

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, September 20, 2007

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

CALL TO ORDER AND PLEDGE OF ALLEGIANCE: [6:31:30 PM](#) Mayor Broderick-Villa

INVOCATION: [6:31:45 PM](#) Vice-Mayor Krause

ROLL CALL PRESENT: [6:32:12 PM](#)

Present:
Mayor Broderick-Villa
Vice-Mayor Krause
Council Member Goeken
Council Member Weaver
Council Member Aldaco

Absent: None

Also Present:
Charles E. Deschenes, City Administrator
Lori Martin, City Clerk
Corbett J. Browning, City Attorney
Rob Jackson, Police Chief
Matthew Erickson, Public Works Director

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

[6:32:25 PM](#)

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

Motion passed by majority.

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

[6:32:33 PM](#)

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

Motion passed by majority.

- 1a: RESOLUTION 2007-95: Warrant Register
- 1b: Minutes of the Regular Meeting held on September 6, 2007
- 1c: Building Report – August 2007
- 1d: Business License Report – August 2007
- 1e: Parks & Recreation Meeting Minutes – July 10, 2007

2. PRESENTATIONS:

None.

- 3. COMMUNICATIONS FROM THE AUDIENCE:** [6:32:46 PM](#) Jason Fritz, 320 N. Western Ave. Thanked Chief Jackson for increase patrol on their street and thanked the City Engineer for his update on the project at the last meeting. Mr. Fritz expressed concerns of speeding on N. Western Ave. Mr. Fritz stated that he is willing to talk with city officials to be part of the solution and offered suggestions of lighted sidewalks and road dividers that indicate you are coming to a stop sign. Mr. Fritz would like to see the traffic that travels down Western Ave to be funneled to the downtown area stating that this would help bring business to the downtown.

[6:37:30 PM](#) Gus Oberthier, 11605 Yosemite Blvd., commented that we need to slow traffic down before they even enter the city limits.

4. PUBLIC HEARING ITEMS:

None.

5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to Western Ave. Street Improvement Project: [6:39:01 PM](#) City Administrator Deschenes stated that he does not have much to add to the City Engineer's update at the last meeting except that the City is doing everything possible to try and beat the City Engineer's time commitments on completing this job. Mayor Broderick-Villa made inquiry as to if it is possible to put up signs that reflect the construction dates. City Administrator Deschenes replied that he would inquire with the City Engineer on that request. Mayor Broderick-Villa asked if the City Administrator has heard from AT&T and/or MID. City Administrator Deschenes replied that he has heard from AT&T and that they are striving to meet their 9/28/07 completion date. City Administrator Deschenes stated that he has not heard from the cable company; however our City Engineer has informed him that the cable company should finish the same time as AT&T.

[7:18:13 PM](#) WBV returned to item 5a after item 5d discussion. Mayor Broderick-Villa made an official public records request to City Administrator Deschenes for information relating to the Western Avenue project. City Administrator Deschenes responded stating that if the Mayor would put his specific requests for information in writing he will put it on his list of things to do and will get to it when he can. Deschenes reminded Mayor Broderick-Villa that it is his job to run the city and in order to move the city forward there are many things that he can not always get to right away. Mayor Broderick-Villa stated that he is specifically looking for any correspondence that he or the City has received from any of the utility providers within the last three months relating to the Western Ave. project. Mayor Broderick-Villa stated that he will put that in writing for the City Administrator later tonight. Deschenes stated that he would appreciate getting the request in writing and commented that "any" communications is pretty broad. CM/Weaver commented that this sounds like a tedious laborious wasteful process. City Administrator Deschenes agreed and stated that if the Mayor can let him know specifically what he is looking for he may be able to narrow it down to one or two emails and stated that would certainly be more helpful. Mayor Broderick-Villa replied that he is specifically look for information as to the status of the project. Mayor Broderick-Villa stated that he has talked to MID and was receiving email correspondence from MID regarding the status of the project and explained further that he had asked several times for status updates and received no responses to his requests. Mayor Broderick-Villa stated that City Administrator Deschenes sent an email correspondence to MID asking them to stop sending the Mayor information and stated that he does not know why the City Administrator would do that. Mayor Broderick-Villa stated that we live in a Democracy and information is open to the public and stated that the more information the better. Mayor Broderick-Villa stated that knowing the status of this project is important to the citizens. City Administrator Deschenes stated that he does not have a problem looking for something that sounds like what the Mayor described, however does not think that the particular email correspondence that the Mayor referred to even exists, however there may be something similar where there was some discussion about the Mayor asking for information. Deschenes stated that he will furnish this

