

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, August 21, 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: [6:30:09 PM](#) Vice Mayor Krause

INVOCATION: [6:30:33 PM](#) Council Member Weaver

ROLL CALL PRESENT: [6:31:05 PM](#) >

Present: Vice Mayor Krause
Council Member Goeken
Council Member Weaver
Council Member Aldaco

Absent: Mayor Broderick-Villa

Also Present: Lori Martin, City Clerk
Corbett J. Browning, City Attorney (arrived 6:33pm)
Matt Erickson, Public Works Director
Darin Gharat, Police Chief

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

[6:31:17 PM](#)

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

Motion passed by majority.

1. CONSENT CALENDAR: Goeken moved, seconded by Aldaco, to adopt the Consent Calendar.

[6:31:26 PM](#)

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

Motion passed by majority.

ADOPTION OF CONSENT CALENDAR:

- 1a: RESOLUTION 2008-60: Warrant Register
- 1b: Minutes of the Regular Meeting held on August 7, 2008
- 1c: Building Report – July 2008
- 1d: Business License Report – July 2008
- 1e: Parks & Recreation Minutes – July 8, 2008
- 1f: Wastewater Daily Flow Summary – July 2008

2. PRESENTATIONS:

2a: PRESENTATION: Historical Society to present a check to the city for their contribution to the recent electrical upgrades to the Museum: [6:31:34 PM](#) Marianne Brush, 14007 TimBell Rd, President of Historical Society gave an update on recent donations and improvements to the Waterford Museum. On behalf of the Historical Society, Marianne Brush presented a check to the city in the amount of \$2,600.00 as a contribution for the recent electrical improvements that were made to the Museum.

2b: PRESENTATION: John Friel, President & CEO of Oak Valley Hospital to present the State of the District and annual statistics: [6:35:33 PM](#) Mr. John Friel discussed some history and background of the hospital and discussed some operating statistics of the hospital. Mr. Bob Wycoff, President of Hospital District Board distributed a flyer outlining facts regarding Measure Q. Mr. Wycoff pointed out that Oak Valley Hospital is a community owned hospital owned by the district.

Gus Oberthier 11605 Yosemite Blvd. commented that he belongs to a HMO that does not allow him to use Oak Valley Hospital. Mr. Friel responded that anyone can use the emergency room and should always utilize the closest one and stated that HMO's will direct patients to hospitals they have contracts with stating further that Oak Valley does have contracts with some HMO's, however the emergency room is available to anyone. Mr. Friel stated that Oak Valley has good working relationships with Kaiser and many HMO's and Oak Valley will work to stabilize patients and coordinate their care and transfer the patient to the appropriate hospitals. Mr. Friel pointed out that having a hospital near by is paramount especially in emergency situations.

3. **COMMUNICATIONS FROM THE AUDIENCE:** [6:45:31 PM](#) Charles Turner, 433 Snowspring Ct. expressed his gratitude and congratulated the City Council for their work over the last 6 yrs to improve the city with new roads and parks and have adopted a general plan that will lead the city on a course to continue moving the city forward. Mr. Turner also expressed his best wishes for a speedy recovery from his recent surgery to the City Administrator.

4. PUBLIC HEARING ITEMS:

5. UNFINISHED BUSINESS:

5a: DISCUSSION: Relating to Update on the Government Center Project: [6:46:49 PM](#) Public Works Director, Matt Erickson had nothing new to report. Vice Mayor Krause stated that he spoke with the City Engineer today and he is still in the process of lining up some tours of existing buildings.

6. NEW BUSINESS:

6a: DISCUSSION: Relating to a Draft City Policy that Addresses the Guidelines and Application Process of Dedication of and Naming City Property: [6:47:14 PM](#) Public Works Director, Matt Erickson stated that this was prepared by direction given by Council at the last meeting. Erickson stated that he researched other policies and put together the draft policy that is before Council tonight. Erickson stated that he is really looking for feedback and general comments and suggestions for any changes, additions or deletions from Council. CM/Weaver commented that he would not like to limit this to someone who has been deceased. No other comments or suggestions for changes were noted. City Attorney Browning stated that he would prefer that the

Council not take action tonight until the draft is revised with the noted changes and put on the next agenda along with a Resolution approving the policy. City Council was in consensus with the suggested changes and recommendations of the City Attorney. Vice Mayor Krause stated that a copy of this draft policy will be available at City Hall for anyone interested in reviewing it and submitting comments.

- 6b: 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: [6:52:01 PM](#) Recommendation was made by City Attorney Browning to table this item to the next meeting or when the policy relating to this is in place. City Council Members were in consensus to table this item to the next meeting.
- 6c: RESOLUTION 2008-61: A Resolution Accepting the Lowest Responsible Bid for the Welch Bike Path Grading and Approving the Contract: [6:52:17 PM](#) Public Works Director Erickson stated that this item and the next item will need to be continued to the next Council meeting due to a printing error in the Modesto Bee which advertised the incorrect bid opening date. Erickson explained that the bid date was suppose to be printed as August 21, 2008 and by error it was printed as August 28, 2008. Erickson stated that any bids that were turned in today will be held in their sealed envelopes until August 28th when the bids will be opened. Item Continued to the September 4, 2008 Council Meeting.
- 6d: RESOLUTION 2008-62: A Resolution Accepting the Lowest Responsible Bid for the Waste Water Treatment Plant Entrance Road Project and Approving the Contract: [6:52:29 PM](#) Item continued to the next City Council meeting.
- 6e: DISCUSSION: Relating to the Appointment of a Council Representative and Alternate to the StanCOG Policy Board: Vice Mayor Krause nominated Charlie Goeken to be the Waterford representative and Council Member Aldaco to be the alternate for the StanCOG Policy Board.

