



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

AGENDA
MONDAY, APRIL 13, 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: Adopt Resolution No. 2015-06, in Support of California Safe Digging Month.

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 March 23, 2015.
- 3.2: Approve the Warrants Register.
- 3.3: Review and Approve the City of Hughson Treasurer's Report for February 2015.
- 3.4: Adopt Resolution No. 2015-07, Waiving Fees for the City-Wide Yard Sale scheduled for April 25-26, 2015.

4. UNFINISHED BUSINESS:

- 4.1: Approve the Selection of Gilton Solid Waste Management, Inc for the Collection and Transportation of Garbage and Refuse in the City of Hughson and Authorize the City Manager and City Attorney to Negotiate Terms of the Franchise Agreement for the Said Services.
- 4.2: Adopt Resolution No. 2015-08, A Resolution of the City Council of the City of Hughson reaffirming the Notice of Acceptance of Application (NOAA) based on revised terms and conditions for the Safe Drinking Water State Revolving Fund Project Funding for the City of Hughson, Project No. 50100008-011C.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

- 5.1: Introduce and Waive the First Reading of Ordinance No. 2015-01, Amending the Hughson Municipal Code (HMC) Chapter 8.24, Smoking Pollution, to include recreational areas to the list of areas where smoking is prohibited, as well as to add electronic smoking and vapor devices to its definition of Smoking.
- 5.2: Introduce and Waive the First Reading of Ordinance No. 2015-02, amending Chapter 2.20 of the Hughson Municipal Code – Emergency Services to include revisions to the Disaster Council Organizational Structure.

6. NEW BUSINESS:

- 6.1: Accept the City Selection Panel's Recommendation of Lieutenant Larry Seymour for Hughson Chief of Police and Direct the City Manager to send a letter notifying Stanislaus County Sheriff Adam Christianson of the City

of Hughson’s recommendation of Lieutenant Larry Seymour to Hughson Chief of Police.

- 6.2: Approve Business Incentive Funds for contract services with the East Stanislaus Resource Conservation District (ESRCD) to initiate and manage a 2015 Hughson Farmers Market and Authorize the City Manager to negotiate and execute an agreement with the East Stanislaus Resources Conservation District for farmer’s market management and initiation services.

7. CORRESPONDENCE:

- 7.1: Update of the Hatch Road and Santa Fe Avenue Signal Project.
- 7.2: Parks and Recreation Commission Agenda for April 14, 2015.

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: NONE.

10. REPORT FROM CLOSED SESSION: NONE.

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:

April 14	▪ Parks and Recreation Commission Meeting, City Hall Chambers, 6:00 P.M.
April 18	▪ LOVE Hughson Event – visit www.lovehughson.com – Breakfast and Rally @ Senior Community Center, 2307 4 th Street, 7:00 A.M.
April 21	▪ Planning Commission Meeting, City Hall Chambers, 6:00 P.M.
April 25-26	▪ Citywide Yard Sale Event, Saturday and Sunday
April 27	▪ City Council Meeting, City Hall Chambers, 7:00 P.M.
April 27	▪ Economic Development Committee Meeting, City Hall Chambers, 5:30 P.M.
May 2	▪ Annual Clean-Up Day, Walker Lane and 2 nd Street, 7:30 a.m.-2:30 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: April 9, 2015 **TIME:** 7:00pm
NAME: Dominique Spinale Romo **TITLE:** City Clerk

**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. 2.1 SECTION 2: CONSENT CALENDAR

Meeting Date: April 13, 2015
Subject: Approval to Adopt Resolution No. 2015-06, in Support of California Safe Digging Month
Presented By: Dominique Spinale Romo, Assistant to the City Manager
Approved By: _____

Staff Recommendation:

Adopt Resolution No. 2015-06, in Support of California Safe Digging Month

Background and Overview:

On March 23, 2015, Pacific Gas and Electric Company contacted the City of Hughson to request a resolution of support for California Safe Digging Month. PG&E is working to drive more awareness of the 811 "Call Before You Dig" program. Both cities and counties may incur emergency response and other costs when safe digging practices aren't followed - all the more reason to make sure residents, contractors and others are appropriately informed.

To raise further awareness, attached is a resolution in support of Safe Digging Month. The League of California Cities has also endorsed this resolution in support of awareness.

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2015-06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON IN
SUPPORT OF THE CALIFORNIA SAFE DIGGING MONTH**

WHEREAS, the 811 “Call Before You Dig” program is a vital public education and awareness program that will help keep Californians safe, and education is the key to promoting safe digging practices; and

WHEREAS, excavators, homeowners, and professional contractors can save time and money while making California’s communities a safer place to live and work by dialing 811 in advance of all digging projects; and

WHEREAS, utility lines are often buried only a few inches underground, making them easy to strike and cause damage and harm even during shallow excavation projects; and

WHEREAS, more than 170,000 underground utility lines are struck each year in the United States and approximately 33 percent of all digging damages in the United States result from not calling 811 before digging; and

WHEREAS, undesired consequences, such as service interruption, outages, damage to public and private infrastructure and property, damage to the environment, personal injury, and death, are risked by failing to call 811 before digging or safely marking utility lines; and

WHEREAS, as California’s economy continues to recover from the recession and the state’s economic recovery stimulates new construction, new construction requires supporting infrastructure, and California’s underground utility infrastructure is jeopardized by unintentional damage caused by those who fail to call before digging; and

WHEREAS, the free notification service provided by Underground Service Alert of Northern California and Nevada has dramatically reduced the number of accidents causing property damage, personal injury, and interruption of vital services;

WHEREAS, California public agencies should enforce California Government Code 4216 regarding safe excavation practices, permitting and civil penalties;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hughson hereby proclaims the month of April as California Safe Digging Month

and encourages all excavators, homeowners, and professional contractors to call 811 in advance of all digging projects.

PASSED AND ADOPTED by the City Council of the City of Hughson at its regular meeting held on this 13th day of April, 2015 by the following roll call votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 3.1 SECTION 3: CONSENT CALENDAR

Meeting Date: April 13, 2015
Subject: Approval of the City Council Minutes
Presented By: Dominique Spinale Romo, Assistant to the CM/City Clerk

Approved By: _____

Staff Recommendation:

Approve the Regular Meeting Minutes of the March 23, 2015 session.

Background and Overview:

The draft minutes of the March 23, 2015 meetings are prepared for the Council's review.



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

**MINUTES
MONDAY, MARCH 23, 2015 – 7:00 P.M.**

CALL TO ORDER: Mayor Pro Tem Jeramy Young

ROLL CALL:

Present: Mayor Pro Tem Jeramy Young
Councilmember Jill Silva
Councilmember George Carr
Councilmember Harold Hill

Absent: Mayor Matt Beekman

Staff Present: Raul L. Mendez, City Manager
Daniel J. Schroeder, City Attorney
Jaylen French, Community Development Director
Darin Gharat, Chief of Police Services
Dominique Spinale Romo, Assistant to the CM/City Clerk
Sam Rush, Public Works Superintendent
Lisa Whiteside, Finance Manager
Juan Padilla, City Treasurer

FLAG SALUTE: Mayor Pro Tem Jeramy Young

INVOCATION: Hughson Ministerial Association

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

Heather Bailey, Hughson Library Branch Manager updated the Council on the monthly events taking place at the Library.

2. PRESENTATIONS:

- 2.1: A Proclamation of the Hughson City Council, proclaiming April 12-18, 2015 as National Library Week.

City Clerk Spinale presented Hughson Library Branch Manager Heather Bailey with a Proclamation of the Hughson City Council declaring April 12-18 as National Library Week.

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 March 9, 2015.
- 3.2: Approve the Warrants Register.
- 3.3: Review and Approve the City of Hughson Treasurer's Report: Investment Portfolio Report for January 2015.
- 3.4: Approve a Fee Waiver for Hughson Youth Baseball/Softball (HYBS) pertaining to the Use of Rolland Starn Park/Keith Crabtree Field for the 2015 Regular Season and find that said Fee Waiver is for a Public Purpose and Necessity since HYBS will be Providing Improvements to the Field Equal or Greater than the Fee Being Waived.
- 3.5: Accept the 2014 Annual General Plan Report and the 2014 Annual Housing Element Progress Report.
- 3.6: Review and Approve Staff's Draft Update to the Land Use Category of the City of Hughson 2015 Goals and Objectives Document.

HILL/SILVA 4-0 (BEEKMAN-Absent) motion passes to approve the Consent Calendar as presented.

ADJOURN TO THE CITY OF HUGHSON SUCCESSOR AGENCY TO THE HUGHSON REDEVELOPMENT AGENCY MEETING – 7:04 P.M.

RECONVENE TO THE CITY OF HUGHSON CITY COUNCIL MEETING – 7:09 P.M.

4. UNFINISHED BUSINESS:

- 4.1:** Discuss and Consider Direction on the City Owned Property Located on Leedom Road Near the Waste Water Treatment Facility.

City Manager Mendez presented the Staff Report on this item and advised the Council that city staff continues to gather details to discuss all possible options for the best and future use of the subject properties.

Council asked that staff bring back a map showing the waste water treatment plant in vicinity to the city owned property located on Leedom Road. Staff will continue working on this item to present future options to the Council.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: NONE.**6. NEW BUSINESS:**

- 6.1:** Review and Discuss LAFCO's Proposed Amendment to Their Agricultural Mitigation Policy Pertaining to In Lieu Fees.

Director French presented the Staff Report on this item and shared and discussed this issue, which has become a topic of mixed views amongst our local partner agencies.

No action was taken on this item.

- 6.2:** Approve the Regional Solid Waste Disposal Plan Memorandum of Understanding between the City of Hughson and Stanislaus County inclusive of any final edits by the City Attorney and Authorize the Mayor to execute the Regional Solid Waste Disposal Plan Memorandum of Understanding between the City of Hughson and Stanislaus County.

City Manager Mendez presented the Staff Report on this item. The Council discussed this item with staff and asked questions regarding the tipping fees and stabilization funds used by Stanislaus County to offset program costs.

SILVA/CARR 4-0 (BEEKMAN-Absent) motion passes to approve the Regional Solid Waste Disposal Plan Memorandum of Understanding between the City of Hughson and Stanislaus County inclusive of any final edits by the City Attorney and Authorize the Mayor to execute the Regional Solid Waste Disposal Plan Memorandum of Understanding between the City of Hughson and Stanislaus County.

7. CORRESPONDENCE:

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

7.2: Planning Commission Agenda from March 17, 2015.

7.3: Economic Development Committee Agenda for March 23, 2015.

8. COMMENTS:

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

City Manager: City Manager Mendez advised the Council that the new Finance Director's first day with Hughson will be April 6, LOVE Hughson is April 18 and if interested, you may sign up for a project on the website (www.lovehughson.com), and that Hughson Youth Baseball and Softball's Opening Day is also on April 18 at Lebright Fields.

City Clerk: City Clerk Spinale advised the Council that Form 700's are due April 1, and that on April 18, the Hughson Arboretum and Gardens will also be having an Open Garden Event from 1:00-4:00P.M.

Community Development Director: Director French advised the Council that the Dollar General Project's design review was approved by the Planning Commission and that the Starn Park Play Structure has been ordered and should arrive within 6-8 weeks.

Director of Finance:

Police Services:

City Attorney:

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

Councilmember Carr updated the Council on his attendance at the Turlock Mosquito Abatement District and the Economic Development Committee meetings.

Councilmember Silva updated the Council on her attendance at the StanCOG meeting.

Councilmember Hill updated the Council on his attendance at the Economic Development and the League of California Cities meetings.

Mayor Pro Tem Young updated the Council on his attendance at the Economic Development and the League of California Cities meetings.

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

9. CLOSED SESSION TO DISCUSS THE FOLLOWING: NONE.

10. REPORT FROM CLOSED SESSION: NONE.

ADJOURNMENT:

HILL/CARR motion passes to adjourn the meeting at 8:15 P.M.

MATT BEEKMAN, Mayor

DOMINIQUE SPINALE ROMO, City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 3.2

SECTION 3: CONSENT CALENDAR

Meeting Date: April 13, 2015
Subject: Approval of Warrants Register
Enclosure: Warrants Register
Presented By: Lisa Whiteside, Finance Manager

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 March 24, 2015 through April 9, 2015.

