

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, September 17, 2009

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE: [06:31:58 PM](#) Mayor Goeken

INVOCATION: [06:32:17 PM](#) Murray Day

ROLL CALL PRESENT: [06:33:11 PM](#)

Present: Mayor Goeken
Council Member Aldaco
Council Member Van Winkle
Council Member Krause

Absent: Vice-Mayor Weaver

Also Present: Charles E. Deschenes, City Administrator
Lori Martin, City Clerk
Corbett J. Browning, City Attorney
Matt Erickson, Public Works Director
Darin Gharat, Police Chief

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

[06:33:23 PM](#)

AYES: Goeken, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Weaver

Motion passed by majority.

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

[06:33:35 PM](#)

AYES: Goeken, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Weaver

Motion passed by majority.

ADOPTION OF CONSENT CALENDAR:

- 1a: RESOLUTION 2009-62: Warrant Register
- 1b: Minutes of the Regular City Council Meeting held on September 3, 2009
- 1c: Building Report – August 2009
- 1d: Business License Report – August 2009
- 1e: Wastewater Daily Flow Summary – August 2009
- 1f: Minutes of the Regular Parks & Recreation Meeting held on July 14, 2009
- 1g: Receipt of Water Shortfall Payment from the Grupe Company
- 1h: Revised Budget Issues Correspondence dated September 1, 2009

2. PRESENTATIONS:

- 2a: Accept Resignation of Planning Commissioner Pat Padrnos and Present Commissioner Padrnos with a Certificate of Appreciation: [06:33:40 PM](#) Mayor Goeken read aloud the Certificate of Appreciation for Commissioner Pat Padrnos expressing appreciation for her service to the City. Commissioner Pat Padrnos was not able to attend the meeting to accept her certificate.
- 2b: PROCLAMATION: A Proclamation Declaring September 15th to October 15th 2009 as National Hispanic Heritage Month: [06:34:30 PM](#) Mayor Goeken read aloud the Proclamation Declaring Sept. 15th to October 15th National Hispanic Heritage Month.

3. COMMUNICATIONS FROM THE AUDIENCE: [06:36:54 PM](#) None.

4. PUBLIC HEARING ITEMS:

- 4a: ORDINANCE 2009-05: SECOND READING & ADOPTION: An Ordinance Amending the Waterford Municipal Code Title 8 by Amending Chapters 8.04.040, 8.04.070, 8.04.080, 8.04.140 and Adding Chapter 8.04.200 to the Waterford Municipal Code Regulating Garbage and Refuse: [06:37:09 PM](#)
City Attorney Browning explained that this Ordinance will modify the city's municipal code relating to garbage based on the current operations of the provider. Browning explained further that this will also provide for an administrative remedy that wasn't there prior to this.

[06:38:18 PM](#) Mayor Goeken opened the public hearing at 6:38PM.

[06:38:32 PM](#) Mayor Goeken closed the public hearing at 6:38PM with no comments offered from the public.

Van Winkle moved, seconded by Krause, to adopt Ordinance 2009-05, as recommended.

[06:38:50 PM](#)

AYES: Goeken, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Weaver

Motion passed by majority.

- 4b: PUBLIC HEARING: Close the 15 Day Public Review Period and Approve the Consolidated Annual Performance and Evaluation Report (CAPER) for Fiscal Year 2008/2009: [06:38:57 PM](#) City Administrator explained that this is the County's action plan related to CDBG and HOME funds. Deschenes stated that he staffed a community meeting a few weeks ago to provide the community an opportunity to look at the plan and ask questions. Deschenes stated that there was no public attendance at the community meeting. Deschenes stated that the action plan identifies the projects for all the cities that participate in the Consortium.

[06:39:58 PM](#) Mayor Goeken opened the Public Hearing at 6:39PM.

[06:40:11 PM](#) Mayor Goeken closed the Public Hearing at 6:40PM with no comments offered from the public.

Krause moved, seconded by Van Winkle, to <MOTION DETAILS HERE>, as recommended.

[06:40:32 PM](#)

AYES: Goeken, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Weaver

Motion passed by majority.

5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to Update on the Government Center Project: [06:40:36 PM](#) City Administrator Deschenes stated that he received an email from the Architects in Oakdale stating that they do have experience in the design-build type of concept. Deschenes stated that he informed them of the resource problem that we have at this particular time along with the budgetary problems of both the City and the County which is slowing down the project. Deschenes stated that the problem is big enough that it is going to take some work. Deschenes stated that he solicited any ideas or suggestions that the Architect may have in that regard.

