

HUGHSON CITY COUNCIL

MINUTES

REGULAR SESSION @ 7:00 P.M.

*Community/Senior Center
2307 4th Street

**April 12, 2010
Regular Meeting**

At 7:00P.M., Annabelle Aguilar, Interim City Clerk, declared that in the absence of a quorum in the City Council Chambers, the Council meeting was moved to the Community /Senior Center Building.

CALL TO ORDER: Mayor Ramon Bawan

ROLL CALL: Mayor Ramon Bawan
Councilmember Doug Humphreys
Councilmember Matthew Beekman
Councilmember Ben Manley
Councilmember Thom Crowder

Staff Present: Thom Clark, City Manager Pro Tempore/Director of Planning & Building
Deborah Paul, Director of Finance/City Treasurer
Annabelle Aguilar, Interim City Clerk
Dominique Spinale, Mgmt. Analyst/ Deputy City Clerk
Sam Rush, Public Works Superintendent
Janet Rasmussen, Chief of Police
John Stovall, City Attorney

PLEDGE OF ALLEGIANCE: Mayor Ramon Bawan

INVOCATION: Minister present

**AMERICANS WITH DISABILITIES ACT
NOTIFICATION FOR THE CITY OF HUGHSON**

The City of Hughson will make all reasonable accommodations for the disabled to participate in the City Council meetings. Should you need auxiliary aids, please notify the City Clerk immediately at (209) 883-4054.

CALIFORNIA BROWN ACT

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). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the City Clerk at (209) 883-4054, during regular business hours, at least twenty-four hours prior to the time of the meeting.

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.

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 address 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.

Mayor Bawan thanked the Citizens for their prayers and get-well wishes and also thanked his family for taking good care of him after his surgery.

Brenda Henley announced the Hughson Unified School District's 30th year May Day Celebration, and invited everyone attend the event on Thursday, May 6, 2010.

Stephen Qualls with the League of California Cities discussed the petitions he handed to Council regarding recent ballot measures in progress to stop the State from taking funds from the cities.

- 1) Consent Calendar: (Motion needed)
 - a. Approval of Minutes for the regular February 22, 2010, March 8, 2010, and March 22, 2010 meetings; Special March 8, 2010, meeting; and corrected minutes of February 8, 2010.
 - b. Approval of Warrants.
 - c. Schedule a Joint City Council/Planning Commission/Parks and Recreation Commission Special Meeting on Monday, April 19, 2010 at 6:00 p.m. for the Brown Act and FPCC Conflict of Interest Training.
 - d. Acknowledgement of Proclamation in recognition of National Library Week of April 11-17, 2010.

- e. Consider an Amendment to Service Contract with Mid Valley IT and Authorize the Mayor to Sign the Amended Contract.

Councilmember Humphreys pulled Item (e) for discussion.

Councilmember Manley pulled Item (a) for discussion.

Beekman/Humphreys, 5-0-0-0, motion passed to approve Items (b), (c), and (d) of the Consent Calendar.

Councilmember Manley questioned Staff on the completion of Item (a). Annabelle Aguilar, Interim City Clerk responded.

Councilmember Humphreys questioned Staff on the changes made on Item (e). Thom Clark, City Manager Pro Tempore responded.

Councilmember Crowder pulled Item (e) and Agenda Item 14, and requested that they be placed on the next agenda as a combined action item.

Mayor Bawanan requested that Item (e) display the changes made from the previous contract for the next meeting.

Councilmember Crowder addressed Item (a) in regards to the status of the claims filed by Lacy's Furniture and the Pizza Factory, reflected in the minutes. City Attorney John Stovall responded.

Humphreys/Bawanan 4-1-0-0 (Crowder – nay) motion passed approving Item (a) of the Consent Calendar.

- 2) Update of the Annual City Financial Audit by Finance Director.
(Requested by Councilmember Beekman)

Debbie Paul, Director of Finance/City Treasurer updated the Council on the status of the audit, advising of documents not yet submitted to the auditor to complete the audit.

- 3) Council to receive Certification as to Sufficiency of the Petitions Recalling Councilmember Thomas Crowder, Councilmember Doug Humphreys, and Councilmember Ben Manley. (Staff Report)

Annabelle Aguilar, Interim City Clerk (Elections Official) presented the staff report stating the recall petitions were examined and verified and Council was to receive the Certificates of Sufficiency, which indicated that enough valid signatures were gathered to place a recall on the ballot; however, the election would be a stand-alone election. Council was to call the election within 14 days, failure to do so would mean within 5 days the County Elections Clerk would set the election date.

