

HUGHSON CITY COUNCIL

AGENDA REGULAR MEETING 7:00 P.M.

Council Chambers
7018 Pine Street, Hughson CA
City Hall

November 14, 2011
Regular Scheduled Meeting

CALL TO ORDER:

ROLL CALL:

Mayor Ramon Bawan
Mayor Pro Tem Matt Beekman
Councilmember Jill Silva
Councilmember George Carr
Councilmember Jeramy Young

PLEDGE OF ALLEGIANCE:

INVOCATION:

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

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

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

WAIVER WARNING

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

RULES FOR ADDRESSING CITY COUNCIL

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

PUBLIC COMMENT

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

1) **CONSENT CALENDAR:**

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

- a) Approval of the Minutes of the October 10 and October 24, 2011 meetings.
(Spinale)
- b) Approval of the Warrants for the Month of October 2011.
(Whiteside)
- c) Approval of the second reading and adoption of Ordinance No. 2011-06, an Ordinance of the City Council of the City of Hughson adding Chapter 9.25 to the Hughson Municipal Code; Prohibiting Underage Drinking and Assessing Liability to those who knowingly host gatherings where minors consume alcohol. (Whitemyer)

PRESENTATIONS

- 2) The Hughson Arboretum and Gardens.
(Clark – PowerPoint) (Information Only)

CITY BUSINESS – CONSIDER THE FOLLOWING:

- 3) Consider a rate request from Waste Management and direct Staff to advertise and schedule for a Public Hearing.
(Whitemyer – Staff Report Included) (Motion Needed)
- 4) Consider approval of the Proposal from Staff to close City Hall during the week of December 26, 2011 through January 2, 2012.
(Whitemyer – Staff Report Included)(Motion Needed)

- 5) Consider approval of Resolution No. 2011-074, a Cooperative Funding Agreement, Contract Administration and Release of Request for Proposal for a Nexus Study for the Regional Transportation Impact Fee (RTIF).
(Whitemyer – Staff Report Included) (Motion Needed)

PUBLIC HEARING

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

6) PUBLIC HEARING TO CONSIDER THE FOLLOWING:

No public hearing was scheduled.

CORRESPONDENCE:

No Correspondence was scheduled.

CITY MANAGER REPORT:

CITY CLERK REPORT:

COMMUNITY DEVELOPMENT DIRECTOR REPORT:

DIRECTOR OF FINANCE REPORT:

POLICE SERVICES REPORT:

CITY ATTORNEY REPORT:

CITY COUNCIL MEMBERS REPORTS AND COMMENTS:

COMMUNITY EVENTS:

- ↓ **November 19-20** – 20th Century Arts & Crafts Fair at the High School -- 9-4:00pm
- ↓ **December 3** – Tree Lighting Ceremony -- Hughson Garden Club – 7th St and Hughson Avenue 5:00pm, followed by the Historical Society's Open House at 6:00pm.
- ↓ **December 9** – Ross Middle School– Annual 6th Grade Outdoor Education Dinner Fundraiser, 4:30-8:30pm, Ross Middle School Cafeteria, call Tammy 620-3131

CLOSED SESSION TO DISCUSS THE FOLLOWING:

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

- a. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code section 54957.6.**

Agency Negotiator: Bryan Whitemyer, City Manager

Employee Organizations: Operating Engineers Local No. 3
(Skilled Trades, Professional and Technical)

Management

- b. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code section 54956.9(b).**

One (1) potential case

- c. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Initiation of litigation pursuant to Government Code section 54956.9(c).**

One (1) potential case

- d. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code section 54957.**

Title: City Manager


ADJOURNMENT:

**Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection in the City Hall office at 7018 Pine Street during normal Business hours and at Regular City Council meetings.*

**These documents are also available on the City of Hughson website at www.hughson.org subject to staff's availability to post the document before the meeting.*

CERTIFICATION

I, Dominique Spinale, Deputy City Clerk, or his/her designee, do hereby declare under penalty of perjury that the foregoing Agenda was posted on the outdoor bulletin board at the Hughson City Hall, 7018 Pine Street, Hughson, CA., and made available for Public Review, prior to or on this 10th day of November 2011 before 5:00 p.m.



Dominique Spinale, Deputy City Clerk

C/C AGENDA - ITEM

1a



HUGHSON CITY COUNCIL

MINUTES
OCTOBER 10, 2011
REGULAR MEETING 7:00 P.M.

Council Chambers
7018 Pine Street, Hughson CA
City Hall

October 10, 2011
Regular Scheduled Meeting

CALL TO ORDER:

ROLL CALL:

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

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

PLEDGE OF ALLEGIANCE: Mayor Bawan

INVOCATION: Mayor Bawan

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

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RULES FOR ADDRESSING CITY COUNCIL

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PUBLIC COMMENT

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1) **CONSENT CALENDAR:**

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

- a) Approval of the Minutes from the September 26, 2011 regularly scheduled session.
(Spinale)
- b) Approval of the Warrants for the Months of September 2011.
(Whiteside)
- c) Consider Resolution No. 2011-073 accepting the Well No. 8 Improvements Project and Authorizing the City Clerk to File a Notice of Completion.
(Clark - Staff Report with Agenda)

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

2) **PRESENTATIONS:**

- a) Healthy Air Living Outreach Campaign.
(John Cadrett, San Joaquin Valley Air Pollution Control District.)

Mr. Cadrett presented a PowerPoint presentation and provided pamphlets and other reading materials to help educate the public on the Healthy Air Living Outreach Campaign.

CITY BUSINESS – CONSIDER THE FOLLOWING:

- 3) Consideration of Resolution No. 2011-072, adopting the City of Hughson's General Plan Sphere of Influence Boundary as the 2050 Agricultural Preservation Plan.
(Clark – Staff Report Included) (Motion Needed)

Carr/Young 5-0-0-0 motion passes to approve Resolution No. 2011-072, adopting the City of Hughson's General Plan Sphere of Influence Boundary as the 2050 Agricultural Preservation Plan.

- 4) Review and approve the Business Incubator Lease Agreement.
(Whitemyer – Staff Report Included) (Motion Needed)

Beekman/Young 5-0-0-0 motion passes to approve the Business Incubator Lease Agreement.

- 5) Consider revising the make-up of the Hughson Economic Development Committee and possible committee appointments.
(Whitemyer – Staff Report Included) (Motion Needed)

City Manager Whitemyer discussed this Item with the Council and recommended that Council nominate two (2) members of the Council to the Committee as well as appointing the City Manager as a member. The Council decided to seat three (3) members of the Council on the Committee.

Mayor Bawanen with the support of the Council appointed Council members Jeremy Young, George Carr, and Matt Beekman to the Committee.

Bawanen/Young 5-0-0-0 motion passes to appoint Council members Jeremy Young, George Carr, and Matt Beekman to the Economic Development Committee.

PUBLIC HEARING

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

6) PUBLIC HEARING TO CONSIDER:

No public hearing was scheduled.

CORRESPONDENCE:

City Manager Whitemyer advised the Council of the letter received from the Turlock Mosquito Abatement District inviting the cities to work with them on reviewing the code enforcement administrative procedures. City Manager Whitemyer will address this letter.

CITY MANAGER REPORT:

Update on utility bill payments on-line and over the phone.

CITY CLERK REPORT:

COMMUNITY DEVELOPMENT DIRECTOR REPORT:

The Well 8 Improvements Project is now online. Staff will schedule a ribbon cutting ceremony for this event.

The Council discussed their schedules and requested the Well 8 ribbon cutting ceremony be scheduled before the regular City Council meeting on October 24, 2011 at 6:00pm. The City Council Meeting will follow at 7:00pm at the Council Chambers.

DIRECTOR OF FINANCE REPORT:

POLICE SERVICES REPORT:

CITY ATTORNEY REPORT:

CITY COUNCIL MEMBERS REPORTS AND COMMENTS:

Councilmember Silva updated the Council on her meetings with Congressman Jeff Denham's Office, the Regional Surface Water Treatment Steering Committee (RSWSP), and the 2+2 Committee School District.

Councilmember Beekman requested an update of quarterly expenditures for each account in excel format, with the percentages year to date. He also updated the Council on his meeting with StanCOG and the RSWSP.

Councilmember Young updated the Council on his meeting with Assembly member Olsen, the 2+2 Committee School District, and the Workforce Alliance.

Mayor Bawanan updated the Council on the Mayor's Meeting and reminded the public of the Town Hall Meeting on the 18th and the Harvest of Promise Dinner on the 15th. He also thanked Staff for their dedication and hard work.

COMMUNITY EVENTS:

- ↓ **October 11** - Town Hall Meeting in Spanish, Emilie J. Ross School Gym - 6:00pm
- ↓ **October 15** - Hughson Family Resource Center's Harvest of Promise Event 5-8:30pm at St. Anthony's Church – RSVP 883-2125
- ↓ **October 18** – Town Hall Meeting in English, Emilie J. Ross School Gym - 6:00pm
- ↓ **October 31** – Children's Halloween Parade, 1:45pm
- ↓ **November 19-20** – 20th Century Arts & Crafts Fair at the High School -- 9-4:00pm

CLOSED SESSION TO DISCUSS THE FOLLOWING:

No Closed Session was scheduled.

ADJOURNMENT: Mayor Bawanan adjourned the meeting at 8:13pm.

These minutes were approved on this 14th day of November 2011, by a unanimous Consent of the City Council by the following roll call vote: ()

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

ATTEST:

Ramon Bawanan, Mayor

Dominique Spinale, Deputy City Clerk



HUGHSON CITY COUNCIL

MINUTES SPECIAL MEETING 6:00 P.M.

*1537 Euclid Avenue, Hughson CA
Well No. 8 Facility*

October 24, 2011

Special Meeting - Ribbon Cutting Ceremony - Well No. 8 Facility

CALL TO ORDER: *6:00pm by Mayor Pro Tem Beekman*

ROLL CALL:

Present: Mayor Pro Tem Matt Beekman
 Councilmember Jill Silva
 Councilmember George Carr

Absent: Mayor Ramon Bawan
 Councilmember Jeramy Young

The Ribbon Cutting Ceremony was adjourned by Mayor Pro Tem Beekman at 6:35pm.

The Regularly Scheduled City Council Session will follow this Special Meeting of the City Council at the following location:

***City Hall Chambers – 7:00pm
7018 Pine Street, Hughson, CA.***

**AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
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HUGHSON CITY COUNCIL

MINUTES REGULAR MEETING 7:00 P.M.

Council Chambers
7018 Pine Street, Hughson CA
City Hall

October 24, 2011
Regular Scheduled Meeting

CALL TO ORDER:

ROLL CALL:

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

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

PLEDGE OF ALLEGIANCE: Mayor Bawanan

INVOCATION: Father Jeff with St. Anthony's Catholic Church

AMERICANS WITH DISABILITIES ACT/CALIFORNIA BROWN ACT
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City Manager Bryan Whitemyer requested to pull Item 3 from the Agenda. The Council pulled and continued Item 3 to the next Council Meeting.

1) **CONSENT CALENDAR:**

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

- a) Approval of the Warrants for the Months of September and October 2011.
(Whiteside)
- b) Approval of the Treasurers Reports for the Months of July and August 2011.
(Whiteside – Staff Report Included)
- c) Approve the cancellation of the City Council Session scheduled for December 26, 2011. (Whitemyer – Staff Report Included)
- d) Approve the rejection of all Bids on the City of Hughson Facilities Energy Efficiency Improvements Project and Direct Staff to Rebid the Project with a Reduced Scope.
(Clark – Staff Report Included)

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

CITY BUSINESS – CONSIDER THE FOLLOWING:

- 2) Provide Direction to Staff Regarding the Hughson Family Apartment Project and the 2011 HOME Grant Application.
(Whitemyer – Staff Report Included) (Motion Needed)

Mayor Bawanan announced a Conflict of Interest as a board member at Samaritan Village and abstained from any further involvement on this Item. He exited the Chambers. Mayor Pro Tem Beekman proceeded with this item.

