



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

**REGULAR MEETING MINUTES  
JANUARY 10, 2011  
REGULAR SESSION 7:00 P.M.**

Council Chambers  
7018 Pine Street, Hughson CA  
City Hall

January 10, 2011  
Regular Scheduled Meeting

**CALL TO ORDER:**

**ROLL CALL:** Council Members Young, Silva, Carr and Mayor Pro Tem Beekman.

**Absent:** Mayor Bawanan

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Beekman

**INVOCATION:** Mayor Pro Tem Beekman

**AGENDA REVIEW:** No Changes

**PUBLIC COMMENTS:**

Dennis Wallace, announced that the 6<sup>th</sup> Grade Outdoor Education program will be holding a fund raiser on January 21, 2011 between the hours of 4-8 at the Fox Elementary school Cafeteria. He also noted that students would be selling Valentine See's Candy to raise money.

Mr Wallace asked that Council consider reviewing Turlock's BMX Bike Track and consider this project in Hughson. He noted that this track is unique and does not look as though it would be a great impact to City funds, but allow a place for kids to use their bikes. He noted that the Bike safety program could work in conjunction to provide helmet to those less fortunate.

**1. CONSENT CALENDAR:**

- a) **Consideration and Approval - Minutes of Joint Workshop Session of December 11, 2010 (CC-RDA) Winterbottom.**
- b) **Consideration and Approval - Minutes of Regular Session of December 13, 2010 (CC-RDA) Winterbottom.**
- c) **Consideration and Approval - Minutes of Special Session of December 20, 2010 (CC-RDA) Winterbottom.**
- d) **Consideration and Approval of Treasurer's Report for the month(s) of November 2010. (CC/RDA) Paul**
- e) **Consideration and Approval of Warrants for the month(s) of December 2010 and January 2011. (CC/RDA) Paul**
- f) **Consideration of Resolution 2011-001 Acceptance of Locust Street Infill Project (Teichert) and Authorizing the City Clerk to file a Notice of Completion. (CC) Kuipers**

- g) **Consideration of Resolution 2011-002 approving the destruction of certain records pursuant to the established Record Retention Schedule and in compliance with Section 34090 of the Government Code.** (CC) Winterbottom
- h) **Resolution 2011-003 Authorizing the Destruction of Police Records not required for Retention.** (CC) Rasmussen

**Recommendation:** Council/RDA by motion approve minutes of Special Workshop session of December 11, 2010; minutes of Regular Session of December 13, 2010; and Special Session of December 20, 2010; Treasurer's Report for the month of November 2010; Warrants for the month of December 2010 and January 2011; Adopt Resolution 2011-001 Accepting Locust Street Infill Project and approving the filing of the Notice of Completion; Adopt Resolution 2011-002 approving the destruction of Certain Records; and Adopt Resolution 2011-003 approving the destruction of Certain Police Records.

**ITEM PULLED FOR DISCUSSION:** Council Member Young amended minutes of December 13, on page 5, amending "Defense" to "Disaster". City Clerk will amend prior to finalizing for signature.

**ACTION:** Council Member Carr motioned to approve the Consent Calendar adopt Resolution by title only, Seconded by Council Member Young. Ayes in Favor: (4-0) Consent Calendar Approved as amended: Resolutions 2011-001; 2011-002 and 2011-003 Adopted.

**Resolution 2011-001** Accepting the Locust Street Sidewalk Infill Project and Authorizing the filing of a "Notice of Completion"

**Resolution 2011-002** Authorizing the Destruction of Certain Records Approved by the Adopted City's Record Retention Schedule and Authorizes the City Clerk to Destroy said Records listed as Incorporated.

**Resolution 2011-003:** Authorizing the Destruction of Police Records not Required for Retention.

#### **COUNCIL DISCUSSION:**

**PRESENTATION:** There is none scheduled

#### **CITY BUSINESS - CONSIDER THE FOLLOWING:**

##### **2. Amendment to the Stanislaus Consortium Consolidated Plan to add the City of Hughson and approval of the Annual Action Plan** (CC) Kuipers

**Recommendation:** By Motion Order 2011-004 Approve opening a 30-day public comment period and set a Public Hearing on February 14, 2011 at or after 7:00 p.m. to consider: 1) approval of the Amendment to the Fiscal Year 2007-2012 Consortium Consolidated Plan to add the City of Hughson to the Urban County and 2) Approval of the Fiscal Year 2011-2012 Consortium Annual Action Plan .

**DISCUSSION:** Redevelopment Analyst Kuipers presented the report. She provided a brief overview of the Community Development Block Grant (CDBG, Emergency Solutions Grant (ESG) and HOME Investment Partnership Program (HOME) She noted that HUD has required the Consortium name changed to Urban County as referenced in the document. She provided an overview of the action required by Council, opening the public comment period and scheduling a public hearing for February 14, 2011. She noted that all cities that are a part of the Urban County are required to hold the public meeting prior to their public hearing and Hughson's meeting is scheduled on January 20, 2011 with several local non-profit agencies and stakeholders. The City Council is then scheduled to hold a public hearing on February 14, 2011. Stanislaus County Board of Supervisors will hold their public hearing on February 15,

2011 to allocate funding. She noted that the City now receives approximately \$151,000 and an additional \$20,000 for administrative costs through the HOME Program.

