

WATERFORD CITY COUNCIL MEETING MINUTES

Thursday, January 5, 2006

A regular meeting of the Waterford City Council was called to order by Mayor Turner at 6:30 PM at the Waterford Community Center, 540 "C" Street, Waterford, CA 95386.

ROLL CALL PRESENT

Charles Turner, Mayor
William Broderick, Vice Mayor
Zena Gilbert, Council Member
Ken Krause, Council Member
Greg Dugovic, Council Member

EXCUSED:

ABSENT:

CITY STAFF & CONTRACT EMPLOYEES PRESENT

Corbett Browning, Deputy City Attorney
Charles E. Deschenes, City Administrator
Lori Martin, City Clerk
Jim Silva, Police Chief
Robert Borchard, Planning Director

PLEDGE OF ALLEGIANCE – Mayor Turner

INVOCATION: Pastor Glen Stanford, Waterford Church of the Brethren

ADOPTION OF THE AGENDA: Mayor Turner announced that presentation items 2a and 2b will be continued to the next council meeting. A motion was made by CM/Dugovic and seconded by CM/Krause to adopt the agenda. M/C Vote: 5-0

ADOPTION OF THE CONSENT AGENDA: A motion was made by CM/Gilbert and seconded by CM/Dugovic to adopt the consent agenda. M/C Vote: 5-0

1. CONSENT AGENDA:

- 1a: RESOLUTION 2006-02: Warrant Register
- 1b: Minutes of Regular Meeting held December 15, 2005

2. PRESENTATIONS:

**2a: Mayor Turner to present a Certificate of Appreciation to Scott Johnson for his time, commitment and leadership on the Waterford Parks & Recreation Commission:
Continued to the next Council Meeting.**

2b: Vanessa Czopek, County Librarian to present the County Library Annual Report for FY 2004/05: Continued to the next Council Meeting.

3. COMMUNICATIONS FROM THE AUDIENCE:

None.

4. PUBLIC HEARING ITEMS:

None.

5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to the Stanislaus County Consolidated Fire District: City Administrator, Deschenes stated that the Fire Dept has made an official request to use some of the existing buildings on the Government Center parcels for fire drills and has also submitted required insurance documents. Deschenes explained that he will prepare a letter agreement to outline the logistics of the agreement and get the agreement signed by the Fire Dept.
- 5b: DISCUSSION: Relating to the Parcel Known as, "Triangle Park": City Administrator Deschenes explained that he will do some checking to see where this is at, however the lot merger should be able to get on the Planning Commission agenda by the March meeting. After approval and after recordation we will get it up for sale with the restrictions. The City Attorney will attach deed restrictions when the property goes into escrow.
- 5c: DISCUSSION: Relating to the Waterford Government Center Project: City Administrator Deschenes stated that he and the council have reviewed the resumes for potential project managers. Deschenes stated that he does have one set of conceptual drawings rather than detail plans of the two-story drawings that were done, however after looking at the plans it is very apparent that the two-story was specifically designed for the piece of property next door to the current City Hall office. Deschenes explained that it was a triangular shaped building with all of the functions residing on the first floor with the second floor remaining unfinished. Deschenes stated that because the two sites are configured differently he did not feel that the old two-story plans would be of much help in correlating with the new site plans. Deschenes stated that he talked with the County CAO in regards to having Tim Fedorchak' continue to work with us at least until we get to the point of actual building design. This is something that the County CAO will take to the capital facilities meeting. Deschenes stated that he also talked to him about funding, and while he can not specifically commit, the county did express an interest in participating to some degree. Deschenes also explained that there is a \$300,000 commitment from the county in tobacco funds which is factored into the budget. Deschenes stated that he is negotiating with an environmental consultant and thinks that we have contract language that is acceptable to him which was faxed today for his review. Deschenes stated that he expects to have a signed contract before the next council meeting.
- 5d: RESOLUTION 2006-05: A Resolution Approving the Fiscal Year 2005-06 Budget: City Administrator Deschenes explained that we adopted last year's budget as this years preliminary budget and explained that he has finalized the budget, however noted that there has been a few changes to the copies that were provided in the council packet and distributed new updated copies to council. Chuck provided a summary of the budget to Council. A brief question/answer period transpired.
A motion was made to adopt Resolution 2006-05 by: CM/Dugovic
Seconded by: CM/Gilbert
Absent: 0
Abstain: 0
Vote: 5-0
- 5e: RESOLUTION 2005-101: A Resolution Approving Agreement with WBSA Regarding the Rental and Usage of the City Snack Bar Building: Continued to the next Council Meeting.
- 5f: DISCUSSION: Regarding the status of the Waterford General Plan and Sphere of Influence Update: City Planner Borchard gave a brief status update on the General Plan / Sphere of Influence.
- Mr. Gus Obethier, 11156 Yosemite Blvd., expressed concerns regarding lot size configurations and the allowance of not installing sidewalks in the Grupe development and expressed concerns with the allowance of the same with the sphere of influence expansion. Mr. Obethier requested that his concerns be considered and addressed with any new developments approved in the city. Mr. Obethier distributed pictures of concerns that he has on problems that he has found with building in the Grupe development.

