

# WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

## Thursday, December 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:** [6:31:23 PM](#) Mayor Broderick-Villa

**INVOCATION:** [6:31:44 PM](#) Pastor Pete Mar, Waterford Community Baptist Church

**ROLL CALL PRESENT:** [6:32:13 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  
Matthew Erickson, Public Works Director  
Darin Gharat, Police Chief

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

[6:32:22 PM](#)

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

Motion passed by majority.

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

[6:32:31 PM](#)

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

Motion passed by majority.

- 1a: RESOLUTION 2007-116: Warrant Register
- 1b: Minutes of the Regular Meeting held on December 6, 2007
- 1c: Building Report – November 2007
- 1d: Business License Report – November 2007
- 1e: Minutes of the Waterford Parks & Recreation "Special" Meeting held on October 9, 2007

**2. PRESENTATIONS:**

None.

**3. COMMUNICATIONS FROM THE AUDIENCE:**

[6:32:43 PM](#) Chris Esther, 613 Curran Dr. addressed Council to inform them that at the last Planning Commission meeting a concerned citizen approached the Planning Commission with a request to make a safer street crossing at Western and Hwy 132 for the kids going to school.

**4. PUBLIC HEARING ITEMS:**

4a: ORDINANCE 2007-10: FIRST READING & INTRODUCTION: An Ordinance Adopting the California Building Codes, Waterford Municipal Code Title 15, Buildings & Construction: [6:34:03 PM](#) City Attorney Browning explained that this is a proposed adjustment to the building codes to switch from the Uniform Building Codes to the California Building Codes. Browning stated that it is still based on the International Building Code 2006 Version, but it has a new name. It is now referred to as the California Building Code. Browning stated that the Building Inspector is requesting that this be adopted by reference which is consistent with most other cities Building Departments, county and statewide. Browning recommended approval of the First Reading and Introduction.

[6:37:31 PM](#) Mayor Broderick-Villa opened the public hearing at 6:37PM.

[6:37:39 PM](#) Mayor Broderick-Villa closed the public hearing at 6:37PM with no comments offered from the public.

Krause moved, seconded by Aldaco, to approve the First Reading & Introduction, as recommended.

[6:37:49 PM](#)

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

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

**5. UNFINISHED BUSINESS:**

5a: DISCUSSION: Relating to Update on the Government Center Project: [6:37:56 PM](#) City Administrator Deschenes stated that he has met with the Architect and County Personnel and explained that they are in the process of working out the space allocations so that a cost per square foot can be determined and from there they will be preparing a proposal to the CAO's office. Deschenes stated that he still needs to confirm staffing ratio's with the county and will recommend that the staffing be evaluated periodically to ensure that the lease reflects the actual space being used by county personnel. Deschenes stated that the building design will depend a lot on what the county is willing to commit to.

**6. NEW BUSINESS:**

- 6a: RESOLUTION 2007-118: A Resolution Adopting a Sewer System Management Plan (SSMP), Development Plan and Schedule: [6:41:56 PM](#) Public Works Director, Matt Erickson explained that the State of California is requiring that every city that maintains more than a mile of sewer lines adopt a Sewer System Management Plan. Erickson stated that the SSMP, Development Plan and Schedule will address the 12 elements that will be required by the California Integrated Waste Management Board. Erickson discussed some of the various deadlines that the city is required to meet on the various elements of the plan. Erickson stated that some of the work developing the plan can be done in-house, however we will most likely need to go out to bid to solicit a contractor to do the more complicated elements.

Aldaco moved, seconded by Krause, to adopt Resolution 2007-118, as recommended.

[6:51:59 PM](#)

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

Motion passed by majority.