particular email correspondence to the Mayor as well as all Council Members. Deschenes stated that as far as the blanket request for information it sounds like the Mayor is going into history and where decisions have already been made and while this may sound productive to the Mayor it does take away from other matters that need my attention. Deschenes stated that he is not one that likes to dwell on the past unless there is some mission or use that you are planning on using this for and if that is the case then lets get this all out in the open and let us hear about it. Mayor Broderick-Villa replied that it is just for information.

5b: DISCUSSION: Relating to Half Rate Sewer Fees: [6:40:52 PM](#) CD discussed a proposal to clean up the utility billing accounts that have been billed a half rate since the mid 1990's. Deschenes explained that this was something that was set up for the residents that were within sewer hook-up capability but chose not to hook up. Deschenes stated that over the years we have ended up with a mixture of accounts where some have paid and some have not paid. Deschenes stated that he would rather not transfer some of these accounts into the new Springbrook software application. Deschenes proposed the following procedure:

- For active accounts, i.e. customers that are currently paying the ½ rate, we will transfer these accounts to the new software and keep these accounts active. When the payments on these accounts have reached the old waste water hook-up fee of \$2300 the City will issue them a certificate that will allow them to hook-up to the city sewer system waiving the hook-up fee.
- On the inactive accounts for the customers that have been billed the ½ rate but have not paid on their accounts we will write off any amounts due and close the books on these accounts and move forward.

Deschenes stated that this would clean up our accounts receivable and get our new accounting software off to a good start.

Weaver moved, seconded by Krause, approving the procedure outlined by the City Administrator in regards to ½ rate utility accounts.

[6:43:27 PM](#)

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

Motion passed by majority.

5c: DISCUSSION: City Council to Make a Determination on the Annual Performance Evaluation Form Type to be Utilized for Future City Administrator Performance Evaluations: [6:44:27 PM](#)

Mayor Broderick-Villa stated that last night was Waterford's turn to host the Stanislaus County Mayors Meeting and thanked staff for their help in organizing the meeting. Mayor Broderick-Villa stated that each of the cities talked about how they perform the City Manager performance evaluations with the consensus being the more thorough and the more items on the evaluations the more useful it is.

Vice-Mayor Krause stated that he feels that the current form is as comprehensive as it needs to be and is happy with the current form. VM/Krause made a motion to stay with the current evaluation form.

Mayor Broderick-Villa stated that after showing both evaluation form types (our current 2 page form and the form taken from the League of California Cities website) that the unanimous consensus from the other cities in Stanislaus County was that our current form does not show enough detail.

CM/Weaver went on record that he is fine with the current evaluation process and feels it is thorough and effective.

City Attorney Browning asked for clarification in regards to the current form being referred to and asked if CM/Weaver and VM/Krause are referring to the current form that has been used historically or the current form that was just recently modified by the City Attorney. The Council clarified that they are referring to the recently modified version of the current form.

CM/Goeken went on record stating that he feels the current modified form is good however, what he does like about the League's form is that it gives the employee the opportunity to provide their comments and stated that he would like to see that added to our current modified form. CM/Goeken stated that he feels it would be helpful to get feedback from the City Administrator in regards to the evaluation.

City Attorney Browning replied stating that the Council can design the form any way they wish, have anyone they choose compile it and/or review it; however the one thing that Council does have to do is evaluate the City Administrator annually because that is a term that the Council agreed to in the City Administrator's contract.

CM/Goeken stated that the current evaluation process with Council filling out the evaluation forms and then the entire Council meeting with the City Administrator in closed session is the best way to do the evaluation because everyone is there and everyone knows what is being said so there is no room for misunderstanding and also because he does not work for just any one of us he works for the entire council as a whole.

Mayor Broderick-Villa asked if there was any objections to CM/Goeken's input. No objections were noted. Mayor Broderick-Villa stated that he feels that there are still a few things missing and stated that he would like for anyone that wishes to email the City Attorney any additional items they would like added to the form and for those Council Members that do not feel compelled to comment on a particular item do not have to comment. Mayor Broderick-Villa stated that he feels this would be a way to provide better information to our City Administrator.

