

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, June 19, 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 Pete Mar, Waterford Community Baptist Church

ROLL CALL PRESENT:

Present: Mayor Broderick-Villa (Left meeting at 7:10PM after item 6c)
Vice-Mayor Krause
Council Member Weaver
Council Member Aldaco

Absent: Council Member Weaver
Council Member Goeken

Also Present: Charles E. Deschenes, City Administrator
Lori Martin, City Clerk
Arthur F. Godwin, Deputy City Attorney
Darin Gharat, Police Chief

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

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

Motion passed by majority

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

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

Motion passed by majority.

ADOPTION OF CONSENT CALENDAR:

- 1a: RESOLUTION 2008-44 Warrant Register
- 1b: Minutes of the Regular Meeting held on June 5, 2008
- 1c: Building Permit Report – May 2008
- 1d: Business License Report – May 2008
- 1e: Wastewater Daily Flow Summary – May 2008

2. PRESENTATIONS:

- 2a: Chief Gharat to Introduce Deputy Brian Wilson: Chief Gharat introduced the newest deputy to join the Waterford sub-station. Chief Gharat stated that this is a good way for the Council to meet

the incoming deputies and a good way for the new deputies to establish rapport with the community. Chief Gharat explained that Deputy Brian Wilson transferred from the main office about a month ago and explained that Dep. Wilson has already distinguished himself as far as his dedication to the community and to the citizens by handling a very critical situation this past weekend with a positive outcome. Chief Gharat stated that he looks forward to Deputy Wilson's tenure with Waterford.

Deputy Brian Wilson gave a brief biography of his past job experiences and stated that he is looking forward to working in the City of Waterford.

3. **COMMUNICATIONS FROM THE AUDIENCE:** Gary Newman, resident of River Pointe addressed Council with concerns of youth in violation of the River Walk trail park rules. CM/Weaver informed Mr. Newman that it may be possible to reallocate some resources with the security company that is hired by the homeowners association. CM/Weaver stated that he believes that there are additional things that can be creatively done through the security, neighborhood watch and the city to help monitor and enforce the rules.

4. **PUBLIC HEARING ITEMS:**

- 4a: RESOLUTION 2008-45: A Resolution Ordering the Levy and Collection of Charges Within the City of Waterford: City Administrator Deschenes explained that this is an annual event which will put our special assessments on the county tax roll.

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

Weaver moved, seconded by Krause, to adopt Resolution 2008-45, as recommended.

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

Motion passed by majority.

5. **UNFINISHED BUSINESS:**

- 5a: DISCUSSION: Relating to Update on the Government Center Project: City Administrator Deschenes explained that the City Engineer is reviewing the latest proposal by the Architect Firm, RRM and stated that he and the City Engineer will be getting the Committee members involved to see what they feel is the best way to move forward to make this a success at the least cost.

Gus Oberthier, 11605 Yosemite Blvd. addressed Council with his concerns in regards to the alleyway proposed to go behind the new Government Center.

- 5b: RESOLUTION 2008-42: A Resolution Adopting the City of Waterford Amended Budget for Fiscal Year End June 30, 2008: City Administrator Deschenes stated that he made some minor changes to the budget since the last meeting stating that the budget is really a spending plan and meant to be utilized as a planning document.

Krause moved, seconded by Aldaco, to adopt Resolution 2008-42, as recommended.

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

ABSENT: Goeken

Motion passed by majority.

- 5c: RESOLUTION 2008-43: A Resolution Adopting the City of Waterford Budget for Fiscal Year End June 30, 2009:

Aldaco moved, seconded by Krause, to adopt Resolution 2008-43, as recommended.

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

Motion passed by majority.

6. NEW BUSINESS:

- 6a: RESOLUTION 2008-48: A Resolution Approving the Stanislaus County 2008 Transportation Financial Expenditure Plan: Vince Harris, Executive Director of StanCOG explained that the Financial Expenditure Plan document provided in the Council packets is the result of the last four months of work with input from the City Managers and the County Chief Executive Officer. Mr. Harris explained that this document was developed based on the framework that this Council and each of the other City Councils and the Board of Supervisors approved prior to the February 13th Board Meeting. Mr. Harris explained that the framework is based on two basic components. The first component is the ½ cent sales tax program that would create a 20 year program estimated to generate approximately 700 million dollars. With the 700 million dollars, two programs were developed. One program is called the local traffic improvement and road maintenance program where 50% of the generated revenue is dedicated to this program which will provide local road funding to each jurisdiction based on a formula composed of population and sales tax. 49% of the remaining funds would be dedicated to the three corridor projects. Mr. Harris explained that there are taxpayer safeguards built in to the document to include the administration of the program which can not be in excess of 1% for salaries and benefits for any new staff that may be hired by the Transportation Authority. The program also includes a Citizens Oversight Committee which would be charged with doing an annual audit of the program and also providing positive input to direct the program in such a way that the taxpayers are assured that in fact we are delivering the program that was promised. Mr. Harris explained that the Citizens Oversight Committee will be composed of 15 persons, stating that each of the nine jurisdictions will appoint a member and the Board of Supervisors will appoint a person with the additional 5 members to represent seniors, construction industry, the professions of financial and accounting and the labor industry.

