

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, May 15, 2008

A regular meeting of the Waterford City Council was called to order by Mayor Broderick-Villa at 6:32PM at the Waterford Community Center, 540 "C" Street, Waterford, CA 95386.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE: [6:32:40 PM](#) Mayor Broderick-Villa

INVOCATION: [6:33:03 PM](#) Vice-Mayor Krause

ROLL CALL PRESENT: [6:33:33 PM](#)

Present:
Mayor Broderick-Villa
Vice-Mayor Krause
Council Member Goeken
Council Member Aldaco

Absent: Council Member Weaver

Also Present:
Charles E. Deschenes, City Administrator
Lori Martin, City Clerk
Corbett J. Browning, City Attorney
Robert Borchard, City Planner
Matthew Erickson, Public Works Director
Paul Yotsuya, Police Sergeant

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

[6:33:43 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco
NAYES: None
ABSENT: Weaver

Motion passed by majority.

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

[6:33:51 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco
NAYES: None
ABSENT: Weaver

Motion passed by majority.

ADOPTION OF CONSENT CALENDAR:

- 1a: RESOLUTION 2008-28 Warrant Register
- 1b: Minutes of the Regular Meeting held on May 1, 2008
- 1c: Waterford Parks & Recreation Commission Minutes – March 11, 2008
- 1d: Building Report – April 2008
- 1e: Business License Report
- 1f: Wastewater Daily Flow Summary – April 2008

2. PRESENTATIONS:

- 2a: PRESENTATION: Brian Selkow from the Architectural Firm RRM to make a Presentation to Council on the Status of the Government Center Project: [6:34:35 PM](#) Brian Selkow distributed a project timeline and discussed the status of the project and identified the timeline of various project phases to move the project forward to completion.
- 2b: PRESENTATION: Mayor Broderick-Villa to Present Certificates of Appreciation to all of the Individuals that Donated their Hard Work, Time, Service and Materials for the New Pavilion at the River Park: [6:42:52 PM](#) Mayor Broderick-Villa presented Certificate of Appreciations to: Bruce Stewart, Terry Finneman, The Grupe Company, Newman Romano, LLC, Lions Foundation, Public Works Dept., Charles Turner, Charles Deschenes and Council Member Ken Krause

3. COMMUNICATIONS FROM THE AUDIENCE: [6:46:49 PM](#)

4. PUBLIC HEARING ITEMS:

- 4a: PUBLIC HEARING: RESOLUTION 2008-31: A Resolution Approving the Expansion of the Stanislaus County Enterprise Zone: [6:47:00 PM](#)
Doug Sweetland provided an overview of the process to complete the application of the enterprise zone expansion. Mr. Sweetland explained that there will be a meeting with the other member communities of the enterprise zone program to review Waterford's application as part of the process to move this forward. Mr. Sweetland stated that he will present a copy of the Waterford City Council's adopted resolution along with the application package to the Stanislaus County's Board of Supervisors for approval and once that approval is obtained he will submit the entire application package to the State of California Housing and Community Development. Mr. Sweetland stated that he is hoping for an effective date of August 1, 2008, however that date could vary somewhat depending on the timeline of approval at the state level.

[6:55:28 PM](#) Mayor Broderick-Villa opened and closed the public hearing with no comments offered from the public.

Aldaco moved, seconded by Krause, to adopt Resolution 2008-31, as recommended.

[6:55:42 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco
NAYES: None
ABSENT: Weaver

Motion passed by majority.

- 4b: ORDINANCE 2008-01: INTRODUCTION & FIRST READING: An Ordinance Replacing Title 16 Titled Subdivisions with new Provisions for the Waterford Municipal Code: [6:55:53 PM](#)
City Planner Bob Borchard explained that now the new general plan has been adopted there are several implementing processes to complete and that this is one of them. Borchard explained that this is the first step in updating our subdivision code. Borchard stated that the summary he prepared in the staff report goes into all of the details of the new code. Borchard explained that this update brings subdivision code into conformance which gives us a procedure that fits Waterford as opposed to trying to just interpret it. Borchard stated that this will allow us to process development in a timely way and at the same time gives the applicant a clear

understanding of how the law works and what the city's rules and responsibilities are and what is expected of the applicant in regards to documentation.

[6:57:45 PM](#) Mayor Broderick-Villa opened the Public Hearing.

[6:57:50 PM](#) Mayor Broderick-Villa closed the Public Hearing with no comments offered from the public.

