



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

**AGENDA
MONDAY, OCTOBER 13, 2014 – 7:00 P.M.**

CALL TO ORDER: Mayor Matt Beekman

ROLL CALL: Mayor Matt Beekman
Mayor Pro Tem Jeramy Young
Councilmember Jill Silva
Councilmember George Carr
Councilmember Harold Hill

FLAG SALUTE: Mayor Matt Beekman

INVOCATION:

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

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

2. PRESENTATIONS:

2.1: The New Command Vehicle – Jeff Serpa, Hughson Fire.

**ADJOURN TO A SHORT RECESS TO TOUR THE NEW COMMAND VEHICLE IN
CITY HALL PARKING LOT**

RECONVENE TO THE CITY COUNCIL MEETING**3. CONSENT CALENDAR:**

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

- 3.1: Approve the Minutes of the Regular Meeting of September 22, 2014.
- 3.2: Approve the Warrants Register.
- 3.3: Approve the Treasurer's Reports for August 2014.
- 3.4: Approve the Request made by the Hughson Athletic Boosters to Have and Sell Alcohol at the Italian Nite Dinner Event, Located on Hughson Avenue on October 18, 2014.

4. UNFINISHED BUSINESS:

- 4.1: Review and Discuss Enhanced Detail and Research on Potential Ongoing Maintenance Funding Options for the Future Proposed Seventh Street Park and Provide Direction to City Staff Regarding the Seventh Street Park Acquisition Project Including Authorizing the City Attorney to Finalize the Purchase Price Agreement and the City Manager to Execute the Agreement Consistent with the Land and Water Conservation Fund Grant Application.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING:

- 5.1: Consider the Adoption of Resolution No. 2014-32, approving the City of Hughson's Supplemental Law Enforcement Services Funds (SLESF) Expenditure Plan.

6. NEW BUSINESS:

- 6.1: Consider Resolution No. 2014-31, to allow the California Home Energy Renovation Opportunity (HERO) Program to Operate in the City of Hughson for the Purpose of Financing Residential and Commercial Energy and Water Efficiency Improvements; and Approve an Amendment to the Joint Powers Agreement (JPA) Related Thereto.
- 6.2: Approval to Direct Staff to Release a Request for Proposal (RFP), Interview and Select a Preferred Consultant and Negotiate a Contract for the Preparation of the City of Hughson Housing Element Update.
- 6.3: Authorize Staff to Bring Forth the Vacation of Fourth Street Right-of-Way (ROW) through the City Approval Process.

7. CORRESPONDENCE: NONE.

8. COMMENTS:

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

City Manager:

City Clerk:

Community Development Director:

Director of Finance:

Police Services:

City Attorney:

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

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

9. CLOSED SESSION TO DISCUSS THE FOLLOWING: NONE.



10. REPORT FROM CLOSED SESSION: NONE.

ADJOURNMENT:

WAIVER WARNING

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

UPCOMING EVENTS:

October 14	▪ Parks and Recreation Commission Meeting, City Council Chambers, 6:00pm
October 18	▪ Italian Nite Dinner & Dance, Downtown Hughson Avenue, 7:00pm
October 20	▪ Last Day to Register to  OTE for the November 4, 2014 General Election
October 21	▪ Planning Commission Meeting, City Council Chambers, 6:00pm
October 25	▪ Harvest of Promise, Family Resource Center, St. Anthony’s Church, 7:00pm
October 27	▪ City Council Regular Meeting, City Council Chambers, 7:00pm
October 31	▪ Trunk, or Tent and Treat Event, LeBright Fields, 5:00-9:00pm 

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.**

**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.

AFFIDAVIT OF POSTING

DATE: October 10, 2014 **TIME:** 5:00pm
NAME: Dominique Spinale **TITLE:** City Clerk

Notice Regarding Non-English Speakers:

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Hughson City Council shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

General Information: The Hughson City Council meets in the Council Chambers on the second and fourth Mondays of each month at 7:00 p.m., unless otherwise noticed.

Council Agendas: The City Council agenda is now available for public review at the City's website at www.hughson.org and City Clerk's Office, 7018 Pine Street, Hughson, California on the Friday, prior to the scheduled meeting. Copies and/or subscriptions can be purchased for a nominal fee through the City Clerk's Office.

Questions: Contact the City Clerk at (209) 883-4054



CITY OF HUGHSON AGENDA ITEM NO. 3.1

SECTION 3: CONSENT CALENDAR

Meeting Date: October 13, 2014
Subject: Approval of the City Council Minutes
Presented By: Dominique Spinale, Assistant to the CM/City Clerk

Approved By: _____

Staff Recommendation:

Approve the Regular Meeting Minutes of September 22, 2014 session.

Background and Overview:

The draft minutes of the September 22, 2014 meetings are prepared for the Council's review.



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

**MINUTES
MONDAY, SEPTEMBER 22, 2014 – 7:00 P.M.**

CALL TO ORDER: Mayor Matt Beekman

ROLL CALL:

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

Staff Present: Raul L. Mendez, City Manager
Daniel J. Schroeder, City Attorney
Darin Gharat, Chief of Police Services
Jaylen French, Community Development Director
Margaret Souza, Finance Director
Dominique Spinale, Assistant to the City Manager/City Clerk
Lisa Whiteside, Finance Manager

FLAG SALUTE: Mayor Matt Beekman

INVOCATION: Mayor Matt Beekman

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

Heather Bailey with the Hughson Library updated the City Council on the events scheduled for October.

2. PRESENTATIONS:

Director French introduced Neil Raya as the City's new hire for the position of Waste Water Operator I.

3. CONSENT CALENDAR:

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless otherwise requested by an individual Councilmember for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

- 3.1: Approve the Minutes of the Regular Meeting of September 8, 2014.
- 3.2: Approve the Warrants Register.
- 3.3: Review and Approve the Fiscal Year 2013-2014 Year End Adjustments.
- 3.4: Approve the Industrial Permit applications submitted by Gilton's Solid Waste Management and Bertolotti Disposal.
- 3.5: Adopt Resolution No. 2014-29, supporting the renewal of the Stanislaus County Recycling Development Zone (RMDZ).

Mayor Beekman pulled Item 3.4 for discussion.

SILVA/CARR 5-0 motion passes to approve Consent Calendar Items 3.1, 3.2, 3.3, and 3.5.

Mayor Beekman asked Staff to research whether or not Industrial Permits are required, if it is an area of the Municipal Code that the City can update to no longer require. Staff will look into this and advise Council when ready.

BEEKMAN/YOUNG 5-0 motion passes to approve Consent Calendar Item 3.4.

4. UNFINISHED BUSINESS: NONE.

5. PUBLIC HEARING TO CONSIDER THE FOLLOWING: NONE.

6. NEW BUSINESS:

- 6.1: Review and Approve Resolution No. 2014-30, adopting the Fiscal Year 2014-2015 Final Budget for the City of Hughson.

Director Souza presented and reviewed the final budget with the City Council.

Mayor Beekman placed emphasis on the Council saving more funds to be budgeted towards new financial system software, as the City is currently not saving enough funding annually to replace the software relatively soon.

Mayor Pro Tem Young requested that Staff examine the bonds and see if the City can pay off the interest on them to save money in the long term.

City Clerk Spinale advised that there was an error on the Resolution, updated it, and requested that Council adopt the Resolution as amended.

BEEKMAN/HILL 5-0 motion passes to approve Resolution No. 2014-30 as amended, adopting the Fiscal Year 2014-2015 Final Budget for the City of Hughson.

- 6.2:** Authorize Staff to bring forth a Hughson Municipal Code Amendment to Section 17.02.12 Commercial Zones related to Drive-through Windows for Restaurants through the City Approval Process.

Director French presented the Staff Report to the Council on this item.

BEEKMAN/SILVA 5-0 motion passes to Authorize Staff to bring forth a Hughson Municipal Code Amendment to Section 17.02.12 Commercial Zones related to Drive-through Windows for Restaurants through the City Approval Process.

- 6.3:** Review and Discuss Enhanced Detail and Research on Potential ongoing Maintenance Funding Options for the Proposed Seventh Street Park Acquisition Project and Provide Direction to City Staff regarding the Seventh Street Park Acquisition Project, including authorizing the City Attorney to Finalize the Purchase Price Agreement and the City Manager to Execute the Agreement Consistent with the Land and Water Conservation Fund Grant Application.

Director French presented the Staff Report to the Council on this item.

The Council deliberated on this item and requested that some potential sources of revenue be looked into and presented to Council at the next meeting. This included installation of a cell tower, the installation of solar panels, and ideas to generate revenue with the vacant land owned by the City near the waste water treatment plant. Council hopes these potential revenue sources would be helpful in offsetting the annual maintenance costs estimated for the Seventh Street Park.

No action was taken on the item, as City staff will research the items requested by Council and present them at the next meeting.

7. CORRESPONDENCE: NONE.

8. COMMENTS:**8.1: Staff Reports and Comments: (Information Only – No Action)**

City Manager: Progress Report on the City of Hughson's Grantwriting Program.

City Manager Mendez also provided updates on the Hughson Harvest Festival and the Italian Night Event scheduled for October 18.

City Clerk:

Community Development Director: Director French provided an update on the CMAQ Call for Projects, the business climate, the Tully Road Construction Project, and the 5th Sidewalk Infill Project.

Director of Finance:

Police Services:

City Attorney:

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

Councilmember Carr updated the Council on the ongoing mosquito issues at the Hughson Sports and Fitness Complex and advised that the Turlock Mosquito Abatement District was working on them. He also reported on the Harvest Festival and thanked everyone who participated.

Councilmember Silva updated the Council on her attendance at the next San Joaquin Valley Air Pollution Control District on September 30, and her attendance at the Harvest Festival.

Mayor Pro Tem Young thanked all of the staff and Council for their participation in the Harvest Festival event.

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

Mayor Beekman updated the Council on the next ATP meeting at StanCOG, advising that he designated City Manager Mendez to attend in his absence. He also updated the Council on his attendance at the Harvest Festival and thanked

everyone for participating at the successful event. He also encouraged all of the Council members to attend and show support for next year's Walk of Love event, which takes place during the Harvest Festival.

9. CLOSED SESSION TO DISCUSS THE FOLLOWING: NONE.

10. REPORT FROM CLOSED SESSION: NONE.

ADJOURNMENT:

Hill/Beekman motioned to adjourn the meeting at 8:30 P.M.

MATT BEEKMAN, Mayor

DOMINIQUE SPINALE, City Clerk



CITY OF HUGHSON AGENDA ITEM NO. 3.2

SECTION 3: CONSENT CALENDAR

Meeting Date: October 13, 2014
Subject: Approval of Warrants Register
Enclosure: Warrants Register
Presented By: Lisa Whiteside, Finance Manager

Approved By: _____

Staff Recommendation:

Approve the Warrants Register as presented.

Background and Overview:

The warrants register presented to the City Council is a listing of all expenditures paid from September 22 through October 8, 2014.

Fiscal Impact:

There are reductions in various funds for payment of expenses.

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REPORT.: Oct 02 14 Thursday		City of Hughson		PAGE: 001		
RUN....: Oct 02 14 Time: 09:23		Cash Disbursement Detail Report		ID #: PY-DP		
Run By.: KATHY DAHLIN		Check Listing for 09-14 Bank Account.: 0100		CTL.: HUG		
Check Number	Check Date	Vendor Number	Name	Net Amount	-----Payment Information----- Invoice #	Description
45464	9/22/2014	WAR00	WARDEN'S OFFICE	\$ (389.46)	18310990u	Ck# 045464 Reversed
45612	9/26/2014	BLU00	BLUE SHIELD	\$ 9,875.00	142580031	HEALTH PREMIUMS 10-2014
45613	9/26/2014	CEN14	CENTRAL JANITOR'S SUPPLY	\$ 1,070.41	545329	SANITARY SUPPLIES
45614	9/26/2014	HUG08	CITY OF HUGHSON	\$ 3,587.32	B40925	LLD WATER SERVICE
45615	9/26/2014	HUG11	HUGHSON FARM SUPPLY	\$ 4.73	H112297	STAPLES
				\$ 18.67	H112343	OUTET, COUPLER
				\$ 88.19	H112503	EDGER BLADE,LINE
				\$ 67.22	H112538	HOSE NOZZLE
			Check Total:	\$ 178.81		
45616	9/26/2014	MAS01	MASSONE PAINTING	\$ 1,700.00	B40926	REPAINTING OF LIGHTPOLES
45617	9/26/2014	MEN20	MENDEZ, RAUL	\$ 767.40	B40926	REIMBURSEMENT FOR CONFERENCE EXPENSES
45618	9/26/2014	OFF06	OFFICE TEAM	\$ 314.16	41251905	EXTRA HELP 9-12-14
45619	9/26/2014	REG00	REGIONAL GOVERNMENT SER	\$ 1,874.24	4318	CONTRACT SERVICE 7/2014
45620	9/26/2014	SHR02	SHRED-IT CENTRAL CA	\$ 123.18	940419307	SHREDDING
45621	9/26/2014	STA02	STAPLES	\$ 131.28	1709020	EASELS
45622	9/26/2014	STA42	STANISLAUS COUNTY	\$ 3,086.00	R14337198	2014-2015 2ND QTR OPERATIONAL COST & TRUE UP
				\$ 1,190.00	R14337199	2014-2015 2ND QTR DEBT SERVICE
			Check Total:	\$ 4,276.00		
45623	9/26/2014	TID01	TURLOCK IRRIGATION DIST.	\$ 34,063.02	B40925	ELECTRIC
45624	9/26/2014	VSP01	VISION SERVICE PLAN	\$ 384.60	B40925	VISION INSURANCE WITHHELD
45625	9/26/2014	WAR00	WARDEN'S OFFICE	\$ 164.61	B40925	OFFICE SUPPLIES
45626	9/26/2014	WIL01	CORBIN WILLITS SYSTEM	\$ 571.40	B40915	ENHANCEMENT & SERVICE
45627	9/30/2014	EMP01	STATE OF CALIFORNIA	\$ 1,221.28	B40930	PAYROLL TAXES
45628	9/30/2014	HAR02	THE HARTFORD	\$ 454.66	B40930	DEFERRED COMPENSATION
45629	9/30/2014	PER01	P.E.R.S.	\$ 8,118.64	B40930	RETIREMENT
45630	9/30/2014	STA23	CaIPERS SUPPLEMENTAL INCO	\$ 370.00	B40930	DEFERRED COMPENSATION
45631	9/30/2014	UNI07	UNITED WAY OF STANISLAUS	\$ 2.00	B40930	UNITED WAY
			Cash Account Total:	\$ 68,858.55		
			Total Disbursements:	\$ 68,858.55		

REPORT.: Oct 09 14 Thursday
 RUN....: Oct 09 14 Time: 09:09
 Run By.: KATHY DAHLIN

City of Hughson
 Cash Disbursement Detail Report
 Check Listing for 10-14 Bank Account.: 0100

