

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, June 5, 2008

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE: Mayor Broderick-Villa

INVOCATION: Pastor John Price, Empire Church of the Brethren

ROLL CALL PRESENT:

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
Darin Gharat, Police Chief

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

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.

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

Motion passed by majority.

ADOPTION OF CONSENT CALENDAR:

- 1a: RESOLUTION 2008-36 Warrant Register
- 1b: Minutes of the Regular Meeting held on May 15, 2008
- 1c: Draft Minutes – Joint Committee Meeting (WUSD & City of Waterford) held on May 22, 2008

2. PRESENTATIONS:

- 2a: **PRESENTATION:** Vince Harris, Executive Director of StanCOG to Provide an Update on the Blueprint Process: Vince Harris of StanCOG provided some basic background explaining what the Blue Print Process is and an update on the status of the Blue Print process and a outlined a schedule of upcoming public workshops to inform the public of the Blue Print process and allow the public to participate and share their view and ideas of what the public would like the County's

future Blue Print to look like. Mr. Harris provided some informational handouts to assist the Council in understanding the process so that they can better educate the public. Mr. Harris explained that this is a state grant funded project. Mr. Harris stated that state grant funds were issued to all of the eight valleys Council's of Government to develop a Blue Print process. Mr. Harris stated that this was a competitive process where the valley StanCOG's competed with other StanCOG's throughout the state pointing out that this is the first time the valley COG's were granted funds to do something like this. Mr. Harris stated that the Blue Print process is intended to provide a vision out to the year 2050 of what we want our valley to look like. Mr. Harris provided more detailed information on various workshops that have been held to date to get this process where it is today.

3. COMMUNICATIONS FROM THE AUDIENCE:

Mrs. Erin Sauls, Principal of the Intermediate School in Waterford that was newly named Lucille Whitehead Intermediate School which educates students in the 3rd through 5th grades. Mrs. Sauls explained that they had the students vote for the school colors and mascot stating that they have picked the top 5 picks chosen by the students and have put this out on their website for the community to place their votes and ultimately choose the school colors and mascot. Ms. Jennifer Parman, Gate Director and 5th grade teacher who has spearheaded this project provided more of the detail that went into this process. Mrs. Parman invited all of the Waterford community to go to their website at: www.lucillewhiteheadintermediate.com and place their votes. Ms. Parman stated that there is also a biography of Lucille Whitehead on this website.

Charles Turner of StanCOG informed Council and the public of the June 11th Policy Board meeting where a vote of the ½ Cent Sales Tax Expenditure Plan will take place. Mr. Turner stated that this is scheduled to be on the November 2008 ballot.

4. PUBLIC HEARING ITEMS:

4a: ORDINANCE 2008-01: SECOND READING & ADOPTION: An Ordinance Replacing Title 16 Titled Subdivisions with new Provisions for the Waterford Municipal Code:

Mayor Broderick-Villa opened the public hearing. Mayor Broderick-Villa closed the public hearing with no comments were offered from the public.

Krause moved, seconded by Weaver, to adopt Ordinance 2008-01, as recommended.

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

Motion passed by majority.

4b: PUBLIC HEARING: RESOLUTION 2008-38: A Resolution Confirming the Assessment and Ordering the Levy for the Waterford Landscaping & Lighting Assessment District for Fiscal Year 2008/2009: City Attorney Browning explained that this item and the next item are the final step in the annual adoption of the assessments for the Landscaping & Lighting District and the Lighting District. Browning stated that Council has given prior direction for the annual engineer's reports to be drafted and authorized the public hearing for tonight's meeting. Browning stated that this is the final step in getting these assessments on the county tax rolls.

Mayor Broderick-Villa opened the public hearing. Mayor Broderick-Villa closed the public hearing with no comments were offered from the public.
Krause moved, seconded by Aldaco, to adopt Resolution 2008-38, as recommended.

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

Motion passed by majority.

- 4c: PUBLIC HEARING: RESOLUTION 2008-39: A Resolution Confirming the Assessment and Ordering the Levy for the Waterford Lighting Assessment District for Fiscal Year 2008/2009:

Mayor Broderick-Villa opened the public hearing. Mayor Broderick-Villa closed the public hearing with no comments were offered from the public.

Goeken moved, seconded by Krause, to adopt Resolution 2008-39, as recommended.

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: City Administrator Deschenes reported that he will be meeting with the Architect on Monday and explained that the next step is to formalize the schematic design and cost estimate for the Government Center which will require a contract that will be presented to Council. Deschenes stated that he hopes to accomplish this by the first meeting in July.
- 5b: DISCUSSION: Relating to the Proposed Stanislaus County Transportation Sales Tax: City Administrator Deschenes stated that Charles Turner from StanCOG provided information earlier on this subject. Deschenes added that Council's endorsement of the tax measure is required in order to put it on the ballot; therefore there will be an action item on the next agenda for Council's consideration. Deschenes stated that Council will receive a copy of the expenditure plan stating that it is also available online at www.stancog.org.
- 5c: RESOLUTION 2008-42 & 2008-43: A Resolution Adopting the Fiscal Year 2007/2008 Amended Budget and A Resolution Adopting the Fiscal Year 2008/2009 Budget: City Administrator Deschenes stated that Council just received the final budget analysis tonight; therefore we will continue the adoption to the next meeting. Deschenes verbally highlighted some of the significant items contained in the budget. Deschenes pointed out that the general fund balance contains 1/3 of the city's operating expenditure explaining that is the recommended cushion for small city's to fund their cash flow. Deschenes stated that once the city's impact fee funds are reconciled he will submit an amendment which will remove the negative balance in those fund accounts. Deschenes also pointed out that he scaled back the RDA downtown improvement project due to receiving recent news that there is a high possibility that we will not receive the economic grant that we once thought we had a good chance at getting. Deschenes stated that if this changes at all he will submit an amendment to make the appropriate adjustments.

