

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, September 18, 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: [6:29:58 PM](#) Vice Mayor Krause

INVOCATION: [6:30:21 PM](#) Council Member Goeken

ROLL CALL PRESENT: [6:30:50 PM](#)

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

Absent: Mayor Broderick-Villa
Council Member Aldaco

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

ADOPTION OF AGENDA: VM/Krause requested to move item 6g to be heard after adoption of consent calendar.

Goeken moved, seconded by Weaver, to adopt the Agenda as amended

[6:31:03 PM](#)

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

Motion passed by majority.

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

[6:31:16 PM](#)

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

Motion passed by majority.

ADOPTION OF CONSENT CALENDAR:

- 1a: RESOLUTION 2008-69: Warrant Register
- 1b: Minutes of the Regular City Council Meeting held on September 4, 2008
- 1c: Draft Minutes of Joint City Council-School Board Committee held on August 28, 2008
- 1d: Waterford Parks & Recreation Commission "Special" Meeting Minutes – August 27, 2008
- 1e: Business License Report – August 2008
- 1f: Building Report – August 2008
- 1g: Wastewater Daily Flow Summary – August 2008

6g: RESOLUTION 2008-76: A Resolution Adopting a City Policy for Student Art Exhibitions in the City Council Chambers: Mr. Valencia, Waterford High School Art Teacher addressed the council and expressed his desire to display student art work in the Council Chambers. Mr. Valencia stated that he has reviewed the policy and application stating that he can adhere to all of the guidelines in the policy. Mr. Valencia stated that while his students are still developing their skills he is confident that he will have art work available to be displayed by the end of the next month and would bring in a showing for Council to approve.

Public Works Director Erickson commented that he tried to develop the policy to be as broad as possible and stated that he is certainly open for suggestions from anyone if they think the policy can be better. Mr. Valencia stated that the policy is broad enough to allow him to display various types of art works.

Goeken moved, seconded by Weaver, to adopt Resolution 2008-76, as recommended.

[6:35:53 PM](#)

AYES: Krause, Goeken and Weaver

NAYES: None

ABSENT: Broderick-Villa and Aldaco

Motion passed by majority.

2. PRESENTATIONS: None

3. COMMUNICATIONS FROM THE AUDIENCE: [6:36:06 PM](#) none.

4. PUBLIC HEARING ITEMS: None.

5. UNFINISHED BUSINESS:

5a: DISCUSSION: Relating to Update on the Government Center Project: [6:36:18 PM](#) Public Works Director Erickson stated that the Government Center Committee Members went on a field trip and tour on September 10, 2008 to look at facilities in the Manteca Industrial Park as well as the facility of our City Engineer's Office. Erickson stated that all of the structures consisted of the tilt-up concrete type of building. Erickson stated that this was very productive stating that the Committee Members met with our City Engineer and discussed financing options and strategies. Erickson stated that the Committee Members requested that the City Engineer prepare a flow chart outlining the design-build process and asked him to do a brief presentation. Erickson stated that he has information packets including the flow chart available and distributed the packets to the Council. VM/Krause stated that the City Administrator will also do a brief presentation to the County to see if this idea and building type is something that would work for them. CM/Weaver stated that the City Engineer pointed out that the Law Enforcement Building is an essential structure and that it will need to be beefed up more than a typical building. CM/Weaver stated that they saw some buildings that would make Waterford proud and stated further that our City Engineer, Tony Marshall is a great resource. City Attorney Browning stated that extra information packets that were given to the Council are available to anyone in the public that may be interested.

6. NEW BUSINESS:

- 6a: RESOLUTION 2008-73: A Resolution Approving an Agreement with Stanislaus County to Perform Law Enforcement Services for the City of Waterford for a Term Beginning July 1, 2008 through June 30, 2013: [6:39:50 PM](#)
Public Works Director Erickson stated that the contract as been reviewed and the changes requested by the City Administrator have been made. CM/Goeken asked a question in regards to the language relating to workers compensation and if this is a change in regards to our current agreement. Chief Gharat explained that it is only a change as far as the language being added into the contract however it is not a change as far as the operations in the past. CM/Goeken asked for clarification as to which number represented the total cost to the City for the contract. Chief Gharat clarified and pointed out the correct number which is \$1,339,801 which includes an estimated cost for the patrol vehicle charges stating that at the end of the contract year that number could come in a little less or more. CM/Weaver stated that it is good to see the verbiage on page 7 in regards to where the city and county will cooperate on the new police facility. CM/Weaver commented that hopefully we can share with everybody in the city the size of this contract and that we are getting our moneys worth and it is a great value, however everyone in Waterford can do their share by taking advantage of crime stoppers and other resources to keep this cost down and not to increase this cost.

