

# WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

## Thursday, May 17, 2007

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:** [6:30:35 PM](#) William Broderick-Villa

**INVOCATION:** Ed Rapinchuk, Waterford Ministerial Association

**ROLL CALL PRESENT:** [6:32:03 PM](#)

**Present:** Broderick-Villa  
Krause  
Goeken  
Weaver  
Aldaco

**Absent:** None

**Also Present:** Deschenes  
Lee  
Browning  
Jackson

**ADOPTION OF AGENDA:** [6:32:23 PM](#) Goeken moved, seconded by Weaver, to adopt agenda.

**Ayes:** Broderick –Villa, Krause, Goeken, Weaver, Aldaco

**Nayes:** None

**Absent:** None

Motion passed by majority

**1. CONSENT CALENDAR:** [6:32:33 PM](#) Krause moved, seconded by Aldaco, to adopt the consent calendar.

**Ayes:** Broderick –Villa, Krause, Goeken, Weaver, Aldaco

**Nayes:** None

**Absent:** None

Motion passed by majority

1a: RESOLUTION 2007-50: Warrant Register

1b: Minutes of the Regular Meeting held on May 3, 2007

1c: Parks & Recreation Commission Special Meeting Minutes of April 26, 2007

1d: Wastewater Daily Flow Summary – April 2007

1e: Building Report - April 2007

1f: Business License Report – April 2007

1g: Correspondence: Copy of letter received from Stanislaus County Mayors requesting Board of Supervisors to consider the application for funding to develop a Stanislaus County Regional Growth Management Strategy document submitted to the Economic Development Bank in the amount of \$250,000

**2. PRESENTATIONS:**  
NONE

**3. COMMUNICATIONS FROM THE AUDIENCE: [6:34:30 PM](#)**

Cathy Schandrel of Quesenberry's pharmacy requested a letter be read into the record. The letter stated concern over the status of the Downtown area and concerns over what the City may or may not be doing to remedy the situation.

Daniel Padrnos, 12936 Covey St, Waterford spoke about his concerns in the amount of traffic on Covey and C street. Cars speed down C Street and around Covey with no regards to safety for others. Mr. Padrnos is especially concerned that a child will eventually be killed because of this. He would like to see if it is possible to lower the speed limit or even block off Covey Street. He would like to see what the City can do right now, not in the future. City Administrator Deschenes commented that unfortunately changing the speed limit in an area is not as simple as it sounds, that most times it requires an ordinance change and the streets need to meet certain criteria in order to make the change. City will refer it to staff to see what options are available.

Robert Stanford, Modesto California, Civil Rights Activist, would like to see the City be proactive and mindful of gang activity so it does not bring the city down. Mr. Stanford wanted to encourage the citizens of Waterford to communicate to their children and to teach the parents the signs of gang activity to help cut it down.

Jose Palayo 12375 Bentley- owner of Pizza Plus spoke to the Council about the condition of downtown. He would like to see the City bring in more businesses to the area. Mr. Palayo has been in the building for three years and is considering moving his business because of the lack of activity downtown.

Donna Casales 12646 Bentley St – Owner of the Dream weaver, spoke about the condition of downtown as well. She would like to see downtown cleaned up and is also considering moving out of town. Ms. Casales wants to know what the City is doing to bring businesses to downtown. She would also know why businesses have been denied? Ms. Casales would like to know why eminent domain has not been used on the downtown buildings. Mr. Deschenes commented that the City would be getting back with Ms. Casales to answer her questions.

**4. PUBLIC HEARING ITEMS:**

- [6:49:17 PM](#) 4a: ORDINANCE 2007-05: SECOND READING & ADOPTION: An Ordinance Amending Title 9 by Adding Chapter 9.17 Titled "Prohibition Against Underage Drinking and Social Host Liability" of the Waterford Municipal Code.  
City Attorney Browning explained that this item is a second reading and is an ordinance that will help law enforcement in addressing underage drinking. It allows for additional resources and penalties for people that host parties and events that provide alcohol to underage citizens.  
[6:51:52 PM](#) Public Hearing Opened  
[6:52:02 PM](#) Public Hearing Closed

Krause moved, seconded by Weaver, to adopt Ordinance 2007-05.

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

Motion passed by majority.