6. NEW BUSINESS:

- 6a: RESOLUTION 2009-63: A Resolution Approving Fees and Charges for the Fats, Oils, and Grease Program: [06:41:53 PM](#) Public Works Director Erickson explained that this is a result of the newly adopted Ordinance which authorizes the City Council to establish fees and charges related to the Fats, Oils and Grease Program. Erickson stated that after doing some research on surrounding cities we came up with a recently adopted fee schedule from the City of Riverbank in response to the same state mandates that we have to meet. Erickson stated that all of the violations have been patterned after Riverbanks example. Erickson stated that he came up with a grease disposal mitigation fee which identifies the justification methodology and authority section that authorizes the establishment of the fee. Erickson stated that staff will have the discretion on whether or not to impose the grease disposal mitigation fee. Erickson stated that the grease disposal fee is imposed on businesses that do not have a grease control device to offset to the maintenance costs to the city. Deschenes stated further that this does not require a business to put in a device if they do not have one, however the intent was that it will eventually be grandfathered in or the requirement will trigger when businesses expand by specified dollar amount or seat capacity. City Attorney Browning added that staff has done a good job at establishing a nexus or relationship between the anticipated reasonable labor costs that will be incurred and the fees that are in front of council tonight. Browning stated that the information and nexus contained in the staff report related to the loading rates and rental rates from CalTrans. Browning explained that there is a basis for these fees and charges and they are reasonably related to what the actual costs would be. CM/Aldaco inquired about training of employees for those businesses that may already have a grease control device on how to conduct the cleaning. Erickson explained that he will be sending out a letter and information packet to all of the business explaining the program and the new requirements and will ask the businesses to contact him to set up a meeting to discuss this new program. Erickson stated that he will conduct a short presentation and will have some training DVD's to share with them and stated further that he will provide as much references and resource information that he can. Erickson stated that this will be a learning process for the city as well as the businesses.

Van Winkle moved, seconded by Aldaco, to adopt Resolution 2009-63, as recommended.

[06:51:11 PM](#)

AYES: Goeken, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Weaver

Motion passed by majority.

- 6b: RESOLUTION 2009-64: A Resolution Accepting the Lowest Responsible Bid for the Dorsey Street Rehab Project, City Bid No. 2009-02 and Approving the Contract: [06:51:16 PM](#)

Public Works Director Erickson stated that the city advertised for bid the Dorsey Street Rehab Project and on September 16, 2009 at 2:00PM the bids were opened and read aloud in the office of City Hall. The bid specifications stated that the bid would be awarded to the lowest responsible bidder based upon the base bid and any of the included alternate bids associated with the base bid. After reviewing all bids submitted it was determined that Ross F. Carroll, Inc was the lowest responsible bidder for the base bid along with all of the alternate bid options. Ross F. Carroll, Inc submitted a base bid of \$149,261.82. Erickson explained that after further discussion with the City Engineer it was determined that Bid Alternate #2 which is listed as the E Street Improvement should be selected as the preferred Alternate Bid. Erickson stated that Ross F. Carroll, Inc. submitted a bid amount of \$51,704.75 for bid alternate #2. Erickson recommended that the City Council award the bid for the Dorsey Street Rehab Project to Ross F. Carroll, Inc. for a total contract amount of \$200,966.57.

Krause moved, seconded by Van Winkle, to adopt Resolution 2009-64, as recommended.

[06:54:00 PM](#)

AYES: Goeken, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Weaver

Motion passed by majority.

- 6c: DISCUSSION: Relating to Insurance Proposals for the Crime Shield Program, Earthquake and Flood Insurance: [06:54:05 PM](#) City Administrator Deschenes explained that as per discussions in previous meetings he wanted Council to be aware of the various insurance options that are available through our insurance pool. Deschenes stated that the optional coverage is a policy decision, therefore asked for input from Council on whether to accept or decline any of these coverage's. Deschenes stated his personal opinion is to not recommend any of these extra coverage's at this time. It was the consensus of the City Council to decline the Crime Shield Program, Earthquake and Flood Insurance coverage's.
- 6d: DISCUSSION: Relating to Budget Correspondence and Cost Savings and Revenue Enhancement Input: [06:55:59 PM](#) City Administrator Deschenes explained that this will be a continuing item on future agendas. Deschenes stated that he will continue to solicit proposals on cost savings from what ever source people would like to offer them and stated further that he will try and quantify the proposed cost savings and make a list to share with everyone. Deschenes stated that the list will be a work in progress. Deschenes stated that one cost savings proposal that he will bring back to the Council in the form of a motion is the deletion of the security service that opens and closes the restrooms at the River Park at dawn and dusk. Deschenes stated that the contract with the Security firm does allow for cancellation. Deschenes stated that he will bring this formally before Council to allow for public input. Deschenes pointed out that this will result in a cost savings of approximately \$22,000 annually. Deschenes stated that he has talked with Chief Gharat about this and that the deputies would assist with closing the park. Deschenes stated that Public Works would be able to open the park in the mornings. Deschenes pointed out that some of the cost saving proposals can be handled administratively without Council involvement, however stated that anything that may have the potential for political issues Deschenes stated that he would bring before Council. Deschenes solicited any cost savings ideas or revenue enhancement ideas that anyone may have to please submit them to him.