Aldaco moved, seconded by Weaver, to adopt Resolution 2008-48, as recommended.

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

Motion passed by majority.

- 6b: DISCUSSION: Relating to a Refuse Rate Adjustment Request, Effective July 1, 2008 from Winton Disposal Services / Waste Management: City Administrator Deschenes explained that

the City received correspondence from Waste Management consistent with the contract requesting a rate increase. Deschenes stated that he has not fully investigated the computations for the fuel increase, however stated that the fuel increase does look reasonable. Deschenes stated that the CPI was easily verifiable. Deschenes stated that the complicated part of this will be whether or not this rate increase is subject to Proposition 218 which would require a protest hearing after a 45 day public hearing notice.

Tom Sanchez with Waste Management addressed council with a request to approve the CPI index increase and follow Proposition 218 guidelines for the fuel cost increase. Mr. Sanchez stated that if Council chooses to follow Proposition 218 for both components then Waste Managements request would be to prepare a hearing that would cover consecutive years to avoid having to do this each year.

Jennelle Bechthold with Waste Management reported that since going to the 3-cart system Waterford has diverted 50% of their waste from the landfill.

Deputy City Attorney Godwin stated that the opinion of the City Attorney's office is that the entire rate increase would be subject to a Proposition 218 hearing. Godwin explained that there is some merit to Mr. Sanchez's request to increase the CPI due to it being written in the contract for an increase every July 1st, however under the contract the City Council still has to approve and take action on any rate increase. Godwin explained that the Council is required to comply with Proposition 218 before they can approve this rate increase. Godwin further explained that a rate calculation will need to be done that is required by Proposition 218, notify all property owners and conduct a public hearing at least 45 days after the notice to allow residents to protest the rate increase.

City Council gave direction to staff to proceed with the procedure required to conduct a Proposition 218 Protest Hearing for the Waste Management rate increase.

- 6c: RESOLUTION 2008-49: A Resolution Approving an Amendment to the Agreement for Law Enforcement Services Between the County of Stanislaus and the City of Waterford: City Administrator Deschenes explained that we are negotiating our law enforcement contract with the County and we are getting close to finalizing the agreement, however the County has asked to extend our current contract for one month while they finalize their budget.

Weaver moved, seconded by Krause, to adopt Resolution 2008-49, as recommended.

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

Motion passed by majority.

7:10PM: Mayor Broderick-Villa informed Council and the public that he was going to give his closing comments at this time stating that he has to leave the Council Meeting for another engagement and after his closing comments he will recess the City Council meeting for 5 minutes. After the recess Vice-Mayor Krause will continue and run the remainder of the City Council meeting.

7:20PM: VM/Krause reconvened the City Council Meeting.

- 6d: RESOLUTION 2008-46: A Resolution Accepting Offer of Dedication for Public Right-of-Way at 450 N. Reinway Ave., Portion of APN: 080-056-018: City Administrator Deschenes explained that this item and the next two items relate to offers of dedication for public right-of-way in anticipation of the next Safe Routes to School grant that the Public Works Director will be applying for. Deschenes stated that in order to apply for the grant the City needs to have all of the necessary right-of-way to do the job. Deschenes urged acceptance of the right-of-way.

Aldaco moved, seconded by Weaver, to adopt Resolution 2008-46, as recommended.

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

Motion passed by majority.

- 6e: RESOLUTION 2008-47: A Resolution Accepting Offer of Dedication for Public Right-of-Way at 13312 Welch St., Portion of APN: 080-060-019:

Weaver moved, seconded by Aldaco, to adopt Resolution 2008-47, as recommended.

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

Motion passed by majority.

- 6f: RESOLUTION 2008-40: A Resolution Accepting Offer of Dedication for Public Right-of-Way at 13307 Welch St., Portion of APN: 080-030-054:

Weaver moved, seconded by Aldaco, to adopt Resolution 2008-40, as recommended.

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

Motion passed by majority.

- 6g: DISCUSSION: Relating to a Weed and Seed Grant Funding Program: CM/Weaver stated that he asked to have this item on the agenda to inform everyone of this program and to learn more about it. Chief Gharat explained that the Weed and Seed program is a program that is administered and funded by the US Dept. of Justice. Chief Gharat stated that Stanislaus County was fortunate enough to get approved for this program which covers the North and South areas of Paradise Rd. Chief Gharat explained further that this program is designed to utilize community resources, e.g. civic organizations, public health agencies, faith based organizations and form a steering committee from these types of resources, create dialogue to determine what the problems are within the community that are causing blight in the community and narrow that down to a specific problem to focus on. Once that is determined the US Attorney's office will send a representative from their office to sit in on the dialogue sessions. From that point the Steering Committee would submit an application to the US Dept. of Justice for approval. If the application for the Weed & Seed program is approved there is a 25% funding match from the city or local agency. The other 75% of the funding for the program would come from the US Dept. of Justice. Chief Gharat stated that after researching this and looking into it, one of the criteria for approval would be that Waterford would need to have a high crime rate. Chief Gharat happily reported that Waterford's crime rates are low compared with the National crime rates. Chief Gharat stated that this may be a program that Waterford could explore in the future if the need arose. Chief Gharat stated that if in the future Waterford had a need for this type of program, Waterford would have a good chance at getting it because both the civic and faith based organizations are very active in Waterford.

