

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, November 19, 2009

A regular meeting of the Waterford City Council was called to order by Council Member Goeken at 6:32PM at the Waterford Community Center, 540 "C" Street, Waterford, CA 95386.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE: [06:32:13 PM](#) led by Jared, Kanen and Rayna Padrnos, students of Waterford School District.

INVOCATION: [06:32:54 PM](#) Chaplain Glen Stanford, Casa De Modesto

ROLL CALL PRESENT: [06:34:31 PM](#)

Present:
Vice- Mayor Weaver
Council Member Aldaco
Council Member Van Winkle
Council Member Krause

Absent: Mayor Goeken

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

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

[06:34:56 PM](#)

AYES: Weaver, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Goeken

Motion passed by majority.

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

[06:35:14 PM](#)

AYES: Weaver, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Goeken

Motion passed by majority.

ADOPTION OF CONSENT CALENDAR:

- 1a: RESOLUTION 2009-83: Warrant Register
- 1b: Minutes of the Regular City Council Meeting held on November 5, 2009
- 1c: Building Report – October 2009
- 1d: Business License Report – October 2009
- 1e: Wastewater Daily Flow Summary – October 2009
- 1f: Waste Management Audited Financial Statements for City of Waterford Franchise for Fiscal Year Ended June 30, 2009
- 1g: Correspondence from County regarding Animal Shelter

2. PRESENTATIONS: None.

3. COMMUNICATIONS FROM THE AUDIENCE: [06:35:29 PM](#) Glen Stanford, Committee member of Sister City Committee. Mr. Stanford reported that the Sister City Committee is concluding and they will cease to function for sometime, however shared some good news stating that the Sister City Committee will be handing over a nice gift from our Sister City relationship with Nicaragua, however would like to wait for the Mayor's return to do that.

4. PUBLIC HEARING ITEMS:

4a: RESOLUTION 2009-85: A Resolution Approving Expenditure of SLESF Grant Funds: [06:36:28PM](#) City Administrator Deschenes stated that this is an annual item that outlines how the city will expend its SLESF funds (COPS grant funding). Deschenes explained that we fund the newest police personnel addition that was approved by Council about 2 years ago. Deschenes stated that in the case there are any excess funds, we use it to pay for the Community Officer, overtime and/or equipment. Deschenes recommended approval.

[06:38:12 PM](#) Vice-Mayor Weaver opened the public hearing at 6:38PM.

[06:38:17 PM](#) Vice-Mayor Weaver closed the public hearing at 6:38PM with no comments offered from the public.

Aldaco moved, seconded by Van Winkle, to adopt Resolution 2009-85, as recommended.

[06:38:34 PM](#)

AYES: Weaver, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Goeken

Motion passed by majority.

5. UNFINISHED BUSINESS:

5a: DISCUSSION: Relating to Update on the Government Center Project: [06:38:50 PM](#) City Administrator Deschenes gave a brief report. Deschenes stated that it appears that the County is still interested in participating in this project and if that holds true Deschenes stated that we will most likely attempt to build the Police Station portion of the building utilizing the RDA tax increment revenue. Deschenes stated that these funds can be used to build police facilities; however this fund can not be used to build City Hall. Deschenes explained that the Council will be required to make many findings in order to do this. Deschenes stated that there are some other discussions with the County right now that he wants to get out of the way before approaching this item.

5b: DISCUSSION: Relating to Cost Savings and Revenue Enhancement Ideas and Input: [06:40:24 PM](#) City Administrator Deschenes stated that he kept this on the agenda because he feels it is important for everyone to keep thinking about this stating that he will be looking for ideas from anyone throughout the year on any cost savings or revenue enhancement ideas. Deschenes stated that staff is engaged and working on this as well.