- [6:52:20 PM](#) 4b: ORDINANCE 2007-06: INTRODUCTION & FIRST READING: An Ordinance Adding Sections 17.03.060 to Title 17 of the Waterford Municipal Code Regarding Prohibiting Illegal Uses in the City.  
City Attorney Browning explained to the Council that Ordinance 2007-06 is broad in scope and prohibits all illegal activities within the City of Waterford whether deemed illegal by State or

Federal Law or local ordinance. This has been used to address the issue of medicinal marijuana dispensaries and has been recognized by the courts. This is the mechanism that staff has come up with in order to address the issue of the moratorium that expires in July. This will be the introduction and first reading of the ordinance and comes with City Attorney Browning's recommendation.

[6:54:23 PM](#) Public Hearing Opened

Robert Stanford, Modesto, California, is glad to see the path that Waterford is taking in this particular Ordinance.

[6:58:04 PM](#) Public Hearing Closed

Aldaco moved, seconded by Goeken, to approve the Introduction and first reading of Ordinance 2007-06

**AYES:** Broderick-Villa, Krause, Goeken, Weaver, Aldaco.

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

[6:58:25 PM](#) 4c: PUBLIC HEARING: A Public Hearing to Receive Input from the Public on the Acquisition of Passive Use Parkland along the Tuolumne River West of the Wastewater Treatment Plant Utilizing State Grant Funds.

City Administrator Deschenes explained to the Council that the City needs to have public hearings on the subject in order to meet State grant requirements. Mr. Deschenes provided a brief narrative that outlines the progress of the Riverfront Park to the Council. The City is contemplating applying for grant funds to reimburse the purchase of a parcel that is west of the waste water treatment plant. The parcel is known as the Lucinda Rae Trust and would be a little over 9 acres, 1 acre would be part of the waste water treatment facility and the remaining 8 acres would become part of the Riverfront Park System.

[7:00:29 PM](#) Public Hearing Opened

[7:00:37 PM](#) Public Hearing Closed

## 5. UNFINISHED BUSINESS:

[7:01:08 PM](#) 5a: DISCUSSION: Relating to Western Ave. Street Improvement Project:

City Administrator Deschenes commented that the City of Modesto is still working on the water line but is getting close to completion. The City has been working with Modesto Irrigation District to move a power pole and they are negotiating a schedule. The paperwork on the paving has been submitted and it is optimistic that we will get authorization soon. Mayor Broderick-Villa asked Mr. Deschenes how much work the City of Modesto had left to do. Mr. Deschenes replied that they were currently transferring services from the old water line to the new water lines as well as flushing. Mr. Deschenes did not have a specific date for Mayor Broderick-Villa. Mayor Broderick-Villa asked if the bid for the work has been awarded yet, Mr. Deschenes responded that the City has not received the authorization from Caltrans yet and that it is a lengthy process. The estimated time line would be within the next week to 10 days and then bid spec will be distributed. Mr. Deschenes estimated 70-80 days for the start of work if everything goes as planned.

[7:05:54 PM](#) 5b: RESOLUTION 2007-34: A Resolution Accepting Easement Deed for Public Roads and Utility Purposes at 333 N. Western Ave., Portion of 080-49-26:  
Continued to next Council meeting, signatures pending.

[7:06:18 PM](#) 5c: RESOLUTION 2007-44: A Resolution Accepting Easement Deed for Public Roads and Utility Purposes at 406 N. Western Ave., Portion of 080-54-18:  
Continued to next Council meeting, signatures pending.

[7:06:27 PM](#) 5d: DISCUSSION: Relating to Proposed Lease Agreement with Mobile Modular for a 36 X 60 Modular Building:

