financial promise of the Lessee's business, its ability to be financially successfully or its right to terminate the Lease. This exemption from liability extends to any advice received by the Lessee from the Lessor or from third party consultants provided by the Lessee.

IN WITNESS WHEREOF, the parties hereto have executed this Lease as of the day and year set forth above.

LESSOR:

Date

Raul L. Mendez, City Manager
City of Hughson

LESSEE:

Date

Liz Holtzclaw, Principal
Holtzclaw Compliance

EXHIBIT "A"
Premises Map

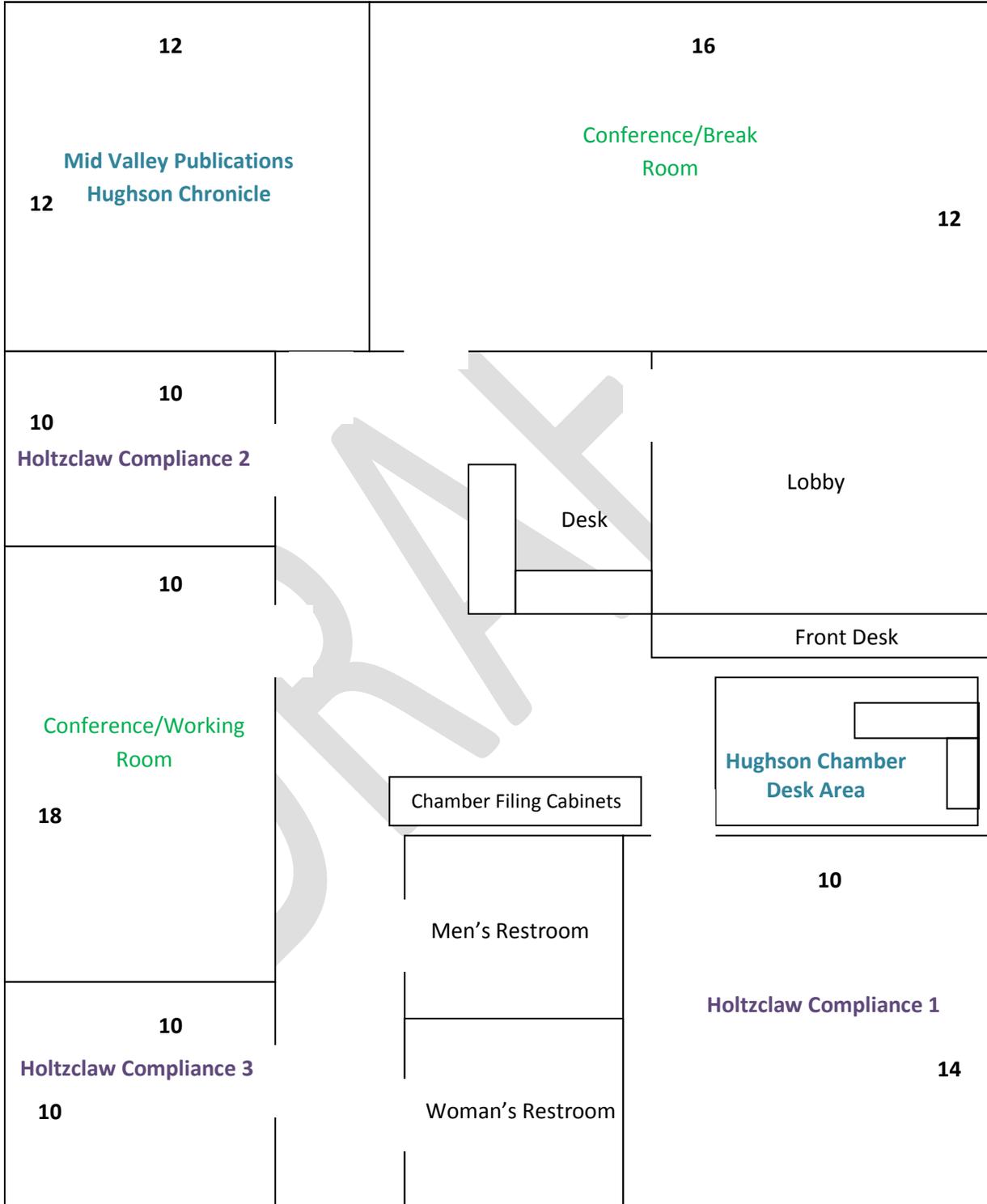


EXHIBIT “B”
RULES AND REGULATIONS
CITY OF HUGHSON SMALL BUSINESS INCUBATOR

All terms not otherwise defined herein shall have the same meaning as set forth in the Lease.

1. Lessor shall provide Lessee with five keys for each exterior door lock. No additional locks shall be placed upon any doors of the premises by Lessee and Lessee agrees not to have any duplicate keys made nor have the locks changed without the consent of the Lessor.
2. Lessee, its invitees, guests, employees, or agents shall not disturb other occupants of the Building by making any undue or unseemly noise, or otherwise. Lessee shall not, without Lessor's written consent, install or operate in or upon the Premises any machine or machinery causing noise or vibration perceptible outside the Premises. All combustible material must be kept in OSHA approved containers.
3. Lessee shall not mark or drive nails or screws into the woodwork or walls, or paint or in any way deface the Building or any part thereof, or the Premises or any part thereof, or fixtures therein without consent of Lessor. The expense of remedying any breakage, damage or stoppage resulting from a violation of this rule shall be borne by Lessee.
4. Canvassing, soliciting and peddling in the Building are prohibited and each Lessee shall cooperate to prevent such activity. This is not to preclude industrial sales representatives. Lessor reserves all vending rights.
5. Lessee shall have the non-exclusive right, along with other lessees of the Building, to use the parking area located on the land upon which the building is located, except for portions of the parking area necessary for entrances, exits, driveways, walkways, loading, and unloading areas. Lessor shall have the authority at any time to designate portions of the parking area for exclusive use by certain tenants in the Building, or to regulate the use of the parking areas in general.
6. Lessor assumes no responsibility for and shall not be liable for any damages resulting from any error in regard to any identification of Lessee or its employees from admission to or exclusion from the Building.
7. The Lessor's responsibility for janitorial and other custodial services shall be limited to the exterior and common areas of the building, such as hallways, restrooms, etc. only if these areas are shared by other tenants. Otherwise the tenant shall be solely responsible for

janitorial and custodial services. Reasonable care and caution shall be used by Lessee to keep all shared facilities by tenants and administrators clean.

8. Lessee shall exercise care and caution to insure that all water faucets, water apparatus are carefully and entirely shut off before Lessee or its employees leave the Building so as to prevent waste or damage. Lessee shall be responsible for any damage to the Premises or the Building so as to prevent waste or damage. Lessee shall be responsible for any damages to the Premises or the Building arising from Lessee's failure to observe this provision.
9. Lessor reserves the right to exclude or expel from the Building any person who, in the judgment of the Lessor is under the influence of alcohol or drugs, or someone who brings in or stores any drugs on the Premises, or who is in the judgment of Lessor, disturbing other Lessees or Lessor in any way or who shall in any manner do any act in violation of any city, state, or federal law or any of the rules and regulations of the Building.
10. Lessor shall not be responsible to Lessee for the non-observance or violation of any of these Rules and Regulations by any other tenant. Lessor reserves the right to make such other reasonable rules and regulations as may be necessary or appropriate, in Lessor's sole judgment, for the safety, care and cleanliness of the Building, and for the preservation of good order therein. Subsequent rules and regulations shall be binding upon the parties hereto the same as if inserted in this Lease at the time of execution.
11. Lessee agrees not to store any merchandise crates, goods, supplies or other materials of any kind outside the leased Premises without special permission. Lessee further agrees not to burn trash or other substances in or on the exterior of, the leased Premises.
12. The water and wash closets and other plumbing fixtures shall not be used for any purpose other than those for which they were constructed, and no sweepings, rubbish, rags, or other substances shall be thrown therein. All damages resulting from any misuse of the fixtures shall be borne by Lessee who, or whose servants, employees, agents, visitors, or licensees, shall have caused the same.
13. Lessee shall be allowed at own expense to install separate internet and telephone services for security reasons.

Holtzclaw Compliance

By: _____ DATE: August 1, 2015

TITLE: Owner



CITY OF HUGHSON AGENDA ITEM NO. 3.5

SECTION 3: CONSENT CALENDAR

Meeting Date: July 27, 2015
Subject: Consideration to Adopt Ordinance No. 2015-07, Amending Hughson Municipal Code Chapter 17 – Zoning Regarding Reasonable Accommodation
Enclosures: Ordinance No. 2015-07
Presented By: Jaylen French, Community Development Director

Approved By: _____

Staff Recommendation:

Waive the second reading of Ordinance No. 2015-07, an Ordinance of the City Council of the City of Hughson, adding a new Chapter to the Hughson Municipal Code (HMC), Chapter 17.03.062 – Reasonable Accommodation.

Background and Overview:

The Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (“Acts”) prohibit discrimination against individuals with disabilities and require that cities take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities.

