

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, August 7, 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: [6:30:43 PM](#) Mayor Broderick-Villa

INVOCATION: [6:31:04 PM](#) Pastor Bob Cherry, Community Baptist Church

ROLL CALL PRESENT: [6:33:06 PM](#)

Present:
Mayor Broderick-Villa
Vice-Mayor Krause
Council Member Goeken
Council Member Weaver
Council Member Aldaco

Absent: None

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

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

[6:33:18 PM](#)

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

NAYES: None

ABSENT: None

Motion passed by majority.

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

[6:33:27 PM](#)

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

NAYES: None

ABSENT: None

Motion passed by majority.

ADOPTION OF CONSENT CALENDAR:

- 1a: RESOLUTION 2008-56: Warrant Register
- 1b: Minutes of the Regular Meeting held on July 17, 2008
- 1c: Building Report – June 2008
- 1d: Business License Report – June 2008
- 1e: Parks & Recreation Minutes – June 10, 2008
- 1f: Waterford Police Services Report – Feb, Mar, Apr & May 2008
- 1g: Wastewater Daily Flow Summary – June 2008
- 1h: Draft Minutes of City/WUSD Joint Committee Meeting held on June 26, 2008

- 1i: River Park Meeting Minutes – July 12, 2008
- 1j: RESOLUTION 2008-57: Approving an Amendment to Extend the Contract Period from June 30, 2008 to September 30, 2008 to the Agreement for Law Enforcement Services with Stanislaus County Sheriff
- 1k: RESOLUTION 2008-59: Authorizing the Write Off of Five (5) Uncollectible Utility Account Receivables with a Combined Total of \$11.92

2. PRESENTATIONS:

None.

3. COMMUNICATIONS FROM THE AUDIENCE: [6:33:32 PM](#) None.

4. PUBLIC HEARING ITEMS:

- 4a: PUBLIC HEARING: To Open the 15 Day Public Review Period and Approve the Consolidated Annual Performance and Evaluation Report (CAPER) Relating to FY 2007/2008: [6:33:42 PM](#)

Public Works Director, Matt Erickson explained this is to open the 15 day public review period for the Consolidated Annual Performance and Evaluation Report (CAPER) relating to FY 2007/2008 and explained that this item will be on the September 4th Council agenda to close the review period and adopt the report.

[6:34:07 PM](#) Mayor Broderick-Villa opened the Public Hearing.

[6:34:16 PM](#) Mayor Broderick-Villa closed the Public Hearing with no comments offered from the public.

Krause moved, seconded by Aldaco, to authorize the opening of the 15 day public review period.

[6:34:36 PM](#)

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

NAYES: None

ABSENT: None

Motion passed by majority.

5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to Update on the Government Center Project: [6:34:43 PM](#) Public Works Director, Matt Erickson explained that the committee is in the process of setting up field trips to see other tilt-up concrete structure buildings and the various looks of their facades. CM/Krause stated that they are looking at all options that would bring the cost per square footage.

6. NEW BUSINESS:

- 6a: DISCUSSION: Relating to a Letter of Request from former Mayor Zane H. Johnston to name the City of Waterford Wastewater Treatment Plant in Honor of His Late Father, Leslie Johnston:

[6:35:42 PM](#) CM/Goeken with consensus of Council directed staff to develop a policy for council consideration and approval that provides guidance and criteria to follow for these types of requests. CM/Krause made a request to have the City Attorney to research and determine if there are any legal ramifications in doing this. CM/Krause also suggested getting some public comment.

- 6b: DISCUSSION: Relating to Research Conducted at Council's Request on Liability Insurance Requirements from Surrounding Cities Relating to Rental of Outside Covered areas at City Parks and Consideration to Approve the Parks & Recreation Commission Recommendations on the Rental Policies for the City of Waterford's Outside Covered Pavilion Park Areas:

City Attorney Browning explained that staff did a good job at gathering information from other municipalities on what their liability insurance requirements are. Browning stated that one out of the eight municipalities listed does not require liability insurance for the rental of the outdoor park space, however this city does require the renter to sign a waiver of liability and stated further that the results of the research does not change his opinion. Browning stated that from a legal perspective that would not be his recommended manner of proceeding stating that the waiver of liability and the indemnification that is in it is only as good as whoever waives and indemnifies. Browning stated that from a legal perspective the city is not adequately protected from potential liability if the city would be in instances where there is a liability insurance certificate. Browning explained that there seems to be consistency with other municipalities in that there are potential issues when you exclude others and give an exclusive use to someone else which is the reason that some cities charge higher fees and liability insurance requirements.

CM/Weaver commented that staff did a great job in providing the research from other municipalities and feels that the precedence is and the prudent thing to do is to be mindful that there are some risks and also be mindful that one of our parks is next to the Tuolumne River and stated that he feels more insurance is better than less insurance.

CM/Goeken stated that he feels the city needs to be protected; however the cost just does not bear out for what it would cost the citizens to rent the park when they can just go there on their own on a first come first serve basis when no insurance is required. CM/Goeken stated that there is no way to ever protect the city completely but the balance between the intrusion upon the citizens and the extra cost for the insurance versus the savings to the city or the potential coverage just doesn't make any sense.

CM/Krause stated that the difference to him is that the city is allowing exclusive rights for that party only to use that portion of the park.