She explained that Hughson was previously not a part of this entitlement and had to compete state wide for grant funding to assist in housing and infrastructure projects and programs. Hughson is now a part of the Urban County and will be given an allotment of funding from year to year to continue housing and infrastructure projects and programs.

1) Approval of the Amendment to the Fiscal Year 2007-2012 Consortium Consolidated Plan to add the City of Hughson to the Urban County; and

2) Approval of the Fiscal Year 2011-2012 Consortium Annual Action Plan

**ACTION:** Council Member Silva motioned to approve Motion Order 2011-004 by title only, Seconded by Council Member Carr. Ayes in Favor: (4-0) Consent Calendar Approved: Motion Order 2011-004

Motion Order 2011-004 - Approved Opening a 30 day public comment period and set a public hearing on February 14, 2011 at or after 7:00 p.m to consider: 1) approval of the Amendment to the Fiscal Year 2007-2012 Consortium Consolidated Plan to add the City of Hughson to the Urban County and 2) Approval of the Fiscal Year 2011-2012 Consortium Annual Action Plan.

### **3. Part-Time Interim Finance Director Services (CC) Whitemyer**

**Recommendation:** By Motion Order 2011-005 Authorize the City Attorney to Develop an Employment Agreement for Part-Time Interim Finance Director Services and Authorize the City Manager to Execute Said Agreement

**DISCUSSION:** City Manager Whitemyer presented a brief report outlining the need to authorize the City Attorney to develop an Employment Agreement for Interim Finance Director Services. Mr. Whitemyer is requesting the services of Margaret Souza as interim Director of Finance, as she has 30 years of experience servicing budgetary, financial planning and Management services for local government and would be a great asset to the City's team. This action is before Council as it is outside the current rate structure, but emphasized that the salary does not exceed current budget figures. Council Member Silva questioned current rate for the position. City Manager Whitemyer explained that even though the hourly rate is higher, the City is not paying benefits to this position and will save money.

**ACTION:** Mayor Pro Tem Beekman motioned to approve Motion Order 2011-005 by title only, Seconded by Council Member Carr. Ayes in Favor: (4-0) Consent Calendar Approved: Motion Order 2011-005

Motion Order 2011-005 Council by motion authorized the City Attorney to develop an Employment Agreement for Part-Time Interim Finance Director Services and Authorize the City Manager to execute said agreement. The hourly rate for the Interim Finance Director shall be \$45.00 an hour and no more than 1,000 hours can be worked during any one fiscal year. (Margaret Souza)

### **4. Contract Services for the Surface and Groundwater Monitoring and Reporting at the Waste Water Treatment Plant. (CC) Spinale**

**Recommendation:** Consideration and Adoption of Resolution No. 2011-006, authorizing the Mayor to enter into a Professional Services Agreement with Condor Earth Technologies and to execute Task Order 1 in an amount not to exceed \$127,940 for surface water and groundwater monitoring and reporting at the Waste Water Treatment Plant.

**DISCUSSION:** Management Analyst Spinale presented the report to Council. She informed Council that this company has served the City since 2005. She explained that the previous

monitoring service firm was not taking care of the testing requirements and Carollo Engineering recommended Condor Earth to provide those services to serve the issues of the water treatment facilities. The City has had an agreement since 2006 with Condor and Staff is requesting continuation with this company due to the excellent service in disinfecting the City's wells and improved water quality as well as their continued ability to negotiate with State departments. This company has assisted Staff in providing projections for future budget by quoting an 18-month period, which will address the budgeting costs in FY 2011-2012. When the Waste Water Treatment Plant (WWTP) Expansion Project is completed and online there will be many regulation changes, and Condor Earth possesses excellent knowledge about the City's system. She noted that this company also provides all quarterly and annual monitoring reports needed to satisfy the State's requirements.

Ms Spinale provided background that due to the City's multiple violations the City had an immediate need to hire an experienced firm. Carollo Engineers recommended Condor Earth and the City hired the firm to address the violations and other issues with the WWTP. She explained that the costs for these services are required, so they are not a new expense for the City, but will be more formalized expenses into a contract and expenditures will be categorized into one category under Environmental Sampling.

John Kramer, Condor Earth explained that Condor has addressed various violations as noted by the Water Quality Board. He stated that Condor has collected two years of data and filed all required reports with the State. He explained the process to continue the monitoring to clear the violations. Mr Kramer stated that with the significant date they will be able to make justifications to the State which will save the City thousands of dollars. He explained the implementation of the low flow well purging and sampling techniques used by the previous contractor and how they improved the sampling to ensure ground water is being pulled and sampling is not contaminated. This has improved the testing results. They will continue to lobby and advocate for the City so that monitoring reports are only needed on an annual basis.

Council Member Beekman questioned the bacterial contamination. Mr. Kramer explained that testing methods were changed in order to remove water for testing with a pump, so that the tools to test the water were not contaminated. Testing improved when this was done and compliance issues with the State are continuing to improve.