In regards to Reasonable Accommodations, the Acts require that cities seek to provide a procedure for individuals with disabilities, or their representatives, to request reasonable accommodation in seeking equal access to housing in the application of zoning laws and other land use regulations, policies and procedures.

Further, California Senate Bill 520 (SB 520) requires that all cities and counties establish a reasonable accommodation procedure in their zoning ordinance. The ordinance should provide the ability for exceptions in zoning and land use for housing for persons with disabilities. A request for reasonable accommodations can be made by an individual with a disability protected under fair housing laws.

The City of Hughson 2009 Housing Element, includes Policy 1-8, “Ensure housing is available for persons with disabilities”, and includes Program 1-8-3, “Develop and formalize a general process that a person with disabilities will need to go

through in order to make a reasonable accommodation request in order to accommodate the needs of persons with disabilities and streamline the permit review process.” However, subsequent to the adoption of the 2009 Housing Element, this policy was never codified in the HMC.

Discussion:

This requirement, per the Federal Fair Housing Amendment Acts and California SB 520, will need to be fulfilled prior to the California Department of Housing and Community Development’s (HCD) approval of the City’s 5th Cycle Housing Element (2015). As indicated above, this is something that the City intended to do previously and certainly something that the City wants to do to be equitable to all members of the community.

This item is to seek City Council consideration to add a new chapter to the Hughson Municipal Code (17.03.062) regarding the City establishing a procedure to request reasonable accommodation, in an effort to reflect the City’s intention to encourage fair and equitable housing for the disabled and to simplify the land use review process.

Under this amendment, the City will:

- 1) Add a new chapter, 17.03.062 and associated sub-sections to the HMC, which will provide a procedure for an individual or representative to request reasonable accommodation.

Planning Commission Action:

On July 7, 2015, the Hughson Planning Commission heard this matter and voted 3-0 to recommend that the City Council adopted the attached ordinance. During the discussion, it was suggested that a definition of disabled individual be added to the code language, as opposed to relying on the language from the referenced Fair Housing Acts. This language was later discovered in the amendment and therefore is in fact in the Ordinance.

The attached Ordinance provides all included or revised language.

Fiscal Impact:

There is no fiscal impact associated with this ordinance amendment.

**CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015-07**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
ADDING A NEW CHAPTER TO THE HUGHSON MUNICIPAL CODE 17.03.062 –
REASONABLE ACCOMMODATION**

WHEREAS, the City Council of the City of Hughson previously added Chapter 17, referred as the Zoning Ordinance, to the Hughson Municipal Code, pertaining to the provision of Zoning; and

WHEREAS, the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter “fair housing laws”) seek to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing in the application of zoning laws and other land use regulations, policies and procedures; and

WHEREAS, the City of Hughson desires to amend its Zoning Ordinance within the municipal code to address compliance with the fair housing laws; and

WHEREAS, the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under the Public Resources Code section 15061(b)(3) because it does not have the potential for causing a significant effect on the environment; and

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to ensure that a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES
ORDAIN AS FOLLOWS:**

Section 1. Chapter 17.03.062, Reasonable Accommodation, is added to read as follows:

Sections:

17.03.062 Reasonable Accommodation

- A. Purpose. The purpose of this Chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter “Acts”) in the application of zoning laws and other land use regulations, policies, and procedures.
- B. Applicability.

1. A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this zoning code or other City requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this chapter, a “person with a disability” is any person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.
2. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
3. A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.
4. A reasonable accommodation may be granted in compliance with this Chapter without the need for the approval of a variance.

C. Procedure

1. A request for reasonable accommodation shall be submitted on an application form provided by the Community Development Department or in the form of a letter to the Director of Community Development Department, and shall contain the following information:
 - i. The applicant’s name, address, and telephone number;
 - ii. Address of the property for which the request is being made;
 - iii. The current use of the property;
 - iv. The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;
 - v. The zoning code provision, regulation, or policy from which reasonable accommodation is being requested; and
 - vi. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
2. If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (A) of this section for concurrent review with the application for discretionary approval.
3. A request for reasonable accommodation shall be reviewed by the Director of Community Development Department or his/her designee, if no approval is sought other than the request for reasonable accommodation. The Director or his/her designee shall make a written determination within 45 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.
4. A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission. The written determination on

whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

- D. Approval findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:
1. Whether the housing in the request will be used by a person with a disability under the Acts;
 2. Whether the request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;
 3. Whether the requested reasonable accommodation would impose an undue financial, administrative or enforcement burden on the City;
 4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
 5. Potential impact on surrounding uses;
 6. Physical attributes of the property and structures; and
 7. Other reasonable accommodations that may provide an equivalent level of benefit.
- E. Conditions of approval. In granting a request for reasonable accommodation, the Director of Community Development Department or his/her designee, or the Planning Commission as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.
- F. **Appeals**
1. Any person dissatisfied with any action of the Director of the Community Development Department pertaining to this Chapter may appeal to the Planning Commission within 10 days after written notice of the Director's decision is sent to the applicant. The appeal is taken by filing a written notice of appeal with the Director of Community Development Department and shall specify the reasons for the appeal and the grounds asserted for relief.
 2. Any person dissatisfied with any action of the Planning Commission pertaining to this Chapter may appeal to the City Council within 10 days after the rendition of the decision of the Planning Commission. The appeal is taken by filing a written notice of appeal with the Director of Community Development Department and shall specify the reasons for the appeal and the grounds asserted for relief.
 3. The City Council shall, by resolution, adopt and from time to time amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed has been paid.

4. If an appeal is not filed within the time or in the manner prescribed in this section, the right to review of the action against which the complaint is made shall be deemed to have been waived.
5. After filing an appeal, the appropriate hearing body shall conduct a public hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of hearing shall be given to the appellant, and to any other persons who have filed a written request for notice. Such notices shall be mailed to the appellant and the applicant at least ten days prior to the hearing.
6. The Planning Commission or City Council shall review de novo, i.e. without reference to the conclusions or assumptions from the prior body, the entire proceeding or proceedings relating to the decision, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.
7. At the conclusion of the hearing, the hearing body shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof shall be provided to the appellant and the project applicant.

Section 5. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 7. This ordinance shall become effective thirty (30) days after its final passage.

Section 8. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on July 13, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson _____, seconded by councilperson _____, the second reading of the foregoing ordinance was waived and this ordinance was

duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on July 27, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 3.6

SECTION 3: CONSENT CALENDAR

Meeting Date: July 27, 2015
Subject: Consideration to Adopt Ordinance No. 2015-08, Amending Hughson Municipal Code Chapter 17 – Zoning Regarding Transitional and Supportive Housing
Enclosures: Ordinance No. 2015-08
Presented By: Jaylen French, Community Development Director

Approved By: _____

Staff Recommendation:

Waive the second reading of Ordinance No. 2015-08, an Ordinance of the City Council of the City of Hughson, amending the Hughson Municipal Code (HMC) Chapter 17 – Zoning, regarding Transitional and Supportive Housing.

Background and Overview:

Pursuant to Senate Bill 2 (SB 2), the City must explicitly allow both supportive and transitional housing types in all zones that allow residential development. Transitional and supportive housing provides temporary housing, often with supportive services to formerly homeless persons for a period that is typically between six (6) months and 24 months. The supportive services, such as job training, rehabilitation and counseling help individuals gain life skills necessary for independent living.

The City's Zoning Ordinance defines Transitional Housing as:

“housing with supportive services that is limited to occupancy of up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goals of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons.”

Currently, Transitional Housing is allowed, by right, in the High Density Residential, R-3 zone and with a conditional use permit (CUP) in the Industrial zone.

The City's Zoning Ordinance does not currently define Supportive Housing. Although this issue was noted in the 2009 Housing Element (Program 1-7-2) to address compliance with State law, this was never carried through by amendment to the HMC.

The intent of this item is to comply with SB 2 and to update the HMC to reflect this requirement. Additionally, complying with this law will provide the City the opportunity to utilize the California Department of Housing and Community Development's (HCD) Streamlined Review Process for the upcoming Housing Element Update.

Discussion:

This item will ensure that transitional and supportive housing is allowed by right (i.e. a permitted use) in all zones in which residential uses are allowed and subject to only the same restrictions as residential uses contained in the same type of structure. In essence, a jurisdiction cannot make the development of this housing type more difficult to obtain approval than residential housing.

Under this amendment, the City will:

- 1) Update the transitional housing element in Table 17.02.032.1, Allowed Uses in Zoning Districts; and
- 2) Revise the definition of Transitional Housing to state it is allowed in all residential zones; and
- 3) Add a definition for Supportive Housing, as well as a definition for Target Population which accompanies Supportive Housing

The attached Ordinance provides all included or revised language.

Fiscal Impact:

There is no fiscal impact associated with this ordinance amendment at this time.

**CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AMENDING MUNICIPAL CODE CHAPTER 17 – ZONING**

WHEREAS, the City Council of the City of Hughson previously added Chapter 17, referred as the Zoning Ordinance, to the Hughson Municipal Code, pertaining to the provision of Zoning; and

WHEREAS, Chapter 17.02 – Zoning Districts, specifically addresses the establishment and designation of zones, as well as the general requirements and allowed uses in each zone; and

WHEREAS, Senate Bill 2 (SB 2), which became effective on January 1, 2008 and is codified in the California Government Code Section 65580 *et seq.*, clarifies and strengthens housing element law to ensure zoning encourages and facilitates transitional and supportive housing as well as limits the denial of transitional and supportive housing under the Housing Accountability Act. The law facilitates efforts to address critical needs of homeless populations and persons with special needs throughout all communities in California. Generally, SB 2 amends housing element law regarding planning and approval for transitional and supportive housing to ensure these uses are considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone; and

WHEREAS, the City of Hughson desires to amend its Zoning Ordinance within the municipal code to address compliance with SB 2.

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to ensure that transitional and supportive housing is allowed by right in all zones in which residential uses are allowed and subject to only the same restrictions as residential uses contained in the same type of structure in the same zone.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES
ORDAIN AS FOLLOWS:**

Section 1. Section 17.01.090(T)(3) is amended to read as follows:

“Transitional housing’ means rental housing operated under the California Multifamily Housing Program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. Transitional housing units are residential uses permitted in all zones allowing residential uses of the same type in the same zone.”

Section 2. Section 17.01.090 is amended to add subsection (S)(32) which read as follows:

“Supportive housing’ means housing with no limits on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing units are residential uses permitted in all zones allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.”

Section 3. Section 17.01.090(T) is amended to read as follows:

1. “Target unit” means a dwelling unit within a housing development which will be reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to, very-low-, low-, or moderate-income households, or is a unit in a senior citizen housing development.

2. “Target population’ means persons with low income who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.”

3. “Temporary tract office” means a temporary sales office located on the site of a new development, usually in a model home, and operated until sales are completed.

4. “Transitional housing” means housing with supportive services that is limited to occupancy of up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goals of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons.

5. “Tree” means a woody perennial plant characterized by having a main stem or trunk, or a multistemmed trunk system with a more or less definitely formed crown. It is usually over 10 feet high at maturity. This definition shall not include trees planted, grown and held for sale by licensed nurseries or the first removal or transplanting of such trees pursuant to and as part of the operation of a licensed nursery business.

6. “Tree removal” means the elimination of a tree by cutting to the ground, complete extraction, or killing by spraying, girdling, or any other means.

7. Tree, Significant. “Significant tree” means any tree which measures three inches or more in diameter at breast height (DBH) (four and one-half feet above natural grade) or immediately below the lowest branch, whichever is lower.

Section 4. Table 17.02.032.1, Allowed Uses in Zoning Districts, is updated to allow 'Transitional housing' in Residential Zoning Districts.

Allowed Uses in Zoning Districts

	R-1	R-2	R-3	R-A	C-1	C-2	C-3	I	P	O-S	S-P	Related Regulations
Residential												
Single-family dwellings	P	P	P	P	-	-	-	-	-	-	*	
Duplexes	P	P	P	-	-	-	-	-	-	-	*	17.02.008
Multiple-family dwellings	-	P	P	-	-	C	-	-	-	-	*	17.02.008
Secondary dwelling unit	P	P	P	P	-	-	-	-	-	-	*	17.03.072
Guest houses	C	C	C	C	-	-	-	-	-	-	*	17.03.004
Boarding and rooming houses	-	-	C	-	-	C	-	-	-	-	*	
Emergency housing	-	-	P	-	-	-	-	C	-	-	*	
Transitional housing	P	P	P	P	-	-	-	C	-	-	*	

Section 5. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 6. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 7. This ordinance shall become effective thirty (30) days after its final passage.

Section 8. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on July 13, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson _____, seconded by councilperson _____, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on July 27, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 3.7

SECTION 3: CONSENT CALENDAR

Meeting Date: July 27, 2015
Subject: Consideration to Adopt Ordinance No. 2015-09, Amending the Hughson Municipal Code (HMC) Chapters 8.08.010 – Definitions, 8.08.035 – Animals as a nuisance, 8.26.020 – Definitions, 8.26.050 – Property maintenance standards and unlawful conditions, 10.32.290 – Commercial vehicle parking, 17.02.008 – Residential zones, 17.02.012 – Commercial zones, and 17.02.020 – Public use zones.
Enclosures: Ordinance 2015-09
Presented By: Stefanie Voortman, Code Enforcement Officer

Approved By: _____

Staff Recommendation:

Waive the second reading of Ordinance No. 2015-09, an Ordinance of the City Council of the City of Hughson, amending the Hughson Municipal Code (HMC) Chapters 8.08.010 – Definitions, 8.08.035 – Animals as a nuisance, 8.26.020 – Definitions, 8.26.050 – Property maintenance standards and unlawful conditions, 10.32.290 – Commercial vehicle parking, 17.02.008 – Residential zones, 17.02.012 – Commercial zones, and 17.02.020 – Public use zones.

Background and Overview:

During City staff's review of the HMC, in response to citizen and/or staff questions, staff discovered sections of the HMC which should be updated to benefit the City of Hughson.

Upon the City's adoption of Ordinance 2013-04, the definition of Household pets was inadvertently removed from the HMC and redundant references to the definition's old location in the code remained. Staff discovered that language, in Chapter 8.26.050 restricts the ability to promote a healthy and safe environment for the public. Staff believes that changing the language to provide more detailed guidelines and limits on the accumulation and keeping of junk and non-operational vehicles would enable the City to more effectively enforce property maintenance standards. It was also found that language in Chapter 10.32.290 inhibits the City from enforcing commercial vehicle parking in residential zones.

The intent of this item is to carry forward the recommendation from the Planning Commission, onto the City Council, to modify the language in the HMC to address these issues.

Discussion:

HMC Title 8 – Health and Safety, pertains to the establishment of criteria, standards and limits that protect the health and well-being of the public. The raising and keeping of animals is covered under Chapter 8.08 and citywide property maintenance standards are covered under Chapter 8.26. Review of these chapters found a need for clarification and expansion to cover the growing and changing dynamics of the City. The requested changes to HMC Chapter 17.02 serve to realign the connection between the keeping of animals and its referenced location in the HMC.

Item 1 – Animals as a nuisance

HMC Section 8.08.035 – Animals as a nuisance, states, “No person, whether as owner or occupant, shall permit animals, except household pets as defined in Chapter 6.08 HMC to reside, be placed on, located on or in structures which are residential in nature. Animals which are not household pets as defined in Chapter 6.08 HMC and which are located in or on such residential property or structures in the city threaten the health, welfare and safety of the citizens of the city as a sanitation hazard and therefore are a public nuisance and may be abated as provided in this chapter.”

Chapter 6.08 of the HMC currently provides the definitions that pertain to animals and the Stanislaus Animal Services Agency (SASA). Prior to the adoption of Ordinance 2013-04, this chapter also included a definition of Household pets which stated, ““Household pets” means animals permitted in the house and kept for company or pleasure such as: dogs, cats, domesticated small animals such as hamsters and guinea pigs, and birds, not including a sufficient number to constitute a kennel, as defined in this chapter. Household pets shall not include cows, horses, goats, hogs, sheep, chickens, or other farm or exotic animals.”

As Ordinance 2013-04 was written using a universal format, designed to be adopted by the city member partners of SASA, definition 6.08.065 was removed. This definition was specific to the HMC and was therefore not included in the new version of Chapter 6.08. This definition however is important for the understanding of the guidelines established in HMC Sections 8.08.035, 17.02.008, 17.02.012, and 17.02.020 as they pertain to the keeping of animals in different zones.

It is the City’s intention to add the term “Household pets” to Section 8.08.10 of the HMC and remove or replace the redundant references to Chapter 6.08 from HMC Sections 8.08.035, 17.02.008, 17.02.012, and 17.02.020.

Item 2 – Property maintenance standards and unlawful conditions

HMC Section 8.26 details the City’s “Property Maintenance” standards. The intent of this section is to “promote the public health, safety and welfare” by preventing “social, economic and physical deterioration” and enhancing “the physical condition of real property”.

HMC Section 8.26.020 – Definitions, includes the words “Debris” and “Junk”. “Debris” is defined as “the same as junk” and “Junk” is defined as “any cast-off, damaged, discarded, junked, salvaged, scrapped, worn out or wrecked object, thing or material including, but not limited to, those composed in whole or in part of asphalt, brick, carbon, cement, cardboard, plastic or other synthetic substance, fiber, glass, plaster, plaster of paris, rubber, terra cotta, wool, cotton cloth, canvas, wood, metal, sand, organic matter (excluding compost not in public view) or other substance.” These terms, however, do not address the storage of recyclables or non-operational/non-registered vehicles, both of which are considered to be attractants for pests, vermin and other animals. Adjusting the definitions of “Debris” and “Junk” will help clarify the City’s meaning for members of the public and will add coverage for recyclable materials. Additionally, adding a definition for the term “Rubbish” and “Vehicle storage yard” will add clarification for the proposed changes to HMC Section 8.26.050.