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

fw

Check Number	Check Date	Vendor Number	Vendor Name	Net Amount	Invoice #	Description
45632	10/2/2014	COS01	COSTCO WHOLESALE	\$ 55.00	B41002	COSTCO MEMBERSHIP DUES
45633	10/2/2014	\2001	DIAMOND BAY REALTY,	\$ 58.40	000B40701	MQ CUSTOMER REFUND FOR 29S0001
45634	10/2/2014	\A003	ASGARI, FARIDEH & SAID E.	\$ 80.00	000B40701	MQ CUSTOMER REFUND FOR ASG0001
45635	10/2/2014	\C010	CAMPBELL, JANICE	\$ 46.42	000B40701	MQ CUSTOMER REFUND FOR CAM0005
45636	10/2/2014	\C011	CASING, ELMER	\$ 105.62	000B40701	MQ CUSTOMER REFUND FOR CAS0038
45637	10/2/2014	\G009	GADOMSKI, AMBER	\$ 70.98	000B40701	MQ CUSTOMER REFUND FOR GAD0001
45638	10/2/2014	\H002	HARDEN, WENDY & AUSTIN	\$ 42.86	000B40701	MQ CUSTOMER REFUND FOR HAR0042
45639	10/2/2014	\H003	HEGUY, JENNIFER	\$ 52.44	000B40701	MQ CUSTOMER REFUND FOR HEG0001
45640	10/2/2014	\H004	HICKS, OLIVIA	\$ 1.42	000B40701	MQ CUSTOMER REFUND FOR HIC0004
45641	10/2/2014	\H005	HOLLCRAFT, THOMAS & MERCE	\$ 16.58	000B40701	MQ CUSTOMER REFUND FOR HOC0009
45642	10/2/2014	\H007	HUMPHRES, COLLEEN & CHRIS	\$ 39.68	000B40701	MQ CUSTOMER REFUND FOR HUM0002
45643	10/2/2014	\M006	MERRIAM, ADAM & TENEYA	\$ 36.59	000B40701	MQ CUSTOMER REFUND FOR MER0004
45644	10/2/2014	\P018	PAULSEN, DONALD OR BECCA	\$ 100.01	000B40701	MQ CUSTOMER REFUND FOR PAU0001
45645	10/2/2014	\P019	PENA, LISA & FRANK	\$ 328.56	000B40701	MQ CUSTOMER REFUND FOR PEN0006
45646	10/2/2014	\R013	ROSSITER, COOPER	\$ 55.52	000B40701	MQ CUSTOMER REFUND FOR ROS0012
45647	10/2/2014	\S002	SOLORIO, ANA	\$ 87.60	000B40701	MQ CUSTOMER REFUND FOR SOL0017
45648	10/2/2014	\W006	WILKINSON, RYAN & AMBER	\$ 51.71	000B40701	MQ CUSTOMER REFUND FOR WIL0043
45649	10/2/2014	COS01	COSTCO WHOLESALE	\$ 7,425.83	C41002	HCSC TABLES & CHAIRS
45650	10/6/2014	VOID	VOIDED CHECK			
45651	10/6/2014	VOID	VOIDED CHECK			
45652	10/6/2014	VOID	VOIDED CHECK			
45653	10/6/2014	VOID	VOIDED CHECK			
45654	10/6/2014	VOID	VOIDED CHECK			
45655	10/6/2014	VOID	VOIDED CHECK			
45656	10/6/2014	ATT01	AT&T	\$ 2,764.29	B41006	PHONE
45657	10/6/2014	ATT02	AT&T MOBILITY	\$ 123.35	B41003	WIRELESS
45658	10/6/2014	ATT03	AT&T	\$ 20.89	B41006	PHONE
45659	10/6/2014	AVA00	AVAYA, INC	\$ 125.16	273332313	PHONE CITY HALL
45660	10/6/2014	CAL10	CALIFORNIA RURAL WATER	\$ 200.00	20144060	BALANCE OF CALSS 9/3-4/2014- FONTANA/LOVEJOY
45661	10/6/2014	CAL44	CALIFORNIA CONTRACTORS SU	\$ 397.51	35003	GREASE GUN, TIES, PUNCH & CHISEL
45662	10/6/2014	CHA01	CHARTER COMMUNICATION	\$ 84.99	B41003	IP ADDRESS
45663	10/6/2014	EXP00	EXPRESS PERSONNEL SERVICE	\$ 1,132.40	146939285	EXTRA HELP 9/14
				\$ 1,172.64	147356786	EXTRA HELP 9/21
			Check Total:	\$ 2,305.04		
45664	10/6/2014	HOM01	THE HOME DEPOT CRC	\$ 43.20	20582	AUGER
45665	10/6/2014	HUG03	HUGHSON CHRONICLE	\$ 44.50	105419	HARVEST FESTIVAL AD
				\$ 79.60	105503	LEGAL #9209 - NOTICE OF PUBLIC HEARING
			Check Total:	\$ 124.10		
45666	10/6/2014	HUG11	HUGHSON FARM SUPPLY	\$ 53.77	H112885	GLOVE, HAT, COB WEB
45667	10/6/2014	HUG34	VALLEY PARTS WAREHOUSE, I	\$ 6.43	130895	HARDWARE
45668	10/6/2014	NEU01	NEUMILLER & BEARDSLEE	\$ 1,200.00	264910	LEGAL SVCS 8/2014
				\$ 5,610.40	264911	LEGAL SVCS 8/14
			Check Total:	\$ 6,810.40		

45669	10/6/2014	OFF06	OFFICE TEAM	\$ 739.20	41353960	EXTRA HELP 9/26
				\$ 579.16	413233309	EXTRA HELP 9-19
			Check Total:	\$ 1,318.36		
45670	10/6/2014	OPE01	OPERATING ENGINEERS LOCAL	\$ 322.00	B41006	LOCAL UNION #3 DUES
45671	10/6/2014	PGE01	PG & E	\$ 160.00	B41003	UTILITIES
45672	10/6/2014	SHO02	SHORE CHEMICAL COMPANY	\$ 843.21	40911	CHLORINE
45673	10/6/2014	STE07	STEELEY, JARED WATER & WA	\$ 2,150.00	35757	CONTRACTED WATER SERVICES
45674	10/6/2014	THA04	THALES CONSULTING, INC	\$ 1,200.00	886	ANNUAL STREET REPORT
45675	10/6/2014	TUR12	TURLOCK, CITY OF	\$ 184.80	2015-6	CNG FUEL
45676	10/6/2014	UNI12	UNIVERSITY POLICE DEPARTM	\$ 25.00	14-4196	LIVE SCAN FINGERPRINT
45677	10/6/2014	USA01	USA BLUE BOOK	\$ 855.32	417552	TREATMENT LOG BOOK & MISC SUPPLIES
				\$ (440.13)	430922C	FREIGHT CHARGED INCORRECTLY #417552
				\$ 255.92	451314	REPLACEMENT TUBES
			Check Total:	\$ 671.11		
45678	10/6/2014	USH00	US HEALTHWORKS MEDICAL	\$ 66.00	2574932CA	PROFESSIONAL SVCS
45679	10/6/2014	WAR00	WARDEN'S OFFICE	\$ 186.58	1838783-0	OFFICE SUPPLIES
				\$ 98.02	1839314-0	OFFICE SUPPLIES
			Check Total:	\$ 284.60		
45680	10/8/2014	ALL05	ALLIED ADMINISTRATORS	\$ 1,909.66	B41006	DELTA DENTAL 11/2014
45681	10/8/2014	ATT01	AT&T	\$ 22.37	C41006	PHONE
45682	10/8/2014	BAN01	PETTY CASH	\$ 77.65	B41006	REPLENISH PETTY CASH
45683	10/8/2014	CAL10	CALIFORNIA RURAL WATER	\$ 1,300.00	B41008	BACKFLOW TESTER CERIFICATION 2014 H. GARZA
45684	10/8/2014	CON14	CONDOR EARTH TECHNOLOGIES	\$ 3,471.75	69534	MS4 GENERAL PERMIT SUPPORT
45685	10/8/2014	DOJ00	DEPT OF JUSTICE-STATE OF	\$ 32.00	60206	FINGERPRINT APP
45686	10/8/2014	EZN00	EZ NETWORK SOLUTIONS	\$ 341.06	28566	OFF SITE DATA STORAGE
				\$ 2,695.10	TS28511	IT SERVICES 10/2014
			Check Total:	\$ 3,036.16		
45687	10/8/2014	FAR03	FARMERS BROTHERS COFFEE	\$ 116.87	60614199	COFFEE
45688	10/8/2014	HUG14	HUGHSON CHAMBER OF	\$ 50.00	B41008	HARVST FESTIVAL CAR SHOW SPONSOR
45689	10/8/2014	HUG28	HUGHSON TIRE	\$ 30.00	625487	FLAT REPAIR
45690	10/8/2014	INT01	INTERNAL REVENUE SERVICE	\$ 300.26	B41008	941 3RD QTR ID #94-219872
45691	10/8/2014	IRI00	IRISH CONSTRUCTION	\$ 431.58	B41008	REFUND REMAINING INSPECTION DEPOSIT & ENCROACHMENT
45692	10/8/2014	MIS01	MISSION UNIFORM SERVICE	\$ 537.60	B41006	UNIFORM SERVICE
45693	10/8/2014	MOS01	MOSS, LEVY & HARTZHEIM, L	\$ 13,000.00	5549	INTERIM AUDIT WORK FY END 6/30/14
45694	10/8/2014	RAY05	RAYA, NEIL	\$ 98.11	B41008	MILEAGE FOR STATE TEST WWTP OPERATOR
45695	10/8/2014	SAN05	SAN JOAQUIN VALLEY	\$ 34.00	N106066	14/15 ANNUAL PERMITS TO OPERATE #N1834
45696	10/8/2014	STA12	SWRCB ACCOUNTING OFFICE	\$ 2,917.02	LW1460660	LARGE WATER SYSTEM FEES 7/1/13-6/30/14
45697	10/8/2014	TRA00	TRACTOR SUPPLY CREDIT LAN	\$ 528.24	86265	BOOTS FOR PW EMPOLYEEES & EZ REACHER
45698	10/8/2014	USA02	USA MOBILITY	\$ 11.64	XO190776J	PAGER SERVICE
			Cash Account Total:	\$ 56,844.34		
			Total Disbursements:	\$ 56,844.34		



CITY OF HUGHSON AGENDA ITEM NO. 3.3

SECTION 3: CONSENT CALENDAR

Meeting Date: October 13, 2014
Subject: Approval of the Treasurer's Reports – August 2014
Presented By: John Padilla, City Treasurer

Approved By: _____

Staff Recommendation:

Review and approve the City of Hughson Treasurer's Report for August 2014.

Summary:

The City Treasurer is required to review the City's investment practices and approve the monthly Treasurer's report. Enclosed is the City of Hughson's Treasurer's Report for August 2014. As of August 2014, the City of Hughson's total cash and investment balance is \$10,885,445.29 and is in compliance with the City's investment policy. The City has sufficient cash flow to meet the City's expected expenditures for the next six months.

Background and Overview:

The Treasurer report for August 2014 reflects the most current representation of the City's funds and investments and provides a necessary outlook for both past, present, and future investment and spending habits. While investments and funds differ from time to time, it is the goal of the City to maintain safety and stability with its funds, while additionally promoting prudence and growth.

Enclosed is the City of Hughson Treasurer's Report for August 2014 along with supplementary graphs depicting the percentage of the City's total funds, a breakdown of the August 2014 Developer Impact Fees, and an additional line plot graph further demonstrating the Developer Impact Fees. This graph depicts the Developer Impact Fees' actual balance for the past five years, and continues with a projection based on the average rate of change for each fund over the next few years. After review and evaluation of the report, City staff has researched funds with a significant deficit balance and submit the following detailed explanation:

Public Facilities Development Streets Fund:

The Public Facilities Development Streets Fund currently reflects a negative balance of (\$461,068.61), reflecting a positive difference of \$146,543.72 or a 24.12% increase from the previous year. The deficit is a result of the Euclid Bridge Project, which was constructed in Fiscal Year 2006/2007, for approximately \$1.3 million. The project was completed in anticipation of funding from Developer Impact Fees collected from new development. Unfortunately, the housing market declined significantly and the new development never materialized. Once the economy strengthens and new building starts again, the City can recognize additional developer impact fees and reduce the deficit more quickly.

Water Developer Impact Fee Fund:

The Water Developer Impact Fee Fund currently reflects a negative balance of (\$504,074.23), reflecting a positive difference of \$50,854.70 or a 9.16% increase from the previous year. After extensive review, City staff discovered that the remaining deficit is attributable to settlement arrangements that were made in Fiscal Year 2008/2009 and Fiscal Year 2009/2010 for the Water Tank on Fox Road near Charles Street. During that period, the City paid out \$650,000 in settlements. This account will be in a deficit position until additional development occurs and developer impact fees are collected to cover those costs.

Based on a staff review of 2012 Water Development and Street funds, the City would need development in the Feathers Glen (42 units) and Euclid South (69 units) subdivisions, or about 110 units to be built to see a positive balance in the Water and Street Development funds. These units reflect the areas that are most likely to see development. There are currently 19 units being developed in the Fontana Ranch North subdivision.

Transportation Capital Project and CDBG Public Works Street Projects Fund:

The Transportation Capital Project Fund currently reflects a negative balance of (\$369,332.05), reflecting a negative difference of (\$40,482.02) or a 12.31% decrease from the previous year. The CDBG Public Works Street Project Fund currently reflects a negative balance of (\$87,381.74), reflecting negative difference of (\$30,157.50) or a 52.70% decrease from the previous year. The City currently has 4th and 5th Street projects that are complete and awaiting reimbursement from CMAQ and CDBG funds.

Fiscal Impact:

As of August 2014, the total cash and investments balance for the City of Hughson is \$10,885,445.29. This compares to August 2013's total cash and investments balance of \$9,296,114.37, demonstrating a \$1,589,330.92 or a 17.10% increase.

**City of Hughson
Treasurer's Report
August 2014**

	MONEY MARKET	GENERAL	REDEVELOPMENT**	TOTAL
Bank Statement Totals	\$ 7,610,384.57	\$ 949,096.28	\$ 206,387.16	\$ 8,765,868.01
Adjustment-Direct Deposit Payroll	\$ -	\$ -	\$ -	\$ -
Outstanding Deposits +	\$ -	\$ -	\$ -	\$ -
Outstanding Checks/transfers -	\$ 25,742.59	\$ (389,317.37)	\$ -	\$ (363,574.78)
ADJUSTED TOTAL	\$ 7,636,127.16	\$ 559,778.91	\$ 206,387.16	\$ 8,402,293.23
Investments: Various				\$ 1,018,413.90
Multi-Bank WWTP				\$ 1,386,358.81
Investments: L.A.I.F.		\$ 39,252.09	\$ 39,127.26	\$ 78,379.35

TOTAL CASH & INVESTMENTS **\$ 10,885,445.29**

<u>Books - All Funds</u>	<u>August 2013</u>	<u>August 2014</u>	<u>Difference</u>
2 Water/Sewer Deposit	33,283.39	37,321.78	4,038.39
4 Sale of Vehicle	0.00	0.00	0.00
5 AB939 Source Reduction	0.00	2,396.28	2,396.28
7 Public Safety Augmentation	0.00	0.00	0.00
8 Vehicle Abatement	12,317.85	14,806.24	2,488.39
11 Traffic Congestion Fund	147,196.11	91,336.58	-55,859.53
13 Redevelopment - Debt Service	112,983.60	40,903.64	-72,079.96
14 Redevelopment - Housing	0.00	0.00	0.00
15 Redevelopment - Capital Projects	0.00	0.00	0.00
17 Federal Officer Grant	6,620.00	6,620.00	0.00
18 Public Safety Realignment	8,328.63	32,351.76	24,023.13
19 Asset Forfeiture	6,995.43	6,995.43	0.00
25 Gas Tax 2106	6,983.92	-10,992.87	-17,976.79
30 Gas Tax 2107	15,342.15	18,961.15	3,619.00
31 Gas Tax 2105	2,596.05	23,732.08	21,136.03
35 Gas Tax 2107.5	16,672.14	3,672.14	-13,000.00
40 General Fund	446,951.94	1,066,887.82	619,935.88
401 General Fund Contingency Reserve	671,603.83	672,995.41	1,391.58
43 Trench Cut	70,560.00	75,611.40	5,051.40
48 Senior Community Center	7,724.40	9,157.94	1,433.54
49 IT Reserve	36,642.63	54,476.41	17,833.78
50 U.S.F. Resource Com. Center	1,969.61	-2.44	-1,972.05
51 Self-Insurance	87,032.49	73,703.49	-13,329.00
53 SLESF (Supplemental Law Enforcement S	88,948.81	12,159.41	-76,789.40
54 Park Project	400,070.05	472,266.49	72,196.44
60 Sewer O & M	1,367,988.08	2,494,013.76	1,126,025.68
61 Sewer Fixed Asset Replacement	1,867,994.80	2,333,675.13	465,680.33
66 WWTP Expansion 2008	1,264,555.00	198,984.06	-1,065,570.94
70 Local Transportation	167,994.88	205,631.01	37,636.13
71 Transportation	-328,850.03	-369,332.05	-40,482.02
100/200 LLD's and BAD's	56,927.52	98,354.47	41,426.95
80 Water O & M	192,206.18	219,641.67	27,435.49
82 Water Fixed Asset Replacement	316,132.07	519,709.31	203,577.24
88 PW CDBG Street Project	-57,224.24	-87,381.74	-30,157.50
80 Water Reserve-USDA GRANT	21,524.50	21,524.50	0.00
90 Garbage/Refuse	26,223.80	73,051.12	46,827.32
91 Misc. Grants	0.00	0.00	0.00
92 98-EDBG-605 Small Bus. Loans	93,585.12	93,595.60	10.48
94 96-EDBG-438 Grant	403.43	403.43	0.00
95 94-STBG-799 Grant	157,418.32	158,649.24	1,230.92
96 HOME Program Grant (FTHB)	35,041.19	35,041.19	0.00
97 96-STBG-1013 Grant	131,130.12	137,653.51	6,523.39
98 HOME Rehabilitation Fund	0.00	0.00	0.00
Developer Impact Fees ***	1,802,240.60	2,046,870.94	244,630.34
TOTAL ALL FUNDS:	9,296,114.37	10,885,445.29	1,589,330.92

I hereby certify that the investment activity for this reporting period conforms with the Investment Policy adopted by the Hughson City Council, and the California Government Code Section 53601. I also certify that there are adequate funds available to meet the City of Hughson's budgeted and actual expenditures for the next six months.

