

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, September 4, 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: [6:31:07 PM](#) Vice-Mayor Krause

INVOCATION: [6:31:33 PM](#) Pastor Pete Mar, Community Baptist Church

ROLL CALL PRESENT: [6:32:00 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
Robert Borchard, City Planner
Matt Erickson, Public Works Director
Darin Gharat, Police Chief

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

[6:32:14 PM](#)

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

Motion passed by majority.

1. CONSENT CALENDAR:

ADOPTION OF CONSENT CALENDAR: Weaver moved, seconded by Goeken, to adopt the consent calendar.

[6:32:39 PM](#)

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

Motion passed by majority.

- 1a: RESOLUTION 2008-64: Warrant Register
- 1b: Minutes of the Regular Meeting held on August 21, 2008
- 1c: Minutes of Planning Commission held on June 11, 2008
- 1d: Minutes of Planning Commission held on June 24, 2008
- 1e: Police Services Report – June 2008
- 1f: PROCLAMATION: Declaring September 15th to October 15th as National Hispanic Heritage Month
- 1g: PROCLAMATION: Declaring September 2008 as Emergency Preparedness Month

2. PRESENTATIONS:

2a: PRESENTATION: Vice Mayor Krause to present Certificate of Appreciation Certificates to Perry Jenkins for his service on the Planning Commission and to Rachel Sparks for her service on the Parks & Recreation Commission: [6:32:50 PM](#) Vice-Mayor Krause thanked both Commissioners for their time and service to the Commissions noting that neither of the Commissioners were able to attend the meeting tonight, however stated that their Certificates of Appreciation would be mailed to them.

2b: PRESENTATION: Lark Downs of StanCOG to give presentation related to the San Joaquin Valley Blueprint and City Council to Consider Approval or Modification of the San Joaquin Valley Blueprint Phase II Outcomes for Submittal to the StanCOG Policy Board:

[6:33:25 PM](#) Lark Downs of StanCOG gave a Power Point presentation which outlined the process and status of the San Joaquin Valley Blueprint.

[7:03:02 PM](#) Pat Padrnos, 12936 Covey St., addressed the Council with a question relating to how this relates to our own general plan. Mr. Downs explained that the City's General Plan is its own and the Blueprint helps to put the Cities and Counties on a better equal footing to the larger cities such as Los Angeles and Sacramento when competing for funding.

Goeken moved, seconded by Aldaco, to approve the San Joaquin Valley Blueprint Phase II outcomes for submittal to the StanCOG Policy Board, as recommended.

[7:07:09 PM](#)

AYES: Krause, Goeken, Weaver and Aldaco

NAYES: None

ABSENT: Broderick-Villa

Motion passed by majority.

3. **COMMUNICATIONS FROM THE AUDIENCE:** [7:07:39 PM](#) City Planner, Robert Borchard informed the Council and the public that on August 29, 2008 Waterford became a much larger city stating further that LAFCO gave the final approval for the annexation of the Lake Pointe project. City Planner Borchard distributed an information packet to Council which included a draft of a news release that he prepared on behalf of the Council for publication in the Waterford News. City Planner Borchard requested Council to review the news release and to inform him if they would like to make any changes to it before it was published.

4. PUBLIC HEARING ITEMS:

- 4a: PUBLIC HEARING: Close the 15 Day Public Review Period and Approve the Consolidated Annual Performance and Evaluation Report (CAPER) Relating to its FY 2007/2008, \$2,463,579 Community Development Block Grant and \$109,694 Emergency Shelter Grant: [7:11:41 PM](#)

Public Works Director Erickson explained that a community workshop was held with no attendance from the public and stated that no public comments have been submitted and recommended the closing of the 15 day public review period and approval of the FY 2007/2008 CAPER report.

[7:12:26 PM](#) Vice Mayor Krause opened the public hearing.

[7:12:30 PM](#) Vice Mayor Krause closed the public hearing with no comments offered from the public.

Goeken moved, seconded by Weaver, to close the 15 Day Public Review Period and approve the Consolidated Annual Performance and Evaluation Report (CAPER) for FY 2007/2008, as recommended.