Mike Kelley with Pacific West Communities presented a power point presentation to the Council and provided feedback and answers to the Council's questions and concerns on this project.

Mr. Dan Aguilar, CEO of Samaritan Village provided feedback on the project and presented questions to the Council and Mr. Kelley. Mr. Kelley responded to the questions asked.

Community members Kathee Vaughn and Vicki Fontana spoke to the Council in support of the project.

Beekman/Silva 4-0-1-0 (Bawanan- abstained) motion passes to continue with the Hughson Family Apartment Project 2011 HOME Grant Application.

Mayor Bawanan returned to the dais.

- 3) Consider a revised rate request from Waste Management and direct Staff to advertise and schedule for a Public Hearing.
(Whitemyer – Staff Report Included) (Motion Needed)

This item was pulled and continued to the next meeting.

- 4) Review and approve the year-end budget adjustments.
(Souza – Staff Report Included) (Motion Needed)

The Council requested that the Budget and Finance Sub-Committee review this item. Staff will proceed with the Council's request.

Beekman/Carr 5-0-0-0 motion passes to approve the year-end budget adjustments.

PUBLIC HEARING

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

5) PUBLIC HEARING TO CONSIDER THE FOLLOWING:

- a. Introduction and first reading of Ordinance No. 2011-06, an Ordinance of the City Council of the City of Hughson adding Chapter 9.25 to the Hughson Municipal Code; Prohibiting Underage Drinking and Assessing Liability to those who knowingly host gatherings where minors consume alcohol.
(Whitemyer – Staff Report Included)

Mayor Bawanen announced a Conflict of Interest on this Item, as he is a board member of the Hughson Family Resource Center. He exited the chambers. Mayor Pro Tem Beekman proceeded with this Item.

The Public Hearing opened and numerous members of the Hughson Youth Council commented on the importance of a social host ordinance in the City of Hughson. With no further comments presented, the public hearing was closed.

Carr/Silva 4-0-1-0 (Bawanen- abstained) motion passes to introduce and waive the first reading of Ordinance No. 2011-06, an Ordinance of the City Council of the City of Hughson adding Chapter 9.25 to the Hughson Municipal Code; Prohibiting Underage Drinking and Assessing Liability to those who knowingly host gatherings where minors consume alcohol.

Mayor Bawanen returned to the dais.

CORRESPONDENCE:

No Correspondence was scheduled.

CITY MANAGER REPORT:

City Manager Whitemyer spoke with the Council on their availability for an Economic Development Committee and the Budget and Finance Sub-committee meeting.

The Economic Development Committee meeting was scheduled for Monday, November 14, 2011, at 5:30pm.

The Budget and Finance Sub-committee meeting was scheduled for Tuesday, November 15, 2011, at 5:30pm.

City Manager Whitemyer advised the Council that the City did not receive funding through the Safe Routes for School grant application that was submitted earlier in the year.

CITY CLERK REPORT:

COMMUNITY DEVELOPMENT DIRECTOR REPORT:

DIRECTOR OF FINANCE REPORT:

POLICE SERVICES REPORT:

Chief Gharat updated the Council on the outcomes of the town hall meetings. He also thanked the Resource Center, Staff, Council, Stanislaus County Sheriff's Department, and everyone else who provided assistance for the town meetings.

CITY ATTORNEY REPORT:

CITY COUNCIL MEMBERS REPORTS AND COMMENTS:

Councilmember Carr updated the Council on his attendance at the Turlock Mosquito Abatement District, town hall meeting, and Solid Waste Meeting.

Councilmember Silva updated the Council on her attendance regarding the Waste to Energy Contract and thanked the City Manager for attending the grand opening of the Juvenile Justice Center.

Councilmember Beekman updated the Council on his attendance at the StanCOG Meeting.

Councilmember Young updated the Council on his meeting with Assembly member Olsen and the Workforce Alliance.

Mayor Bawanan updated the Council on the Mayor's Meeting, the Economic Development Action Committee, and advised the Council that he nominated Mayor Pro Tem/Councilmember Beekman to the available seat on the LAFCO Committee.

COMMUNITY EVENTS:

- ✚ **October 31** – Children's Halloween Parade, 1:45pm
- ✚ **November 19-20** – 20th Century Arts & Crafts Fair at the High School -- 9-4:00pm

CLOSED SESSION TO DISCUSS THE FOLLOWING:

No Closed Session was scheduled.

ADJOURNMENT: Mayor Bawanan adjourned the meeting at 8:48pm.

These minutes were approved on this 14th day of November 2011, by a unanimous Consent of the City Council by the following roll call vote: ()

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Ramon Bawanan, Mayor

ATTEST:

Dominique Spinale, Deputy City Clerk

CC AGENDA - ITEM 1b

fw

REPORT.: Nov 01 11 Tuesday
RUN....: Nov 01 11 Time: 08:53
Run By.: KATHY DAHLIN

City of Hughson
Cash Disbursement Detail Report
Check Listing for 10-11 Bank Account.: 0100

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

Check Number	Check Date	Vendor Number	Name	Net Amount	Payment Information	
					Invoice #	Description
41667	10/28/2011	ABS00	ABS PRESORT	\$ 2,200.19	78037	OCTOBER NEWSLETTER W/ARSENIC, WM,SAFETY
41668	10/28/2011	AC300	AC3	\$ 450.00	13815	VERSALIFT
41669	10/28/2011	CAN01	MARY JANE CANTRELL	\$ 717.75	B11025	MEDICAL BANK REIMB
41670	10/28/2011	EXPO0	EXPRESS PERSONNEL SERVICE	\$ 211.01 \$ 216.00 \$ 216.00 \$ 216.00	101372878 101586659 101973923 102229911	EXTRA HELP WWTP EXTRA HELP WWTP EXTRA HELP WWTP EXTRA HELP WWTP
Check Total:				\$ 859.01		
41671	10/28/2011	FIR06	FIRE2WIRE	\$ 54.95	1649394	WEB HOSTING 11/10-12/10/11
41672	10/28/2011	GAR14	GARTON TRACTOR	\$ 9.99	67030	IGNITION FOR KUBOTA
41673	10/28/2011	HAR04	HARDER'S PRINT SHOP	\$ 196.49	60302	BUILDING INSPECTION REPORT FORMS
41674	10/28/2011	HUG11	HUGHSON FARM SUPPLY	\$ 1.34 \$ 8.41 \$ 11.95 \$ 10.58 \$ 2.73	0351628IN 0352888IN 0353003IN 0353567IN 0354331IN	PART FOR WELL 8 HOSE 4 CHAINS SHARPENED BALL VALVE ELECTRICAL CORD PLUG
Check Total:				\$ 35.01		
41675	10/28/2011	HUG34	HUGHSON AUTO & TRUCK SUPP	\$ 331.79	41294	ENGINE CODE READER
41676	10/28/2011	MAI00	MAIN STREET DELI	\$ 71.50 \$ 71.50	15 16	CITY MGRS MEETING 9/1/11 CITY MGRS MEETING 10/6/11
Check Total:				\$ 143.00		
41677	10/28/2011	OWE00	OWEN EQUIPMENT	\$ 117.13	24409	IGNITION SWITCH VAC-CON TRUCK
41678	10/28/2011	POS01	POSTAGE BY PHONE	\$ 700.00	B11027	POSTAGE
41679	10/28/2011	QUI03	QUICK N SAVE	\$ 30.23 \$ 51.53 \$ 130.42	1-1344 1-1346 1-9433	DIESEL FUEL DIESEL FUEL DIESEL FUEL
Check Total:				\$ 212.18		
41680	10/28/2011	RUS01	RUSH, SAM	\$ 897.06	B11027	AFLAC CAFETERIA PLAN REIMB
41681	10/28/2011	STA01	STANISLAUS COUNTY	\$ 63,608.49	B11026	PUBLIC FACILITIES FEE
41682	10/28/2011	TAS00	TASC/TOTAL ADMINISTRATIVE	\$ 245.20	310015656	MO ADM FEE 11/2011
41683	10/28/2011	THA04	THALES CONSULTING, INC	\$ 2,000.00	514	ANNUAL CITIES FINANCIAL TRANSACTION REPORT
41684	10/28/2011	TID01	TURLOCK IRRIGATION DIST.	\$ 17,320.75	B11026	ELECTRIC
41685	10/28/2011	TRIO3	TRI-AMERICAN, INC	\$ 198.64	84458IN	TRAFFIC PAINT RED
41686	10/28/2011	TUR12	TURLOCK, CITY OF	\$ 331.20	2012-19	CNG FUEL

41687	10/28/2011	VSP01	VISION SERVICE PLAN	\$	396.06	B11025	MEDICAL INSURANCE WITHHELD
41688	10/28/2011	WIL01	CORBIN WILLITS SYSTEM	\$	571.40	B110151	ENHANCEMENT & SERVICE FEES
41689	10/31/2011	EMP01	STATE OF CALIFORNIA	\$	1,268.51	B11031	PAYROLL TAXES
41690	10/31/2011	FIN01	FIN. CTR. CREDIT UNION	\$	213.00	B11031	CREDIT UNION WITHHOLDINGS
				\$	(213.00)	B11031u	Ck# 041690 Reversed
			Check Total:		-----		
				\$	-		
41691	10/31/2011	HAR02	THE HARTFORD	\$	604.63	B11031	DEFERRED COMPENSATION
41692	10/31/2011	PER01	P.E.R.S.	\$	7,564.53	B11031	RETIREMENT
41693	10/31/2011	STA23	CitiStreet	\$	20.00	B11031	DEFERRED COMPENSATION
41694	10/31/2011	UNI07	UNITED WAY OF STANISLAUS	\$	9.00	B11031	UNITED WAY
			Cash Account Total:		-----		
				\$	101,062.96		
			Total Disbursements:		-----		
				\$	101,062.96		
					=====		

REPORT.: Nov 09 11 Wednesday
 RUN....: Nov 09 11 Time: 11:41
 Run By.: KATHY DAHLIN

City of Hughson
 Cash Disbursement Detail Report
 Check Listing for 11-11 Bank Account.: 0100