- 6b: RESOLUTION 2007-117: A Resolution Relating to Tax-Defaulted Land to be Sold at Auction: [6:52:04 PM](#) City Attorney Browning explained that the County Tax Collector performs this periodically where they identify various parcels throughout the county that they intend to sell at auction. Browning explained further that if any of these properties fall within the city's jurisdiction the County sends us a notice asking if the city objects to the sale. Browning stated that when the city receives this notice they research to see if the city has any special assessments and/or liens against the properties. Browning stated that the results of the research show no special assessments and/or liens on any of the Waterford properties, therefore we intend to respond with a "No Objection" conditioned upon the sale not having any adverse affect the City's interests.

Goeken moved, seconded by Krause, to adopt Resolution 2007-117, as recommended.

[6:53:48 PM](#)

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

Motion passed by majority.

- 6c: DISCUSSION: Relating to the Waterford Garden Apartments Rehabilitation Project: [6:53:53 PM](#) City Administrator Deschenes explained that in 2004 the Waterford Garden Apartments made an application for and received grant funding in the amount of 2,000,000 for a transfer of ownership and rehabilitation of the apartment complex. Deschenes stated that the reason the city is involved is because that apartment complex has covenants on them for low and moderate income families and it was originally financed by Farmers Home Loan Association. Deschenes stated that the covenants on the property was due to expire and by making application for the grant funding it allows the complex to keep the designation as low and moderate income housing. Deschenes stated that in this particular instance there were some disagreements with the owners where the owners deeded the property to another corporation for tax reasons without the approval of Farmers Home Loan Association, therefore the project never completed, however the grant still remained obligated and open. Deschenes stated that he recently received a call from the Department of Housing & Community Development stating that the new owners of Waterford

Garden Apartments would like to continue on with this grant. Deschenes stated that it is actually a long term loan instead of a grant. Deschenes explained that in the meantime there have been a lot of changes in players and explained further that there is administrative money associated with these programs. Deschenes stated that in the past the city engaged consultant's to manage these projects and the consultant was selected by a competitive process. Deschenes stated that our consultant has recently retired and sold his business to another firm which further complicates things. Deschenes stated that ironically he has not heard from this new firm stating that they generally have a monetary interest in seeing these programs move forward. Deschenes explained that the city is not equipped to administer these types of programs in spite of the administrative funds that go along with it. Deschenes stated that in order for the city to move forward with this there would need to be a consultant in place that we have confidence in that would have to be independent from the new owners. Deschenes stated that the consultant would be paid through the loan and grant funds that are affiliated with the project. Deschenes stated that he is trying to obtain more information on this, however wanted to advise council about this. Deschenes stated that this is just for informational purposes right now and that he is not asking for any kind of action or direction. Deschenes explained that his preference would be to contract this project with the Stanislaus County Housing Authority, however stated that he did not think the State would look at that as a competitive process. Deschenes summarized by stating that this would be a \$2,000,000 dollar loan that would eventually be repaid to the City, however it would be restricted funds that could only be used for low and moderate income housing projects. Deschenes explained that there are some long term benefits for the city that are difficult to define today.