CM/Aldaco stated that he would like to see this information presented to Council at a regular Council Meeting than to send it via email to the City Attorney.

City Attorney Browning stated that the Council can take as much time as they like to add or delete items to the form and that he can bring the form back to Council as many times as they wish.

Mayor Broderick-Villa referenced several questions listed on the League of California Cities form and asked the Council if any of the questions he identified would be objectionable.

CM/Goeken commented that none of the questions identified are objectionable on their face, however feels that they are redundant being that they are already addressed on the current modified form. Mayor Broderick-Villa asked CM/Goeken to identify where on the current form those questions are addressed. CM/Goeken referenced the items on the current modified form where those questions can be addressed. CM/Goeken stated that he does not want to make this such a huge task that will take someone a long time to complete it. CM/Goeken stated that we are not writing an encyclopedia just an evaluation.

Mayor Broderick-Villa asked again if Council would object to specific questions from the League's form being added to the City's current modified form.

CM/Goeken stated that he feels that they are wasting the Council's time and the public's time because the Council could go on all night debating all the questions on the other form. CM/Goeken stated that the current modified form is fine with the addition of the employee comment section so that the City Administrator can provide his/her own comments. CM/Goeken stated that he is making a motion for the current modified form with the addition of the employee comment section be approved. CM/Krause seconded the motion made by CM/Goeken.

Mayor Broderick-Villa stated that CM/Aldaco asked previously about something related to goals. CM/Aldaco stated that the items he asked for previously are included in the current modified form.

Mayor Broderick-Villa stated that he would like amendments made to the current modified form. VM/Krause called a point of order and reminded the Mayor that a Motion is on the floor. Mayor Broderick-Villa stated that he did not entertain a motion and was not entertaining a motion at that time. Mayor Broderick-Villa stated that he would like the following items from the League's form added to the current modified form. (Item A-1, A-6, under B subsection A1, A2, A3 and A5, under C item 1). Mayor Broderick-Villa directed the City Attorney to update the current modified form with those additions and bring back to the next Council meeting so that the Council could review the revised form and vote on it at the next meeting.

City Attorney Browning stated that he would need a consensus of the Council on that direction before he could move forward with anything.

CM/Krause asked for a clarification of Roberts Rules of Order stating that a motion and a second to that motion is on the floor. Mayor Broderick-Villa stated that he did not entertain that motion. CM/Krause reminded Mayor Broderick-Villa that he is ignoring the motion that is on the floor and therefore is out of order.

Mayor Broderick-Villa stated that he is moving on to Item 5d on the agenda.

City Attorney Browning speaking to Mayor Broderick-Villa stated that he is not going to bring back a modified evaluation form just because the Mayor asked him to and stated that there is a majority consensus of the Council to give that direction then he will do it. However he can not take any direction from any one member of the Council.

Mayor Broderick-Villa stated that he will continue this item to a later date and stated that he is moving on to Item 5d on the agenda.

CM/Krause stated that he objects and addressed the Mayor saying that the Mayor is playing games and it needs to stop. CM/Krause speaking to Mayor Broderick-Villa stated that this needs to be settled tonight. Mayor Broderick-Villa asked VM/Krause if he does not want to know if the budget is done on time and if he doesn't want to know if the City Manager has knowledge of financial matters. VM/Krause speaking to Mayor Broderick-Villa stated that the Mayor is making this into a personal matter and asked him to stop it. Mayor Broderick-Villa stated that VM/Krause is out of order and that he is moving on to Item 5d on the agenda.

VM/Krause stated that he is not out of order and that the Mayor is the one out of order and stated that the Mayor is ignoring the Council. CM/Goeken stated that he does not see the point in continuing this item when the Council has already decided that the majority consensus of Council does not want those additions made to the form. CM/Goeken stated that the Council's decision is not going to change at the next meeting and that the Mayor needs to call for the vote.

Mayor Broderick-Villa asked the Council if there is a majority consensus that the Council does not want to know if the budget is turned in on time. CM/Goeken stated that the Council knows whether or not the budget is done on time because they all go to the City Council meetings. Mayor Broderick-Villa stated that he is not making this personal and stated that this is a very objective form and that the other cities within the county do not have any problems using this form and stated that he does not feel it should become a personal matter when it comes to our city.