City Administrator Deschenes explained to the Council that the City does not have Redevelopment funds to use to improve the downtown area. Mr. Deschenes commented that the RDA would possibly be solvent or close to solvent within the next year or two. Solvent meaning that the assets and liabilities would be in balance. Mayor Broderick-Villa asked that when the RDA is solvent, would it be able to assume debt. Mr. Deschenes explained that in order to assume debt, you need to have a way to pay for that debt, and income of some sort, a revenue stream. Currently the RDA does not have a revenue stream. Mr. Deschenes informed the Council that per their direction at the last meeting, the City had the Building Official inspect the proposed downtown buildings to assess their condition. Mr. Deschenes explained that he had provided a memo to the Council with the results of these inspections and what steps and timeline would be needed to retrofit the downtown buildings. Mayor Broderick-Villa asked about the use of CDBG funds. Mr. Deschenes responded that the criterion that has been handed down from the County Consortium is that CDBG funds can only be used in residential areas. Mr. Deschenes has asked numerous times to use these funds to improve the downtown and each time the answer has been negative. Mr. Deschenes took a tour with the County Consortium to the downtown area in order to give them an idea of the area we want to improve, and the County Consortium once again said that CDBG funds would not be eligible to renovate the downtown. Mayor Broderick-Villa asked City Attorney Browning the extent of his knowledge on CDBG funds and their uses. Mr. Browning responded that he was not very familiar with CDBG funds but would be happy to look into it if this is the desire of Council. Mayor Broderick-Villa commented that he would like to know what we can spend the CDBG funds on. Mr. Deschenes answered that the funds can be spent in residential areas that meet the income criteria. For example on Western the City had to do an income survey of the households along Western in order to get the funding. Two other projects that may qualify would be improvements to Brethren Park, but the City will need to do an income survey of all the households in that area to make sure that it fits the income guideline that the federal Government has set. Another project that the City is going to consider is the Skyline Park in order to add curb gutter and sidewalks around it. Once again an income study of the neighborhood would need to be done. Some other projects that may be available would be some storm drain improvements as well as a First Time Home Buyers program; a rental renovation program may be possible as well. Mayor Broderick-Villa wanted to clarify that under certain circumstances CDBG funds can be used for parks. Mr. Deschenes corrected Mayor Broderick-Villa stating that the parks would have to be Neighborhood parks. Vice Mayor Krause asked the question of the status of ownership of the downtown buildings and if they were going through foreclosure? Mr. Deschenes commented that the property is in transition at this time. Councilman Weaver asked if the City would be able to advertise for the need of a building to rent for office space. Mr. Deschenes stated that any space we would use would need to be on a rental basis since the process to purchase a building is long and arduous. Vice Mayor Krause stated that the City should place an ad in the paper advertising for the need for office space.

Donna Casales, owner of The Dream weaver, stated her concern with the placement of the New Government Center on Yosemite, she feels it should be reserved for prime commercial use.

Gus Oberthier commented that he thought it was a contradiction for the City to want to promote businesses in the downtown area, yet the Council wants to see about taking up one of those empty buildings for office use for the City. Why take up a building that a potential business could occupy.

Weaver moved, Krause Seconded, a motion to place an ad in the paper advertising the need for office space.

**Ayes:** Broderick-Villa, Krause, Weaver, Aldaco  
**Nayes:** Goeken

**Absent:** None

Motion passed 4-1.

## 6. NEW BUSINESS:

[7:17:43 PM](#) 6a: RESOLUTION 2007-49: A Resolution Approving Professional Services Agreement for the Government Center Project (Del Rio Advisors (Financial Advisors), Orrick Herrington & Sutcliffe LLP (Special Legal Counsel, Jones Hall (Disclosure Counsel))  
Mr. Deschenes explained to the Council that in order for the City to issue certificates of participation the City needs to contract the services of special Bond Council.

Krause moved, seconded by Aldaco, to approve Resolution 2007-49.

**Ayes:** Broderick-Villa, Krause, Weaver, Goeken, Aldaco

**Nayes:** None

**Absent:** None

Motion passed by majority.

[7:23:08 PM](#) 6b: RESOLUTION 2007-51: A Resolution Approving Agreement Between County of Stanislaus and the City of Waterford to Participate in the Urban County Community Development Block Grant (CDBG) Program.  
Mr. Deschenes explained that the County Consortium is a three year rolling contract, which the City has been involved in for the last two years, and the County wants to know if the City wants to continue its participation. An alternative to the Consortium is to work with the State Department of Housing and Community Development. The funding that comes from the State is totally dedicated to residential rental property rehabilitation, first time home buyer programs, and rehabilitation. Mr. Deschenes stated that at this time he feels it is in the City's best interest to stay with the County Consortium.

Goeken moved, seconded by Weaver. To approve Resolution 2007-51.

**AYES:** Broderick-Villa, Krause, Goeken, Weaver, Aldaco

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

[7:24:57 PM](#) 6c: DISCUSSION: Relating to the Fiscal Year 2007-2008 City Budget  
City Administrator Deschenes wanted to reiterate that from a project stand point, the City is booked up as far as funding: Examples being the F St and HWY 132 project, The Western Project, finishing up the various strip parks, etc. The other big project of course being the Government Center. These projects all pretty much consume the available resources. Mr. Deschenes wanted the Council to know that those projects are what he is looking at when making up the budget. Another aspect would be streets and public protection. Adding another Officer next year might be something the Council might want to consider as well as some more administration help for City Staff. Mayor Broderick-Villa was pleased that it is moving along and to hopefully make the June 30<sup>th</sup> deadline.