Goeken moved, seconded by Weaver, to adopt Resolution 2008-73, as recommended.

[6:47:14 PM](#)

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

Motion passed by majority.

- 6b: RESOLUTION 2008-72: A Resolution Approving the Conflict of Interest Code: [6:47:20 PM](#)
Public Works Director Erickson stated that the Government Code and Political Reform Act requires a review of the code every two years stating further that the code has been reviewed and determined that no amendments are needed and recommended adoption.

Weaver moved, seconded by Goeken, to adopt Resolution 2008-72, as recommended.

[6:48:04 PM](#)

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

Motion passed by majority.

- 6c: RESOLUTION 2008-71: A Resolution Approving an Agreement with Stanislaus County to Participate in a Combined City/County Disaster Council and Appointing One Elected Official and an Emergency Manager to Serve on the Committee and Authorizing the City Administrator to Execute the Agreement: [6:48:50 PM](#)
Public Works Director Erickson stated that this disaster council will operate as a council with representatives from each affected agency. Erickson explained that there is a provision in our code to have our own disaster council staffed by the

Mayor who is the Chairman with other department heads and the City Administrator participating. Erickson stated that this is an effort to consolidate into one unit county-wide which will allow for us to apply and compete for grant funding. Erickson explained that one elected official is being requested to serve along with an Emergency Manager for the City. Erickson explained further that we currently do not have an Emergency Manager.

CM/Goeken nominated CM/Aldaco to be the elected official representative and nominated Matt Erickson, Public Works Director to be the Emergency Manager for the City of Waterford.

Goeken moved, seconded by Weaver, to adopt Resolution 2008-71, as recommended.

[6:50:34 PM](#)

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

Motion passed by majority.

Goeken moved, seconded by Weaver, to appoint Council Member Jose Aldaco as the Elected Official Representative and Public Works Director, Matt Erickson as the Emergency Manager Representative on the Combined City/County Disaster Council.

[6:50:43 PM](#)

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

Motion passed by majority.

- 6d: RESOLUTION 2008-70: A Resolution in Support of Measure S, the 20 Year Countywide Transportation ½ Cent Sales Tax Measure for Better Roads and Safer Streets: [6:51:11 PM](#)
Public Works Director Erickson stated that if Measure S is passed by the voters it would bring approximately 5.7 million dollars available to Waterford over the next 20 years. Erickson explained further that by adopting this Resolution it will send a message to the voters the importance of the measure and the support it has from the City of Waterford. Erickson recommended adoption.

Weaver moved, seconded by Goeken, to adopt Resolution 2008-70, as recommended.

[6:52:33 PM](#)

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

Motion passed by majority.

- 6e: RESOLUTION 2008-75: A Resolution Authorizing the City Administrator to Execute a Quitclaim Deed Quitclaiming a Portion of APN: 134-018-090 to River Pointe Investors II, LLC, a California limited liability company: [6:52:39 PM](#)
Public Works Director Erickson explained that items 6e and 6f are similar in nature stating that this deals with the stairs leading down to the trail from the River Pointe subdivision. Erickson explained further that the River Pointe Homeowners Association wants to improve the stairs by installing a hand rail and the Association has in the past asked the City to do this. Erickson stated that the City's position is that it is cost prohibitive and in addition it would have to be built according to ADA standards. Since the City is not prepared to do this, the Homeowners

Association has requested the City to deed the property of the stairs to the Homeowners Association so that they can make the improvement with no liability issues to the city. A decision was made to donate the strips of stairs to the Homeowners Association stating further that the Quitclaim Deed's seek to do that. Erickson stated that there are actually three (3) access points explaining that the third set of stairs is pending due to complications in identifying the property owner. Erickson stated that as soon as that is worked out we will finalize the third property and deed that over as well. City Attorney Browning requested a 60 second recess.

