

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, March 18, 2010

A regular meeting of the Waterford City Council was called to order by Council Member Goeken at 6:33PM at the Waterford Community Center, 540 "C" Street, Waterford, CA 95386.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE: [06:33:30 PM](#) Mayor Goeken

INVOCATION: [06:33:56 PM](#) Council Member Day

ROLL CALL PRESENT: [06:34:30 PM](#)

Present:
Mayor Goeken
Vice-Mayor Aldaco
Council Member Van Winkle
Council Member Krause
Council Member Day

Absent: None

Also Present:
Charles E. Deschenes, City Administrator
Lori Martin, City Clerk
Corbett J. Browning, City Attorney
Darin Gharat, Police Chief

ADOPTION OF AGENDA: Mayor Goeken asked for a motion to amend the agenda by tabling item 2b to the next meeting, Day moved, seconded by Krause, to adopt the agenda as amended.

[06:34:59 PM](#)

AYES: Goeken, Aldaco, Van Winkle, Krause and Day

NAYES: None

ABSENT: None

Motion passed by majority.

1. CONSENT CALENDAR: Van Winkle moved, seconded by Aldaco, to adopt the consent agenda.

[06:35:10 PM](#)

AYES: Goeken, Aldaco, Van Winkle, Krause and Day

NAYES: None

ABSENT: None

Motion passed by majority.

ADOPTION OF CONSENT CALENDAR:

- 1a: RESOLUTION 2010-22: Warrant Register
- 1b: Minutes of the Regular City Council Meeting held on March 4, 2010
- 1c: Building Report – February 2010
- 1d: Business License Report – February 2010
- 1e: FOG Permit Report – February 2010

- 1f: Wastewater Daily Flow Summary – February 2010
- 1g: Minutes of the Regular Parks & Recreation Commission Meeting held on December 8, 2009
- 1h: E-Mail Correspondence from the Waterford Community Alliance
- 1i: CMAQ Delivery Schedule Support Form – Program Cycle FFY 2010/11 & 2011/12
- 1j: Audit Letter for the FYE 06/30/09 Single Audit Report

2. PRESENTATIONS:

- 2a: Mayor Goeken to Present a Proclamation to Chaplain, Glen Stanford declaring the week of April 18th – 24th as Random Acts of Kindness Week [06:35:17 PM](#) Mayor Goeken read aloud the Proclamation proclaiming the Week of April 17th – 24th as Random Acts of Kindness Week.
- 2b: Mayor Goeken to Present a Proclamation to Pastor Don Crooker declaring Saturday, April 24th as “Make a Difference Day” in the City of Waterford: (Item continued to next meeting)

3. COMMUNICATIONS FROM THE AUDIENCE: [06:37:15 PM](#) None.

4. PUBLIC HEARING ITEMS:

- 4a: Open the 30 Day Public Comment Period for the Annual Action Plan 2010-11 that Includes:
 - 1. Approximately \$2,491,699 Housing and Urban Development Community Development Block Grant (CDBG) Allocation, \$1,129,172 Home Investment Partnerships Program (HOME) Allocation, \$109,687 Emergency Shelter Grant (ESG) Allocation
 - 2. The Amendment to the Annual Action Plan FY 2008-2009 Neighborhood Stabilization Plan (NSP); and
 - 3. The Amendment to the Consolidated Plan FY 2007-2012 [06:37:25 PM](#)

City Administrator Deschenes informed everyone that this is the County’s Annual Action Plan stating that the city gets an allocation of the \$2.5 million that is mentioned in the item and the city’s allocation is generally in the area of \$150,000 to \$200,000 per year. Deschenes explained that since the city is part of the countywide consortium we conduct public hearings and adopt the countywide plan.

Mayor Goeken opened the item to anyone wishing to give public comments. Mayor Goeken explained that this will be open for public comment for the next 30 days and comments can be made in any format and sent to City Hall.

- 4b: DISCUSSION: Relating to the Planned Purchase of Riverfront Parkland Property APN: 080-035-009: [06:39:15 PM](#) City Administrator Deschenes explained that the city is required by the grant application to notify adjacent land owners, MID, Stanislaus County, Water purveyors stating that letters have been sent as required. Deschenes stated that in addition to this the city is required to conduct a public hearing. Deschenes explained that this is in anticipation that the City will be successful in obtaining what is known as “The Lambert Property” located between the Caro Property and the Hickman Bridge which the city has been working on for many years to purchase. Deschenes stated that the City is currently in negotiations again with the land owners. Deschenes stated that upon successful negotiations the city intends to purchase the property. Deschenes recommended keeping this item on the next agenda to give the public more time to comment if they wish to.

[06:40:56 PM](#) Mayor Goeken opened the public hearing at 6:40PM.

[06:41:04 PM](#) Mayor Goeken closed the public hearing at 6:41PM with no comments offered from the public.

