

# WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

## Thursday, January 4, 2007

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

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** [6:31:56 PM](#) Mayor Broderick

**INVOCATION:** Pastor Pete Mar, Community Baptist Church [6:32:19 PM](#)

**ROLL CALL PRESENT** [6:32:51 PM](#)

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

**Absent:** None

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

**ADOPTION OF THE AGENDA:** [6:32:55 PM](#) Krause moved, seconded by Goeken, to adopt the Agenda.

[6:33:07 PM](#)

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

Motion passed by majority.

**ADOPTION OF THE CONSENT CALENDAR:** [6:33:11 PM](#) Krause moved, seconded by Goeken, to adopt the Consent Calendar.

[6:33:23 PM](#)

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

Motion passed by majority.

### 1. CONSENT AGENDA:

- 1a: RESOLUTION 2007-01: Warrant Register
- 1b: Minutes of the Regular Meeting held on December 21, 2006

### 2. PRESENTATIONS:

None.

**3. COMMUNICATIONS FROM THE AUDIENCE: [6:33:30 PM](#)**

Mr. Jose Aldaco, 292 Starflower Ct., addressed the Council stating that he is a community supporter and has lived her for the past two years. Mr. Aldaco stated that he received a call from the Mayor before noon today asking him not to come to the meeting because he would not be appointed to the Council. Mayor Broderick-Villa stated that Mr. Aldaco's comment relates to Item 5c on the agenda and he could bring up his concerns at that time.

[6:34:55 PM](#) – Mr. Bill Broderick addressed the Council inquiring when the impact fee study would be done and when would the General Plan update go before LAFCO. Mr. Broderick stated that he understood that the General Plan was suppose to go to LAFCO three weeks ago and has been unable to get any answers from City Hall. City Administrator Deschenes explained the status of the impact fee studies and the General Plan and stated that the Planner and Associate Planner's are working on this project and although he does not have a definite timeline, however it could be as late as April before it goes before LAFCO.

[6:36:35 PM](#) - Mr. Bill Broderick asked when the update on the general plan process began. City Administrator Deschenes detailed the history of the project.

**4. PUBLIC HEARING ITEMS:**

None.

**5. UNFINISHED BUSINESS:**

5a: DISCUSSION: Relating to the Waterford Government Center Project: [6:39:35 PM](#)

City Administrator Deschenes stated that communications from the architect indicate that he will start working with the Government Center Committee sometime this month.

5b: DISCUSSION: Relating to the Fiscal Year 2006-07 Budget: [6:40:20 PM](#)

City Administrator Deschenes stated that this is progressing and estimated that it may be on the next agenda for adoption. Deschenes explained that he is still reconciling interfund transfers. Deschenes commented that the city is in good shape and that the audit report would demonstrate this and also mentioned that the audit report is on the agenda for adoption tonight.

5c: DISCUSSION: Consideration of Applications Received and Interview of Candidates for Vacancy on the City Council. If Appointment is made to the City Council, Approval of Resolution #' 2006-109, Accordingly. If no appointment is made, Consideration of Approval of Resolution 2007-02 and 2007-03, Calling and Giving Notice of the Holding of an All Mail Ballot Special Municipal Election and Requesting Stanislaus County to Render Election Services, Accordingly:[6:41:17 PM](#)

Mayor Broderick-Villa brought the public up to date on what transpired at the last council meeting regarding this appointment and explained the voting process utilized at the last meeting as well as the outcome of the voting.

Council Members discussed various options on the procedure they would use in considering and voting on appointments tonight. It was decided that Council would vote separately on each candidate and that at a minimum the new applicants since the last Council meeting would have a chance to introduce themselves and discuss their qualifications. Mayor Broderick invited each candidate to the podium in alphabetical order.

Mayor Broderick-Villa invited Jose Aldaco to the podium and proceeded to explain a conversation that he had with Mr. Aldaco on October 17, 2006. Mayor Broderick-Villa stated that he had noticed that Mr. Aldaco had a Turner sign in his front yard and confronted him about why Mr. Aldaco was supporting Mayor Turner and not him. Mayor Broderick-Villa discussed the details of the conversation. Mayor Broderick-Villa stated that Mr. Aldaco had stated that he would be selling his home in the next year and would be moving to Ceres. Mr. Aldaco replied that he never gave a timeline in regards to moving and that he likes Waterford and plans to stay here. Mr. Aldaco assured the Council that he did not have any plans of moving.