Goeken moved, seconded by Krause, to approve the Introduction and First Reading of Ordinance 2008-01, as recommended.

[6:58:01 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco

NAYES: None

ABSENT: Weaver

Motion passed by majority.

- 4c: PUBLIC HEARING: RESOLUTION 2008-32: A Resolution Approving Lot Line Adjustment 08-01 Adjusting the Property Lines Between APN Nos: 134-006-017 and 134-006-015 and Authorizing the Planning Director to Prepare a Certificate of Lot Line Adjustment: [6:58:07 PM](#)
City Planner Borchard explained that this is a routine process and when the new subdivision ordinance code is adopted these lot line adjustment approvals will only need to go to the Planning Commission for approval. Borchard explained that Council would only need to review appeals to the Planning Commission decisions. Borchard stated that this is a straight-forward lot line adjustment and the graphic explains what is being proposed. Borchard explained that lot line adjustments are exempt from CEQA and are only minor amendments to land.

[6:59:24 PM](#) Mayor Broderick-Villa opened the Public Hearing.

[6:59:29 PM](#) Mayor Broderick-Villa closed the Public Hearing with no comments offered from the public.

Krause moved, seconded by Aldaco, to adopt Resolution 2008-32, as recommended.

[6:59:39 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco

NAYES: None

ABSENT: Weaver

Motion passed by majority.

- 4d: PUBLIC HEARING: RESOLUTION 2008-26: A Resolution Approving the Issuance by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds for the Waterford Garden Apartments: [6:59:44 PM](#) City Administrator Deschenes explained that this is an outgrowth of a home grant that was issued for Waterford Garden Apartments in 2005 before the city joined the county CDBG consortium. Deschenes stated that this project was in a holding status due to some ownership issues that needed to be sorted out. Deschenes stated that this has been reactivated and is probably the last HCD administered home grant that Council will see. Deschenes explained that in addition to the funding and home loan package there is also tax credits and financing through a state-wide joint powers authority. Deschenes introduced Terrence Murphy from California Communities who represents the Joint Powers Authority to explain further.

[7:00:45 PM](#) Terrance Murphy of California Communities representing the statewide Joint Powers Authority stated that they represent over 400 members throughout the state and they are also co-sponsored by the League of California Cities and the California State Association of Counties. Mr. Murphy stated that they have been in existence since 1988. Mr. Murphy stated that this approval is required in order for tax-exempt bonds to be issued. Mr. Murphy explained that the Council's approval of the financing does not put any liability on the city for repayment of the

financing and is strictly a liability of the project payable from revenues of the project. This bond issuance will be for the acquisition and rehabilitation of the Waterford Gardens Apartments and as part of the rehabilitation they are expecting to spend approximately 5 million dollars doing a remodel from the studs out which will include energy efficient equipment to include solar.

[7:02:14 PM](#) Mayor Broderick-Villa opened the Public Hearing.

[7:02:17 PM](#) Mayor Broderick-Villa closed the Public Hearing with no comments offered from the public.

Goeken moved, seconded by Krause, to adopt Resolution 2008-26, as recommended.

[7:02:25 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco

NAYES: None

ABSENT: Weaver

Motion passed by majority.

5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to Update on the Government Center Project: [7:02:29 PM](#) City Administrator Deschenes stated that we had a good presentation from the Architect earlier and feels we are making good progress in moving to the design making phase of the schematics. Deschenes said that he is naturally disappointed that it will take longer than he envisioned to be completed which is scheduled out until 2011. Deschenes stated that he is sure the committee will try and find a way to short cut that and get it done and move it along a little quicker.
- 5b: DISCUSSION: Relating to the Proposed Stanislaus County Transportation Sales Tax: [7:03:22 PM](#) City Administrator Deschenes explained that the sales tax measure continues to evolve and informed Council that he received the environmental impact report this week and stated that a copy of this report is available at City Hall for anyone interested in looking at it. Deschenes stated that he feels the proposed measure will be fair to the smaller cities that do not have a large sales tax base and doesn't know of any other way to make a difference in our transportation infrastructure county-wide without developing independent sources of revenue.
- 5c: DISCUSSION: Relating to the Fiscal Year 2008/2009 Budget: [7:04:19 PM](#) City Administrator Deschenes stated that he has distributed an updated copy of the budget and explained that it is in same format as last year. Deschenes reviewed some of the highlights of the draft budget. Deschenes explained that there are many new funds in this budget which are the result of the recent passage of our impact fee study. Deschenes stated that our employees have had to adapt to many new things including new accounting software, new impact fees and other accounting changes. Deschenes stated that there have been many adjustments to the records mainly due to those changes. Deschenes explained that he will present more of a final budget product at the next meeting, however will wait until the state adopts a budget before actually finalizing our budget so that we can ensure that the state is not impacting what we are doing. Deschenes explained that our budget philosophy has always been to keep about 1/3 of our general operating expenditures in the general fund which is a reserve for cash flow and unexpected events contingency. Deschenes pointed Council's attention to the funds with negative balances the most important being the RDA. Deschenes reminded Council of their top priority which is completion of the new City-County Government Center. Deschenes stated that he is proposing to transfer \$595,000 from the RDA into the Government Center fund as the RDA's contribution to the Government Center. Deschenes explained that the \$595,000 is proceeds from a lease purchase obligation that was issued for a police station and city hall in the past. Deschenes stated that in addition to that the downtown rehabilitation project in which we are applying for federal grant funds for which will also require matching funds of \$150,000 with the RDA being the proposed source of matching funds is what is driving the negative balance in the RDA account. Deschenes