- 4) Presentation of recall petition process by the Citizens for Better City Government. (Requested by CBCG)

Pete Glen, Barbara Swier, Peter Sugia Todd Brownell, and Dennis Wallace spoke in favor of the petition process they undertook, about the negative conduct of Councilmembers Crowder, Humphreys, and Manley, about negative events that have occurred, and requested their resignations.

CONSIDER THE FOLLOWING:

- 5) Second Reading by Title only of Ordinance 2010-01 Amending the Development Agreement by and between the City of Hughson and Andrew F. Fontana, George Harcrow, and HFR Partners, LLC relating to the development known as Fontana Ranch Estates North.
(Staff Report) (Motion needed)

The City Manager Pro Tempore/Director of Planning and Building presented the item.

Beekman/Humphreys, 5-0-0-0, motion passed to approve the second reading by title only and adoption of Ordinance No. 2010-01 as presented.

- 6) Appointments to the Regional Surface Water Supply Project Steering Committee.
(Staff Report)

The City Manager Pro Tempore/Director of Planning and Building reported on this Item.

Mayor Bawanan appointed himself and Councilmember Beekman to the committee.

Bawanan/Beekman, 4-0-0-1, (Crowder---nay) motion passed to approve the appointments of Mayor Bawanan and Councilmember Beekman to the Regional Surface Water Supply Project Steering Committee.

- 7) Termination of Agreement for services of City Clerk.
(Requested by Councilmember Manley)

Councilmember Manley motioned to terminate the contract with the City of Riverbank and advertise to hire a City Clerk.

Council deliberated the item.

Public Comment:

Todd Brownell expressed his concern with ending the City Clerk's contract and spoke in favor of having the Interim City Clerk remain.

Martha Vasquez requested that the newly hired City Clerk be a resident of Hughson.

Manley/Crowder, 2-3-0-0, (Bawanan/Beekman/Humphreys – nay) motion failed to approve the termination of agreement for services of the City Clerk.

Mayor Bawanan moved Item 9 before Item 8.

- 9) Discuss and provide direction to start the application process to fill the City Manager position. Establish a list of applicants in anticipation of choosing a consulting firm to review and recommend potential applicants. Set timelines for process. (Requested by Councilmember Humphreys)

Mayor Bawanan advised he received the proposals from the consulting firms on the hiring of a City Manager, and requested Thom Clark, City Manager Pro Tempore, and Councilmember Humphreys join him to review the proposals.

Councilmember Humphreys motioned to start the process of announce the position.

After further deliberation, Councilmember Humphreys withdrew his motion and requested this Item be placed on the next agenda as a reminder to Council.

Public Comment:

Stephan Qualls advised that the League of California Cities offers services in assisting with the advertising and hiring of vacant positions.

Doug Kuhns referred to Councilmember Crowder's previous comments that alluded to the City having the highest paid City Manager in the County.

- 8) Discuss and provide direction to City Manager to commence procedure for hiring a City clerk in accordance with Personnel policies of the City; establish tentative timelines. (Requested by Councilmember Humphreys)

Councilmember Humphreys opened this item for discussion stating the City Manager should hire his/her staff and requested to begin the hiring process by advertising the position and establishing a list of applicants.

Humphreys/Manley, 4-1-0-0, (Bawanan – nay) motion passed to advertise and create a list of applications for the position of City Clerk.

Councilmember Crowder requested the hiring of an Interim City Manager from within the City be placed on the Agenda.

- 10) Consider direction on the City's Hiring Practices.
(Requested by Councilmember Humphreys) (Supporting documents)

Councilmember Humphreys opened this item for discussion.

Councilmember Humphreys requested several changes be made to the personnel policies.

Direction was given to City Attorney John Stovall to make the changes to the Personnel Policies.

Humphreys/Beekman, 5-0-0-0, motion passed to have legal staff address the changes to the Personnel Policies.

- 11) Discuss and provide direction on the Civil Grand Jury Report, Case No. 010-13C.
(Requested by Mayor Bawanan) (Supporting documents)

Councilmember Crowder, Mayor Bawanan, and City Attorney deliberated on this Item. No action was taken.

Mayor Bawanan recessed for a five-minute break at 8:58 p.m.