CM/Goeken responded to Mayor Broderick-Villa's comment by stating that he does not want to see those additions made to the form that Mayor Broderick-Villa asked for.

VM/Krause stated that he does not want to see those additions made to the form that Mayor Broderick-Villa asked for.

CM/Aldaco stated that all of the items Mayor Broderick-Villa asked to be added to the current form can already be addressed on the current form and stated further that there are comment sections that he can add his comments to if he chooses to be very specific on any particular item.

CM/Weaver stated that the current modified form is a workable process and that it is not broken.

Mayor Broderick-Villa stated that he has a problem with the budget never have being submitted on time and feels that this is due to this specifically not being something we measure and

evaluate and feels that in order to objectify it we should add it to the evaluation form and measure it. Mayor Broderick-Villa stated that if this is something we want and want as a Council then this is something we need to ask for.

City Attorney Browning interjected by saying that we as an “employer” are not going to add terms, conditions and duties to our City Administrator’s contract through the evaluation form and stated that we don’t even need a form and there is nothing in terms of what your form is now that limits any council members ability if they so desire to write a treatise on their evaluation of their Administrator stating that there is no limit to the amount of comments that they want to write, they can add attachments and do as much as you want to. Browning stated that in terms of duties that we are going to require of our City Administrator has to be determined during the negotiation process of the City Administrator’s contract and/or through a modification of the municipal code. Browning further clarified that whether an item is on the form or not is not going to mandate that he do it until we make it a part of his contract. Mayor Broderick-Villa stated that the evaluation process would be the first step in the renewal of the contract.

Mayor Broderick-Villa stated that the current modified form is too subjective and has been too short in the past, too open to personalities and too open to interpretation as opposed to measuring objective goals. Mayor Broderick-Villa stated further that goals are things that are objective and identifiable and as we move from more personality based evaluations to more goals based this is something that will improve our city and feels it is in the best interest to all involved to have something so that everyone understands what it is we are doing. Mayor Broderick-Villa stated that if we are not asking things like, “is the budget submitted on time”, then this is something we don’t care about. If we are not asking if information will be submitted on time and will information requests be answered, then they will not be answered. Mayor Broderick-Villa referenced a case in point where he requested copies two meetings ago on all emails submitted by AT&T and other utility providers and that has not happened. Mayor Broderick-Villa stated that this same request was renewed at the last council meeting and he still has not received any information. Mayor Broderick-Villa stated that these things will not happen unless we start measuring them.

City Attorney Browning advised that if the Council bases the evaluation on items that are not mandated in the City Administrator’s contract the evaluation does not have a lot of meaning. City Attorney Browning advised that if these are things that the Council wants then they need to negotiate them into the contract and make these things terms and conditions of the City Administrator position.

Mayor Broderick-Villa stated that being the City Administrator is an at-will employee he feels it is in the City Administrator’s best interest to know what the Council’s will is and for Council not to hide it and not to try and keep it off the evaluation form. Mayor Broderick-Villa stated that it is better to understand more input from more people as opposed to less input.

CM/Aldaco stated that the majority of the Council wants to keep the current modified form with the one addition of an employee comment section.

City Attorney Browning stated that the City Administrator is going to look at his contract and the municipal code in terms of what he is suppose to do. Browning stated that Council can do what they want to the form because it is the Council’s form. Browning stated further that it is not the City Administrator’s form and he is not negotiating the form or participating in this discussion and he shouldn’t because it is Council’s tool. Browning clarified again that the City Administrator is going to look at his contract and the municipal code in terms of his responsibilities.

CM/Goeken stated again that the majority of the Council has already come to consensus that the current modified form with the addition of an employee comment section what they want and what he would like to see and that he would like to move on.

Mayor Broderick-Villa inquired with the City Attorney if there is anything they can look at and address in more depth in closed session with a personal item. City Attorney Browning replied that if we were doing negotiations of the contract or the evaluation itself that would certainly qualify as a closed session item, however discussing the type of form and the type of items on the form or the procedure of the evaluation does not qualify for closed session. Browning stated that Council should not be getting into negotiations of the contract in terms of the form itself. City

Attorney Browning reiterated again that the one thing the Council has to do is evaluate the City Administrator annually because that is what the Council agreed to do in the contract. Mayor Broderick-Villa stated that the current modified form is a good start; however it is missing items in the contract and the city codes.

