

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, June 17, 2010

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: [06:30:34 PM](#) Mayor Goeken

INVOCATION: [06:30:59 PM](#) Council Member Day

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

Present: Mayor Goeken
Council Member Van Winkle
Council Member Krause
Council Member Day

Absent: Vice-Mayor Aldaco

Also Present: Charles E. Deschenes, City Administrator
Lori Martin, City Clerk
Corbett J. Browning, City Attorney
Darin Gharat, Police Chief

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

[06:31:47 PM](#)

AYES: Goeken, Van Winkle, Krause and Day

NAYES: None

ABSENT: Aldaco

Motion passed by majority.

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

[06:31:55 PM](#)

AYES: Goeken, Van Winkle, Krause and Day

NAYES: None

ABSENT: Aldaco

Motion passed by majority.

ADOPTION OF CONSENT CALENDAR:

- 1a: RESOLUTION 2010-45: Warrant Register
- 1b: Minutes of the Regular City Council Meeting held on June 3, 2010
- 1c: Wastewater Daily Flow Summary – May 2010
- 1d: Building Report – May 2010
- 1e: Minutes of the Regular Parks & Recreation Commission Meeting held on April 13, 2010
- 1f: Business License Report – May 2010
- 1g: Fog Permit Report – May 2010
- 1h: Notice of Meeting Cancellation of the Regular City Council Meeting Scheduled for July 1, 2010

2. **PRESENTATIONS:** None.

3. **COMMUNICATIONS FROM THE AUDIENCE:** [06:32:03 PM](#) None.

4. **PUBLIC HEARING ITEMS:**

5. **UNFINISHED BUSINESS:**

- 5a: **DISCUSSION:** Relating to Update on the Government Center Project: [06:32:28 PM](#) City Administrator Deschenes handed out a cost estimate worksheet for the Police portion of the government center stating that this is a working document. Deschenes explained that it is typical for the first cost workup to be more than budgeted stating further that there are opportunities within this process to make adjustments in both size of the structure and some of the characteristics of it. Deschenes stated that the committee will get together and start working on this and come up with some recommendations.
- 5b: **DISCUSSION:** Relating to Organizational Structure in Regards to City Boards & Committees: [06:41:51 PM](#) City Attorney Browning asked for this item to be continued to the next meeting as he is still working on this item and hopes to have a report at the next council meeting.
- 5c: **DISCUSSION:** Relating to 2010-11 Budget Estimates of the 2009-10 Operations, Future Challenges and Opportunities: [06:42:26 PM](#) City Administrator Deschenes passed out some working documents related to the budget stating that this working document is related to the general fund only. Deschenes stated that our Finance Consultant, Barbara Dunning is preparing the budget this year. Deschenes explained that the operations are basically at the same level they are this year and no changes in staffing levels. Deschenes directed Council's attention to the total and grand total of revenue and expenditures stating that it is projecting a diminishing of the fund balance of approximately \$157,000. Deschenes explained that last year we projected a diminishing of the fund balance of approximately \$400,000 stating that there is quite an improvement over last years projections. Deschenes stated that more detail will be provided in the upcoming reports. Deschenes explained that our target has always been to maintain at least 1/3 of the general fund operating budget in reserves. Deschenes stated that we have far in excess of that which is fortunate because he does not expect the economic times to get much better in the next year. Deschenes explained that we can do the operations as projected and still maintain more than an adequate level of reserve, unless something unforeseen causes a major change. Deschenes explained that the new Fiscal Year starts July 1st stating that we will maintain at the same level as we are now until we can get a more final budget document for Council adoption at the July 15th Council meeting.
- 5d: **DISCUSSION:** Related to Transition Planning: [06:55:07 PM](#) City Administrator Deschenes stated that Council should start thinking about timeframes to incorporate certain benchmarks. Deschenes stated that at some point Council should probably create a committee to start discussing the transition planning in regards to Deschenes retirement. Deschenes recommended maybe having a job description and some characteristics identified by October and possibly start recruiting by the end of the year. Deschenes stated that Council should put some thought into whether or not they want to utilize a professional firm for the recruitment.