Section 8.26.050 – Property maintenance standards and unlawful conditions, states, “It is unlawful, and a public nuisance, for any responsible person to maintain or allow to be maintained, permit or cause the property, including adjacent parkways, sidewalks or streets to be maintained with any of the following conditions which are visible from the street, sidewalk or public right-of-way”. As it is currently worded, this subsection does not allow for enforcement within any fenced, out-of-view areas such as a backyard.

In consideration of the promotion of public health, City staff believes that standards relating to conditions which are likely to harbor rats or vermin or allow access of flies, rodents and other animals should also be enforced in fenced in areas of public and private property. As these types of animals follow food and water sources and seek hidden places to nest and reproduce, the accumulation of junk, salvage material, weeds and even non-operational vehicles provide homes for animals and insects regardless of their location in a front or back yard. As such, the accumulation of these things should also be prohibited in the non-visible, outdoor areas of a parcel.

When regulating the “accumulation” of something it is helpful to provide specific guidelines so that members of the public can determine if they are within limits and/or how much of something is allowed. City staff believes that placing a limit of 120 square feet of outdoor space for the storage of junk, salvage materials, recyclables and other similar items will reduce the amount of space used by rodents, vermin and other animals for nesting and breeding. Additionally, limiting the number of non-operational/non-registered vehicles that can be stored on a parcel to 2 will also reduce available nesting and breeding spaces. Language would be added to provide exceptions for uses specifically permitted under HMC Chapter 17.02 – Zoning Districts.

Item 3 – Commercial vehicle parking

HMC Section 10.32.290 – Commercial vehicle parking, covers the locations and duration where a commercial tractor and/or trailer can be parked. The code offers specific language for determining what qualifies as a commercial vehicle as well as the dollar amount of infraction fines. The vehicles specified in this code section are not allowed to park in residential zones, whether on public or private property. While on public property, the specific dollar fines are applicable as they pertain to law enforcement traffic citations. To enforce parking on private property however, law enforcement must meet certain standards. These standards include that signs have previously been posted “giving notice of removal” or a “Property Trespass Violation” order has been filed with law enforcement.

Adding a penalty for owners of residentially zoned property will continue to enable law enforcement to issue traffic citations for commercial vehicles parked on the street. However, this will also enable authorized City personnel to issue Administrative Citations for vehicles that have been parked on private property where no signs have been posted and no order has been filed with law enforcement.

As stated in the proposed recommendation, it is the intent of the City to promote the health, safety and welfare of the public and enhance the physical condition of real property by modifying the language in the HMC to address these inconsistencies and limitations.

Fiscal Impact:

There is no fiscal impact associated with this ordinance amendment at this time.

**CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AMENDING MUNICIPAL CODE CHAPTER 8 – HEALTH AND SAFETY,
CHAPTER 10 – VEHICLES AND TRAFFIC AND CHAPTER 17 – ZONING**

WHEREAS, the City Council of the City of Hughson previously added Chapter 8, pertaining to the provision of health and safety for the public, Chapter 10, pertaining to the movement of traffic through the city, and Chapter 17, pertaining to the provision of Zoning, to the Hughson Municipal Code; and

WHEREAS, the City of Hughson desires to amend Chapter 8 and Chapter 17 to reinstate the definition of household pets and correct references made obsolete by the adoption of Ordinance 2013-04; and

WHEREAS, the City of Hughson desires to amend Chapter 8.26 – Property Maintenance, to include new terms and quantity limitations and expand compliance area on a property in order to provide for the health and welfare of the public and prevent economic deterioration; and

WHEREAS, the City of Hughson desires to amend Chapter 10 to revise verbiage pertaining to penalties associated with violations of the commercial vehicle parking section; and

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to promote the health, safety and welfare of the citizens of the city.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF HUGHSON DOES
ORDAIN AS FOLLOWS:**

Section 1. Chapter 8.08.010 – Definitions, is amended to add subsection (D) which reads as follows:

D. “Household pets” means animals permitted in the house and kept for company or pleasure such as: dogs, cats, domesticated small animals such as hamsters and guinea pigs, and birds, not including a sufficient number to constitute a kennel, as defined in Section 6.08.080. Household pets shall not include cows, horses, goats, hogs, sheep, chickens, or other farm or exotic animals.

Section 2. Chapter 8.08.035 – Animals as a nuisance, is amended to read as follows:

“8.08.035 Animals as a nuisance. No person, whether as owner or occupant, shall permit animals, except household pets as defined in this chapter, to reside, be placed on, located on or in structures which are residential in nature. Animals which are not household pets as defined in this chapter and which are located in or on such residential property or structures in the city threaten the health, welfare and safety of the citizens of the city as a sanitation hazard and therefore are a public nuisance and may be abated as provided in this chapter.”

Section 3. Chapter 17.02.008 – Residential zones, is amended to read as follows:

“(A)(3). Animals. No person, whether owner or occupant, shall permit animals, except as allowed in this chapter, to reside, be placed on, located on property or in structures which are subject to this section, except as otherwise provided in this section.”

Section 4. Chapter 17.02.012 – Commercial zones, is amended to read as follows:

“(A)(3). Animals. No person, whether owner or occupant, shall permit animals, except household pets as defined in Chapter 8.08 HMC, to reside, be placed on, located on property or in structures which are subject to this title.”

Section 5. Chapter 17.02.020 – Public use zones, is amended to read as follows:

“(A)(2). Animals. No person, whether owner or occupant, shall permit animals, except household pets as defined in Chapter 8.08 HMC, to reside, be placed on, located on property or in structures which are subject to this section, except as otherwise provided in this section.”

Section 6. Chapter 8.26.020 – Definitions, is amended to read as follows:

““Debris” means the same as rubbish or refuse.”

““Junk” means any cast-off, damaged, discarded, junked, salvaged, scrapped, worn out or wrecked object, thing or material including, but not limited to, those composed in whole or in part of asphalt, brick, carbon, cement, cardboard, plastic or other synthetic substance, fiber, glass, plaster, plaster of paris, rubber, terra cotta, wool, cotton cloth, canvas, wood metal, sand, organic matter (excluding compost not in public view), recyclable material, including, but not limited to, metals, glass or plastic, or other item with a redemption value, or any other item or material requiring reconditioning or rebuilding in order to be used for a new or original purpose.”

““Rubbish” means nonputrescible waste or any discarded or abandoned material, including but not limited to, ashes, tires, glass, paper, cardboard, rugs, plastic and construction debris.”

““Vehicle storage yard” means any location consisting of parcel(s) or lot(s) where two or more vehicles (as defined by Section 670 CVC and excluding those of historical or special interest value as defined under Sections 5004 and 5051 CVC), or vessels (as defined by Section 651 of the Harbors and Navigation Code), or combinations of both, which are disabled, under repair or restoration, and/or vehicles or vessels which are not currently registered with the State Department of Motor Vehicles are stored. For purposes of this section, a vessel and a trailer designed to carry a vessel that are used together as one unit shall count as one vehicle or vessel.”

Section 7. Chapter 8.26.050 – Property maintenance standards and unlawful conditions, is amended to read as follows:

“8.26.050 Property maintenance standards and unlawful conditions.

It is unlawful, and a public nuisance, for any responsible person to maintain or allow to be maintained, permit or cause the property, including adjacent parkways, sidewalks or streets to be maintained with any of the following conditions:

- A. The exterior accumulation of weeds as defined in Chapter 8.08 HMC, or dirt on the property to such an extent that it constitutes visual blight .
- B. The exterior accumulation of refuse, as defined in Chapter 8.12 HMC, rubbish or debris.
- C. The exterior accumulation of more than one hundred twenty square feet of junk, except as otherwise provided under Chapter 17.02 HMC, provided that no junk shall be visible from the street, sidewalk or public right of way.
- D. Neglected or inadequately maintained landscaping, trees, hedges, lawns, shrubs, plants or other vegetation which:
 - 1. Is dead, decayed, diseased, debris laden, weed infested, overgrown or dying as a result of physical damage, disease, pest infestation or lack of water
 - 2. Is overgrown as to be blighted or likely to harbor rats or vermin;
 - 3. Could create a fire hazard or is otherwise dangerous to the public health, safety and welfare;
 - 4. Interferes with or impedes the flow of traffic, whether vehicular or pedestrian or obstructs visibility on streets, intersections, sidewalks, or other public rights-of-way; or
 - 5. Creates a blighted appearance due to lack of water, provided, however, that the provision as to dead or dying vegetation due to lack of water shall not be enforced during a drought, as determined by the city. For purposes of this subdivision, a lawn

area shall be deemed overgrown if 50 percent or more of its area exceeds six inches in height.

E. The removal or failure to maintain in good condition any fencing required as a condition of any permit or development approval or included in the project plans or application, as approved by the city, including, but not limited to, those fences which abut major thoroughfares, sound walls or those fences required by a use permit. In addition, any required fence must be maintained consistent with and/or match the materials used when the fence was originally constructed.