[7:12:56 PM](#)

AYES: Krause, Goeken, Weaver and Aldaco

NAYES: None

ABSENT: Broderick-Villa

Motion passed by majority.

- 4b: PUBLIC HEARING: RESOLUTION 2008-65: A Resolution Approving the Vesting Tentative Subdivision Map Application 2008-01, Owner, David Murdoch: [7:13:02 PM](#)
City Planner Borchard stated that Mr. Murdoch has been trying for several years to put a commercial development at this site. Borchard stated that this includes a concept of a fast food restaurant, a bank and a large commercial drug store being proposed in this area as well. Borchard stated that Mr. Murdoch has decided to move forward with this project despite the downturn in the economy. Borchard stated further that when the businesses are ready to come into Waterford, Mr. Murdoch will be ready to merchandise his buildings. Borchard stated that the city should share some of that risk in terms of approving a map that will give Mr. Murdoch some entitlement to this sale this property. Borchard explained that this is a standard commercial development stating that a copy of the map is in the agenda packets that reflects how the lots will be configured and what the commercial development concept is. Borchard explained that the owners of the buildings will share parking and pay into something similar to a homeowners association to maintain the parking and landscaping areas. Borchard explained that there are no minimum lot sizes for commercial development stating that that is tied to a building. Borchard stated that our new subdivision code does not require approval by the City Council, however since this map application occurred during a transition period we decided to follow the procedure under our old code instead and bring this before City Council for final action. Borchard stated that the Planning Commission has recommended approval. Borchard stated that he has provided a Resolution for City Council action along with conditions to the approval.

A short question/answer period transpired between Members of the City Council and the City Planner.

Vice-Mayor Krause opened and closed the public hearing with no comments offered from the public.

Aldaco moved, seconded by Weaver, to adopt Resolution 2008-65, as recommended.

[7:18:20 PM](#)

AYES: Krause, Goeken, Weaver and Aldaco

NAYES: None

ABSENT: Broderick-Villa

Motion passed by majority.

5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to Update on the Government Center Project: [7:18:45 PM](#) Public Works Director Erickson stated that a list of buildings has been developed for the tour with a tour date set of September 10th for the Government Center Committee to take their field trip to take a look

at these buildings. Erickson stated that pictures of these buildings have been taken and distributed to the Committee members as well.

- 5b: RESOLUTION 2008-67: A Resolution Adopting a City Policy for the Naming of City Parks and Facilities: [7:19:18 PM](#) Public Works Director Erickson stated that this is the final draft of the policy for naming City Parks and facilities stating that he revised the document to include the recommended changes by Council at the last council meeting.

Aldaco moved, seconded by Weaver, to adopt Resolution 2008-67, as recommended.

[7:20:36 PM](#)

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

Motion passed by majority.

6. NEW BUSINESS:

- 6a: RESOLUTION 2008-61: A Resolution Accepting the Lowest Responsible Bid for the Welch Bike Path Grading and Approving the Contract: [7:20:49 PM](#)

Public Works Director Erickson stated that the city advertised to bid for the Welch Bike Path Grading Project with a bid open date of August 21st which was extended to August 28th due to a printing error in the Modesto Bee. Erickson stated that the bids were opened on August 28th at 3:00PM and read aloud in the office of City Hall. At the conclusion of the bid opening it was determined that the lowest responsible bidder was Fagundes and Son, Inc. with a bid amount of \$10,950.00. Staff recommends accepting the bid, approving the contract and awarding the project to Fagundes and Son, Inc. in the amount of \$10,950.00. Erickson stated that this is budgeted item in the 2008/2009 fiscal year.

Weaver moved, seconded by Goeken, to adopt Resolution 2008-61, as recommended.

[7:22:03 PM](#)

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

Motion passed by majority.