Fiscal Impact:

There are reductions in various funds for payment of expenses.

22

REPORT.: Apr 09 15 Thursday
RUN....: Apr 09 15 Time: 10:45
Run By.: MARTHA SERRATO

City of Hughson
Cash Disbursement Detail Report
Check Listing for 04-15 Bank Account.: 0100

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
46231	4/8/2015	QUI03	QUICK N SAVE	-1004.53	260396u	Ck# 046231 Reversed
				-17.82	B50305u	Ck# 046231 Reversed
			Check Total:	-1022.35		
46290	4/8/2015	QUI03	QUICK N SAVE	393.92	B50408	DIESEL
46291	4/9/2015	ADK00	ADKINS ELECTRIC	925.00	460	LABOR FOR PARK TIMER & REPAIR SEWER SYSTEMS
46292	4/9/2015	ATT01	AT&T	3141.72	B50408	PHONE
				21.76	B50409	PHONE
			Check Total:	3163.48		
46293	4/9/2015	ATT02	AT&T MOBILITY	299.22	B50408	PHONE
46294	4/9/2015	ATT03	AT&T	28.42	B50408	PHONE
46295	4/9/2015	AVA00	AVAYA, INC	250.32	100426801	PHONE
				101.83	101830495	PHONE
				79.45	273340132	PHONE
			Check Total:	431.60		
46296	4/9/2015	CAL40	CALIFORNIA WATER	156.00	B50408	CLASS FOR CERTIFICATION TONY FONTANA
46297	4/9/2015	CAL50	CALDERON, MARIBEL	210.00	B50408	DAMAGE DEPOSIT & KEY DEPOSIT
46298	4/9/2015	CHA01	CHARTER COMMUNICATION	163.01	B50408	IP ADDRESS- PINE ST
46299	4/9/2015	CLA03	CLARK'S PEST CONTROL	102.00	16743127	PEST CONTROL
				57.00	16766698	PEST CONTROL
			Check Total:	159.00		
46300	4/9/2015	DEP08	DEPT. OF CONSERVATION	73.39	B50408	SMIP FEES FOR JAN-MARCH 2015
46301	4/9/2015	EMP01	STATE OF CALIFORNIA	1102.05	B50408	PAYROLL TAXES
46302	4/9/2015	ENV02	ENVIRONMENTAL SYSTEMS	1788.93	27088	STREET SWEEPING
46303	4/9/2015	EXPO0	EXPRESS PERSONNEL SERVICE	936.32	153164645	EXTRA HELP
				652.08	155223019	EXTRA HELP
				1106.56	155548043	EXTRA HELP
				1366.54	155820970	EXTRA HELP
			Check Total:	4061.50		
46304	4/9/2015	EZN00	EZ NETWORK SOLUTIONS	289.65	29323	OFF SITE DATA STORAGE
46304	4/9/2015	EZN00	EZ NETWORK SOLUTIONS	192.70	29323A	IT SERVICES
				2550.45	TS29194	IT SERVICES
				2550.45	TS29399	IT SERVICES
			Check Total:	5583.25		

REPORT.: Apr 09 15 Thursday
 RUN....: Apr 09 15 Time: 10:45
 Run By.: MARTHA SERRATO

City of Hughson
 Cash Disbursement Detail Report
 Check Listing for 04-15 Bank Account.: 0100

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

Check Number	Check Date	Vendor Number	Vendor Name	Net Amount	-----Payment Information-----	
					Invoice #	Description
46305	4/9/2015	FER00	FERREL, DANIELLE	210.00	B50408	DAMAGE DEPOSIT REFUND 4/4/15
46306	4/9/2015	FRA03	FRANTZ WHOLESALE NURSERY	80.72	536428	PLANTS FOR STREETSCAPES
46307	4/9/2015	GEO01	GEOANALYTICAL LABORATORIE	362.50	B5C1012	LAB TESTING FOR WATER TESTING
				30.00	B5C1702	LAB TESTING FOR WATER TESTING
			Check Total:	392.50		
46308	4/9/2015	GIB00	GIBBS MAINTENANCE CO	842.00	17679	JANITOR SERVICES FOR MARCH 15
46309	4/9/2015	GUT10	GUTIERREZ, CORINA	50.00	B50408	REFUND RENT-PARKS
46310	4/9/2015	HAR02	THE HARTFORD	429.66	B50408	DEFERRED COMPENSATION
46311	4/9/2015	HOM01	THE HOME DEPOT CRC	270.22	4591199	TOOLS & SUPPLIES WELL 8 & WATER METERS
				859.92	6805859	CANOPY FOR WELL #8
				288.44	8025309	WATER HEATER FOR THE CORP YARD
			Check Total:	1418.58		
46312	4/9/2015	HUG03	HUGHSON CHRONICLE	89.55	106427	LEGAL # 9718 WEEK OF MARCH 10
				139.30	106497	LEGAL # 9772 WEEK OF 3/24
			Check Total:	228.85		
46313	4/9/2015	HUG11	HUGHSON FARM SUPPLY	319.55	B50408	MISC. TOOLS AND SUPPLIES
				107.37	B50409	MISC. TOOLS AND SUPPLIES
			Check Total:	426.92		
46314	4/9/2015	HUG28	HUGHSON TIRE	15.00	828990	TIRE REPAIR
46315	4/9/2015	HUG34	VALLEY PARTS WAREHOUSE, I	49.54	140549	SMALL EQUIPMENT
				28.69	140563	SMALL EQUIPMENT
				476.82	142016	SMALL EQUIPMENT
				106.23	142189	SMALL EQUIPMENT
				5.69	142220	SMALL EQUIPMENT
			Check Total:	666.97		
46316	4/9/2015	MAC01	MACIAS, ARACELY	210.00	B50408	DEPOSIT REFUND 3/21/15
46317	4/9/2015	MCR01	MCR ENGINEERING, INC	2690.00	10768	FEBRUARY SERVICES TULLY RD RR CROSSING
46318	4/9/2015	MEN20	MENDEZ, RAUL	625.00	B50408	2015 REGISTRATION FOR LEAGUE OF CAL. CITIES REIMB.
				712.54	B50409	WRIST BAND LOVE HUGHSON &

REPORT.: Apr 09 15 Thursday
 RUN....: Apr 09 15 Time: 10:45
 Run By.: MARTHA SERRATO

City of Hughson
 Cash Disbursement Detail Report
 Check Listing for 04-15 Bank Account.: 0100

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
				-----Payment Information-----		
						SIGNS REIMBURSMENT
Check Total:				1337.54		
46319	4/9/2015	MIN00	MINTIERHARNISH PLANNING C	2017.50	HUGHHEU03	HOUSING ELEMENT UPDATE
46320	4/9/2015	MIS01	MISSION UNIFORM SERVICE	71.24	480562164	UNIFORM SERVICE
				55.62	480562165	UNIFORM SERVICE
				30.00	480562166	UNIFORM SERVICE
				71.24	480563380	UNIFORM SERVICE
				47.52	480563381	UNIFORM SERVICE
				30.00	480563382	UNIFORM SERVICE
				55.40	480564582	UNIFORM SERVICE
				30.00	480564583	UNIFORM SERVICE
				87.44	480565806	UNIFORM SERVICE
				44.55	480565807	UNIFORM SERVICE
				30.00	480565808	UNIFORM SERVICE
Check Total:				553.01		
46321	4/9/2015	NEU01	NEUMILLER & BEARDSLEE	9539.36	267984	LEGAL SERVICES 2/15
46322	4/9/2015	OFF06	OFFICE TEAM	748.00	42583295	EXTRA HELP 3/13/15
				748.00	42679463	EXTRA HELP 3/27/15
Check Total:				1496.00		
46323	4/9/2015	OPE01	OPERATING ENGINEERS LOCAL	329.00	B50408	LOCAL UNION #3 DUES
46324	4/9/2015	PAC05	PACIFIC PLAN REVIEW	2890.00	B50408	CONTRACT SRVCS PLANNING/B
				1062.50	B50409	CONTRACT SRVCS PLANNING/B
				3570.00	B50410	CONTRACT SRVCS PLANNING/B
				425.00	B50411	CONTRACT SRVCS PLANNING/B
				117.21	H1002-15	CONTRACT SRVCS PLANNING/B
				170.00	H1004-15	CONTRACT SRVCS PLANNING/B
				123.95	H1005-15	CONTRACT SRVCS PLANNING/B
				205.51	H1006-15	CONTRACT SRVCS PLANNING/B
				425.00	H1007-15	CONTRACT SRVCS PLANNING/B
				425.00	H1008-15	CONTRACT SRVCS PLANNING/B
				125.43	H1009-15	CONTRACT SRVCS PLANNING/B
				127.50	H1010-15	CONTRACT SRVCS PLANNING/B
				111.79	H1011-15	CONTRACT SRVCS PLANNING/B
				116.43	H1012-15	CONTRACT SRVCS PLANNING/B
Check Total:				9895.32		
46325	4/9/2015	PER01	P.E.R.S.	7932.88	B50409	RETIREMENT
46326	4/9/2015	PGE01	PG & E	104.75	B50408	CNG
				49.03	B50409	UTILITIES-CITY HALL
				97.90	B50410	UTILITIES SR CENTER
				49.03	B50411	UTILITIES 3RD ST CENTER
Check Total:				300.71		
46327	4/9/2015	PLA03	PLATT	434.55	G281834	STREET LIGHT SUPPLIES

REPORT.: Apr 09 15 Thursday
 RUN....: Apr 09 15 Time: 10:45
 Run By.: MARTHA SERRATO

City of Hughson
 Cash Disbursement Detail Report
 Check Listing for 04-15 Bank Account.: 0100

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
				775.52	G282294	STREET LIGHT SUPPLIES
			Check Total:	1210.07		
46328	4/9/2015	POR00	PORT OF STOCKTON	100.00	2014-003	SAN JOAQUIN VALLEY STORMWATER PARTNERSHIP ANNUAL
46329	4/9/2015	SHR02	SHRED-IT CENTRAL CA	129.34	405319452	SHREDDING
46330	4/9/2015	STA19	STATE WATER RESOURCES CON	1258138.31	B50408	SRF LOAN PAYMENT
46331	4/9/2015	STA23	CaIPERS SUPPLEMENTAL INCO	370.00	B50409	DEFERRED COMPENSATION
46332	4/9/2015	STA29	STANISLAUS COUNTY	325.00	B50408	HAZARDOUS WASTE INSPECTIO NS FOR THE CORP YARD
				272.00	B50409	WWTP PLANT GENERATOR PERMIT FEE
			Check Total:	597.00		
46333	4/9/2015	TID01	TURLOCK IRRIGATION DIST.	24060.71	B50408	ELECTRIC
46334	4/9/2015	TUR12	TURLOCK, CITY OF	122.40		10 CNG FUELING
				148.00		21 DIESEL
			Check Total:	270.40		
46335	4/9/2015	UNI07	UNITED WAY OF STANISLAUS	29.00	B50408	UNITED WAY
46336	4/9/2015	UNI12	UNIVERSITY POLICE DEPARTM	57.00	15-6410	LIVE SCAN FINGERPRINT
46337	4/9/2015	USA02	USA MOBILITY	23.35	0190776-5	PAGER SERVICE
46338	4/9/2015	USH00	US HEALTHWORKS MEDICAL	129.00	2674529CA	PROFESSIONAL SERVICES
46339	4/9/2015	WAR00	WARDEN'S OFFICE	16.34	153334-1	OFFICE SUPPLIES
				94.55	1851517-0	OFFICE SUPPLIES
				11.59	1851517-1	OFFICE SUPPLIES
				618.95	1853334-0	OFFICE SUPPLIES
			Check Total:	741.43		
46340	4/9/2015	WAS01	WASTE MANAGEMENT	728.76	337105426	PROF SERVICES WATER O & M
				416.10	337205424	PROF SERVICES WATER O & M
			Check Total:	1144.86		
46341	4/9/2015	WIL01	CORBIN WILLITS SYSTEM	571.40	B503151	ENHANCEMENT & SERVICE FEE
46342	4/9/2015	\A007	AMARAL, JOHN	111.70	000B50401	MQ CUSTOMER REFUND FOR AM A0010
46343	4/9/2015	\C015	CENTRAL VALLEY INVST, CRY	199.43	000B50401	MQ CUSTOMER REFUND FOR CE N0009
46344	4/9/2015	\D002	DAVIS, RICHARD	102.56	000B50401	MQ CUSTOMER REFUND FOR DA V0023
46345	4/9/2015	\N003	NICHOLS, JOHN & SHANNON	64.40	000B50401	MQ CUSTOMER REFUND FOR NI

