

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, February 7, 2008

A regular meeting of the Waterford City Council was called to order by Mayor Broderick-Villa at 6:30 pm at the Waterford Community Center, 540 "C" Street, Waterford, CA 95386.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE: Mayor Broderick-Villa

INVOCATION: Pastor Pete Mar

ROLL CALL PRESENT: [6:30:16 PM](#)

Present Mayor Broderick – Villa
Vice-Mayor Krause
Council Member Goeken
Council Member Weaver
Council Member Aldaco

Absent None

Also Present Charles E. Deschenes, City Administrator
Patricia Lee, Deputy City Clerk
Arthur Godwin, Deputy City Attorney
Darin Gharat, Chief of Police

ADOPTION OF AGENDA: [6:31:16 PM](#)

Deputy City Attorney Godwin explained to the Council that an item came to the attention of City Administrator Deschenes after the agenda had already been posted. The item is in regards to a Stanislaus County Transportation Tax. Mr. Deschenes explained that the need to add the item to the agenda stemmed from the fact that Stancog was having a meeting on the 13th before the next Waterford City Council meeting, and that Mr. Deschenes would like to be able to give indications on whether Waterford is for or against the increase. Aldaco moved, seconded by Krause, the motion to amend the agenda, adding item 6f, Stanislaus County Transportation Tax as recommended.

Ayes: Broderick-Villa, Krause, Goeken, Weaver and Aldaco
Nays: None
Absent: None

Motion passed by majority

1. CONSENT CALENDAR: Goeken moved, seconded by Krause, to adopt the consent calendar.

Ayes: Broderick-Villa, Krause, Goeken, Weaver and Aldaco
Nays: None
Absent: None

Motion passed by majority

- 1a: RESOLUTION 2008-08: Warrant Register
- 1b: Minutes of the Regular Meeting held on January 17, 2008
- 1c: Waterford Police Services Report – October 2007
- 1d: Waterford Police Services Report – November 2007
- 1e: Waterford Planning Commission DRAFT Minutes – November 27, 2007
- 1f: Waterford Planning Commission DRAFT Minutes – December 18, 2007

2. PRESENTATIONS: None

3. COMMUNICATIONS FROM THE AUDIENCE: [6:32:35 PM](#)

Nicole Fritz of 320 N. Western Ave. came to tell the Council that there are speeders on Western ave., that there was a near head on collision because of the increased traffic. Mrs. Fritz wants to know what the Council is going to do to rectify this problem.

Sheryl Bolen 325 N. Western Ave thanked the Council for the wonderful improvements but was concerned as well about the speeding that is now occurring on the street. Mrs. Bolen asked if a counter could be placed on N Western to monitor traffic. Chief Gharat asked about specific times that the speeding seems to be occurring, to which Mrs. Bolen replied around work times, when people are leaving or coming home from work. CM/Weaver thanked the ladies for their comments.

Comment from Mayor Broderick-Villa explained that Friday is “wear your college logo to work day”. Mayor Broderick-Villa announced that he would be moving to east coast for law school at Georgetown University in the fall. Mayor Broderick-Villa commented that he will not be running for re-election. He stated he will miss Waterford and will keep his residence here for the time being. Mayor Broderick-Villa would like to take a brief recess in order to talk to the Modesto Bee.

10 minute recess – meeting recessed at 6:38 pm.

Meeting reconvened [6:49:05 PM](#)

4. PUBLIC HEARING ITEMS: None

5. UNFINISHED BUSINESS:

5a: DISCUSSION: Relating to Update on the Government Center Project:

[6:49:15 PM](#) Mr. Deschenes and Chief Gharat had a meeting with the County, which the news looks promising. It appears that the County will be taking the decentralization concept to the Board of Supervisors on the 26th. It is hoped that the outcome of this meeting is that the Supervisors will endorse the decentralization concept for Waterford and Patterson and authorize the CAO's office to negotiate a contract with these Cities about space and occupancy, etc. Mr. Deschenes also spoke with the Architect and will be meeting soon to discuss space allocation using projected staffing in seven years as a guideline.

5b: RESOLUTION 2008-09: A Resolution Recognizing Sections 1, 2, and 5 of the City of Waterford Handbook Titled, “Handbook for Newly Elected Officials” as a Guide of Reference Relating to City Council Meeting Rules and Procedures:

[6:52:36 PM](#) Mr. Deschenes explained that there has always been informal guidelines for the Council to follow, but that there now seem to be a need to make something more formal. So the Council has been given a Guide of Reference to rules and procedure. CM Weaver likes the guidelines and procedures and feels that the Council should have a workshop to go over them before approving them. Item continued until Council Workshop.

