

HUGHSON CITY COUNCIL

MINUTES

REGULAR SESSION @ 7:00 P.M.

*Community/Senior Center
2307 4th Street

**April 26, 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 Bawanan

ROLL CALL: Mayor Ramon Bawanan
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
Dan Schroeder, Deputy City Clerk

PLEDGE OF ALLEGIANCE: Mayor Ramon Bawanan

INVOCATION: Reverend Spears

**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.

Public Comment:

Greg Monroe addressed Councilmember Crowder on the recall election costs and asked Mr. Crowder to resign.

City Employees Debbie Paul, Kathy Dahlin, Martha Serrato, Lisa Whiteside, and Tina Coelho expressed their concerns with the citizens pursuing the recall election, the negative blogs posted on the Modesto Bee web site, alleged claims of sexual harassment and hostile work environment.

City Employee Mike Brown addressed the Mayor requesting an apology regarding the incident that took place in October 2009 and spoke about his working conditions.

Dave Whiteside expressed his concerns with the alleged harassment of the women that spoke.

Todd Brownell stated that he was sorry if anyone was harassed and addressed Councilmember Crowder on his promise to resign if e-mails were presented implicating him.

- 1) Consent Calendar: (Motion needed)
 - a. Approval of Minutes for the regular April 12, 2010, City Council meeting.
 - b. Approval of Warrants.

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

- 2) Recognition of Sam Rush, Public works Superintendant.
(Requested by Police Chief Janet Rasmussen)

Chief Rasmussen presented a certificate of appreciation for the assistance Mr. Rush provided in apprehending criminals in the act.

- 3) Receive update on Process to choose a Consulting Firm to recruit for the Position of City Manager. (Staff report)

Thom Clark, City Manager Pro Tempore, presented the status of the Request for Proposals to conduct the City Manager recruitment.

- 4) Receive update on claims made by Pizza Factory and Lacy's Furniture and Décor. (Staff Report)

Linda Kuipers, Redevelopment Analyst presented the status of the claims. Council and Staff discussed the item.

Debbie Paul, Director of Finance, addressed Council regarding the claim, but was asked by the City Attorney to refrain from speaking on this item.

Public Comment:

Martha Vasquez expressed her concerns with the City hiring outside consultants in order to make decisions.

CONSIDER THE FOLLOWING:

- 5) Appointment of Raymond Lopez to the City of Hughson Parks and Recreation Commission.

The City Manager Pro Tempore presented this item.

Crowder/Manley, 5-0-0-0, motion passed to appoint Raymond Lopez to the Parks and Recreation Committee.

The Interim City Clerk administered the Oath of Office.

- 6) Consider a request by Mr. John Heilman, Hughson Athletic Boosters, to receive a one-day alcohol permit to serve alcohol at the 100th Year Centennial Celebration for Hughson Unified High School.
(Requested by Mr. Heilman)

Mr. Heilman made a presentation to City Council explaining the set up plans for the event, the security measures, and the plans to clean up after the event

Council and Staff deliberated on this item.

Public Comment:

Bob Newman questioned why alcohol would be served and advised that alcohol was never permitted at past Fruit and Nut Festivals.

Roy Bell disagreed with approval of the item stating that the curbs and sidewalks are unsafe and that there was a high liability risk.

Council continued to discuss this Item.

Public Comment: Reverend Spears provided the history on the Fruit and Nut Festivals and explained why they chose to not permit alcohol.

Crowder/Beekman, 4-0-0-1 (Manley – nay), motion passed to approve a one-day alcohol permit to Hughson Athletic Boosters with contract conditions that include providing a security deposit to cover all clean up costs, required liability insurance, and admittance of only those 18 years of age and older.

- 7) 7-1. Adoption of Resolution No. 2010-14 Issuing an Order Calling and Giving Notice of holding a Special Municipal Recall Election, and
7-2. Adoption of Resolution No. 2010-15 Requesting the Board of Supervisors of Stanislaus County to Permit the County Elections Official to render specified election services to the City.

Annabelle Aguilar, Interim City Clerk/Elections Official, presented Item 7-1 to Council, recommending Tuesday, August 24, 2010, as the election date.