REPORT.: Apr 09 15 Thursday
 RUN....: Apr 09 15 Time: 10:45
 Run By.: MARTHA SERRATO

City of Hughson
 Cash Disbursement Detail Report
 Check Listing for 04-15 Bank Account.: 0100

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

Check Number	Check Date	Vendor Number	Vendor Name	Net Amount	Invoice #	Payment Information Description
						C0008
46346	4/9/2015	\S006	SWEET PROPERTIES,	30.44	000B50401	MQ CUSTOMER REFUND FOR SW E0010
Cash Account Total:				1346659.34		
Total Disbursements:				1346659.34		



CITY OF HUGHSON AGENDA ITEM NO. 3.3 SECTION 3: CONSENT CALENDAR

Meeting Date: April 13, 2015
Subject: Approval of the Treasurer's Reports – February 2015
Presented By: John Padilla, City Treasurer

Approved By: _____

Staff Recommendation:

Review and approve the City of Hughson Treasurer's Report for February 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 February 2015. As of February 2015, the City of Hughson's total cash and investment balance is \$12,421,295.57 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 February 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 February 2015 along with supplementary graphs depicting the percentage of the City's total funds, a breakdown of the February 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 (\$445,837.49), reflecting a positive difference of \$78,370.56 or a 14.95% 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 (\$498,371.23), reflecting a positive difference of \$26,296.00 or a 5.01% 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 (\$297,535.55), reflecting a positive difference of \$78,220.50 or a 20.82% increase from the previous year. The CDBG Public Works Street Project Fund currently reflects a negative balance of (\$216,771.27), reflecting negative difference of (\$142,148.34) or a 190.49% 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.

SLESF (Supplemental Law Enforcement Services Fund):

The Supplemental Law Enforcement Services Fund (SLESF) currently reflects a

negative balance of (\$25,939.07). Although the SLESF Fund currently depicts a negative balance, the deficit is the result of cash flow. With revenue coming in as expected, the SLESF Fund is expected to return to its normal state by the end of the fiscal year in June.

Fiscal Impact:

As of February 2015, the total cash and investments balance for the City of Hughson is \$12,421,295.57. This compares to February 2014's total cash and investments balance of \$11,027,066.01, demonstrating a \$1,394,229.56 or a 12.64% increase.

City of Hughson
Treasurer's Report
February 2015

	MONEY MARKET	GENERAL	REDEVELOPMENT**	TOTAL
Bank Statement Totals	\$ 9,065,984.70	\$ 798,201.01	\$ 206,401.04	\$ 10,070,586.75
Adjustment-Direct Deposit Payroll	\$ -			\$ -
Outstanding Deposits +			\$ -	\$ -
Outstanding Checks/transfers -	\$ 21,205.14	\$ (208,011.03)	\$ -	\$ (186,805.89)
ADJUSTED TOTAL	\$ 9,087,189.84	\$ 590,189.98	\$ 206,401.04	\$ 9,883,780.86
Investments: Various				\$ 1,024,474.42
Multi-Bank WWTP				\$ 1,434,373.53
Investments: L.A.I.F.		\$ 39,396.02	\$ 39,270.74	\$ 78,666.76
TOTAL CASH & INVESTMENTS				\$ 12,421,295.57

	February 2014	February 2015	Difference
Books - All Funds			
2 Water/Sewer Deposit	34,729.31	55,464.87	20,735.56
8 Vehicle Abatement	13,477.42	12,593.55	-883.87
11 Traffic Congestion Fund	82,255.23	121,227.15	38,971.92
13 Redevelopment - Debt Service	120,714.77	154,935.45	34,220.68
14 Redevelopment - Housing	0.00	0.00	0.00
15 Redevelopment - Capital Projects	0.00	0.00	0.00
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	-563.23	-16,039.94	-15,476.71
30 Gas Tax 2107	17,601.37	20,514.12	2,912.75
31 Gas Tax 2105	853.57	34,661.21	33,807.64
35 Gas Tax 2107.5	9,172.14	3,672.14	-5,500.00
40 General Fund	582,519.58	1,329,730.92	747,211.34
401 General Fund Contingency Reserve	672,350.76	673,525.65	1,174.89
43 Trench Cut	75,465.40	75,611.40	146.00
48 Senior Community Center	11,904.97	8,784.94	-3,120.03
49 IT Reserve	43,675.20	65,856.40	22,181.20
50 U.S.F. Resource Com. Center	-5,355.55	701.02	6,056.57
51 Self-Insurance	73,703.49	73,703.49	0.00
53 SLESF (Supplemental Law Enforcem	68,005.95	-25,939.07	-93,945.02
54 Park Project	441,353.27	480,040.52	38,687.25
60 Sewer O & M	2,205,033.78	3,294,629.31	1,089,595.53
61 Sewer Fixed Asset Replacement	2,108,013.66	2,558,380.99	450,367.33
66 WWTP Expansion 2008	1,264,878.96	98,129.44	-1,166,749.52
70 Local Transportation	173,638.95	157,309.94	-16,329.01
71 Transportation	-375,756.05	-297,535.55	78,220.50
100/200 LLD's and BAD's	89,948.72	128,569.05	38,620.33
80 Water O & M	333,878.29	264,640.13	-69,238.16
82 Water Fixed Asset Replacement	425,303.81	612,882.90	187,579.09
88 PW CDBG Street Project	-74,622.93	-216,771.27	-142,148.34
80 Water Reserve-USDA GRANT	21,524.50	21,524.50	0.00
90 Garbage/Refuse	46,150.46	102,781.01	56,630.55
91 Misc. Grants	0.00	0.00	0.00
92 98-EDBG-605 Small Bus. Loans	93,585.12	93,595.60	10.48
94 96-EDBG-438 Grant	403.43	403.43	0.00
95 94-STBG-799 Grant	158,139.48	159,361.06	1,221.58
96 HOME Program Grant (FTHB)	35,041.19	35,041.19	0.00
97 96-STBG-1013 Grant	134,045.84	194,579.02	60,533.18
98 HOME Rehabilitation Fund	0.00	40,000.00	40,000.00
Developer Impact Fees ***	2,114,507.87	2,062,638.81	-51,869.06
TOTAL ALL FUNDS:	11,027,066.01	12,421,295.57	1,394,229.56

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.

	February 2014	February 2015	Difference
Break Down of Impact Fees ***			
10 Storm Drain	238,040.56	271,735.24	33,694.68
20 Community Enhancement	88,375.07	71,913.00	-16,462.07
41 Public Facilities Development	1,571,328.05	1,341,048.51	-230,279.54
42 Public Facilities Development-Streets	-524,208.05	-445,837.49	78,370.56
55 Parks DIF	335,509.81	388,376.69	52,866.88
62 Sewer Developer Impact Fees	930,129.66	933,774.09	3,644.43
81 Water Developer Impact Fees	-524,667.23	-498,371.23	26,296.00
Break Down of Impact Fees ***	2,114,507.87	2,062,638.81	-51,869.06

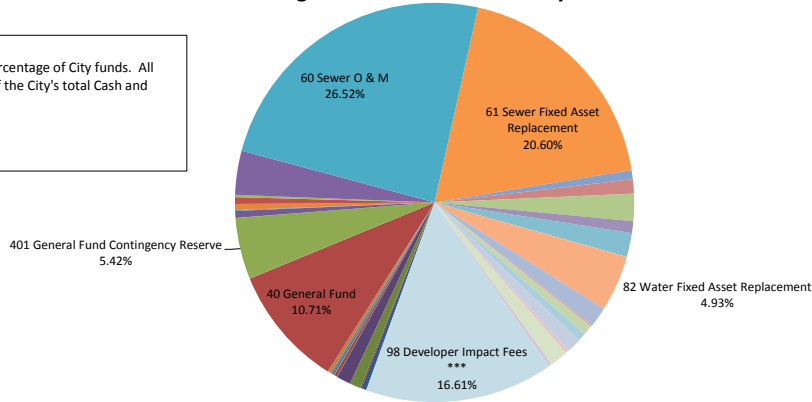
John Padilla, Treasurer

Date

Treasurer's Report - Charts and Graphs
February 2015

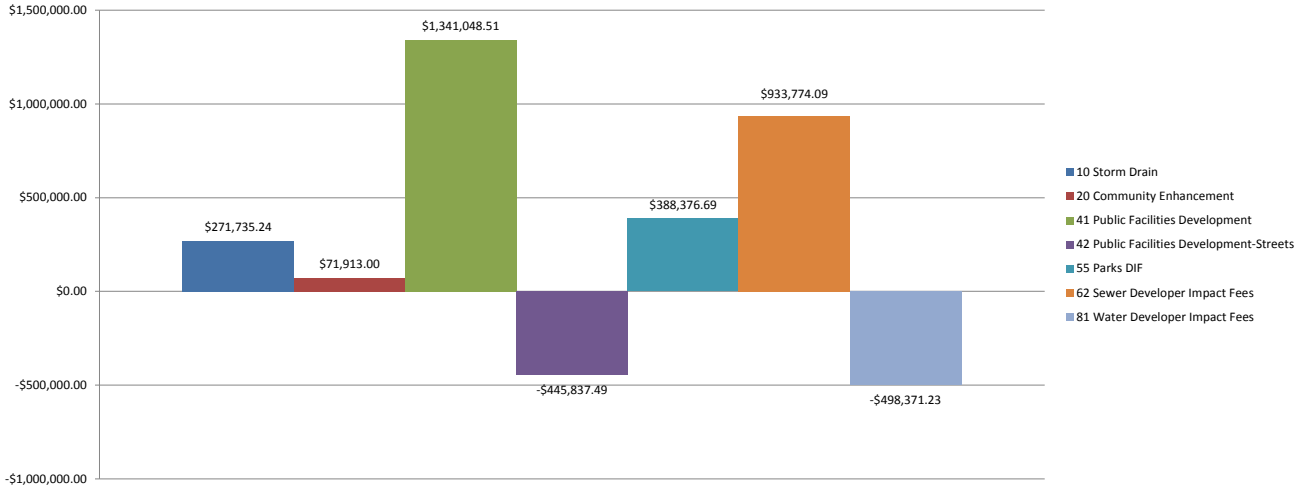
Percentage of all Funds for February 2015

