

# WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

## Thursday, September 6, 2007

A regular meeting of the Waterford City Council was called to order by Mayor Broderick-Villa at 6:31 PM at the Waterford Community Center, 540 "C" Street, Waterford, CA 95386.

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** [6:31:23 PM](#) Mayor Broderick-Villa

**INVOCATION:** [6:31:43 PM](#) Pastor Pete Mar, Community Baptist Church

**ROLL CALL PRESENT:** [6:32:09 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  
Rob Jackson, Police Chief  
Matthew Erickson, Public Works Director  
Tony Marshall, City Engineer

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

[6:32:20 PM](#)

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

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

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

[6:32:28 PM](#)

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

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

1a: RESOLUTION 2007-89: Warrant Register

1b: Minutes of the Regular Meeting held on August 16, 2007

1c: Waterford Police Services Report – July 2007

## 2. PRESENTATIONS:

2a: City Engineer, Tony Marshall to give an update on the Western Avenue Project: [6:32:37 PM](#) City Engineer, Tony Marshall updated council on the current status of the project and then explained the history of the project outlining the various funding sources and challenges the city has faced in putting this project together. Marshall stated that he is hopeful that all of the work will be finished by Thanksgiving.

[6:52:40 PM](#) Sheryl Bolin, Western Ave. resident thanked the City Engineer for his report. Mrs. Bolin stated that the biggest concern amongst the residents was the length of time between each job taking place and not knowing why, however stated that this has been addressed fairly well by the City Engineer tonight. The second main concern is the speeding problems on Western Ave. and Ms. Bolin thanked the Chief for the increased patrols on their street, however stated that she personally witnessed a Probation car traveling 45-50 mph and stated that a family member witnessed a Stars car traveling 45-50 mph and bottomed out in one of the bumps in the road and thought he was going to go airborne. Ms. Bolin also noted that an Officer drove down the street at about 25-30 mph and stated that she would like to see the officers drive slower and set an example for everyone else. Ms. Bolin stated that one thing that was not addressed was whether blocking the road or putting in speed bumps is an option.

[6:55:59 PM](#) City Engineer, Tony Marshall addressed traffic calming devices that will be incorporated into project. Marshall stated that he is opposed to speed bumps for various reasons stating that speed bumps are bad on emergency vehicles, they create a maintenance hassle, they increase the cost of maintaining the street, and they create an equal number of complaints from residents that live next to the hump. Marshall stated that if Council decided later down the road that they wanted to add in speed bumps they could be installed at a later date. Marshall stated that the Traffic engineer that did the study did not recommend closing off Western from F Street.

## 3. COMMUNICATIONS FROM THE AUDIENCE:

[7:01:17 PM](#) Art Motaca, 11319 El Pomar Ave spoke on behalf of youth in the audience that would like to have a skate park.

[7:02:15 PM](#) Youth resident addressed the council asking for a skate board park.

[7:03:32 PM](#) Charles Turner, 433 Snowspring Ct., stated that there is a youth advisory position on Parks & Recreation Commission that any of them could apply for.

## 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 2006/2007, \$2.543 Million Community Development Block Grant and \$108,840 Emergency Shelter Grant: [7:04:19 PM](#): Public Works Director, Matt Erickson stated that a public meeting was conducted with no public attendance and no comments were received at City Hall during the 15 day public comment period. Erickson recommended adoption of the report.

[7:05:23 PM](#) Mayor Broderick-Villa opened the public hearing.

[7:05:28 PM](#) Mayor Broderick-Villa closed the public hearing with no comments offered from the public.

Goeken moved, seconded by Krause, to close the 15 day public review period and approve the Consolidated Annual Performance and Evaluation Report (CAPER), as recommended.