Council and staff discussed Item 7-1, clarifying dates with the Elections Official.

Public Comments:

Dianne David spoke of the reasons and events behind the recall election process and that the voters should have the right to decide through an election.

Crowder/Humphreys, 5-0-0-0, motion passed to adopt Resolution No. 2010-14, Issuing an Order Calling and Giving Notice of holding a Special Municipal Recall Election on Tuesday, August 24, 2010.

The Elections Official presented Item 7-2 to Council advising of the \$23,000 costs associated to cover the election.

Council discussed Item 7-2. Councilmember's Manley, Humphreys, and Crowder expressed concerns with the costs associated with holding a recall election.

Bawanan/Beekman, 2-3-0-0 (Crowder/Manley/Humphreys – nay) motion failed to approve the adoption of Resolution No. 2010-15, Requesting the Board of Supervisors of Stanislaus County to Permit the County Elections Official to render specified election services to the City and appropriate \$23,000 for payment of the elections services.

Public Comments: Bud Hill advised Council that the City of Patterson ran their own election and it cost them twice as much than what the County would have cost.

Mayor Bawanan recessed to a break at 9:10 p.m.

Mayor Bawanan reconvened the meeting at 9:20 p.m.

- 8) 8-1. Adoption of Resolution No. 2010-16, A Resolution of the City Council of the City of Hughson Authorizing the Applicant to Apply for Grant Funds for the Per Capita Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.
- 8-2. Authorize by Minute Order the Director of Planning and Building to update the appraisal and negotiate with the Hughson Unified School District to purchase a portion of the property known as LeBright Fields, APNs 018-029-06 and 07. (Motion needed)

Thom Clark, City Manager Pro Tempore presented this Item.

Humphreys/Bawanan, 5-0-0-0, motion passed to adopt Resolution No. 2010-16, a Resolution of the City Council of the City of Hughson Authorizing the Applicant to Apply for Grant Funds for the Per Capita Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, and that Director of Planning and Building be authorized by Resolution, not minute order, to update the appraisal and negotiate with the Hughson Unified School District to purchase a portion of the property known as LeBright Fields, APNs 018-029-06 and 07.

- 9) Adoption of Resolution No. 2010-17 a Resolution of the City Council of the City of Hughson Approving the Applicant to Apply for Grant Funds for the Roberti-Z'Berg Harris Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. (Motion needed)

Thom Clark, City Manager Pro Tempore, presented this Item, advising the grant money would be placed towards the play equipment and posts at Rolland Starn Park.

Council discussed this Item.

Crowder/Manley, 5-0-0-0, motion passed to approve Resolution No. 2010-17 a Resolution of the City Council of the City of Hughson Approving the Applicant to Apply for Grant Funds for the Roberti-Z'Berg Harris Grant Program Under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

- 10) **Revise City Manager Donabed contract to extend contract on a month-to-month basis. (Requested by Councilmember Beekman)**

Councilmember Beekman opened this item for discussion, explaining that a City Manager is needed for the on-going projects, next fiscal year's budget, and implementation of any changes presented by the Auditors when the audit is completed.

Public Comments:

Bob Newman advised that all the complaints being made have been resolved, and that Councilmember's Humphreys, Manley, and Crowder should resign.

Nancy Hinton disagreed with the suggestion of bringing back the City Manager.

Beekman/Bawanan, 2-3-0-0 (Crowder/ Humphreys/Manley – nay), motion failed to revise City Manager Joe Donabed's contract to extend the contract on a month-to-month basis.

- 11) **Discuss alternative method to hire an Interim City Manager within the City. (Requested by Councilmember Crowder)**

This Item was pulled by Councilmember Crowder stating he was satisfied with the recruiting firm finding an interim City Manager.

- 12) **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)**

Mayor Bawanan presented this Item, reviewing sections of the Code of Conduct.

Public Comments: Todd Brownell and Dianne David addressed Councilmember Crowder on his actions and name-calling.

Bawanan/Beekman, 5-0-0-0, motion passed to censure Councilmember Thomas E. Crowder on violations of the City of Hughson Code of Conduct.