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

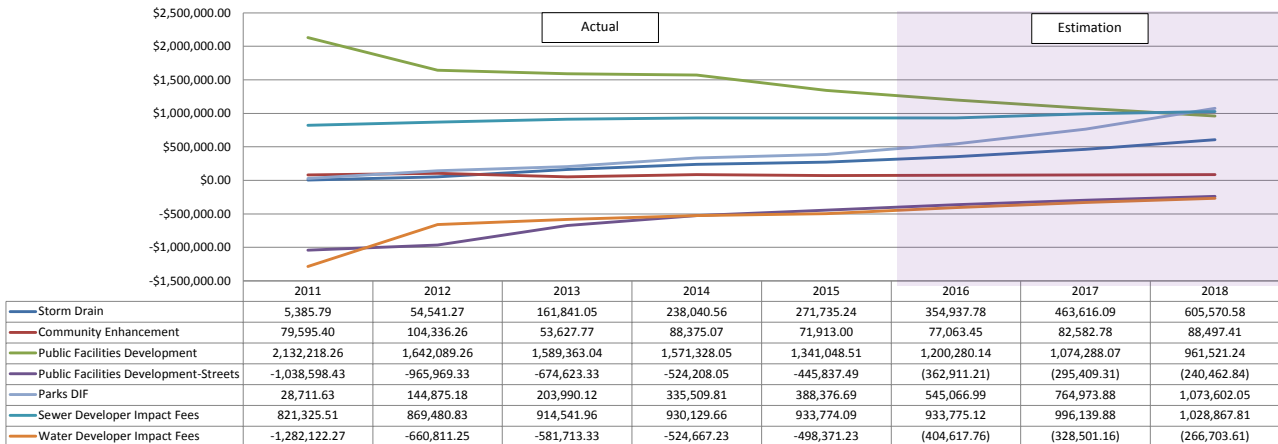


- 2 Water/Sewer Deposit
- 14 Redevelopment - Housing
- 19 Asset Forfeiture
- 35 Gas Tax 2107.5
- 48 Senior Community Center
- 53 SLESF (Supplemental Law Enforcement Services Fund)
- 66 WWTP Expansion 2008
- 80 Water O & M
- 90 Garbage/Refuse
- 95 94-STBG-799 Grant
- 98 Developer Impact Fees ***
- 8 Vehicle Abatement
- 15 Redevelopment - Capital Projects
- 25 Gas Tax 2106
- 40 General Fund
- 49 IT Reserve
- 54 Park Project
- 70 Local Transportation
- 82 Water Fixed Asset Replacement
- 91 Misc. Grants
- 96 HOME Program Grant (FTHB)
- 11 Traffic Congestion Fund
- 17 Federal Officer Grant
- 30 Gas Tax 2107
- 60 Sewer O & M
- 71 Transportation
- 88 PW CDBG Street Project
- 92 98-EDBG-605 Small Bus. Loans
- 97 96-STBG-1013 Grant
- 13 Redevelopment - Debt Service
- 18 Public Safety Realignment
- 31 Gas Tax 2105
- 43 Trench Cut
- 51 Self-Insurance
- 61 Sewer Fixed Asset Replacement
- 100/200 LLD's and BAD's
- 80 Water Reserve-USDA GRANT
- 94 96-EDBG-438 Grant
- 98 HOME Rehabilitation Fund

February 2015 Breakdown of Developer Impact Fees



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





CITY OF HUGHSON AGENDA ITEM NO. 3.4

SECTION 3: CONSENT CALENDAR

Meeting Date: April 13, 2015
Subject: Approval to Adopt Resolution No. 2015-07, Waiving Fees for the City-Wide Yard Sale scheduled for April 25-26, 2015
Presented By: Dominique Spinale Romo, Assistant to the City Manager
Approved By: _____

Staff Recommendation:

Adopt Resolution No. 2015-07, Waiving Fees for the City-Wide Yard Sale scheduled for April 25-26, 2015.

Background and Overview:

Over the last few years the City Council has approved waiving yard sale fees for the City-Wide Yard Sale Event on the Saturday before our annual Clean-Up Day. It is well received by the residents and many of them look forward to this event every year. The City-Wide Yard Sale Event will occur April 25-26, 2015 and the annual Clean-Up Day is always the first Saturday in May, which lands on May 2 this year.

The City-Wide Yard Sale serves as a great way for the community and neighborhoods to come together and participate together in a fun event, plus an opportunity for City staff to remind the residents that everything they do not sell they can dispose of at the clean-up day event schedule on the following weekend.

Another aspect that the City appreciates is that the City-Wide Yard Sale Event brings more people into town, not only visit the yard sales, but to also patronize local businesses in Hughson.

Fiscal Impact:

The City of Hughson Yard Sale Application/Permit Fee is a nominal \$5 (for no more than two consecutive days) for the first occurrence and \$30 for each subsequent occurrence within a 12 month period.

CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2015-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON WAIVING
THE ESTABLISHED YARD SALE FEES FOR THE CITY-WIDE YARD SALE EVENT
SCHEDULED FOR APRIL 25-26, 2015**

WHEREAS, the Hughson City Council and the City of Hughson supports local businesses and actively pursues ways to provide that support; and

WHEREAS, City-Wide Yard Sale Events are successful in attracting people from other areas into cities and towns, as demonstrated by other cities within California; and

WHEREAS, these types of events provide opportunities for citizens to come together socially as well as visit the commercial establishments Hughson has to offer; and

WHEREAS, a City-wide Yard Sale Event held on the weekend prior to the City's Annual Clean-up Day decreases the amount of materials sent to the landfill, which not only benefits the environment but also reduces disposal costs for the City; and

WHEREAS, the waiving of the fee will serve the public purpose of creating a city wide activity that enhances civic pride as well as provide an increase ability of the citizens of the City to sell items of value that might otherwise be discarded into landfills, and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hughson does hereby waive the established Yard Sale Fees for the City-Wide Yard Sale Event scheduled for Saturday April 25 and Sunday April 26, 2015.

PASSED AND ADOPTED by the City Council of the City of Hughson at its regularly scheduled meeting held on this 13th day of April 2015, by the following roll call votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date: April 13, 2015
Subject: Approval of Selection of Gilton Solid Waste Management for the Collection and Transportation of Garbage and Refuse in the City of Hughson and Direct Staff to Negotiate the Related Franchise Agreement
Presented By: Dominique Spinale Romo, Assistant to the City Manager

Approved By: _____

Staff Recommendation:

1. Approve the Selection of Gilton Solid Waste Management, Inc for the Collection and Transportation of Garbage and Refuse in the City of Hughson.
2. Authorize the City Manager and City Attorney to negotiate terms of the franchise agreement for the said services.

Background and Overview:

Since July 23, 1990, the City of Hughson has been in an exclusive franchise agreement with Waste Management, Incorporated (formerly R&R Disposal) for services for the collection, transportation, and disposition of refuse generated within the City limits. The original agreement was for a term of ten (10) years, automatically renewed annually for one year each July after the 10 years.

On June 27, 2005, City staff conducted an annual review of the existing franchise agreement and upon the review, recommended that the City Council authorize staff to serve the notice of the termination of the evergreen provision. The City Council approved staff's recommendation and established the termination date of June 23, 2015.

On March 10, 2014, the City received a letter from Waste Management, requesting that the City Council consider renewing the current franchise agreement. On June 9, 2014, the City Council authorized the City Manager to respectfully decline the renewal request, on the basis that as a municipality, the City of Hughson has a fiscal responsibility to ensure that services provided are done in the most cost-effective manner. The Request for Proposal (RFP) process is commonly initiated by public agencies to assist with this determination.

On January 26, 2015, the Hughson City Council discussed and provided direction to City staff on the draft Request for Proposals for the Collection and Transportation of Garbage and Refused in the City of Hughson. City staff released the RFP in February and closed the process on March 6. All four (4) companies and/or firms that provide such services in Stanislaus County and the region submitted proposals to the City for consideration. The companies included Bertolotti's Disposal Services, Gilton Solid Waste Management, Inc., Turlock Scavenger, and Waste Management, Inc.

As originally indicated in the Tentative Schedule for Selection, City staff composed an evaluation expert panel to review all proposals received and make a recommendation to the City Council of the company/firm that best meets the needs of the City of Hughson. All four companies participated in this process, and were provided an opportunity make a presentation to the panel, which consisted of the following experts from our local partner agencies: Tom Wolfe, Stanislaus County Environmental Resources; Garner Reynolds, City of Turlock; Henry Hesling, City of Escalon; and Jaylen French, City of Hughson.

Each of the companies proposals were reviewed and evaluated in the following areas:

- History of the company and key personnel responsible for the contract.
- Names and resumes of any specific managers and personnel that will be assigned to the contract, and an organizational chart of management and personnel.
- Description of experience (company and project personnel) on similar services provided to other agencies and/or municipalities.
- Description of management system to track tasks, deliverables, complaints, and responses.
- Statement of services understanding.
- Indication of the primary contact(s) (and management hierarchy) that will be available for all aspects of the work.
- Technical proposal for base and optional services including plan for collection of services, equipment to be utilized, standard crew size, specifications of containers to be utilized, processing of materials, public outreach, customer service, billing, implementation plan.
- Perceived ability to provide the City with excellent, reliable, and cost-effective services.

Upon completion of the panel interviews and scoring, two of the companies were recommended to City staff for additional review and consideration. After its final review, City staff concurs with the evaluation panel's scoring of proposals received and recommends that the City Council select Gilton Solid Waste Management, Inc., as the company to move forward with into franchise agreement negotiations.

Gilton Solid Waste's overall scores excelled over all of the other companies scores, and Gilton's pricing, costs, and rates are very competitive with the current rates currently charged to residents for similar services, including the costs associated for additional services the City seeks to include in the new contract,

such as the direct billing of all customers in the City and the additional city events needing service throughout the year(s).

Gilton Solid Waste Management Inc. (GSWM) has been in business since 1947. The company continues seeking new and innovative ways to store, collect, divert, recycle, transfer, and dispose of all types of wastes. This has allowed their company to exceed their State mandates through proactive, common sense waste management programs. GSWM's ability to efficiently and effectively spread their equipment, labor, and management costs over multiple jurisdictions has routinely resulted in the lowest costs to their customers.

In addition, Gilton Resource Recovery/Transfer Facility (sister company) assists them in providing extensive, cost-effective opportunities to divert, recycle, and safely dispose of all the wastes generated in the City. GSWM currently provides services to Stanislaus, San Joaquin, and Merced Counties, as well as the cities of Modesto, Oakdale, Escalon, Riverbank, Livingston, Ripon, and Gustine.

The Proposal:

GSWM's is offering the following proposed plans and rates to the City of Hughson for services described. The proposal includes Base Service and two optional service plans.

Base Service Proposal

This proposal is nearly the same as what is currently being provided to the City, and is available in a three cart system as well, if desired.

Fully automated residential cart service using Gilton "One Pass" trucks

- Two cart sizes for garbage – collected weekly (64/96 gallons)
- 96 gallon cart for commingled recyclables – collected every other week
- 96 gallon cart for green wastes – collected every other week
- Additional carts for recyclables and green wastes as needed

Fully automated commercial bin service

- Bins available in sizes ranging from 2 cubic yards to 6 cubic yards
- Collection frequencies ranging from 1 time to 6 times per week
- Commingled recyclables bins available for business
- Special, temporary bins for customers doing clean-up projects

Full service roll-off box services for residential, commercial and industrial users

- Box size ranging in size from 10 cubic yards to 50 cubic yards
- Collection can be scheduled up to 7 times per week
- Significantly reduced pricing for source separated wastes including green wastes, wood, metals, and inert wastes.

This base service also includes the following:

- Curbside Used Oil Collection Service
- Waste Services for up to four (4) city sponsored events per year
- Direct billing of Residential and Non-residential customers

GSWM also submitted proposals of two other versions of optional service plans, similar to what is currently being provided to the City. Version 1 differs in the approach to the collection and diversion of residential wastes. Version 2 is GSWM's recommendation to provide a much more cost-effective, efficient program for the City of Hughson. As part of their proposal, GSWM also included Value Added services, such as bulky item collection, electronic waste collection, illegal dumping program, and Christmas tree collection program, for a small fee for consideration and to be added to the services selected.

Rate Adjustments and Terms of the Agreement

Rate Adjustments, including Consumer Price Index (CPI), Tipping Fees, and Extraordinary Cost Increases, were proposed to coincide with the specific term of the agreement as follows:

Five Year Agreement:

CPI – The maximum rates to be charged by Contractor for CPI may be adjusted by the City Council by resolution. For the first year, Contractor shall charge rates no greater than the maximum rates as provided on the date of execution (Effective Date). In each subsequent year during the entire term of the agreement, the City will adjust the maximum charges annually, the adjustment not to exceed 2.5% per year.

Tipping Fees – Maximum rates include compensation to Contractor for tipping, gate, or other disposal fees charged by any applicable disposal facilities. Contractor shall be entitled to receive an increase in its rates based on the increase in any tipping fees at disposal facilities where City requires Contractor to deliver waste. Contractor will notify City with rate increase within 30 days and City shall adjust rates accordingly to compensate Contractor.

Extraordinary Cost Increases – Contractor may petition City for an extraordinary rate adjustment at any time during the term of Agreement. Contractor shall include with the petition a financial presentation demonstrating the extraordinary increase in operating costs. The petition shall be heard by the City Council at a public hearing and Council may grant or reject the petition in its sole and complete discretion.

Eight Year Agreement:

If the City agreed to enter into an agreement for 8 years, GSWM would stipulate in the Rate Adjustment provisions of the contract that there would be no CPI adjustments until 24 months after the agreement is executed.

