



**HUGHSON CITY COUNCIL and**  
**HUGHSON REDEVELOPMENT AGENCY BOARD**

**MINUTES**

**JULY 25, 2011**  
**REGULAR SESSION 7:00 P.M.**

Council Chambers  
7018 Pine Street, Hughson CA  
City Hall

July 25, 2011  
Regular Scheduled Meeting

**CALL TO ORDER:**

**ROLL CALL:**

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

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

**PLEDGE OF ALLEGIANCE:** Mayor Bawanan

**INVOCATION:** Mayor Bawanan

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT**  
**NOTIFICATION FOR THE CITY OF HUGHSON**

This agenda shall be made available upon request in alternative formats to persons with a disability; as required by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132) and the Ralph M. Brown Act (California Government Code Section 54954.2).

**Disabled or Special needs Accommodation:** In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk's office at 209 883-4054. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

WAIVER WARNING

**Waiver Warning:** If you challenge a decision/direction of the City Council/Redevelopment Agency in court, you may be limited to raising only those issues you or someone else raised at a public hearing(s) described in this Agenda, or in written correspondence delivered to the City of Hughson at or prior to, the public hearing(s).

RULES FOR ADDRESSING CITY COUNCIL

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

PUBLIC COMMENT

Members of the Audience may address the City Council on any item of interest to the public pertaining to the City and may step to the podium, State their name and City of Residence for the record (requirement of Name and City of Residence is optional) and make their presentation. Please limit presentations to five minutes. Since the City Council cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern, which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

1) CONSENT CALENDAR:

All items are approved by a single action. A member of the Public, Staff, or the City Council may remove any of the items from the Consent Calendar for discussion.

- a) Approval of the Warrants for the Month of July 2011.  
(CC/RDA) Whiteside
- b) Adoption of Resolution No. 2011-058, Ratifying the Safe Routes to Schools Grant Application in the amount of \$377,883 for Curb, Gutter, and Sidewalk along 5<sup>th</sup> Street between Fox and Hughson Avenue and along South 4<sup>th</sup> Street near Hughson Elementary School.  
(CC) Whitemyer (Staff Report Included)
- c) Adoption of Resolution No. 2011-053, authorizing an additional expenditure of funds in the amount of \$10,000 for Change Orders needed to Complete the System Control and Data Acquisition system (SCADA) project performed by Telstar Instruments.  
(CC) Rush (Staff Report Included)

- d) Approval of Resolution No. 2011-057, authorizing the City Manager to execute Caltrans form Exhibit 13-B - Right of Way Certification Local Assistance Project.  
(CC)Whitemyer (Staff Report Included)

**Silva/ Beekman 5-0-0-0 motion passes to approve Consent Calendar Items (a), (b), (c), and (d).**

2) **PRESENTATIONS:**

No Presentations are scheduled.

**CITY BUSINESS – CONSIDER THE FOLLOWING:**

- 3) Consider Resolution No. 2011-051, authorizing the Community Development Director as the Designated Signatory for the Submittal of an Application and any Related Documents to the California State Department of Housing and Community Development for Funding under the HOME Investment Partnerships Program.  
(CC) Clark (Staff Report Included)

**Carr/Beekman 5-0-0-0 motion passes to adopt Resolution No. 2011-051, authorizing the Community Development Director as the Designated Signatory for the Submittal of an Application and any Related Documents to the California State Department of Housing and Community Development for Funding under the HOME Investment Partnerships Program.**

- 4) Consider Resolution No. 2011-050, declaring the Intention to Levy and Collect Assessments for the City of Hughson's Landscaping and Lighting Districts and Benefit Assessment Districts for Fiscal Year 2011-2012.  
(CC) Whitemyer (Staff Report Included)

**Bawanan/Silva 5-0-0-0 motion passes to adopt Resolution No. 2011-050, declaring the Intentions of the City of Hughson to Levy and Collect Assessments for the City of Hughson's Landscaping and Lighting Districts and Benefit Assessment Districts for Fiscal Year 2011-2012, and setting a Public Hearing for Monday, August 8, 2011.**

- 5) Consider Resolution No. 2011-052, Authorizing the City Manager to Enter into a Memorandum Of Understanding with the Stanislaus Economic Development and Workforce Alliance for Assistance with Economic Development Services; and by minute order approve the Creation of Hughson Small Business Incubator with Direction to Staff to work with Alliance Staff and Legal Counsel to finalize Lease Agreements and other Draft Documents Needed for the Business Incubator and bring back to the full Council for Final approval.  
(CC) Whitemyer (Staff Report Included)

City Manager Whitemyer introduced and thanked Bill Bassitt, CEO of the Stanislaus County Alliance for being present at the meeting and working with the City to help develop a small business incubator within the community. The City and the Alliance goals are to assist and encourage new business in the City and help the current local businesses.