F. Buildings, windows, walls, fences, trash enclosures, parking areas, or other structures, which are:

1. Significantly cracked or broken, fallen, decayed, dry rotted, warped, deteriorated, defective, defaced, in disrepair or missing components, or which either (a) threaten structural integrity, or (b) results in a dilapidated, decaying, disfigured, or partially ruined appearance to such an extent that they contribute to blight or threaten the public health, safety or welfare;

2. Fences which are leaning or listing more than 15 degrees from perpendicular or are in danger of collapse due to the elements, pest infestation, dry rot, lack of maintenance, or other damage;

3. Poorly maintained so as to become so defective, blighted, or in such condition of deterioration or disrepair that the same causes depreciation of the values of surrounding property or is materially detrimental to nearby properties and improvements.

G. The existence of indoor plumbing fixtures (including, but not limited to toilets or sinks), appliances or furniture, excluding lawn and patio furniture.

H. Attractive nuisances dangerous to children, including, but not limited to:

1. Abandoned and broken equipment, vehicles, furniture, appliances, or neglected machinery;

2. Improperly fenced, unsanitary or otherwise hazardous pools, ponds and excavations.

I. Lumber or other building materials which have been present on the property for more than 180 days, (excluding firewood that has been stacked out of public view or materials for a construction project on the property with a current valid permit) or other salvage materials (including, but not limited to, auto parts, pipe, scrap metals, tires, concrete, bricks, cans, bottles and plastic materials).

J. Broken windows or missing doors constituting blighted or hazardous conditions or which invite trespassers and malicious mischief.

K. Property otherwise maintained in such a blighted condition, or in such condition of deterioration or disrepair that the same causes appreciable diminution of the property values of surrounding properties or is materially detrimental to proximal properties and improvements.

L. The existence of a vehicle storage yard, except as otherwise provided under Chapter 17.02 HMC.

In addition to any other remedy provided by law, the provisions of this section may be enforced in accordance with any of the procedures set forth in this code or state law.”

Section 8. Chapter 10.32.290 – Commercial vehicle parking, is amended to read as follows:

“A. For the purposes of this section, “commercial vehicle” means and includes any vehicle designed to be used as a tractor, which has two or more axles, and has a fifth wheel, and a manufacturer’s gross vehicle weight of 10,000 pounds or more, and any trailer or semitrailer designed to be drawn by such vehicle.

B. The following prohibitions apply:

1. No person, whether as owner or occupant, shall permit any commercial vehicle to be stopped, parked or left standing, within any residential zoning district, on private property, at any time.

2. No commercial vehicle shall be stopped, parked or left standing, within any residential zoning district, on any street or public property, at any time .

3. No commercial vehicle shall be stopped, parked or left standing, within any nonresidential zoning district, on any street, for longer than one hour total within any 24-hour period.

C. Any commercial vehicle stopped, parked or left standing in violation of this section, when signs are posted giving notice of removal, may be removed and stored at said vehicle owner’s expense. The removal and storage of any commercial vehicle stopped, parked or left standing in violation of this section shall be carried out pursuant to Section 22850 et seq. of the Vehicle Code.

D. Any owner of real property in a residential zone, who violates the provisions of this section, shall be guilty of an infraction and is punishable pursuant to Chapter 1.12 HMC.

E. Any person, whether owner or operator of a commercial vehicle, who violates the provisions of this section, shall be guilty of an infraction and shall be subject to the following:

1. A fine of \$105.00 for a first violation;

2. A fine of \$205.00 for a second violation occurring within one year of the first violation which resulted in a conviction;

3. A fine of \$255.00 for a third or any subsequent violations occurring within one year of two or more prior violations which resulted in convictions.

F. The application of the provisions of subsection D and E of this section shall not be held to prevent the removal of a commercial vehicle pursuant to subsection C of this section.

G. The provisions of this section shall not apply to vehicles of a public utility when such vehicles are being used in connection with the operation, maintenance or repair of facilities of the public utility or being used in connection with providing public utility service, or to any commercial vehicle making pickups or deliveries of goods, wares or merchandise from or to a building or structure located on a restricted street or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon a restricted street for which a building permit has previously been obtained.”

Section 9. This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 10. If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The city council hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof.

Section 11. This ordinance shall become effective thirty (30) days after its final passage.

Section 12. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be posted in full accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council of the City of Hughson held on July 13, 2015, and by a unanimous vote of the council members present, further reading was waived.

On motion of councilperson _____, seconded by councilperson _____, the second reading of the foregoing ordinance was waived and this ordinance was duly passed by the City Council of the Hughson City Council at a regular meeting thereof held on July 27, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 3.8 SECTION 3: CONSENT CALENDAR

Meeting Date: July 27, 2015
Subject: Approval of the Treasurer's Report: Investment Portfolio Report – May 2015
Presented By: John Padilla, City Treasurer
Approved By: _____

Staff Recommendation:

Review and approve the City of Hughson Treasurer's Report: Investment Portfolio Report for May 2015.

Summary:

The City Treasurer is required to review the City's investment practices and approve the monthly Treasurer's report. Enclosed is a summary of the City of Hughson's Investment Portfolio for May 2015 and is provided as a supplementary document to the monthly Treasurer's report. As of May 2015, the City of Hughson's investment total is \$2,568,743.93 and has a total cash and investment balance of \$12,624,727.02. All investment actions executed since the last report have been made in full compliance of the City of Hughson's Investment Policy. The City of Hughson meets its expenditure obligations for the next six months as required by California Government Code Section 53646 (b) (2) and (3) respectively.

Background and Overview:

The Investment Portfolio Report is intended to provide supplementary documentation of the City of Hughson's investment practices. According to the City of Hughson's Investment Policy, the City Treasurer shall submit to the City Council a quarterly investment report containing a complete description of the portfolio, the type of investments, the issuers, maturity dates, par and dollar values, and the current market values of each component of the portfolio. It is the goal of the City Treasurer however, to provide the investment report on a monthly basis as a supplement to the Treasurer's Report. Furthermore, when dealing with investment activities, the City of Hughson primary objectives, in order of priority, are safety, liquidity, and return on investments.

**City of Hughson
Portfolio of Investments
May 2015**

	MONEY MARKET	GENERAL	REDEVELOPMENT*	TOTAL
Bank Statement Totals	\$ 9,828,896.32	\$ 358,546.28	\$ 206,385.34	\$ 10,393,827.94
Adjustment-Direct Deposit Payroll		\$ -		\$ -
Outstanding Deposits +	\$ -			\$ -
Outstanding Checks/transfers -	\$ 21,688.93	\$ (359,533.78)	\$ -	\$ (337,844.85)
ADJUSTED TOTAL	\$ 9,850,585.25	\$ (987.50)	\$ 206,385.34	\$ 10,055,983.09
Investments: Various				\$ 1,038,226.80
Multi-Bank WWTP				\$ 1,451,799.92
Investments: L.A.I.F.		\$ 39,421.29	\$ 39,295.92	\$ 78,717.21
Total Investments				\$ 2,568,743.93
Total Cash & Investments				\$ 12,624,727.02

All investment actions executed since the last report have been made in full compliance with the Investment Policy. The City of Hughson will meet its expenditure obligations for the next six months as required by California Government Code Section 53646 (b)(2) and (3) respectively.

Breakdown of Investments

Investments: Various - ***850								
Description	Maturity Dates	Quantity	Opening Balance	Closing Balance	Interest Accrued	% of Portfolio		
Cash, Money, Funds, and Bank Deposits:			\$ 6,545,540.00	\$ 10,676.31	\$ -	1.03%		
Total:			\$ 6,545,540.00	\$ 10,676.31	\$ -			
Fixed Income (Certificate of Deposits)	Maturity Dates	Months til Maturity	Quantity	Market Price	Market Value	Interest Accrued	Rate of Return	% of Portfolio
GE Money BK Draper Utah INSTL CTF DEP	10/08/10 - 10/08/15	= 3 mo.	\$ 75,000.000	\$ 100.5870	\$ 75,440.25	\$ 217.81	2.000%	7.25%
BMW BK North Amer Salt Lake City Utah	11/12/10 - 11/12/15	= 5 mo.	\$ 100,000.000	\$ 100.7360	\$ 100,736.00	\$ 104.11	2.000%	9.67%
Ally Bank Midvalue Utah CTF DEP ACT/365	02/04/11 - 02/04/16	= 7 mo.	\$ 70,000.000	\$ 101.1280	\$ 70,789.60	\$ 444.93	2.000%	6.80%
GE Cap Finl Inc Retail CTF DEP	09/30/11 - 09/30/16	= 14 mo.	\$ 115,000.000	\$ 101.8220	\$ 117,095.30	\$ 390.68	2.000%	11.25%
Goldman Sachs BK USA New York CTF DEP DTD	11/16/11 - 11/16/16	= 16 mo.	\$ 53,000.000	\$ 102.0320	\$ 54,076.96	\$ 44.65	2.050%	5.19%
Discover BK Greenwood Del	05/02/12 - 05/02/17	= 21 mo.	\$ 110,000.000	\$ 101.4890	\$ 111,637.90	\$ 152.95	1.750%	10.72%
GE Cap Inc Retail CTF Dep Program Book	05/04/12 - 05/04/17	= 21 mo.	\$ 100,000.000	\$ 101.6800	\$ 101,680.00	\$ 124.66	1.750%	9.77%
American Express Centurion BK CTF DEP	05/09/13 - 05/09/18	= 33 mo.	\$ 100,000.000	\$ 100.2900	\$ 100,290.00	\$ 59.86	1.150%	9.63%
Belmont SVGS BK Mass	11/13/14 - 11/13/18	= 40 mo.	\$ 27,000.000	\$ 101.1640	\$ 27,314.28	\$ 20.64	1.550%	2.62%
State BK India York NY	09/11/14 - 09/11/19	= 49 mo.	\$ 55,000.000	\$ 101.0180	\$ 55,559.90	\$ 262.42	2.150%	5.34%
American Express Fed SVGS BK CTF DEP	10/16/14 - 10/16/19	= 51 mo.	\$ 30,000.000	\$ 101.2790	\$ 30,383.70	\$ 79.52	2.150%	2.92%
Discover BK Greenwood Del CTF	10/16/14 - 10/16/19	= 51 mo.	\$ 100,000.000	\$ 101.2770	\$ 101,277.00	\$ 265.07	2.150%	9.73%
American Express Centurion BK CTF DEP	12/04/14 - 12/04/19	= 52 mo.	\$ 80,000.000	\$ 101.5870	\$ 84,269.60	\$ 858.30	2.200%	8.09%
Total CDs					\$ 1,030,550.49	\$ 3,025.60		98.97%
Total Investments: Various Holdings					\$ 1,041,226.80	\$ 3,025.60		100.00%
Total Portfolio Investment								40.53%