Ten Year Agreement:

If the City agreed to enter into an agreement for 10 years, GSWM would stipulate in the Rate Adjustment provisions of the contract that there would be no CPI adjustments until 36 months after the agreement is executed.

Fiscal Impact:

Upon conclusion of franchise agreement negotiations, City staff will return with a recommendation to approve the franchise agreement and related items including a transition plan and the rates. The fiscal impact will be evaluated at that time and be incorporated into the annual budget process for Fiscal Year 2015-2016.



CITY OF HUGHSON AGENDA ITEM NO. 4.2

SECTION 4: UNFINISHED BUSINESS

Meeting Date: April 13, 2015
Subject: Adoption of Resolution No. 2015-08, A Resolution of the City Council of the City of Hughson Reaffirming the Notice of Acceptance of Application (NOAA) Based on the Revised Terms and Conditions for the Safe Drinking Water State Revolving Fund Project Funding for the City of Hughson, Project No. 50100008-011C and Related Actions

Presented By: Raul L. Mendez, City Manager

Approved By: _____

Staff Recommendation:

Adopt Resolution No. 2015-08, A Resolution of the City Council of the City of Hughson reaffirming the Notice of Acceptance of Application (NOAA) based on revised terms and conditions for the Safe Drinking Water State Revolving Fund Project Funding for the City of Hughson, Project No. 50100008-011C.

Background and Overview:

In July of 2012, the California Department of Public Health (CDPH), Drinking Water Division confirmed receipt of the City of Hughson's Universal Pre Application for the Well No. 7 Replacement Project. On May 28, 2014, the City Council approved the submission of a full construction application prior to July 8, 2013 deadline. On January 28, 2014, the City of Hughson received notification from CDPH that its application for funding under the Safe Drinking Water State Revolving Fund (SDWSRF) was determined to be eligible for construction funding.

The letter served as Notice of Acceptance of Application (NOAA) and funds in the amount of \$6,607,210 have been reserved for the City of Hughson's proposed project provided that specific terms and conditions are met, subject to availability of funds. The funding agreement when issued and executed was expected to provide for a \$6,607,210 loan at a 1.7875% interest rate to be repaid over 20 years. The NOAA is not an authorization to begin construction but is a necessary step prior to the execution of the funding agreement. In order to maintain the reservation of funds in the SDWSRF account for the project, the City of Hughson was required to sign the terms and conditions of the NOAA and return it within 60

calendar days of receipt. The Hughson City Council provided the necessary approval as required on March 10, 2014 (Resolution No. 2014-07).

At that time, CDPH advised the City to proceed with formally accepting the NOAA even amidst some of the other work in progress (namely a Median Household Income Citywide survey and a Consolidation Project described later in the staff report in greater detail) to maintain the project's status. At that time, CDPH had the ability to modify the terms and conditions as needed at a later date once these items were concluded. It is important to note that the State of California made a modification to their organizational structure to bring the Division of Drinking Water Program (formerly under CDPH) under the State Water Resources Control Board (SWRCB) in the summer of 2014.

Hughson Municipal Water System

The City of Hughson relies entirely upon groundwater to supply drinking water to its consumers. Well No. 8 has a coagulation/filtration treatment system that removes arsenic from the groundwater prior to its use in the system. All other wells in the system are non-compliant with current drinking water standards. In 2012, the California Department of Public Health (CDPH) issued Addendum No. 1 to Compliance Order No. 03-10-09CO-001A for violation of the arsenic maximum contaminant level (MCL) which extended the City's compliance date for removal of arsenic from the drinking water until no later than July 1, 2015.

The City's Water Enterprise currently owns a 1.12 acre site facing the future extension of Roeding Road at its intersection of Tully Road, directly behind and to the east of Grossi Manufacturing. A test well was sunk to almost 900 feet in 2012 to ascertain the water quality at different depths. The test showed surface contaminates, such as nitrates and DBCP, were not detected below 300 feet. However, below 300 feet, arsenic is present throughout the different strata, so the well designed to replace Well No. 7 will have arsenic treatment facilities similar to Well No. 8. To completely eliminate arsenic from the municipal water system, a third compliant well is needed also. Toward that end, CDPH encouraged the expansion of the new treatment plant project to include a third well. The nearest well site to the new proposed site is Well No. 5, located in the parking lot of the wood truss plant on Tully Road. The existing Well No. 5 shaft would be abandoned and a new deeper shaft will be sunk on the same site. The water would then be piped to the new treatment plant site so that the City would have two water wells feeding into a central arsenic treatment facility. This project will satisfy the Compliance Order that the City of Hughson's Municipal Water System currently working under.

Other Opportunities for Consideration

Out of Boundary Water Service Connection

Just prior to the City of Hughson's receipt of the NOAA, SWRCB contacted City staff to discuss a possible incentive that may be available. SWRCB indicated that there are two private water systems (originally indicated one) just outside of the City boundaries along Geer Road that are experiencing a similar arsenic presence

above the MCL. The State of California has been working with those property owners (Cobles Corner and Country Villa) to address the water quality issues but due to the fact that they are private water systems, public funding opportunities are not available. SWRCB did indicate that under its Consolidation Program, municipalities that extend services to such private water systems are eligible for grant funding for the necessary infrastructure provided that median household income levels (of families served by the system) meet a certain threshold. In addition, such municipalities that enter into such Consolidation Projects are better positioned to secure other funding for other improvement projects in the future. It is important to note that income surveys were commissioned by SWRCB late last year and both private water systems met the threshold for grant funding and deemed “severely disadvantaged.”

City staff has held a series of discussions with SWRCB representatives regarding the State making available the grant funding through the existing Notice of Acceptance of Application. SWRCB staff indicated that they are open to accommodating the necessary infrastructure through a separate application under the Consolidation Program. As such, the City Engineer has developed a proposal for the infrastructure that would be associated with the extension of the pipe line out to the private water systems mentioned (essentially replacing the water pipeline along Whitmore Avenue from Tully Road to Geer Road). The cost proposal would also provide opportunity for reimbursement of a portion of the infrastructure costs of the Well 7 Replacement Project that will serve the out of boundary water service connection. In talking conceptually with the State, it is likely that if the City chooses to proceed with the Consolidation Project that the cost of one of the wells associated with the Well 7 Replacement Project would be eligible for reimbursement. The Consolidation Project for Cobles Corner and Country Villa will be treated as a separate application and the City would have to apply under that program. SWRCB has agreed to provide the City with technical support through an agreement with the California Rural Water Association to assist with completing the application process. City staff anticipates bringing the Consolidation Project for Cobles Corner and Country Villa forward for formal consideration during a future City Council meeting once elements of the application are complete.

City staff previously researched Local Area Formation Commission (LAFCO) policies to determine the necessary steps for the proposed out of boundary pipe line project and found that it falls under Policy 15 – Out of Boundary Service Contracts or Agreements (Amended January 23, 2013). In summary, “The Commission may authorize a city or district to provide new or extended services outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory in accordance with Government Code Section 56133(c).”

Disadvantaged Community Classification

During the prior discussions with SWRCB, City staff inquired as to their definition of a “disadvantaged community” which provides additional benefits to municipalities under the Safe Drinking Water State Revolving Fund—specifically up to \$3 million of the approved project costs in the form of a grant and the ability to request a 30

year debt service repayment schedule. The “disadvantaged community” classification is based on the jurisdictions median household income and the current threshold is \$46,979. The City of Hughson median household income is around \$50,000 (Department of Finance).

At that time, SWRCB indicated that the City had the opportunity to conduct an income survey to determine if current levels (based on the response received) were within the “disadvantaged community” threshold. If so, SWRCB had the ability to modify the terms and conditions of the NOAA accordingly. Typically, income surveys are done by an outside independent firm. In this case, SWRCB provided the resource, free of charge to the City, through an agreement with Rural Community Assistance Corporation (RCAC). City staff worked with RCAC over the later part of the 2014 and the citywide income survey concluded in 2015. Based on the results, the City of Hughson’s median household income was \$48,000 based on the 29 percent response rate. Although not adequate based on the 2014 California Disadvantaged MHI, the City’s median household income did meet the 2015 threshold of \$48,875. As such, SWRCB began the process of revising their financial determination under Safe Drinking Water State Revolving Fund Project Funding for the City of Hughson, Project No. 50100008-011C. The following are the new terms and conditions compared to the original as recently provided to the City by SWRCB.

	Loan Amount	Forgiveness Amount	Term of Loan	Interest Rate
Original	\$6,607,210	\$0	20	1.7875%
Revised	\$6,607,210	\$0	30	1.663%

Based on recent discussions with SWRCB, the financial determination is based on two factors—financial hardship and loan affordability. Financial hardship is determined through the MHI level. Loan affordability takes into account the average water rates in place at the time of application and determination and whether they meet or exceed the target consumer rate established in the Intended Use Plan (IUP) as contained in the Drinking Water State Revolving Fund (DWSRF) Program. Based on SWRCB’s analysis of the City of Hughson’s current rate structure, the level does not meet or exceed the target consumer rate. Until the City’s water rates meet this threshold, infrastructure financing in the form of grant funding or a no-interest loan is not available. Although not ideal results, the revised terms and conditions are better than originally presented. This, coupled with the Compliance Order, provides the City with a viable financing option for completing the needed infrastructure improvements. It is staff’s recommendation that the City proceed forward with the steps necessary to formalize the financing for the Well 7 Replacement Project at this time. In order to obtain the formal funding agreement, the State is requiring that the City Council adopt a resolution reaffirming the Notice of Acceptance of Application (NOAA) based on revised terms and conditions for the Safe Drinking Water State Revolving Fund Project Funding for the City of Hughson, Project No. 50100008-011C.

Upon City Council approval of staff’s recommendation, City staff will bring forth additional items for consideration during the upcoming weeks including adoption of

a Water Rate Study, initiation of a Proposition 218 process, the formal project funding agreement, the Consolidation Project application and other necessary items. City staff, MCR Engineering and Bartle Wells and Associates will provide a formal presentation to the City Council on this item during the meeting.

Fiscal Impact:

The City of Hughson has retained the services of Bartle Wells and Associates to assist with the update Water Rate Study. When application for the Well No. 7 Replacement Project was made, it was understood that a water rate adjustment would be necessary in compliance with Proposition 218 to repay any debt incurred. Bartle Wells presented its preliminary study during the City Council special meeting early last year based on the original loan terms and conditions. The Water Rate Study analysis by Bartle Wells was placed on hold until the income survey was complete and the out of boundary service connection project was further explored and vetted. Now that the outcome of those items has been determined, Bartle Wells has worked with City staff to revise its analysis for formal consideration. Additionally, MCR Engineering has also been retained by the City for water engineering and planning services. MCR has been instrumental in beginning to update the City's water master planning document in order to explore all viable funding options for short term and long term infrastructure needs of the City's municipal water system.

The City's goal over the last year has been to comprehensively explore all funding opportunities available for its municipal water system to ensure that the impact to current water rate payers is minimized as much as possible.