Break Down of Impact Fees ***

10 Storm Drain	194,924.32	278,398.77	83,474.45
20 Community Enhancement	64,639.77	71,680.10	7,040.33
41 Public Facilities Development	1,509,093.71	1,350,345.22	-158,748.49
42 Public Facilities Development-Streets	-607,612.33	-461,068.61	146,543.72
55 Parks DIF	267,068.41	378,164.92	111,096.51
62 Sewer Developer Impact Fees	929,055.65	933,424.77	4,369.12
81 Water Developer Impact Fees	-554,928.93	-504,074.23	50,854.70
Break Down of Impact Fees ***	1,802,240.60	2,046,870.94	244,630.34

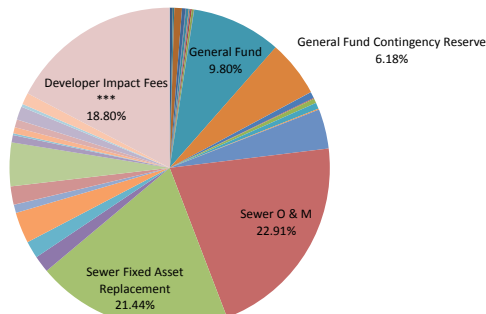
John Padilla, Treasurer

Date

Treasurer's Report - Charts and Graphs
August 2014

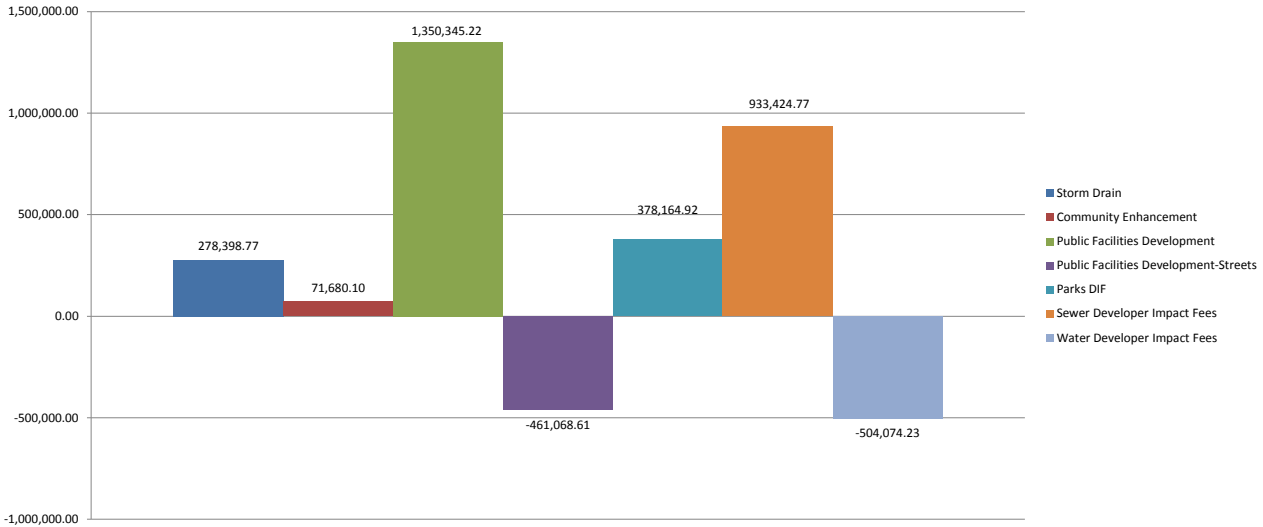
Percentage of all Funds for August 2014

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



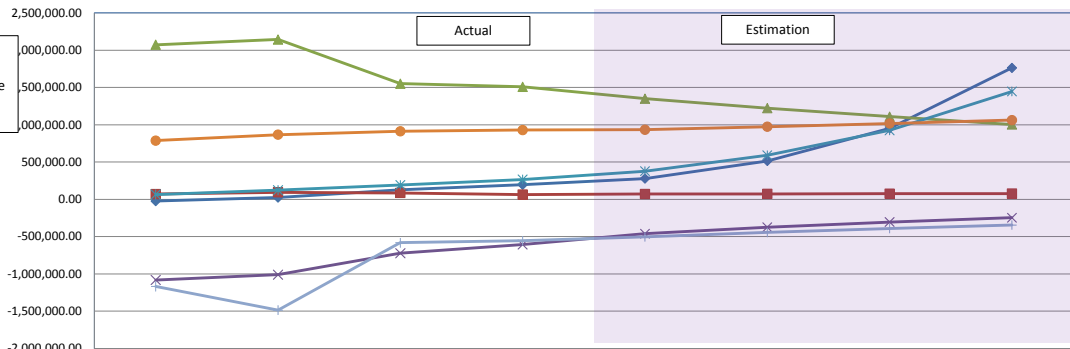
- Water/Sewer Deposit
- Vehicle Abatement
- Redevelopment - Capital Projects
- Gas Tax 2106
- General Fund
- IT Reserve
- Park Project
- Local Transportation
- Water Fixed Asset Replacement
- Misc. Grants
- HOME Program Grant (FTHB)
- Sale of Vehicle
- Traffic Congestion Fund
- Federal Officer Grant
- Gas Tax 2107
- General Fund Contingency Reserve
- U.S.F. Resource Com. Center
- Sewer O & M
- Transportation
- PW CDBG Street Project
- 98-EDBG-605 Small Bus. Loans
- 96-EDBG-438 Grant
- 96-STBG-1013 Grant
- AB939 Source Reduction
- Redevelopment - Debt Service
- Public Safety Realignment
- Gas Tax 2105
- Trench Cut
- Self-Insurance
- Sewer Fixed Asset Replacement
- LLD's and BAD's
- Water Reserve-USDA GRANT
- 96-EDBG-438 Grant
- HOME Rehabilitation Fund
- Public Safety Augmentation
- Redevelopment - Housing
- Asset Forfeiture
- Gas Tax 2107.5
- Senior Community Center
- SLESF (Supplemental Law Enforcement Services Fund)
- WWTP Expansion 2008
- Water O & M
- Garbage/Refuse
- 94-STBG-799 Grant
- Developer Impact Fees ***

August 2014 Breakdown of Developer Impact Fees



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

Note:
Calculated estimations are based on each fund's average annual rate of change.



Category	2010	2011	2012	2013	2014	2015	2016	2017
10 Storm Drain	-24,324.38	23,587.27	127,769.22	194,924.32	278,398.77	515,108.19	953,080.52	1,763,440.18
20 Community Enhancement	70,498.94	94,825.35	86,287.93	64,639.77	71,680.10	73,706.16	75,789.48	77,931.69
41 Public Facilities Development	2,074,658.90	2,143,919.80	1,551,229.94	1,509,093.71	1,350,345.22	1,223,606.89	1,108,763.75	1,004,699.35
42 Public Facilities Development - Streets	-1,081,889.14	-1,011,080.33	-723,835.33	-607,612.33	-461,068.61	-374,469.38	-304,135.46	-247,011.87
55 Parks DIF	65,091.48	122,439.89	193,024.17	267,068.41	378,164.92	591,554.92	925,356.11	1,447,513.84
62 Sewer Developer Impact	787,448.96	867,984.81	912,780.23	929,055.65	933,424.77	974,592.60	1,017,576.09	1,062,455.33
81 Water Developer Impact	-1,168,870.12	-1,488,242.40	-581,617.77	-554,928.93	-504,074.23	-444,405.83	-391,800.52	-345,422.22



CITY OF HUGHSON AGENDA ITEM NO. 3.4

SECTION 3: CONSENT CALENDAR

Meeting Date: October 13, 2014
Subject: Approval to Permit Alcohol at the Italian Nite Dinner Event
Presented By: Raul L. Mendez, City Manager

Approved By: _____

Staff Recommendation:

Approve the request made by the Hughson Athletic Boosters to have and sell alcohol at the Italian Nite Dinner event, located on Hughson Avenue on October 18, 2014.

Background and Overview:

Section 9.24.020 of the Hughson Municipal Code (Drinking and possession – Public areas) states that *“It is unlawful for any person to drink any alcoholic beverage or to possess any can, bottle or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, on any public sidewalk, alley, street or highway, or in any city-owned park or other city-owned public place, unless the consumption of alcoholic beverages in such public place or places has been authorized by the city council. This section shall not be deemed to make punishable any such act or acts which are prohibited by the California Vehicle Code or by any other law of the state. (Ord. 86-01 § 1, 1986)”*.

The Hughson Athletic Boosters has requested that the City of Hughson permit alcohol at the Italian Nite Dinner event scheduled for October 18, 2014 in downtown Hughson. The event is a fundraiser being planned and coordinated by the Hughson Sports and Fitness Complex Steering Committee along with many local partners. Councilmember George Carr is the Hughson City Council designee on the Steering Committee.

The proceeds are intended to help fund additional amenities at the Hughson Unified School District new Sports and Fitness Complex located adjacent to the Hughson High School east of the campus. The complex currently consists of three new soccer fields and one new softball field. Other amenities installed recently include the walking path, trees, cement pad for a donors walls and veterans

memorial and fitness courses. Many of elements of the new facility have been made possible through private donations and contributions.

Future development opportunities for the Hughson Sports and Fitness Complex include additional landscaping, a paved parking area, tribute benches, tribute gardens, and buildings for concessions, a ticket booth, and storage room.

The Hughson Sports and Fitness Complex is served by the City of Hughson's Non Potable Water System through an agreement executed on June 12, 2012. The Non Potable Water System was completed earlier this summer and the City and District have worked closely on operational issues as they arise.

The Hughson Athletic Boosters also applied for a street closure permit and have provide all necessary insurance requirements, as specified in the permit. The event is scheduled to take place on October 18, 2014 at 7pm in downtown Hughson on Hughson Avenue in front of the Hughson Unified School District Office. On October 17, 2014, a 50 x 140 tent will be installed. The Hughson Athletic Boosters has obtained the necessary signatures from adjacent businesses (Bank of the West, Tech Real Estate, etc).

City staff has also contacted the Stanislaus County Department of Public Works (Transit Services) to temporarily relocated the bus stop from the current location on Hughson Avenue to a convenient Second Street location as recommended by the County's transit operator. County transit will post signs well prior to the event to notify riders of the change. Additionally, City Public Works will post no parking signs at the location, 72 hours in advance of the event to notify visitors to the downtown of the anticipate street closure.

The graphic below depicts the anticipated road closure and temporary bus stop.



Fiscal Impact:

There are minimal fiscal impacts to the City of Hughson associated with this item.



CITY COUNCIL AGENDA ITEM NO. 4.1

SECTION 4: UNFINISHED BUSINESS

Meeting Date: October 13, 2014
Subject: Consideration of the Seventh Street Park Maintenance Funding Update and Direction to City Staff on the Purchase of Property from the Hughson Unified School District for the Proposed Future Park Site

Presented By: Jaylen French, Community Development Director

Approved By: _____

Staff Recommendation:

1. Review and discuss enhanced detail and research on potential ongoing maintenance funding options for the future proposed Seventh Street park.
2. Provide direction to City staff regarding the Seventh Street Park Acquisition Project including authorizing the City Attorney to finalize the purchase price agreement and the City Manager to execute the agreement consistent with the Land and Water Conservation Fund grant application.

Background and Overview:

On June 23, 2014, City staff presented the City Council with initial estimates of the development and long term maintenance costs for the potential future community park using two conceptual park designs created solely for the purpose of developing the cost estimates. The conceptual park designs represented the low-end and the high-end development and maintenance cost options.

On July 14, 2014, staff presented further detail on funding/financing options and the various benefits associated with park development. Four funding options were presented as well as information related to the expected increased property value and thus increased tax revenue resulting from developing a park.

On September 22, 2014, staff presented information on the current rental revenue received from existing City parks, and what could be expected for the future park as proposed; greater detail on specific funding options; and a better understanding of how other cities fund their park maintenance. Based on staff's research, it is

estimated that approximately 50% of the maintenance costs could be offset by rental/usage revenues.

Council directed staff to review and research revenue generating opportunities to ensure that the general fund impact of park maintenance is as minimal as possible.

Prior Background:

On January 27, 2014, the Hughson City Council approved submitting a grant application to the Federal Land and Water Conservation Fund (LWCF) for a park acquisition project.

The City Manager and District Superintendent discussed the desire to submit an application during the current funding cycle to present the acquisition project as envisioned by the City of Hughson back in 2010 for potential funding.

The Land and Water Conservation Fund program required that an appraisal and independent review be conducted. The final appraisal estimated the proposed property value at \$685,000 (19.65 acres).

The grant would provide 50% of the cost for property acquisition based on the appraised value and not require the City to deplete a majority of its Parks Project In-Lieu and Park Development Impact Fee funds and instead make them available for use during future development of the park site. If successful in the property acquisition, City staff will focus future grant writing efforts on development of the park.

On April 18, 2014, the California Department of Parks and Recreation sent a letter to the City of Hughson indicating that the Seventh Street Park Acquisition Project was being recommended for funding to the National Park Service (NPS) at the requested amount of \$342,500.

Discussion:

This item is intended to detail research performed on various revenue generating opportunities which can help offset the long term maintenance and operations cost of a future community park. The goal is to reduce the impact to the general fund as much as possible, although it is understood that public amenities may require some level of general fund subsidy, as determined and approved by the Council.

Staff, based on research, predicted that approximately 50% of the maintenance costs could be offset through rental revenues, leaving approximately \$40,000 annual liability for the 'built-out' park concept. Options such as cell tower leases, solar farms and sponsorships were previously discussed. This item will provide more detail on the research performed thus far.

OPTIONS

1. Cell Tower Lease

Background. According to multiple sources, leasing land for the purpose of a cell tower can generate approximately \$1,500 per month or \$18,000 per year. This could offset nearly 45% of the remaining \$41,000 if it is a viable option. There are currently two cell towers located near the northeast and northwest corners of the city.

Staff reached out to the real estate division of Verizon Wireless to inquire if they would be interested in leasing land for the purposes of a cell tower. Verizon confirmed that they own the tower near Hatch Road and Geer Road. Unfortunately, they are not interested in locating another tower within the current city limits at this time. They are currently looking at a location south of Service Road, west of Geer Road for a future tower site.

Verizon confirms that they do install cell towers in city parks frequently and that parks are generally a good location. The contact also stated that an additional cell tower may be needed in subsequent years, as development and population increases, which presents an opportunity because the park may not be built for approximately 3 years.

Locating a cell tower within the park site is not the only option. A future tower could be located on any city owner property or cell equipment could be located on the existing water tower. It was further shared that Verizon frequently uses existing water tanks, or light standards (i.e. stadium type light poles). The contact also stated that AT&T, T-Mobile and Sprint have completely different networks and although Verizon does not need a tower in Hughson at this time that does not mean that the other carriers do not. Staff will reach out to each of these carriers to inquire.

Staff reached out to the City of Gonzales and the City of Oakdale, both of which have cell panels and other equipment on or within existing water towers. As shared directly by Verizon wireless, this reduces the carrier company's costs by not having to install a new tower. The City of Gonzales has agreements with two different carriers for cell panels and microwave dishes. In total, the City receives approximately \$54,000 each year from these leases.