explained that he can solve that problem, however is proposing to leave it negative until we find out a few things. Deschenes stated that if we are successful at receiving the SEDS grant funding during the 2008/2009 fiscal year then we can defer the transfer of the government center funding until next year and we have the subsequent year revenue to make up the difference. Deschenes stated that if we are not successful in getting the SEDS grant funding in the 2008/2009 fiscal year then we should be in line to get it in the 2009/2010 fiscal year and he would then make an amendment to the budget to put the government center funding transfer into the government center account. Deschenes stated that he has all of the fund transfer detail accounting available at City Hall for anyone who would like to see it. Deschenes explained that the next step is for him to finish the transfers' analysis and draft a budget message. Deschenes stated that when he brings this back to Council in June there are two actions that will be needed. The first action will be to adopt the final budget for the current fiscal year 2007/2008 and the second action will be to adopt the budget for the new fiscal year 2008/2009. Deschenes stated that he is available anytime for questions in regards to the budget.

6. NEW BUSINESS:

- 6a: RESOLUTION 2008-27: A Resolution Approving a Streetlight License Agreement between the City of Waterford and Pacific Gas and Electric Company: [7:16:44 PM](#) Public Works Director Matt Erickson explained that information was provided to Council in the agenda packets and stated that a representative from PGE presented this program at a recent Public Works Director meeting and that this agreement was negotiated in combination with the Public Works Directors of all the cities and stated that the City of Modesto took the lead since they were the most impacted. Erickson stated that several drafts of the agreement went out to all the Public Works Directors for review stating that the agreement in front of Council tonight is a product of the final agreement that was negotiated. Erickson stated that the agreement has been reviewed by our City Attorney which has approved as to form. Erickson stated that Waterford will only be impacted with 2 smart meter units on two of the electric poles which will be geographically located within a 5 mile radius of each other. Erickson stated that this will be a more efficient way to read gas meters. Erickson stated that it is possible in the future if Waterford was to ever obtain the water system and install water meters in the city that we could also use their technology to read our meters.

[7:20:32 PM](#)

Goeken moved, seconded by Krause, to adopt Resolution 2008-27, as recommended.

[7:21:04 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco
NAYES: None
ABSENT: Weaver

Motion passed by majority.

- 6b: RESOLUTION 2008-29: A Resolution Declaring Intention to Conduct a Public Hearing at the June 5, 2008 City Council Meeting to Levy and Collect Assessments for the Landscaping and Lighting Assessment District for Fiscal Year 2008/2009: [7:20:48 PM](#) Public Works Director Erickson explained that this action will allow the city to put the annual assessments on the county tax roll for collection for the Landscaping and Lighting Assessment.

Krause moved, seconded by Aldaco, to adopt Resolution 2008-29, as recommended.

[7:21:18 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco
NAYES: None
ABSENT: Weaver

Motion passed by majority.

- 6c: RESOLUTION 2008-30: A Resolution Declaring Intention to Conduct a Public Hearing at the June 5, 2008 City Council Meeting to Levy and Collect Assessments for the Lighting Assessment District for Fiscal Year 2008/2009: [7:21:25 PM](#) Public Works Director Erickson explained that this is the same as the previous item, however this is for the Lighting Assessment District.

