

# WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

## Thursday, March 19, 2009

A regular meeting of the Waterford City Council was called to order by Council Member Goeken at 6:30PM at the Waterford Community Center, 540 "C" Street, Waterford, CA 95386.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** [06:31:03 PM](#) Mayor Goeken

**INVOCATION:** [06:31:31 PM](#) Pastor Don Crooker, Waterford Community Baptist Church

**ROLL CALL PRESENT:** [06:32:19 PM](#)

**Present:**  
Mayor Goeken  
Council Member Weaver  
Council Member Aldaco  
Council Member Van Winkle  
Council Member Krause

**Absent:** None

**Also Present:**  
Charles E. Deschenes, City Administrator  
Lori Martin, City Clerk  
Corbett J. Browning, City Attorney  
Matt Erickson, Public Works Director  
Darin Gharat, Police Chief

**ADOPTION OF AGENDA:** Krause moved, seconded by Weaver, to adopt the agenda.

[06:32:30 PM](#)

**AYES:** Goeken, Weaver, Aldaco, Van Winkle and Krause

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

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

[06:32:41 PM](#)

**AYES:** Goeken, Weaver, Aldaco, Van Winkle and Krause

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

**ADOPTION OF CONSENT CALENDAR:**

- 1a: RESOLUTION 2009-11: Warrant Register
- 1b: Minutes of the Regular City Council Meeting held on March 5, 2009
- 1c: Building Report – February 2009
- 1d: Business License Report – February 2009
- 1e: Wastewater Daily Flow Summary – February 2009
- 1f: Minutes of the Regular Meeting of the Parks & Recreation Commission held on January 13, 2009

**2. PRESENTATIONS:**

- 2a: PROCLAMATION: Declaring the Week of April 19 – 25, 2009 as Random Acts of Kindness Week [06:32:47 PM](#) Mayor Goeken read and presented a Proclamation to Pastor Don Crooker proclaiming April 19 – 25, 2009 as Random Acts of Kindness Week

**3. COMMUNICATIONS FROM THE AUDIENCE: [06:35:19 PM](#) None.**

**4. PUBLIC HEARING ITEMS:**

**5. UNFINISHED BUSINESS:**

- 5a: DISCUSSION: Relating to Update on the Government Center Project: [06:35:40 PM](#) City Administrator Deschenes stated that the County will be sending us a draft RFP to solicit for a Construction Manager. Deschenes stated that with the commitments they have made on the Sheriff's substation portion of the project to pay a fair market value lease rate towards the project that provides a revenue stream that should at least fund that portion of the building. Deschenes stated that we will be building at least the police component of the building soon. Deschenes stated that the first step is to get out an RFP and get a construction manager on board that will oversee a design-build process. Deschenes stated that in the meantime he will work with our financial advisor, Ken Dieker and will also probably engage an expert in real estate to try and define what the fair market lease rate is so that we can plug in the numbers and see what we can afford to build. Deschenes stated that very best case scenario would be we would have a contract and ready to start building by fall which is why it is really important to get a construction manager on board as soon as possible.
- 5b: DISCUSSION: Relating to Stimulus Projects: [06:42:57 PM](#) City Administrator Deschenes explained that this is a moving target stating that it seems like once we think we have it narrowed down new rules come in that changes things. Deschenes updated Council on recent meetings he attended related to the stimulus funding and identified various projects and fund sources that could be used to meet the criteria outlined for the projects and the funding. Deschenes stated that it looks like the \$305,000 that will be allocated through the StanCOG process has not changed and if it does it still should be fairly close. Deschenes stated that the unknown right now is when we will get the okay to actually move forward, commit the funds and put projects out to bid. Deschenes stated that we are ready as soon as we are given the green light. Deschenes stated that the \$40,000 in proposition 1b funds were originally budgeted for the downtown commercial streets project, however stated that he just found out that project will be eligible to receive CMAQ funds, therefore staff will most likely be coming before Council at the next meeting asking for approval to go out to bid with the proposition 1b funds for the downtown residential streets project.

**6. NEW BUSINESS:**

6a: DISCUSSION: Relating to “Make a Difference Day” / “Waste Tire Amnesty Event” Update:

[06:50:14 PM](#) Public Works Director, Matt Erickson addressed council and explained that we have changed the name of the event to “Make a Difference Day” stating that last year it was called “Clean-up Day”. Erickson stated that last year was the first annual event and they learned what worked well and they listened to the feedback given on how to improve the event for this year and will apply some of those suggestions to this years event. Erickson stated that he is working with Pastor Don Crooker on this event and it is scheduled for April 25<sup>th</sup> starting at 8am to 11am. The meeting location will be the Community Center parking lot. Deschenes stated that everyone will meet back at the Community Center at 11:30am for a bbq lunch provided by the Lions Club. Erickson stated that this will be a community clean up type of event where residents can come out and make a difference in their community by cleaning up trash, painting curbs and general clean-up type of jobs. Erickson stated that some of the projects will be pre-assigned by Pastor Crooker with people from the church. Erickson stated that the school district is on board this year and they will be providing a list of projects that are in need of being done in and around the schools. Erickson stated that with two agencies involved we will be able to make a greater impact on the community. Erickson stated that the Community Baptist Church has made some banners that will be posted around town and the event will be advertised in the Waterford News as well.