City Manager Whitemyer reviewed this Item with the Council, explaining the processes of establishing a building the small business incubator.

Bill Bassitt spoke to the Council about recently established business incubators, including an incubator established in the City of Oakdale. He also complimented the City for participating in establishing a business incubator and trying to help the businesses within the community.

Carr/Young 5-0-0-0 motion passes to adopt Resolution No. 2011-052, authorizing the City Manager to Enter into a Memorandum Of Understanding with the Stanislaus Economic Development and Workforce Alliance for Assistance with Economic Development Services.

Beekman/Silva 5-0-0-0 motion passes to approve by minute order the Creation of the Hughson Small Business Incubator and Direct Staff to work with Alliance Staff and Legal Counsel to finalize the Lease Agreements and other Draft Documents Needed for the Business Incubator and bring back to the full Council for Final approval.

PUBLIC HEARING

The Public Hearing process includes a staff presentation, a presentation by the applicant and public testimony (in favor, opposed & rebuttal). Following closure of the Public Hearing, the City Council will respond to questions raised during the hearing.

PUBLIC HEARING TO CONSIDER:

- 6) Adoption of Resolution No. 2011-048 increasing the rates of Waste Management Inc, for refuse, recyclables, yard waste, and transportation services.

Jennelle Bechthold with Waste Management, Inc, presented a rate review power point to the City Council and Public, reviewing their request to increase rates for refuse recyclables, yard waste, and transportation services. She also reviewed contract language in the current contract agreement between the City and Waste Management, Inc, explaining that the City may consider increases in the costs and fees deemed appropriate, including costs for fuel, taxes, CPI, or other special costs.

Waste Management is requesting CPI adjustments of 1.70% for 2011 and 1.79% for 2010, as well as a 2.27% for 2011 extraordinary fuel increase and 1.944% for 2010 extraordinary fuel increase. Waste Management also advised that the Stanislaus County Landfill tipping fee increased from \$30.00 to \$33.00 per ton in July 2009.

The Council deliberated further on this item, clarifying information with Waste Management regarding the services provided in the contract and information on what Waste Management has done to lower their costs in the current economy.

Mayor Bawanan opened the Public Hearing at 7:55 p.m.

One comment was made by on the recycling program the City currently offers. Resident did not give their name or address at the podium.

Mayor Bawanan closed the public hearing at 7:57 p.m.

The Council continued to deliberate on this item.

Young/Bawanan 2-3-0-0 (Beekman, Silva, and Carr- Naves) motion fails to approve Resolution No. 2011-048 increasing the rates of Waste Management Inc, for refuse, recyclables, yard waste, and transportation services.

**CORRESPONDENCE:**

No Correspondence was scheduled.

**CITY MANAGER REPORT:**

**CITY CLERK REPORT:**

**COMMUNITY DEVELOPMENT DIRECTOR REPORT:**

**DIRECTOR OF FINANCE REPORT:**

**POLICE SERVICES REPORT:**

**CITY ATTORNEY REPORT:**

Attorney Schroeder advises the Council that only one case was scheduled for Closed Session on Item 7(A). Staff will correct this Item.

**CITY COUNCIL MEMBERS REPORTS AND COMMENTS:**

Council members Silva and Beekman updated the Council on the Regional Surface Water Supply Project meeting.

Mayor Bawanan provided an update on the EDAC meeting. He thanked the City Manager and Chief of Police for attending the Mayors Meeting with him. He also thanked Council member Young for his participation in organizing the Hughson Harvest Festival. He also thanked the City Staff for all of the work they do.

**COMMUNITY EVENTS:**

- ✦ August 1-5<sup>th</sup> - Hughson United Methodist Church – Day Camp at 6th & Fox Road; 8:30-12:00 p.m. Must pre-register by phone: (209) 883-4952
- ✦ August 20, 2011 – The Hughson Historical Society will be honoring the longstanding Citizens at Saint Anthony’s Church at 6:00 p.m.
- ✦ September 24-25 -- Hughson Harvest Festival (formally Fruit & Nut Festival)

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

**A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Two potential cases

**Council returned from closed session. All council members were present and there was no reportable action.**

**ADJOURNMENT:** The meeting adjourned at approximately 8:30 p.m.

These minutes were approved on this 22<sup>th</sup> day of August 2011 by a unanimous Consent of the Council/RDA by the following roll call vote: **(5-0-0-0)**

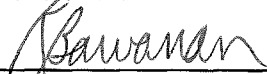
**AYES:** Beekman, Silva, Carr, Young, and Mayor Bawanan.

**NOES:** None.

**ABSTENTIONS:** None.

**ABSENT:** None.

APPROVED:

  
Ramon Bawanan, Mayor

ATTEST:

  
Dominique Spinale, Deputy City Clerk