VM/Krause stated that there is majority consensus amongst 4 members of the Council that they are happy with the current modified form with the addition of the employee comment section. VM/Krause stated, "What is the problem? Let's move forward." Mayor Broderick-Villa responded to the City Attorney stating that he now has direction from the Council.

- 5d: DISCUSSION: Relating to Government Center Project Update: [7:12PM](#) City Administrator Deschenes reported that the Architect is in the process of doing a floor plan and expects to receive this shortly and before the next meeting at which time he will put this out for review by the folks that will live there to make sure it makes sense to them. Deschenes stated that once the floor plans are approved the Architect can proceed to the magnitude of cost estimate that is needed to move this project forward. Deschenes stated that in this regard he has taken a look at financing this project keeping in mind that there are a lot of gaps here due to so many unknowns with the project at this time. Deschenes estimated that the fund balance available in the Government Center fund at the end of this year will be about \$600,000 and explained further that this would be applied to the construction of the project. Deschenes stated that he will also be proposing a transfer from the RDA of approximately \$600,000, a transfer from the WPFA of approximately \$200,000, and a transfer from the general fund of approximately \$400,000. Deschenes stated that the County has committed to \$300,000 for community meeting space. Deschenes stated that this is what we have currently to use as resources for this project. Deschenes explained that since we don't know what the final costs are we do not know what the shortage will be that will have to be financed by debt. Deschenes explained further that by debt he is meaning certificate of participations or lease purchase agreements which is not debt under California state law, however we commonly refer to it as debt because it mainly functions in the same manner. Deschenes stated that the revenue streams that we look at to finance the certificates of participation will primarily have to come from our general fund, however for the dollar amount of the government center that relates to new growth if we get impact fees can be applied to it. Deschenes stated that most likely the County will either lease or lease purchase the Sheriff Substation portion of the building. The lease would be at a rate that most approximates the fair market value of a lease giving them credit for their financial contributions which should be a little above the cash flow requirements for that space because we have already paid for the property and a number of other things that go into it. Deschenes stated that this is not all inclusive and this is just some thoughts that he wanted Council to be aware of as we put this together. Deschenes stated that the government center and the purchase of parkland are two major undertakings of the city and at least for the next few years will occupy most of the city's available resources to accomplish and service the debt.

Mayor Broderick-Villa stated that before moving on to New Business he wanted to re-visit item 5a. (Please refer to item 5a for discussion)

6. NEW BUSINESS:

- 6a: RESOLUTION 2007-94: A Resolution Accepting the Lowest Responsible Bid for the Biosolids Project – City Bid #2007-08 and Approving the Contract with Brisco Enterprises: [7:21:31 PM](#)

Public Works Director Erickson reported on the bid opening for the removal of biosolids at the Waste Water Treatment Plant. Erickson reported receipt of one bid from Brisco Enterprises in the amount of \$14,740.00. Erickson stated that the bid opening date was September 12, 2007 at 2:00PM and publicly read aloud at the office of City Hall. Erickson stated that this project is in the

2007/08 budget and the bid amount does not exceed the amount budgeted for the project. Erickson recommended approval.

Krause moved, seconded by Aldaco, to adopt Resolution 2007-94, as recommended.

[7:22:33 PM](#)

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

Motion passed by majority.

- 6b: RESOLUTION 2007-92: A Resolution Accepting Offer of Dedication for Public Right-of-Way at 12408 Dorsey Street, Portion of 134-008-042: [7:22:38 PM](#) Public Works Director Erickson explained that this is the direct result of the Mini-Mart project at 12408 Dorsey St. and stated that this offer of dedication is for future road widening on F Street. Erickson recommended approval.

Weaver moved, seconded by Krause, to adopt Resolution 2007-92, as recommended.

[7:23:17 PM](#) Gus Oberthier, 11605 Yosemite Blvd. addressed Council asking if there is any money set aside for curb, gutter, sidewalk and road widening since normally the developer would incur those costs. City Administrator Deschenes explained that in this particular instance the City is not proposing to widen the road at this time so the infrastructure there is adequate. Deschenes explained that the City is just trying to look to the future of when the road will be widened. Deschenes explained further that in this particular instance we are probably looking out 20+ years before the road will be widened, therefore we can not collect funds from the developer that far in advance.