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

dw

Check Number	Check Date	Vendor Number	Name	Net Amount	Payment Information	
					Invoice #	Description
41695	11/3/2011	PER01	P.E.R.S.	\$ 15,974.34	B11103	RETIREMENT
41696	11/3/2011	\A003	A-1 PROPERT MANAGEMENT,	\$ 123.97	000B11101	MQ CUSTOMER REFUND FOR A1P0001
41697	11/3/2011	\B005	BAVARO, PORTIA	\$ 68.69	000B11101	MQ CUSTOMER REFUND FOR BAV0004
41698	11/3/2011	\C008	CENTRAL CAL. INVESTMENT,	\$ 128.59	000B11101	MQ CUSTOMER REFUND FOR CEN0008
41699	11/3/2011	\K005	KERR, STEPHEN	\$ 87.71	000B11101	MQ CUSTOMER REFUND FOR KER0001
41700	11/3/2011	\K006	KRICK, LORI & JOHN	\$ 89.73	000B11101	MQ CUSTOMER REFUND FOR KRI0001
41701	11/3/2011	\M009	MARES, GERARDO	\$ 37.21	000B11101	MQ CUSTOMER REFUND FOR MAR0064
41702	11/3/2011	\R005	RICE, SAM & NONA	\$ 136.43	000B11101	MQ CUSTOMER REFUND FOR RIC0011
41703	11/3/2011	\R011	RICHEY, JOHNNY & MICHELLE	\$ 2.13	000B11101	MQ CUSTOMER REFUND FOR RIC0017
41704	11/3/2011	\R018	RUIZ, LAURA	\$ 56.04	000B11101	MQ CUSTOMER REFUND FOR RUI0017
41705	11/3/2011	\Z004	ZYLSTRA, DOLORES & DAVID	\$ 43.01	000B11101	MQ CUSTOMER REFUND FOR ZYL0001
41706	11/4/2011	ALV00	ALVAREZ, JORGE	\$ 210.00	B11101	REFUND DEPOSIT 9/24/11
41707	11/4/2011	ATT03	AT&T	\$ 19.36	2758641	PHONE
41708	11/4/2011	AVA00	AVAYA, INC	\$ 59.17	273141066	PHONE
41709	11/4/2011	BRE01	W.H. BRESHEARS	\$ 727.18	218629	FUEL
41710	11/4/2011	CAR08	CAROLLO ENGINEERS	\$ 17,882.46	118678	WWTP UPGRADES & EXP PROJ. T.O.8 PROJ.7554F.20
41711	11/4/2011	CHA01	CHARTER COMMUNICATION	\$ 84.99	B11101	IP ADDRESS 11/2011
41712	11/4/2011	ENV02	ENVIRONMENTAL SYSTEMS	\$ 1,788.93	22954	STREET SWEEPING 10/2011
41713	11/4/2011	EXP00	EXPRESS PERSONNEL SERVICE	\$ 209.25	102525557	EXTRA HELP - WWTP
41714	11/4/2011	FED02	FED EX	\$ 25.02	766879866	SHIPPING
41715	11/4/2011	FGL00	FGL ENVIRONMENTAL	\$ 250.00	138229A	WWTP TESTING
				\$ 325.00	138308A	WWTP TESTING
				\$ 250.00	138432A	WWTP TESTING
				\$ 325.00	138484A	WWTP TESTING
41715	11/4/2011	FGL00	FGL ENVIRONMENTAL	\$ 250.00	138639A	WWTP TESTING
				\$ 250.00	138789A	WWTP TESTING
				\$ 490.00	139073A	WELL WATER MONITORING
				\$ 350.00	139079A	WELL WATER MONITORING
			Check Total:	\$ 2,490.00		
41716	11/4/2011	FOR03	FORWARD INCORPORATED	\$ 1,456.62	35065	SLUDGE DISPOSAL
41717	11/4/2011	FRA03	FRANTZ WHOLESALE NURSERY	\$ 122.14	107216	REPLACEMENT PLANTS
				\$ 386.55	107241	REPLACEMENT TREE
			Check Total:	\$ 508.69		
41718	11/4/2011	HUG03	HUGHSON CHRONICLE	\$ 89.00	98242	FOOTBALL SPECIAL
				\$ 129.35	98258	LEGAL #5561 ORD#2011-05

			\$	39.80	98273	LEGAL #5560
			\$	69.65	98337	LEGAL PUB #5625 SURVEY WOK SHOP
		Check Total:	\$	327.80		
41719	11/4/2011 HUG11	HUGHSON FARM SUPPLY	\$	5.67	0352684IN	PAINTING SUPPLIES
			\$	39.84	0353684IN	WELL 8 HYDRANT PARTS
		Check Total:	\$	45.51		
41720	11/4/2011 HUG34	HUGHSON AUTO & TRUCK SUPP	\$	3.21	40531	WIPER SOLVENT
			\$	0.82	41304	PW-25 FITTING
			\$	12.03	41512	FUEL LINE & FILTER
		Check Total:	\$	16.06		
41721	11/4/2011 NBS00	NBS LOCAL GOVERNMENT SOLU	\$	4,750.00	L0620112R	LMD & BAD AMIN FEES 7/1-9/30/11
41722	11/4/2011 NEU01	NEUMILLER & BEARDSLEE	\$	1,200.00	243992	LEGAL SVCS GENERAL 9/11
			\$	400.00	244002	LEGAL SVCS PW/SEWER 9/2011
			\$	3,370.00	244213	LEGAL SVCS REDEVELOPMENT 9/11
			\$	4,601.95	244214	LEGAL SVCS GENERAL 9/2011
		Check Total:	\$	9,571.95		
41723	11/4/2011 PAP00	PAPA (PESTICIDE APPLICATO	\$	80.00	B11102	PESTICIDE APPLICATORS SEMINAR A.FONTANA
41724	11/4/2011 QUI03	QUICK N SAVE	\$	63.29	1-4591	DIESEL
41725	11/4/2011 SAN05	SAN JOAQUIN VALLEY	\$	34.00	N88007	11/12 ANNUAL PERMITS TO OPERATE #N1834
41726	11/4/2011 SAU00	SAUNDERS A/C & HEATING	\$	518.89	52348	REPAIR OF A/C UNITS
41727	11/4/2011 SPR00	SPRINT/NEXTEL	\$	371.08	545168051	PHONE
41728	11/4/2011 STA47	STANISLAUS COUNTY SHERIFF	\$	3,989.57	1112-096	VEHICLE CHARGES 9/2011
			\$	74,140.50	1112-100	LAW ENFORCEMENT SERVICES
			\$	1,440.98	1112-111	SLESF-RECORDS MGMT 9/2011
		Check Total:	\$	79,571.05		
41729	11/4/2011 TID01	TURLOCK IRRIGATION DIST.	\$	98.47	B11102	ELECTRIC/FRUIT & NUT FESTIVAL
41730	11/9/2011 ALL05	ALLIED ADMINISTRATORS	\$	2,286.87	B11108	DELTA DENTAL 12/2011
41731	11/9/2011 ARA00	ARAMARK UNIFORM SERVICE	\$	740.45	B11107	UNIFORMS
41732	11/9/2011 ATT01	AT&T	\$	20.34	B11108	PHONE
41733	11/9/2011 BAY02	BAY ALARM CO	\$	135.00	225634211	MONITORING BURGLAR 11/1-2/1/2012
			\$	195.00	225704211	MONITORING FIRE 11/1-2/1/12
			\$	288.19	256342111	INSTALLATION & 1 MONTH SERVICE
			\$	256.61	257042111	INSTALLATION & 1 MONTH MONITORING FEE
		Check Total:	\$	874.80		
41734	11/9/2011 CAL47	CALIFORNIA CONSULTING	\$	2,786.48	B11107	CONSULTING SVCS 11/2011
41735	11/9/2011 CLA03	CLARK'S PEST CONTROL	\$	102.00	12052580	PEST CONTROL
			\$	57.00	12086603	PEST CONTROL
		Check Total:	\$	159.00		
41736	11/9/2011 CON14	CONDOR EARTH TECHNOLOGIES	\$	2,484.80	62509	WWTP GROUNDWATER SAMPLING
41737	11/9/2011 CSJ03	CSJVRMA	\$	25.00	RMA201201	BUSINESS TRAVEL ACCIDENT 7/1/11-6/30/12

41738	11/9/2011	EZN00	EZ NETWORK SOLUTIONS	\$	592.61	23817	MISC.ITEMS & SHIPPING FOR WWTP COMPUTERS
41739	11/9/2011	HDL00	HDL SOFTWARE, LLC	\$	461.23	18664IN	CONTRACT & AUDIT SVCS SALES TAX 4TH QTR 11
41740	11/9/2011	HOM01	THE HOME DEPOT CRC	\$	224.11	6562260	MISC. SANITARY SUPPLIES FOR ALL DEPT
41741	11/9/2011	HUG08	CITY OF HUGHSON	\$	1,993.77	B11107	LLD WATER SERVICE
41742	11/9/2011	HUG11	HUGHSON FARM SUPPLY	\$	28.73	0356026IN	PART FOR RIDING MOWER & SAW
41743	11/9/2011	HUG34	HUGHSON AUTO & TRUCK SUPP	\$	2.53	42480	FITTING
				\$	8.04	42482	SQUEEGEE
			Check Total:	\$	10.57		
41744	11/9/2011	PGE01	PG & E	\$	140.93	B11107	UTILITIES
41745	11/9/2011	PRE04	PRE-PAID LEGAL SERVICES,	\$	77.70	B11107	LEGAL SVCS
41746	11/9/2011	QUI03	QUICK N SAVE	\$	185.35	1-7000	DIESEL
41747	11/9/2011	SAN05	SAN JOAQUIN VALLEY	\$	240.00	N88532	11/12 PERMITS TO OPERATE #N4006
				\$.479.00	N88867	11/12/ANNUAL PERMITS TO OPERATE
			Check Total:	\$	719.00		
41748	11/9/2011	SHO02	SHORE CHEMICAL COMPANY	\$	416.04	32486	C12 SUPPLY
41749	11/9/2011	TRA00	TRACTOR SUPPLY CREDIT LAN	\$	989.79	393632	WORK BOOTS FOR PUBLIC WORKS EMPLOYEES
41750	11/9/2011	USA02	USA MOBILITY	\$	11.61	U0190776K	PAGER SERVICE
41751	11/9/2011	WIL10	WILSON TECHNOLOGIES	\$	175.00	7491	ADD TELEPHONE IN ROOM FOR DOCUMENT IMAGING MACHINE
			Cash Account Total:	\$	153,061.80		
			Total Disbursements:	\$	153,061.80		

CC AGENDA - ITEM 1c

**CITY COUNCIL
CITY OF HUGHSON
ORDINANCE NO 2011-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON
ADDING CHAPTER 9.25; PROHIBITING UNDERAGE DRINKING AND
ASSESSING LIABILITY FOR THOSE WHO KNOWINGLY HOST
GATHERINGS WHERE MINORS CONSUME ALCOHOL TO THE HUGHSON
MUNICIPAL CODE**

WHEREAS, the City Council of the City of Hughson ("Council") recognizes the need for an effective strategy for reducing underage drinking parties on private property; and

WHEREAS, there is a drain on law enforcement resources and other emergency response services to premises where alcoholic beverages are served to or consumed by a minor is significant; and

WHEREAS, such a law is necessary to protect the public health, safety, and the general welfare of the public.

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

Section 1. Section 9.25 is added to the Hughson Municipal Code to read in full as follows:

9.25.010. TITLE.

This Chapter shall be known as the "Underage Drinking/Social Host Liability Ordinance."

9.25.020. LEGISLATIVE FINDINGS.

A. Minors often obtain, possess, or consume alcoholic beverages at gatherings held at private residences or other private property, places or premises, including rented commercial premises which are under the control of a person who knows or should know of the consumption of alcoholic beverages by minors yet persons responsible for the occurrence of such gatherings often fail to take reasonable steps to prevent the consumption of alcoholic beverages by minors at these gatherings.

B. Consumption of alcoholic beverages by minors, who are under the legal age to consume alcohol in the State of California, is harmful to the minors themselves and poses an immediate threat to the public health, safety and welfare in that it increases alcohol abuse by minors, physical altercations, violent

crimes including rape and other sexual offenses, accidental injury, neighborhood vandalism, and excessive noise disturbance, all of which may require intervention by local law enforcement.

C. Law enforcement responses to gatherings involving consumption of alcoholic beverages by minors often require extensive resources to manage the incident. Further, when law enforcement personnel respond to gatherings involving the consumption of alcoholic beverages by minors it takes away valuable resources from other service calls in the community, thereby placing the community at increased risk. Law enforcement, fire and emergency response services are not currently reimbursed for the response cost associated when called to a premise or gathering where minors obtain, possess, or consume alcoholic beverages.