[6:56:02 PM](#) Vice-Mayor Krause recessed the City Council Meeting at 6:56PM

[6:57:05 PM](#) Vice-Mayor Krause reconvened the City Council Meeting at 6:57PM

Consensus of Council was to table items 6e and 6f until the 3rd parcel is finalized and do all three quitclaim deeds at one time. Item Continued to a future Council Meeting.

6f: RESOLUTION 2008-74: A Resolution Authorizing the City Administrator to Execute a Quitclaim Deed Quitclaiming a Portion of APN: 080-070-008 to River Pointe Community Association, Inc., a California Non-Profit Mutual Benefit Corporation: Item Continued to a future meeting of the City Council.

6g: RESOLUTION 2008-76: A Resolution Adopting a City Policy for Student Art Exhibitions in the City Council Chambers: (Item moved and heard after the adoption of the Consent Calendar)

7. COMMENTS:

7a: Law Enforcement Comments/Reports: [6:59:09 PM](#) Chief Gharat thanked the members of the public for attending the recent coffee with the Chief and reported a very productive session with good communication stating that he had a good time meeting with everyone and Chief Gharat also thanked the Council Members that attended, specifically CM/Goeken and CM/Weaver. Chief Gharat stated that the Saturday coffee worked well and also thanked the owners of the Beans Coffee Company for allowing us to do this. Chief Gharat stated that the annual NIMS report has been submitted to OES and the Dept. of Homeland Security and thanked Chief Russ Richards for assisting us in that process and stated that City staff was very helpful in getting all the paperwork together. Chief Gharat stated that Deputy Letras put a press release in the Waterford News reminding the public on how to prevent and reduce auto thefts.

7b: City Attorney Comments/Reports: [7:01:36 PM](#) City Attorney Browning stated that he has received a request for Amicus support recently stating that he is not asking for approval tonight, however wanted to inform Council of this and that he will most likely put this on the next agenda for formal approval. Browning stated that there is currently a case pending in the Appellate Courts (Qualified Patients Association V. City of Anaheim) in which the City of Anaheim adopted an Ordinance banning the operation of medical marijuana dispensaries that was challenged and they won at the trial court level and it went up on appeal. Browning explained that very often when there are issues that face cities either the City Attorney's that are involved in the case or the League of California Cities will send out requests for support. Browning explained that in the Appellate arena, interested folks who have a vested interest can file their own Amicus Briefs which means "Friends of the Court" to advise the court on those positions. Browning stated that the cities in the State of California historically have been pretty active in filing Amicus Brief's even though they are not parties necessarily to the action just to raise the courts attention to the issues that the city's face. Browning explained that because we recently took a position to this particular issue it appeared to him that this might be something of interest to the Council that we join in with other cities and authorize that our City's name be included the Amicus Brief that will be filed.

Browning stated that this will be on the next agenda for Council's consideration. Browning stated that he did not have any closed session items to discuss tonight.

7c: City Administrator Comments/Reports: [7:05:00 PM](#) Public Works Director Erickson stated that his department took delivery of the new crack seal machine today and that the Public Works crew has been trained on the new machine this morning. Erickson stated that city staff is looking forward to the luncheon at the Museum tomorrow.

7d: City Council Comments/Reports:

Jose Aldaco: absent

CM/Weaver: [7:05:39 PM](#) CM/Weaver stated that the recent vandalism at the High School is a shame and somebody knows who did it. CM/Weaver encouraged everyone to learn about and get behind Measure S. CM/Weaver reported that the Board of Supervisors recently approved our application to be in the Enterprise Zone; therefore it will now go to the State for approval.

CM/Goeken: [7:06:03 PM](#) no comments.

VM/Krause: [7:06:08 PM](#) no comments.

Mayor Broderick-Villa: absent

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: Goeken moved, seconded by Weaver, to adjourn the Waterford City Council Meeting at 7:06PM

[7:06:16 PM](#)

AYES: Krause, Goeken and Weaver

NAYES: None

ABSENT: Broderick-Villa and Aldaco

Motion passed by majority.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on October 2, 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.