The City of Oakdale currently leases their water tower for telecommunication facilities and receives \$2,000 per month, plus a 3% annual inflator. Oakdale has signed a five year agreement, which will automatically renew for four additional five year periods, i.e. 25 total years. Of course the primary issue is need; does a carrier have a need to locate in the City of Hughson. Staff will continue to research this issue and will reach out to the other carriers, as well as monitor activity over time as the population of Hughson and surrounding areas grow.

However, according to Nick Foster, President and founder of AirWave Advisors (cell tower lease experts), it can be a fruitless task to proactively seek a cell tower lease because many factors need to be in place to locate one in a certain area. However, it was expressed that all carriers are increasing their cell tower sites because cell and data usage is at all time highs and continuing to rise. He stated that cell carriers will typically seek out private property owners to locate new cell towers because there can be fewer hurdles during the approval process. However, he shared that some communities have adopted an ordinance that requires cell carriers to reach out to the City first prior to the development of a new tower or addition of cell equipment within the area.

2. Solar Farm or other Revenue Generators

Staff will continue to look into ways to generate revenue utilizing existing City resources to offset park maintenance costs. Ideas raised to date are, utilizing available land near the wastewater treatment plant for a solar farm and including revenue generating uses at the park, as well as the cell tower idea previously discussed.

Based on research, the city could expect to earn approximately \$1,200 per acre per year to lease land for a solar farm. This would equate to approximately \$14,400 per year for the approximately 12 acre area that is currently being farmed with almonds; or approximately \$62,400 per year for the approximately 52 acres (12 acres of almonds and 40 acres of former wastewater treatment plant percolation ponds). This is, of course, contingent upon a utility provider desiring to lease land for this purpose. As well as the challenge of the area's size. Solar farms are typically larger, but not in all cases. For example, the solar farm in Stanislaus County is 155 acres.

Based on initial research, should the City choose to sell solar energy as opposed to leasing the land, one can expect to receive \$0.06 to \$0.07 per kilowatt hour (kWh). A 12-acre site could produce approximately 3.0 million kWh, which would equate to approximately \$195,000 per year. These numbers were confirmed in a conversation with a TID employee.

Therefore, the issue becomes could the City find a willing buyer. Per state legislation, all utility providers must provide 33% of their total energy from renewable sources by the year 2020. Currently, TID's renewable source portfolio is 24% to 26%. TID recently released a request for proposal (RFP) to acquire a new renewable energy source project, which will get TID closer to the 33% requirement. In short, TID will review all and every offer made and choose the option that is best for TID and the rate payers. According to my conversation with TID, they do not currently have a preference for the type or extent of the renewable energy source, i.e. solar vs. wind vs. hydroelectric or the size of the project—although it was expressed that 12 acre is on the small size. In addition, projects could be piecemealed to reach the 33% requirement.

NEXT STEPS: DEVELOPMENT PROCESS

Should the Council approve the acquisition of the proposed park, the next steps would be to design the park and then construct/develop the park. Staff is proposing an extensive and comprehensive design effort, utilizing a professional consultant, while actively seeking Planning Commission and public input to ensure that the proposed park meets the needs of the community to the greatest extent possible. A portion of the City's Park Development and Park In-Lieu fees could be used for the design effort.

Once the design process is underway, and the City had a better idea of the park elements/features, Staff would seek monies for park development, including sponsorships and grant opportunities. Applications for the next cycle of LWCF funds are due in February 2015. The City will submit an application for development funds for this cycle. The fact that the City will use our impact fees to pay for the design should improve the chances of the grant application. Of note is that the match for development funds from this grant would be 50% similar to the acquisition grant.

The City has two capital project funds that can be utilized as the source for the match and cash flow requirements (acquisition, design), including the Park Project In Lieu and Park Development Impact Fees, and for future development.

As indicated in the Final Fiscal Year 2014-2015 Budget, the City has approximately \$918,000 available in these two capital project funds for the upcoming year. The City's portion of the acquisition cost is \$342,500, leaving approximately \$575,500 remaining. The estimated development cost of the 'built out' park is approximately \$3,000,000, whereas the passive park would cost approximately \$1,200,000. Additional development funds would need to be secured to cover the cost of the built-out park concept. Sponsorships and other opportunities will actively be sought. In addition, development impact fees from commercial and residential development currently in process will help to offset the cost. This totals approximately 150 homes and numerous commercial/industrial development.

Fiscal Impact:

Maintenance:

In large part, the fiscal impact regarding maintenance of the potential future park is to be determined. However, as estimated by staff the annual cost of maintaining a passive park could be \$35,000 and as high as \$82,500 for a built out park. As noted in this staff report, this could be offset through identified strategies and economic benefits of developing a park.

Development:

Please see the NEXT STEPS: DEVELOPMENT PROCESS section of the staff report for further details on the fiscal impacts of the park development.



CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date: October 13, 2014
Subject: Adoption of the Supplemental Law Enforcement Services (COPS) Funds 2014-2015 Funding Allocation and Expenditure Plan
Presented By: Darin Gharat, Chief of Police Services

Approved By: _____

Staff Recommendation:

The City Council of the City of Hughson adopt by Resolution the use of the COPS Supplemental Law Enforcement Services Fund for the purposes of funding a Deputy Sheriff-Coroner position to increase law enforcement presence and capacity; and to fund part-time enforcement to improve the quality of life in the City.

Summary:

The purpose of this agenda item is to conduct a public hearing required by California Government Code 30061 regarding the planned expenditure of Supplemental Law Enforcement Services Funds (SLESF) for Law Enforcement Services within the City of Hughson.

The City of Hughson receives SLESF funding from the State through the California Citizens Option of Public Safety (COPS) program on an annual basis. Prerequisites for receiving this funding require a public hearing to discuss the proposed use of the funds. The funding must be utilized to enhance front line law enforcement services.

It is proposed that the City of Hughson's allocations of \$100,000 be utilized in the 2014-2015 Fiscal Year to fund a Deputy Sheriff-Coroner position to increase law enforcement presence and capacity within the City of Hughson. Additionally, this funded position will be utilized to offset and decrease the city's overtime expense for law enforcement services in areas such as vacation coverage, planned absences and sick coverage, and to fund part-time enforcement to improve the quality of life within the City of Hughson.

This funding source is not new and has already been established in appropriations and revenue in the Fiscal Year 2014-2015 Final Budget in the amount of \$100,000.00. California Government Code 30061 requires the City Council of the City of Hughson convene a public hearing to appropriate these funds for front line law enforcement. This hearing must be separate and apart from the process applicable to proposed allocations of the City General Fund.

CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2014-32

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON
ADOPTING THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND
(SLESF) FOR FISCAL YEAR 2014-2015**

WHEREAS, the City of Hughson receives \$100,000 in Supplemental Law Enforcement Services Funding (SLESF) from the State through the California's Citizens Option for Public Safety (COPS) program on an annual basis to be utilized as recommended by the Chief of Police (SB736) to enhance front line enforcement services; and

WHEREAS, the SLESF must be spent within two fiscal years or must be returned to the State; to ensure the funding stays within the community the City of Hughson will utilize \$100,000 in SLESF allocations in the 2014-2015 Fiscal Year; and

WHEREAS, each year the Chief of Police must make a recommendation to the City Council on how the grant funding is utilized and proposes that the City of Hughson's allocation of \$100,000 be utilized in the 2014-2015 Fiscal Year to fund a Deputy Sheriff-Coroner position to increase law enforcement presence and capacity within the City of Hughson; and to fund part-time enforcement to improve the quality of life within the City of Hughson;

THEREFORE, BE IT RESOLVED, that the City Council of the City of Hughson does hereby adopt Resolution No. 2014-32 and authorize the use of the Supplemental Law Enforcement Services Fund in the amount of approximately \$100,000 to fund a Deputy Sheriff-Coroner position to increase law enforcement presence and capacity within the City of Hughson; and to fund part-time enforcement to improve the quality of life within the City of Hughson.

PASSED AND ADOPTED by the City Council of the City of Hughson at its regular meeting held on this 13th day of October, 2014 by the following roll call votes:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE, City Clerk



CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date: October 13, 2014

Subject: Approval to Adopt Resolution No. 2014-31 to Operate the Home Energy Renovation Opportunity (HERO) Program in the City of Hughson and Approval of Amendment to Related Joint Powers Agreement (JPA)

Enclosures: Draft Resolution No. 2014-31
Joint Powers Agreement (JPA) Amendment
HERO Program Summary Pamphlet

Presented By: Jaylen French, Community Development Director

Approved By: _____

Staff Recommendation:

Adopt Resolution No. 2014-31 to allow the California Home Energy Renovation Opportunity (HERO) program to operate in the City of Hughson for the purpose of financing residential and commercial energy and water efficiency improvements; and approve an amendment to the Joint Powers Agreement (JPA) related thereto.

Background and Overview:

Assembly Bill (AB) 811 (2008) and AB 474 (2010) authorize legislative bodies to designate areas within which willing property owners may enter into voluntary contractual assessments to finance the installation of renewable energy sources, energy efficiency, and/or water conservation improvements that are permanently fixed to real property, as specified. This is referred to as Property Assessed Clean Energy or PACE legislation.

HERO is one successful PACE program, which has currently provided over 15,000 projects and is available in approximately 192 communities, including six jurisdictions in Stanislaus County (Modesto, Newman, Oakdale, Turlock, Waterford and Riverbank—coming soon). The California HERO Program was developed as a turnkey program to save other California jurisdictions time and resources in developing a standalone program. Jurisdictions need only to adopt a Resolution agreeing to allow HERO to operate in the City.

It should be noted that there is an additional hurdle for PACE programs that pertain to residential properties and relates to the fact that PACE assessments create liens

that have priority over home mortgages. Several jurisdictions are currently in litigation over this issue. In summary, the current downside of the legislation (and this program) is that Freddie Mac, Fannie Mae and the Federal Housing Finance Agency (FHFA) have indicated, by rule, that they are not willing to purchase mortgages with PACE assessments. As a result of FHFA's 2010 rule, PACE assessments are treated in the same manner as second mortgages and home equity lines of credit. FHFA reserves the right to require homeowners to pay off second mortgages, home equity lines of credit and PACE assessments in full when a homeowner refinances or sells his or her home. This rule applies to everyone who takes out a Fannie Mae or Freddie Mac conforming loan.

However, the California HERO program was developed subsequent to the FHFA rule (Federal Register Vol. 78, No. 147) and acknowledges this rule. These programs use affirmative acknowledgements from first lien holders, conservative underwriting requirements, and/or signed disclosures regarding FHFA concerns and risks. These issues are presented upfront to all participating property owners.

In light of these approaches, a pattern emerged in which residential property owners with equity who intend to remain in their home for the duration of the assessment and do not plan to refinance during this time move forward with PACE assessments despite the FHFA issues. Additionally, residential property owners who acquired PACE liens after July 6, 2010 also appear comfortable paying off the assessment for energy efficiency improvements at sale or refinance.

-- Residential and Commercial Property Assessed Clean Energy (PACE) Financing in California, March 2013

Further, according to John Law, Director of Municipal Development for the HERO Program, in 2013, Senate Bill 96 directed the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) to develop the PACE Loss Reserve Program to mitigate the potential risk to mortgage lenders associated with residential PACE financing. The \$10 million Loss Reserve will make first mortgage lenders whole for any losses in a foreclosure or a forced sale that are attributable to a PACE lien covered under the program. The goal of the program is to put first mortgage lenders in the same position they would be in without a PACE lien.

Discussion:

The HERO program enables residential and commercial property owners in participating municipalities the opportunity to install energy and water efficient improvements and renewable energy systems by having a special assessment placed on their property tax bill. Payments to finance the improvements are made through their local county with their property taxes over time.

All aspects of the HERO program, including managing the bonds, which are issued to fund improvements, are administered through the Program Team, lead by

Western Riverside Council of Governments (WRCOG). As part of this action, the WRCOG JPA will need to be amended to add the City of Hughson as an associate member of the WRCOG, as Authority of the HERO program. There are no hard costs for a community to join the HERO program and it does not require dedicated staff resources to develop or implement.

The HERO team is made up of a network of partners (financing, engineering, construction entities) who have been working closely since January 2010 on similar efforts.

Process To Get Started

- **Approve Resolution.** Approval by municipality of resolution to operate in municipality. The conduit issuers, Western Riverside COG, then complete a corresponding acceptance of the municipality to the program.
- **Judicial Validation of City's participation.** The Program's legal counsel files judicial validation documents.
- **Program Marketing and Outreach.** Team members initiate local marketing efforts and begin outreach to educate local contractors and property owners of availability of funds.
- **Program Launch.** Once validated, the HERO program launches and property owners are able to apply for and receive funding.

Program Benefits (to property owner):

- Alternative option to reduce monthly utility bills to address increasing energy costs.
- The program is 100% voluntary, meaning owners can choose to participate in the program at their discretion.

Program Benefits (to City):

- Increase in local jobs.
- Increase in housing prices (improved and higher efficiency homes are worth more money), as well as increase in sales and property tax revenue.
- As in conventional assessment financing, the City is not obligated to repay the bonds or to pay the assessments levied on the participating properties.
- All California HERO Program and assessment administration, bond issuance and bond administration functions are handled by California HERO, meaning

the City can provide access for its residents to the program without the high costs that an independent program established by the City would require.

Fiscal Impact:

There is no negative fiscal impact to the City's general fund incurred by consenting to the inclusion to the California HERO Program. All California HERO Program administrative costs are covered through an initial administrative fee included in the property owner's voluntary contractual assessment and an annual administrative fee which is also collected on the property owner's tax bill.

**CITY OF HUGHSON
CITY COUNCIL
RESOLUTION NO. 2014-31**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUGHSON
ALLOWING THE CALIFORNIA HERO PROGRAM TO OPERATE IN THE CITY
OF HUGHSON FOR THE PURPOSE OF FINANCING RESIDENTIAL AND
COMMERCIAL ENERGY AND WATER EFFICIENCY IMPROVEMENTS; AND
APPROVING AN AMENDMENT TO THE JOINT POWERS AGREEMENT (JPA)
RELATED THERETO**

WHEREAS, the California HERO Program is intended to provide for the financing of residential and commercial energy and water efficiency improvements per Assembly Bill 811 and Assembly Bill 474, i.e. Property Assessed Clean Energy (PACE) Legislation, within municipalities that elect to participate in said program

WHEREAS, the California HERO Program is one successful PACE program, which has currently provided over 15,000 projects in approximately 192 communities, including six in Stanislaus County (Modesto, Newman, Oakdale, Turlock, Waterford and Riverbank; and

WHEREAS, the California HERO Program was developed as a turnkey program to save other California jurisdictions time and resources in developing a standalone program; and

WHEREAS, The California HERO program enables residential and commercial property owners in participating municipalities the opportunity to install energy and water efficient improvements by having a special assessment placed on their property tax bill, and by which payments are made through their property taxes over time; and

WHEREAS, All aspects of the California HERO program, including managing the bonds, which are issued to fund improvements, are administered through the Program Team, lead by Western Riverside Council of Governments (WRCOG) and that there are no hard costs for a community to join the HERO program and it does not require dedicated staff resources to develop or implement; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hughson that the Council approves the California HERO Program to operate in the City Limits and that all properties within the City Limits be eligible upon verification and validation by the Program Team.

PASSED AND ADOPTED by the City Council of the City of Hughson at its regularly scheduled meeting on this 13th day of October 2014 by the following roll call vote;

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MATT BEEKMAN, Mayor

ATTEST:

DOMINIQUE SPINALE, City Clerk

**AMENDMENT TO THE JOINT POWERS AGREEMENT
ADDING CITY OF HUGHSON AS
AS AN ASSOCIATE MEMBER OF THE
WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS
TO PERMIT THE PROVISION OF PROPERTY ASSESSED CLEAN
ENERGY (PACE) PROGRAM SERVICES WITH SUCH CITY**

This Amendment to the Joint Powers Agreement (“JPA Amendment”) is made and entered into on the 14th day of October 2014, by City of Hughson (“City”) and the Western Riverside Council of Governments (“Authority”) (collectively the “Parties”).

RECITALS

WHEREAS, Authority is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the “Joint Exercise of Powers Act”) and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the “Authority JPA”); and

WHEREAS, as of October 1, 2012, Authority had 18 member entities (the “Regular Members”).