- 6h: RESOLUTION 2008-50: A Resolution Appointing Commission Members to the Waterford Parks & Recreation Commission: Vice-Mayor Krause explained that there are three Commissioner

Terms expiring in July on the Parks & Recreation Commission. VM/Krause stated that two of our current Commissioners have applied for re-appointment. VM/Krause made a nomination to re-appoint Patricia Green and Pat Padrnos to the Parks & Recreation Commission. VM/Krause reminded the public that there is still one (1) open seat and encouraged anyone that may be interested to pick up an application at City Hall.

Weaver moved, seconded by Aldaco, to adopt Resolution 2008-50, as recommended.

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

Motion passed by majority.

- 6i: RESOLUTION 2008-51: A Resolution Appointing Commission Members to the Waterford Planning Commission: VM/Krause explained that we have 3 terms expiring in July on the Planning Commission. VM/Krause stated that two of our current Commissioners have applied for re-appointment and we have received one application from Greg Dugovic who is a previous member of the Planning Commission. VM/Krause made a nomination to re-appoint Chris Esther and Dan Padrnos and nominated Greg Dugovic for appointment to the Planning Commission.

Aldaco moved, seconded by Weaver, to adopt Resolution 2008-51, as recommended.

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

Motion passed by majority.

7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: Chief Gharat reported on a stabbing that occurred last weekend. Gharat stated that two of the responsible parties are known in the community for causing multiple problems. Gharat reported that the new Deputy introduced earlier tonight took absolute 100% initiative and took it upon him to make sure that a thorough and complete investigation was done. Chief Gharat stated that both suspects were located within a couple of hours and arrested. Chief Gharat reported that a county-wide drug task force carried out search warrants and arrests in the unincorporated areas of Hickman and investigated a Methamphetamine lab with 5lbs of finished product was seized along with 22lbs of product in solution. Chief Gharat reported that 4 individuals were taken into custody the scene stating that 2 of the individuals tried to flee on foot; however they were apprehended by use of the Sheriff's helicopter. Chief Gharat stated that from this investigation multiple other search warrants were carried out throughout the County.
- 7b: City Attorney Comments/Reports: Deputy City Attorney Godwin requested a closed session discussion under Labor Negotiator G.C. 54957.6.
- 7c: City Administrator Comments/Reports: City Administrator Deschenes reminded Council that the annual League conference will be in Long Beach this year from Sept. 24th – 27th and asked Council to let him know if anyone was interested in attending and he would forward all of the necessary information to them. Deschenes reported that he might need to call a special meeting

before the next regular Council meeting stating that the FFA is interested in farming the 19.6 acre parcel that the City recently acquired. Deschenes stated that it is a hay type of crop that they want to plant very soon and they would like to enter into an agreement as soon as possible with the City. Deschenes stated that he thinks this will be a fairly simple agreement and he will be talking with the City Attorney about this. Deschenes stated that he doesn't know how quickly the School District will be able to act, however he would like to move quickly on our end so that they can get their crop in.

7d: City Council Comments/Reports:

Jose Aldaco: No comments.

CM/Weaver: CM/Weaver thanked Chuck and staff for all of their hard work on the budget. CM/Weaver reported on a recent ride-a-long he did with one of the Deputies stating that there is a need for some type of teen center to give the youth something to do. CM/Weaver stated that just about every other call for service was some type of minor nuisance situation with the youth that was taking the officers away from other opportunities that the deputies could harvest.

CM/Goeken: Absent.

CM/Krause: CM/Krause thanked the Commissioner's that applied for re-appointments and also sent out a thank you to the other Commissioners for their time and devotion to the City. CM/Krause thanked Greg Dugovic for stepping up and applying for another term on the Planning Commission.

Mayor Broderick-Villa: MBV's comments given at 7:08PM after item 6c. MBV thanked the City Administrator for finalizing the budget prior to the end of the fiscal year stating that he realizes the amount of work that had to go into that stating further that he is very pleased to see the budget. MBV reported that the Vice-Mayor joined him at the County Mayor's meeting and that he will be attending next month's Mayor's meeting with him again. MBV stated that Vice-Mayor Krause will be representing the City of Waterford at the August Mayor's meeting. MBV thanked Vice-Mayor Krause for taking this over. MBV recessed the City Council meeting at 7:10PM and departed the meeting.

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: VM/Krause recessed the City Council meeting at 7:40PM. VM/Krause will reconvene the City Council meeting to go into Closed Session directly following the adjournment of the RDA meeting. VM/Krause will reconvene the City Council meeting to adjourn directly following Closed Session.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on July 3, 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.