5c: DISCUSSION: Relating to New City Hall Modular Security System:

[6:54:26 PM](#) Mr. Deschenes commented that the Council has discussed this item for a couple of meetings and that City staff had recommended the coded alarm system, with individual access codes as well as key access to the main lobby area only after hours. For clarification, the item has been brought back to the Council.

Goeken moved, seconded by Krause, to adopt staff recommendations as recommended. 4-1

Ayes: Broderick-Villa, Krause, Goeken, Weaver
Nays: Aldaco
Absent: None

Motion passed by majority

6. NEW BUSINESS:

6a: RESOLUTION 2008-07: A Resolution Approving a Contract for Services Relating to Mandated Cost Claims:

[6:56:09 PM](#) Mr. Deschenes commented to the Council that the State of California process mandates that when local governments do a project, there is a system where we can recover our costs that are in compliance with their rules. The City engages a consultant every year to prepare the forms to try and get some of the costs back. We have used this consultant before and would like to have a contract with him again. CM Goeken wants to know how successful we have been in the past in recovering funds. Mr. Deschenes has explained that in the past the State has suspended its mandated cost payments for a couple of years and the City may still be under that suspension, but when it is lifted, we should be getting that money back.

Krause moved, seconded by Weaver, to adopt Resolution 2008-07, as recommended.

Ayes: Broderick-Villa, Krause, Goeken, Weaver and Aldaco
Nays: None
Absent: None

Motion passed by majority

6b: DISCUSSION: Relating to Council Consideration to Authorize the Application for Grant Funds for the Downtown Waterford Project and Authorizing Funding to Start the Engineering and Environmental Work on the Downtown Waterford Project:

[6:58:09 PM](#) Mr. Deschenes spoke to the Council that this items dovetails into two different items, the first being the project prioritization that was presented by City Engineer Tony Marshall as well as the CEDS grant. The two projects that were at the top, the downtown improvements, the Bentley and E street intersections, then the Down Town streets, east of F street. Mr. Deschenes wants to make sure that the priorities are correct and as the Council wanted. In conversations with the CDGB coordinator, who is also working with the CEDS grants, has agreed to help put an application together that will be a 50/50 grant. We would apply for \$500,000 which consists of proposition 1B money (\$400,000) and then the RDA funding (\$100,000) would provide our 50/50 match to see if we are successful in receiving the funding to do the Down Town project. If we are not successful then we would propose to do the work on E street and extend it until we run out of money. If the Council agrees, Mr. Deschenes will formalize the application for the CEDS funding and have our coordinator pursue it vigorously. The motion would also authorize the City to file for the 1B money to assist in the project especially on the E street portion. CM Weaver asked about the timeline to receive the funds? Mr. Deschenes responded that the Feds seem to be in a hurry to get these funds out in order to stimulate the economy so it is possible for this construction season. CM Goeken commented that when the Federal Representative came to the Economic Development meeting, it was said that Stanislaus County has not had a project through this funding in several years and that they are looking to do something in this area. If we were to push forward, we would probably be the first one out of the County and would have a real good shot at getting the money.

Weaver moved, seconded by Aldaco, to move forward in pursuing the CEDS funding as recommended.

Ayes: Broderick-Villa, Krause, Goeken, Weaver and Aldaco
Nayes: None
Absent: None

Motion passed by majority

6c: DISCUSSION: Relating to Ideas and Suggestions for a Community-Wide Clean Up Day to Help Beautify Areas of the City of Waterford:

[7:03:22 PM](#) Mr. Deschenes explained that CM Goeken wanted this item on the agenda and felt it was a good idea. CM Goeken expressed to the Council that every year on Earth Day different groups have different clean ups around the County and various Cities. CM Goeken has already spoken with Community Baptist Church and some of the people at the High School, and there seems to be a lot of interest. There are a lot of areas around Waterford that could use the clean up and a lot of people who love the community and want to give back and help. CM Goeken felt that coordination can be done with the help of Parks and Recreation and Public Works, to see exactly where in the City some clean up efforts could be focused. VM Krause commented that the clean up down at the River park a year or so ago was very successful and would like to see something like that for the Community. CM Weaver felt that Public Works could help prioritize the projects and the community could provide the manpower to get it done. Daniel Padrnos of Covey St commented that when out walking with his grandchildren, they get citizenship awards for picking up trash and that it would be a great way to get kids involved too. Mr. Deschenes suggested that forming a committee would be the best way to insure success of this idea and will make some inquiries as to get the efforts organized.

6d: RESOLUTION 2008-10: A Resolution Accepting the Classification and Compensation Study Final Reports as Complete:

[7:07:47 PM](#) Mr. Deschenes commented that this has been before the Council for awhile now, and that it is now ready for acceptance from the Council. It is a guideline, an experts opinion and not infallible. It is something to be used to look at the City and make improvements to the City's compensation package. This is part of the memorandum of understanding with the employee association.

Goeken moved, seconded by Krause, to approve Resolution 2008-10 as recommended.