Krause moved, seconded by Goeken, to adopt Resolution 2008-30, as recommended.

[7:21:33 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco
NAYES: None
ABSENT: Weaver

Motion passed by majority.

- 6d: RESOLUTION 2008-33: A Resolution Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 4, 2008 for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities: City Administrator Deschenes explained that this is a standard Resolution that identifies an election is needed for the terms of office which will be expiring.

Krause moved, seconded by Goeken, to adopt Resolution 2008-33, as recommended.

[7:21:53 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco
NAYES: None
ABSENT: Weaver

Motion passed by majority.

- 6e: RESOLUTION 2008-34: A Resolution Requesting the Board of Supervisors of the County of Stanislaus to Render Election Services to the City Relating to the Conduct of a General Municipal Election to be held on November 4, 2008: Mayor Broderick-Villa stated this is another standard Resolution that is required for the upcoming election.

Goeken moved, seconded by Krause, to adopt Resolution 2008-34, as recommended.

[7:22:07 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco
NAYES: None
ABSENT: Weaver

Motion passed by majority.

- 6f: DISCUSSION: Relating to the Appointment of Two Council Members to be on the Audit Liaison Committee: [7:22:19 PM](#) City Administrator Deschenes explained that this is a new federal requirement of auditors to sit down with board members to ask a series of questions. Deschenes explained that he felt it would be more productive to appoint two Council Members to go through this process rather than have the auditors meet with the entire council. Deschenes stated that this will be a good interactive session and could be very educational as well. Mayor Broderick-Villa nominated Council Member Weaver and Council Member Krause to be the appointed members to serve on the Audit Liaison Committee.

Goeken moved, seconded by Aldaco, to appoint Council Member Weaver and Council Member Krause to the Audit Liaison Committee

[7:23:35 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco
NAYES: None
ABSENT: Weaver

Motion passed by majority.

- 6g: DISCUSSION: Relating to the Appointment of Two Council Members to Participate on a Newly Formed Council / School Board Committee to Discuss Items of Mutual Interest: [7:23:49 PM](#) City Administrator Deschenes explained that this is to formalize what was discussed at the last City Council meeting to appoint Council Member Goeken and Council Member Weaver to the Council / School Board Committee. Deschenes explained that the next meeting is scheduled for May 22, 2008 and will be held at the School District Multipurpose Room. Deschenes stated that he will be on vacation that week and stated that Public Works Director Erickson will be filling in for him at this meeting.

Krause moved, seconded by Aldaco, to appoint Council Member Goeken and Council Member Weaver to the Council / School Board Committee.

[7:24:26 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco
NAYES: None
ABSENT: Weaver

Motion passed by majority.

- 6h: DISCUSSION: Relating to Changing Meeting Location of the Waterford City Council Meetings During the Months of June & July Due to the Rehabilitation of the Waterford Community Center: [7:24:33 PM](#) City Administrator Deschenes explained that we have made arrangements with the School District to use the School Board meeting room for the Council Meetings during the months of June and July 2008 and we wanted to agendize this in an effort to get the information out on the City Council meeting location change for June and July 2008. CM/Goeken and Mayor Broderick-Villa made a request to have the meetings recorded and played back on the cable channel. City Administrator Deschenes stated that he would have the Public Works Department look into having the June and July City Council Meetings recorded and televised.

Aldaco moved, seconded by Krause, to approve the Council Meeting location change to the Moon School 4th/5th Grade Multipurpose Room.

[7:26:21 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Aldaco
NAYES: None
ABSENT: Weaver

Motion passed by majority.