Jose Aldaco [6:48:03 PM](#) Mr. Aldaco addressed the council and again mentioned his complaint in regards to a phone call he received from the Mayor earlier today stating that the phone call was threatening to him as he was asked to not come to the meeting tonight because he would not be appointed to the council. Mr. Aldaco asked if any other applicant was asked to not come to the meeting tonight. Mayor Broderick-Villa asked the audience if anyone was called and asked not to come to the meeting. Mr. Chris Esther addressed the Council stating that Mayor Broderick has asked him on two separate occasions to withdraw his application. Mayor Broderick-Villa inquired with Mr. Aldaco and asked if Martha Deschenes had asked him to display a Mayor Turner sign. Mr. Aldaco replied that Martha Deschenes did not ask him to display the sign and that he had spoke with various people at the Riverpark Dedication and when he returned home someone had dropped off a Turner sign at his house, however he did not know who delivered the sign. Mr. Aldaco stated that he put up the sign in his yard which was later stolen at the same time eggs were thrown onto his front window. Mayor Broderick asked Mr. Aldaco if he filed a police report. Mr. Aldaco replied that he did not because he did not think it was necessary. Mr. Aldaco stated that he just replaced it with a second sign.

Mr. Aldaco discussed his qualifications by stating that he has worked in Waterford for seven years and started as a Teacher and is currently an administrator for the middle school. Mr. Aldaco stated that as an administrator he is in contact with families on a daily basis and stated that he is a member of the Lion's Club and is also a member of the Heritage Days Committee. Mr. Aldaco stated that even when he did not live in Waterford he was involved in the community, such as helping with the clean-up of the Park with his class as a community project. Mr. Aldaco stated that he believes that he is an honest person.

Mayor Broderick-Villa asked Mr. Aldaco as an employee of the school district how he would feel about making decisions as a council member that may be against the position of the school board. Mr. Aldaco stated that he makes his own independent decisions and would make those decisions based on what he felt would be the best action for the city. Mayor Broderick-Villa inquired as to what Mr. Aldaco's position is in relation to the recent increase in developer's fees that was adopted by the school board because the City is also looking at increasing their developer's fees. Mr. Aldaco stated that he is not a member of the school board, therefore does not vote on the issues. Mayor Broderick-Villa asked Mr. Aldaco if he has ever known of a superintendent to get involved in a school board election. Mr. Aldaco replied, no. Mayor Broderick-Villa asked if a superintendent has ever asked Mr. Aldaco to vote for a school board candidate. Mr. Aldaco replied, no. Mayor Broderick-Villa asked Mr. Aldaco if a superintendent's wife has ever asked him to vote for a school board candidate. Mr. Aldaco replied, no. Mayor Broderick-Villa asked Mr. Aldaco if he himself has ever been involved in a school board election. Mr. Aldaco replied, no. Mayor Broderick-Villa asked Mr. Aldaco if it would surprise him if a City Administrator's wife asked him to campaign for a candidate in a City election. Mr. Aldaco replied that Mrs. Deschenes never asked him to campaign for anyone. Mr. Broderick-Villa asked Mr. Aldaco if he would be surprised to know that Martha Deschenes signed signature line # 4 of Eric Underwood's nomination form. Mr. Aldaco replied that he doesn't understand the question and stated that he does not live with the Deschenes and doesn't know what they sign or don't sign. City Attorney Browning stated that the candidates are not required answer any questions that they do not wish to answer. Mr. Aldaco stated that he believes he is finished answering questions.

Dayna Chamberlain: [6:57:58 PM](#) Introduced herself.

Peter Collins: [6:58:27 PM](#) Introduced himself and stated that he attended the last meeting and would answer any questions that the council has. Council did not have any questions.

Greg Dugovic: [6:58:59 PM](#) Stated that nothing has changed since the last meeting.

Chris Esther: [6:59:02 PM](#) Stated that he was available to answer any questions that the council may have. Mayor Broderick-Villa asked if Mr. Esther chairs the Planning Commission and how long has he chaired the Planning Commission. Mr. Esther stated that he is the chair of the Planning Commission and has been so for the past 1-1/2 years. Mayor Broderick-Villa asked Mr. Esther how many other commission members have chaired the current Planning Commission other than himself. Mayor Broderick-Villa asked Mr. Esther if he was aware of WMC 2.24.030 (b) which relates to the Chairperson rotating annually amongst the Planning Commission Members in order of seniority. Mr. Esther replied that he was not aware of that ordinance and that it has

never been brought to his attention. Mr. Esther stated that he would bring that up with the Planning Director and they would address it at the next meeting to ensure they are in compliance with city codes. Mayor Broderick-Villa asked Mr. Esther if it were true that he had cancelled the last three Planning Commission meetings. Mr. Esther replied that the December meeting was cancelled because the regular meeting date fell on the day after Christmas and because there was not any business to discuss and stated that the November meeting was cancelled due to no planning items to discuss. Mr. Esther stated that the Planning Commission did meet in October because that is when they finalized their review of the General Plan and it was then adopted by Council in November. Mayor Broderick questioned why the city website stated that the October meeting was cancelled. Mr. Esther replied that he did not know what the city website reflects as he does not control or update the website.