- 13) Discuss and provide direction on authorizing disclosure of confidential information from closed session on performance evaluation of City Manager held June 30, 2009. (Requested by Councilmember Humphreys)

Councilmember Humphreys pulled this item on the recommendation of the City Attorney.

- 14) Bid process for Information Technology (IT) Services.
(Requested by Councilmember Manley)

Councilmember Manley advised he would like to put these services out to bid, and asked to have it placed on the next Agenda.

- 15) Replace City Treasurer (Requested by Councilmember Beekman)

Councilmember Beekman opened the discussion recommending the separation of the Treasurer duties from the Finance Director to create a “check and balance” process and ease the workload of the Finance Director. He requested to open the process of accepting applications for City Treasurer.

Council deliberated on the Item.

Public Comment: Dave Whiteside expressed his concerns with voting on this item tonight.

Councilmember Humphreys recommended setting up a process in the Municipal Code first, then follow through with it.

Beekman/Bawanan, 2-3-0-0 (Humphreys/Manley/Crowder – nay) motion failed to open the process of accepting applications for a City Treasurer.

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:

16) Complaint Log (Informational only)

CITY MANAGER'S REPORT:

The City Manager Pro Tempore updated the Council on the success of the city-wide yard sale, the children's fair, and the arboretum event on April 24th and announced "Clean Up Day" was May 1st.

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

DIRECTOR OF FINANCE REPORT: **None.**

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

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

POLICE DEPARTMENT REPORT: **None.**

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

John Stovall announced his retirement and stated that Mr. Dan Schroeder would be his replacement.

COUNCIL MEMBER COMMENTS:

Councilmember Crowder: 1) asked Staff about the nets being installed at Lebright Fields. Thom Clark advised he is working with TID; and 2) asked the citizens to consider canceling the recall, citing information that has been released, and additional information forthcoming.

Councilmember Manley apologized to the citizens of Hughson if they were hurt by his actions, he meant no harm.

Councilmember Beekman: 1) spoke on the city-wide yard sale; 2) advised that he and Thom Clark toured the Turlock Irrigation District, Waste Water Treatment Plant, which uses fuel cell technology, and thanked TID for the tour; 3) directed Staff to research the estimated costs for the City to conduct the elections process; and 4) expressed his disappointment with Council member's linking the allegations of sexual harassment with the recall efforts based on the Grand Jury findings.

Councilmember Humphreys commented on the successful garage sale event and stated he would like nothing more than the truth to come out.

Mayor Bawan: 1) thanked staff for their hard work on the city-wide garage sale; 2) reminded everyone about Clean up day on Saturday, May 1st; 3) congratulated the Hughson Resource Center for their successful Safety and Health Fair; 4) reported that the Council and Commissions received the Brown Act and FPPC training, that four individuals still need to take the training, requested that it be scheduled, and that he will prepare a letter to the Grand Jury informing them of completion of their recommendation; 6) requested that an update on the (financial) audit be prepared for the May 10th meeting; 7) directed Staff to provide an update of the cost of legal fees at the next meeting; 8) regarding blogs- don't read them; 9) stated the recall elections date has been set, no one can perform the elections process cheaper than the County, and requested that staff return with a cost comparison; and 10) requested that Council member's Humphreys, Crowder, and Manley consider saving the City from the expense of a recall by resigning.

Council recessed to closed session 10:39 p.m.

CLOSED SESSION TO DISCUSS THE FOLLOWING:

17) CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Pursuant to Government Code Section 54956.8

Property: APN #018-070-039

Agency Negotiator: Thom Clark, City Manager Pro Tempore

Negotiating Party: NAPA AUTO PARTS, Hughson Auto Parts

Under Negotiation: Price and Terms of Payment

18) Return to Open Session; report on Closed Session.

Council reconvened to open session at 10:43 p.m.

No reportable action was taken.

ADJOURNMENT:

There being no further business, Mayor Bawan adjourned the meeting at 10:43 p.m.

APPROVED:

RAMON BAWANAN, Mayor

ATTEST:

ANNABELLE AGUILAR, CMC
Interim City Clerk