WHEREAS, Chapter 29 of the Improvement Act of 1911, being Division 7 of the California Streets and Highways Code (“Chapter 29”) authorizes cities, counties, and cities and counties to establish voluntary contractual assessment programs, commonly referred to as a Property Assessed Clean Energy (“PACE”) program, to fund certain renewable energy sources, energy and water efficiency improvements, and electric vehicle charging infrastructure (the “Improvements”) that are permanently fixed to residential, commercial, industrial, agricultural or other real property; and

WHEREAS, Authority intends to establish a PACE program to be known as the “California HERO Program” pursuant to Chapter 29 as now enacted or as such legislation may be amended hereafter, which will authorize the implementation of a PACE financing program for cities and county throughout the state; and

WHEREAS, City desires to allow owners of property within its jurisdiction to participate in the California HERO Program and to allow Authority to conduct proceedings under Chapter 29 to finance Improvements to be installed on such properties; and

WHEREAS, this JPA Amendment will permit City to become an Associate Member of Authority and to participate in California HERO Program for the purpose of facilitating the implementation of such program within the jurisdiction of City; and

WHEREAS, pursuant to the Joint Exercise of Powers Act, the Parties are approving this JPA Agreement to allow for the provision of PACE services, including the operation of a PACE financing program, within the incorporated territory of City; and

WHEREAS, the JPA Amendment sets forth the rights, obligations and duties of City and Authority with respect to the implementation of the California HERO Program within the incorporated territory of City.

MUTUAL UNDERSTANDINGS

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

A. JPA Amendment.

1. The Authority JPA. City agrees to the terms and conditions of the Authority JPA, attached.

2. Associate Membership. By adoption of this JPA Amendment, City shall become an Associate Member of Authority on the terms and conditions set forth herein and the Authority JPA and consistent with the requirements of the Joint Exercise of Powers Act. The rights and

obligations of City as an Associate Member are limited solely to those terms and conditions expressly set forth in this JPA Amendment for the purposes of implementing the California HERO Program within the incorporated territory of City. Except as expressly provided for by the this JPA Amendment, City shall not have any rights otherwise granted to Authority's Regular Members by the Authority JPA, including but not limited to the right to vote on matters before the Executive Committee or the General Assembly, the right to amend or vote on amendments to the Authority JPA, and the right to sit on committees or boards established under the Authority JPA or by action of the Executive Committee or the General Assembly, including, without limitation, the General Assembly and the Executive Committee. City shall not be considered a member for purposes of Section 9.1 of the Authority JPA.

3. Rights of Authority. This JPA Amendment shall not be interpreted as limiting or restricting the rights of Authority under the Authority JPA. Nothing in this JPA Amendment is intended to alter or modify Authority Transportation Uniform Mitigation Fee (TUMF) Program, the PACE Program administered by Authority within the jurisdictions of its Regular Members, or any other programs administered now or in the future by Authority, all as currently structured or subsequently amended.

B. Implementation of California HERO Program within City Jurisdiction.

1. Boundaries of the California HERO Program within City Jurisdiction. City shall determine and notify Authority of the boundaries of the incorporated territory within City's jurisdiction within which contractual assessments may be entered into under the California HERO Program (the "Program Boundaries"), which boundaries may include the entire incorporated territory of City or a lesser portion thereof.

2. Determination of Eligible Improvements. Authority shall determine the types of distributed generation renewable energy sources, energy efficiency or water conservation improvements, electric vehicle charging infrastructure or such other improvements as may be authorized pursuant to Chapter 29 (the "Eligible Improvements") that will be eligible to be financed under the California HERO Program.

3. Establishment of California HERO Program. Authority will undertake such proceedings pursuant to Chapter 29 as shall be legally necessary to enable Authority to make contractual financing of Eligible Improvements available to eligible property owners within the Program Boundaries.

4. Financing the Installation of Eligible Improvements. Authority shall develop and implement a plan for the financing of the purchase and installation of the Eligible Improvements under the California HERO Program.

5. Ongoing Administration. Authority shall be responsible for the ongoing administration of the California HERO Program, including but not limited to producing education plans to raise public awareness of the California HERO Program, soliciting, reviewing and approving applications from residential and commercial property owners participating in the California HERO Program, establishing contracts for residential, commercial and other property owners participating in such program, establishing and collecting assessments due under the

California HERO Program, adopting and implementing any rules or regulations for the California HERO Program, and providing reports as required by Chapter 29.

City will not be responsible for the conduct of any proceedings required to be taken under Chapter 29; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

6. Phased Implementation. The Parties recognize and agree that implementation of the California HERO Program as a whole can and may be phased as additional other cities and counties execute similar agreements. City entering into this JPA Amendment will obtain the benefits of and incur the obligations imposed by this JPA Amendment in its jurisdictional area, irrespective of whether cities or counties enter into similar agreements.

C. **Miscellaneous Provisions.**

1. Withdrawal. City or Authority may withdraw from this JPA Amendment upon six (6) months written notice to the other party; provided, however, there is no outstanding indebtedness of Authority within City. The provisions of Section 6.2 of the Authority JPA shall not apply to City under this JPA Amendment. City may withdraw approval for conduct of the HERO Program within the jurisdictional limits of City upon thirty (30) written notice to WRCOG without liability to the Authority or any affiliated entity. City withdrawal shall not affect the validity of any voluntary assessment contracts (a) entered prior to the date of such withdrawal or (b) entered into after the date of such withdrawal so long as the applications for such voluntary assessment contracts were submitted to and approved by WRCOG prior to the date of City's notice of withdrawal.

2. Mutual Indemnification and Liability. Authority and City shall mutually defend, indemnify and hold the other party and its directors, officials, officers, employees and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, to property or persons, including wrongful death, to the extent arising out of the willful misconduct or negligent acts, errors or omissions of the indemnifying party or its directors, officials, officers, employees and agents in connection with the California HERO Program administered under this JPA Amendment, including without limitation the payment of expert witness fees and attorneys fees and other related costs and expenses, but excluding payment of consequential damages. Without limiting the foregoing, Section 5.2 of the Authority JPA shall not apply to this JPA Amendment. In no event shall any of Authority's Regular Members or their officials, officers or employees be held directly liable for any damages or liability resulting out of this JPA Amendment.

3. Environmental Review. Authority shall be the lead agency under the California Environmental Quality Act for any environmental review that may required in implementing or administering the California HERO Program under this JPA Amendment.

4. Cooperative Effort. City shall cooperate with Authority by providing information and other assistance in order for Authority to meet its obligations hereunder. City recognizes that one of its responsibilities related to the California HERO Program will include any permitting or inspection requirements as established by City.

5. Notice. Any and all communications and/or notices in connection with this JPA Amendment shall be either hand-delivered or sent by United States first class mail, postage prepaid, and addressed as follows:

Authority:

Western Riverside Council of Governments
4080 Lemon Street, 3rd Floor. MS1032
Riverside, CA 92501-3609
Attn: Executive Director

City:

City of Hughson
7018 Pine Street | P.O. Box 9
Hughson, California 95326
Attn: Raul L. Mendez, City Manager

6. Entire Agreement. This JPA Amendment, together with the Authority JPA, constitutes the entire agreement among the Parties pertaining to the subject matter hereof. This JPA Amendment supersedes any and all other agreements, either oral or in writing, among the Parties with respect to the subject matter hereof and contains all of the covenants and agreements among them with respect to said matters, and each Party acknowledges that no representation, inducement, promise of agreement, oral or otherwise, has been made by the other Party or anyone acting on behalf of the other Party that is not embodied herein.

7. Successors and Assigns. This JPA Amendment and each of its covenants and conditions shall be binding on and shall inure to the benefit of the Parties and their respective successors and assigns. A Party may only assign or transfer its rights and obligations under this JPA Amendment with prior written approval of the other Party, which approval shall not be unreasonably withheld.

8. Attorney's Fees. If any action at law or equity, including any action for declaratory relief is brought to enforce or interpret the provisions of this Agreement, each Party to the litigation shall bear its own attorney's fees and costs.

9. Governing Law. This JPA Amendment shall be governed by and construed in accordance with the laws of the State of California, as applicable.

10. No Third Party Beneficiaries. This JPA Amendment shall not create any right or interest in the public, or any member thereof, as a third party beneficiary hereof, nor shall it authorize anyone not a Party to this JPA Amendment to maintain a suit for personal injuries or property damages under the provisions of this JPA Amendment. The duties, obligations, and responsibilities of the Parties to this JPA Amendment with respect to third party beneficiaries shall remain as imposed under existing state and federal law.

11. Severability. In the event one or more of the provisions contained in this JPA Amendment is held invalid, illegal or unenforceable by any court of competent jurisdiction, such portion shall be deemed severed from this JPA Amendment and the remaining parts of this JPA

Amendment shall remain in full force and effect as though such invalid, illegal, or unenforceable portion had never been a part of this JPA Amendment.

12. Headings. The paragraph headings used in this JPA Amendment are for the convenience of the Parties and are not intended to be used as an aid to interpretation.

13. Amendment. This JPA Amendment may be modified or amended by the Parties at any time. Such modifications or amendments must be mutually agreed upon and executed in writing by both Parties. Verbal modifications or amendments to this JPA Amendment shall be of no effect.

14. Effective Date. This JPA Amendment shall become effective upon the execution thereof by the Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this JPA Amendment to be executed and attested by their officers thereunto duly authorized as of the date first above written.

[SIGNATURES ON FOLLOWING PAGES]

WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS

By: _____
Executive Committee Chair
Western Riverside Council of Governments

Date: _____

CITY OF HUGHSON

By: Raul L. Mendez

Date: October 14, 2014

Title: City Manager



Stimulates Economy



“ Why HERO? It’s made our community better by lowering unemployment, increasing environmental efforts, and boosting our economy!

— RUSTY BAILEY, MAYOR OF RIVERSIDE, CA



Your energy efficient future, today.

HERO Impact

As HERO spreads across the state, a wave of economic and environmental impact has followed close behind. Here are some of our successes, to date.



Saves Energy



“ Our electric bill said ‘You owe 96 cents; Do not pay this bill.’ We couldn’t believe it. Why doesn’t everyone get HERO?

— BRUCE & KIMBERLY STAGGER, LAKE ELSINORE, CA



Creates Jobs



“ With HERO funding 50% of our sales, we’ve been able to hire 22 people this year! You should absolutely bring HERO to your community.

— WC HEATING & AIR CONDITIONING, MURRIETA, CA

HERO Positively Impacts Your Community

The HERO Program is a public / private partnership designed to help communities become more energy efficient and to stimulate their local economies. As the leading provider of PACE (Property Assessed Clean Energy) financing in the country, we are actively making a difference in local communities. Our turnkey solution will have your community up and running with HERO in no time!



Create
Local Jobs



Increase
Property Values



Reduce Greenhouse
Gas Emissions



Lower
Utility Bills

Bring HERO to Your Community

Start today and be up-and-running in as few as 90 days

Step 1. YOU ADOPT

Jurisdiction adopts a resolution making HERO available to property owners.

Step 2. WE IMPLEMENT

HERO handles everything from setup through launch, including contractor training and local marketing.

Start the Conversation



Northern California

John Law | 209-602-8990 | jlaw@heroprogram.com

Southern California

Dustin Reilich | 949-237-0965 | dreilich@heroprogram.com



ENVIRONMENTAL AND ECONOMIC PARTNERSHIP GOVERNOR OF CALIFORNIA



Awarded California's highest honor by Governor Brown for exceptional leadership in environmental preservation and economic stimulus.



BEST RESIDENTIAL PARTNERSHIP U.S. GREEN BUILDING COUNCIL



Recognized as a Top 10 Green Building Policy in California, serving as a national model, for financing residential and commercial energy efficiency and water conservation retrofits.



BEST OF THE BEST

Urban Land Institute | Recognized for sustainable community development and organizational leadership in providing: economic value, environmental quality, and social equity.



PRESIDENTS AWARD FOR EXCELLENCE

Southern California Association of Governments | Recognized for creating successful public/private partnerships and economic stimulus through bringing private funding into local communities.



BUSINESS ACHIEVEMENT AWARD

Climate Change Business Journal | Recognized for successfully partnering with local governments to develop residential financing programs for energy efficiency and renewable energy systems.

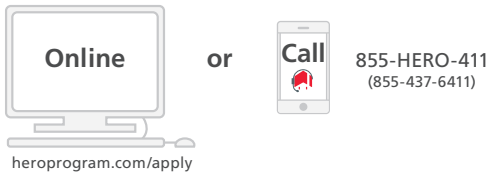


NORTON YOUNGLOVE AWARD

Western Riverside Council of Governments | Recognized for positive environmental and economic impact created through innovative financing structure and successful public/private partnership.

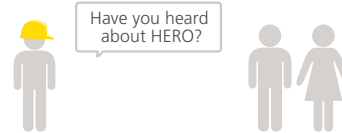
1 Apply for HERO

You hear about HERO and decide to call and find more about it, or search on the web. You, then apply for HERO.



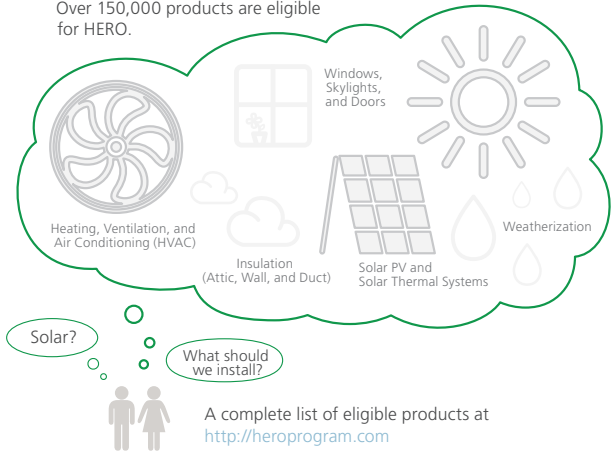
1 or 1 Meet Contractor

You have a contractor you want to work with. Your contractor introduces HERO.



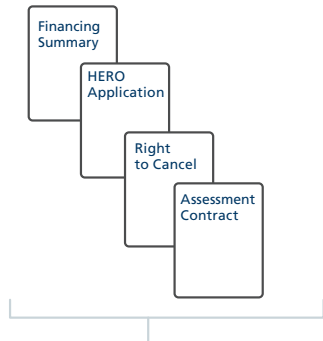
2 Select Project

Over 150,000 products are eligible for HERO.



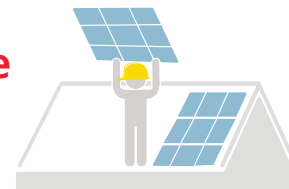
3 Sign Financing Documents

After you picked out a product(s) you would like to install, you sign Financing Documents.



Send ALL original signed documents to HERO.

4 Complete Project



5 Sign Completion Certificate

After your product is installed, you and your contractor sign the Completion Certificate.



6 Pay Contractor

PROPERTY TAX BILL	
Charges Levied by Taxing Agencies	Amount
Development Mello-Roos	10.00
HERO Financing	1200.00
Paramedics Assessment	40.00
Total Amount	\$1250.00

7 Make Payments



CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date: October 13, 2014
Subject: Approval to Direct Staff to Release a Request for Proposal (RFP), Interview, Select and Negotiate a contract for the Preparation of the City of Hughson Housing Element Update
Enclosures: Housing Element Guidance Update Guidance Package
Presented By: Jaylen French, Community Development Director

Approved By: _____

Staff Recommendation:

Approval to direct staff to release a Request for Proposal (RFP), interview and select a preferred consultant and negotiate a contract for the preparation of the City of Hughson Housing Element Update.

Background and Overview:

According to state legislation (i.e. Housing Element Law) and state goals, the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, is a priority of the highest order. Further, State law recognizes the vital role local governments play in the supply and affordability of housing. Each local government is required to adopt a comprehensive, long-term general plan for the physical development of the jurisdiction.

A housing element is one of the seven mandated elements of the local general plan. Housing element law, enacted in 1969, mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development. As a result, housing policy in the State rests largely upon the effective implementation of local general plans and, in particular, local housing elements.