Multi-Bank WWTP - ***934								
Description	Maturity Dates	Quantity	Opening Balance	Closing Balance	Interest Accrued	% of Portfolio		
Cash, Money, Funds, and Bank Deposits:			\$ 8,351,940.00	\$ 11,117.84	\$ -	0.77%		
Total:			\$ 8,351,940.00	\$ 11,117.84	\$ -			
Fixed Income (Certificate of Deposits)	Maturity Dates	Months til Maturity	Quantity	Market Price	Market Value	Interest Accrued	Rate of Return	% of Portfolio
State BK India Chicago ILL CTF DEP	09/29/10 - 09/29/15	= 2 mo.	\$ 116,000.000	\$ 100.6290	\$ 116,729.64	\$ 450.49	2.250%	8.04%
BMW BK North Amer Salt Lake City Utah	11/26/10 - 11/25/15	= 4 mo.	\$ 75,000.000	\$ 100.8870	\$ 75,665.25	\$ 20.55	2.000%	5.21%
GE CAP Finl Inc Retail CTF DEP	09/30/11 - 03/30/16	= 8 mo.	\$ 31,000.000	\$ 101.8220	\$ 31,564.82	\$ 105.32	2.000%	2.17%
Goldman Sachs BK USA New York CTF DEP DTD	11/23/11 - 11/23/16	= 16 mo.	\$ 107,000.000	\$ 102.0530	\$ 109,196.71	\$ 48.08	2.050%	7.52%
Discover BK Greenwood DEL	05/08/13 - 05/08/18	= 34 mo.	\$ 40,000.000	\$ 100.2920	\$ 40,116.80	\$ 28.99	1.150%	2.76%
American Express Centurion BK CTF DEP	05/09/13 - 05/09/18	= 34 mo.	\$ 57,000.000	\$ 100.2900	\$ 57,165.30	\$ 34.12	1.150%	3.94%
Firstbank P R Santuice	05/10/13 - 05/10/18	= 34 mo.	\$ 250,000.000	\$ 100.2900	\$ 250,725.00	\$ 151.03	1.050%	17.27%
State BK India Chicago ILL CTF DEP	12/18/13 - 12/18/18	= 41 mo.	\$ 25,000.000	\$ 101.7770	\$ 25,444.25	\$ 230.27	2.050%	1.75%
GE CAP Retail BK Draper Utah Instl	01/10/14 - 01/10/19	= 42 mo.	\$ 95,000.000	\$ 101.6870	\$ 96,602.65	\$ 697.27	1.900%	6.65%
First Sentry BK Inc Huntington West VA	03/08/13 - 03/08/19	= 44 mo.	\$ 46,000.000	\$ 98.5010	\$ 45,310.46	\$ 33.33	1.150%	3.12%
GE CAP Retail BK Draper Utah Instl	03/21/14 - 03/21/19	= 44 mo.	\$ 80,000.000	\$ 101.5650	\$ 81,252.00	\$ 299.18	1.950%	5.60%
JP Morgan Chase BK NA Columbus Ohio CTF	04/30/15 - 04/30/19	= 45 mo.	\$ 100,000.000	\$ 100.2700	\$ 100,270.00	\$ 4.11	1.500%	6.91%
Barclays BK Del Wilmington CTF DEP	05/28/14 - 05/28/19	= 46 mo.	\$ 40,000.000	\$ 100.2810	\$ 40,112.40	\$ -	0.000%	2.76%
Goldman Sachs BK USA New York CTF UT CTF DEP	06/04/14 - 06/04/19	= 47 mo.	\$ 80,000.000	\$ 101.1340	\$ 80,907.20	\$ 780.27	2.000%	5.57%
Sallie Mae BK Salt Lake City UT CTF DEP	10/08/14 - 10/08/19	= 51 mo.	\$ 50,000.000	\$ 101.3450	\$ 50,672.50	\$ 156.10	2.150%	3.49%
State BK India Chicago ILL	10/14/14 - 10/15/19	= 51 mo.	\$ 54,000.000	\$ 101.3240	\$ 54,714.96	\$ 146.02	2.100%	3.77%
Sallie Mae BK Salt Lake City UT CTF DEP	10/22/14 - 10/22/19	= 51 mo.	\$ 83,000.000	\$ 101.2580	\$ 84,044.14	\$ 190.67	2.100%	5.79%
Wells Fargo BK N A San Francisco Calif	04/30/15 - 04/30/20	= 57 mo.	\$ 100,000.000	\$ 100.188	\$ 100,188.00	\$ 106.16	1.250%	6.90%
Total CDs			\$ 1,429,000.000	\$ 1,815.5930	\$ 1,440,682.08	\$ 3,481.96		99.23%
Total Multi-Bank WWTP Holdings					\$ 1,451,799.92	\$ 3,481.96		100.00%
Total Portfolio Investment								56.52%

L.A.I.F. Investments					
Account #	Quarter End Principal Balance as of 04/15/2015	Quarterly Interest Earned as of 04/15/2015	Interest Rate	Total	% of Investment
****375	\$ 39,396.02	\$ 25.27	0.26%	\$ 39,421.29	50.08%
****005	\$ 39,270.74	\$ 25.18	0.26%	\$ 39,295.92	49.92%
Total L.A.I.F. Investments Holdings				\$ 78,717.21	100.00%
Total Portfolio Investment					3.06%

According to Michael DeGeeter, the City's MBS Account Executive, the City of Hughson utilizes a 5 year Certificate Deposit (CD) laddering approach for its investment practices. This approach layers various CDs depending on interest rates and timing, which allows for reduced portfolio rates and a continuous stream of maturity dates. Mr. DeGeeter states that this CD approach has always spread positively for the City of Hughson and has had the highest yield of any spread thus far.

Enclosed is the City of Hughson's Treasurer's Report: Investment Portfolio Report for May 2015 along with supplementary graphs depicting the percentage of the City's portfolio of investments. After review and evaluation of the report, City staff submits the following detailed explanation for investments displaying significant variances:

Rate of Return and Debt Repayment

The rate of return for each investment has been included per City Council's request. Because each investment has a unique period of return, each corresponding rate of return reflects the time when they were purchased. Furthermore, City Staff is currently developing information regarding the use of investment generated income for outstanding debt payment. Upon further information and analysis regarding the City's investments and their relation to the City's various debts, City Staff will report to Council the subsequent findings.

L.A.I.F. Investments

The reported Local Agency Investment Fund (L.A.I.F.) investments reflect the City's most current balance statement as of May 15, 2015. The two L.A.I.F. accounts share a combined balance of \$78,718.21, comprising of only 3.08% of the City's total portfolio of investments. L.A.I.F. investments are reported on a quarterly basis. City Staff will continue to report the most recent L.A.I.F. investments and will proceed to update the funds on a quarterly basis.

Fiscal Impact:

As of May 2015, the total investments balance for the City of Hughson is \$2,568,743.93 accounting for 20.34% of the City's total cash and investments. The total cash and investment amount is \$12,624,727.02. Of the amounts invested, 4.53% is invested in Cash, Money, Funds, and Bank Deposits, 2.93% is invested in L.A.I.F. investments, and 92.55% is invested in Certificate Deposits. As the year progresses and market values and interest rates increase, City Staff will continue to monitor and report the City of Hughson's investment practices.



CITY OF HUGHSON AGENDA ITEM NO. 3.9 SECTION 3: CONSENT CALENDAR

Meeting Date: July 27, 2015
Subject: Approval of the Treasurer's Reports – May 2015
Presented By: John Padilla, City Treasurer

Approved By: _____

Staff Recommendation:

Review and approve the City of Hughson Treasurer's Report for May 2015.