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

A RESOLUTION OF CITY COUNCIL OF THE CITY OF HUGHSON AUTHORIZING THE CITY MANAGER TO SIGN FINANCING AGREEMENT, AMENDMENTS, AND CERTIFICATIONS FOR FUNDING UNDER THE DRINKING WATER STATE REVOLVING FUND (DWSRF); AUTHORIZING THE CITY MANAGER TO APPROVE CLAIMS FOR REIMBURSEMENT; AUTHORIZING THE CITY MANAGER TO EXECUTE BUDGET AND EXPENDITURE SUMMARY; AUTHORIZING THE CITY MANAGER TO SIGN THE FINAL RELEASE FORM AND THE CITY MANAGER TO SIGN THE CERTIFICATION OF PROJECT COMPLETION; AND PLEDGING AND DEDICATING NET WATER REVENUES FROM THE WATER ENTERPRISE FUND TO PAYMENT OF DWSRF FINANCING

WHEREAS, the City of Hughson seeks financing from the State Water Resources Control Board for a project commonly known as Well No. 7 Replacement Project (Well No. 9) (“Project”); and

WHEREAS, the City Council recognizes the need and requirement for the City of Hughson’s water system to come into compliance with the State of California’s safe drinking water mandates by July 1, 2015; and

WHEREAS, the City Council of the City of Hughson represents that the total project cost of the Well No. 7 Replacement Project (Well No. 9) is estimated at \$6,607,210, of which the State agrees is eligible for Safe Drinking Water State Revolving Fund (DWSRF) financing at a 1.663 percent interest rate with a 30 year repayment; and

WHEREAS, the City of Hughson, through the results of a Median Household Income (MHI) Survey commissioned in 2014 in coordination with the State Water Resources Control Board and administered by Rural Community Assistance Corporation has met the State’s definition of a “California Disadvantaged MHI” for 2015 and will continue to work with the State Water Resources Control Board to identify additional funding opportunities to best meet its short and long term water infrastructure needs.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that

1. The City Manager is hereby authorized and directed to sign and file, for and on behalf of the City of Hughson a financial assistance application for a financing agreement from the State Water Resources Control Board for the Project;
2. The City Manager or designee is hereby authorized to sign the DWSRF program financing agreement for the Project and any amendments thereto, and provide the assurances, certifications and commitments required therefore;

3. The City Manager or designee is hereby authorized to represent the City of Hughson is carrying out the City of Hughson's responsibilities under the financing agreement, including approving and submitting disbursement requests (including Claims for Reimbursement) or other required documentation, compliance with applicable state and federal laws, and making any other necessary certifications;
4. The City of Hughson does hereby dedicate and pledge its net water revenues and its water enterprise fund to payment of the DWSRF financing for the Project. The City of Hughson commits to collecting such revenues and maintaining such fund(s) throughout the term of such financing and until the City of Hughson has satisfied its repayment obligation there under unless modification or change is approved in writing by the State Water Resources Control Board. So long as the financing agreement(s) are outstanding, the City of Hughson pledge hereunder shall constitute a lien in favor of the State Water Resources Control Board on the foregoing fund(s) and revenue(s) without any further action necessary. So long as the financing agreement(s) are outstanding, the City of Hughson commits to maintaining the fund(s) and revenue(s) at levels sufficient to meet its obligations under the financing agreement(s). If for any reason, the said source of revenues proves insufficient to satisfy the debt service of the DWSRF obligation, sufficient funds shall be raised through increased water rates, user charges, or assessments or any other legal means available to meet the DWSRF obligation and to operate and maintain the project.; and
5. The authority granted hereunder shall be deemed retroactive. All acts authorized hereunder and performed prior to the date of this Resolution are hereby ratified and affirmed. The State Water Resources Control Board is authorized to rely upon this Resolution until written notice to the contrary, executed by each of the undersigned, is received by the State Water Resources Control Board. The State Water Resources Control Board shall be entitled to act in reliance upon the matters contained herein, notwithstanding anything to the contrary contained in the formation documents of the City of Hughson or in any other document.

PASSED AND ADOPTED by the City Council of the City of Hughson at its regular meeting held on this 13th day of APRIL, 2015 by the following roll call votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the **City Council of the City of Hughson**, held on **April 13, 2015**.

ATTEST:

DOMINIQUE SPINALE ROMO, City Clerk



CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date: April 13, 2015

Subject: Consider Amending Hughson Municipal Code Chapter 8.24 – Smoking Pollution to add Recreational Areas to the List of Prohibited Areas as well as to Add Electronic Smoking and Vapor Devices to its Definition of Smoking

Enclosures: Ordinance No. 2015-01
Amended Hughson Municipal Code Chapter 8.24

Presented By: Jaylen French, Community Development Director

Approved By: _____

Staff Recommendation:

Introduce and waive the first reading of Ordinance No. 2015-01, amending the Hughson Municipal Code (HMC) Chapter 8.24, Smoking Pollution, to include recreational areas to the list of areas where smoking is prohibited, as well as to add electronic smoking and vapor devices to its definition of Smoking.

Background and Overview:

In December 2014, the Stanislaus Advocacy Action Team (StAAT)—a project of the Stanislaus County Office of Education (SCOE)—and the Protecting Health and Slamming Tobacco (PHAST) team from Ross Middle School provided the Parks and Recreation Commission with a presentation on “Clean and Healthy Smoke Free Parks”.

In short, the presentation spoke to the negative effects of smoking in parks, including secondhand smoke and its health impacts, as well as the aesthetic, environmental and other impacts from the associated litter. The team’s goal is to promote clean and healthy parks by organizing the community and advocating for local smoke free parks policies.

In January 2015, City staff provided detailed options regarding enacting and enforcing a smoke-free parks policy to the Parks and Recreation Commission. Those options included:

Enacting

1. **General Proclamation or Resolution of Support.** For this option, the City Council would proclaim or approve a resolution of support, which generally states that the City supports smoke free parks. There would be no associated policy or enforcement with this option.
2. **Ordinance.** With this option, the City Council would adopt an Ordinance, in association with policies and would amend the Municipal Code to regulate and enforce smoking and/or tobacco use in parks.

Enforcement

1. Self-enforced. This option is applicable to either implementation option and would entail users of the parks enforcing the 'ban' on smoking within parks.
2. Code Enforcement. This option is only applicable to the Ordinance implementation option. This option would entail the City's code enforcement officer, either proactively or on a complaint basis, enforce the amended code and cite/fine smokers within the City's parks.
3. Law Enforcement. This option is also only applicable to the Ordinance implementation option. This option would entail the City's police services, either proactively or on a complaint basis, enforce the amended code and cite/fine smokers with the City parks.

After discussion, the Parks and Recreation Commission (PRC) recommended that an Ordinance—versus a Resolution—be drafted to prohibit smoking in public recreational facilities and to include a self-enforcement approach, but provide the City the ability to enforce if a situation warranted.

In preparing the Ordinance, legal counsel advised City staff that the HMC included a Chapter (8.24, Smoking Pollution)—adopted in 1993—which prohibited smoking in certain areas of the City in order to protect the health, safety and welfare of the public. Therefore, legal counsel's recommendation was to amend said section to 1) add public recreation areas to those areas where smoking is prohibited and 2) add electronic smoking and vapor devices to its definition of Smoking.

On March 10, 2015, City staff outlined the details of the amended Ordinance before the PRC and sought approval of and a recommendation onto the City Council to amend HMC Chapter 8.24, Smoking Pollution by ordinance.

Parks and Recreation Commission Recommendation/Discussion

Ultimately, the PRC, on a 3-0 (two commissioners were absent), recommended that the City Council amend HMC Chapter 8.24 as described. There was some discussion on the intent of the enforcement component as it was the PRC's desire to have the prohibition primarily self-enforced. In the end, staff explained that the existing ordinance had been in effect since 1993 and there were no enforcement issues and while the ordinance as drafted does provide the opportunity to issue

citations, it will not be the City's first response. Staff will work with StAAT to develop and fund signage for all the recreational areas as well as provide information to the resident on the smoking prohibition. Education and reminders will be the initial approach, reserving citations only for situations that are warranted.

Discussion:

As currently drafted, Chapter 8.24 of the HMC prohibits smoking—defined as lighting, inhaling, exhaling or burning any pipe, cigar, cigarette...or other ignited combustible substance in any manner or in any form—in all enclosed facilities owned by or leased by the city and in public places such as restrooms, services lines, retail stores, restaurants, workplaces, etc.

The amendment, as attached, would be to redefine "Smoking" to include electronic cigarettes. As proposed, it will read as follows:

“Smoking” means lighting, inhaling, exhaling or burning any pipe, cigar, cigarette, weed or plant, tobacco, nicotine product, gases, particles, or vapors, or carrying any lighted pipe, lighted cigar, lighted cigarette, lighted marijuana, lighted plant, electrical ignition or vaporization device used primarily for human inhalation, or other ignited combustible substance in any manner or in any form, including, but not limited to, electronic cigarettes, hookah pipe.”

Further, the amendment will add recreational area to the list of areas in which smoking is prohibited in the City and will define "Recreational Area" as follows:

“Recreational Area” means any outdoor area that is publicly owned or operated by the City of Hughson and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to existing or future parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, horseback riding trails, swimming pools, roller- and ice-skating rinks, and skateboard parks. Recreational Areas shall also include any parking lot or other designated parking areas for vehicles of persons accessing and using a Recreational Area.”

Staff believes that amending the existing HMC Chapter, in terms of enforcement and violations/penalties is consistent with PRC's intent and desire. This is a strongly self-enforced option, but which provides the City the ability to cite and fine those who might egregiously violate the ordinance.

Fiscal Impact:

Staff anticipates that there will be very limited fiscal impact to amending the Hughson Municipal Code Chapter 8.24, Smoking Pollution as the associated education and enforcement will utilize existing staffing resources.

Chapter 8.24 SMOKING POLLUTION

Sections:

- [8.24.010](#) Purposes.
- [8.24.020](#) Definitions.
- [8.24.030](#) Applicable facilities.
- [8.24.040](#) Smoking prohibited in public places.
- [8.24.050](#) Smoking prohibited in workplace.
- [8.24.060](#) Exempt areas.
- [8.24.070](#) Posting of signs.
- [8.24.080](#) Compliance committee.
- [8.24.090](#) Enforcement.
- [8.24.100](#) Violations and penalties.
- [8.24.110](#) Other applicable laws.

8.24.010 Purposes.

A. The city council finds and declares as follows: The United States Environmental Protection Agency (EPA) has determined that tobacco smoke is a major source of indoor air pollution, and the Surgeon General's 1986 Report on the Health Consequences of Involuntary Smoking concludes that exposure to tobacco smoke places healthy nonsmokers at risk for developing lung cancer. Other health hazards of involuntary smoking include respiratory infection, bronchoconstriction and bronchospasm. While all members of the population are truly at increased risk due to exposure to sidestream tobacco smoke, it constitutes a special health hazard for children, the elderly and people with chronic lung disorders.

B. The Surgeon General labels smoking "the largest single preventable cause of death and disability for the United States population."

C. Employees subject to prolonged exposure to sidestream smoke in the workplace have been found in scientifically conducted studies to experience a loss of job productivity and some have been forced to take periodic sick leave because of reactions to secondhand smoke. Furthermore, studies have shown higher costs to the employer are associated with smoking in the workplace due to increases in absenteeism, accidents, cost of medical care, loss of productivity, and cleaning and maintenance requirements. A recent scientific study has reported that sidestream smoke from tobacco may cause a significant amount of cardiovascular disease in the United States and that the number of deaths from this cause may exceed the deaths caused by lung disease associated with sidestream smoke. Smoking in public places and workplaces is a major cause of fires and damage to merchandise and equipment, as well as costly maintenance and repairs to furniture and fixtures.

D. The health care costs produced by smoking-related ailments and diseases constitute a heavy and avoidable financial drain on our community.

E. Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to nonsmokers and constitutes a public nuisance in public places and workplaces. (Ord. 93-02 § 1, 1993)

8.24.020 Definitions.

The following words and phrases, whenever used in this chapter, unless the content indicates otherwise, shall be construed as defined in this section:

“Bar” means an area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term bar shall not include the restaurant dining area.

“Business” means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

“City” means all land, buildings and physical space within the Hughson city limits.

“Dining area” means any enclosed area containing a counter or tables upon which meals are served.

“Employee” means any person who is employed by an employer in the consideration of direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.

“Employer” means any person, partnership, corporation, including a municipal corporation, or nonprofit entity, who employs the services of one or more individual persons.

“Enclosed area” means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, “office landscaping” or similar structures.

“Members of the general public” means shoppers, customers, patrons, patients, students, clients and other similar invitees of a commercial enterprise or nonprofit entity; and exclude employees thereof, sales representatives, service repair persons, and persons delivering goods, merchandise or services to a commercial enterprise, nonprofit entity or the city.

“Nonprofit entity” means any corporation, unincorporated association, or other entity created for charitable, philanthropic, educational, character building, political, social, or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a nonprofit entity within the meaning of this section.

“Person” means any natural person, partnership, corporation, unincorporated association, joint venture, business trust, joint stock company, club, or other organization of any kind except the city or any other public agency.

“Place of employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to:

1. Work areas;
2. Employee lounges and rest rooms;
3. Conference and classrooms;
4. Employee cafeterias; and
5. Hallways.

“Private party” means a social gathering to which the participants are invited by written invitation prior to the event, and to which the general public is not invited.