State housing element law assigns the responsibility for preparing the Regional Housing Need Assessment (RHNA) for Stanislaus County region to the Stanislaus

Council of Governments (StanCOG). StanCOG, in coordination with the local agencies, prepares the Regional Housing Needs Plan (RHNP), which describes the methodology developed to allocate the region's identified (by the State Department of Housing and Community Development (HCD)) among the nine cities and the unincorporated county.

The RHNA process begins with the RHNA Determination issued by HCD, which identifies each region's housing 'need'. The Determination is then allocated to each local agency through an established methodology.

The City of Hughson is required to adopt and submit a housing element to HCD for review and certification by December 31, 2015. The housing element, which will cover the planning period between December 31, 2015 and December 31, 2023 (5th Cycle), must show how the City of Hughson will accommodate the region's RHNA Allocation. According to the Final RHNP for Stanislaus County, 2014-2023, prepared by StanCOG, the City of Hughson's share of the total region's allocation is 218 housing units.

Discussion:

To fully and adequately address state laws and requirements of the Housing Element and due to current staffing levels, staff feels the best approach is to retain a professional consultant to assist in the preparation of the City of Hughson Housing Element update. State regulations include zoning ordinance amendments which will need to be implemented prior to submittal of the next Housing Element to HCD for approval or in order to qualify for HCD's streamlined review. These include:

- Zoning Amendment allowing transitional and supportive housing as a residential use and only subject to those restrictions that apply to other residential dwellings, Per Senate Bill 2.
- Zoning Amendment to permit emergency shelters without discretionary action, Per Senate Bill 2.
- Policies, ordinances or procedures to allow reasonable accommodation for persons with disabilities.

Although these issues were addressed in the previous Housing Element, no formal action was taken by the City to codify the policies specified in the Housing Element. The consultant contract can be specified to address these issues as part of the Housing Element update.

Further, the Housing Element will need to be consistent with the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) prepared by StanCOG and comply with other SB 375 requirements, including clearer mandate on sites for housing, i.e. timing of rezones if required; program implementation, i.e. timeline for implementation of programs and policies identified; and consequences for failing to rezone, i.e. recourse development community or advocates have to force housing in the City. These requirements put more pressure on the jurisdiction to ensure housing and especially affordable housing is readily available and should be handled appropriately in the Housing Element update.

Fiscal Impact:

As indicated in the Fiscal Year 2014-2015 Final Budget, \$60,000 has been allocated to the preparation of the Housing Element update. However, based on further research of the current Housing Element and state requirements, as well as through discussions with other local agencies in the Stanislaus County region, Staff is recommending utilizing only \$30,000 of the \$60,000 for this effort. This would require a greater degree of staff time dedicated to the update, but recognizes that staff has the ability and expertise to perform much of the update. Utilizing the \$30,000 will provide the necessary support to staff and allow staff to remain focused on other City priorities.

HOUSING ELEMENT UPDATE GUIDANCE

December 2012



An effective housing element provides the necessary conditions to support the development and the preservation an adequate supply of housing, including housing affordable to seniors, families and workers. As the housing element is required to be regularly revised pursuant to a statutory schedule, the update process provides a vehicle for establishing and updating housing and land-use strategies reflective of changing needs, resources, and conditions. The housing element update can provide a mechanism to adopt land-use strategies such as infill, mixed-use, or downtown revitalization. It can also provide a vehicle for local governments to adopt effective housing and land-use strategies while addressing climate change and the reduction of greenhouse gas emissions.

As local governments begin the process to update their housing elements, the following are a few over-arching suggestions:

- Start with the existing plan. The update can build on what has been effective in the past.
- Immediately engage all critical stakeholders including tenants and homeowners, special needs populations, businesses, and real estate and housing providers and developers to ensure participation of all economic segments of the community.
- While the housing element must address specific State statutory requirements, including the local jurisdictions' fair share of the regional housing need, it is ultimately a local plan and should reflect the vision and priorities of the community.

The housing element update can also provide various opportunities for local governments, the state and stakeholders to collaborate on housing and land use plans. By promoting more transparency and partnerships in the process, for example, HCD can promote the efficient use of limited resources. By providing stakeholders with clarity in the update process such as making changes to the housing element available, local governments can better collaborate on key policy issues and save time in the update process.

This Update Guidance is intended to assist local governments and stakeholders with streamlined updates and HCD review for the fifth cycles of the housing element. HCD recognizes all levels of governments and stakeholders are facing resource challenges and HCD is seeking ways to create efficiencies and clarity for all parties in the housing element update process. While all local governments are still required to complete a housing element update, the Update Guidance is designed to reduce the number and scope of housing element submittals per jurisdiction and to focus resources on providing assistance to jurisdictions to ensure compliance and effectively addressing housing needs. For example, the Update Guidance provides clarity on the necessary contents for a complete housing element, necessary steps for updating a housing element and certainty on what will be reviewed by the Department where contents have changed. Further, to provide efficiencies when using the Update Guidance, the Department intends to review draft housing elements in less than 60 days (See Attachment 4) and grant priority for those jurisdictions utilizing the Streamlined Review process.

The Update Guidance is divided into two parts:

1. A Completeness Checklist; and
2. Streamlined Update template (for eligible jurisdictions as described below).

The Department will continue efforts to improve efficiencies and increase clarity such as improving technical assistance, particularly the Building Blocks, to provide more clarity in meeting statutory requirements. For example, technical assistance regarding the adequate sites requirement will be expanded to clarify statutory requirements and include tools and samples to assist meeting statutory requirements. Other efforts will include expanded regional coordination such as pre-approved data packets in coordination with Councils of Government for meeting some requirements under the housing needs assessment (See pages 25 and 26 of the Streamlined Update). Additional tools to assist in the housing element update process are available on the Department's website, including:

- Housing Element Law at:
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=65001-66000&file=65580-65589.8>
- Building Blocks for Effective Housing Elements at:
http://www.hcd.ca.gov/hpd/housing_element2/index.php
- Links to model housing elements at:
http://www.hcd.ca.gov/hpd/housing_element2/BP_home.php
- Various technical assistance memos regarding statutory amendments and other relevant topics at:
<http://www.hcd.ca.gov/hpd/>
- Housing Element Update schedules, review letters and status information at:
<http://www.hcd.ca.gov/hpd/hrc/plan/he/>

Housing Element Completeness Checklist Review

Jurisdictions requesting Streamlined Update review (see below for explanation) must complete the Housing Element Completeness Checklist, and all jurisdictions are strongly encouraged to use the Checklist. The Checklist is provided to ensure that the updated element includes all components required by State housing element law. The purpose of the Checklist is to reduce subsequent submittals of draft housing elements by providing a guide for local governments to ensure the updated elements include all statutory components. The Checklist is also intended to be a useful mechanism for informing the public about the various statutory requirements of housing element law. The Checklist is included as Attachment 2 to this document.

HCD will conduct an initial completeness review of the draft housing element based on the contents of the Checklist. HCD's initial review for completeness will be limited to whether the element addresses each component required by the Housing Element statute. This initial completeness review will not evaluate the adequacy of information but merely whether the component was addressed. If HCD review staff finds that a housing element submittal does not include information addressing one or more of the statutory components, HCD will seek to notify the jurisdiction within 2 weeks (See Attachment 4) for immediate revision without further review. HCD will accept revisions within 7 days of notifications and complete its review of the contents of the housing element. If revisions are not received, HCD will complete its review, focusing specifically on those areas where information was provided to address the statutory components as outlined in the Completeness Checklist. Statutory components which are missing will be noted in the Department's letter without further review and the element will be out of compliance with statute. These missing components will be subject to review for content when complete in subsequent review(s) of the housing element.

Streamlined Update

For many local governments, much of the information in housing elements found to be in compliance with the statute for the previous planning period is still current and/or particular conditions and circumstances have not significantly changed since the last update. To provide a streamlined approach, both in the preparation of the updated element as well as in HCD's review, jurisdictions that adopted a housing element in the fourth cycle that HCD found in substantial compliance with State law may opt to use the Streamlined Update template (Attachment 3) to show where changes were made in the previously adopted housing element.¹ The Streamlined Update is a voluntary option and there are no implications in the Department's review of compliance for not using the Streamlined Update. For jurisdictions not choosing to use the Streamlined Update process or not eligible for the Streamlined Update process, the template (Attachment 3) can still be used as a valuable tool for outlining the necessary steps to update a housing element.

¹ If the Completeness Checklist (Attachment 2) and the Streamlined Update template (Attachment 3) are submitted to HCD or, as part of an agenda packet to a governing body or Planning Commission, they are considered public records.

The eligibility requirements to use the Streamlined Update are:

- A housing element for the previous planning was adopted and found to be in compliance with State housing element law by the Department (Housing Element compliance status for all jurisdictions is available on the Department's website at <http://www.hcd.ca.gov/hpd/hrc/plan/he/status.pdf>).
- A complete updated housing element is submitted showing all changes. The changes can be shown through a variety of mechanisms as long as the changes can be identified such as by using strikeout, underline, redline, highlighting or other designation.
- Submittal of a Completeness Checklist (Attachment 2) and Streamlined Update template (Attachment 3).
- Answer Yes (or N/A as appropriate) to all questions in the Implementation Review (Attachment 1).
- Completion of the Streamlined Update template (Attachment 3), making revisions to the housing element, as necessary, to analyze changes in conditions, processes and program implementation actions. If it is determined no changes are necessary to a specific section, the Streamlined Update template must indicate such.

Use of the Streamlined Update does not relieve the jurisdiction of its obligation to address all statutory requirements of State housing element law, but rather provides a guide to updating the necessary portions of the housing element and facilitates State review of housing element submittals. For eligible jurisdictions, HCD review will rely upon the element in compliance in the prior planning period and will be limited to changes that have occurred since the prior planning period as indicated in the Streamlined Update template of Attachment 3. HCD will not review areas that have not changed since their content continues to be sufficient to meet statutory requirements. For example, a sites inventory and analysis includes a listing of sites and various analyses demonstrating suitability of those sites for development, among other requirements. The listing may only have minor changes and the various analyses such as how residential capacity is calculated can continue to be used in the updated housing element. HCD will not review the areas that have not changed and will focus its review on the minor updates, if any, to the inventory and analyses. However, any changes to the required analyses must be included for HCD review. HCD will also consider public comments as part of this review. See Attachment 4 for steps in the HCD review process and the process for submitting and considering public comments. Specifically, the Streamlined Update template option is applicable to the following areas only:

- Sites Inventory and Analysis
- Analysis of Governmental and Non-Governmental Constraints
- Housing Needs Assessment, including special needs groups (excluding the quantification and analysis of homeless individuals and families)
- Units At-Risk of Conversion to Market Rate
- General Plan Consistency
- Coastal Zone Housing

A jurisdiction may utilize the Streamlined Update process for any and all of these requirements as detailed in the Streamlined Update Template (Attachment 3). Part of the purpose of the Streamlined Update template is to provide guideposts for the necessary steps to update the housing element. For example, under Governmental Constraints there are several different types of constraints to be identified and analyzed including, but not limited to, fees, permit processing and land use controls. To update the Governmental Constraints section, a jurisdiction should evaluate if changes have occurred and whether the analyses require revision to analyze those changes. The guideposts in the Streamlined Update template show the necessary steps to evaluate changes. For instance, if a jurisdiction has not adopted changes to its permit processing procedures or land use controls, then the Streamlined Update should indicate that no changes have been made. If fees were increased since the adoption of the previous element, the Streamlined Update should indicate such by filling in the appropriate response in the applicable section and including the location of red lined or other highlighted revisions made to describe and analyze the fee schedule increases, if necessary. In some cases, the conclusion and analysis might not change. In this case, the Streamlined Update template would simply need to indicate Not Applicable (N/A).

Please note, however, the statute requires certain areas to be completely updated. These areas must be newly addressed every planning period. For example, a jurisdiction cannot simply update a public participation process from 8 years ago. It must be started again. For the following areas, the Streamlined Update is not available:

- Review and Revise
- Public Participation
- Programs and Quantified Objectives
- Any new statutory requirements since the prior update, including:
 - ✓ Government Code Section 65584.09 (Unaccommodated Need). See the Department's memo at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf. *
 - ✓ Government Code Section 65583 (a)(1) and others (Extremely Low Income Households).*
 - ✓ Government Code Sections GC 65583(a)(4) and others (Emergency Shelters and Transitional and Supportive Housing). See the Department's memo at http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf. *
 - ✓ Government Code Sections 65583(f), 65588(e) (SB 375 Rezoning and Update Schedule). See the Department's website at http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.
 - ✓ Government Code Section 65583.1 (Alternative Adequate Sites). See the Department's memo at http://www.hcd.ca.gov/hpd/hrc/plan/he/alt_adeq_sites082412.pdf
 - ✓ Government Code Section 65583(e) (Persons with Development Disabilities). See the Department's memo at <http://www.hcd.ca.gov/hpd/NoticeCoverLtrSB812.pdf>.

* These requirements may not be new for most jurisdictions. However, as these sections were enacted during the 4th cycle update for some jurisdictions, particularly those in San Diego County, they may not have been addressed in the 4th cycle updates.

Using the Streamlined Update Template

As noted above, the Streamlined Update template is intended to show the necessary steps for updating a housing element. To use the template, relevant page numbers need to be entered where changes have been made. Where no changes have been made or no changes in circumstances have been identified, the jurisdiction should indicate “N/A.” Additional documentation, description or other narration is not necessary. For example, below is a sample section of a Streamlined Update template (Refer to Attachment 3 for the complete Streamlined Update Template form):

Potential Governmental and Non-governmental Constraints (Section 65583(a)(5 and 6)) (See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/CON_home.php)		
	Page(s) Where Changes Made	Indicate N/A If No Changes
<u>Land Use Controls</u> <ul style="list-style-type: none"> • Update to show changes to land use controls including changes in residential zoning and/or development standards (e.g., heights and lot coverage, parking requirements, minimum unit sizes) 	Page 12	
<ul style="list-style-type: none"> • Update to describe changes to growth controls or similar measures such as population caps or voter required general plan re-designations or voter required approval of changes in land use laws or regulations 	N/A	N/A

Identifying Changes in the Housing Element: For jurisdictions using the Streamlined Update template, the housing element must indicate where changes have been made. The changes can be identified in a variety of ways. For example, the element could highlight changes, electronically or manually. An asterisk or other indicator can be placed in the margin. Redlining/strikeout and underline is not required. Some elements might re-format tables or recalculate percentages due to updating data. In this case, redlining might not appear very useful. An alternative approach could be to simply highlight the table title or include a highlight in the margin or bold new text. The same approach would also be acceptable for jurisdictions re-formatting the entire document. Contact HCD for feedback on approaches to identifying changes.

Implementation Review

As noted above, jurisdictions must answer Yes (or N/A as appropriate) to all questions in the Implementation Review (Attachment 1) to be eligible for the Streamlined Update. The Implementation Review will be conducted by HCD to determine if jurisdictions are eligible for the Streamlined Update and will be completed within 2 weeks of receipt (See Attachment 4). Jurisdictions may contact HCD for feedback on meeting the Implementation Review requirements prior to submittal of the housing element.

The Implementation Review is not intended to result in additional analysis or evaluation than already required under housing element law nor is additional documentation required to complete the Implementation Review. Only Yes, No or N/A, program numbers and page numbers need to be entered into Attachment 1 and submitted to HCD. The Implementation Review should reference the relevant portions of the Review and Revise section which is already included in the housing element update (See Attachment 1, page 18). However, as required by statute, HCD will consider public comment on the Review and Revise section of the housing element.

To be eligible for the Streamlined Update, jurisdictions should complete the pertinent programs prior to submittal of the draft housing element. In some cases, jurisdictions may still be processing zoning amendments or other actions to meet the eligibility criteria under the Implementation Review. HCD will consider unique circumstances where amendments or actions are still in process but the jurisdictions would need to provide adequate documentation to ensure completion of the amendments prior to the housing element due date.

HCD will allow flexibility in meeting the rezoning and density bonus ordinance criteria under the Implementation Review. Specifically, for the density bonus ordinance, the jurisdiction must only have adopted an ordinance after January 1, 2005 (although agencies may want to update their ordinance to meet the latest 2008 amendments).