D. The prohibitions found in this Chapter are reasonable and expected to deter the consumption of alcoholic beverages by minors by holding responsible persons who know of, or should know of, the illegal conduct yet fail to stop or prevent it. In addition, the revenue received by the City of Hughson after cost reimbursement will be directed toward alcohol abuse and prevention education programs in the community.

9.25.030. INTENT AND PURPOSE.

The purposes of this Chapter are:

- A. To protect public health, safety and general welfare;
- B. To enforce laws prohibiting the service to and consumption of alcoholic beverages by minors; and
- C. To reduce the costs of providing law enforcement, fire, and other emergency response services to premises where alcoholic beverages are served to or consumed by a minor, by holding the responsible person, social host and/or landowners responsible for the costs associated with providing law enforcement and other emergency response services.

9.25.040. DEFINITIONS.

The terms used in this chapter have the meaning provided by state law except as expressly provided herein.

- A. "Adult" is any person over the age of eighteen (18) years.
- B. "Alcoholic Beverage" includes any liquid or solid material intended to be ingested by a person which contains ethanol, also known as ethyl alcohol, drinking alcohol, or alcohol, including, but not limited to, alcoholic beverages as

defined in Section 23004 of the Business and Professions Code, intoxicating liquor, malt beverage, beer, wine, spirits, liqueur, whiskey, rum, vodka, cordials, gin, and brandy, and any mixture containing one or more alcoholic beverages. Alcoholic beverage includes a mixture of one or more alcoholic beverages whether found or ingested separately or as a mixture.

C. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

D. "Response Costs" are the costs associated with response by law enforcement, fire, or other emergency response providers to a gathering, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative cost associated with or attributed to such response(s); (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment in, responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to enforcement of Sections 9.25.050 and 9.25.060.

E. "Family Gathering" is a gathering where each minor present is supervised by his or her parent or legal guardian.

F. "Legal Guardian" means (1) a person who, by court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

G. "Minor" is any person under the age of twenty-one (21) years.

H. "Juvenile" is any person under the age of eighteen (18) years.

I. "Parent" is a person who is a natural parent, adoptive parent, foster parent, or step-parent of another person.

J. "Gathering" is a party, gathering or event where a group of two (2) or more persons have assembled or are assembling for a social occasion or social activity.

K. "Premise" means any residence or other private property, place, or premises, including any commercial or business premises.

L. "Social Host" is a person who knowingly hosts, permits, or allows a gathering to take place where one or more minors consume one or more alcoholic beverage on property owned or controlled by the person and the person

knows or reasonably should have known that the minor is consuming or has consumed an alcoholic beverage.

M. "Responsible person" means a person or persons with a right of possession of the premises including, but not limited to:

1. An owner of the residence or other private property, place or premises, including any commercial or business premises;
2. A tenant or lessee of the residence or other private property, place or premises, including any commercial or business premises;
3. The landlord of another person responsible for the gathering;
4. The person(s) in charge of the residence or other private property, place or premises, including commercial or business premises; and
5. The person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering.
6. If a responsible person or social host for the party or gathering is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the response costs incurred pursuant to this Chapter. To incur liability for response costs imposed by this Chapter, the responsible person or social host for the gathering must be aware of the gathering, but need not be present at such gathering which results in the imposition of response costs pursuant to this Chapter.

9.25.050. CONSUMPTION OF ALCOHOL BY MINOR PROHIBITED IN PUBLIC PLACE, PLACE OPEN TO PUBLIC, OR PLACE NOT OPEN TO PUBLIC.

Except as permitted by state law, it is unlawful for any minor to:

- A. Consume at any public place or any place open to the public any alcoholic beverage; or
- B. Consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverages that minor is being supervised by his or her own parent or legal guardian.

9.25.060. HOSTING, PERMITTING, and ALLOWING A PARTY, GATHERING OR EVENT WHERE MINORS CONSUME ALCOHOLIC BEVERAGES PROHIBITED.

- A. It is unlawful and a misdemeanor for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor is or has consumed an alcoholic beverage or reasonably should have known that a minor

is or has consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of alcoholic beverages by a minor as set forth in subsection (B) of this section.

B. It is the duty of any person having control of any premises, who knowingly hosts, permits or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps include, but are not limited to, (i) controlling access to alcoholic beverages at the gathering, (ii) controlling the quantity of alcoholic beverages at the gathering, (iii) verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure minors do not consume alcoholic beverages while at the gathering, and (iv) supervising the activities of minors at the gathering.

C. This section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian, as permitted by Article I, Section 4, of the California Constitution or if the event is a family gathering.

D. This section shall not apply to any California Department of Alcoholic Beverages Control licensee at any premises regulated by the Department of Alcoholic Beverages Control.

9.25.070. PRIMA FACIE EVIDENCE.

Whenever a responsible person and/or social host having control of the premises is present at the premises at the time that a minor obtains, possesses, or consumes any alcoholic beverage, it shall be prima facie evidence that such adult had the knowledge or should have had the knowledge, that the minor obtained, possessed, or consumed an alcoholic beverage at the gathering.

9.25.080. SEPARATE VIOLATION FOR EACH INCIDENT.

Each incident in violation of Sections 9.25.050 and 9.25.060 shall constitute a separate offense.

9.25.090. ENFORCEMENT AUTHORITY.

The City of Hughson's Police Services, City Attorney, and Code Enforcement Officers are authorized to administer and enforce the provisions of this chapter.

9.25.100. ENFORCEMENT REMEDIES.

In addition to any other remedies available by law, including criminal prosecution, the City of Hughson may seek administrative penalties, response costs, and other costs associated with enforcement of Sections 9.25.050 and 9.25.060,

through all remedies or procedures provided by statute, ordinance, or law, including but not limited to, Chapter 1 of the Code, Sections 9.25.050 and 9.25.060 shall not limit the authority of peace officers to make arrests for any criminal offense arising out of conduct regulated by Sections 9.25.050 and 9.25.060.

If a violation of Sections 9.25.050 and/or 9.25.060 is prosecuted administratively the mandatory minimum penalty shall be five-hundred dollars (\$500.00) for the first offense, and one-thousand dollars (\$1,000.00) for a second offense, and one-thousand-five-hundred dollars (\$1,500.00) for a third offense in a twelve-month period.

9.25.110. PUBLIC NUISANCE AND RECOVERY OF RESPONSE COSTS.

A. In addition to any other remedies available by law, a violation of Section 9.25.050 and/or 9.25.060 shall constitute a public nuisance, as an immediate threat to the public health, safety and welfare.

B. As a public nuisance, the gathering of underage drinkers may be summarily abated by the City's Police Services Personal by all reasonable means, singularly or in combination, including, but not limited to:

1. An order requiring the gathering to be disbanded;
2. Issuance of an administrative citation under this Code;
3. Issuance of an administrative citation, misdemeanor citation and/or arrest of any law violators under any other applicable ordinances and/or statutes.

C. When law enforcement, fire, or other emergency response provider responds to a gathering at which a minor obtains, possesses, or uses alcoholic beverages within the City of Hughson all responsible persons and/or social host(s) shall be jointly and severally liable for the City of Hughsons' response costs to abate the nuisance.

9.25.120. BILLING AND COLLECTION.

A. The amount of response costs shall be deemed a debt owed to the City of Hughson by the responsible person and/or social host, or if the responsible person and or social host is a juvenile, by the juvenile's parents or guardians. Any person owing such costs shall be liable in a civil action brought in the name of the city for recovery of such costs, including reasonable attorney fees.

Notice of the costs for which the responsible person is liable shall be mailed via first-class mail. The notice shall contain the following information.

1. The name of the person(s) being held liable for the payment of such costs;

2. The address of the private property or private premises where the party occurred;
3. The date and time of the response;
4. The law enforcement, fire, or emergency service provider(s) who responded;
5. An itemized list of the response costs for which the person(s) is being held liable.

The responsible person must remit payment of the noticed response costs to the City of Hughson within thirty (30) calendar days of the date of the notice. The payment of any such costs shall be stayed upon the filing of a timely appeal pursuant to Section 9.25.150.

B. The failure of any person to pay the penalties assessed by an administrative citation and/or response costs within the time specified on the administrative citation or response cost bill may result in referring the matter to the Finance Department or other designated agent for collection, including the recording of a code enforcement lien pursuant to the procedures set forth in Title 1 of the Hughson Municipal Code.

9.25.130. SPECIAL FUND.

A. There is hereby established a special fund for the purposes of receiving and expending civil penalties and response costs collected. This special fund shall be known and designated as the Prevention of Underage Drinking Fund.

B. Expenditure of monies. The appropriation of all monies in the Prevention of Underage Drinking Fund shall be made exclusively for the purposes of Prevention of Underage Drinking Programs within the City of Hughson.

C. Accumulation of monies in the fund. The balance remaining in the Prevention of Underage Drinking Fund at the close of any fiscal year shall be deemed to have been provided for a specialized purpose and shall be carried forward and accumulated in said fund for the purposes set forth herein.

9.25.140. APPEALS.

A. Any person upon who is imposed a fine/penalty pursuant to Section 9.25.010 and/or response costs pursuant to Section 9.25.110 shall have the right to appeal the imposition of such fine/penalty or response costs pursuant to the appeal procedures set forth in Chapter 1 of the Hughson Municipal Code.

B. Failure to appeal shall constitute a failure to exhaust administrative remedies and result in the citation and/or response cost becoming a final administrative enforcement order.

9.25.150. SEVERABILITY.

If any provisions of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this

Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

Section 2. This ordinance is not intended to impose, 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 3. This ordinance shall become effective thirty (30) days after its final passage.

Section 4. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be published and posted in 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, October 24, 2011 and by a unanimous vote of the council members present, further reading was waived.

On motion of Councilperson _____, seconded by Councilperson _____ the foregoing Ordinance was duly passed by the City Council of the City of Hughson at a regular meeting thereof held on November 14, 2011 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

ATTEST:

DOMINIQUE SPINALE, Deputy City Clerk

CC AGENDA - ITEM 2

CC AGENDA - ITEM 3

Reviewed Date: 10/19/2011	Approved:  Bryan Whitemyer, City Manager	Meeting Date: November 14, 2011	Agenda Item: 3
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Executive Summary

Presented By: Bryan Whitemyer, City Manager
Meeting Date: November 14, 2011
Subject: Rate Increase Request from Waste Management Incorporated
Enclosures: 1) Letter from Waste Management
2) Information on Rate Adjustments
Budget Action: None at this time
Desired Action: 1) Review and Discuss Waste Management's Request for Rate Increases and Authorize Staff to Set a Public Hearing for the Rate Increases

Background:

On June 1, 2011 the City of Hughson received a letter from Waste Management Incorporated requesting that it consider a rate increase for refuse, recycling, yard waste, and transportation services. This was formally presented to the City Council in July 2011. At that time the Council voted to not move forward with the rate increases and requested that Waste Management perform more outreach efforts to City residents.

Since that time Waste Management provided an information booth at the Hughson Harvest Festival in September 2011 and sent out educational materials to Hughson residents with the City of Hughson utility bill.

On October 6, 2011, the City received a letter from Waste Management asking that the City Council consider a modified rate increase request. The request is as follows:

- 1) Adjust rates to only reflect the cost increases for CPI and Fuel for the previous 12 months. This is equivalent to a 3.97% or \$.71 per month increase to the base residential service.
- 2) Reduce the Senior Discount age qualification to 65 years old from the current 70 years old qualification.

Staff has reviewed the request from Waste Management and believes it is a reasonable request considering the increases in operational costs that they have experienced over the last couple years.

Staff Recommendation:

Authorize staff to schedule a Public Hearing to consider the rate increase request from Waste Management Incorporated.