6. NEW BUSINESS:

- 6a: RESOLUTION 2010-46: A Resolution Declaring Intention to Levy and Collect Assessments for the Waterford Lighting Assessment District for Fiscal Year 2010-11: [06:56:54 PM](#) City Attorney Browning explained that at the last Council meeting we started this process by directing that an Engineers report be completed. Browning stated that this is the 2nd step of a 3 step process. Browning stated that the 2nd step is approving the Engineer's report and declaring intention to Levy the assessments. Browning explained that if Council is inclined to approve the report and declare intention to levy and collect the assessments that he would like the motion to include that an interlineations or adding additional language to the Resolution stating that Council is accepting the Engineers Report and declaring intention to levy and collect the assessments. Browning stated that this report and the interlineations also apply to the next item. Browning stated that he is explaining the process however the City Engineer is the one that provides the facts which establishes the nexus or connection between a need for service you are going to provide and the dollars that are going to be assessed. Browning explained further that the reason this is a 3 step process is that Council needs to direct the City Engineer to establish whether that nexus exists which is done in the report before Council tonight. Council then confirms that there is a factual basis and connection between what this district provides and the assessment. Browning stated at this time a public hearing is set for public input. Browning stated that approval of this item will set the public hearing date for the July 15th Council meeting.

Day moved, seconded by Krause, to amend the Resolution language to reflect that Council is Accepting the Engineers Report and Declaring Intention to Levy and Collect the Assessments for the Lighting Assessment District, as recommended.

[07:01:08 PM](#)

AYES: Goeken, Van Winkle, Krause and Day

NAYES: None

ABSENT: Aldaco

Motion passed by majority.

- 6b: RESOLUTION 2010-47: A Resolution Declaring Intention to Levy and Collect Assessments for the Waterford Landscaping and Lighting Assessment District for Fiscal Year 2010-11: [07:01:16 PM](#)

Day moved, seconded by Krause, to amend the Resolution language to reflect that Council is Accepting the Engineers Report and Declaring Intention to Levy and Collect the Assessments for the Landscaping and Lighting Assessment District, as recommended.

[07:02:03 PM](#)

AYES: Goeken, Van Winkle, Krause and Day

NAYES: None

ABSENT: Aldaco

Motion passed by majority.

- 6c: DISCUSSION: Consideration to Extend the Expiring Terms of the Planning Commission and Parks & Recreation Commission from June 30, 2010 to July 15, 2010: [07:02:08 PM](#) City Administrator Deschenes explained that the terms of certain Planning and Parks & Recreation Commission members expire on June 30th and this extension will allow more time to collect applications from interested citizens and in addition the first time the Council will meet in July is on July 15th. Deschenes stated that this will allow the Commissions to continue conducting business until new appointments or re-appointments can be made.

Van Winkle moved, seconded by Day, to approve the extension of the expiring Planning and Parks & Recreation Commission Members from June 30, 2010 to July 15, 2010, as recommended.

[07:04:10 PM](#)

AYES: Goeken, Van Winkle, Krause and Day

NAYES: None

ABSENT: Aldaco

Motion passed by majority.

- 6d: DISCUSSION: Consideration of Proposal from Parks & Recreation Relating to a September 11th Event – Concert in the Park: [07:04:38 PM](#) City Administrator Deschenes explained that this status of this item has changed since we put this on the agenda. Deschenes explained that this was originally going to be a Parks & Recreation event; however we were recently informed that the event will not be put on by a group of private citizens. Deschenes stated that this will require that the private group complete a special events application and draw out their event and provide a projected number of attendance. Deschenes stated that from there it will go out for review by the Police Chief and Public Works to assess the impact of the event. Deschenes stated that staff will review the application to determine if it will require city staff or private security and basically try to figure out what it will cost the city to have such an event to occur. Teresa Powell, organizer of the event stated that she has picked up the application and her group is in the process now of filling it out and developing an event plan.
- 6e: DISCUSSION: Consideration to Authorize the Formation of a Community Development & Housing Rehabilitation Loan Committee: [07:07:23 PM](#) City Administrator Deschenes stated that the Housing Authority is becoming more active in the housing market and issuing housing rehabilitation loans. Deschenes stated that there is a proposal to purchase a couple of run down apartment buildings in town to tear down and renovate and possibly offer some senior housing which will involve some new construction. Deschenes recommended having a loan committee to review these proposals and review applicant loan applications and other types of related issues in that regard. Deschenes stated that he would recommend a committee membership that includes one or two council members, planning commissioners and a staff member. Deschenes stated that is just a suggestion but is open to other comments and suggestions. Deschenes stated that he estimates that one meeting per month would be adequate. City Attorney Browning explained that this is a good opportunity for Council to take a more structured approach in the formation of a committee than we have historically done in the past. Browning stated that once the structure is determined Council would take formal action to formalize it, which would establish what the purpose and scope of the committee is, how often they meet, whether or not it is a committee that is required to follow Brown Act, etc. Browning stated that this is a good committee to start with and we will not have to add this one to our list to investigate. Mayor Goeken stated that he would like to have a member from the community on this committee for an outside independent voice in on this. Mayor Goeken suggested someone with expertise or experience in building or banking financial area. Deschenes stated that he will come back with some recommendations in the form of a Resolution for Council consideration and approval.
- 6f: RESOLUTION 2010-48: A Resolution Authorizing Execution of New Signature Cards for the Establishment of a Health Reimbursement Checking Account at Bank of the West: [07:13:47 PM](#) City Administrator Deschenes explained that the city self insures for the deductible portion of the group health insurance. Deschenes explained that our rates were going to increase this year with our current arrangement. Deschenes stated that we had a third party insurer handling our self insured portion. Deschenes explained that we went out on the market for quotes and the most competitive quote involved us doing a lot of the self insurance work. Deschenes stated to do that