[7:01:40 PM](#) Gus Oberthier, 11605 Yosemite Blvd. addressed the council with a concern in regards to the October Planning Commission meeting stating that this was a special meeting that was conducted in the basement of the Museum which he felt was not good because they were discussing the circulation element of the general plan which he felt was very important element to be discussing outside of a normal meeting.

Denise Finch: [7:03:29 PM](#) Ms. Finch was present and available to answer any questions from the Council. Council did not have any questions for Ms. Finch.

Armando Garcia: [7:03:37 PM](#) Mr. Garcia introduced himself and discussed his education, experience and qualifications with the Council. Mr. Garcia stated that he has served as the Waterford Representative for the Stanislaus Consolidated Fire Department Board of Directors for the past year. Mr. Garcia stated that the reason he applied for the vacant seat was because he would like to see the council come to an agreement and select someone so it will save the city \$18,000-\$20,000. Mr. Garcia stated that he would like to withdraw his application.

Monica Garcia: [7:04:44 PM](#) Ms. Garcia was present and available to answer any questions from the Council. Council did not have any questions for Ms. Garcia.

Patricia Hulst: [7:04:51 PM](#) Ms. Hulst was present and available to answer any questions from the Council. Council did not have any questions for Ms. Hulst.

Obdulia Munguia: [7:05:03 PM](#) Mayor Broderick confirmed with Ms. Munguia that she withdrew her application earlier in the day. Ms. Munguia stated that she withdrew her application because she felt the Council had a good pool of applicants to choose from and hopes that the Council can come to an agreement tonight and select one of the candidates.

Paul Patterson: [7:05:40 PM](#) Mr. Patterson introduced himself and stated that he applied for the vacant seat because he was saddened by the state of affairs at the City. Mr. Patterson stated that he is also saddened by the last two elections that he has witnessed. Mr. Patterson stated that he feels this city is better than what has been reported about us and what we have seen to be true. Mr. Patterson stated that he put his name in for consideration simply because somebody has to say, "Let's get our acts together". Mr. Patterson offered to answer any questions from Council. Council did not have any questions for Mr. Patterson.

Rachel Sparks: [7:06:35 PM](#) Ms. Sparks introduced herself and stated that she has lived on the outskirts of Waterford for 7 years and has been very active in the community and stated that she now lives in the River Pointe subdivision which is in the city limits. Ms. Sparks stated that she is currently on the Parks & Recreation Commission and has been on this commission for the past 3 years and the chair for the last year. Ms. Sparks thanked the Council for their consideration of her application.

Erica Spitulski: [7:07:45 PM](#) not present.

Michael Van Winkle: [7:08:03 PM](#) Mr. Van Winkle introduced himself and stated that he moved into the River Pointe subdivision approximately 1-1/2 years ago. Mr. Van Winkle stated the reason he applied for the vacant seat was because he had been reading in the paper that the Council was having a hard time filling the vacancy. Mr. Van Winkle stated that he has 25 years of construction background and stated that he currently works as the construction manager for a developer based out of Merced. Mr. Van Winkle stated that he too hopes the city can come to an

agreement tonight and that Waterford is a nice city and the city has worked hard to get out of a hole for the last 10 years and would be sad to see the city spend \$18,000-\$20,000 an election that is not necessary. Mr. Van Winkle stated that he is willing to get involved in the community and do whatever needs to be done

Don Viss: [7:09:39 PM](#) not present.

[7:10:00 PM](#) Mayor Broderick-Villa stated that the Council would vote on each candidate individually by roll call vote and would go in alphabetical order starting with Jose Aldaco. Mayor Broderick-Villa stated that if 2 no votes were received on any candidate they would not continue with the roll call vote and go on to the next person. Mayor Broderick-Villa stated that if any one candidate receives 3 yes votes that candidate would be appointed to the City Council. City Attorney Browning clarified with the Council that there procedure would be the first candidate to receive 3 yes votes would be appointed to the City Council. Mayor Broderick-Villa conferred with the Council Members and the consensus of Council was any candidate to receive 3 yes votes would be appointed to City Council.