Winton Disposal

730 Industry Way
Atwater, CA 95301
(209) 358-1145
(209) 358-5382 Fax

October 6, 2011

Mr. Bryan Whitemyer
City Manager
City of Hughson
7018 Pine Street
P.O. Box 9
Hughson, California 95326

Re: *Agreement for Solid Waste Services between the City of Hughson and Waste Management.*

Dear Mr. Whitemyer,

We have enjoyed for many years, the opportunity to provide collection services to the residents of Hughson, though the cost of performing these services has increased rapidly and eroded our ability to perform them profitably. Our last rate increase was approved by the City in 2008. Since then, we have requested and documented the need for rate increases on four different occasions. On each of those occasions, the City has denied our request for a modification for rates. Our understanding is that the City accepted the justification for the rate increases, but denied them because it wished to spare the ratepayer the burden a rate increase might create.

Waste Management understands the economic hardship. It is affecting us all, and we especially empathize with the burden brought upon our customers. However, for us to maintain quality services for Hughson's citizens, it is important that we are fairly compensated for the work that we do.

In view of these mutual concerns, we are submitting with this letter a request that the City reconsider our rate request and make an adjustment to our rates to ONLY reflect the cost increases for CPI and Fuel for the previous 12 months (as documented in the enclosed request). This request is equivalent to 3.97% or \$.71 per month to the base residential service. In addition, we are also offering to reduce the Senior Discount age qualification to 65 years old versus the previous contractual age of 70 years old.

We feel that this modification to our original request is reasonable and justified.

Please feel free to contact me if you have any questions regarding this request.

Thank you for the opportunity to continue to serve the City of Hughson and its residents.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Jennelle Bechthold". The signature is fluid and cursive, written over a horizontal line.

Jennelle Bechthold
Municipal Contract Manager

CC: Thomas A Sanchez, Director of Business Development
Tom Clark, Public Works Director, City of Hughson
Alex Oseguera, Area Vice President, Waste Management
Julie Hernandez, District Manager
Jennelle Bechthold, Community and Public Relations

Enclosure

CITY OF HUGHSON
MULTI-CART CURBSIDE REFUSE RATES
EFFECTIVE November 1, 2011 THROUGH JUNE 30, 2012

STANDARD SERVICE	Current Rate Per Month	2.270% 2011 Fuel	1.70% 2011 CPI \$	2011 Rate
<u>1. 35 GALLON WASTE CART 1X PER WEEK</u>				
1 Waste Cart	\$ 17.94	\$ 0.41	\$ 0.30	\$ 18.65
2 Waste Carts	\$ 35.76	\$ 0.81	\$ 0.61	\$ 37.18
3 Waste Carts	\$ 54.72	\$ 1.24	\$ 0.93	\$ 56.89
<u>2. 64 GALLON WASTE CART 1X PER WEEK</u>				
1 Waste Cart	\$ 20.32	\$ 0.46	\$ 0.35	\$ 21.13
2 Waste Carts	\$ 40.44	\$ 0.92	\$ 0.69	\$ 42.05
3 Waste Carts	\$ 61.01	\$ 1.38	\$ 1.04	\$ 63.43
<u>3. 96 GALLON WASTE CART 1X PER WEEK</u>				
1 Waste Cart	\$ 32.36	\$ 0.73	\$ 0.55	\$ 33.64
2 Waste Carts	\$ 64.56	\$ 1.47	\$ 1.10	\$ 67.13
3 Waste Carts	\$ 96.29	\$ 2.19	\$ 1.64	\$ 100.12
<u>4. INITIAL AND ADDITIONAL 64 GALLON RECYCLING CARTS</u>				
First and Second Recycling Cart	No Add'l Charge			
Third and Each Additional Cart	\$ 11.46	\$ 0.26	\$ 0.19	\$ 11.91
<u>5. INITIAL AND ADDITIONAL 96 GALLON YARD AND GARDEN CARTS</u>				
First, Second and Third Yard and Garden Cart	No Add'l Charge			
Fourth and Each Additional Yard and Garden Cart	\$ 11.46	\$ 0.26	\$ 0.19	\$ 11.91
PHYSICALLY IMPAIRED / SENIOR RATES ***				
<u>1. 35 GALLON WASTE CART 1X PER WEEK</u>				
35 Gallon Service as of 09/21/01 - Grandfathered Senior Rate	\$ 9.70	\$ 0.22	\$ 0.16	\$ 10.08
1 Waste Cart	\$ 16.12	\$ 0.37	\$ 0.27	\$ 16.76
2 Waste Carts	\$ 32.18	\$ 0.73	\$ 0.55	\$ 33.46
3 Waste Carts	\$ 49.25	\$ 1.12	\$ 0.84	\$ 51.21
<u>2. 64 GALLON WASTE CART 1X PER WEEK</u>				
1 Waste Cart	\$ 18.29	\$ 0.42	\$ 0.31	\$ 19.02
2 Waste Carts	\$ 36.39	\$ 0.83	\$ 0.62	\$ 37.84
3 Waste Carts	\$ 54.91	\$ 1.25	\$ 0.93	\$ 57.09
<u>3. 96 GALLON WASTE CART 1X PER WEEK</u>				
1 Waste Cart	\$ 29.12	\$ 0.66	\$ 0.50	\$ 30.28
2 Waste Carts	\$ 58.10	\$ 1.32	\$ 0.99	\$ 60.41
3 Waste Carts	\$ 87.14	\$ 1.98	\$ 1.48	\$ 90.60
<u>4. INITIAL AND ADDITIONAL 64 GALLON RECYCLING CARTS</u>				
First and Second Recycling Cart	No Add'l Charge			
Third and Each Additional Cart	\$ 10.31	\$ 0.23	\$ 0.18	\$ 10.72
<u>5. INITIAL AND ADDITIONAL 96 GALLON YARD AND GARDEN CARTS</u>				
First, Second and Third Yard and Garden Cart	No Add'l Charge			
Fourth and Each Additional Yard and Garden Cart	\$ 10.31	\$ 0.23	\$ 0.18	\$ 10.72
ADDITIONAL CHARGES				
<u>1. ACTIVATION FEE</u>				
Residential, new customers	\$ 15.33	\$ -	\$ 0.26	\$ 15.59

*** Any customer who achieves this status, or becomes a new customer at this status, will be entitled to a 10% discount off the stand

CITY OF HUGHSON

CONTAINER RATES

EFFECTIVE November 1, 2011 THROUGH JUNE 30, 2012

# OF CONTAINERS	Current Rate	2.270%	1.70%	New Rate Per Month
		2011 Fuel	2011 CPI	
2 Cu. Yd Bin				
1x a week	\$ 94.82	\$ 2.15	\$ 1.61	\$ 98.58
2x a week	\$ 172.65	\$ 3.92	\$ 2.94	\$ 179.51
3x a week	\$ 250.72	\$ 5.69	\$ 4.26	\$ 260.67
4x a week	\$ 329.34	\$ 7.48	\$ 5.60	\$ 342.42
5x a week	\$ 406.16	\$ 9.22	\$ 6.90	\$ 422.28
3 Cu. Yd Bin				
1x a week	\$ 135.28	\$ 3.07	\$ 2.30	\$ 140.65
2x a week	\$ 252.91	\$ 5.74	\$ 4.30	\$ 262.95
3x a week	\$ 368.79	\$ 8.37	\$ 6.27	\$ 383.43
4x a week	\$ 454.80	\$ 10.32	\$ 7.73	\$ 472.85
5x a week	\$ 604.99	\$ 13.73	\$ 10.28	\$ 629.00
4 Cu. Yd Bin				
1x a week	\$ 187.06	\$ 4.25	\$ 3.18	\$ 194.49
2x a week	\$ 333.20	\$ 7.56	\$ 5.66	\$ 346.42
3x a week	\$ 486.82	\$ 11.05	\$ 8.28	\$ 506.15
4x a week	\$ 580.13	\$ 13.17	\$ 9.86	\$ 603.16
5x a week	\$ 803.83	\$ 18.25	\$ 13.67	\$ 835.75
6 Cu. Yd Bin				
1x a week	\$ 281.89	\$ 6.40	\$ 4.79	\$ 293.08
2x a week	\$ 540.63	\$ 12.27	\$ 9.19	\$ 562.09

ADDITIONAL CHARGES

ACTIVATION FEE

Commercial, new customers	\$ 26.11	\$ -	\$ 0.44	\$ 26.55
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CITY OF HUGHSON
20 TO 40 CUBIC YARD BOXES

EFFECTIVE November 1, 2011 THROUGH JUNE 30, 2012

	Current Rate	2.270% 2011 Fuel	1.70% 2011 CPI	New Rate Per Month
PERMANENT HIGH FREQUENCY ROLL-OFF RATES				
1. 20 yard drop box	\$ 115.98	\$2.63	\$1.97	\$120.58
2. 26/27 yard drop box	\$ 115.98	\$2.63	\$1.97	\$120.58
3. 30 yard drop box	\$ 160.75	\$3.65	\$2.73	\$167.13
4. 40 yard drop box	\$ 160.75	\$3.65	\$2.73	\$167.13
Dump Fee charged to customer				
ADDITIONAL CHARGES				
1. Per day charge after 21 days inactivity	\$ 10.22	\$0.00	\$0.17	\$10.39

**CITY OF HUGHSON
RATE ADJUSTMENT FACTOR CALCULATION - 2011**

Index Point Change

Current Year CPI	Feb-11	229.98 a
Minus Prior Year CPI	Feb-10	226.145 b
Equals Index Point Change		3.836 c

Percent Change

Index Point Change	3.836 d
Divided by Prior Year CPI	1.70% e=d/b

Consumer Price Index - All Urban Consumers


Series Id: CUURA422SA0, CUUSA422SA0

Not Seasonally Adjusted

Area: San Francisco-Oakland-San Jose, CA

Item: All items

Base Period: 1982-84=100

 .xls	CUURA422c eb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2001	187.9		189.1		190.9		191		191.7		190.6	189.9	188.7	191.1
2002	191.3		193		193.2		193.5		194.3		193.2	193	192.3	193.7
2003	197.7		197.3		196.3		196.3		196.3		195.3	196.4	196.8	196.1
2004	198.1		198.3		199		198.7		200.3		199.5	198.8	198.2	199.5
2005	201.2		202.5		201.2		203		205.9		203.4	202.7	201.5	203.9
2006	207.1		208.9		209.1		210.7		211		210.4	209.2	207.9	210.6
2007	213.688		215.842		216.123		216.24		217.949		218.485	216.048	214.736	217.361
2008	219.612		222.074		225.181		225.411		225.824		218.528	222.767	221.73	223.804
2009	222.166		223.854		225.692		225.801		226.051		224.239	224.395	223.305	225.484
2010	226.145		227.697		228.11		227.954		228.107		227.658	227.469	226.994	227.944
2011	229.981													

**CITY OF HUGHSON
EXTRAORDINARY COST ADJUSTMENT CALCULATION**

2011 Fuel Calculation

YE June 2010 Fuel Expense	<u>47,994</u>
~~ Fuel 2/2011	\$ 3.804
~~ Fuel 2/2010	\$ 2.938
Difference	<u>0.87</u>
% Increase	29.48%
Estimated 2011 Fuel Expense Increase	\$ 14,149
** 07/09-06/10 Revenue for City of Hughson	\$ 612,977
CPI for 2011	1.70%
Estimated Revenue	<u>\$ 623,398</u>
% Needed	2.270%

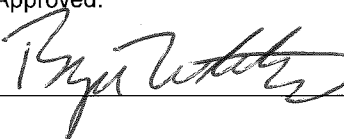
**California No 2 Diesel
Retail Sales by All**