## 7. COMMENTS:

[7:27:20 PM](#) 7a: Law Enforcement Comments/Reports: Chief Rob Jackson spoke briefly about gang activity that he felt confident in the grasp that the Sheriff Department has on the gang issue stating that a booklet that will be coming out in the future to help parents stay aware. Chief Jackson then spoke about an incident of a near

drowning that occurred on May 11<sup>th</sup>, 2007 where the family members reacted with proper first aid training and were able to revive the victim who did not suffer any effect from the incident. Chief Jackson wanted to recognize these Citizens for their outstanding action: Carla Harrison, Shyla Newbie, and William and Renae Hough. Chief Jackson proceeded to introduce the new Sergeant for the Waterford area, Paul Yotsuya. Sergeant Yotsuya has been with the Sheriff for 20 years and Chief Jackson is very happy to have him here in Waterford. Sergeant Yotsuya told the Council that he was excited to be in Waterford and is looking forward to working here.

[7:31:36 PM](#) 7b: City Attorney Comments/Reports: City Attorney Browning commented that there would be just one closed session item, public employee evaluation under Government Code Section 54957.

[7:32:00 PM](#) 7c: City Administrator Comments/Reports: City Administrator Deschenes stated to the Council that certain property management companies have requested the City grant them relief for sewer services in vacant units. The situation is where the company pays a year in advance, and that most instances there is only one water meter for two units so it cannot be turned off when one unit is empty. The companies are saying that it is causing a hardship to themselves and their clients. Mr. Deschenes felt it was a unique situation, since most companies are not usually this conscientious. Mr. Deschenes just wanted to bring the issue in front of the Council. Mr. Deschenes proceeded to explain to the Council about the banner that is in front of the dais. It is a thank you from Roberts Ferry School for participation in the reading program a month or two ago. Mr. Deschenes commented that they were great enthusiastic kids that were a pleasure to read to.

7d: City Council Comments/Reports:

[7:35:20 PM](#) Jose Aldaco: CM/Aldaco thanked everyone who came out to Heritage Days and felt it was a great success. CM/Aldaco also thanked the teachers and administrators who participated in the Richard Moon School reading program this week and was happy to see so many from the Community come out and read to the kids. He also thanked Chief Jackson for the follow-up on graffiti problems.

[7:36:25 PM](#) CM/Weaver: CM/Weaver thanked Ms. Lee for filling in for City Clerk Martin and was happy to see that City Staff was so well cross trained. CM/Weaver commented that he was able to observe the Superintendent of Schools and the Principals at work, and was impressed to see how they work. CM/Weaver was also happy to see that Waterford was not the last on the list for Cities to live in.

[7:37:24 PM](#) CM/Goeken: CM/Goeken thanked everyone for their participation in Heritage days. CM/Goeken also reminded the City that the Waterford High School Boosters club dinner was this Saturday May 19<sup>th</sup> and encouraged everyone to attend.

[7:37:49 PM](#) CM/Krause: CM/Krause thanked the various business owners for coming and stating their opinions today. CM/Krause regretted that the City can not do more in order to bring in businesses in town and that the Council really does care. He does not feel that the City should get in to the real estate business but if there is a facility available that has everything we need and does not cost too much to make work, and then we would gladly consider it.

[7:38:32 PM](#) Mayor Broderick-Villa: Mayor Broderick-Villa also thanked everyone for participation in Heritage Days; it was good to see the community together. The reading day was a great success and Jennifer Parnell did a great job putting it together. Mayor Broderick-Villa also congratulated Caroline Viss and stated that Dawn Davis would be in Disney Land to receive a Distinguished School Award. Mayor Broderick-Villa wanted to support a Sober Grad night during this graduation season.

8. ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [7:39:36 PM](#) Mayor Broderick-Villa recessed the City Council Meeting at 7:39PM. To reconvene to closed session directly following the recess. To reconvene to open session to adjourn directly following closed session.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on June 7<sup>th</sup>, 2007, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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Lori Martin, City Clerk

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William Broderick-Villa, Mayor

CLOSED SESSION:

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

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

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

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

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

The overall rating of the City Administrator was excellent. An evaluation has been  
provided to the City Administrator and placed in the City Administrator's file.

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

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

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