Mayor Broderick called for a roll call vote for the appointment of Jose Aldaco:

**AYES:** 3 Weaver, Goeken, Krause

**NOES:** 1 Broderick

**ABSENT:** 0

Motion passed by majority.

City Clerk, Lori Martin administered the oath of office to Jose Aldaco.

- 5d: DISCUSSION: Relating to CDBG Funding Criteria: [7:13:33 PM](#) City Administrator Deschenes stated that the RFP is completed and will be distributing it via e-mail and regular mail to various consulting companies, as well as advertising it in the paper. Deschenes explained that this is needed to get our necessary studies done to demonstrate our areas of low and moderate income so that CDBG funds can be spent in those particular areas. Deschenes stated that the reason we are employing experts is because they know the federal criteria and they know how to identify neighborhoods and areas of low and moderate income. Deschenes identified some possible areas that will be identified as low and moderate income. Deschenes explained that once the RFP's have been submitted and he has identified a consultant to perform the services, this item will come back to City Council for consideration of a contract approval.

## 6. NEW BUSINESS:

- 6a: DISCUSSION: Accepting the City of Waterford Audited Financial Statements for Fiscal Year Ending June 30, 2006: [7:15:53 PM](#) City Administrator Deschenes explained that the audit statements were distributed to Council approximately two weeks ago to allow Council time to review them and ask questions before asking for adoption. Deschenes explained that these audit reports are really designed for bond and debt agencies to analyze more than for the general use as a management tool. Deschenes stated that in that regard it is difficult to break out individual operating parameters within these financial statements. Deschenes stated that the exception to this is that the enterprise funds, which have a good deal of detailed summaries by function. Deschenes gave an example of the police protection fund by saying that it is difficult to get a true picture of just costs related to police protection because the auditors combine this in with public safety which includes other items such as animal control and codes enforcement along with other items that the auditors classify as public safety. Deschenes stated that it is a good document and it does provide assurances that the city's records have integrity and that you can rely upon them. Deschenes pointed out two things he feels are noteworthy are in the enterprise funds. Deschenes pointed out that the wastewater fund is no longer totally funding its depreciation expense. Deschenes explained that depreciation is a non-cash expense, therefore we are not running a cash deficit, however we are running a technical accounting deficit. Deschenes stated that this is not a large amount at this time; however it does indicate that a rate adjustment will be necessary. Deschenes stated that this will be incorporated into our impact fee study. Deschenes

stated that the water fund is currently running a cash deficit. Deschenes stated that this was anticipated and explained that we started a water system from scratch for the Grupe subdivision and when you start up any enterprise business until you get a sufficient customer base to generate the revenue the expenses have to be fronted. In anticipation of this the City and Grupe entered into a short fall agreement and therefore the Grupe Company will be making up the cash deficit identified in the financial statements.

Weaver moved, seconded by Krause, to Accept the Fiscal Year Ending June 30, 2006 Audited Financial Statements, as recommended.

[7:20:38 PM](#)

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

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

## 7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [7:20:44 PM](#) Chief Jackson congratulated and welcomed Jose Aldaco to the City Council. Chief Jackson reported that auto burglaries are still on the increase and stated that his department has taken some proactive steps toward this problem and stated some arrests have been made, however they will continue to work diligently on this problem. Chief Jackson reported on the results of the recent DUI saturation patrol conducted over the holidays stating that only 1 DUI arrest was made which speaks volumes for the residents of Waterford. Chief Jackson stated that after doing some further research discovered that there has not been any DUI involved accidents in the city during the 2006 calendar year. Chief Jackson reported that good strides are being made in regards to auto theft stating that county-wide there was a 30% reduction. Chief Jackson stated that Waterford had 6 more thefts this year than last; however our auto theft numbers are still reasonably low.
- 7b: City Attorney Comments/Reports: [7:23:10 PM](#) City Attorney Browning provided Council with his research results of the Planning code in regards to residency, stating that the code does require residency in the city to be on the Planning Commission, however stated that if Council would like to amend the code he did not foresee any problems doing so. City Attorney Browning explained that typically this time of year the Council reviews the City Administrator's agreement. Browning stated that this was done in December of last year. Browning stated that sometime after the review the Council provides evaluation input on the City Administrator. Browning explained that the City Code prohibit newly elected officials from taking certain actions within 90 days of an election. Browning stated that he was requested to get this process started in terms of evaluating the City Administrator. Browning stated that typically the evaluations would be mailed to the Council Members; however he is distributing the evaluation forms tonight which will include a copy of the City Administrator's agreement. Browning requested to go into closed session under Gov. Code Section 54957, Public Employee Evaluation so that the terms of the agreement can be discussed and if the Council is so inclined tonight to give direction to the City Attorney to begin the process. Browning stated that the process would be to receive the evaluation forms and begin the negotiation process of the agreement. Browning stated that the newly elected council members would not turn in their evaluation forms for 90 days, however the negotiation of the contract could begin.
- 7c: City Administrator Comments/Reports :[7:30:08 PM](#) City Administrator Deschenes stated for the record that he would not be participating in the closed session item relating to his evaluation and contract. Deschenes requested a closed session item discussion under Pending Litigation. Deschenes reported on a City Manager's meeting he attended today in Hughson. Deschenes explained that the League of California Cities is trying to set up some training seminars in our area related to new elected official training and urged all of the Council Members to attend. Deschenes asked for Council to provide input to him on whether a week night would work better for them or a Saturday. Council discussed and determined a week night would work best for