Date	Sellers (Dollars per
Jan-2000	1.505
Feb-2000	1.536
Mar-2000	1.629
Apr-2000	1.57
May-2000	1.524
Jun-2000	1.509
Jul-2000	1.58
Aug-2000	1.713
Sep-2000	1.94
Oct-2000	1.904
Nov-2000	1.882
Dec-2000	1.816
Jan-2001	1.659
Feb-2001	1.618
Mar-2001	1.593
Apr-2001	1.61
May-2001	1.609
Jun-2001	1.612
Jul-2001	1.561
Aug-2001	1.514
Sep-2001	1.651
Oct-2001	1.475
Nov-2001	1.384
Dec-2001	1.27
Jan-2002	1.269
Feb-2002	1.289
Mar-2002	1.394
Apr-2002	1.444
May-2002	1.411
Jun-2002	1.427
Jul-2002	1.428
Aug-2002	1.484
Sep-2002	1.597
Oct-2002	1.557
Nov-2002	1.532
Dec-2002	1.524
Jan-2003	1.579
Feb-2003	1.725
Mar-2003	1.818
Apr-2003	1.65
May-2003	1.543
Jun-2003	1.581
Jul-2003	1.635
Aug-2003	1.725
Sep-2003	1.656
Oct-2003	1.622
Nov-2003	1.639
Dec-2003	1.681
Jan-2004	1.677

Feb-2004	1.809
Mar-2004	1.897
Apr-2004	2.171
May-2004	2.284
Jun-2004	2.056
Jul-2004	2.098
Aug-2004	2.128
Sep-2004	2.164
Oct-2004	2.361
Nov-2004	2.348
Dec-2004	2.137
Jan-2005	2.059
Feb-2005	2.244
Mar-2005	2.455
Apr-2005	2.59
May-2005	2.45
Jun-2005	2.469
Jul-2005	2.578
Aug-2005	2.945
Sep-2005	3.125
Oct-2005	3.16
Nov-2005	2.668
Dec-2005	2.504
Jan-2006	2.63
Feb-2006	2.703
Mar-2006	2.738
Apr-2006	2.932
May-2006	3.222
Jun-2006	3.192
Jul-2006	3.104
Aug-2006	3.193
Sep-2006	3.053
Oct-2006	2.721
Nov-2006	2.679
Dec-2006	2.906
Jan-2007	2.803
Feb-2007	2.886
Mar-2007	2.885
Apr-2007	2.985
May-2007	2.964
Jun-2007	3.019
Jul-2007	3.123
Aug-2007	3.049
Sep-2007	3.024
Oct-2007	3.267
Nov-2007	3.608
Dec-2007	3.475
Jan-2008	3.423
Feb-2008	3.488
Mar-2008	4.014
Apr-2008	4.265
May-2008	4.673
Jun-2008	4.968
Jul-2008	4.965
Aug-2008	4.542

Sep-2008	4.087
Oct-2008	3.568
Nov-2008	2.832
Dec-2008	2.345
Jan-2009	2.297
Feb-2009	2.26
Mar-2009	2.139
Apr-2009	2.336
May-2009	2.354
Jun-2009	2.697
Jul-2009	2.734
Aug-2009	2.85
Sep-2009	2.837
Oct-2009	2.856
Nov-2009	2.962
Dec-2009	2.913
Jan-2010	2.997
Feb-2010	2.938
Mar-2010	3.058
Apr-2010	3.206
May-2010	3.205
Jun-2010	3.102
Jul-2010	3.124
Aug-2010	3.164
Sep-2010	3.144
Oct-2010	3.214
Nov-2010	3.305
Dec-2010	3.408
Jan-2011	3.56
Feb-2011	3.804
Mar-2011	4.187

CC AGENDA - ITEM 4

Reviewed Date: 11/10/2011	Approved: 	Meeting Date: November 14, 2011	Agenda Item: 4
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Executive Summary

Presented By: Bryan Whitemyer, City Manager
Meeting Date: November 14, 2011
Subject: City Hall Closure During Holidays
Desired Action: Approve City Hall Closure from December 26, 2011 through January 2, 2012.

Background: As a result of a down economy and declining revenues the City found it necessary to reduce its staffing by over 30% during the last year. This was necessary to help keep the City on solid financial ground.

Despite these reductions, City staff has been able to continue to provide excellent customer service to the community. However, with the winter holidays and scheduled vacations coming up we are concerned that we may not be able to provide adequate office staffing during the week between Christmas and New Years. With that in mind it may be prudent for the City to consider closing City Hall from December 26, 2011 through January 2, 2012.

What does this mean?

- City Hall is already scheduled to be closed on Monday, December 26th and Monday, January 2nd in observance of Christmas and New Years. With this proposal, City Hall would be closed four additional days from Tuesday, December 27th through Friday, December 31st.
- Employees would be required to use vacation time or be on unpaid leave for those additional four days. This does not create an additional cost to the City. All City Hall employees have been polled and are agreeable to the closure.
- The closure would only affect City Hall. Some Public Works staff would still be working and performing their typical work tasks. Additionally, our normal on call procedures would be followed in order to handle any emergency that could occur during this period. Public Works staff have also been polled and are agreeable to the City Hall closure.
- Utility Bills – utility bills are due on the last day of the month. With the office closure the deadline for utility bills would be extended to Friday, January 6, 2012.

- Advertising and Notifications – If the closure is approved the City would have seven weeks to inform the community that City Hall will be closed for that week. Staff would post an announcement of the closure in the December newsletter that is mailed to every utility bill customer toward the beginning of the month. We would also post signs at City Hall and send reminders via Facebook as well.

What are other jurisdictions doing?

- Modesto, Turlock, Newman, and Stanislaus County will have their offices closed from December 26th through January 2nd.
- Ceres, Patterson, and Waterford are closed Friday, December 23rd, Monday, December 26th, Friday, December 30th and Monday, January 2nd.

Office Closure Observations:

- Office traffic is typically very slow during this week.
- Building permit activity is likewise slow to non-existent during this week.
- Vacation time used by employees helps to lower future vacation accrual liabilities.
- With adequate notice and outreach community members will be made aware that the City will be closed and can make arrangements to take care of City business either before or after the closure.

Alternatives:

- 1) The City maintains its normal City Hall holiday schedule and will be closed on Monday, December 26th and Monday, January 2nd.
- 2) The City could follow its normal City Hall schedule but could add Friday, December 30th

Recommendation: By motion authorize the closure of City Hall from December 26th through January 2nd and instruct staff to take steps to inform the community of this closure.

CC AGENDA - ITEM 5

Reviewed Date: 11/11/11	Approved:  Bryan Whitemyer, City Manager	Meeting Date: November 14, 2011	Agenda Item: 5
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Executive Summary

Presented By: Bryan Whitemyer, City Manager
Meeting Date: November 14, 2011
Subject: One Year Summary Report of the Regional Transportation Impact Fee Group and Authorization of Expenditures Based on Population for a Regional Nexus Study
Budget Action: Appropriate \$645.35 in the Public Facility – Streets Fund
Desired Action: 1) Motion accepting the One Year Summary Report of the Regional Transportation Impact Fee Group.
2) Adopt a Resolution approving the preparation of a Nexus Study for the 2011 Regional Transportation Impact Fee Program by and between the City of Hughson, County of Stanislaus, City of Ceres, City of Modesto, City of Newman, City of Oakdale, City of Patterson, City of Riverbank, City of Turlock and City of Waterford and the Stanislaus Council of Governments, to be administered by the Stanislaus Council of Governments, and authorizing expenditures from the Public Facility - Streets Fund for the preparation of the Regional Nexus Study.

DESCRIPTION:

Consider accepting the One Year Summary Report of the Regional Transportation Impact Fee Group and adopting a resolution authorizing expenditures based on population for a Regional Nexus Study.

BACKGROUND:

The Regional Transportation Impact Fee, RTIF, working group is composed of City Managers from each of the nine cities, County staff and Stanislaus Council of Governments (StanCOG) staff who are working collaboratively to create a regional transportation impact fee. The enclosed report summarizes their activities over the past year and identifies their next steps.

The group has agreed that it is time to proceed with a nexus study to determine the appropriate projects and fee for new development for a regional transportation impact fee. StanCOG, pending approval from their policy board, will fund \$50,000, of the cost to do this work and administer the contract, with the remaining cost, not to exceed \$50,000, to be divided amongst the cities and the County based on population. It is anticipated that a Draft will be presented to each City Council and Board of Supervisors for approval next fall.

RECOMMENDED COUNCIL ACTION:

Motion accepting the One Year Summary Report of the Regional Transportation Impact Fee Group.

Adopt a Resolution approving the preparation of a Nexus Study for the 2011 Regional Transportation Impact Fee Program by and between the City of Hughson, County of Stanislaus, City of Ceres, City of Modesto, City of Newman, City of Oakdale, City of Patterson, City of Riverbank, City of Turlock and City of Waterford and the Stanislaus Council of Governments, to be administered by the Stanislaus Council of Governments, and authorizing expenditures of \$645.35 from the Public Facility - Streets Fund for the preparation of the Regional Nexus Study.

Enclosures:

- 1) One Year Summary Report of the Regional Transportation Impact Fee Group
- 2) Resolution approving the preparation of a Nexus Study and Authorizing Expenditures for the Nexus Study

**ONE YEAR SUMMARY REPORT
OF THE
REGIONAL TRANSPORTATION IMPACT FEE GROUP
FOR THE
STANISLAUS REGION**

OCTOBER 2011

INTRODUCTION

This report is intended to summarize the meetings to date and the anticipated next steps of the regional effort between the nine cities in Stanislaus County, the County and the Stanislaus Council of Governments, StanCOG. Each city and the County have their own impact fee program to address transportation-related improvements for new growth. The County adopted a revised fee program in July 2010, and as a result of that action, a Regional Transportation Impact Fee, RTIF, working group was created consisting of County staff, City Managers, their impact fee staff, and staff from StanCOG. The group has been meeting consistently since July 2010. This Summary Report is presented as an update on work to date and a plan for the Next Steps for this innovative approach for the Stanislaus Region. A summary of meetings and actions is included in Attachment A of this Report.

BACKGROUND

Stanislaus County's Public Facility Fee Program (PFF) was developed in 1989. The primary objective of the PFF program is to ensure that new development pays the capital costs associated with growth. The multi-jurisdictional nature of the program was unique at the time of initial adoption and has served as a model for many other jurisdictions throughout the State. Currently, 19 California counties either have some form of an impact fee program or are in the process of developing one. Since the program's original adoption in 1990, it has undergone three updates.

The PFF program collects impact fees from new development throughout the County, both in cities and the unincorporated area, to fund the public facilities required to accommodate growth. The program includes two types of impact fees: 1. Countywide fees. These are collected from new development both in the cities and in the unincorporated area to fund public facilities for services provided to all county residents, and 2. Unincorporated fees. These are collected only from new development in the unincorporated area for facilities needed to serve those areas such as sheriff patrol and neighborhood park facilities.

The March 9, 1990 PFF included a county road fee composed of three separate fees, with each fee was designed to mitigate the impacts on three different types of county roads. Generally defined, these types of roads are:

- 1) Inter-City Routes. Interstate and State Highways that serve all county residents and employees as major arterials between cities and destinations outside the county. On average 75% of all trips on these connector roads are by city residents.
- 2) Urban Sphere Roads. These are inside a city's urban sphere (or township, such as Salida) that have been incorporated into a city's long range traffic planning. The original report stated that in the future, all but the rural road projects may be funded with each jurisdiction's sphere fees.
- 3) City/County Roads. These roads serve the remaining unincorporated areas of the county, both rural and urban sphere, and could be eventually included as part of a city's sphere-wide traffic improvements. The original report states that it is expected that most – if not all – cities will

complete sphere-wide planning and develop fee program funding for all road improvements throughout their spheres. As such fees are implemented, the county will replace its city/county fee with a city's new sphere fee and adjust the city/county fee for those projects now picked up in a city's sphere-wide road improvements.

