

# WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

## Thursday, November 1, 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:** [6:30:56 PM](#) Mayor Broderick-Villa

**INVOCATION:** [6:30:59 PM](#) Pastor Bob Cherry, Community Baptist Church

**ROLL CALL PRESENT:** [6:32:04 PM](#)

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

**Absent:** Council Member Aldaco

**Also Present:**  
Charles E. Deschenes, City Administrator  
Lori Martin, City Clerk  
Corbett J. Browning, City Attorney  
Rob Jackson, Police Chief  
Robert Borchard, City Planner

**ADOPTION OF AGENDA:** [6:32:09 PM](#) Krause moved, seconded by Goeken, to adopt the agenda.

[6:32:17 PM](#)

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

**NAYES:** None

**ABSENT:** Aldaco

Motion passed by majority.

1. **CONSENT CALENDAR:** [6:32:22 PM](#) Weaver moved, seconded by Goeken, to adopt the agenda.

[6:32:30 PM](#)

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

**NAYES:** None

**ABSENT:** Aldaco

Motion passed by majority.

1a: RESOLUTION 2007-105: Warrant Register

1b: Minutes of the Regular Meeting held on October 18, 2007

2. **PRESENTATIONS:**

None.

3. **COMMUNICATIONS FROM THE AUDIENCE:** [6:32:36 PM](#)

Barbara Wasson 315 N. Western Ave. addressed Council to explain difficulties of getting into their driveway's with the construction. Mrs. Wasson expressed disappointment that their driveways were not finished in a timelier manner. Mrs. Wasson expressed inaccuracies that were printed in the newspaper relating to the start date of the project.

4. **PUBLIC HEARING ITEMS:**

4a: PUBLIC HEARING: To Address the Lake Pointe Master Development Plan, to include the following: [6:36:06 PM](#)

- a) RESOLUTION 2007-106: Approving the Lake Pointe Master Development Plan (MDP07-01) to include adoption of the Conditional Negative Declaration and approving the Lake Pointe Water Supply Analysis included in the Conditional Negative Declaration for the Lake Pointe Master Development Plan:

Krause moved, seconded by Weaver, to adopt Resolution 2007-106, as recommended. [7:38:55 PM](#) >

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

Motion passed by majority.

- b) ORDINANCE 2007-09: FIRST READING & INTRODUCTION: Adopting a Prezone (PZ07-01) for Certain Property Known As the "Lake Pointe Development"

Krause moved, seconded by Weaver, to approve the First Reading and Introduction of Ordinance 2007-09, as recommended.

[7:39:35 PM](#)

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

Motion passed by majority.

- c) RESOLUTION 2007-107: Approving a Petition to Annex Land for the Lake Pointe Development Project:

Krause moved, seconded by Goeken, to adopt Resolution 2007-107, as recommended.

[7:39:54 PM](#)

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

Motion passed by majority.

City Planner Borchard addressed council stating that this is a large development project located outside of the incorporated boundaries of the City of Waterford and stated that this is an implementation project for our newly adopted award winning general plan and stated that this project also conforms with our sphere of influence which was recently approved by LAFCO. Borchard explained the Lake Pointe development by Grupe encompasses 364 acres of which 26

limits.  
city

acres will be a planned development that goes along with the Church along Hwy 132. Borchart stated that there is an additional 35 acres that is not part of the Lake Pointe development plan; however the applicants located within these 35 acres are in agreement to annex into the city  
Borchart stated that in total there is 425 acres of agricultural land presently outside of our boundaries that will be added to the city limits.

City Planner Borchart explained the four components to approving this item. The first component is approving the Conditional Negative Declaration which is a part of and includes approving the Lake Pointe Water Supply Analysis. Borchart stated that he addressed the comments that were received for this project in the Planning Commission staff report that is provided in the agenda packets. Borchart explained the second component would be the approval of the Master Development Plan which is the overall guiding concept for the development. Borchart explained that there is usually a development agreement which goes hand in hand with the approval of the Master Development Plan; however the development agreement is still being negotiated and was not ready for this meeting, however expects to have it to Council within the next month. Borchart stated that there is approximately 77 million dollars in fees to be paid for this project over time and at build out of the project. The third component is the approval of an annexation application that will go to LAFCO for their approval which will allow the 425 acres to be annexed into the city and become a part of the incorporated limits of the City of Waterford. Borchart explained that there are some Williamson Act contracts in place on some of the parcels within the 425 acres that the City will have to administer. Borchart stated that most of the parcels with Williamson Act contracts have filed notices of determination; therefore there will be cancellations of the contracts that will need to be dealt with at a later date. Borchart stated that one comment that was received from the Air District indicates that an incorrect box on the CEQA application was checked and stated that a correction to the application has been filed and a copy of that correction is in the agenda packet. The fourth component is adopting a prezone ordinance for the Lake Pointe development project. Borchart explained that the city can only apply zoning to parcels within the city limits; therefore the ordinance is conditioned upon the approval of the 425 acres being annexed into the city limits.