Ayes: Broderick-Villa, Krause, Goeken, Weaver and Aldaco
Nayes: None
Absent: None

Motion passed by majority

6e: DISCUSSION: Relating to Fiscal Year 08/09 CDBG and HOME Planning and Infrastructure:

[7:09:07 PM](#) Mr. Deschenes explained that CBDG funds have played an increasing role in the community, being a major contributor in the Western ave. project. Another project this year that we are seeking approval on for CDBG funds is the Skyline park project and then next year, two projects. Brethren Park and the valley gutters in the downtown area. The problem with CDBG funds is that they are pretty specific on where they can be used. So depending on the timing of the grants we are applying for, these funds may also be of assistance in down town. CDBG funds are targeted and have to be in certain areas and targeted income groups, so the funds are not universal. The City also applied for a home grant to improve Waterford Garden Apartments, which has low to moderate income units in it. Originally constructed with USDA grant which designated the units, and that designation is set to expire. If this grant goes through the designation would remain the same. Mr. Deschenes commented that the City has started a rehab program with monies from

the first time home buyers program which have been repaid. These monies would allow home owners to be able to make repairs to their homes if qualified. Mr. Deschenes informed the Council that he would like to start a First Time Home Buyers program again for the City of Waterford, and is currently working with the County Consortium on how to go about doing it. Mr. Deschenes would like to know if the Council would like him to keep heading in this direction.

6f: **DISCUSSION:** Relating to the Proposed Stanislaus County Transportation Tax Increase.
[7:14:09 PM](#) Mr. Deschenes informed the Council that the County is proposing to put a 1/4 cent Transportation Tax item on the upcoming ballot. The proposal that has been discussed is that the tax would be divided into two equal parts, one part to city for local road maintenance/rehabilitation and then the other would be for regional projects. The Regions would be divided into thirds, the North, South and the Central quarter. The North Quarter is the deviated Oakdale bypass, an east/west express way to move traffic between 108 and 99. The Central Quarter is HWY 132 east and west, which can certainly use some work. The South Quarter relates to an extension of Main out to Patterson and an interchange at Service and Mitchell to facilitate traffic at 99. The County has stepped up to the plate and guaranteed that the Cities will get the higher of either population distribution or a distribution based on sales tax distribution. In order to fund this, the County is taking the lower of the population or sales tax generation, and the difference is going to the Cities. Mr. Deschenes felt that this is a good deal for Waterford and is impressed that the County stepped up and made that commitment. StanCOG is having a meeting on the 13th of February and the board is going to entertain how to approach this and Mr. Deschenes wanted to be able to give Waterford opinion on the issue. CM Goeken commented that the big push behind this tax is so that Stanislaus can become a 'self help' County. Where the County can use these funds in order to match projects from the State and Federal Government, which Stanislaus County has been missing out on, and our neighbor San Joaquin County has been getting the bulk of the transportation funds. The terms that the City is looking at getting back is 3 to 4 fold of what we would be paying since the dollars can be used as leverage for further funds that the State and Feds are sitting on. Goeken moved, seconded by Krause, to support the concept of the proposed Transportation Sales Tax, as recommended.

Ayes: Broderick-Villa, Krause, Goeken, Weaver and Aldaco
Nayes: None
Absent: None

Motion passed by majority

7. COMMENTS:

7a: Law Enforcement Comments/Reports:

[7:20:39 PM](#) Chief Gharat reported back that the residence on Welch Street is making progress in getting cleaned up. There is still a ways to go and no more complaints have been received thus far about the residence. The Neighborhood Watch meeting on Jan. 22nd had a great turn out, about 30-35 people. One follow up meeting was conducted and they are planning on another in the near future. Mr. Deschenes has provided some community maps for the committee. The ultimate goal is to expand the neighbor hood watch throughout the City for a more positive impact. The Sheriff has moved into the old City Hall part of the building and thanked the City Staff for all the work in order to help get that done. There will be an open house on Friday around noon with pizza and soda and welcomes everyone to come by. Finally, on Tuesday evening the Lions club asked Chief Gharat to come to their annual speech contest where he had a wonderful time.

7b: City Attorney Comments/Reports:

[7:23:43 PM](#) Deputy City Attorney Godwin passed out a memo prepared by Mr. Browning in regards to inquiries made at the last meeting of how a meeting should proceed. Roberts Rules of order can be used, but it is actually recommended that they are not, since they are not really made for City Council

format. Other than items such as the Brown act and certain procedural requirements (such as adopting ordinances etc.), there are no real formal guidelines that the City has to follow.