[7:05:39 PM](#)

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

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

**5. UNFINISHED BUSINESS:**

- 5a: DISCUSSION: City Council to Make a Determination on the Annual Performance Evaluation Form Type to be Utilized for Future City Administrator Performance Evaluations:  
[7:05:49 PM](#) Mayor Broderick-Villa asked to continue this item due to this being an item of discussion at an upcoming Mayor's meeting. Mayor Broderick-Villa stated that he would like to re-visit this after he gathers some information from the other Mayor's within the County.

**6. NEW BUSINESS:**

- 6a: RESOLUTION 2007-90: A Resolution Approving Program Supplement Agreement Relating to the Pedestrian and Bike Path on N. Western Ave from SR132 to Kadota Ave and Authorizing the City Administrator to Execute the Documents: [7:06:48 PM](#) PW Director, Matt Erickson explained that this is a standard agreement that we sign for every project that we do in the city that involves state and/or federal funding. City Engineer, Marshall explained that the state identified this project as a pedestrian and bike path on N. Western from SR132 to Kadota and stated that they most likely used an old form and forgot to change the name of the project. Marshall explained that the dollar amounts are correct and this is one of the funding sources for the Western Avenue project and it is not for a pedestrian and bike path. Marshall explained further that the instructions in the letter specifically said to reference the project exactly as it is stated on the State form, therefore that is why the Resolution is worded the way it is. Marshall recommended approval of the agreement so that we can submit it to receive project funding.

Krause moved, seconded by Aldaco, to adopt Resolution 2007-90, as recommended.

[7:09:11 PM](#)

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

Motion passed by majority.

- 6b: RESOLUTION 2007-91: A Resolution Approving the Amended and Restated Agreement for Collection of Garbage/Refuse, Recyclable Materials and Green Waste in the City of Waterford, California: [7:09:17 PM](#) PW Director, Matt Erickson explained that he prepared a staff report, however after preparing the staff report and after talking with legal counsel discovered that the municipal code does not contain a requirement for residents to have garbage service and stated that this is one of the terms in the agreement. Erickson stated that this will require Council direction and explained that there may be some residents that are responsible and dispose of their own garbage and do not have garbage service. Erickson stated that this would require all residents to sign up and pay for the service whether they have the service or not. City Attorney Browning discussed some of the other details of the contract stating that he worked with Waste Management's legal department in coming up with an agreement that addresses the items that have been discussed over the last few months. Browning stated that the mandatory service is something that he felt the Council needed to be advised of. Browning explained that if the city is required to enforce the mandatory rule, then this would be an additional cost that the city would incur. Browning stated that if this is something the Council wants and approves this agreement how it is written tonight, we will need to go back and amend the code to reflect this requirement.

[7:17:33 PM](#) Tom Sanchez, Waste Management stated that his billing records show that they bill approximately 1800 customers and historically show that there has been 2% growth per year. (The actual billing number for July was 1774 customers). After a long question/answer period between the Council and the Contractor it was agreed between the two parties that the agreement would be amended to delete the clause that required mandatory service and that the new billing rate start date would be changed from October 1, 2007 to November 1, 2007.

[7:31:52 PM](#) Charles Turner, 433 Snowspring Ct., addressed Council asking for clarification on the enhancements to the agreement that were discussed. PW Director Matt Erickson advised of enhancements.

[7:35:13 PM](#) Chris Esther, 613 Curran Dr., addressed Council inquiring if the billing would be monthly or every other month, and asked why the rates will be more in October when the new service does not start until January. Public Works Director, Erickson stated that billing would be every other month as is now and explained that the rates are increasing sooner than the service starts because Waste Management has not asked for an increase in seven years. Erickson explained further that if the City did not want to go with the enhanced services, Waste Management would have still asked for an increase to recoup their costs for the increase in gas prices and other expenses.

[7:38:32 PM](#) Tom Sanchez clarified and address some of the questions rose by public.

Goeken moved, seconded by Krause, to adopt Resolution 2007-91 and amending the agreement by deleting the third paragraph of item # 3 located on Pg. 2 of the agreement and modifying the date in item #24 of the agreement from October 1, 2007 to November 1, 2007.