5c: DISCUSSION: Relating to the Service Agreement with CIS Security for Mobile Patrol Security Services: [06:41:33 PM](#) City Administrator Deschenes stated that Council recently approved the cancellation of this contract as a cost savings measure effective the end of the calendar year. Deschenes stated that CIS has come back with a counter proposal that is of some interest to us because we still have the issue of trying to administer our parks system so that they are open

during their normal operating hours and then closed at night and secured. Deschenes stated that he is still in the process of quantifying whether or not it is less expensive to do it with our own staff or utilize CIS Security. Deschenes pointed out that the main issue is weekends and holidays which would fall under our on-call person. Deschenes stated that if it is determined that it is less expensive to use our own staff, it would require a meet and confer with the union. Deschenes stated that he hopes to work on this over the next few weeks and opening the dialogue if this makes sense to do.

6. NEW BUSINESS:

- 6a: RESOLUTION 2009-84: A Resolution in Support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010: [06:45:18 PM](#) City Administrator Deschenes explained that the League of California Cities is working on an initiative to protect local funds. Deschenes stated that it has become difficult for local municipalities to balance their budgets due to the state interruptions in some of the city's revenue streams. Deschenes stated that approval of this Resolution, the Council and City would be in favor of this proposition. Deschenes stated that if passed by the voters this proposition would curtail the state's ability constitutionally from taking many of these funds and would give the city the ability to plan on a revenue stream that they would normally get to try and make city operations run. Deschenes recommended approval. City Attorney Browning explained that what the League is trying to do is to get a measure on the ballot that if approved by the voters would be a constitutional amendment which is much more useful if the legislature decided to interrupt this revenue stream because municipalities could go in on injunctive relief.

Van Winkle moved, seconded by Krause, to adopt Resolution 2009-84, as recommended.

[06:50:47 PM](#)

AYES: Weaver, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Goeken

Motion passed by majority.

- 6b: DISCUSSION: Relating to Parks & Recreation Commission Recommendation to Transfer Murder Mystery Dinner Funds to the Lions Club Benefit Account: [06:51:08 PM](#) City Administrator Deschenes explained that this was put into place last year by the Parks & Recreation Committee. Deschenes stated that the Parks & Recreation Committee was looking at ways of continuing to render Parks & Recreational services and wanted to do a fund raiser. Deschenes stated that governments are not generally in the fund raising business and stated further that governments can assess fees to offset costs, but generally we do not do fund raisers for a broad category like Parks & Recreation. Deschenes stated that he explained to the Committee that fund raising is more of a non-profit organization function. Deschenes stated that the Parks & Recreation Committee approached the Lions Club Foundation and asked if they would consider sponsoring this event. Deschenes stated that this took some time to get set up and the event actually happened before things could be put into place, therefore the funds collected were deposited into the city's Parks & Recreation fund. Deschenes stated that this is a request to transfer the net proceeds from last year's event to the appropriate non-profit organization for use to further Parks & Recreational activities within the City of Waterford. Deschenes stated that the Lions Club has set up a separate account for this titled appropriately.

Krause moved, seconded by Van Winkle, to approve the Transfer of Net Proceeds for the Murder Mystery Dinner Funds to the Lions Club Benefit Account, as recommended.

[06:55:26 PM](#)

AYES: Weaver, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Goeken

Motion passed by majority.

- 6c: DISCUSSION: Appointment of Council Member Representative to the Stanislaus County Local Task Force on Solid Waste Management (LTF) to Serve a New 3-Year Term: [06:55:39 PM](#) Vice-Mayor Weaver nominated Council Member Aldaco to serve a new 3-year term.

Krause moved, seconded by Weaver, to appoint Council Member Aldaco to the Stanislaus County Local Task Force on Solid Waste Management (LTF) for a new 3-year term.

[06:56:43 PM](#)

AYES: Weaver, Aldaco, Van Winkle and Krause

NAYES: None

ABSENT: Goeken

Motion passed by majority.

- 6d: DISCUSSION: Related to Request from River Pointe Homeowners Association for Street Sweeping Service and Street Light Maintenance for the River Pointe Subdivision: [06:57:00 PM](#) City Administrator Deschenes stated that there are still some questions to resolve on this, however Deschenes stated that he wanted to make Council aware of this request. Deschenes stated that we have the capability to do this and it would make sense fiscally because the homeowners association would reimburse us for our services, however there is some legality issues that has to be resolved first. Deschenes stated that this makes good business sense to do, however more research needs to be done before a decision can be made. City Attorney Browning explained that because this is property not owned by the city there will need to be a contractual arrangement with those who are the owners that includes indemnities, insurance provisions, hold harmless and bonding requirements.

7. COMMENTS:

7a: Law Enforcement Comments/Reports: [07:02:50 PM](#) absent.

7b: City Attorney Comments/Reports: [07:03:10 PM](#) City Attorney Browning introduced his firms' newest associate, Rick Marchini. Browning stated that Mr. Marchini will be doing a lot of public entity work, litigation work and research. City Attorney Browning stated that he has 4 closed session item discussions which are noted on the agenda under Anticipated Litigation (G.C. 54956.9) and Real Property Negotiator (G.C. 54956.8).

7c: City Administrator Comments/Reports: [07:04:45 PM](#) City Administrator Deschenes stated that is pursuing conversations with Ken Beard at Beard Land Investments to get their input in regards to the City of Modesto's proposal to use the area behind the ball field for water facilities. Deschenes stated that the Beard's donated this land to the old Waterford Community Services District and when the Community Services District merged with the City, the City took over the property. Deschenes stated that we are just doing due diligence by asking the family that donated the land if they have any issues with the city using that land for the water facility purposes. Deschenes reported on a recent canoe trip and stated the Tuolumne River Trust did a great job organizing the event.

7d: City Council Comments/Reports:

Jose Aldaco: [07:08:06 PM](#) no comments.

VM/Weaver: [07:08:12 PM](#) VM/Weaver gave kudos' to the City Administrator on a recent article in the Waterford News that identified a struggle in surrounding cities with personnel issues and pointing out that the City Administrator continues to exceed performance requirements. VM/Weaver stated that he hopes the Chief can clear up a rumor when he gets back on a comment stating that it may be prudent to wear Kevlar while obtaining body art in Waterford. VM/Weaver wished everyone a Happy Thanksgiving. VM/Weaver invited anyone who is interested in sitting on the Council to apply stating that this is a fine group of people to work with.

Ken Krause: [07:07:07 PM](#) CM/Krause thanked everyone who showed up at the Veteran's Day event at the Museum stating it was a great ceremony. CM/Krause also thanked all the wonderful volunteers that seem to come out of the woodwork in our small little town. CM/Krause reminded everyone to watch for information to come on the upcoming tree lighting ceremony.

CM/Van Winkle: [07:07:53 PM](#) CM/Van Winkle congratulated VM/Weaver on his recent election win to the Waterford School Board.

Mayor Goeken: absent.

ANNOUNCEMENTS: The City is Currently Accepting Applications for an Upcoming Vacant City Council Seat. Anyone who is 18 Years of Age and Who is a Resident and Registered Voter in the City of Waterford May Apply for Appointment to the City Council.

ADJOURNMENT/RECESS: [07:09:06 PM](#) Vice-Mayor Weaver recessed the City Council meeting at 7:09PM. To reconvene to closed session directly following the recess. To reconvene to the City Council meeting to report out from Closed Session and to adjourn the City Council meeting directly following closed session.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on December 3, 2009, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Lori Martin, CMC, City Clerk

Jim Weaver, 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)

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

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

**(APN: 080-035-009), (APN: 134-010-044), (APN: 134-007-081)
Direction given to real property negotiator.**

(APN: 134-003-022) City Council by unanimous motion approved the purchase of the property at the appraised price of \$37,000 plus reasonable associated costs. Said purchase is conditioned upon City Attorney approval of the contract. At the conclusion of closed session the council reconvened in open session and announced the aforementioned action.

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.