Public Works Director Erickson informed Council and the public that the free Waste Tire Amnesty Event will be held on April 11, 2009 from 8:30am – 3:00pm and will also be located at the Community Center parking lot. Erickson stated that residents can bring up to 9 passenger and truck waste tires and drop them off. Erickson stated that these events are scheduled to tie into earth day. Erickson stated that we will be sending out our annual Clean-up vouchers again in May and they will be good for the month of June. Erickson stated that the vouchers allow for 1 free trip to the county disposal site.

6b: RESOLUTION 2009-13: A Resolution Approving a Licensing Agreement with the Western Heritage Days Committee For Use of the City Name & City Logo. Discussion Relating to Western Heritage Days Event Update: [06:59:32 PM](#)

CM/Aldaco recused himself from discussion on this item. CM/Aldaco left the room during discussion of this item.

City Administrator Deschenes explained that the Western Heritage Day event is being put together by a citizen committee and is sponsored by the Waterford Lions Club. Deschenes explained that the main theme for this year will be tied to the city’s 40<sup>th</sup> anniversary of incorporation of the City of Waterford. Deschenes stated that in that regard the committee has asked for permission to use the city’s logo. Deschenes explained a licensing agreement was recommended by the City Attorney and the agreement before council was drafted specifically to address this event. Deschenes recommended applying a small nominal fee of \$25.00 for the use since this is a non-profit event that promotes the city and an event that the city has encouraged in the past. Deschenes recommended approval of the agreement.

Weaver moved, seconded by Van Winkle, to adopt Resolution 2009-13 incorporating the one-time fee of \$25.00, as recommended.

[07:05:00 PM](#)

**AYES:** Goeken, Weaver, Van Winkle and Krause

**NAYES:** None

**ABSENT:** None

**RECUSED:** Aldaco

Motion passed by majority.

CM/Aldaco rejoined the Council and took his seat after discussion of this item.

- 6c: RESOLUTION 2009-10: A Resolution Approving the Disadvantaged Business Enterprise (DBE) Program Implementation Agreement for the City of Waterford: [07:06:14 PM](#)

Public Works Director Erickson explained that this agreement is directly related to the economic stimulus funding and a state requirement in order to proceed forward and receive our \$305,000 in funding. Erickson stated that this agreement basically makes some minor changes in the wording. Erickson stated that there is another portion to this that will follow at a later date. Erickson recommended adoption of the agreement.

Van Winkle moved, seconded by Krause, to adopt Resolution 2009-10, as recommended.

[07:08:56 PM](#)

**AYES:** Goeken, Weaver, Aldaco, Van Winkle and Krause

**NAYES:** None

**ABSENT:**None

Motion passed by majority.

- 6d: RESOLUTION 2009-12: A Resolution Approving a License Agreement with Modesto Irrigation District: [07:09:02 PM](#)

Public Works Director explained that while in the process of apply for a use permit for irrigation water for our new strip park it was learned that we did not have a use agreement to use this as a strip park as we do with our other two strip parks with Modesto Irrigation District. Erickson stated that this agreement is a replica of the other two agreements that we have in place. Erickson recommended adoption of the agreement.

Aldaco moved, seconded by Weaver, to adopt Resolution 2009-12, as recommended.

[07:10:09 PM](#)

**AYES:** Goeken, Weaver, Aldaco, Van Winkle and Krause

**NAYES:** None

**ABSENT:**None

Motion passed by majority.

- 6e: DISCUSSION: Relating to the Parks & Recreation Commission Recommendation of Approval for the River Park Committee's Fly Fishing Demo and Instruction to be held at the River Park on April 4, 2009: [07:10:14 PM](#)

Red Bartley, 11819 Yosemite Blvd. addressed council and explained that the proposed fly fishing event is a free event for a hands on fly fishing demonstration and to introduce residents to the river park and hopefully draw some younger folks interest in fly fishing. Mr. Bartley stated that their will be refreshments available. Mr. Bartley stated that the Merced County Fly Casters will be there to do the demonstrations and will provide the gear. Mr. Bartley stated that it will be a fun and educational event.

City Administrator Deschenes stated that Mr. Barley does a lot of work at our River Park and is a past member of the Striped Bass Association and we are fortunate to have this kind of enthusiasm in helping us out with the parks. Deschenes stated that he feels this would be a good low key event stating that he does not expect any adverse traffic or crowd impacts.

City Attorney Browning explained that if the council is so inclined to approve this event the motion should include consistent with Chapter 5.38 of the Waterford Municipal Code approval of a one day license for the event as indicated in the packet document with any conditions that might be attached by your City Administrator or Police Chief. Browning explained that the Police Chief under the code is to review these types of applications for outdoor activities and make recommendations about conditions that may be deemed appropriate based on health and safety issues.