7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [7:26:26 PM](#) Sgt. Yotsuya reported in Chief Gharat's absence. Sgt. Yotsuya reported on last week's crisis simulation at the High School stating that this was a great learning experience to everyone involved including school staff and law enforcement officials. Sgt. Yotsuya applauded the talent of the make-up artist that made up the role players commenting that even though it was a simulation it looked very real. Sgt. Yotsuya stated that this event was well worth the time and effort that went into it and he looks forward to the next time. Sgt. Yotsuya stated that he spent the rest of his afternoon at the Western Heritage Days commenting that it was a fun event.
- 7b: City Attorney Comments/Reports: [7:28:10 PM](#) City Attorney Browning wanted to go on record in regards to the City Administrator's comments at the last Council Meeting stating that it was fine with him if his evaluation went beyond the annual time period in May. City Administrator Deschenes stated that he did not have any problem with waiting until the new Council is seated which generally occurs in December. Deschenes commented that they may not participate in the process but they would at least get the benefit of it. Browning commented that as soon as he receives the 5th evaluation he will be able to finalize it. Browning stated that he wanted to clarify and remove the time frame request that he made at a previous Council meeting. Browning reported on a recent League of California Cities City Attorney Conference in which he attended stating that he spent an entire day on conflict issues. Browning made a request of the Council Members to give him as much advanced notice as they can if they think they may have a possible conflict or other type of issue with any upcoming agenda item so that he can have plenty of time to research the issue before the meetings. Browning requested a Closed Session item for labor negotiator under Gov. Code §54957.6.
- 7c: City Administrator Comments/Reports: [7:31:35 PM](#) City Administrator Deschenes reported that Hughson Ambulance is no longer servicing Waterford. Deschenes stated that Oakdale Ambulance will continue to serve the Waterford area. Deschenes distributed the newly proposed library hours of operations for all libraries within the county. Deschenes stated that the Joint School Board /City Council Committee Meeting will be held on May 22nd. Deschenes stated that he met with the School Superintendent today and feels this is a good start with a lot of issues of mutual interest. Deschenes stated that this will be a forward reaching committee looking towards the future. Deschenes stated that there are a lot of documents in place for reference for example the School Districts capital improvement plan and our own general plan. Deschenes explained further that the community is looking for enhancements like swimming pools, skate parks, etc and those things are very worthy of discussion. Deschenes stated that it would be good to have a consultant conduct an object able needs analysis of recreational needs in the community may be valuable and something for the committee to consider. Deschenes stated that he is happy with the School's approach in having a committee involved stating that he feels some of the proposals the committee comes up with may end up having to go to the voters. Deschenes stated that we will not be able to utilize available tax resources and that it will require additional assessments to get these types of things done. Deschenes stated that the Governors May budget revise is out and that he will distribute a copy to each of the Council Member's boxes at City Hall stating further that a copy will be available at the front counter for the public. Deschenes stated that the COPS funding cut that was proposed before to be cut is not included as a cut in the May revision. Deschenes stated that he has communicated with the Legislature on how important this funding is to us and that if it is cut it would take a police officer off of our streets. Deschenes stated that the Enterprise Zone expansion was a team effort with our Planner, Engineer and staff.
- 7d: City Council Comments/Reports:

Jose Aldaco: [7:36:56 PM](#) CM/Aldaco commented on a successful Western Heritage Day event and thanked everyone that helped with the event. CM/Aldaco requested a follow-up to the garbage can issues. CM/Aldaco inquired as to the possibility of repairing the sidewalk on Reinway between the horse pasture and the school. Deschenes stated that we are aware of the need there and the city is trying to find funding to do the repair. Public Works Director Erickson stated that he is in the process of putting together a grant application for the Safe Routes to Schools grant funding, however the grants that we received approval on before we had all of the necessary right-of-way that was needed to do the job, however this time we do not have any of the right-of-way and explained that he has sent letters out to the homeowners to see if they are willing to dedicate the necessary right-of-way before he applies for the funding.

CM/Weaver: absent

CM/Goeken: [7:40:20 PM](#) CM/Goeken stated that he is looking forward to participating on the joint Council/School Board Committee and working as a team to brainstorm on ideas and looking into various grants to possibly obtain funding. CM/Goeken thanked all of the people who made contributions to the new Pavilion at the River Park. CM/Goeken thanked the Western Heritage Days Committee for their work in putting together a wonderful event. CM/Goeken reminded everyone of the upcoming Boosters dinner this Saturday.

CM/Krause: [7:41:03 PM](#) CM/Krause commented on some vandalism of some trees at one of the local parks and thanked City Staff for repairing the damage right away. CM/Krause stated that it really upset him until he went downtown and saw all of the wonderful people in Waterford at the Western Heritage Days.

Mayor Broderick-Villa: [7:41:44 PM](#) MBV commented on the recent Rip Roaring Reading at Moon School last Friday and thanked CM/Aldaco for all his work on the Western Heritage Days Committee stating that it was a great event. MBV thanked the Police staff for handling both the Western Heritage Days event and the crisis simulation on the same day.

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [7:42:08 PM](#) Mayor Broderick-Villa recessed the City Council Meeting at 7:42PM. Will reconvene to closed session directly following the recess. Will reconvene to the City Council meeting to adjourn directly following closed session.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on June 5, 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)
None.

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.