[7:46:17 PM](#) Patty Hulst, 13419 Bentley St., addressed Council stating that she has a canal access property and that she paid for trash service for 10 years even though she didn't receive the service. Mrs. Hulst stated that she was told that since she was a city resident that she had to have trash service. Mrs. Hulst stated that if the city does choose to make it mandatory that she would like to have an opt out provision. Mrs. Hulst stated that she does receive trash service currently and this is water under the bridge for her now, but would like to see an opt out for others that may like to opt out.

[7:47:12 PM](#)

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

Motion passed by majority.

- 6c: DISCUSSION: Relating to a Purchase Request for a Four Unit Cubicle System for the New City Hall Modular Building: [7:47:23 PM](#) City Clerk, Lori Martin stated that she provided Council a staff report outlining the details of this request and the various quotes received. Martin explained that in order to efficiently utilize the space in the new modular that staff would like to install cubicle workstations in the center portion of the building. Martin explained that the prices vary quite a bit from vendor to vendor, however that is due to the product comparisons not being apples to apples. None of the vendors use the same product and all of the designs that were provided were very different. Martin explained that they chose the Wardens design because it would best fit their needs and felt that this particular vendor would provide the best service.

Goeken moved, seconded by Krause, to approve the purchase of a four unit cubicle system from Wardens in the amount of \$15,393.70.

[7:51:41 PM](#)

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

Motion passed by majority.

## 7. COMMENTS:

7a: Law Enforcement Comments/Reports: [7:51:49 PM](#) Chief Jackson reported on a StanCat task force update at a recent County meeting showed that the auto theft in Waterford is down 23%, however is up 7% countywide. Jackson explained the difference between parole and probation.

7b: City Attorney Comments/Reports: [7:53:05 PM](#) No comments.

7c: City Administrator Comments/Reports: Absent. Matt Erickson thanked Corbett for his help in negotiating the WM contract. Erickson reported that the city took delivery of the new Honda CNG cars and stated that he will be driving one and the other will be for the Administrative staff at City Hall.

7d: City Council Comments/Reports:

Jose Aldaco: [7:54:13 PM](#) Thanked the Chief for getting the school officer on board.

CM/Weaver: [7:54:35 PM](#) Thanked Tony for the update on Western. Welcomed Deputy Winter and stated that he had the chance to do a ride along with him. Reminded everyone that football starts Friday night at the High School.

CM/Goeken: [7:55:06 PM](#) thanked Art and the youth for coming to the meeting to request the skate park. Goeken stated that he would also like to see a community pool but it is a matter of finding the funding. Goeken stated that these two things are a big priority with the Parks & Recreation Commission as well. Goeken stated that the update on the Western Ave. project was very helpful and thanked the City Engineer. Goeken stated it is nice to finally get the Waste Management agreement done and thanked Matt Erickson and Corbett Browning for all their work on that. Goeken stated that a 3-cart system will be good for the community and increase our recycle rate. Also reminded everyone of football Friday, soccer on Saturday and a week from Friday the Sabercats will start their games as well.

CM/Krause: [7:56:37 PM](#) Krause echoed all comments made above.

Mayor Broderick-Villa: [7:56:50 PM](#) Mayor Broderick-Villa stated that the County-Wide Mayors meeting will be hosted by Waterford this month which gives us the chance to showcase Waterford to all the other Mayor in the County. Mayor Broderick-Villa thanked Matt Erickson for stepping in for the City Administrator tonight.

## ANNOUNCEMENTS:

ADJOURNMENT/RECESS: Krause moved, seconded by Goeken, to adjourn the City Council meeting at 7:57PM.

[7:57:25 PM](#)

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

**NAYES:** None  
**ABSENT:** None

Motion passed by majority.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on September 20, 2007, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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Lori Martin, CMC, City Clerk

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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

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.