Weaver moved, seconded by Goeken, to appoint CM/Goeken as the Waterford Representative and CM/Aldaco as the alternate member for the StanCOG Policy Board.

[6:54:04 PM](#)

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

Motion passed by majority.

- 6f: RESOLUTION 2008-63: A Resolution Approving a Tentative Memorandum of Understanding (MOU) Agreement with the Miscellaneous Employees Bargaining Unit Represented by the International Union of Operating Engineers, Stationary Engineers, Local 39: [6:54:10 PM](#) City Attorney Browning read from the City's Merit System rules the procedure in place as it relates to approving Memorandum of Understandings. City Attorney Browning stated that what is being proposed tonight is in line with the procedure outlined in the City's Merit System Rules and Regulations. City Attorney Browning commented that the Council has had the opportunity to participate through the city negotiator in closed session, however for any questions regarding the

specifics of the agreement; Browning recommended directing those questions to the negotiators of the contract. Browning stated that he has reviewed the latest draft and provided his comments and suggestions which were not substantive and were minor. Public Works Director Erickson stated that as part of the city negotiating team the final draft before Council tonight has been agreed upon by both sides of the bargaining table and has been executed by the Union side of the table. CM/Weaver inquired as to if there were cost figures prepared that Council could take a look at. Erickson stated that he prepared an estimated cost for the 2008/2009 fiscal year and explained the format of the schedule to Council. Council reviewed the cost schedule distributed by Erickson and followed with a short question/answer period. CM/Goeken thanked Erickson for his hard work on the contract and thanked the City Administrator for putting the city in a position to where we can finally reward the employees and make them competitive with other cities, stating it is nice to be able to pay them what they are worth and be competitive in the market. Erickson introduced Marcia Mooney from the Stationary Engineers, Local 39. Mrs. Mooney thanked the City and City Council for working together with them on the contract. Mrs. Mooney stated that she feels this is a fair agreement for the employees stating further that the city and the union have a mutual goal of keeping the employees happy so that the employees want to stay and the city does not endure turnover of employees. Mrs. Mooney stated that the employees are very satisfied with the agreement and stated further that the agreement met some long term goals of the employees with the increase in retirement which made the city more competitive in this area. Mrs. Mooney stated that the employees feel that the salaries are fair and that she is happy to be here to support the approval of this agreement. VM/Krause echoed CM/Goeken's comments thanking Erickson and Deschenes for their work on the union contract commenting further that there are so many entities in our County that are having to cut back and through good management practices our city has had the benefit of staying in the black.

Weaver moved, seconded by Aldaco, to adopt Resolution 2008-63, as recommended.

[7:04:47 PM](#)

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

Motion passed by majority.

7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [7:04:53 PM](#) Chief Gharat briefed Council and the public on a recent law enforcement operation conducted in downtown Waterford last week. Gharat explained that this operation involved approximately 20 officers, along with the SWAT team and detectives. Gharat explained further that the SWAT team was involved due to the nature of the arrest and search warrants; therefore he wanted to ensure that we had the proper response for the type of operation that was being conducted. Gharat happily reported that through the professionalism and dedication of everyone involved in that operation no one was hurt and the individuals they were looking for were taken into custody without any incident. Gharat stated that some might have heard a couple of loud bangs go off and explained that was part of the operation and there were not any firearms discharged.
- 7b: City Attorney Comments/Reports: [7:09:07 PM](#) City Attorney Browning apologized for late arrival. Nothing new to report.
- 7c: City Administrator Comments/Reports: [7:09:37 PM](#) Public Works Director Erickson reminded Council of an upcoming 4H open house on September 8th from 3:00-5:00pm at the Community Center. Erickson stated that the recent ribbon cutting went well and stated further that he drove by the parcel today and the FFA has the disking under way and it already looks better than the weeds. Erickson thanked the Historical Society for the donation for the electrical upgrades and

stated that the City appreciates all of the hard work that the Historical Society does for the Museum and that they really take care of the place for us.

7d: City Council Comments/Reports:

Jose Aldaco: [7:11:25 PM](#) CM/Aldaco echoed Erickson comments regarding the Historical Society. CM/Aldaco thanked city staff for their work and efforts in getting the work done at the Museum. CM/Aldaco also reported on a nice ribbon cutting event. CM/Aldaco stated he was happy to see work being done on the downtown buildings.

CM/Weaver: [7:12:10 PM](#) CM/Weaver thanked city staff stating that he is pleased that we have a mutually beneficial agreement resolved and approved and stated that he appreciates everything that city staff does and Waterford will remain the employer of choice. CM/Weaver wished the candidates good luck with their campaigns. CM/Weaver stated that the ribbon cutting really was meaningful and the collaboration between the City, School District and the FFA is really going to make a difference to the FFA students stating further that this was an outstanding idea by Tom Marchy. CM/Weaver gave hats off to the Sheriff's Dept. for being so pro-active.

CM/Goeken: [7:13:30 PM](#) CM/Goeken also thanked the Historical Society and for all their work in preserving Waterford's heritage. CM/Goeken commented on a recent correspondence from Waste Management reporting that Waterford has had a 51% reduction in waste that goes into the land fill due to the new 3-cart system.

VM/Krause: [7:14:32 PM](#) VM/Krause expressed thanks to the people of Waterford for being such good caring people stating that the city is really turning around.

Mayor Broderick-Villa: absent.

ANNOUNCEMENTS: none.

[7:15:02 PM](#) Gus Oberthier shared his vision of what he would like the Waterford Government Center to look like.

ADJOURNMENT/RECESS: [7:16:34 PM](#) Vice-Mayor Krause adjourned the City Council Meeting at 7:16PM.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on September 4, 2008, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Lori Martin, CMC, City Clerk

Ken Krause, Vice-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
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.