- 6e: DISCUSSION: Authorization to Pay Waterford Public Financing Authority the Difference Between the Lease Payment Amount and the Bond “Debt Service” Relating to the Waste Water Plant Improvements. These Improvements and the “Debt” were incurred in the 1990 Upgrade of the Waste Water Treatment Plant. If authorized this will be the procedure in subsequent years.

[07:00:07 PM](#) City Administrator Deschenes explained that what he is calling the “debt service” is really a governmental lease purchase obligation. Deschenes explained that the lease purchase between the Waterford Public Financing Authority and the Wastewater Treatment Plant debt schedule and the lease are a little out of sync in regards to the revenues that it generates. Deschenes explained further that bond documents or the lease purchase documents allow the WPFA to bill any additional charges that may be incurred by their fiduciary duty of administering the debt for the Wastewater Treatment Plant. Deschenes stated that this billing is the difference between what the WPFA has paid out and what it has collected from the Wastewater Treatment fund. Deschenes stated that this will rectify the issue and stated that sometime in the future we will work on amending the purchase agreements so that these two amounts will be in sync so that we will not have to do this over and over.

Van Winkle moved, seconded by Krause, to authorize payment to the WPFA an amount equal to the difference between what was paid out by the WPFA and what was collected from the Wastewater Treatment Plant and authorizing the City Administrator to establish this procedure in subsequent years, as recommended.

[07:02:27 PM](#)

AYES: Goeken, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Weaver

Motion passed by majority.

7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [07:02:31 PM](#) Police Chief Darin Gharat invited everyone to join him and Deputy Winter for coffee with the Chief this Saturday at the Beans Coffee Shop between the hours of 8:00AM – 10:00AM.
- 7b: City Attorney Comments/Reports: [07:03:25 PM](#) City Attorney Browning requested closed session discussions relating to Anticipated Litigation under G.C. 54956.9 and Real Property Negotiator under G.C. 54956.8.
- 7c: City Administrator Comments/Reports: [07:04:09 PM](#) City Administrator Deschenes informed Council of a Developer that is currently looking around town for parcels to construct low-moderate income housing stating that this developer would like to work with the city in regards to this. Deschenes stated that he has talked with the Developer and let him know that our gap in housing really relates to Senior Housing rather than straight low-mod housing and let him know that we would be interested in any proposals that he might come up with. Deschenes stated that we have accumulated funds in both our RDA Low-Moderate Income Housing Fund and also our HOME Recaptured funds. Deschenes stated that in many cities they do assist developers by issuing low income loans to encourage the construction of these types of facilities. Deschenes stated that he wanted to inform Council about this and that we have not received any proposals yet, however also invited other developers with interest in this type of development to contact him. Deschenes informed Council that he did receive approval to start the design work on the Brethren Park using some CDBG funds and that he will be putting this out to bid soon. Deschenes stated that we may have enough CDBG funds to contribute toward some more valley

gutter and drainage work in the older section of town. Deschenes stated that he has not received the approval for the valley gutter work yet however he is working with the county on this. Deschenes stated that since the Waterford News has inquired about this he wanted to inform everyone that the city has not received any stimulus money other than what the Housing Authority has administered in buying foreclosed homes in the community.

7d: City Council Comments/Reports:

Jose Aldaco: [07:08:20 PM](#) CM/Aldaco thanked Pat Padrnos for her service on the Parks & Recreation Committee and also thanked her for her service on the River Park Committee stating that she has done an outstanding job in organizing the River Park Family Day.

VM/Weaver: absent.

Ken Krause: [07:08:46 PM](#) CM/Krause echoed CM/Aldaco's comments stating that Pat Padrnos has been the lightning rod that has kept the River Park going and keeping it in everyone's forefront.

CM/Van Winkle: [07:09:08 PM](#) CM/Van Winkle also echoed CM/Aldaco's comments.

Mayor Goeken: [07:09:24 PM](#) Mayor Goeken also thanked Dan and Pat Padrnos for their service to the City. Mayor Goeken informed everyone that he will be out of state for the next 10 weeks attending the FBI Academy in Virginia, therefore will not be at the next few Council Meetings.

ANNOUNCEMENTS: None.

ADJOURNMENT/RECESS: [07:09:54 PM](#) Mayor Goeken recessed the City Council meeting at 7:09PM to open the WFPA meeting. After adjournment of the WFPA will proceed with the opening of the RDA meeting. Will reconvene to Closed Session directly following a short recess after the RDA meeting. Will reconvene to the City Council meeting to adjourn directly following closed session.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on October 1, 2009, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Lori Martin, CMC, City Clerk

Charlie Goeken, 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)

**Discussion regarding the Law Enforcement "Fund Balance".
Direction given by legal counsel.**

Item 9c: "CONFERENCE WITH REAL PROPERTY NEGOTIATOR"
(PURSUANT TO GOVERNMENT CODE 54956.8)

Direction given by legal counsel.

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)

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.