City Planner Borchart reminded Council that our General Plan requires that growth has to fully benefit the city. Borchart discussed some of the details of this development that will directly benefit the city. Borchart also went into details of the application process to LAFCO.

[6:55:34 PM](#) Charles Turner, 433 Snowspring Ct. and resident Mrs. Navarrette spoke in favor of  
[7:08:33 PM](#) the Lake Pointe Development.  
[7:17:48 PM](#)

[7:02:16 PM](#) Patty Hulst, 13419 Bentley St., spoke in opposition of the Lake Pointe project.

[7:13:39 PM](#) Gus Oberthier, 11605 Yosemite Blvd discussed concerns of this development not showing any assisted living facilities and also expressed a concern for the city to have a municipal court. Mr. Oberthier discussed concerns with the traffic pattern for this project stating that there are only two out of the development and didn't feel that even if there were three ways out it would make much difference. Mr. Oberthier expressed concerns of traffic accelerating with the installation of the light signal at F St. /Hwy 132. Mr. Oberthier expressed a concern on the burden the taxpayers will have to pay for the upkeep of the new property that is being acquired for parkland.

[6:56:43 PM](#) Barry O'Regan addressed some of the concerns brought up by the citizen  
[7:13:04 PM](#) comments and answered additional questions from the Council in regards to the infrastructure and benefits this project will bring to the city. Mr. O'Regan stated that one of the benefits to the city will be approximately \$800,000 annually in surplus revenue. Mr. O'Regan stated that the River Pointe project at build out will bring in approximately \$200,000 annually to the city. Mr. O'Regan stated that Grupe will spend over \$300 million dollars constructing this development. Mr. O'Regan stated that this development will set a very high standard for Waterford. Mr. O'Regan stated that this project will be required to pay approximately 3 million dollars in community park fees which will help the city to build the community pool that the Council has talked about.

City Planner Borchard discussed the possible actions that the Council could take in regards to the Lake Pointe development project which are outlined in the staff report.

## 5. UNFINISHED BUSINESS:

5a: DISCUSSION: Relating to Western Ave. Street Improvement Project: [7:38:28 PM](#) City Administrator Deschenes addressed concerns brought up by residents during public comments in regards to a recent article in the paper regarding the Western Ave. project. Deschenes explained that the driveway tie-ins were in the Teichert contract, however stated that the engineer held them off on that so that the second contractor could come in and pour the asphalt before the rainy season starts. Deschenes stated that they felt the paving was more important and the timing was more critical for that than doing the driveway tie-ins first. Deschenes also explained that since there are two contractors involved they could not have both contractors on the job because the work they each are doing would conflict with each other. Deschenes stated that he may have Teichert come back and finish the driveway tie-ins or they may decide to do a change order and have Ross Carroll do that work, but reminded everyone that it will get done. Deschenes addressed concerns that were brought up in regards to holes on Western stating that there was excess water in the soil that was causing a need for pumping which would affect the compaction of the soil. Deschenes stated that those holes will be filled with new dry soil so that the road base and pavement can be done. Deschenes addressed concerns in regards to the actual start date of the project. Deschenes reminded everyone that if they have questions and concerns regarding this project to please contact him anytime during office hours and he would be happy to discuss their concerns and answer any questions.

[7:44:48 PM](#) Wil Wasson, 315 N. Western expressed his opinions on a recent article printed in the Modesto Bee in regards to the Western Ave. Project. Mr. Wasson stated that he feels others do not understand the agony the Western Ave. residents have endured during this construction. Mr. Wasson does not feel that the traffic calming devices planned for their street will slow the traffic down. Mr. Wasson requested a letter of retraction to be printed in the paper in regards to comments made by some of the Council Members. Mr. Wasson stated that the article in the Modesto Bee has made Waterford the laughing stock of the County.