“Public place” means any enclosed area to which the public is invited or in which the public is permitted, including but not limited to:

1. Banks;
2. Educational facilities;
3. Health facilities;
4. Public transportation facilities;
5. Recreational areas;
6. Restaurants;
7. Retail stores;
8. Retail service establishments;
9. Theaters;
10. Retail food production and marketing establishments; and
11. Waiting rooms.

A private residence is not a “public place.”

“Recreational Area” means any outdoor area that is publicly owned or operated by the City of Hughson and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to existing or future parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, horseback riding trails, swimming pools, roller- and ice-skating rinks, and skateboard parks. Recreational Areas shall also include any parking lot or other designated parking areas for vehicles or persons accessing and using a Recreational Area.”

“Regular business hours” refer to the hours between 8:00 a.m. and 5:00 p.m.

“Restaurant” means any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities, except that the term “restaurant” shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a bar as defined in this section.

“Service line” means any indoor line at which one or more persons is waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

“Smoking” means lighting, inhaling, exhaling or burning any pipe, cigar, cigarette, weed or plant, tobacco, nicotine product, gases, particles or vapors, or carrying any lighted pipe, lighted cigar, lighted cigarette, lighted ~~weed~~marijuana, lighted plant, electrical ignition or vaporization device used primarily for human inhalation, or other ignited combustible substance in any manner or in any form, including but not limited to electronic cigarettes, hookah pipe.

“Sports arena” means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

“Tobacco store” means any retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

“Work area” or “workplace” means any area of a place of employment enclosed by floor to ceiling walls in which two or more employees are assigned to perform work for an employer. (Ord. 93-02 § 1, 1993)

8.24.030 Applicable facilities.

All enclosed facilities owned by or leased by the city are subject to the provisions of this chapter. (Ord. 93-02 § 1, 1993)

8.24.040 Smoking prohibited in public places.

Smoking is prohibited in public places, including, but not limited to the following:

- A. Elevators;
- B. Buses, taxicabs and other means of public transit, and ticket, boarding and waiting areas of public transit depots;
- C. Rest rooms;
- D. Service lines;
- E. Retail stores;
- F. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including but not limited to professional offices and other offices;
- G. Restaurants;
- H. Public areas of aquariums, galleries, libraries and museums when open to the public;
- I. Any facility which is primarily used for exhibiting any motion picture, stage, drama, lecture, musical recital or other similar performance, except when smoking is part of a stage production;
- J. Sports arenas and convention halls;
- K. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies or the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;
- L. Waiting rooms, hallways, wards and rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors’ offices, dentists’ offices, and long-term care facilities;
- M. Common areas in apartment buildings, condominiums, retirement facilities and long-term care facilities;
- N. Polling places;
- O. Enclosed common areas in shopping malls;
- P. Barbershops, beauty shops, cleaners, laundromats, and other places where members of the general public congregate for service or otherwise frequent;
- Q. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment; ~~(Ord. 93-02 § 1, 1993)~~
- R. Recreational Areas.** (Ord. 93-02 § 1, 1993)

8.24.050 Smoking prohibited in workplace.

A. It shall be the responsibility of employers to provide a smoke-free workplace for all employees, but employers are not required to incur any expense to make structural or other physical modifications.

B. Each employer having an enclosed place of employment located within the city shall adopt, implement, make known and maintain a written smoking policy which shall contain the following requirements:

Smoking shall be prohibited in all enclosed facilities within a place of employment. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

C. The smoking policy shall be communicated to all employees within three weeks of its adoption.

D. All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee. (Ord. 93-02 § 1, 1993)

8.24.060 Exempt areas.

Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

A. Private residences, except when used as a child care or health care facility;

B. Private parties held after regular business hours; providing, that there is no impact on the general public and that no membership affiliation is required to attend the party;

C. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment. (Ord. 93-02 § 1, 1993)

8.24.070 Posting of signs.

A. "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is regulated by this chapter, by the owner, operator, manager or other person having control of such building or other place.

B. Every theater owner, manager or operator shall conspicuously post signs in the lobby stating that smoking is prohibited within the theater or auditorium, and in the case of motion picture theaters, such information shall be shown upon the screen for at least five seconds prior to the showing of each featured motion picture.

C. Every restaurant and bar shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited. (Ord. 93-02 § 1, 1993)

8.24.080 Compliance committee.

A. A smoking pollution control ordinance compliance committee shall be established which shall be composed of the city manager as chairperson, director of public works, and two other persons designated by the city council.

B. If any person subject to this chapter is not satisfied with the provision of this chapter, then the person may make written application to the committee for an exemption or modification to any provision of this chapter. The application must allege and prove unusual circumstances or conditions such as a showing of financial

impracticability. The committee shall consider such application and make recommendations to the city council. The city council has the sole discretion whether to grant any exemption or modifications to the requirements of this chapter.

C. No application for an exemption from the requirements of this chapter may be made pursuant to this section for 90 days following the effective date of the ordinance codified in this chapter.

D. Should an exemption from the requirements of this chapter be granted, the owner of the business must post a detailed sign on the door of the establishment stating the following: Smoking is hazardous to health, it is a known carcinogen, and it can cause lung cancer and heart problems.

E. The fire chief shall require, while an establishment is undergoing otherwise mandated inspections, a "self-certification" from the owner, manager, operator or the person having control of such establishment that all requirements of this chapter have been complied with.

F. Any owner, manager, operator or employee of any establishment regulated by this chapter may inform persons violating this chapter of the appropriate provision thereof. (Ord. 93-02 § 1, 1993)

8.24.090 Enforcement.

A. Enforcement of this chapter shall be by the city manager.

B. Any person who desires to register a complaint under this chapter may do so by filing it with the city manager. Any person may bring legal action to enforce any provision of this chapter after notification to the city manager. (Ord. 93-02 § 1, 1993)

8.24.100 Violations and penalties.

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with any of its provisions.

B. It is unlawful for any persons to smoke in any area where smoking is prohibited by the provisions of this chapter.

C. Any person who violates any provision of this chapter by smoking in a posted no-smoking area or otherwise violates any provision of this chapter is guilty of an infraction, and, upon conviction thereof, shall be punished by a fine of \$100.00 for the first offense; \$200.00 for the second offense (in the same year); and \$500.00 for the third offense (in the same year).

D. No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any right to a smoke-free environment afforded by this chapter. (Ord. 93-02 § 1, 1993)

8.24.110 Other applicable laws.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (Ord. 93-02 § 1, 1993)

**CITY OF HUGHSON
CITY COUNCIL
ORDINANCE NO. 2015-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
AMENDING MUNICIPAL CODE CHAPTER 8.24 – SMOKING POLLUTION**

WHEREAS, the City Council of the City of Hughson previously added Chapter 8.24 to the Hughson Municipal Code, pertaining to smoking pollution and prohibiting smoking in certain areas of the City in order to protect the health of the public; and

WHEREAS, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke does occur at significant levels outdoors; and

WHEREAS, cigarette butts are a major and persistent source of litter and can pose a health threat to young children; and

WHEREAS, creating smoke-free areas helps protect the health of the approximately 86.7% of Californians who are non-smokers; and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions; and

WHEREAS, smoking is currently not prohibited in City of Hughson's public parks and other areas that the public use for physical activities including exercising, sporting events, and for play; and

WHEREAS, it is the intent of the City Council, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging smoking and tobacco use around park users, especially children; by protecting the public from exposure to secondhand smoke where they play, exercise, and relax; by protecting the environment from tobacco-related litter; by reducing the potential for children to wrongly associate smoking and tobacco use with a healthy lifestyle; and by affirming and promoting a healthy environment in and around the City's recreational areas.

WHEREAS, there has been the introduction of electronic smoking devices such as e-cigarettes that still produce vapor that could be annoying and harmful to the public; and

WHEREAS, the City of Hughson desires to amend its municipal code to add electronic smoking and vapor devices to its definition of Smoking as well as add outdoor public recreation areas to those areas where smoking is prohibited.

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

Section 1. The definition of “Smoking” in Chapter 8.24.020 amended to read as follows:

““Smoking” means lighting, inhaling, exhaling or burning any pipe, cigar, cigarette, weed or plant, tobacco, nicotine product, gases, particles, or vapors, or carrying any lighted pipe, lighted cigar, lighted cigarette, lighted marijuana, lighted plant, electrical ignition or vaporization device used primarily for human inhalation, or other ignited combustible substance in any manner or in any form, including, but not limited to, electronic cigarettes, hookah pipe.”

Section 2. Chapter 8.24.020 amended to add the following definition to read as follows:

““Recreational Area” means any outdoor area that is publicly owned or operated by the City of Hughson and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes, but is not limited to existing or future parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, horseback riding trails, swimming pools, roller- and ice-skating rinks, and skateboard parks. Recreational Areas shall also include any parking lot or other designated parking areas for vehicles of persons accessing and using a Recreational Area.”

Section 3. Chapter 8.24.040 amended to add subdivision R to read as follows:

“R. Recreational Areas.”

Section 4. 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 5. 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 6. This ordinance shall become effective thirty (30) days after its final passage.

Section 7. 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 April 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 April ____, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE, City Clerk



CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date: April 13, 2015
Subject: Consideration of the City Selection Panel's Recommendation of Lieutenant Larry Seymour for Hughson Chief of Police
Enclosures: Letter Dated March 20, 2015 from City Manager Raul Mendez to Stanislaus County Sheriff's Department Captain Jim Gordon Regarding City Selection Panel Recommendation
Presented By: Raul L. Mendez, City Manager
Approved By: _____

Staff Recommendation:

1. Accept the City Selection Panel's Recommendation of Lieutenant Larry Seymour for Hughson Chief of Police.
2. Direct the City Manager to send a letter notifying Stanislaus County Sheriff Adam Christianson of the City of Hughson's recommendation of Lieutenant Larry Seymour to Hughson Chief of Police.

Background and Overview:

On September 1, 2001, the City of Hughson (City) entered into a five-year agreement with Stanislaus County (County) to perform law enforcement services. On September 1, 2006, the City and County agreed to extend the agreement for an additional five-year period and in 2011 the agreement was extended for an additional two-year period which expired on June 30, 2013.

On October 28, 2013, the City of Hughson approved Resolution No. 2013-31, an agreement with Stanislaus County to perform law enforcement services for the City of Hughson for the term July 1, 2013 through June 30, 2016. Per the executed agreement, Stanislaus County provides a Chief of Police for the City of Hughson from its pool of Lieutenants. Darin Gharat served as Hughson Chief of Police from July 2011 to March 2015

"The Chief of Police will generally manage law enforcement activities on behalf of the City. The Chief of Police will coordinate the delivery of law enforcement

services under this agreement and manage and supervise the personnel assigned to provide law enforcement services to the City. The Chief of Police, or designee, will attend all City Council meetings and will be available to City Staff at all reasonable times. The Chief of Police will meet with City officials on a periodic basis, the frequency of which will be determined by the City, to assure local control over the quality and service and to identify goals and programs to create a safer community."

Discussion:

In early 2014, Chief Darin Gharat notified the City Manager that he would be retiring from Stanislaus County service in March 2015. In preparation for the transition ahead, City Manager Raul Mendez and Mayor Pro Tem Jeramy Young met with Sheriff Adam Christianson, Captain Jim Gordon and Doris Foster from the Stanislaus County Chief Executive Office met in the fall of 2014 to develop a transition plan in time for the pending retirement of Chief Gharat.

In early 2015, the Stanislaus County Sheriff's Department opened a promotional recruitment for Lieutenants. In an effort to attract a wider pool of applicants for the appointment to the Hughson Chief of Police position, the City worked with Stanislaus County to wait until its completion to begin the selection process. Shortly thereafter, the Sheriff's Department issued a memorandum to its Lieutenant ranks on the opportunity to be considered for the Chief of Police position in Hughson. Four Lieutenants submitted memorandums of interest for consideration that were forwarded to the City of Hughson for consideration.

Per the executed law enforcement agreement between the City of Hughson and Stanislaus County,

"The County shall provide a list of Lieutenants qualified to serve as the Chief of Police for the City. The City may interview the candidate(s) and provide the County with the City's recommendation of the candidate to be appointed as the Chief of Police. After considering the recommendations of the City, the County will assign a Lieutenant who will act as the Chief of Police (the "Chief of Police")."