[7:25:44 PM](#)

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

Motion passed by majority.

- 6c: DISCUSSION: Relating to Parkland Purchase West of Town Near Waterford High School: [7:25:50 PM](#) City Administrator Deschenes explained that as discussed before in the past there is a parcel for sale that is located south of the high school and located between the high school and the river. Deschenes explained that this area has been designated in our general plan as being desirable for a city park and with its proximity between the high school and the river makes it desirable because there is a chance of participation with the schools to develop athletic facilities. Deschenes explained that the State of California also encourages these types of joint participations and sometimes provides grant funding for it. Deschenes stated that pursuant to Council's previous direction he is pursuing this project. Deschenes stated that this is a big project as he described earlier and what this does mean is that consistent with the government center project Deschenes stated that he will be possibly targeting funds that may be designated for other purposes to be able to finance this project. Deschenes explained that some of the things he is looking at are the parkland dedication fund, the funds that were set aside for the landscaping of the strip park continuation project and explained that instead of doing that by contract we will do this in-house personnel. Deschenes stated that he will also be looking at using the funds set aside for the Lambert parcel purchase. Deschenes stated that he will also use the funds from the proceeds of the sale of the Triangle parcel. Deschenes stated that these are the resources that he is looking at to use for this purchase and wanted Council to be aware of this. Deschenes stated that it is going to require sacrifices to accomplish this goal. Deschenes stated that he feels we should be able to come up with about half of the purchase amount and we would probably end up financing the other half.

[7:29:32 PM](#) Rick Mummert 3805 Springcreek Dr., Modesto, CA, addressed Council stating that he owns the parcel adjacent (425 S. Reinway) to parcel referenced for purchase by the City. Mr. Mummert stated that the underlying zoning for this parcel is low density residential with a general regional park overlay which he has always been told is a floating bubble. Mr. Mummert stated that his parcel along with two other parcels would be between this park and the school. Mr. Mummert stated that he had correspondence with the city approximately 18 months ago regarding the parcel the city wants to purchase. Mr. Mummert stated that during the 14 months or so prior to the general plan being adopted the designation on this parcel was low density residential. Mr. Mummert explained that because this zoning on this parcel changed to the floating regional park designation he lost his contract negotiations with the Howitt's approximately 90 days ago. Mr. Mummert stated that he is surprised to hear that the City has already been in discussions with the school district. Mr. Mummert stated that he filed an annexation application in 2005 with the City which included the property that the City is negotiating the purchase of and stated that the City cashed his check on June 6, 2005 for this however the City has not processed it even though the general plan has been completed and the sphere of influence has been certified and approved by LAFCO. Mr. Mummert commented that he would like the city to communicate more with the residents whose lives they are affecting by the decisions they make.

[7:36:08 PM](#) Gus Oberthier, 11605 Yosemite Blvd. addressed Council stating that in the City's application to LAFCO the city had an inventory of the parks listed in the application and one of the obvious errors or mistakes was that the Triangle Park parcel was not included in this. Mr. Oberthier stated that in the City's EIR document it identified that the Triangle Park parcel could be sold with revenues transferred to the general fund. Mr. Oberthier stated that he submitted his comment to that stating that those proceeds should only be used for parks stating that the language in the EIR indicated that it could be used for something other than that. Mr. Oberthier questioned whether the Triangle Park parcel is still in the park inventory or not and if it is not in the park inventory how did it get out of the park inventory. City Administrator Deschenes responded that he is not sure that it was ever in the park inventory and explained that parcel was purchased with parkland dedication funds and explained if this parcel is sold the proceeds will go back into the parkland dedication fund not the general fund and stated that this has always been the stance of the City. Mr. Oberthier made his point of clarification that was not what was reflected in the City's EIR.

- 6d: DISCUSSION: Relating to City of Waterford Residential Rehabilitation Loan Program: [7:37:45 PM](#): City Administrator Deschenes proposed utilizing the Rehabilitation Loan program funds administered by the Stanislaus County Housing Authority to issue a loan to a resident with a health and safety related issue with their septic tank to hook up to city sewer services. Deschenes stated there are repaid CDBG home loan funds that can be utilized for this purpose and will be administered by the Stanislaus County Housing Authority. Deschenes explained that this will be a loan to be repaid with interest. Deschenes requested authorization from Council to pursue a contract with Stanislaus County Housing Authority to administer this program.