5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to Update on the Government Center Project: [06:41:18 PM](#) City Administrator Deschenes stated that he will be getting this committee back together again stating that it is budget preparation time and that he will be determining if there is enough cash flow in the RDA to finance the Police Station. Deschenes stated that RDA funds can not be used to build the City Hall, however RDA funds can be used to build the Police Station.
- 5b: DISCUSSION: Relating to Cost Savings and Revenue Enhancement Ideas and Input: [06:44:47 PM](#) City Administrator Deschenes stated that he did not have any new updates. Deschenes stated that he will be pursuing some grants for next year in the Planning Dept stating that there are some opportunities in regards to sustainable communities which we would like to compete for.

6. NEW BUSINESS:

- 6a: DISCUSSION: Relating to a Proposal from the Waterford Community Alliance to Conduct a Certified Farmers Market in Downtown Waterford: [06:45:38 PM](#) Dan Padrnos, Covey St. addressed Council with a request to do an annual certified farmers market. Mr. Padrnos stated that they would like to use the city owned property at E Street & Hwy 132. Mr. Padrnos stated that he has contacted several people in the farming business and has found there to be an interest in this. Mr. Padrnos stated he didn't want to go much further in the planning and preparation unless it was okay with City to do this. Mr. Padrnos stated that Brian Kline a local organic grower is in the audience to answer any questions stating that Mr. Kline participates in Farmers Markets and has served on Farmers Market Boards. Mr. Kline explained his experience with Farmers Markets from a vendor's perspective. Mr. Kline stated that city run Farmers Markets seem to run smoother than those that are not run by the city. After a question/answer period the consensus of the Council was to have staff collect some information in regards to insurance coverage and requirements for the participants. City Administrator Deschenes also recommended that this type of activity should be ran through another board, possibly the Parks & Recreation or another specially formed committee/board that would be appointed by the Council. City Attorney Browning chimed in on this discussion stating that he does not believe the city has any kind of structure in place right now to deal with this type of activity. Browning stated that there are basically 2 types of structures. One type of structure is where it is just a zoning issue and a separate entity runs it and it is a question where it is an allowed use. Browning stated the 2nd type of structure is where the municipality runs it stating further that the city does not have anything in place right now in regards to policy/procedure. Browning stated that if the Council would like to put something in place and we acted with lightening speed the soonest we could have something back would be the next meeting and it would most likely require a 2nd meeting to finalize the action. Browning stated that he has a good rapor with the City Attorney in Merced and if Council provides direction he would be happy to gather information from his sources in regards to city run Farmers Markets. Browning stated that it would be good to find out if there is a lot of interest from vendors to do this. Browning stated that would determine how quickly we get this done. Browning explained that if there isn't a lot of interest but everyone thinks it is a good idea, we can still put something in place for a later time; however we could do this at our own speed. Council gave direction to staff to tap into their resources for information and for Mr. Padrnos and Mr. Kline to do the same. Mayor Goeken stated that the Parks & Recreation does have interest in this and felt this would fall under the Recreation portion of the committee.

[07:06:47 PM](#) Teresa Powell, Parks & Recreation Commissioner, has asked many people in and around time if they would have an interest in a Farmers Market and stated that there does seem to be a lot of interest and excitement for something like this.

- 6b: DISCUSSION: Consider Authorizing the HDL Companies to Represent the City of Waterford at the Category Zero Mass Appeal Hearing to be held by the Board of Equalization: [07:08:26 PM](#) City Administrator Deschenes explained that there has been some challenges in regards to sales tax distribution on state wide basis. Deschenes explained that much of the sales tax goes into county pools and is distributed and some of the out of state companies have filed action that they want the monies to go to the places of origin where the orders are placed. Deschenes stated that for \$250 HDL Companies will do the initial representation for Waterford in this particular action. Deschenes explained that this action is filed with the Board of Equalization stating that the BOE will be the one to rule on this stating further that it is a Quasi-Judicial type of environment, however a very specialized area. Deschenes stated that he believes this will be dealt with rather expeditiously and recommended approval.

Day moved, seconded by Van Winkle, to authorize the HDL Companies to represent the City of Waterford at the Category Zero Mass Appeal Hearing, as recommended.

[07:11:04 PM](#)

AYES: Goeken, Aldaco, Van Winkle, Krause and Day

NAYES: None

ABSENT:None

Motion passed by majority.

- 6c: DISCUSSION: Relating to the County Stimulus Program: [07:11:10 PM](#) City Administrator Deschenes explained that the County has received NSP funds to buy foreclosed properties in Stanislaus County. Deschenes stated that the county then allocates portions of those funds on an individual city basis. Deschenes stated that the Housing Authority of Stanislaus County is the entity that administers this program. Deschenes explained that several homes have been purchased with these funds here in Waterford and have renovated or in the process of renovating and stated further that they have one in escrow to turn back over to a private owner. Deschenes stated that in their due diligence they have come across a few apartment buildings that have been on the market for quite some time. Deschenes stated that if the Housing Authority purchases these apartment buildings, they would renovate them, however they would then be ran and administered by the Housing Authority. Deschenes stated that we have a contract with the Housing Authority that would let us count these units toward our low and moderate income housing quota that the State requires. Deschenes pointed out the location of these units are on F Street and they are dilapidated buildings. Deschenes stated that with the County Housing Authority running the buildings he feels they will do a better job than the current situation and would be a community improvement.