Mayor Bawanan reconvened the meeting at 9:05 p.m.

- 12) Discuss and provide direction on letter from the Civil Grand Jury concerning the City's response to Final Report, Case No. 010-04C.
(Requested by Mayor Bawanan) (Supporting documents)

Mayor Bawanan requested that Councilmembers Humphreys, Manley, and Crowder provide a date as to when they would respond to the Civil Grand Jury.

Councilmember Humphreys will provide a copy of his letter to attach to the Mayor's response; Councilmember Manley will respond by May 3; and Councilmember Crowder advised he would privately meet with Mr. France.

- 13) Discuss and provide direction on violations of the City of Hughson Code of Conduct by Councilmember Thomas E. Crowder; motion to censure.
(Requested by Mayor Bawanan) (Supporting document)

Mayor Bawanan pulled this item and requested to have placed on the next agenda.

- 14) Bid process for Information Technology (IT) Services.

(Requested by Councilmember Manley)

During discussion of agenda Item 1e, this Item was to be placed on the next agenda for consideration.

- 15) Discuss and provide direction on drafting ordinances to amend the Municipal code to: (a) Make City Council instead of City manager the hiring authority for City Clerk and City Director of Public Works; (b) Change position of City Manager Pro Tempore to Deputy City Manager, and make City Council the hiring authority therefore; and (c) Establish position of Director of Public Safety, define duties and make the City Council hiring authority therefore. (Requested by Councilmember Manley)

The Council individually discussed items (a), (b), and (c) of this item.

Public Comment: Peter Sugia spoke in regards to the three Council member's (Crowder, Humphreys, and Manley) creditability of voting on this matter and not having the right to ask for more control.

Manley/Crowder, 2-3-0-0, (Bawan/Humphreys/Beekman – nay) motion failed to approve (a), (b), and (c) of Item 15.

PUBLIC HEARING

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

PUBLIC HEARING:

None

CORRESPONDENCE: None.

CITY MANAGER'S REPORT: None.

CITY CLERK'S REPORT:

The Interim City Clerk announced that she has received her designation as Certified Municipal Clerk (CMC) by the International Institute of Municipal Clerks.

DIRECTOR OF FINANCE REPORT: **Transmitted Electronically.**

DIRECTOR OF PLANNING AND BUILDING REPORT: **None.**

DIRECTOR OF PUBLIC WORKS REPORT: **None.**

POLICE DEPARTMENT REPORT: **Report on calls provided.**

CITY ATTORNEY'S REPORT: **None.**

COUNCIL MEMBER COMMENTS:

Councilmember Beekman: 1) gave an update on his tour of the WWTP project, 2) mentioned an idea of selling methane to generate electricity, 3) expressed his disappointment with the audit, 4) reminded the public of the Garage Sale Day on April 24th, 5) requested the complaint log be added to every agenda, 6) commented on the safe drinking water, 7) commented on looking into amending the current City Manager's contract to month-to-month, the City needs a leader, 8) expressed his disappointment with the disclosure of closed session information by a Council member, 9) expressed his disappointment with last minute agenda items, not adhering to the Tuesday, noon deadline, 10) requested Councilmember Crowder stand by his word and stand down, and 11) encouraged everyone to go to the Hughson arboretum.

Councilmember Humphreys thanked Staff for their work and was glad to see the Mayor return.

Mayor Bawanan: 1) stated he wanted to reiterate many of the comments made by Councilmember Beekman, 2) announced the Arboretum Day on April 24th from 1:00 to 4:00 p.m., Clean Up Day and Health and Safety Day on May 1, 3) congratulated the Interim City Clerk on her new designation as CMC, 4) reminded Council to honor the Tuesday, noon deadline to add agenda items, 5) addressed Councilmember Manley's communications with the Interim City Clerk 6) asked Councilmembers Crowder, Humphreys, and Manley to save the City the cost of a recall by resigning.

The Council adjourned into Closed Session at 9:42 P.M.

CLOSED SESSION TO DISCUSS THE FOLLOWING:

- 16) PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code Section 54957
Title: City Attorney

Council returned to open session at 10:20 p.m. with no reportable action.

ADJOURNMENT:

There being no further business, Mayor Bawanán adjourned the meeting at 10:20 p.m.

APPROVED:

RAMON BAWANAN, Mayor

ATTEST:

ANNABELLE AGUILAR, CMC, Interim City Clerk