Council and Staff discussed competitive costs. City Manager Whitemyer felt that this company has background on the City's issues and continues to negotiate and work with the State on the City's behalf, which is most beneficial to the City. He recommended that Council approve the Contract with Condor Earth especially due to the sampling trends and felt it more beneficial to the City to keep the same consultant. Staff will seek an RFP with the expiration of the Task Order 1.

**Direction to Staff:** Council directed staff to provide a request for proposal at the end of this Task Order.

**ACTION:** Council Member Silva motioned to approve Motion Order 2011-006 by title only, Seconded by Council Member Carr. Ayes in Favor: (4-0) Consent Calendar Approved: Resolution 2011-006

**Resolution Number 2011-006:** Authorizing the Mayor to enter into a professional services agreement with Condor Earth Technologies and to execute Task Order 1 in an amount not to exceed \$127,940 for surface water and groundwater monitoring and reporting at the Waste Water Treatment Plant.

**PUBLIC HEARING TO CONSIDER:** There is none scheduled

**CORRESPONDENCE:** None Scheduled

5. **STAFF UPDATES AND INFORMATIONAL REPORTS:**

**CITY MANAGER'S REPORT:**

City Manager Whitemyer requested an additional meeting to discuss Goals and Objective workshop on Saturday, January 29, 2011 at 9:00 am. Council concurred.

**DIRECTOR OF PUBLIC WORKS REPORT:** Community Development Director Clark presented information the construction of Waste Water Treatment Plant. An open house will be scheduled in Spring.

**CITY ATTORNEY'S REPORT:** new Brown Act booklet.. no changes in the Brown Act at this time.

6. **COUNCIL COMMITTEE REPORTS:**

a) **Fire District 2+2 Committee:** Council Members Young and Carr and City Manager Whitemyer; Members Gus Villareal; Kevin Voss and Alternate: Raymond Camagna. January 19, 5:30 p.m.

b) **School District 2+2 Committee:** Council Members Young and Silva and City Manager Whitemyer; Superintendent Beck, Board Members Gipp and Applegate  
a. Meeting scheduled January 10, 2011 @ 5:30 p.m. School District Building

City Manager reported from the previous meeting where the District and City discussed enhancement possibilities and share and leverage resources through possible grants and joint projects.

c) **Finance Audit Sub-Committee:** Council Members Silva and Beekman; and City Manager Whitemyer  
a. Meeting Scheduled January 24, 2011 @ 5:00 p.m.

d) **Hughson Family Resource Center Committee:** Mayor Bawanan and Council Member Carr

e) **League of California Cities: Executive Committee:** Mayor Bawanan and Council Member Young

f) **Regional Surface Water Supply Project JPA:** Council Members Carr and Beekman meeting scheduled for end of January.

g) **Stanislaus County of Governments (StanCOG):** Council Members Beekman and Silva

h) **Stanislaus County Disaster Council:** Mayor Bawanan and Alternate Council Member Young.

i) **Stanislaus County – Economic Development Action Committee (EDAC):** Mayor Bawanan and Bryan Whitemyer, City Manager January 20 meeting

j) **Stanislaus County Workforce Alliance Board:** Council Member Young

k) **Turlock Mosquito Abatement District:** Council Member Carr due to heavy rains in Spring will produce a lot of environments for larve more to come.

l) **Mayors Association Representative:** Mayor Bawanan.

**7. COUNCIL MEMBER REPORT:**

Council Member Young announced that meetings continue to discuss possible community events. Next meeting is scheduled for early February. Those interested in receiving the information were asked to contact him to be noticed of future meetings.

**CITY COUNCIL DIRECTION OF FUTURE AGENDA ITEMS:**

**NOTICE OF COMMUNITY EVENTS:**

- ✚ March 19, 2011 – Athletic Boosters Club Crab Feed – St Anthony’s Church
- ✚ Hughson Ag Boosters annual Dinner Auction February 5 at the AG Building at Hughson High School. Proceeds will benefit student. Live auction for those that stay to dine. Take out and drive through are also available.

**8. CLOSED SESSION TO DISCUSS THE FOLLOWING: City Attorney Closed 7:52 p.m.**

**CLOSED SESSION: Council Members will meet in Closed Session for the following scheduled item(s):**

- a) **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: Four (4) potential cases

**REPORT FROM CLOSED SESSION:**

ADJOURNMENT: Adjourned at 9:30 p.m. to the CITY COUNCIL/RDA to the next regularly scheduled meeting of the City Council/Redevelopment Agency scheduled on January 24, 2011 at 7:00 p.m. at the Hughson City Hall, 7018 Pine Street, Hughson CA 95326;

These minutes were duly adopted by a unanimous Consent of the Council/RDA on this 24<sup>th</sup> day of January 2011 by the following Roll Call: (5-0)

Ayes in Favor:

Noes:

Absent:

Abstain:

Approved:

Attested:

\_\_\_\_\_  
Matthew Beekman, Mayor Pro Tem/Chair

\_\_\_\_\_  
Michele Penirian Winterbottom, MMC  
City Clerk/Secretary