

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, May 21, 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: [06:30:33 PM](#) Mayor Goeken

INVOCATION: [06:31:01 PM](#) Council Member Krause

ROLL CALL PRESENT: [06:31:18 PM](#)

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

Absent: None

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

ADOPTION OF AGENDA: Aldaco moved, seconded by Van Winkle, to adopt the Agenda.

[06:31:45 PM](#)

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

NAYES: None

ABSENT: None

Motion passed by majority.

1. CONSENT CALENDAR: Krause moved, seconded by Weaver, to adopt the Consent Calendar.

[06:31:43 PM](#)

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

NAYES: None

ABSENT: None

Motion passed by majority.

ADOPTION OF CONSENT CALENDAR:

- 1a: RESOLUTION 2009-23: Warrant Register
- 1b: Minutes of the Regular City Council Meeting held on May 7, 2009
- 1c: Building Report – April 2009
- 1d: Business License Report – April 2009
- 1e: Wastewater Daily Flow Summary – April 2009
- 1f: Minutes of the Regular Parks & Recreation Meeting held on March 10, 2009

2. PRESENTATIONS:

2a: Steve Ashman, Executive Director for CASA (Court Appointed Special Advocates for Children) of Stanislaus County to present information about the CASA Program and the impact it has on the community: [06:31:51 PM](#) Steve Ashman, Executive Director for CASA introduced himself stating he is representing the 52 advocates and 100 children that they serve, the CASA Board of Directors. Mr. Ashman stated that there are approximately 500 children in Stanislaus County either in dependency or delinquency that do not have advocates. Mr. Ashman stated that the CASA organization advocates for children that are in the dependency system stating further that they train volunteers to become advocates on their behalf. Mr. Ashman stated that this would involve approximately 30 hours of training, 10 hours of court observation and then the volunteers are sworn in to be officers of the court. Mr. Ashman stated that there were 8 new advocates sworn in today that will be taking on new cases. Mr. Ashman stated that once cases are assigned to an advocate they follow the case until it is dismissed by the judge. Mr. Ashman stated that the average case time is 14-16 months. Mr. Ashman explained that there are approximately 600 children in foster care in Stanislaus County. Mr. Ashman explained further that their annual budget of \$125,000 so far this year has generated almost \$260,000 in services. Mr. Ashman stated that the advocates have volunteered approximately \$130,000 in kind time computed at approximately \$20/hour. Mr. Ashman stated that the CASA program has full support of the court. Mr. Ashman informed Council and the public of an upcoming CASA event on Wednesday, June 24th to honor their Dependency Commissioner, Nancy Williamson, the Presiding Juvenile Judge, Linda McFadden, Executive Officer of the Superior Court, Mike Tozzi and Congressman Cardoza. Mr. Ashman extended the invitation to attend the upcoming CASA event on June 24th to all of the Council Members and to anyone that is interested.

2b: Mayor Goeken to Present a Certificate of Appreciation to Cody Shaw, Boy Scout Troup 45 for his Outstanding Service and Dedication to the River Park Trail Improvements: [06:35:32 PM](#) Mayor Goeken presented a Certificate of Appreciation to Cody Shaw and thanked him for his contribution to the City.

3. COMMUNICATIONS FROM THE AUDIENCE: [06:38:35 PM](#) None.

4. PUBLIC HEARING ITEMS:

5. UNFINISHED BUSINESS:

6. NEW BUSINESS:

6a: RESOLUTION 2009-21: A Resolution Initiating Proceedings for the Levy and Collection of Assessments for the Waterford Lighting Assessment District for Fiscal Year 2009-2010: [06:39:06 PM](#) City Attorney Browning explained that this item and the next item is the first step in the annual process to set the assessments for the Lighting and Landscaping and Lighting Districts. Browning explained further that these districts were formed quite some time ago. Browning stated that the Council orders an Engineers Report annually which establishes the nexus between the assessment and the services provided. Browning stated this is the first step and action to approve the report will follow in a public hearing in an upcoming meeting.

Krause moved, seconded by Weaver, to approve Resolution 2009-21, as recommended.

[06:40:25 PM](#)

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

NAYES: None

ABSENT:None

Motion passed by majority.

- 6b: RESOLUTION 2009-22: A Resolution Initiating Proceedings for the Levy and Collection of Assessments for the Waterford Landscaping and Lighting Assessment District for Fiscal Year 2009-2010:

Krause moved, seconded by Aldaco, to approve Resolution 2009-22, as recommended.

[06:40:55 PM](#)

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

NAYES: None

ABSENT:None

Motion passed by majority.

- 6c: RESOLUTION 2009-24: A Resolution approving Amendments to Exhibit "B" to the Standard Agreement with the Housing Authority of Stanislaus County Relating to the Neighborhood Stabilization Program:

[06:40:59 PM](#) Public Works Director Erickson explained that this is an amendment to a contract with the County Housing Authority for administration of the Neighborhood Stabilization Program that was approved by council last month. Erickson stated that he attended a kick-off meeting for this program and at this meeting the Housing Authority submitted some information to the cities recommending that this additional language be included to Exhibit "B". Erickson stated that the inclusion of the language was recommended by County Counsel. Erickson stated that this will put a dollar figure on the expenditure that will need approval by the cities which was set at expenditures more than \$2,000 and in addition added in dispute resolution language. Erickson recommended adoption of the Resolution.

Aldaco moved, seconded by Weaver, to adopt Resolution 2009-24, as recommended.

[06:42:28 PM](#)

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

NAYES: None

ABSENT:None

Motion passed by majority.