[7:46:44 PM](#) Charles Turner, 433 Snowspring Ct., commending the city on the progress that has been made in the last 10 years stating that he deals with elected officials and other entities throughout the County on a daily basis. Mr. Turner stated that officials in other cities are amazed at the progress we have been able to accomplish. Mr. Turner reminded everyone that the city was almost bankrupt 10-12 years ago. Mr. Turner reminded everyone that in the last 10 years we have seen nothing but progress with planning, improved streets at various locations within the city. Mr. Turner stated that the Public Works Director was able to secure over 3 million dollars in Safe Routes to Schools funding for this community in the last 5 years. Mr. Turner stated that things are good and getting better. Mr. Turner apologized for the Wasson's inconvenience for fixing the street that they requested to have fixed.

[7:50:09 PM](#) Mr. Wil Wasson, 315 N. Western Ave. responding stating that he does not withdraw anything that he said earlier and still feels that the article written by two of the Council Members has made Waterford the laughing stock of the county stating that this is his opinion and is not claiming it to be the opinion of others. Mr. Wasson stated that the article was not necessary and doesn't feel we need to air the city's dirty laundry all over the county. Mr. Wasson stated that he feels the residents on Western Ave. have been very patient through all of the construction. Mr. Wasson stated that he does not agree that this progress would not have been made without the current leadership and feels that it could have been accomplished under any other leadership.

Mayor Broderick-Villa stated that Mr. Turner is correct in saying that a lot of progress has been made in the last ten years. Mayor BV stated that the residents on Western Ave. have been very patient and their concerns over the years was really when was the worse street in town going to

get paved. Mayor BV stated that the turning point for him was when his next door neighbor was walking on a cracked sidewalk in February and fell and broke her arm. Mayor BV stated that this neighbor signed two of the Council's nomination papers for office. Mayor BV stated that this not about personalities and squabbles, it is about getting the job done and doing the right thing and stated that he is pleased that it is finally getting done and looks forward to the project's completion.

[7:54:31 PM](#) Bob Cherry, 13317 Rivercrest Dr. addressed council with words of prayer.

- 5b: DISCUSSION: Relating to Government Center Project Update: [7:55:12 PM](#) City Administrator Deschenes gave an update on the project. Deschenes stated that he has a meeting scheduled for Nov. 13<sup>th</sup> with the County CEO's office and representatives from the Sheriff's Office so that he can try and get some answers so that we can move this forward. Deschenes discussed the importance and benefits of having the county participate in this project.

## 6. NEW BUSINESS:

- 6a: RESOLUTION 2007-108: A Resolution Accepting Public Improvements for the Holcombe & Becker Residential Development Project: [7:58:38 PM](#) City Attorney Browning stated that this is a standard resolution in terms of procedure. Mr. Browning stated that the developer has made the required improvements and the City Engineer has informed that the improvements are consistent with the specifications and standards of the city.

Goeken moved, seconded by Krause, to adopt Resolution 2007-108, as recommended.

[7:59:38 PM](#)

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

Motion passed by majority.

- 6b: DISCUSSION: Relating to Disposition of City Property – Triangle Park Parcel: [7:59:44 PM](#) City Administrator Deschenes stated that this is not a new subject and explained that Council has authorized in previous Council Meetings to dispose of this parcel. Deschenes stated that this has not been an urgent item because we did not have an immediate use for the funds; however that has changed now with our parkland acquisition on the west side of town. Deschenes explained that there are options on how to dispose of the property and stated that he had envisioned a sealed bid type of process, however explained that in today's market it may be more prudent to issue an RFP for a Real Estate broker to help market the property. Deschenes stated that he is not looking for a decision tonight, however wanted the Council to know what he was thinking and welcomed any comments, idea's or direction.

## 7. COMMENTS:

7a: Law Enforcement Comments/Reports: [8:03:11 PM](#) Chief Jackson reported that auto thefts have decreased more than 30% from last year and gave credit to the residents of Waterford for being diligent in keeping their vehicles locked and making themselves not as lucrative of a target. Chief Jackson stated that as of November 15<sup>th</sup> he will be leaving employment with County to pursue other endeavors stating that he has enjoyed his time in Waterford and has met a lot of really great people and stated that Waterford will always have a warm spot in his heart. Jackson assured Council that the Sheriff's office has already begun recruitment for his position and that there have been two very fine applicants have applied for his position.