6. NEW BUSINESS:

- 6a: RESOLUTION 2008-37: A Resolution Approving the Annual Transportation Claim for Fiscal Year 2007/2008: City Administrator Deschenes explained that this is a standard annual action item where we identify to StanCOG where the city has expended the local transportation funds and file a claim for reimbursement.

Weaver moved, seconded by Aldaco, to adopt Resolution 2008-37, as recommended.

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

Motion passed by majority.

- 6b: DISCUSSION: Relating to the Parks & Recreation Commission Recommendation for the Rental of the River Park Pavilion: City Administrator Deschenes stated that a staff report was provided by the Parks & Recreation Commission with their recommendations in regards to rental fees, rules & regulations for the rental of the River Park pavilion. Deschenes pointed out an item of concern for him was to include in the rental packet a copy of the city's noise ordinance. Deschenes stated that he did not think this would go very far because the noise ordinance specifies that a violation occurs when the noise level is over 40 decibels above the ambient noise level. Deschenes stated this is a difficult threshold to document stating that we may want to consider different language. Deschenes stated that it may not be unreasonable to just ban amplified music since it is a natural setting park. CM/Krause agreed that amplified music should not be allowed. CM/Krause pointed out that the application implies that it is for the rental of the River Park and that it should clearly identify that the rental of the pavilion only. City Attorney Browning stated that there could be on a contractual basis with the applicant on a case by case basis identifying the prohibition of amplified music. This would give the city discretion to allow music for certain events but not all events. CM/Aldaco pointed out that the application reads that the applicant must have their items removed prior to midnight stating further that it should follow the dawn to dusk hours of the park. CM/Goeken stated that he did not agree with the insurance requirement to the applicant for the rental of the pavilion because any citizen that chooses to not rent it and just secure it on a first come first serve basis does not have to provide the insurance. Deschenes explained that the city has to require the insurance for the rental because that is a requirement of our Risk Management Pool that we belong to. CM/Weaver made a suggestion to put a maximum number of guests that can be accommodated for the pavilion pointing out that it is a small area with limited parking availability. CM/Goeken stated that he would like to have some kind of priority for Waterford area residents vs. non-Waterford area residents. Council gave direction to forward this back to the Parks & Recreation Commission for the Commission's consideration of the Council's concerns and suggestions.

- 6c: RESOLUTION 2008-41: A Resolution Approving Agreement Between City of Waterford and Stanislaus County HOME Consortium for Federal Fiscal Year 2009 and 2010: City Administrator Deschenes stated that this will implement what is commonly known as a first time homebuyer's loan program. Deschenes explained further that this will also clear up some ambiguity that Waterford has had with the State Housing & Community Development Department. Deschenes stated that a few years ago Council decided to contract with the County Consortium for Community Development Block Grant purposes and HOME grant administration. Deschenes stated that the State's program would have only provided enough fund to do one loan where the County Consortium funding will allow us to do approximately 5-7 loans with a considerably simplified contract terms. Deschenes recommended approval of this program stating that he feels it will help our housing market a little bit.

Goeken moved, seconded by Krause, to adopt Resolution 2008-41, as recommended.

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

Motion passed by majority.

7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: Chief Gharat reported on having a good vacation stating that the Police Officers and Law Enforcement staff did an outstanding job in his absence and that he has heard nothing but positive comments in the short time that he has been back.
- 7b: City Attorney Comments/Reports: City Attorney Browning requested a closed session discussion under Labor Negotiator, G.C. 54957.6. Browning stated that during the last week he has reviewed the Law Enforcement contract and has discussed some of the changes he noted from the last contract with the City Administrator. Browning stated the agreement will be up for discussion with Council most likely at the next Council meeting, however stated that he would like to bring to Council's attention some of the changes that will be coming before them in closed session.
- 7c: City Administrator Comments/Reports: City Administrator Deschenes reminded Council of an upcoming League of California Cities event in Ripon and asked for an attendance count. Deschenes updated Council briefly on a recent Risk Management evaluation and assessment report that was recently conducted by the city's RMA. Deschenes reported receiving a request from Waste Management for Council approval of scheduled rate increase which will be on the next Council agenda.
- 7d: City Council Comments/Reports:
- Jose Aldaco: CM/Aldaco congratulated all of the new 2008 graduates.
- CM/Weaver: CM/Weaver stated that it is great to see that Waterford will be receiving from the SCOE after school funds. CM/Weaver thanked the School District for the use of their facility.
- CM/Goeken: CM/Goeken congratulated Lucille Whitehead for having the school named after her stating that it is quite an honor and well deserved. CM/Goeken reported that he will be absent at the next Council Meeting due to a camping trip with his son.
- CM/Krause: CM/Krause thanked the City Clerk and her staff for their work on the budget format and making it an easier read and welcomed Chuck and Chief both back from vacation.
- Mayor Broderick-Villa: MBV stated that he was glad to see the budget and looks forward to reviewing it. MBV congratulated Supervisors O'Brien and DeMartini for their re-elections and also Supervisor Chiesa for his election. MBV thanked also thanked the School District for the use of their facilities.

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: Mayor Broderick-Villa recessed the City Council meeting at 7:22PM. To reconvene to Closed Session directly following the recess. To reconvene to City Council meeting directly following closed session to adjourn the meeting.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on June 19, 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

1. Direction given to Negotiator by Council.

**2. Agreement for County to Perform Law Enforcement Services for the City of
Waterford Contract Discussion. 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.