- 6d: RESOLUTION 2009-25: A Resolution Accepting the Lowest Responsible Bid for the Main and Dorsey Overlay – Phase 1 Project, City Bid #2009-01 and Approving the Contract: [06:42:31 PM](#) Public Works Director Erickson explained that the city published a notice soliciting bids for the Main and Dorsey Overlay – Phase 1 Project with bids due in the office of City Hall on May 20, 2009 at 3:00PM. Erickson stated that the bids were opened and read aloud at City Hall at 3:00PM and after review of the bids by the City Engineer the bid from Fagundes & Son, Inc. in the amount of \$143,000.00 appeared to be the lowest responsible bid. Erickson pointed out that this bid came in 50% below the engineers estimate. Erickson stated that staff recommends acceptance of the bid in the amount of \$143,000.00 and award the contract for the project to Fagundes & Son, Inc.

Aldaco moved, seconded by Van Winkle, to adopt Resolution 2009-25, as recommended.

[06:44:10 PM](#)

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

NAYES: None

ABSENT:None

Motion passed by majority.

- 6e: DISCUSSION: Relating to a Letter of Support for AB715 (Caballero) in Regards to Publishing and Posting Requirements of City Ordinances: [06:44:17 PM](#) City Clerk Martin explained that if this bill passes it will allow cities the option of posting their ordinances on their city websites instead of publishing them in the newspaper. Martin explained further that if the bill passes and the city chooses the option to post to the website members of the public can request to receive specific notice by mail. Martin stated that this will make the process of noticing ordinances more efficient and save money at the same time. Martin stated that this will be more user friendly to the public by either receiving specific notice in the mail or viewing the ordinance on the city's website. Martin stated that this bill is supported by the City Clerks Association and the League of California Cities. Martin recommended approval of the letter.

Aldaco moved, seconded by Krause, to approve the letter of support for AB715 relating to the posting requirements of City Ordinances, as recommended.

[06:46:42 PM](#)

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

NAYES: None

ABSENT:None

Motion passed by majority.

7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [06:46:49 PM](#) Chief Gharat provided an update on recent incidence involving theft of church property. Chief Gharat reported that incidence has been resolved and resulted in prison time for the persons responsible. Chief Gharat gave kudos to everyone involved with this case stating it just shows what a great team we have here. Chief Gharat thanked the community for allowing him to participate in the 5k run during the Heritage Days event, stating he and his wife had a great time. Chief Gharat commented that the turn out was phenomenal. Chief Gharat reported on his attendance at the recent Trekking the Tuolumne stating it was a great program and another example of the community spirit here in Waterford. Chief Gharat commented that CASA is a great program stating that from a law enforcement perspective any program where we can have a positive influence in those kids lives now to help prevent them from being a customer of ours in the future is a win-win situation.

7b: City Attorney Comments/Reports: [06:48:41 PM](#) City Attorney Browning reported on his attendance at the recent City Attorney's Conference hosted by the League of California Cities stating that he has already put some of the material to use by modifying our standard language in the public works contracts. City Attorney Browning advised council on an advisory letter that the City Planner sent out on behalf of the city with regard to a transmission agency in Northern California and a transmission line. Browning stated that the Planner has provided copies of the letter to Council and explained that essentially the Planner is advising the transmission agencies with regard to the lines that they are proposing in certain respects they need to take a closer look at our general plan and our current city boundaries. Browning stated that the letter is self explanatory, however wanted Council to know that the Planner is looking out for the best interest of the city and at the same time to ensure that what they are doing is in compliance with land use requirements. City Attorney Browning requested discussion on one closed session item relating to Anticipated Litigation under G.C. 54956.9.

7c: City Administrator Comments/Reports: [06:50:59 PM](#) Public Works Director Erickson reported on his attendance at the Trekking the Tuolumne event stating that he was very impressed with the event. Erickson mentioned that there was also a great article in the Modesto Bee today in regards to that event. Erickson stated that the online videography on the Modesto Bee website was nicely done as well. Erickson congratulated the High School Girls Softball team for reaching the Division 6 final championship game. Erickson stated that they came up a little short, however played a really good game. Erickson also commented on the Boys Baseball team stating that they made it to the semi-final play-offs.

7d: City Council Comments/Reports:

Jose Aldaco: [06:51:59 PM](#) No Comments.

VM/Weaver: [06:52:05 PM](#) VM/Weaver commented on the 5k run at Heritage Days stating that it was a great event. VM/Weaver wished everyone a safe and good Memorial Day weekend. VM/Weaver stated he is looking forward to the City Administrator's return.

Ken Krause: [06:52:53 PM](#) CM/Krause also thanked the Boy Scouts for their hard work at the River Park. CM/Krause gave kudos to Pat Padrnos and Ellie Cupit for their persistence of making the Trekking the Tuolumne happen.

CM/Van Winkle: [06:52:37 PM](#) CM/Van Winkle gave kudos to the Boy Scouts for their work and contribution to the River Park stating they did a great job. CM/Van Winkle also congratulated the girl's softball and boys baseball teams and also the track team.

Mayor Goeken: [06:53:24 PM](#) Mayor Goeken thanked the entire Boy Scout troop, the troop leaders and parents/families stating that he knows it is a team effort that make those projects happen. Mayor Goeken also congratulated the Waterford athletic teams for their successes. Mayor Goeken also congratulated the graduating class of 2009 which will commence next Thursday.

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [06:54:12 PM](#) Mayor Goeken recessed the City Council meeting at 6:54PM. To reconvene to closed session directly following the recess. To 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 4, 2009, 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)

None.

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

Direction provided to City Attorney.

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.