## 7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [7:00:07 PM](#) Chief Gharat updated Council on the recent PAL program held at the High School stating it was a good event with a very good turnout. Chief Gharat informed Council that he has scheduled some DUI enforcement throughout the city for the holiday season. Chief Gharat informed Council that there is a tentative scheduled start date of Monday, January 7<sup>th</sup> for the part time traffic officer.
- 7b: City Attorney Comments/Reports: [7:02:04 PM](#) City Attorney Browning requested two closed session items for Labor Negotiator under GC 54957.6 and for a continuing discussion on Public Employee Performance Evaluation under GC 54957.
- 7c: City Administrator Comments/Reports: [7:02:33 PM](#) City Administrator Deschenes reported on a recent email correspondence from Brad Christiansen, Transportation Manager for Stanislaus County. Deschenes stated that the Waterford fares have shown a decline in rider ship forcing the County to make some reductions to the service in the upcoming months. Deschenes explained that we are required to have a certain amount of fare box ratio to avoid funding problems. Deschenes stated that the suggested reduction was to eliminate the very early morning and late evening scheduled routes. Deschenes stated that Brad Christianson will be attending one of the Council meetings in January to discuss this further with Council and also stated that there will be some press releases coming out in the local newspapers in regards to this as well. Deschenes explained that Public Works and staff is recommending that we install an awning on the new City Hall modular building for safety reasons and for keeping the ramp dry. Deschenes stated that the awning would also draw more attention to the building because we are still having customers say they are having difficulty finding us. Deschenes stated that we solicited two quotes with both coming in around \$3500 and both come with a 5 year warranty. Deschenes stated that he will need to have the building inspector take a look at the specs and drawings to make sure we are not running into any building code issues. Deschenes relayed to Council that unless Council objects to this he plans to move forward. Council members commented that they felt this was a good idea. Deschenes reported on recent sales tax data for the period ending in September 2007 being down around 17% for Waterford. Deschenes stated that this is a trend we will need to watch. Deschenes stated that he considers this to be a trend indicator and stated that decreased sales tax is usually caused from a downturn in the local economy, however hopes that it does not continue this downfall for the quarter ending in December 2007. Deschenes stated that he will be revising some of the revenue projections.

Deschenes requested that an item be put on the next agenda to address security measures for the new modular building.

7d: City Council Comments/Reports:

Jose Aldaco: [7:11:07 PM](#) CM/Aldaco gave appreciation to City Clerk, Lori Martin for the recent City Christmas Party. CM/Aldaco thanked the Police Chief for a recent presentation that was done for one of the classes at the school, stating it was good to see the community being involved with the schools and the interaction between the police and the kids was great. Bank of the West and their customers came through very generously again the year in providing 24 families with Christmas gifts. CM/Aldaco stated that he hopes that Manuel at Waste Management keeps his word about providing information about the 3-cart system in Spanish since that is the major language in this community. CM/Aldaco wished everyone a Happy and Safe Holiday.

CM/Weaver: [7:14:05 PM](#) CM/Weaver thanked the Public Works Director, Matt Erickson and the City Administrator, Chuck Deschenes for his recent tour of the Waste Water Treatment Plant and the Water Plant. CM/Weaver thanked staff for everything they do day in and day out and thanked Lori Martin for the great standing room only Christmas Party and thanked the Chief for all of his proactivity stating that it is appreciated by everyone. CM/Weaver that we have all been reminded of the DUI enforcement and wished everyone a safe and happy holiday.

CM/Goeken: [7:14:43 PM](#) CM/Goeken thanked everyone for all of their hard work this year and thanked all of the community organizations for all of the great things they do. CM/Goeken wished everyone a Merry Christmas and Happy New Year.

CM/Krause: [7:15:12 PM](#) CM/Krause stated that Waterford is a pretty great city and wished everyone a very Merry Christmas and Happy New Year.

Mayor Broderick-Villa: [7:15:36 PM](#) MBV wished everyone a Merry Christmas and Happy New Year and asked that everyone have a safe holiday season. MBV also thanked Matt Erickson for his time and service on the school board stating that we will have a formal presentation to thank him at our next meeting.

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [7:15:53 PM](#) Mayor Broderick-Villa recessed the City Council meeting at 7:15PM. To reconvene to closed session directly following the recess. To reconvene to the City Council meeting directly following closed session to adjourn.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on January 3, 2008, 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)  
None.
- Item 9d: "CONFERENCE WITH LABOR NEGOTIATOR"  
(Pursuant to Government Code Section 54957.6) Charles Deschenes, City Administrator,  
Designated Labor Negotiator  
Direction given to Negotiator by Council.
- Item 9e: "PUBLIC EMPLOYEE PERFORMANCE EVALUATION"  
(Pursuant to Government Code Section 54957)  
Direction given to City Attorney regarding the City Administrator contract.
- 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.