7c: City Administrator Comments/Reports:

[7:25:42 PM](#) City Administrator Deschenes announced that the new Recycling program from Waste Management is underway, the City is getting lots of phone calls and questions, but that the majority of folks are getting the hang of it just fine. Mr. Deschenes let the Council know that he gets periodic inquiries about a discount if customers pay their sewer bill in advance, the City is not currently equipped to do this as of yet, but that something like this can be added into the Waste Water Rate Study. Enterprise zone update, Mr. Deschenes spoke with City Planner Borchard yesterday about it, and that the property list and map needed is being put together at the City Engineers office and should be available around the end of the month. Mr. Borchard plans to have some public hearings and workshop for the community. Executive session items consist of Real Property Negotiations and discussion of some property that has come available, as well as an update on the Sheriffs contract. Mr. Deschenes wanted to make a brief comment on the proposal from City Engineer Tony Marshall, there are two projects on the top portion where it was stated that funding was identified. Mr. Deschenes wanted to clarify that the funding is not "in the bag" yet. The Welch St Strip Park project where the cost was projected at \$240,000, there are not funds currently for this project, and the City is considering doing a lot of the work 'in house'. The City is proposing to use MID irrigation water to service this park and may look at other parks in the future to switch of the City of Modesto system as well. The only drawback is the timing of the irrigation season, where the grass may get a little brown before the season starts, but the cost savings and green appeal overrides this. The other project is the Western Ave / Hwy 132 intersection, the construction money has not been secured yet. Mr. Deschenes explained that sometimes in StanCOG, there is a delay in projects that are from other entities that the funding has deadlines on, this being a congestion mitigation air quality type of project. If an entity has an 'on the shelf' project, they can take it off the shelf and go out to bid and award them within 45 days, the City can sometimes pick up the funds that others can't use in a timely manner. So that is the strategy that is being applied with this project. The City will also pursue an application with the Congestion Mitigation Air Quality Grant. So, in order to get this project done this construction season, the City will need to pick off someone else's funding.

7d: City Council Comments/Reports:

[7:33:35 PM](#) CM Aldaco commented that Heritage Days is once again in the planning stages, the next meeting will be February 20th at the Middle School at 11. Heritage Days has been scheduled for May 10th. Waterford Middle School had its Second Annual Literacy Day and Mr. Aldaco wanted to thank the Bank of the West, the Lions Club, and Mr. Borchard from the City of Waterford for their participation. Mr. Aldaco encouraged the Community to stick with the new recycling program that it will just take time to get used to as well as to take advantage of Dial a Ride.

[7:34:36 PM](#) CM Weaver wanted to thank Tony Marshall for the great project list. CM Weaver also thanked Chief Gharat for the hard work on the Neighborhood Watch Program. CM Weaver also commended CM Goeken on the Waterford Clean up idea, as well as said Hi to a few faithful viewers of the Council Meeting.

[7:35:24 PM](#) CM Goeken commented on the Lions Club Speech contest, that the two young ladies who competed did a fantastic job. Congratulation to the Academic Decathlon and Mrs. Mercer who came in Second and will be proceeding to State Competition. CM Goeken also wanted to remind the Community about the Lions Crab feed and to remind folks to get their tickets.

[7:36:10 PM](#) VM Krause encouraged the community to be patient with the new recycling program and congratulated Mayor Broderick-Villa on acceptance to Law School.

[7:36:32 PM](#) Mayor Broderick-Villa also encouraged patience with the recycling program as well as gave congratulations to Mrs. Mercer and the Academic Decathlon on their Second place win and highest score as well as individual score. Mayor Broderick-Villa also thanked the Council for allowing the impromptu recess.

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [7:37:35 PM](#)

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on February 21, 2008, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Lori Martin, CMC, City Clerk

William Broderick-Villa, Mayor

CLOSED SESSION:

Item 9a: "CONFERENCE WITH LEGAL COUNSEL, PENDING LITIGATION"
(PURSUANT TO GOVERNMENT CODE SECTION 54956.9)
None.

Item 9b: "CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION" (PURSUANT TO
GOVERNMENT CODE SECTION 54956.9)
None.

Item 9c: "CONFERENCE WITH REAL PROPERTY NEGOTIATOR"
(PURSUANT TO GOVERNMENT CODE 54956.8)

Direction given to Negotiator by Council.

Item 9d: "CONFERENCE WITH LABOR NEGOTIATOR"
(Pursuant to Government Code Section 54957.6) Charles Deschenes, City Administrator,
Designated Labor Negotiator

Direction given to Negotiator by Council.

Item 9e: "PUBLIC EMPLOYEE PERFORMANCE EVALUATION"
(Pursuant to Government Code Section 54957)

None.

Item 9f: "PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE"
(Pursuant to Government Code Section 54957)

None.

Item 9g: "PUBLIC EMPLOYEE APPOINTMENT"
(Pursuant to Government Code Section 54956.8)

None.

Item 9h: "CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY STATE LAW"
(Penal Code Section 832.7)

None.