For rezoning, in some cases, a jurisdiction might not have completed rezoning precisely as envisioned in the program. In these cases, the jurisdictions will continue to meet the eligibility criteria in the Implementation Review as long as the statutory requirements for rezoning were met pursuant to Government Code Sections 65583(c)(1) and 65583.2(h) and (i) or if the shortfall of adequate sites was by some other means or action met such as sufficient units being built to accommodate the entire regional housing need for lower income households. In these cases, the jurisdiction must provide documentation in the Review and Revise section to demonstrate the objectives of the Implementation Review have been met.

Standard Review

If a housing element does not qualify for the Streamlined Update, HCD will review the housing element in its entirety rather than focusing its review on changes. However, HCD's goal is to provide more efficient housing element review of all housing elements and the Checklist and Streamlined Update are useful tools for all local governments, HCD and stakeholders to reduce time necessary to update, review and comment on a housing element. For example, use of the Checklist can reduce multiple reviews by ensuring all the statutory components are included and the Streamlined Update provides a useful guide to update the housing element and to highlight the changes made to the element from the 4th cycle.

Attachments

[Attachment 1 – Implementation Review](#)

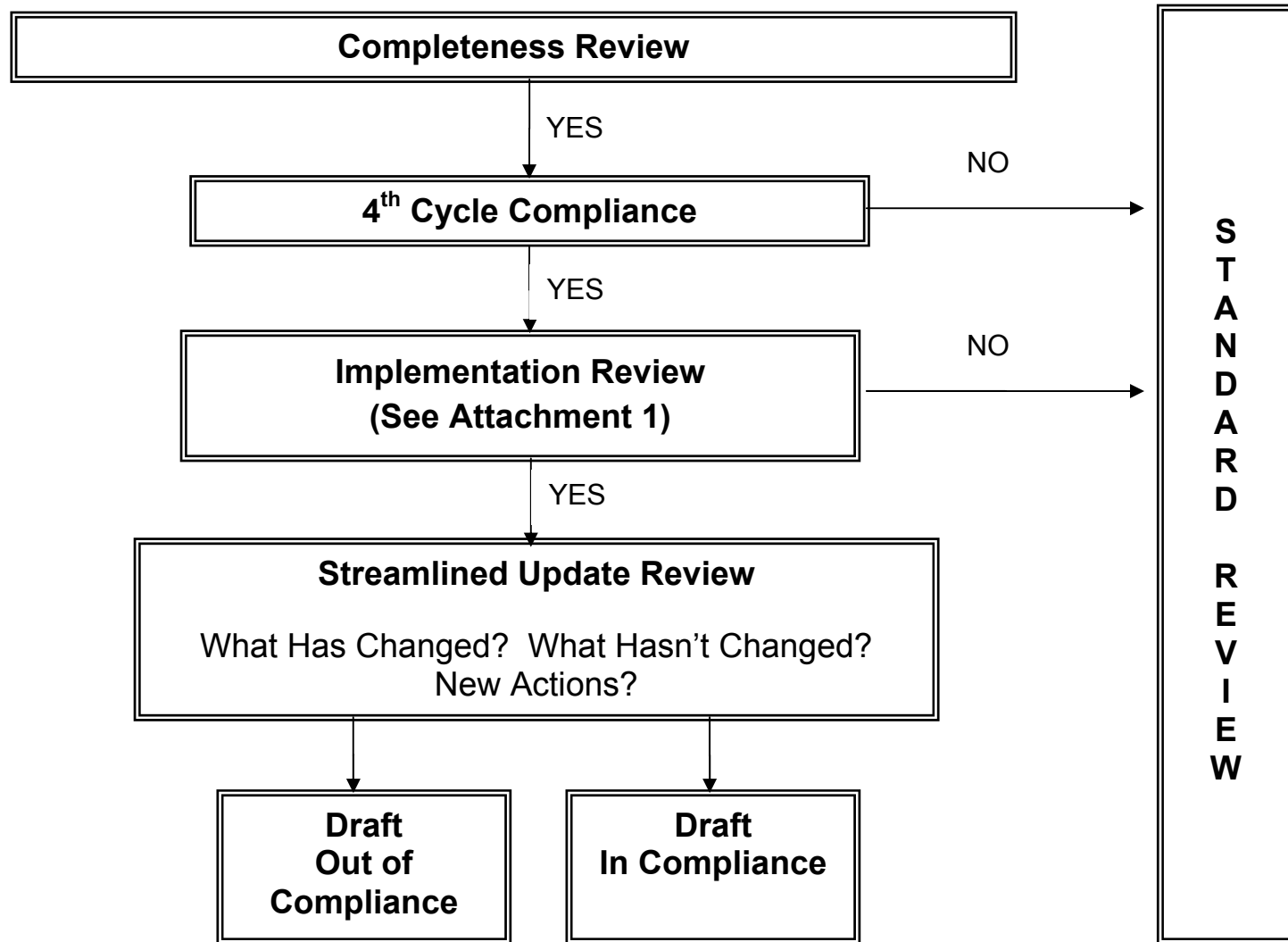
[Attachment 2 – Housing Element Completeness Checklist](#)

[Attachment 3 – Housing Element Streamlined Update Template](#)

[Attachment 4 – Housing Element Review Process and Timeframes](#)

CHART 1

Review Steps for HCD Standard and Streamlined Update Draft Reviews



Housing Element Update Guidance



Attachment 1: Implementation Review



Implementation Review

Jurisdiction Name:			
	Implementation Status	Program Number (If Applicable)	Page(s) Where Found
If the local government’s previous housing element included a rezone program pursuant to GC Sections 65583(c), 65583.2 and 65584.09 to address a shortfall of adequate sites, has the program(s) to rezone been completed?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		
Does zoning permit emergency shelters without discretionary action or has a multijurisdictional agreement pursuant to Section 65583(d) been approved? ¹	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Does zoning permit transitional and supportive housing as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone? ²	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Are policies, ordinances or procedures established to allow reasonable accommodation for persons with disabilities in the application of zoning and land use policies, ordinances or procedures?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Has a density bonus ordinance been adopted pursuant to Government Code Section 65915 (since January 1, 2005)?	<input type="checkbox"/> YES <input type="checkbox"/> NO		

¹ These are not required where agencies adopted housing elements in the fourth cycle before the effective date of SB 2 (January 1, 2008). These agencies are primarily in San Diego County. Agencies should note “Housing Element Adopted Prior to SB 2” if this is the case.

Housing Element Update Guidance



Attachment 2: Completeness Checklist



Public Participation (Section 65583(c)(8))		
<i>(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/GS_publicparticipation.php)</i>		
	Page(s)	Comments
Description of diligent effort to include all economic segments of the community and/or their representatives in the development and update of the housing element (e.g., types of outreach, meetings, appropriate languages, list of invitees and general comments and how they were incorporated)		

Review and Revise (Section 65588)		
<i>(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/GS_reviewandrevise.php)</i>		
	Page(s)	Comments
Progress in implementation – A description of the actual results or outcomes of the prior element’s goals (i.e., what happened), objectives, policies, and programs. Include quantification of results where possible (e.g., number of units rehabilitated) and may be qualitative where necessary (e.g., mitigation of governmental constraints)		
Effectiveness of the element – For each program, include an analysis comparing significant differences between what was projected or planned in the earlier element and what was achieved. Analyze the differences to determine where the previous housing element met, exceeded, or fell short of what was anticipated		
Appropriateness of goals, objectives, policies and programs – A description of what has been learned based on the analysis of progress and effectiveness of the previous element. A description of how the goals, objectives, policies, and programs in the updated element are being changed or adjusted to incorporate what has been learned from the results of the previous element		



Housing Needs Assessment (Section 65583(a)(1 and 2))

(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/HN_home.php)

	Page(s)	Data Source (if not identified in the housing element)	Comments
Quantification and analysis * of existing and projected housing needs			
Populations and employment trends, including documentation of projections			
Housing and Household characteristics, including: <ul style="list-style-type: none"> • Level of payment compared with ability to pay (overpaying households) • Housing stock conditions • Overcrowded households 			
Existing and projected needs for all income levels, including: <ul style="list-style-type: none"> • Regional Housing Need Allocation (RHNA) • Existing housing need for extremely low income households • Projected housing need for extremely low income households based on RHNA or Census (see Section 65583(a)(1)) 			

* Analysis is defined as a description and evaluation of specific needs, characteristics and resources available to address identified needs



Persons with Special Needs (Section 65583(a)(7))			
(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/HN_SHN_home.php)			
	Page(s)	Data Source (if not identified in the element)	Comments
Identification and analysis of any special housing needs including:*			
• Elderly			
• Persons with disabilities, including developmental disabilities (See Memo at http://www.hcd.ca.gov/hpd/NoticeCoverLtrSB812.pdf)			
• Large households			
• Farmworkers (seasonal and permanent)			
• Female headed households			
• Homeless (annual and seasonal) **			
• Other			
* Analysis is defined as a description and evaluation of specific needs, characteristics and resources available to address identified needs			
** See Section 65583(a)(7) for additional information regarding this requirement			

At-risk Units (Section 65583(a)(9))		
(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/EHN_atrisk.php)		
	Page(s)	Comments
Inventory of at-risk units (10 years from the housing element due date) (Section 65583(a)(9)(A))		
Estimate of replacement versus preservation costs (Section 65583(a)(9)(B))		
Identification of qualified entities Section 65583(a)(9)(C))		
Identification of potential funding Section 65583(a)(9)(D))		
Note: Section 65583(a)(9) has many detailed requirements. Agencies with at-risk units should review the specific statutory requirements to ensure a complete analysis.		



Potential Governmental and Non-governmental Constraints (Section 65583(a)(5 and 6))

(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/CON_home.php)

	Page(s)	Comments
<p><u>Potential Governmental Constraints</u></p> <p>Include an analysis of actual and potential governmental constraints for each of the following:</p>		
Land use controls (e.g., parking, lot coverage, heights, unit sizes, open space requirements, floor area ratios, growth controls (e.g., caps on units or population or voter approval requirements))		
Building codes and their enforcement (e.g., current CBC, any local amendments and local code enforcement programs)		
Site improvement requirements (e.g., street widths, etc.)		
Fees and other exactions (e.g., analyze all planning and impact fees and impact on total development costs)		
Local processing and permit procedures (e.g., typical processing times, permit types by housing type, decision-making criteria and bodies)		
Housing for persons with disabilities (e.g., definition of family, concentration requirements, reasonable accommodation procedures)		
Potential and actual constraints on the development of a variety of housing types for all income levels, including multifamily rental housing, factory-built housing, mobiles homes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters and transitional housing		



	Page(s)	Comments
Local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need		
Local efforts to remove governmental constraints that hinder meeting the need for housing for persons with disabilities, supportive housing, transitional housing and emergency shelters		
Transitional housing and supportive housing as a residential use of property and subject only to those restrictions that apply to other residential dwellings of the same type in the same zone		
<u>Potential Non-governmental Constraints</u> Include an analysis of actual and potential non-governmental constraints for each of the following:		
Availability of financing		
Price of land		
Cost of construction		



Sites Inventory and Analysis (Section 65583(a)(3) and 65583.2))		
(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/SIA_home.php)		
	Page(s)	Comments
<p>Listing of properties by parcel number or other unique, reference showing for each parcel (Section 65583.2(b)(1) – (3):</p> <ul style="list-style-type: none"> • Size • General plan designation • Zoning category • For non-vacant sites, description of existing uses • Number of units that can be accommodated on each site 		
* Sites available for Above Moderate income households and not served by public sewer need not be identified on a site specific basis (Section 65583.2(b)(6))		
<p>General description of environmental constraints to the development of housing (Section 65583.2(b)(4)</p>		
<p>General description of infrastructure (planned/available) including water, sewer and other dry utilities, including availability and access to distribution facilities (Section 65583.2(b)(5)</p>		
<p>In determining the number of units on each site, indicate how the number of units was determined.</p> <ul style="list-style-type: none"> • If development is required at minimum density, indicate the number of units at the minimum density. No further analysis is required. • If development is not required at minimum density, demonstrate how the number of units were determined and adjust, if necessary, for local land use controls. 		



	Page(s)	Comments
For Non-vacant sites, specify the additional development potential for each site within the planning period and provide an explanation of the methodology to determine development potential considering factors, including the extent to which existing uses may constitute an impediment to additional residential development, development trends, market conditions and regulatory or other incentives to encourage additional residential development (Section 65583.2(b)(7))		
Demonstration of zoning to accommodate the housing need for lower income households (Section 65583.2(c)(3)) and (d) – (f))		
<ul style="list-style-type: none"> • Indicate those sites that can accommodate lower income households • Indicate those sites where the density allowed is at the “deemed appropriate” [default] density (65583.2(c)(3)(B)) • For sites that can accommodate lower income households, but with allowed densities less than the “deemed appropriate” density, provide analysis demonstrating how the adopted densities accommodate the need for lower income housing. The analysis must include: <ul style="list-style-type: none"> ○ Market demand ○ Financial feasibility ○ Project experience within a zone providing housing for lower income households (65583.2(c)(3)(A)) 		
Map of Sites included in the inventory (Section 65583.2(b)(7))		
Number of units built between the start of the projection period and the deadline for adoption of the housing element (Government Code Section 65583.1(d))		
Number of units proposed using alternative provisions such as rehabilitation, conversion, preservation or second units (Section 65583.1). See checklist at http://www.hcd.ca.gov/hpd/housing_element2/examples/655831Checklist.pdf)		



	Page(s)	Comments
Identification of zoning for a variety of types:		
Multifamily rental housing		
Factory-built housing		
Mobilehomes		
Housing for agricultural employees		
Emergency shelters (See Section 65583(a)(4) and the Department’s memo at http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf)		
Transitional and supportive housing (See Section 65583(a)(5) and the Department’s memo at http://www.hcd.ca.gov/hpd/sb2_memo050708.pdf)		
Carryover obligation (AB 1233: Section 65584.09 – See memo at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_1233_final_dt.pdf)		



Quantified Objectives and Housing Programs (Section 65583(b) and (c)(1 through 6)) (See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/PRO_home.php)		
	Page(s)	Comments
Provide statement of quantified objectives (Section 65583(b)):		
<p>Maximum number of units, by income group, including extremely low-income of:</p> <ul style="list-style-type: none"> • new construction; • rehabilitation; and • conservation. 		
Include programs (Section 65583(c) and (c)(7)) with:		
<ul style="list-style-type: none"> • Schedule of specific actions; • Timeline for implementation with a beneficial impact in the planning period; and • Identification of agencies and officials responsible for implementing each program. 		
Program(s) providing adequate sites (Section 65583(c)(1)):		
Programs to rezone and any other programs needed to address a shortfall of sites to accommodate the regional housing need, if applicable, and any programs included pursuant to Section 65583.2(h) and (i) or carryover obligation pursuant to Section 65584.09		
Programs to rezone and any other programs needed to address a shortfall of capacity for housing for farmworkers that could not be accommodated on sites identified in the inventory, if applicable.		
If applicable, programs to facilitate a variety of housing types, including multifamily rental, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single room occupancy, emergency shelters and transitional and supportive housing		



	Page(s)	Comments
Programs to assist in the development of housing for extremely low, very low, low and moderate income households (Section 65583(c)(2))		
Program(s) to address governmental constraints (Section 65583(c)(3)):		
Programs to address governmental constraints and where appropriate and legally possible, to remove constraints to the maintenance, improvement and development of housing		
Program to remove constraints on housing for persons with disabilities and provide reasonable accommodation for housing for persons with disabilities		
Program(s) to conserve and improve the condition of the existing affordable housing stock (Section 65583(c)(4))		
Program(s) to promote housing opportunities for all persons (Section 65583(c)(5))		
Program(s) to preserve at-risk units (Section 65583(c)(6))		



Other Requirements		
(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/OR_home.php) and http://www.hcd.ca.gov/hpd/housing_element2/SIA_conservation.php)		
	Page(s)	Comments
Description of general plan consistency (Section 65583(c)(7))		
Analysis of construction, demolition and conversion of housing for lower income households in the Coastal Zone (Section 65588)		
Description of opportunities for energy conservation in residential development (Section 65583(a)(8))		
Water and Sewer Priority (Section 65589.7) See the HCD Memo at http://www.hcd.ca.gov/hpd/memo_sb1087.pdf . *		
SB 5 and AB 162 (Flood Hazard Land Management) See the HCD Memo at http://www.hcd.ca.gov/hpd/hrc/plan/he/ab_162_stat07.pdf *		
SB 244 (Disadvantaged Communities) See Governor’s Office of Planning and Research for technical assistance at http://opr.ca.gov/ *		
* These are not required for a complete housing element and are not required to be part of the housing element and have been include as an information item to assist local governments in meeting requirements triggered by the housing element update schedule.		