Chief Gharat added that his only requirement and condition is that the committee designate someone to be the designated safety officer since there will be kids down by the water. Chief Gharat stated that he has put this event on the police calendar so the officers will do extra patrols during the event.

Weaver moved, seconded by Aldaco, to approve a 1 day license for the Fly Fishing event including the designation of a safety officer to be held on April 4, 2009, as recommended.

[07:18:16 PM](#)

**AYES:** Goeken, Weaver, Aldaco, Van Winkle and Krause

**NAYES:** None

**ABSENT:**None

Motion passed by majority.

- 6f: DISCUSSION: Relating to the Parks & Recreation Commission Recommendation of Approval for a Water Safety Program to be conducted in the month of June 2009 at Beard Park: [07:18:36 PM](#)

Patricia Green, 13605 Rivercrest Dr. and Parks & Recreation Commissioner addressed council stating that the Parks & Recreation would like to sponsor this program as an annual event. Mrs. Green explained provided details of the program. Mrs. Green stated that there will be a water safety segment presented by the MID splasher character followed by a short program dealing with school bullies and school safety. CM/Krause commended the Parks & Recreation Commission for branching out into other areas than just baseball, soccer and basketball.

Krause moved, seconded by Weaver, to approve the Water Safety Program, as recommended.

[07:20:55 PM](#)

**AYES:** Goeken, Weaver, Aldaco, Van Winkle and Krause

**NAYES:** None

**ABSENT:**None

Motion passed by majority.

## 7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [07:21:03 PM](#) Chief Gharat reported on a recent meeting of the Waterford School District Board of Trustees stating that he and Carla Castro who is the Stanislaus County coordinator for crime stoppers attended and conducted a presentation on the Crime Stoppers Campus Stoppers program to the Trustees and the large crowd that was gathered there. Gharat stated that the District Superintendent and staff were very supportive of this program; therefore they gave a brief presentation to the public and the Board of Trustees. Chief Gharat stated that the program was approved and well received and is up and running and will be coordinated through Carla Castro and the school resource officer.
- 7b: City Attorney Comments/Reports: [07:23:30 PM](#) City Attorney Browning did not have any comments or requests for closed session discussions.
- 7c: City Administrator Comments/Reports: [07:23:45 PM](#) City Administrator Deschenes introduced Bill

Heyne, under sheriff who was in the audience. Mr. Heyne stated that the decentralization plan that he presented to council late last year has kicked off and has begun out here in the east county area stating that it seems to be working very well so far. Mr. Heyne stated that hopefully Waterford is noticing a greater presence in and around the area because of that. Mr. Heyne stated that they are really looking forward to the Government Center moving forward so that they will have a better building to house their officers out of. Deschenes informed Council that there will be some work done on the irrigation line that services our 19.6 acre parcel that we acquired recently. Deschenes stated that the city, school district and some of the property owners in that area are soliciting bids from various individuals to repair some defects that need to be fixed. Deschenes stated that he does not anticipate a major expenditure. Deschenes added that this is a private line that is not maintained by MID. Deschenes stated that we continue to get interesting news on the states budgetary situation explaining that the counties and cities are always interested in that because a lot of the time the states problems trickle down and become our problems. Deschenes stated that the news continues to be dark, therefore stating that he is going to have to really dig into and concentrate on the budget and doing some financial projections.

7d: City Council Comments/Reports:

Jose Aldaco: [07:27:55 PM](#) CM/Aldaco stated that the next Heritage Day Committee Meeting is scheduled for April 1<sup>st</sup> at 7:00pm at Temple Bookkeeping.

VM/Weaver: [07:28:45 PM](#) VM/Weaver commended the Parks & Rec and River Park Committee for pushing things forward and pioneering new programs. VM/Weaver gave recognition to the newly reformed Beautification Committee and reported on their recent first meeting.

Ken Krause: [07:29:26 PM](#) CM/Krause echoed VM/Weavers comments and stated he is pleased that we have so many good volunteers, schools and service organizations and city staff. CM/Krause commented that we have a great little town that can do great things.

CM/Van Winkle: [07:29:44 PM](#) CM/VanWinkle also echoed previous comments.

Mayor Goeken: [07:30:06 PM](#) Mayor Goeken thanked Matt and Pastor Crooker for their help in organizing the newly formatted "Make a Difference Day".

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [07:30:42 PM](#) Aldaco moved, seconded by Weaver, to adjourn the City Council meeting at 7:30PM.

[07:30:54 PM](#)

**AYES:** Goeken, Weaver, Aldaco, Van Winkle and Krause

**NAYES:** None

**ABSENT:**None

Motion passed by majority.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on April 2, 2009, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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Lori Martin, CMC, City Clerk

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Charlie Goeken, 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)

None.

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

None.

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.