everyone. Deschenes informed Council that our water rate ordinance does call for a periodic rate increases on an annual basis. Deschenes explained that he is working with Attorney's office to get this on the next agenda because we are at the point in time where we are scheduled to do the increase. Deschenes explained that this will require an adoption of a resolution even though these periodic increases were approved previously. City Attorney Browning explained that the background study basis for these increases has been done, however the Council still has to implement them through adoption of a resolution.

7d: City Council Comments/Reports:

Jose Aldaco [7:35:03 PM](#) No Comments.

CM/Weaver: [7:35:06 PM](#) offered sincere thanks to all of the applicants and apologized for being judgmental. Weaver gave recognition to fellow council members for being able to work through this difficult appointment process and saving the city \$20,000. Weaver ended with the comments, fast to listen, slow to speak, slow to anger and maybe we can augment that with working together for Waterford.

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CM/Goeken: [7:36:07 PM](#) thanked all of the applicants and encouraged any of them still interested to run for election in two more years and stated that Waterford would have good choices. Goeken stated that then the citizens would get to make the choice instead of the Council. Goeken congratulated Jose Aldaco on his appointment to Council. Goeken thanked the Council for getting through this appointment process and looks forward to dealing with business. Goeken mentioned that he had to vacate his position the StanCOG citizens advisory committee due being an elected official now. Mayor Broderick-Villa requested that we put that and the other appointment pending from a previous meeting on the next agenda.

CM/Krause: [7:37:15 PM](#) Also thanked all the applicants and looks forward to the Council working together and putting the past behind us. Krause congratulated Jose Aldaco. Krause congratulated Public Works employee, Lonnie Statzer and his new bride Tina on their recent marriage at the new River Park last Saturday.

Mayor Broderick-Villa: [7:37:55 PM](#) Congratulated Lonnie and new wife Tina. Also congratulated Jose Aldaco on his appointment to Council. Broderick-Villa reminded everyone of the upcoming Lion's Club crab feed on February 24, 2007 and will be held at the Community Center. Broderick pointed out that our County Supervisor; Bill O'Brien is in the audience tonight.

[7:38:37 PM](#) Shiela Collins, 13360 Skyline Blvd., and President of Waterford School Board stated she wanted to assure everyone that between Mr. Browning and the School Board attorney they will ensure that neither Mr. Aldaco or Mr. Broderick are in violation of any conflict of interests. Mrs. Collins stated that she is excited to see that two people that know schools well are on the Council because one of the School Boards goals is to be more involved with the city and with the community, therefore having 2 people on Council that know the issues that face the schools can do nothing but help us.

8. ANNOUNCEMENTS:

ADJOURNMENT/RECESS: Aldaco moved, seconded by Weaver, to recess the City Council meeting and open the WPFA meeting. After adjourning the WPFA will open the RDA. After adjourning the RDA, Council will take a short recess. After recess will reconvene to Closed Session. Will adjourn the City Council Meeting directly following closed session.

[7:41:01 PM](#)

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

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on January 18, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Lori Martin, 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)

Item 9b: "CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION" (PURSUANT TO  
GOVERNMENT CODE SECTION 54956.9)

Direction provided to City Attorney.

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

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

Item 9e: "PUBLIC EMPLOYEE PERFORMANCE EVALUATION"  
(Pursuant to Government Code Section 54957)

Direction provided to City Attorney.

Item 9f: "PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE"  
(Pursuant to Government Code Section 54957)

Item 9g: "PUBLIC EMPLOYEE APPOINTMENT"  
(Pursuant to Government Code Section 54956.8)

Item 9h: "CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY STATE LAW"  
(Penal Code Section 832.7)