- 6b: RESOLUTION 2008-62: A Resolution Accepting the Lowest Responsible Bid for the Waste Water Treatment Plant Entrance Road and Approving the Contract: [7:22:07 PM](#)

Public Works Director Erickson stated that the city advertised for bid the WWTP Entrance Road Project with a bid opening date of August 21st which was extended to August 28th due to a printing error in the Modesto Bee. Erickson stated that the bids were opened on August 28th at 3:00PM and read aloud in the office of City Hall. At the conclusion of the bid opening it was determined that the lowest responsible bidder was Hensley Paving with a bid amount of \$80,212.89. Staff recommends accepting the bid, approving the contract and awarding the project to Hensley Paving in the amount of \$80,212.89. Erickson stated that this is a budgeted item in the 2008/2009 fiscal year.

Goeken moved, seconded by Weaver, to Resolution 2008-62, as recommended.

[7:24:00 PM](#)

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

Motion passed by majority.

- 6c: DISCUSSION: Relating to a Parks & Recreation Commission Recommendation to Approve the River Park Committee's Request to have a "Family Day" Event at the River Park and Pavilion:

[7:24:06 PM](#) Public Works Director Erickson explained that this request is from the River Park Committee which is a sub committee of the Parks & Recreation Commission to conduct a "family day" event concentrating on outdoor education and activities at the River Park from 10am to 4pm on October 11, 2008. Erickson explained that some of the activities planned are from various organizations such as the coast guard, fishing demonstrations, wildlife refuge with all of the activities related to boating and outdoor recreational activities. Erickson stated that an outdoor event application was completed by the Committee and this concept was presented to the Parks & Recreation Commission on August 28th. Erickson stated that the Parks & Recreation Commission has recommended approval of this event. Erickson stated that the Parks & Recreation Commission recommended one condition to the approval for the Committee members to go door to door in the neighborhood by the River Park to inform the residents of the event and invite them to attend, but to also make them aware that there will be extra cars parking in the area.

[7:26:04 PM](#) Pat Padrnos, 12936 Covey St., addressed the Council adding that this will be a family day focusing on children and explained that this idea was developed by Red Bartlett stating that he is in the audience and would like to address the details of the activities planned. Mrs. Padrnos stated that she already has Committee Members lined up to go door to door to invite them to join in the fun and to let them know about the extra cars and parking in the area. Mrs. Padrnos stated that she feels the River Park is the perfect setting for this kind of event and feels that is what the Park is really meant for. Mrs. Padrnos informed Council and the public that the Lions Club will be providing lunch for the public during this event.

[7:29:02 PM](#) Red Bartlett, River Park Committee Member addressed Council and provided more detail on the actual activities that are planned for the day. Mr. Bartlett stated that the Coast Guard would be there to talk about water safety along with the grassland association from the Dept. of Fish and Game to talk about wildlife, fly fishing demonstrations will be held, bass fishing demonstrations, horse shoe contests for the adults, falcon demonstration, balloon toss, casting contests for the kids, 4H will have a booth to recruit new members, local walnut farmer will teach kids how to tie rope knots.

Goeken moved, seconded by Aldaco, to approve the River Park Committee's request and application to conduct a "family day" event at the River Park, as recommended.

[7:35:05 PM](#)

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

Motion passed by majority.

- 6d: RESOLUTION 2008-68: A Resolution Approving a Standard Agreement with the Housing Authority of the County of Stanislaus: [7:35:24 PM](#) Public Works Director Erickson stated that this is an agreement with the Housing Authority to administer the HOME and CDBG program for the City for the 2008/2009 fiscal year. Erickson stated that the total funds to be administered are \$250,000 of which \$150,000 is from the repaid HOME funds and \$100,000 is from repaid CDBG funds.

Aldaco moved, seconded by Weaver, to adopt Resolution 2008-68, as recommended.

[7:36:11 PM](#)

AYES: Krause, Goeken, Weaver and Aldaco

NAYES: None

ABSENT: Broderick-Villa

Motion passed by majority.