Van Winkle moved, seconded by Aldaco, to approve the Housing Authority's purchase of the Apartment Building located at 408 F Street, Waterford, CA, as recommended.

[07:19:26 PM](#)

AYES: Goeken, Aldaco, Van Winkle, Krause and Day

NAYES: None

ABSENT:None

Motion passed by majority.

6d: DISCUSSION: Relating to a Request from Fire Chief Mayotte for a Waterford Representative to Participate in a Fire Department Assessment Center for Selection of a New Battalion Chief: [07:19:31 PM](#) City Administrator explained that this is a request that we get periodically. Deschenes stated that this is a panel participation where they have a dinner meeting the night before to discuss the process/procedure of the interview panel. Deschenes put this out to Council to see if any Council Members are interested in participating on this panel or if they know of anyone in the community that might be interested. Deschenes stated that he did not guarantee that we would find someone, but did promise to get this invitation out to Council and stated that he will let Chief Mayotte know one way or the other very soon. Mayor Goeken stated that he knows 3 Retired Fire Chief's that live in Waterford and would check with them and get back to the City Administrator with an answer in a timely manner.

7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [07:21:59 PM](#) Chief Gharat reported good results on a recent alcohol related enforcement project. Chief Gharat stated that his department is still taking a zero tolerance enforcement directive on speed issues along Hwy 132. Chief Gharat stated that he appreciates everyone keeping their speed down to ensure that we do not have any problems until the needed improvements are made.
- 7b: City Attorney Comments/Reports: [07:23:37 PM](#) City Attorney Browning commented on the real property acquisition that was on the agenda stating that is a pretty good step toward meeting the city's low and moderate income requirement which is also identified in the city's housing element. Browning requested closed session item discussion under Employee Performance Review to discuss and review the City Administrator evaluation under the G.C. authority 54957. Browning requested real property negotiations under G.C. 54956.8 and Anticipated Litigations under G.C. 54956.9 both of which are referenced and identified on the agenda.
- 7c: City Administrator Comments/Reports: [07:25:08 PM](#) City Administrator Deschenes informed Council that the \$30 per month stipend that the Council receives via an accounts payable check will be issued in their normal payroll check processing instead of a separate processing through accounts payable. Deschenes explained that the only disadvantage to this is that it will be subject to taxes; however it should be very minor. Deschenes informed Council that he recently sent out an RFP to MAI appraisers for appraisal services on a piece of property that the city may be interested in purchasing. Deschenes stated that he did not receive any responses and intends to look outside of our local area to obtain these services. Deschenes informed Council that there have been recent inquiries into the possibility of a skate park. Deschenes stated that he will probably refer this to the Parks & Recreation; however he has always had many areas of concern with this which he will pass along as well for consideration in their research. Deschenes stated that he did receive a response back from the River Pointe Homeowners Association in regards to the street sweeping and street light maintenance saying they are interested in a every other month service and informed Council that they will be seeing a contract on the agenda in the near future.

7d: City Council Comments/Reports:

Jose Aldaco: [07:30:58 PM](#) CM/Aldaco reported on a recent meeting with the Workforce Alliance. CM/Aldaco reported on his attendance at the Northern San Joaquin Valley Partnership for Agriculture and Environment.

Ken Krause: [07:33:35 PM](#) no comments.

CM/Van Winkle: [07:33:25 PM](#) CM/Van Winkle reminded everyone to come out to the La Grange Rodeo on March 28th and support their local Lions Club.

Murray Day: [07:31:59 PM](#) CM/Day reported on his attendance at the Emergency Services Planning Council Meeting.

Mayor Goeken: [07:33:39 PM](#) Mayor Goeken informed everyone that StanCOG is looking for someone to serve on the Bicycle Pedestrian Advisory Committee as a Waterford representative and asked that anyone that may be interested to contact City Hall.

ANNOUNCEMENTS:

ADJOURNMENT/RECESS: [07:34:37 PM](#) Mayor Goeken recessed the City Council meeting at 7:34PM. To reconvene to Closed Session directly following the recess. To reconvene to the City Council meeting to report on any action taken during closed session and to adjourn the City Council meeting directly following Closed Session.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on April 1, 2010, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Lori Martin, CMC, City Clerk

Charlie Goeken, Mayor

CLOSED SESSION:

Item 9a: "CONFERENCE WITH LEGAL COUNSEL, PENDING LITIGATION" (PURSUANT TO GOVERNMENT CODE SECTION 54956.9)

Direction given to City Attorney.

Item 9b: "CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION" (PURSUANT TO GOVERNMENT CODE SECTION 54956.9)

Discussion regarding SO "Fund Balance." Direction given to legal counsel.

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

Direction given to real property negotiator.

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

Direction given to negotiator.

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

City Council unanimously approved City Administrator's evaluation.

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.