The 2010 PFF Update includes just one of the original road categories, the Inter-City routes, which has been re-categorized into the RTIF category. The City/County component has been deleted due to the fact that each city now has its own impact fee program to include roadways within the sphere of each city.

The County has long standing agreements with each of the nine cities whereby cities collect PFF, or require vouchers confirming payment of the fees, on behalf of the County for the payment of impact fees. Table 1 below shows PFF revenues and expenditures by area.

Table 1. Stanislaus County PFF Revenue & Expenditures

Area	Revenues Generated*	Expenditures by Area as Described**	Expenditures
Salida Community	\$1,389,000		
City of Modesto	\$16,018,000	North Modesto / Riverbank Area	\$12,000,000
City of Riverbank	\$3,353,000	Transfer to Riverbank	\$1,200,000
City of Oakdale	\$4,894,080	Albers Corridor- Area of Oakdale	\$10,615,000
City of Waterford	\$655,450		
City of Turlock	\$10,983,000	Geer Corridor- Area of Turlock	\$6,715,000
		Transfer to Turlock	\$1,150,000
		Santa Fe Corridor- Area of Turlock	\$1,767,300
City of Hughson	\$1,826,000		
City of Ceres	\$5,743,000	Hatch Corridor- Area of Ceres	\$3,334,000
		Crows Landing Corridor- Area of Ceres	\$1,872,900
City of Patterson	\$4,043,000	Patterson Area	\$11,365,000
City of Newman	\$768,000		
Unincorporated	\$12,929,571	Miscellaneous areas not shown	\$676,000
Total	\$62,602,101	Total	\$50,695,200

Footnote: *Revenues collected from 1990 to February 2010

Footnote: **Expenditures from 1997 to February 2010

During the 2010 update process, county staff held several workshops with interested stakeholders including city representatives. The fee was adopted in July 2010 with the caveat that an attempt would be made to work with the nine cities to enact a fee program for the formation of a more inclusive RTIF program. Since August 2010, the nine cities, the County, and StanCOG have been meeting in an effort to develop a truly regional fee program. The group has identified their jurisdiction's goals, investigated other regional fee programs from four other regions, discussed at length issues relating to the development of a regional transportation fee such as land use, identified a framework for expectations of a fee program, and discussed the overlapping areas of impact fees.

All nine cities and the County have agreed to create a fee program that:

- Is equitable
- Provides local control
- Has active oversight
- Has a Regional Component and a Zonal Component
- Provides the ability to pool money for Regional Projects
- Has a formula split
- Has a uniform fee
- Works in tandem with other revenue sources
- Clearly defines criteria for regional
- Fosters collaboration
- Simple to administer

ISSUES

The increasing demand for roadway projects and limited funding sources has become an issue throughout the state. Additionally, the number of commuters over that last twelve years within the Stanislaus region has increased significantly resulting in higher demands for road maintenance efforts. The existing Stanislaus County PFF identified roadways that were deemed needing improvements, however, the debate is over which roadways are "regionally" significant resulting in a conflict as to why the fee is being collected, further burdening development. In addition to the need or perceived need of new roadways, the current economic situation has also placed a significant competitive barrier on new development resulting in cities feeling that they are competing against one another for "lower" fees even though a need for improvements still exists. As a result, there is a strong desire to "level the playing field" with a "uniform" fee that would benefit each jurisdiction. A challenge exists to balance this sense of equity while mitigating the impacts of development.

PROJECTS

It is important to note that the success of regionalism depends on all of the parties' willingness to participate. Therefore, a large part of this last year's effort has been facilitating discussion and working towards understanding each agency's concerns relating to land use decisions and existing development policies and their relationship to transportation projects and transportation funding. A chief concern among cities with the existing PFF program was the project list. Concern was expressed that the

projects in the program were not truly regional and did not benefit the area where the revenue was collected. As an initial effort to facilitate the discussion of “regionalism” the group, as defined by the majority, identified linkages for the transportation system that included roadways for: regional commerce, local commerce, tourism, major employment centers, and commute patterns. The resulting list, shown in Table 2, identifies projects showing linkages. The table also shows projects that are in the PFF list, but are not part of what the working group believes are regional.

Table 2. RTIF Project List and Existing PFF List.

ROADWAYS	Link						Total Links	2010 Stanislaus County PFF Program	Currently In StanCOG RTP List (RTIP: 10/11-14/15)
	Regional Commerce	Tourism	Major Employment Centers	Commute Patterns (In & Out)	Connectivity to 2 or more Cities / Communities	Connectivity to 3 or more Cities / Communities			
Interstate 5	✓		✓	✓			3		
State Route 99	✓		✓	✓	✓	✓	6	X	
State Route 132	✓	✓	✓	✓	✓		5	XX	X
State Route 165	✓			✓			2		
State Route 108	?	✓		✓		✓	4		
State Route 108 East	✓			✓	✓		3		
State Route 219	✓	✓	✓	✓			4		X
State Route 120		✓		✓			2		
Highway 33	?		✓		✓	✓	4	XX	
Geer/Albers	✓	✓		✓	✓	✓	5	X	
West Main	✓	✓	✓	✓		✓	5	X	
Crows Landing	✓	✓					2	X	
North County Corridor	✓	✓		✓	✓	✓	5	X	X
Carpenter								X	
Claribel								X	X
Hatch								X	
Santa Fe								X	
SR 99/Whitmore Interchange (Under Construction)									X

LEGEND	
✓	Identified Roadway Links
	Additional Roadways
X	Currently in SC PFF
XX	Currently in Study Area: Project Initiation & Development Projects

FEASIBILITY

Feasibility of any fee program is also a factor in determining the fee. If the fee burden is too high, development will likely not occur. If the fee burden is too low, there will be unmitigated impacts on the transportation system. Like most California communities, the Stanislaus Region experienced a significant amount of growth in single family dwelling units between 2003 and 2006. However, in Modesto, the county seat and largest city in the region, the most significant growth occurred in Fiscal Year 1988-89. Figure 1 below shows single family dwelling unit building permit history for fifty years for the City of Modesto. The last five years have marked unprecedented low figures over the last fifty years. Figure 2 shows single family dwelling unit history for all cities and the County for the period of 2005 - 2011.

Figure 1. City of Modesto Single-Family Residential Units Fiscal Years 1959/60 – 2011/12.

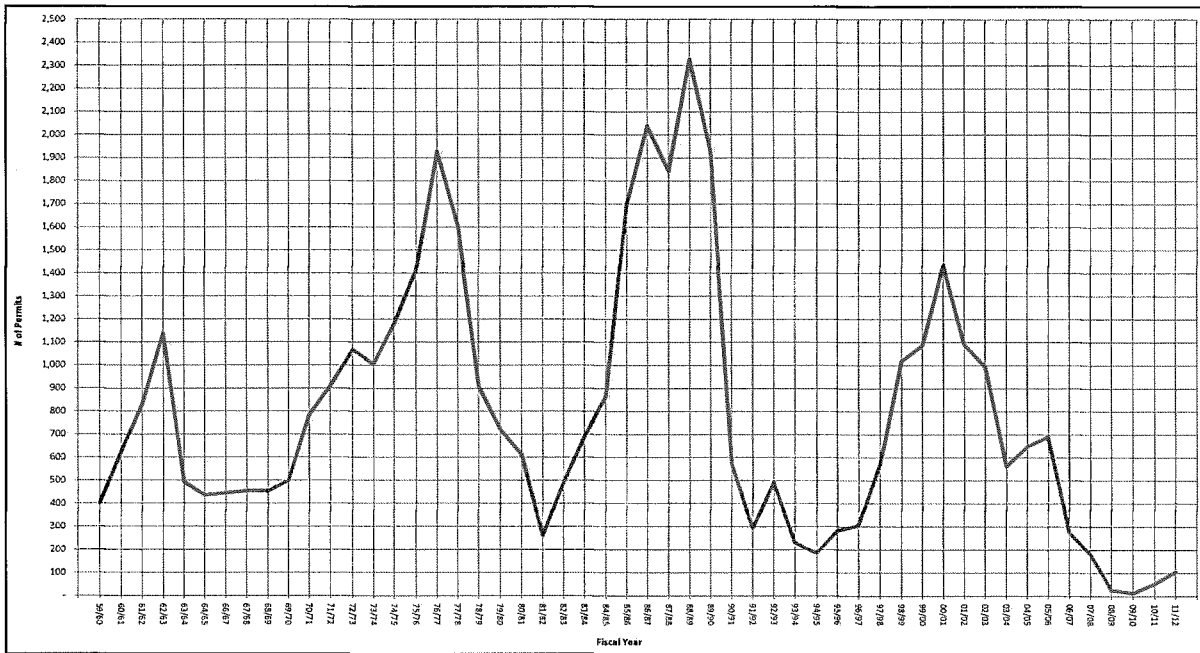
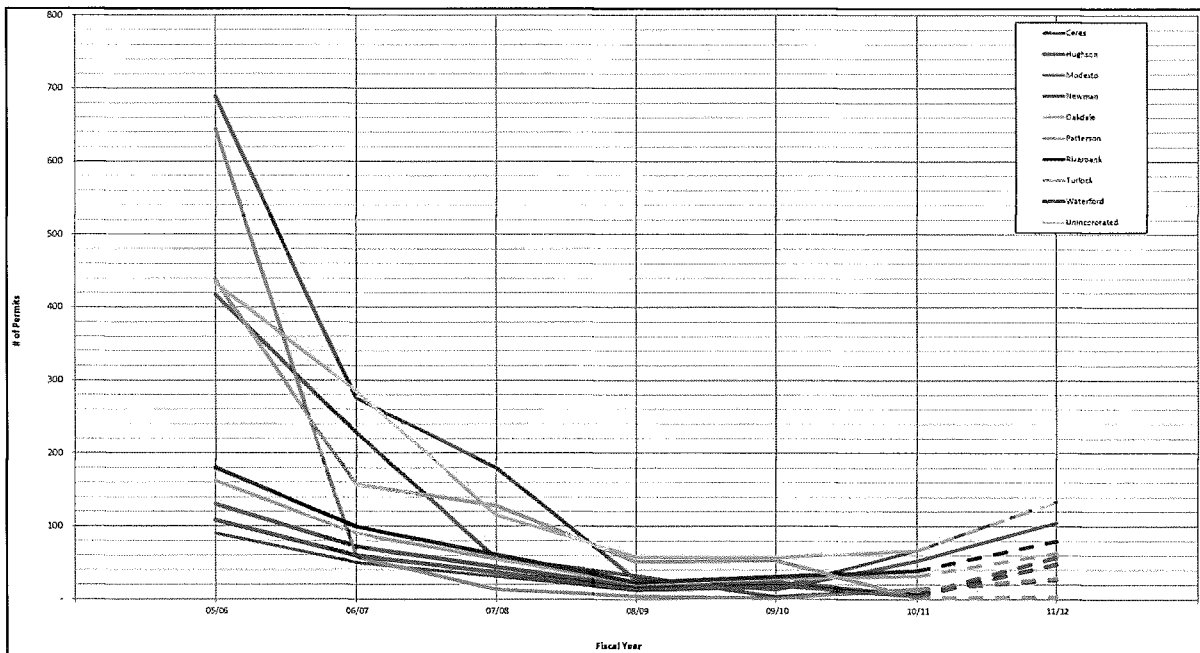


Figure 2. Single Family Residential Permits by Fiscal Year for All Cities and the Unincorporated Area within the Stanislaus Region.