CM/Aldaco stated that he feels we are limiting the number of citizens that can reserve the park because of financial issues, so if there are citizens that can not afford the cost of insurance and the cost to rent the outdoor park area then those individuals would not have the same access as those do that can afford it to pay. CM/Aldaco explained that there are many renters out there that do not have renters insurance; therefore they would have to resort to a higher cost of buying a policy for their event. CM/Aldaco stated that he does not feel it would be equal access to everyone. CM/Aldaco stated that only home owners or those that have renters insurance would be able to rent the outdoor park area.

CM/Goeken stated that he would like to see the city just require the waiver of liability and stated that the rest of the application form is fine.

[6:37:01 PM](#)

Goeken moved, seconded by Aldaco, to delete the liability insurance requirement and add a waiver of liability to the application form.

[6:43:06 PM](#)

AYES: Broderick-Villa, Goeken, and Aldaco
NAYES: Krause and Weaver

ABSENT: None

Motion passed by majority.

- 6c: RESOLUTION 2008-58: A Resolution Appointing One (1) Member to the Waterford Parks and Recreation Commission: [6:42:31 PM](#)

Mayor Broderick-Villa moved, seconded by Goeken to approve the nomination and appointment of Ellie Cupit to the Parks & Recreation Commission

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

Motion passed by majority.

7. COMMENTS:

7a: Law Enforcement Comments/Reports: Chief Gharat reported on a good community turn out and a good event for the National Night Out event held last Tuesday at the River Pointe subdivision. Chief Gharat gave recognition and kudos to Deputy Tom Letras for his outstanding job and efforts in coordinating the event and thanked the community and all of the law enforcement and fire personnel and to all that participated.

7b: City Attorney Comments/Reports: [6:44:21 PM](#) City Attorney Browning requested a Closed Session Item relating to Labor Negotiator under G.C. 54957.6.

7c: City Administrator Comments/Reports: [6:46:10 PM](#) Public Works Director, Matt Erickson reported that the City Administrator is doing very well after his recent heart surgery. Erickson gave kudos to the Public Works Department for the recent renovation of the Community Center. Erickson reminded everyone of the upcoming ribbon cutting ceremony for the 19.6 acre parcel will be held on August 14th at 5:30PM. Erickson stated that he gave approval to the Eagle Scouts on a recent project that they submitted for doing some work at the Museum which includes pouring a mow strip around some flower beds and pouring a pad by a storage area in the back. Erickson stated that the StanCOG Policy Board Meeting for August 13th has been cancelled.

7d: City Council Comments/Reports:

Jose Aldaco: [6:49:00 PM](#) CM/Aldaco thanked the Public Works for their hard work in making the routes to school safer for the children. CM/Aldaco stated that he was in Modesto during the National Night Out and noticed that there were a lot of streets closed off for their event and hopes that we can do the same in Waterford sometime where this event can be expanded outside of the River Pointe development so that even more of the community can participate and be involved. CM/Aldaco also reminded everyone of the ribbon cutting next Thursday and thanked Mr. Tom Marchy for his idea to do this.

CM/Weaver: [6:49:51 PM](#) CM/Weaver congratulated Ellie Cupit for her appointment to the Parks & Recreation stating that Ellie has already worked tirelessly on parks and that parks are her big love and expressed his appreciation for all that she has done in the past to help make the city better. CM/Weaver shared the fact that Ellie Cupit is a world class fisherwoman and has been recognized by Roland Martin as the originator of the cast it and kick it fishing method. CM/Weaver stated that he enjoyed reading the River Park Committee meeting minutes. CM/Weaver gave a sincere bon voyage and best wishes and best of luck to Mayor Broderick-Villa stating that he will do great in law school.

CM/Goeken: [6:50:47 PM](#) CM/Goeken congratulated Ellie Cupit on her appointment to Parks & Recreation stating that she will do a great job and stated further that Parks & Recreation is a very dedicated committee with hard workers and she will fit right in. CM/Goeken stated that the ribbon cutting for the 19.6 parcel will be farmed by the Waterford FFA which will be part of the ribbon cutting which is why we are inviting the entire community to celebrate our joint partnership with the School Board and City, stating that it is nice to see our city move along in cooperation and makes the community a better place. CM/Goeken thanked Public Works for their work on the Community Center and thanked the Chief for the National Night Out event. CM/Goeken wished Mayor Broderick-Villa on his endeavors.

CM/Krause: [6:51:32 PM](#) CM/Krause also congratulated Ellie Cupit on her appointment to Parks & Recreation. CM/Krause wished good luck to Mayor Broderick-Villa on his law school endeavors.

Mayor Broderick-Villa: [6:52:07 PM](#) Mayor Broderick-Villa stated that he is happy to be back in the Council Chambers stating that the Community Center looks wonderful and thanked Public Works for their hard work. MBV stated that he hopes that everyone can be at the ribbon cutting ceremony for the park opening. MBV stated that two park openings in two years is a great legacy for the city and the schools. MBV reminded the community to drive safely next week with school going back in session.

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [6:52:42 PM](#) Mayor Broderick-Villa recessed the City Council meeting at 6:52PM. To reconvene to closed session directly following the recess. To reconvene to City Council to adjourn the City Council meeting directly following closed session.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on August 21, 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.