in a manner in which he feels would give the best accountability involves us cutting checks to providers and sometimes employees for differences in co-pays. This account will give us a health reimbursement clearing account which will make it easier for accounting purposes.

Van Winkle moved, seconded by Krause, to Resolution 2010-48, as recommended.

[07:16:10 PM](#)

AYES: Goeken, Van Winkle, Krause and Day

NAYES: None

ABSENT: Aldaco

Motion passed by majority.

7. COMMENTS:

7a: Law Enforcement Comments/Reports: [07:16:14 PM](#) Chief Gharat did not have anything new to report.

7b: City Attorney Comments/Reports: [07:16:53 PM](#) City Attorney Browning requested closed session discussion under anticipated litigation relating to a recent claim under authority of G.C. 54956.9. Browning requested a closed session discussion under pending litigation relating to a recent lawsuit filed by Mr. Telles in Federal Court under authority of G.C. 54956.9. Browning stated that the agenda identifies real property discussion and those are closed now and can be removed from the agenda.

7c: City Administrator Comments/Reports: [07:18:19 PM](#) City Administrator Deschenes stated that the entire City staff and many others send out their sympathies go out to the Erickson family for their recent loss. Deschenes stated that after the first of the year we will need to add labor negotiator discussions to our closed session agenda because our contract with the labor union expires the end of June 2011 to formulate some of the changes we might need. Deschenes stated that we recently closed escrow on the Lambert parcel which is a good edition to the City. Deschenes stated that we have many community resources that will make a difference in that parcel in the short run.

7d: City Council Comments/Reports:

Jose Aldaco: absent.

Ken Krause: [07:20:04 PM](#) CM/Krause gave his condolences to the Erickson family. CM/Krause stated that with the addition of the Lambert parcel he would like to get together a round table discussion with the Parks & Recreation Commission and the Planning Commission. CM/Krause also expressed that he would like to have an update from the FFA on the parcel that they have been farming.

CM/Van Winkle: [07:21:03 PM](#) CM/Van Winkle gave his condolences to the Erickson family. CM/Van Winkle welcomed Chief Gharat back from vacation.

Murray Day: [07:21:14 PM](#) CM/Day gave his condolences to the Erickson family. CM/Day stated it was good to be back from vacation and he is getting ready to take another vacation.

Mayor Goeken: [07:21:24 PM](#) Mayor Goeken also extended his condolences to the Erickson family.

ANNOUNCEMENTS:

ADJOURNMENT/RECESS: [07:21:47 PM](#) Mayor Goeken recessed the City Council meeting at 7:21PM to begin the WPFA meeting. City Council to take a short recess directly following the adjournment of the WPFA meeting. To reconvene to closed session directly following the recess. To reconvene to the City Council meeting directly following closed session to report any action taken and to adjourn the City Council meeting.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on July 15, 2010, 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)

Telles vs. City of Waterford et. Seq.: Direction provided to City Attorney

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

Kalanta Claim: 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.