- 6e: RESOLUTION 2008-66: A Resolution Approving a Joint Powers Agreement with Stanislaus Drug Enforcement Agency (SDEA): [7:36:16 PM](#) Public Works Director Erickson stated this is an agreement with the DEA to perform drug enforcement in the City of Waterford for the 2008/2009 fiscal year. Erickson stated that the fiscal impact for this is \$8,980.00 and has been budgeted for accordingly. Chief Gharat pointed out that the contract amount is very close to what it was last year stating that this is normal and customary business as part of the county-wide drug enforcement operation. Chief Gharat explained that this agreement normally comes before the Council sooner than this, however Gharat explained further that he delayed this a little bit because he was not seeing the activity in Waterford that he felt the citizens deserved, therefore he made his concerns known to the SDEA and feels that we have had an uptake in the amount of activity stating that there has been some good investigations done. Chief Gharat stated that is why he delayed this and feels that the SDEA understands now that if the City is paying for the service that we expect to see some activity here.

Goeken moved, seconded by Aldaco, to adopt Resolution 2008-66, as recommended.

[7:38:20 PM](#)

AYES: Krause, Goeken, Weaver and Aldaco

NAYES: None

ABSENT: Broderick-Villa

Motion passed by majority.

7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [7:38:28 PM](#) Chief Gharat reported on a recent article in the Modesto Bee in regards to the increase in auto theft. Waterford showed an increase of 4 automobiles over the same time period last year. Chief Gharat stated that he intends to do some public announcements and outreach on how to keep your property more secure and also pointed out that some of this is a result of the economy. Gharat also explained one of the reportable incidents was from a person that reported his vehicle missing; however it was recovered the next day because this person just didn't remember where they left it. Chief Gharat stated that Waterford still has the lowest number compared to the rest of the cities in the county. Chief Gharat reported that he will have another coffee with the Chief hour at the Beans Coffee Shop on Saturday, September 13th from 8am – 10am.
- 7b: City Attorney Comments/Reports: [7:43:42 PM](#) City Attorney Browning requested a closed session item for pending litigation under GC 54956.9 as noted on the agenda.
- 7c: City Administrator Comments/Reports: [7:44:09 PM](#) Public Works Director Erickson stated that the joint Council-School Board Committee meeting was held last week with several ideas brought forward for the 19.6 acre parcel which varied from a BMX complex to a pool. Erickson reported on a recent presentation he conducted with the East Side Tuolumne River Coalition along with some of our Commission Members. Erickson stated that the presentation involved the land purchase of the Lambert parcel and funding for eight years of education for 200 students. The total request for grant funds was \$460,000. Erickson stated that he felt Waterford made a good impact due to having 6 residents in attendance at this meeting. Erickson stated that the applications will be reviewed and ranked by a sub-committee stating that the East Side Tuolumne

River Coalition is in the process of setting up this committee and determining a date for the review.

7d: City Council Comments/Reports:

Jose Aldaco: [7:46:46 PM](#) no comments.

CM/Weaver: [7:46:52 PM](#) CM/Weaver commended the great work done by the River Park Committee on their upcoming event. CM/Weaver asked Chief to do whatever he can to educate the public on how to secure their autos and property and also suggested putting wanted criminal pictures in the paper. CM/Weaver thanked Vice Mayor Krause for another productive meeting.

CM/Goeken: [7:47:33 PM](#) CM/Goeken expressed thanks to Perry Jenkins and Rachel Sparks for their commitments to the city. CM/Goeken reported on his attendance at the Lucy Whitehead Intermediate School dedication and expressed thanks to Mrs. Whitehead for her contributions to the city. CM/Goeken reported that the Waterford 4H will conduct an open house this Sunday at the Community Center from 3:00pm to 5:00pm. CM/Goeken reminded everyone that Friday, Sept. 12th is the first annual Waterford High vs. Hughson High football game to be played at Hughson High and asked everyone to come out and support our team.

VM/Krause: [7:48:58 PM](#) Vice Mayor Krause requested that a letter of condolence be sent to the City of Fairfield and Matt Garcia's family in regards to the fatal and tragic shooting of Council Member Garcia.

Mayor Broderick-Villa: absent

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [7:49:30 PM](#) Vice-Mayor Krause recessed the City Council meeting at 7:49PM. To reconvene to closed session directly following the recess. To reconvene to the regular City Council Meeting directly following closed session to adjourn.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on September 18, 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)
James A. Wells, et al V. County of Stanislaus, et al

Direction given to City Attorney.

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.