NEXUS

To discuss an impact fee, the need for and share of the fee must also be discussed. Before a new fee can be established, the California Mitigation Fee Act (AB 1600) requires the implementing agency to prepare and adopt a “nexus” study based on project cost estimates, land use projections, traffic modeling, and appropriate trip generation rates to ensure that the impact fee will primarily benefit new development. Based on the program nexus, such fees can fund some or all of the project costs, whichever is the proportionate share of needed facilities for new development.

In reviewing the anticipated build-out numbers in each city’s General Plans, it appears that the anticipated timeframes are now ahead of reality and the timeframes need to be adjusted. This will occur through a nexus study and will include any development or land that has received some entitlement. It is the consensus of the group that it is now time to hire a consultant to develop a nexus study for a RTIF. A scope has been developed and the RTIF working group has agreed that StanCOG would administer the contract. StanCOG has also agreed, pending approval from their policy board, to use \$50,000 in available funds. Additionally, with approval from their council/board, each agency would make a contribution for this work based on population. Table 3 shows the expected breakdown of the fee based on population.

Table 3. Distribution of \$50,000 based on population.

	Population	% of Population	% Share of Cost
Modesto	201,165	39%	\$ 19,551.35
Oakdale	20,675	4%	\$ 2,009.42
Ceres	45,417	9%	\$ 4,414.11
Riverbank	22,678	4%	\$ 2,204.09
Waterford	8,456	2%	\$ 821.84
Hughson	6,640	1%	\$ 645.35
Newman	10,224	2%	\$ 993.68
Patterson	20,413	4%	\$ 1,983.95
Turlock	68,549	13%	\$ 6,662.32
County	110,236	21%	\$ 10,713.90
	514,453	100%	\$ 50,000.00

POTENTIAL GOVERNANCE STRUCTURES

Because successfully implementing a regional impact fee program is largely dependent on having a solid economic base, and given the current economy, understanding 1) what transportation needs will be warranted given development scenarios will need to be examined as well as, 2) what is the likely acceptability of a fee. While there is currently a county impact fee in place, establishing a new “regional” fee does cause some concerns. Namely:

- Will this be a constraint for local development?
- Will this fee drive growth and sales tax to lower fee jurisdictions?
- Will the fee compete with fees already in place?
- How will the fee revenue be disclosed?
- How will projects be prioritized?
- How will each jurisdiction be represented?

To address these issues, it is necessary to develop a governance structure. As noted, currently the nine cities collect the fee, but feel as if they have no “say” in how the fee is being spent since it is administered solely by the County. This is a significant source of frustration and will need to be resolved moving forward. The governance structure will need to be examined to ensure that each agency’s concerns are addressed.

NEXT STEPS

Initially, it was intended that this process would cover an eighteen month period, but given the complexities, it appears that it will span a longer period. In the meantime the PFF County Road fee continues to be collected. Table 4 below outlines an anticipated timeline for the development of a nexus study, and ultimately adoption of an RTIF.

Table 4. Anticipated timeline of Nexus Study.

Agencies get approval from Councils and Board	September – October 2011
StanCOG get approval from Policy Board	October 19, 2011
Release Request for Proposal (RFP)	October 20, 2011
Pre-Proposal Meeting	November 3, 2011
Proposals due to StanCOG	November 17, 2011
Evaluation Committee Interviews/Selects Firm	December 8, 2011
Notify Selected Firm and/or Team	December 9, 2011
StanCOG Policy Board Agreement Approval	December 21, 2011
Completion of Agreement/Notice to Proceed	December 22/January 2
DRAFT Nexus Study	TBD
Presentation to City Councils and BOS	Anticipated early Fall 2012
Adoption	Late Fall 2012
Implementation	Early 2013

Significant conversations have occurred that have dissolved communication impediments that have existed for many years. As a result, other issues of concern have emerged and discussions are beginning that are attempting to meld jurisdictional boundaries in favor of a regional approach that is beneficial to all entities in the region. Specifically, the RTIF is a springboard for regional discussions and hopefully future collaboration on land use, revenue sharing, utilities, and economic development will occur to benefit all. Therefore, it is anticipated that this group will continue to collaborate on issues of regional significance.

ATTACHMENT A
SUMMARY OF RTIF MEETINGS

Stanislaus Region
SUMMARY of RTIF Meetings and Actions
July 2010 – July 2011

Meeting 1:
July 22, 2010

Discussion: What is definition of “regional”; How to move forward with facilitation; County also has 8 hours of MuniServices’ time; StanCOG presented an overview of how they would proceed;

Action: County recommended, group agreed, City of Modesto would facilitate process. Each entity to send goals to Modesto for compilation.

Meeting 2:
August 12, 2010

Discussion: Discussed goals for this process from each jurisdiction; reviewed RTIF programs from San Joaquin, Merced, Kern, and Western Riverside programs

Action: Bring representatives from each above to discuss details of their programs for next meeting.

Meeting 3:
September 9, 2010

Discussion: SJCOG Director and Deputy Director from MCAG presented and, via teleconference, were Ruthanne Taylor Berger from WRCOG and staff from Kern COG to discuss details of their fee programs.

Action: Noted.

Meeting 4:
October 21, 2010

Discussion: Reviewed “likes” and “dislikes” of each agency’s program.

Action: Noted.

Meeting 5:
November 18, 2010

Discussion: Discussed combined “likes” and “dislikes” into expectations of a Stanislaus RTIF:

- Provides local control
- Active Oversight
- A regional and zonal component
- Ability to pool money for regional projects

- Has a formula split
- Has a uniform fee
- Works in tandem with other revenue sources
- Clearly defines criteria
- Fosters collaboration
- Simple to administer

Reviewed regional and zonal roadways with “linkages” - Regional commerce, Local commerce, Tourism, Major Employment Centers, Commute Patterns

Action: Noted.

**Meeting 6:
January 27, 2011**

Discussion: Recap of linkages exercise; looked at linkage numbers; determined that projects with 5 or more linkages would be regional, 4 or less would be zonal (see attached table)

Action: Reviewed overlaps with SJ and Merced counties and local CFF programs.

**Meeting 7:
February 10, 2011**

Discussion: Reviewed local CFF programs and development standards - in general; reviewed regional fee comparisons.

Action: Used cost estimates within RTP as basis for costs and timelines; Each jurisdiction to submit development activity data for test scenarios.

**Meeting 8:
February 24, 2011**

Discussion: Reviewed total projects and associated costs from the RTP list with timeframes. Determined to put a 15% set aside for match funding of 99 widening; Also reviewed last 7 years of development activity for entities and PFF generated.

Action: Reset the timeframe to 15 years for projects.

**Meeting 9:
March 10, 2011**

Discussion: Reviewed project list and map for projects to 2025; discussed possibility of hiring a forecaster.

Action: Noted.

**Meeting 10:
March 31, 2011**

Discussion: Reviewed project list with refinements from previous meeting; Discussed what percentages would be attributed to growth and at what point we use the traffic model to allocate those percentages; Discussed overlaying roadway projects with an ag-land preservation map.

Action: Overlay projects with ag land map that the 9 mayors and Supervisor O'Brien are developing.

**Meeting 11:
April 28, 2011**

Discussion: Recapped land use policies mayors are developing; Reviewed roadway projects.
Action: Noted.

**Meeting 12:
May 12, 2011**

Discussion: Reviewed an “urban limits” map; Discussed project list and the implementation of the list with regional priorities.
Action: Each jurisdiction to pare their list and prioritize.

**Meeting 13:
June 9, 2011**

Discussion: Reviewed and discussed thresholds for improvements in the RTP model versus anticipated real development.
Action: Incorporate entitlements into realistic forecasts; Each jurisdiction to submit entitlement status of projects to compare with RTP estimates for build-out; Use cost estimates originally submitted without inflationary adjustment for build-out.

**Meeting 14:
June 23, 2011**

Discussion: Reviewed list and discussed project list and timing of improvements for construction.
Action: Lower the timeframe for construction to 10 years, determine phase of project, and prioritize each entity’s list.

**Meeting 15:
July 28, 2011**

Discussion: Reviewed Summary of Progress; Discussed Next Steps and timing; Reviewed project list and priorities; Discussed Traffic Modeling/Nexus Study
Action:

NEXT STEPS:

Task	Timeframe	Responsibility
Report to Councils and BOS	Oct 2011	RTIF working group
Identify land use impacts with associated roadway projects	Jan – Aug 2012	Consultant
Governance	2011 – 2012	RTIF working group
Adoption of RTIF	Late Fall 2012	RTIF working group
Implementation of RTIF	Early 2013	TBD
Annual Review	Ongoing	TBD

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**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2011-074**

**A RESOLUTION APPROVING THE PREPARATION OF A NEXUS STUDY
FOR A REGIONAL TRANSPORTATION IMPACT FEE PROGRAM AND
AUTHORIZING THE EXPENDITURE OF \$645.35 FROM FUND 42 – 6201
PUBLIC FACILITY – STREETS PROFESSIONAL SERVICES ACCOUNT**

WHEREAS, the City of Hughson, County of Stanislaus, City of Ceres, City of Modesto, City of Newman, City of Oakdale, City of Patterson, City of Riverbank, City of Turlock, and the City of Waterford (Collectively “the Agencies”) within the Stanislaus Region have been collaborating on a regional transportation impact fee; and

WHEREAS, the preparation of a Nexus Study is required to further the process; and

WHEREAS, the Regional Transportation Impact Fee working group, composed of members for all Agencies, will seek to retain a consultant (“Consultant”) to prepare a Nexus Study for a Regional Transportation Impact Fee Program in an amount not to exceed \$100,000, of which the Stanislaus County Council of Governments (“StanCOG) will provide \$50,000 and the Agencies will provide the remaining \$50,000 or up to the actual amount of the contract, based on population; and

WHEREAS, the Agencies’ share of the remaining portion of the Nexus Study contract is based on the percentage of the population attributable to each jurisdiction, with each Agency’s share, assuming \$50,000, as follows:

City of Ceres	\$	4,414.11
City of Hughson	\$	645.35
City of Modesto	\$	19,551.35
City of Newman	\$	993.68
City of Oakdale	\$	2,009.42
City of Patterson	\$	1,983.95
City of Riverbank	\$	2,204.09
City of Turlock	\$	6,662.32
City of Waterford	\$	821.84
Stanislaus County	\$	10,713.90, and

WHEREAS, once the contract has been executed, StanCOG will send a letter to the Agencies requesting their agreed upon share of the contract; and

WHEREAS, upon receipt of the letter, the Agencies will provide StanCOG with their full share of the contract amount. Should the actual contract amount be less than \$100,000, the Agencies' contribution will be the final amount minus the \$50,000 provided by StanCOG.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hughson that it hereby approves the preparation of a nexus study and authorizes the expenditure of \$645.35 from Fund 42 – 6201 Public Facility – Streets Professional Services Account;

BE IT FURTHER RESOLVED that the Finance Director, or designee, is hereby authorized to take the necessary steps to implement the provisions of this Resolution.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Hughson held on the 14th day of November, 2011, and by motion of Councilmember _____ who moved for its adoption, and the motion being seconded by Councilmember _____ was upon roll call carried and the Resolution adopted by the following vote: ()

AYES:

NOES:

ABSTENTIONS:

ABSENT:

RAMON BAWANAN, Mayor

ATTEST:

DOMINIQUE SPINALE, City Clerk

CC AGENDA - ITEM 6

CC AGENDA - ITEM 7 a-d