Summary:

The City Treasurer is required to review the City's investment practices and approve the monthly Treasurer's report. Enclosed is the City of Hughson's Treasurer's Report for May 2015. As of May 2015, the City of Hughson's total cash and investment balance is \$12,624,727.02 and is in compliance with the City's investment policy. The City has sufficient cash flow to meet the City's expected expenditures for the next six months.

Background and Overview:

The Treasurer report for May 2015 reflects the most current representation of the City's funds and investments and provides a necessary outlook for both past, present, and future investment and spending habits. While investments and funds differ from time to time, it is the goal of the City to maintain safety and stability with its funds, while additionally promoting prudence and growth.

Enclosed is the City of Hughson Treasurer's Report for May 2015 along with supplementary graphs depicting the percentage of the City's total funds, a breakdown of the May 2015 Developer Impact Fees, and an additional line plot graph further demonstrating the Developer Impact Fees. This graph depicts the Developer Impact Fees' actual balance for the past five years, and continues with a projection based on the average rate of change for each fund over the next few years. After review and evaluation of the report, City staff has researched funds with a significant deficit balance and submit the following detailed explanation:

Public Facilities Development Streets Fund:

The Public Facilities Development Streets Fund currently reflects a negative balance of (\$230,278.67), reflecting a positive difference of \$293,929.38 or a 56.07% increase from the previous year. 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 (\$314,750.52), reflecting a positive difference of \$214,037.71 or a 40.48% increase from the previous year. 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. The Project Cost of the Water Tower Project was \$2,400,000. 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 unanticipated settlement costs.

Based on a staff review of 2012 Water Development and Street funds, the City would need development in the Feathers Glen (42 units) and Euclid South (69 units) subdivisions, or about 110 units to be built to see a positive balance in the Water and Street Development funds. These units reflect the areas that are most likely to see development. Currently, 19 units have been developed in the remaining lots of the Fontana Ranch North subdivision, 10 of which are pending final status.

Transportation Capital Project and CDBG Public Works Street Projects Fund:

The Transportation Capital Project Fund currently reflects a negative balance of (\$305,004.85), reflecting a positive difference of \$14,740.50 or a 5.08% increase from the previous year. The CDBG Public Works Street Project Fund currently reflects a negative balance of (\$216,571.27) reflecting negative difference of (\$143,103.34) or a 194.78% decrease from the previous year. The City currently has 4th and 5th Street projects that are complete. While the 4th Street project has been reimbursed, 5th Street project's reimbursement remains pendant. Reimbursement for both infill projects are from CMAQ (Congestion Mitigation Air Quality) and CDBG (Community Development Block Grant) funds.

Fiscal Impact:

As of May 2015, the total cash and investments balance for the City of Hughson is

\$12,624,727.02. This compares to May 2014's total cash and investments balance of \$9,841,821.72, demonstrating a \$2,782,905.30 or a 28.28% increase.

City of Hughson Treasurer's Report May 2015				
	MONEY MARKET	GENERAL	REDEVELOPM ENT**	TOTAL
Bank Statement Totals	\$ 9,828,896.32	\$ 358,546.28	\$ 206,385.34	\$ 10,393,827.94
Adjustment-Direct Deposit Payroll		\$ -		\$ -
Outstanding Deposits +	\$ -		\$ -	\$ -
Outstanding Checks/transfers -	\$ 21,688.93	\$ (359,533.78)	\$ -	\$ (337,844.85)
ADJUSTED TOTAL	\$ 9,850,585.25	\$ (987.50)	\$ 206,385.34	\$ 10,055,983.09
Investments: Various				\$ 1,038,226.80
Multi-Bank WWTP				\$ 1,451,799.92
Investments: L.A.I.F.		\$ 39,421.29	\$ 39,295.92	\$ 78,717.21
TOTAL CASH & INVESTMENTS				\$ 12,624,727.02
Books - All Funds	May 2014	May 2015	Difference	
2 Water/Sewer Deposit	35,963.77	55,363.21	19,399.44	
8 Vehicle Abatement	14,571.30	12,501.56	-2,069.74	
11 Traffic Congestion Fund	97,908.60	135,793.34	37,884.74	
13 Redevelopment - Debt Service	36,349.86	145,046.93	181,396.79	
17 Federal Officer Grant	6,620.00	6,620.00	0.00	
18 Public Safety Realignment	17,871.85	28,476.76	10,604.91	
19 Asset Forfeiture	6,995.43	6,995.43	0.00	
25 Gas Tax 2106	-4,671.82	-9,180.49	-13,852.31	
30 Gas Tax 2107	13,608.32	18,298.09	4,689.77	
31 Gas Tax 2105	4,185.32	38,163.26	33,977.94	
35 Gas Tax 2107.5	5,422.14	2,672.14	-2,750.00	
40 General Fund	759,281.15	1,568,114.32	2,327,395.47	
401 General Fund Contingency Reserve	672,924.80	674,358.71	1,433.91	
43 Trench Cut	75,465.40	75,728.20	262.80	
48 Senior Community Center	12,621.10	9,814.23	-2,806.87	
49 IT Reserve	46,976.41	69,692.31	116,668.72	
50 U.S.F. Resource Com. Center	-2,381.17	690.60	3,071.77	
51 Self-Insurance	73,703.49	73,703.49	0.00	
53 SLESF (Supplemental Law Enforcement Services Fund)	28,869.31	2,806.67	-26,062.64	
54 Park Project	441,824.15	547,223.58	989,047.73	
60 Sewer O & M	2,099,994.83	2,230,354.87	130,360.04	
61 Sewer Fixed Asset Replacement	2,221,112.25	2,672,891.89	451,779.64	
66 WWTP Expansion 2008	197,926.33	8,144.71	-189,781.62	
69 LTF Non Motoriz	0.00	5,208.00	5,208.00	
70 Local Transportation	173,786.80	135,675.63	-38,111.17	
71 Transportation	-290,264.35	-305,004.85	-14,740.50	
100/200 LLD's and BAD's	144,898.17	187,408.40	42,510.23	
80 Water O & M	239,570.83	280,943.30	520,514.13	
82 Water Fixed Asset Replacement	472,076.41	681,281.59	209,205.18	
88 PW CDBG Street Project	-73,467.93	-216,571.27	-143,103.34	
80 Water Reserve-USDA GRANT	21,524.50	21,524.50	0.00	
90 Garbage/Refuse	65,146.30	110,730.31	175,876.61	
91 Misc. Grants	0.00	0.00	0.00	
92 98-EDBG-605 Small Bus. Loans	93,595.60	93,595.60	0.00	
94 96-EDBG-438 Grant	403.43	403.43	0.00	
95 94-STBG-799 Grant	158,503.35	159,868.43	318,371.78	
96 HOME Program Grant (FTHB)	35,041.19	35,041.19	0.00	
97 96-STBG-1013 Grant	136,188.40	195,380.01	59,191.61	
98 HOME Rehabilitation Fund	0.00	40,000.00	40,000.00	
Developer Impact Fees ***	1,801,676.20	2,824,968.94	4,626,645.14	
TOTAL ALL FUNDS:	9,841,821.72	12,624,727.02	2,782,905.30	
Break Down of Impact Fees ***				
10 Storm Drain	236,891.45	360,578.55	597,470.00	
20 Community Enhancement	87,220.07	99,742.30	12,522.23	
41 Public Facilities Development	1,566,026.55	1,427,094.24	-138,932.31	
42 Public Facilities Development-Streets	-524,208.05	-230,278.67	293,929.38	
55 Parks DIF	33,612.78	411,937.73	445,550.51	
62 Sewer Developer Impact Fees	930,921.63	1,070,645.31	139,723.68	
81 Water Developer Impact Fees	-528,788.23	-314,750.52	214,037.71	
Break Down of Impact Fees ***	1,801,676.20	2,824,968.94	1,023,292.74	
John Padilla, Treasurer			Date	

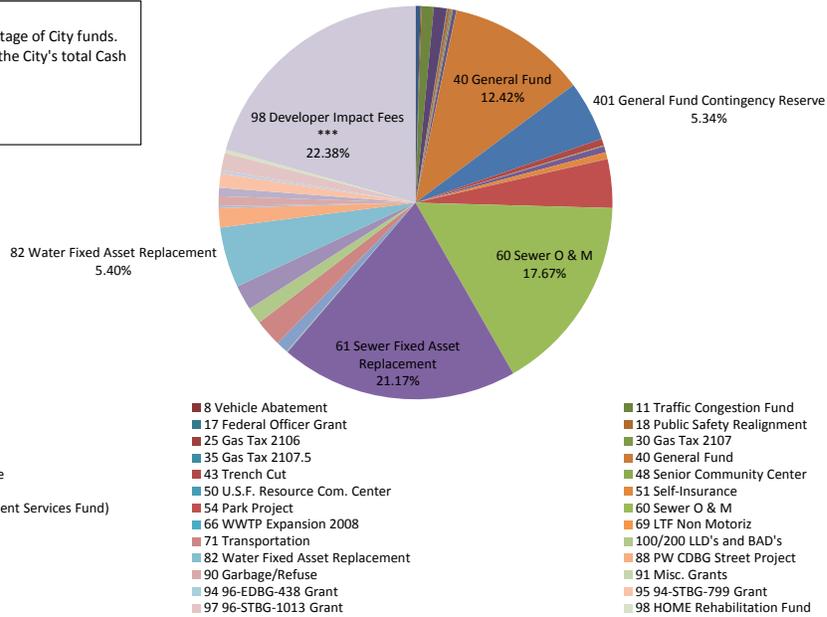
I hereby certify that the investment activity for this reporting period conforms with the Investment Policy adopted by the Hughson City Council, and the California Government Code Section 53601. I also certify that there are adequate funds available to meet the City of Hughson's budgeted and actual expenditures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