To assist with the recommendation for the Hughson Chief of Police recommendation, a City Selection Panel was assembled. The goal was to have a diverse group that could evaluate the candidates based on their unique perspective. The panel consisted of Mayor Pro Tem Jeramy Young, Councilmember Jill Silva, Assistant Superintendent Brenda Vaca, Assistant Fire Chief Jeff Serpa and Bank of the West Branch Manager Julie Mayfield. Interviews were scheduled on March 2, 2015. Prior to the interviews, one of the candidates withdrew their name from consideration.

The City Selection Panel interviewed the three remaining candidates and ranked them based on their experience, expertise, and leadership characteristics. The results were provided to the City Manager to package for the City Council for consideration. The City Manager contacted Captain Gordon to discuss results. At that time, the Captain shared that the Sheriff's Department would be opening a

Captain recruitment (due to an unexpected vacancy) and that the three candidates that submitted interest in the Hughson post likely would be interested in the Captain position as well. As a courtesy to the candidates and the Sheriff's Department, the City Manager agreed to hold off on bringing the City Selection Panel's recommendation to the Hughson City Council until the Captain recruitment had concluded. On March 17, 2015, Captain Gordon notified the City Manager that one of the City candidates had been promoted to the rank of Captain and as such two candidates remained for selection.

Based on the City Selection Panel's scoring, Lieutenant Larry Seymour was the top candidate. Lieutenant Seymour has been with the Stanislaus County Sheriff's Department since 1987 where he was hired as a Deputy Sheriff. As a Deputy Sheriff he has served in the custodial, coroner and rural and property crimes areas. In 2007, he served as the Operations Sergeant for Riverbank Police Services. Lieutenant Seymour also served as a Detective in the Administrative Division. Just prior to being promoted to the rank of Lieutenant, he served as the Chief Deputy Coroner.

Since Chief Gharat's retirement late last month, Lieutenant Seymour has been placed in an interim role in Hughson to begin to become more familiar with the City of Hughson and prepare for the transition ahead. Lieutenant Seymour has begun meeting with City staff to begin familiarizing himself with the City's internal processes and the current landscape in Hughson. Following the Hughson City Council's acceptance of the City Selection Panel's recommendation of Lieutenant Seymour for Hughson Chief of Police, the City will communicate the action to Sheriff Adam Christianson. A press release will be prepared jointly by the City and the County and the two will work together to formally introduce the new Chief to the community through a variety of avenues. The City has a number of community events (Love Hughson, Concerts in the Park, Hughson Fire District's Centennial Celebration, Hughson Fruit and Nut Festival and National Night Out) scheduled in the upcoming months and will take advantage of those opportunities for the additional outreach. The Chief will also be introduced to local partner agencies (School District, Fire District, Chamber, etc.) through existing monthly meetings.

Fiscal Impact:

For Fiscal Year 2014-2015, the estimated cost for law enforcement services is approximately \$1 million. This includes all necessary staffing for Hughson Police Services including 33% of the salary for the Chief of Police. Per the agreement, the City and County meet prior to the start of the new fiscal year to discuss level of service and make any modifications necessary. The City Manager will work with the Chief of Police and Stanislaus County Sheriff's Department to review the current level of service and staffing model in preparation for Fiscal Year 2015-2016.



CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date: April 13, 2015
Subject: Consider Approving Business Incentive Funds for Contract Services with the East Stanislaus Resource Conservation District (ESRCD) to Initiate and Manage a Hughson Farmers Market in 2015
Presented By: Jaylen French, Community Development Director
Approved By: _____

Staff Recommendation:

1. Approve Business Incentive Funds for contract services with the East Stanislaus Resource Conservation District (ESRCD) to initiate and manage a 2015 Hughson Farmers Market.
2. Authorize the City Manager to negotiate and execute an agreement with the East Stanislaus Resources Conservation District for farmer's market management and initiation services.

Background and Overview:

East Stanislaus Resource Conservation District

The East Stanislaus Resource Conservation District was formed in 1996 and covers 984 square miles east of the San Joaquin River. The East Stanislaus RCD prioritizes local resource conservation concerns and the implementation of planned activities by assisting District cooperators, land users, and land owners by providing technical, financial and administrative assistance, and representation at various workshops, meetings and public hearings. The East Stanislaus RCD has sponsored major state and federal projects that have resulted in significant funding for on-farm improvements.

The East Stanislaus RCD is a non-taxing body created by the Local Agency Formation Commission (LAFCO). The East Stanislaus RCD is locally driven and managed by a voluntary Board of Directors and a small staff. As a local decision making body, the East Stanislaus RCD directs and coordinates activities of the United States Department of Agriculture (USDA) and other local, state, and federal agencies within the District.

Stanislaus Grown

Stanislaus Grown is a local effort backed by the East Stanislaus Resource Conservation District, which aims to bring all the pieces of the local food system together to support local producers through marketing, events, education and outreach.

Stanislaus Grown is made up of members that grow, produce, package, source from or generally support the local agriculture industry. The program was started with the help of a Farmers Market Promotion Program (FMPP) grant to the East Stanislaus Resource Conservation District to provide more direct-to-consumer opportunities for producers and increase consumer purchases of Stanislaus County products.

Under the grant funding, ESRCD staff was trained to be farmers market managers. They are in turn actively working with interested communities and organizations to help start new markets in the region. The ESRCD is able to either train individuals to become market managers, or start-up new markets through their management and subsequently train an individual to assume the management.

Discussion:

The City's Small Business Development Center (SBDC) representative, Al Seaton, put the City in contact with the ESRCD and began the process of initiating the coordination effort. City staff has since spoken with ESRCD staff and determined a cost and approach for the effort.

In order to start a 2015 Farmers Market by mid-May to early-June, the ESRCD is requesting approval from the City prior to their Board meeting scheduled for Wednesday, April 15, 2015.

This item is to seek \$6,000 in funding for farmers market initiation and management services and approval of the draft agreement with the ESRCD. Considering the time-sensitive nature of the approval, this matter has not been brought before the Economic Development Committee (EDC), the Committee charged with recommending allocation of business incentive funds to the City Council.

Summary of Farmers Market Discussions

Over the last several months, City staff has explored various options to initiate a farmers market in the City. Most recently, City staff and our SBDC representative were coordinating with an individual interested in establishing a farmers market in Hilmar. The plan was to utilize the framework of this effort to create a farmers market here, sharing vendors and the same market manager.

On January 26, 2015 this concept was shared with the EDC. At that time, there was broad support for the concept as well as support for using business incentive

funds to offset the overall costs and to provide some wage to the market manager. Ultimately, the EDC requested that resolution to several issues be provided in future meetings. An EDC meeting was not held in February.

On March 4, 2015, the farmers market concept—since refined with City staff, our SBDC representative and the proposed market manager—was shared with the Hughson Chamber of Commerce Board at their meeting. Again, the concept was widely supported, but Chamber board members encouraged the farmers market to include entertainment elements. On March 6, 2015, the proposed market manager informed the City that she is no longer interested in managing a Hughson farmers market.

On March 23, 2015 City staff updated the EDC on the status of the farmers market. The EDC members expressed strong interest in establishing a farmers market and ideas were discussed to make this happen, including contacting existing market managers to inquire about their availability. The general sentiment—although not directly stated—was that business incentive funds could be an option to retain a market manager.

Business Assistance Programs

On September 23, 2013, the City Council approved the expansion of the Hughson Business Assistance Programs through the creation of a new incentive element for existing and new business. The following are the general parameters:

Purpose: (1) attract business to Hughson, (2) retain business in Hughson (3) occupy vacant commercial/industrial property, (4) promote sustainability through business plan development, (5) promote certain business types in Hughson.

Incentive: Assistance from \$1,000 to \$30,000 for general business use, operating capital, rehabilitation of building, business fee reimbursement, etc.

Recommended Funding Source: \$30,000 from the General Fund.

City staff is of the opinion that while business incentive funds are meant to assist the start up or expansion of a physical business, the use of these funds to initiate and manage the first year of a farmers market does meet the intent of the program. Staff is of the opinion that a farmers market will help drive interest in, and shoppers to, the downtown—the City's core commercial area—which will help to support existing businesses as well as potentially catalyze new businesses.

For the identified cost, ESRCD has informed City staff that they are able to start-up and manage the 2015 Hughson Farmers Market. In addition, the ESRCD will train a selected individual to become the long-term market manager.

If funding is approved, City staff will work with the ESRCD to finalize the details of the agreement. Staff recommends authorizing the City Manager to finalize, negotiate and execute an agreement with the ESRCD based on the key points of the agreement described in this staff report.

Fiscal Impact:

Per the adopted Fiscal Year 2014-2015 Final Budget, \$30,000 has been allocated for the purposes of providing business incentive funds. If approved, this would be the third request distributed this fiscal year. The first, for \$6,000, went towards Shami's Dog. The second, for \$4,000 grant and \$4,000 loan went towards the Magnolia Farmhouse Market. This leaves an existing balance of \$16,000 in business incentive program. If the Farmer's Market funding is approved, the remaining balance would be \$10,000.



CITY OF HUGHSON
PARKS & RECREATION COMMISSION MEETING
CITY HALL COUNCIL CHAMBERS
7018 Pine Street, Hughson, CA

AGENDA
TUESDAY, APRIL 14, 2015 – 6:00 P.M.

CALL TO ORDER: Chair Matt House

ROLL CALL:

Chair Matt House
Vice Chair Tamara Thomas
Commissioner Hans Picinich
Commissioner Billy Redding

Staff to be Present: Jaylen French, Community Development Director
Dominique Spinale Romo, Assistant to the CM/City Clerk
Monica Streeter, Deputy City Attorney

FLAG SALUTE: Chair Matt House

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

Members of the audience may address the Commission 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 Commission cannot take action on matters not on the agenda, unless the action is authorized by Section 54954.2 of the Government Code, items of concern, which are not urgent in nature can be resolved more expeditiously by completing and submitting to the City Clerk a "Citizen Request Form" which may be obtained from the City Clerk.

2. PRESENTATIONS: NONE.

3. UNFINISHED BUSINESS: NONE.

4. NEW BUSINESS:

4.1: Approve the Minutes of the Regular Meeting of March 10, 2015.

Any documents produced by the City and distributed to a majority of the Commission regarding any item on this Agenda will be made available at the City Clerk's counter at City Hall located at 7018 Pine Street, Hughson, CA.

4.2: Review and Discuss Park Opportunities in City.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: NONE.

6. INFORMATIONAL ITEMS:

6.1: Smoke Free Parks Ordinance Update.

6.2: Starn Park Play Structure Update.

7. COMMENTS:

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

Community Development Director:

7.2: Commissioner Comments: (Information Only – No Action)

ADJOURNMENT:

WAIVER WARNING

If you challenge a decision/direction of the Commission 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:

April 18	▪ LOVE Hughson Event – visit www.lovehughson.com – Breakfast and Rally @ Senior Community Center, 2307 4 th Street, 7:00 A.M.
April 21	▪ Planning Commission Meeting, City Hall Chambers, 6:00 P.M.
April 25-26	▪ Citywide Yard Sale Event, Saturday and Sunday
April 27	▪ City Council Meeting, City Hall Chambers, 7:00 P.M.
April 27	▪ Economic Development Committee Meeting, City Hall Chambers, 5:30 P.M.
May 2	▪ Annual Clean-Up Day, Walker Lane and 2 nd Street, 7:30 a.m.-2:30 p.m.

AFFIDAVIT OF POSTING

DATE: April 10, 2015 **TIME:** 6:00pm
NAME: Dominique Spinale Romo **TITLE:** City Clerk

RULES FOR ADDRESSING THE COMMISSION

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

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

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

Disabled or Special needs Accommodation: In compliance with the Americans with Disabilities Act, persons requesting a disability related modification or accommodation in order to participate in the meeting and/or if you need assistance to attend or participate in a City 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 Commission shall be in English and anyone wishing to address the Commission 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 Parks & Recreation Commission meets in the Council Chambers on the second Tuesday of each month at 6:00 p.m., unless otherwise noticed.

Commission Agendas: The Commission 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