Housing Element Update Guidance



Attachment 3: Streamlined Update Template



Housing Needs Assessment (Section 65583(a)(1 and 2)) (See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/HN_home.php)		
	Revised Page(s)	Indicate N/A If No Changes Were Necessary
Update quantification of population, employment, and housing stock needs including:		
• Population		
• Employment		
• Households		
• Overpayment (including lower-income)		
• Overcrowding		
• Extremely Low Income Households		
• Housing conditions		
Sources of information:		
<ul style="list-style-type: none"> • 2010 Census at http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t • American Community Survey at http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t • Department of Finance at http://www.dof.ca.gov/research/demographic/ • Applicable Federal Consolidated Plan • Available local and regional data (e.g., local census of homeless persons or shelter beds) 		
Special Note: If a jurisdiction has utilized a data packet pre-approved by HCD such as in SANDAG, SCAG and SACOG, mark N/A above where appropriate and indicate the data packet has been utilized. The Department will not review the portions noted in the applicable correspondence to the Council of Governments. Contact HCD for more details or questions.		
Update analysis and conclusions as necessary due to changes in population and households characteristics or other dynamics for population, employment, households, overpayment, overcrowding, extremely low income households and housing conditions		
Update policies and programs as necessary to reflect changes in the analysis and conclusions and other pertinent assessments of need such as the federal Consolidated Plan		



Persons with Special Needs (Section 65583(a)(7)) (See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/HN_SHN_home.php)		
	Revised Page(s)	Indicate N/A If No Changes Were Necessary
Update quantification of special housing needs groups, including:		
• Persons with disabilities, including developmental		
• Elderly		
• Large households		
• Farmworkers (seasonal and permanent)		
• Female headed households		
• Homeless Individuals and Families		
Sources of information:		
<ul style="list-style-type: none"> • 2010 Census at http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t • American Community Survey at http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t • Department of Finance at www.dof.ca.gov/research/demographic • CA Department of Developmental Services at www.dds.ca.gov • Agricultural Census at http://www.agcensus.usda.gov/Publications/index.php • Applicable Federal Consolidated Plan and local and regional data (e.g., local census of homeless persons or shelter beds) 		
Special Note: If a jurisdiction has utilized a data packet pre-approved by HCD such as in SANDAG, SCAG and SACOG, mark N/A above where appropriate and indicate the data packet has been utilized. The Department will not review the portions noted in the applicable correspondence to the Council of Governments. Contact HCD for more details or questions.		
Update analyses and conclusions, as necessary, due to changes in housing needs or other dynamics, for persons with special needs		
Quantify and analyze persons with developmental disabilities as required by Government Code Section 65583 (e) (See the Department’s memo at http://www.hcd.ca.gov/hpd/NoticeCoverLtrSB812.pdf)		
Revise programs as appropriate including pursuant to Section 65583(e) (Developmental Disabilities) to address need based on revised data/analyses		



At-risk Units (Section 65583(a)(9)) (See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/EHN_atrisk.php)		
	Revised Page(s)	Indicate N/A If No Changes Were Necessary
Update the inventory of at-risk units , removing units no longer at risk and adding any additional units that are at-risk of conversion within 10 years from the start of the housing element planning period		
Special Note: If a jurisdiction has utilized SACOG's Housing Element Data to update the inventory, mark N/A where appropriate above and indicate the data has been used. The Department will not review the updated inventory. Contact HCD for more details.		
Analyze risk of updated inventory of at-risk units		
Evaluate the loss of any at-risk units		
Revise policies and programs as appropriate based on update analysis and conclusions		

Potential Governmental and Non-governmental Constraints (Section 65583(a)(5 & 6)) (See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/CON_home.php)		
	Revised Page(s)	Indicate N/A If No Changes Were Necessary
<u>Land Use Controls</u>		
<ul style="list-style-type: none"> Update to show changes to land use controls including changes in residential zoning and/or development standards (e.g., heights and lot coverage, parking requirements, minimum unit sizes, floor area ratios, density limits,) Update to describe changes to growth controls or similar measures such as population or unit caps or voter required general plan re-designations or voter required approval of changes in land use laws or regulations 		



	Revised Page(s)	Indicate N/A If No Changes Were Necessary
<p><u>Building Codes and Enforcement</u></p> <ul style="list-style-type: none"> Update to describe changes to local building code, amendments and enforcement programs 		
<p><u>Site Improvements</u></p> <ul style="list-style-type: none"> Describe changes to site improvement requirements 		
<p><u>Permitting Processes and Procedures</u></p> <ul style="list-style-type: none"> Update to show revisions to processing and permit procedures for residential development (e.g., design review process, change in level of review (administrative vs. legislative review: ministerial vs. discretionary review)) 		
<p><u>Fees and Exactions</u></p> <ul style="list-style-type: none"> Update changes to fee schedules Update changes to other exactions 		
<p><u>Housing for Persons with Disabilities</u></p> <p>Update to describe any new restrictions or revisions regarding approval of housing for persons with disabilities such as concentration requirements, limits on the number of unrelated persons or provisions for making reasonable accommodations</p>		
<p><u>Non-governmental Constraints</u></p> <p>Update land costs, financing availability and construction costs as necessary and consider other potential non-governmental constraints, such as resident or business opposition to development, as appropriate</p>		



	Revised Page(s)	Indicate N/A If No Changes Were Necessary
<p><u>General (Changed Circumstances)</u></p> <p>For each category above, update analyses, as needed, to reflect changes in conditions or circumstances such as market conditions, land costs, financing availability, and construction costs that effect the conclusions of the analyses on potential governmental constraints in the prior element</p>		
<p><u>Programs to Mitigate Identified Constraints</u></p> <ul style="list-style-type: none"> Describe programs to mitigate identified constraints in the prior housing element Revise policies and programs as appropriate to address identified constraints 		

Sites Inventory and Analysis (Section 65583(a)(3) and 65583.2)) (See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/SIA_home.php)		
	Revised Page(s)	Indicate N/A If No Changes Were Necessary
Identify any changes to the sites inventory		
Update or include analysis or description as necessary to demonstrate zoning appropriate to accommodate housing for lower income households pursuant to Section 65583.2(c)(3) and (d) – (f)		
Update or include analysis or description as necessary to demonstrate the potential for redevelopment pursuant to Section 65583.2(b)(7)		
Analyze any new known environmental constraints or changed conditions and circumstances such as market conditions that affect the suitability of identified sites		
Update methodologies as necessary to estimate the residential capacity on identified sites		



	Revised Page(s)	Indicate N/A If No Changes Were Necessary
Revise analysis of existing and/or planned infrastructure capacity (e.g., water and sewer) to accommodate the regional housing need, if needed (e.g., capacity or availability has changed)		
Include a summary table of sites included in the inventory by income category in comparison to the RHNA and, if applicable, any carryover obligation (Section 65584.09)		
Add programs to rezone and any other programs needed to address a shortfall of sites to accommodate the regional housing need, if applicable, and any programs included pursuant to Section 65583.2(h) and (i) or carryover obligation pursuant to Section 65584.09		
Update analysis as necessary to demonstrate sufficient capacity to accommodate the need for emergency shelters		

Other Requirements

(See Building Blocks at http://www.hcd.ca.gov/hpd/housing_element2/OR_home.php) and http://www.hcd.ca.gov/hpd/housing_element2/SIA_conservation.php)

	Revised Page(s)	Indicate N/A If No Changes Were Necessary
Update description to ensure consistency with other elements of the general plan if policies or programs have been adopted in other elements of the general plan affecting internal consistency		
Update to describe, as necessary, housing for lower or moderate income households that has been constructed, demolished or converted in the Coastal Zone		

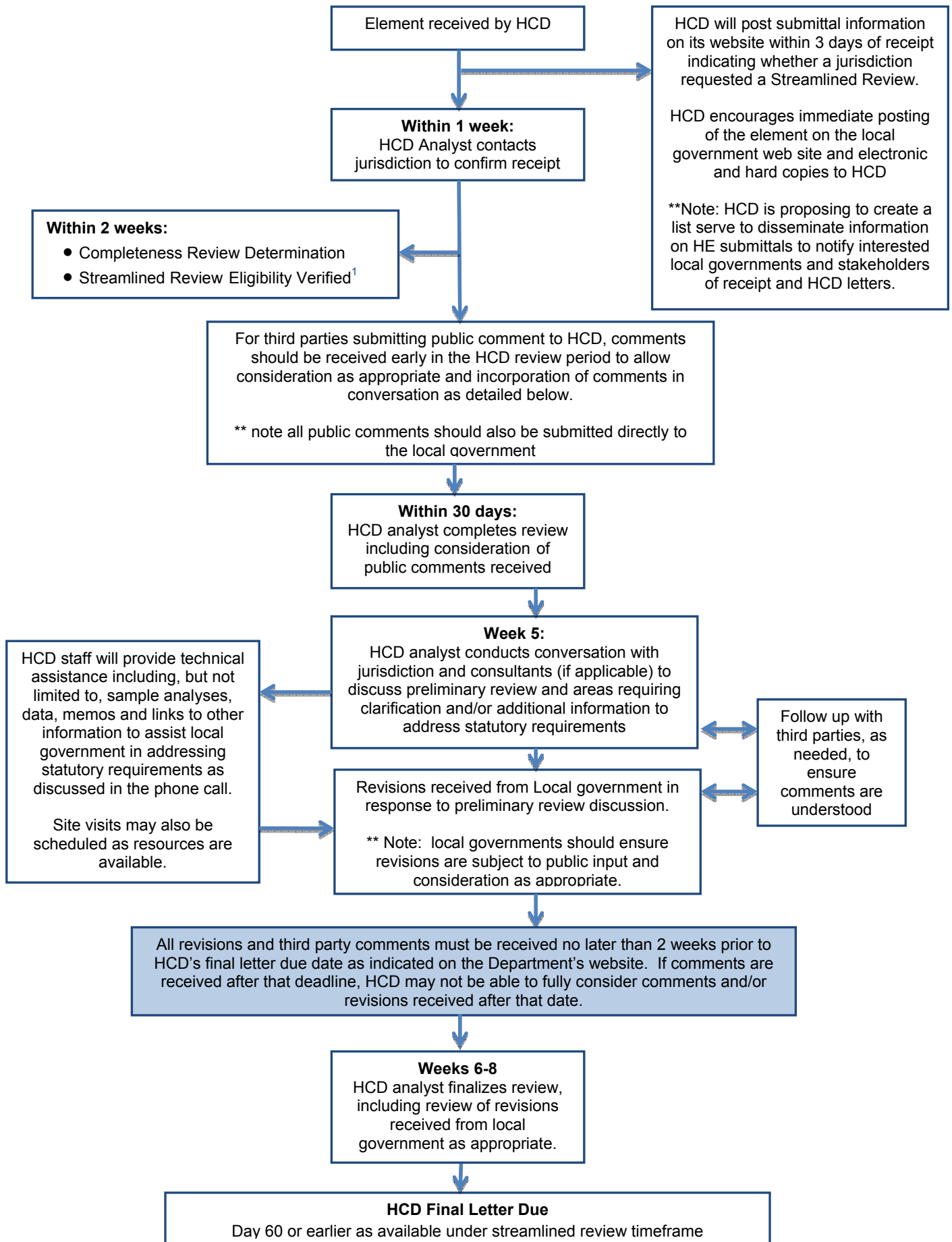
Housing Element Update Guidance



Attachment 4: HCD Housing Element Review Process

HCD Housing Element Review Process

The chart below is provided to detail general steps and applicable timeframes for typical draft housing element submittals and is meant to complement the flow chart provided in HCD's Housing Element Update Guidance detailing review steps for standard and streamlined draft reviews. The statute provides 60 days for HCD's review of draft housing element submittals. Uncertainty of workload and the number of submittals under review at a given time makes it difficult to commit to shorter timeframes for review of streamlined reviews. The Department will, however, grant priority review status for elements eligible to receive a streamlined update based on the criteria provided in the Department's Update Guidance. Provided resources are available, the Department anticipates streamlined reviews would be completed in less time than the timeline presented below.



¹ HCD is available to verify Streamlined Update eligibility in advance of submittal. If advance eligibility determination has been made, initial review step would consist of completeness review only.



CITY COUNCIL AGENDA ITEM NO. 6.3

SECTION 6: NEW BUSINESS

Meeting Date: October 13, 2014
Subject: Authorize Staff to Bring Forth the Vacation of Fourth Street Right-of-Way through the City Approval Process
Enclosures: Area Map
Presented By: Jaylen French, Community Development Director

Approved By: _____

Staff Recommendation:

Authorize staff to bring forth the vacation of Fourth Street right-of-way (ROW) through the City approval process.

Background and Overview:

Staff has been working with the Embree Group—who is a real estate, engineering and construction firm retained by Dollar General—on a potential store over the last several months. In that time, the Embree Group/Dollar General has begun initial discussions with property owners to secure land; and with the City to obtain the necessary permits and entitlements to construct a new store in the City.

On October 1, 2014, the Embree Group formally notified staff that Dollar General had approved moving forward with a location in downtown Hughson. The proposed site is on, and adjacent to, Fourth Street between Hughson Avenue and Charro Street (alley), i.e. the public parking lot.

The next step in the planning/development process is to seek city approvals for vacating the Fourth Street right-of-way. This item is to initiate that City approval process.

Discussion:

According to staff's research, the City does not own the land under the subject area; it simply controls the ROW, which it now utilizes as a public parking lot. Should the City vacate the ROW, the underlying fee title would belong, in equal shares, to the adjacent property owners. Embree Group/Dollar General has recently secured the land through purchase contracts on either side of the subject area. Therefore, if the subject area is vacated, Embree Group/Dollar General would own the land in fee. This would provide the opportunity to construct the proposed building.

To arrive at this determination, Staff spoke with the Stanislaus County Surveyors Department, reviewed City incorporation documents, performed general research on similar instances and discussed with City legal counsel. Through this research, the City discovered:

- The ROW predates the incorporation of Hughson as a general law city.
- The City only has ROW for street/roadway purposes (and thus does not own the underlying land in fee).
- At some point in the past, the ROW extended past Whitmore Avenue until the area over the existing school was assumedly vacated, leaving only the truncated ROW south of Hughson Avenue to Charro Street (alley).
- The ROW has not been used for through traffic for well over five (5) consecutive years, but vehicles can access Charro Street (alley).
- The ROW has been utilized as a parking lot for well over five (5) consecutive years.
- No public money has been expended for over five (5) consecutive years on the ROW.

California Streets and Highways Code Sections 8320-8325 set forth a procedure whereby a municipality can vacate right-of-way at its discretion. However, it must conduct a hearing and accept evidence on whether or not the ROW is unnecessary for present or prospective public use. If it finds that the ROW is not necessary for public use, then the municipality (City Council in this case) may formally vacate the ROW.

The following is the recommended procedures for vacating the subject ROW. The Planning Commission would review the item and make a determination on whether the vacation is consistent with/conforms to the General Plan. Ultimately, the Planning Commission will provide this determination to the City Council and make a recommendation. Assuming that the Planning Commission determines that the vacation conforms to the General Plan, the City will then provide a notice initiating the vacation procedure and staff will set a public hearing before the City Council. After the Public Hearing has closed, if the Council finds from all presented evidence that the ROW is unnecessary for public use, the Council may adopt a resolution vacating the ROW.

This item is to seek Council direction to staff to send this item to the Planning Commission. If so directed, the item could go to the Planning Commission at the October 21st meeting. Should the Commission concur that the vacation conforms to the general plan, the required public hearing will be set for the November 11th Council meeting, at which time the Council, via resolution, could vacate the right of way. If the item progresses, staff will ultimately recommend that the vacation is contingent on actual construction on the proposed site, so that if the project were to not move forward, the use could remain as is.

Fiscal Impact:

There is no fiscal impact associated with vacating the Fourth Street ROW, as this area is currently being utilized as a free public parking lot.