Treasurer's Report - Charts and Graphs

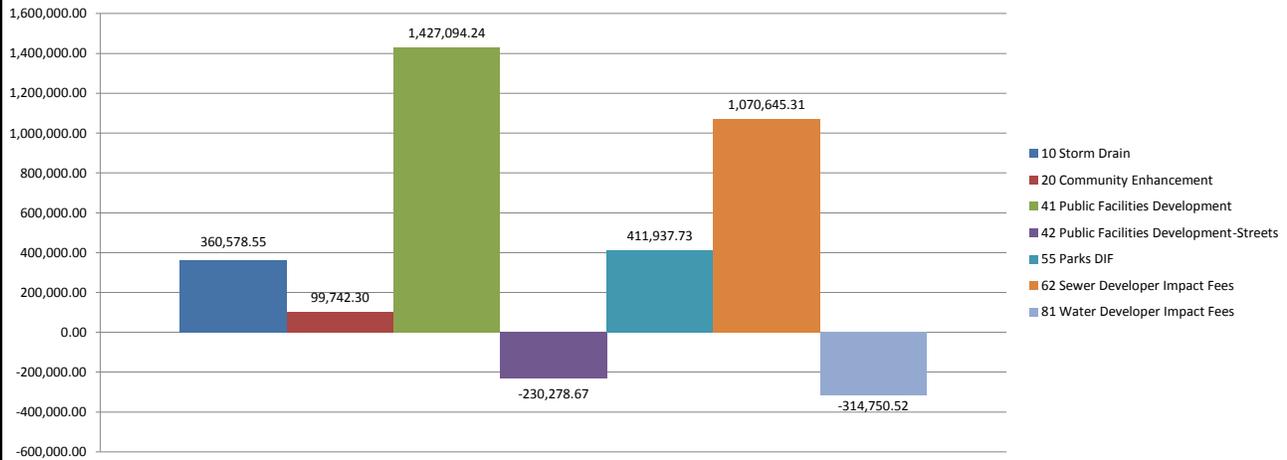
May 2015

Percentage of all Funds for May 2015

Note:
Data displayed represents largest percentage of City funds.
All other funds represent less than 5% of the City's total Cash and Investments.

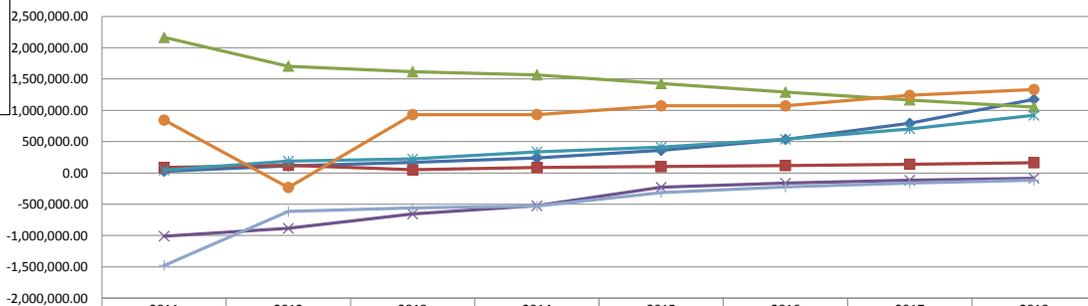


May 2015 Breakdown of Developer Impact Fees



Note:
Calculated estimations are based on each fund's average annual rate of change.

5 Year Trend & Estimate for Developer Impact Fees for the Month of May



Fund Number	Fund Name	2011	2012	2013	2014	2015	2016	2017	2018
10	Storm Drain	25,087.87	110,860.91	169,403.18	236,891.45	360,578.55	534,687.95	792,868.01	1,175,713.22
20	Community Enhancement	86,686.94	121,471.78	49,639.77	87,220.07	99,742.30	117,460.35	138,325.81	162,897.77
41	Public Facilities Development	2,163,806.27	1,704,881.76	1,614,301.98	1,566,026.55	1,427,094.24	1,290,149.48	1,166,346.01	1,054,422.79
42	Public Facilities Development-Streets	-1,009,891.43	-883,949.33	-655,477.33	-524,208.05	-230,278.67	(164,410.20)	(117,382.62)	(83,806.72)
55	Parks DIF	44,850.79	187,683.97	222,216.16	336,123.78	411,937.73	538,559.57	704,102.57	920,530.34
62	Sewer Developer Impact Fees	842,971.83	-232,631.35	929,632.36	930,921.63	1,070,645.31	1,070,646.39	1,238,966.90	1,332,805.40
81	Water Developer Impact Fees	-1,476,158.50	-616,641.91	-559,830.40	-528,788.23	-314,750.52	(225,470.30)	(161,514.77)	(115,700.47)



CITY OF HUGHSON AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date: July 27, 2015
Subject: Consideration to Adopt Resolution No. 2015-23, Awarding the Hughson Avenue Improvement Project to McFadden Construction, Inc. in the Amount of \$131,975 and Authorizing a 10% Construction Contingency as well as a 10% Set-aside for Construction Testing and Inspections
Enclosures: Resolution No. 2015-23
Presented By: Jaylen French, Community Development Director
Approved By: _____

Recommendation:

Adopt Resolution No. 2015-23, awarding the Hughson Avenue Improvement Project to McFadden Construction, Inc. in the amount of \$131,975 and authorizing a 10% construction contingency as well as a 10% set-aside for construction testing and inspections.

Background and Overview:

Five sealed bids were received for the Hughson Avenue Improvement Project. The project will repave Hughson Avenue easterly of 7th Street and include the addition sidewalks and other appurtenances. The bids are as follows:

1. McFadden Construction, Inc.	\$131,975.00
2. Rolfe Construction, Inc.	\$144,934.50
3. MHK Construction	\$175,500.66
4. George Reed, Inc.	\$176,511.00
5. Hensley's Paving and General Engineering	\$184,036.00

The engineer's estimate for the project was \$135,000. The award of the contract is to the lowest 'responsible' bid. The low bid has been analyzed and was determined to meet the City of Hughson's request for the project; and has thus been considered 'responsible'.

Contract documents specify that the contractor is to commence work within 10 days after the Notice to Proceed (NTP) and will complete the work within 45 days. City staff is currently coordinating with the contractor and the Hughson Unified School District to determine the best available time to complete the project. The project is located at the entrance to Hughson High School to every effort will be made to minimize the impact to school activities.

Fiscal Impact:

Monies for this project are available through the Community Development Block Grant (CDBG) fund and have been included in the City's adopted Fiscal Year 2015-2016 Preliminary Budget. City staff is requesting a 10% for construction contingency and 10% set-aside for construction testing and inspection for a total project cost of \$158,370.

CITY COUNCIL
CITY OF HUGHSON
RESOLUTION NO. 2015-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON AWARDING THE HUGHSON AVENUE IMPROVEMENT PROJECT TO LOW BIDDER MCFADDEN CONSTRUCTION, INC. IN THE AMOUNT OF \$131,975.00 AND AUTHORIZING A 10% CONSTRUCTION CONTINGENCY AS WELL AS A 10% SET-ASIDE FOR CONSTRUCTION TESTING AND INSPECTION

WHEREAS, the Hughson Avenue Improvement Project was competitively bid pursuant to Public Contract Code §22032(b); and

WHEREAS, bids were opened on June 19, 2015 and the responsible low bidder was McFadden Construction, Inc. with a bid of \$131,975.00; and

WHEREAS, funding for the project is available through Community Development Block Grant (CDBG) funds and has been included in the City of Hughson Fiscal Year 2015-2016 Preliminary Budget; and

WHEREAS, a 10% construction contingency as well as a 10% construction testing and inspection set-aside is needed for the project budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hughson does hereby award the Hughson Avenue Improvement Project to low bidder McFadden Construction, Inc. in the amount of \$131,975.00 and authorizes a 10% construction contingency as well as a 10% set-aside for construction testing and inspection.

PASSED AND ADOPTED by the City Council of the City of Hughson at its regularly scheduled meeting on this 27th day of July 2015 by the following roll call vote:

AYES: .

NOES: .

ABSTENTIONS: .

ABSENT:

MATT BEEKMAN, Chair

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk