

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, November 20, 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: [6:30:48 PM](#) Vice Mayor Krause

INVOCATION: [6:31:12 PM](#) Council Member Goeken

ROLL CALL PRESENT [6:31:48 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: Goeken moved, seconded by Weaver, to adopt the agenda.

[6:31:57 PM](#)

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

Motion passed by majority.

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

[6:32:06 PM](#)

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

Motion passed by majority.

ADOPTION OF CONSENT CALENDAR:

- 1a: RESOLUTION 2008-88: Warrant Register
- 1b: Minutes of the Regular City Council Meeting held on November 6, 2008
- 1c: Building Report – October 2008
- 1d: Business License Report – October 2008
- 1e: Minutes of the Parks & Recreation Commission Meeting held on September 9, 2008
- 1f: Wastewater Daily Flow Summary – October 2008

2. PRESENTATIONS: None.

3. **COMMUNICATIONS FROM THE AUDIENCE** [6:32:13 PM](#) None.

4. **PUBLIC HEARING ITEMS:**

4a: PUBLIC HEARING: To Consider an Amendment to the Consolidated Plan FY 2007-2012 Annual Action Plan FY 2008-2009, to Include the Expenditure of \$9,744,482.00 in Housing and Urban Development Entitlement Grant Funds Under the Neighborhood Stabilization Program:

[6:32:52 PM](#)

Public Works Director, Matt Erickson explained that this public hearing is related and mandated due to our participation in the County Consortium and is related to the Neighborhood Stabilization Program and grant funds. Erickson explained that Waterford's portion of the grant funds would be approximately 1.14 million. Erickson stated that these funds will be used to purchase foreclosed homes and can also be used to acquire land and property, to demolish or rehabilitate abandoned properties, and/or to offer down payment and closing cost assistance to low to moderate income homebuyers. Erickson stated that this program is administered by the County on behalf of the Consortium. Erickson stated that all costs associated with the program will be paid from the grant funds received.

[6:34:06 PM](#) Vice-Mayor Krause opened the public hearing.

[6:34:10 PM](#) Vice-Mayor Krause closed the public hearing with no comments offered from the public.

Goeken moved, seconded by Weaver, to approve the amendment to the Consolidated Plan FY 2007-2012 Annual Action Plan FY 2008-2009 to include the expenditure of \$9,744,482.00 in Housing and Urban Development Entitlement Grant Funds Under the Neighborhood Stabilization Program, as recommended.

[6:34:39 PM](#)

AYES: Krause, Goeken and Weaver

NAYES: None

ABSENT: Broderick-Villa and Aldaco

Motion passed by majority.

4b: PUBLIC HEARING: RESOLUTION 2008-90: A Resolution Approving Expenditure of Fiscal Year End 2008 Supplemental Law Enforcement Services (SLESF) Grant Funds: [6:34:45 PM](#)

Public Works Director Erickson explained that Waterford receives \$100,000 annually for this program also known as "COPS" funding. Erickson explained further that in past years this funding has been used to fund the Sergeants position; however more recently this funding has been tied to the last position created which was the Community Officer position. Erickson stated that this is an annual action item and is required to receive the grant funds for the 2008-09 fiscal year. Erickson stated that any residual will go to the community officer overtime or extra help costs that may arise.

[6:35:41 PM](#) Vice Mayor Krause opened the public hearing.

[6:35:45 PM](#) Vice Mayor Krause closed the public hearing with no comments offered from the public.

Goeken moved, seconded by Weaver, to adopt Resolution 2008-90, as recommended.

[6:35:55 PM](#)

AYES: Krause, Goeken and Weaver

NAYES: None

ABSENT: Broderick-Villa and Aldaco

Motion passed by majority.

5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to Update on the Government Center Project: [6:36:01 PM](#) Public Works Director Erickson reported that the City Administrator did not have an update on this item and requested to carry this item to the next meeting. Vice-Mayor Krause explained that the county has been tied up with other things right now and that we are waiting to hear back from the County.

6. NEW BUSINESS:

- 6a: RESOLUTION 2008-89: A Resolution Implementing the Provisions of Section 414(h)(2) of the Internal Revenue Code Relating to Employer Pick-Up: [6:36:33 PM](#) Public Works Director Erickson explained that this item is related to an IRS Revenue ruling that is requiring this action to occur. Erickson stated that a letter from CalPERS is included in the agenda packets explaining that they do not have a Resolution on file covering this issue and further explains that this item needs to be taken care of prior to December 31, 2008 for us to be in compliance with this new ruling and staff is recommending adoption of the Resolution as presented.

Goeken moved, seconded by Weaver, to adopt Resolution 2008-89, as recommended.

[6:37:40 PM](#)

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

Motion passed by majority.

- 6b: DISCUSSION: Relating to the January 1, 2009 City Council Meeting Falling on a Holiday and Consideration to Reschedule or Cancel the January 1, 2009 City Council Meeting: [6:37:47 PM](#)
[6:39:06 PM](#)
After a brief discussion, consensus of Council was to cancel the January 1, 2009 City Council Meeting and if something really pressing comes up then they will consider holding a special meeting.

Goeken moved, seconded by Weaver, to cancel the January 1, 2009 City Council meeting.

[6:39:13 PM](#)

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

Motion passed by majority.

- 6c: RESOLUTION 2008-92: A Resolution Approving Contract for Services with Nichols Consulting Relating to Mandated Cost Claims: [6:39:22 PM](#) Public Works Director Erickson explained that the state provides for reimbursement of costs relating to state mandated programs. Erickson explained that due to difficult process and lack of

staffing cities have turned to consultants who are knowledgeable in the process to track these costs and complete the necessary reporting requirements on their behalf to receive these funds. Erickson stated that Nichols Consulting is one such firm that provides this service and that we have used in the past and we have been happy with the work that they have done for us. Erickson stated that staff is recommending approval of the contract.

Goeken moved, seconded by Weaver, to adopt Resolution 2008-92, as recommended.

[6:41:15 PM](#)

AYES: Krause, Goeken and Weaver

NAYES: None

ABSENT: Broderick-Villa and Aldaco

Motion passed by majority.

- 6d: **RESOLUTION 2008-91: A Resolution Relating to Tax-Defaulted Land to be Sold at Auction:** [6:41:21 PM](#) City Attorney Browning stated that the resolution before Council tonight is one that we have used before when there is going to be a foreclosure sale for failure to pay taxes. Browning explained that under the law if we do not object as a taxing entity when a foreclosure occurs if we have indebtedness against the property such as assessments or other items those would be wiped out. Browning explained further that in order to facilitate and cooperate with the County's efforts of foreclosure we have adopted a resolution like that is presented tonight that reflects to the extent that we do not have any taxes billed against the property we do not object, and to the extent that we do have taxes billed against the property then we want it to remain in place, therefore this is a conditional approval. Browning stated that staff recommends approval of the Resolution as presented.

Goeken moved, seconded by Weaver, to adopt Resolution 2008-91, as recommended.

[6:43:05 PM](#)

AYES: Krause, Goeken and Weaver

NAYES: None

ABSENT: Broderick-Villa and Aldaco

Motion passed by majority.

7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [6:43:10 PM](#) Chief Gharat reported on a recent arrest of a suspect responsible for several property burglaries and auto thefts in Waterford and the surrounding area including Modesto. Gharat reported that this individual was apprehended after a short chase with about 20-25 units responding including 3 canine units. Gharat explained that this individual was one that was wanted for some time. Gharat stated that the individual is now in the custody of the Stanislaus County jail and the Dept. of Corrections has placed a hold on him so it is very unlikely that he will be getting out anytime soon. Chief Gharat stated that is the amount of resources that they will bring to the fold if they want to apprehend someone like that and stated that is the efforts being put forth.
- 7b: City Attorney Comments/Reports: [6:44:48 PM](#) City Attorney Browning reported that it is very likely that the election will be certified a few days prior to our next meeting, therefore we plan to swear in the new elected officials at the first meeting in December. Browning explained further that when we do that we will create a vacancy and asked the Council to be thinking about what they want to do to fill that vacancy. Browning stated that under Gov. Code Section 36512 Council is afforded the ability to make an appointment as long as they do it within 30 days. Browning explained that historically that is what has been opted for in the past because if the Council does not opt to appoint then an election must be held which is quite costly to the city, therefore historically the Council has not opted to go that route. Browning explained that after the swearing in ceremony of the newly elected officials there will be an item on the agenda that night for

consideration by the newly formed council on how they would like to handle the vacancy. Browning reported that his firm has prepared a power point presentation for the ethics training that is required for government officials. Browning stated that Deputy City Attorney Godwin gave two presentations recently to water districts on the west side of Merced County. Browning gave a handout of the presentation to the City Clerk to keep on file and explained that they can do the training at their normal hourly rate. Browning reported on direction given at the last meeting in regards to him preparing a licensing agreement for use of the City Logo and name by other entities and distributed a draft form of the agreement for City Council and staff to review. Browning stated that he had extra copies of the draft agreement if anyone in the public would like to see it. Browning asked that everyone review the draft agreement and get back to him with any concerns, comments or suggestions. Browning stated the City Administrator has inquired with the City Attorney of a need for some paralegal work stating that the City Administrator has a desire for some work to be done relating to the clean-up of some assessments and properties that we have been getting tax bills on. Browning stated that he would be willing to put an associate at his office on this at a paralegal rate which would allow him to oversee the process. Browning explained that the City Administrator just wanted the Council to be aware of this and get some feedback from Council on what they felt. Browning requested one closed session item relating to Anticipated Litigation under Gov. Code Section 54956.9.

- 7c: City Administrator Comments/Reports: [6:56:37 PM](#) Public Works Director stated that the City Administrator was at an Economic Meeting tonight, however asked him to remind Council of an upcoming New Mayors and Council Members Academy that will be held in Sacramento January 21st – 23rd and to let him know if anyone is interested in attending. Erickson informed Council that the Waterford Gardens Rehabilitation project is no longer in existence stating that the sponsor has decided to go with funding that is not related to our federal and state funding under the HCD funds and stated further that the sponsor felt it was easier to go out on their own. Erickson stated that the grant funding that was allocated to this project will go back to HCD for them to use on other projects. Erickson stated that he received confirmation today that Waterford was approved funding for a waste tire amnesty event that will allow residents to dispose of old tires that they may have. Erickson reported that the Waste Tire event is tentatively scheduled here in Waterford on Saturday, April 11th. Erickson stated that this will be labeled as an East County Waste Tire Amnesty Event.

- 7d: City Council Comments/Reports:

Jose Aldaco: absent

CM/Weaver: [6:58:53 PM](#) CM/Weaver thanked Matt Erickson for filling in for the City Administrator and asked him to introduce his guest. Erickson introduced his 9 year old son Marcus. CM/Weaver gave kudos to the Historical Society and the local Boy Scout troop for a meaningful Veterans Day event. CM/Weaver wished everyone a happy Thanksgiving Day coming up. CM/Weaver gave a special thanks to Vice Mayor Krause for his service to Waterford and for his time serving as the Interim Mayor and his sense of tireless duty. CM/Weaver reported that he is looking forward to the swearing in ceremony on December 4th.

CM/Goeken: [7:00:05 PM](#) CM/Goeken congratulated the junior varsity and the varsity Saber Cat football teams for making the playoffs, stating that if the Varsity team wins this Saturday they will get to go to the super bowl the week after. CM/Goeken offered congratulations to the Waterford High Marching Band and the Director for finishing in 2nd place in the band competition in Madera. CM/Goeken stated that tomorrow night a lot of people in Waterford will be going up to Olivehurst for the first ever Waterford High School Varsity football playoff game against Lynhurst High School and wished them good luck. CM/Goeken echoed CM/Weaver's comments thanking Vice Mayor Krause for his time, his dedication to the City, his professionalism and to all his tireless efforts that he has done for the city and the community. CM/Goeken stated that the real mark of something is to leave it in a better position than you found it and Vice Mayor Krause has definitely done that and CM/Goeken stated that he is grateful for VM/Krause's service.

VM/Krause: [7:01:45 PM](#) VM/Krause wished everyone a very happy holiday coming up. VM/Krause stated that this is a great city and he is very excited about the upcoming new council and mayor.

Mayor Broderick-Villa: Absent.

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [7:02:00 PM](#) VM/Krause recessed the City Council meeting at 7:02PM. To reconvene to Closed Session directly following the recess. To reconvene to the City Council meeting to adjourn directly following closed session.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on December 4, 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)
Direction given to Legal Counsel.

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.