7b: City Attorney Comments/Reports: [8:04:59 PM](#) City Attorney Browning requested the Council to get any comments they may have on the draft compensation study to our consultant through the City Administrator as soon as possible. City Attorney Browning stated that the Council needs to pick a date for a special meeting to do the Police Chief interviews. Browning stated that he has two closed session items, one for labor negotiator under G.C. 54957.6 and one for real property negotiator under G.C. 54956.8.

7c: City Administrator Comments/Reports: [8:06:44 PM](#) City Administrator Deschenes asked that we pick a date for the special meeting to interview the Police Chief candidates. City Council chose Thursday, November 8, 2007 at 7PM for the Special Council Meeting.

7d: City Council Comments/Reports:

Jose Aldaco: absent.

CM/Weaver: [8:09:21 PM](#) CM/Weaver stated that we will miss Chief Jackson and thanked him for his leadership and most of all his accessibility and his really neighborly friendly staff. CM/Weaver gave kudos to all who put together the haunted house stating that it was beyond haunted. CM/Weaver reminded everyone of the big upcoming soccer game at Waterford High School on November 6<sup>th</sup> and encouraged all residents to come watch. CM/Weaver reminded all that November 11<sup>th</sup> is Veterans Day and gave recognition to all of our Veterans.

CM/Goeken: [8:09:56 PM](#) CM/Goeken also thanked Chief Jackson for his leadership and hard work here in Waterford stating that he has brought Waterford a long way and the community appreciates his work here. CM/Goeken reminded everyone that this Friday will be the last home football game and encouraged attendance. CM/Goeken congratulated the Waterford High School boys' soccer team for going undefeated and congratulated Tyler on his goal. CM/Goeken stated that the Waterford High Drama Club will be doing a Dracula performance at the auditorium and invited the community to attend. CM/Goeken commented on all the differences of opinion tonight stating that when everything is said and done that everyone here wants what is best for Waterford.

CM/Krause: [8:11:30 PM](#) CM/Krause also thanked Chief Jackson for his leadership and stated that he is a great inspiration for everyone here. CM/Krause echoed Goeken's comments on differences of opinion and feels that all of the Council Members have one thing in common and that is that they all care about Waterford

Mayor Broderick-Villa: [8:12:16 PM](#) MVB also thanked Chief Jackson for his leadership. MVB stated that the haunted house was terrific. MBV also gave kudos to the Waterford High Soccer Team.

[8:13:27 PM](#) Pastor Bob Cherry thanked Chief Jackson on behalf of the community stating that he has been in Waterford for seven years and stated that no disrespect to anyone else before him, however feels that Chief Jackson has been the best Chief in Waterford since he has lived here. Pastor Cherry stated that Chief Jackson has communicated quite clear to the community that he cares and has taken a personal involvement here. Pastor Cherry stated that he has seen this quality reflected in his officers and feels we have the best officers now than ever before as well. Pastor Cherry shared a recent incident involving one of his parishioners on a road rage incident that ended up at the Waterford Police station and stated that the officer on duty could not have handled the situation any better and those two people left shaking hands and are now friends all because of the way the officer handled the situation. Pastor Cherry stated to Chief Jackson that he will be missed and that he knows that officer has learned something from Jackson in the process and stated that he will see to it that officer is commended for that because that is exactly the kind of thing that makes our community better. Pastor Cherry stated that may Chief Jackson and his staff inspire all of us to go out and do something to make things better.

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [8:16:00 PM](#) Mayor Broderick-Villa recessed the City Council meeting at 8:16PM and will reconvene into closed session after the recess. After closed session will reconvene to the City Council meeting to adjourn.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on November 15, 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)

Update provided to Council by Negotiator. Direction given to Negotiator.

Item 9d: "CONFERENCE WITH LABOR NEGOTIATOR"  
(Pursuant to Government Code Section 54957.6) Charles Deschenes, City Administrator,  
Designated Labor Negotiator

Update provided to Council by Negotiator. No direction was given as Councilman Aldaco  
was absent and the Council desires everyone's attendance on this matter before  
direction is given.

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.