Weaver moved, seconded by Aldaco, to authorize the City Administrator to pursue a contract with Stanislaus County Housing Authority for administration of a Residential Rehabilitation Loan Program.

[7:39:58 PM](#)

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

Motion passed by majority.

6e: DISCUSSION: Relating to a Sewer Rate Study: [7:40:04 PM](#) City Administrator Deschenes explained that he put this item on the agenda because it is another project that has been on his list. Deschenes explained that this is something we have wanted to get done and stated that the last sewer rate study was done when the waste water treatment plant was built so it is over ten years old. Deschenes explained that in looking at our financial statements it does appear that the cash flow into the sewer fund is to the degree where it is not fully funding the depreciation expense. Deschenes stated that this is not an absolute it is just an indicator because some entities do make a practice out of not fully funding the depreciation. Deschenes stated that since it has been ten years and since this particular situation is a change from past practice that the city would benefit from a sewer rate study. Deschenes stated that he gave council copies of some promotional brochures from a few different firms in the area that have done these studies along with a brochure from Tom Pallowick who did our water rate study for the Grupe subdivision. Deschenes stated that he will make sure that these three firms are contacted when he puts out the request for proposals and will certainly do the legal advertising for anyone else that it interested. Deschenes asked for Council approval to issue the request for proposal for a sewer rate study.

Goeken moved, seconded by Krause, to authorize the City Administrator to issue a request for proposals for a sewer rate study.

[7:42:11 PM](#)

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

NAYES: None

ABSENT: None

Motion passed by majority.

7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [7:42:16 PM](#) Chief Jackson cautioned the public to drive carefully and to watch for children playing as it is getting darker earlier. Chief Jackson reported on an incident that occurred yesterday at Patterson High School relating to a large fight that resulted in four minor injuries and four arrests. Chief Jackson assured Council that Waterford deputies are prepared and trained for an incident like this.
- 7b: City Attorney Comments/Reports: [7:43:41 PM](#) City Attorney Browning reported on a follow-up call with our consultant L.B. Hayhurst in regards to the status of the pay study. Browning stated that there is a possibility that the pay study will be completed by the end of next week and he may have information to share by the next council meeting.
- 7c: City Administrator Comments/Reports: [7:44:38 PM](#) Deschenes stated that we are busy with more work than we can handle but would rather it be busy than not. Deschenes stated that the new City Hall Modular building is in and we are working on getting all the utilities hooked up. Deschenes stated that we are trying to keep things moving forward as quickly as we can.
- 7d: City Council Comments/Reports:
- Jose Aldaco: [7:45:10 PM](#) CM/Aldaco expressed his excitement to see the new City Hall modular. CM/Aldaco thanked Chief Jackson for addressing the speeding issues with Western Ave. CM/Aldaco stated that the F St./Hwy 132 intersection improvements are looking really nice.
- CM/Weaver: [7:45:40 PM](#) CM/Weaver gave kudos on the new City Hall modular. CM/Weaver wanted to recognize milestones with September 15th being CM/Aldaco's birthday and October 6th being CM/Goeken's birthday and in recognition of Waterford's great football play last Friday night, CM/Weaver wanted to especially recognize the great line play by player #65, Andrew Goeken and stated that it was pretty awesome.

CM/Weaver reminded the public that gun locks are available at the Sheriff's office free of charge.

CM/Goeken: [7:46:32 PM](#) CM/Goeken thanked CM/Weaver for his recognition of his son's excellent line play at the football game and stated that he is sure that his son will appreciate that. CM/Goeken stated that it is nice to see all the projects around town moving forward and hopes that they will all be completed before the rain. CM/Goeken stated that he is looking forward to a whole new and even better Waterford in the future.

CM/Krause: [7:46:42 PM](#) no comments.

Mayor Broderick-Villa: [7:46:48 PM](#) Mayor Broderick-Villa thanked staff for their work in the preparations of the monthly Stanislaus County Mayor's meeting held in Waterford yesterday. Mayor Broderick-Villa stated that the Stanislaus County Mayors enjoyed coming to Waterford and seeing our city and they look forward to coming again.

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [7:47:08 PM](#) Mayor Broderick-Villa adjourned the City Council meeting at 7:47PM.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on October 4, 2007, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Lori Martin, CMC, City Clerk

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.