Mrs. Patty Hulst, 13409 Bentley St., addressed council and requested that the council show a friendly acceptance to all citizen comments.

City Administrator Deschenes explained that the Grupe development is a gated community that will be managed and maintained by a homeowners association. Deschenes explained that these concerns went through the review and planning process and was approved. The homeowners association will be responsible for maintaining the streets and public improvements. Deschenes stated that we would forward Mr. Obethier's concerns to the Planning Commission so that his concerns can be considered in their deliberations and also stated that those concerns will also be considered during the Council's deliberations when it comes to Council.

Deputy City Attorney Browning stated that he wanted to make clear that any comments made and/or photographs Mr. Obethier is introducing here tonight will not be part of the record that will be established at the Planning Commission meeting. Mr. Obethier stated that he understood that and was providing this as information only.

6. NEW BUSINESS

- 6a: RESOLUTION 2006-01: A Resolution Approving the Map Time Extension 2005-02 Application for TM 2003-05, Owner, Dave Hendrick: City Planner Borchard requested approval for a 1 year extension on TM 2003-05 due to the inability to get a will server letter from the City of Modesto to develop. Borchard stated that by extending the approval for 1 year will allow time for the issues to be resolved. Mrs. Patty Hulst, 13409 Bentley St., addressed council inquiring as to exactly which property this is. Mrs. Hulst stated that there have been some clean-up issues with this property for a long time and would like to see that addressed and taken care of.

A Motion was made to adopt Resolution 2006-01 by: CM/Dugovic

Seconded by: CM/Krause

Absent: 0

Abstain: 0

Vote: 5-0

- 6b: RESOLUTION 2006-03: A Resolution Approving the Addition of the F/132 Stop Light to the California Department of Transportation Standard Maintenance Agreement with the City of Waterford: City Administrator Deschenes explained that this is an amendment to our existing agreement for Caltrans to do the maintenance on the Reinway/132 stop light and this amendment will add the F/132 stop light to the maintenance agreement. Deschenes explained that no charges will incur until the light signal is installed and operating.

A motion was made to adopt Resolution 2006-03 by: CM/Gilbert

Seconded by: CM/Dugovic

Absent: 0

Abstain: 0

Vote: 5-0

- 6c: RESOLUTION 2006-04: A Resolution Approving Monthly Collections Procedures and Approval of Deletion of Aged Account Activity: City Administrator Deschenes explained that our goal is to streamline procedures so that our records do not accumulate with old accounts. Deschenes stated that this does not mean we will not pursue collections of these accounts. Deschenes explained further that many of these old accounts are in collections now and some of them have liens against the property. This is simply to clean up the software and remove the aged accounts from our active records. Deschenes also explained that we are using this opportunity to expedite the amount of time on notifying customers regarding non-payment and service shut-off.

A motion was made to adopt Resolution 2006-04 by: CM/Krause

Seconded by: CM/Gilbert

Absent: 0

Abstain: 0

Vote: 5-0

7. COMMENTS:

7a: Law Enforcement Update: Chief Silva reported on a Stanislaus County Auto Theft Task Force meeting that he attended this AM. Chief Silva explained that part of the public awareness campaign that they will be conducting will include public safety tips in their City of Modesto water bills. Chief Silva stated that his budget in regards to the law enforcement portion and the Waterford contract and should be right on target for our personnel costs. Chief Silva stated that the Christmas and New Year Holidays went well with nothing significant to report. Chief Silva stated that the new Sergeant is in place now and settling in. Chief Silva stated that the new Sergeant is enthusiastic and looking at things with a different perspective and he has some good ideas. Chief Silva stated that he has reached that point in his career where his retirement is looming. Chief Silva reported that March 31, 2006 is his anticipated retirement date.

City Planner Update: City Planner Borchard explained that the city has received a development application for Grizzly Estates which the city will be preparing comments for. This is a 2800 acre parcel which the city will be preparing comments for. This will approximately be 72 lots and could result in 142 potential residents and is located approximately 1-2 miles from Lake Rd, Southeast of Waterford. Borchard explained that he and staff have reviewed the environmental impact report and is required to submit comments by January 19th. Borchard explained that the city has had interaction with Stanislaus County and basically we have found a couple of areas that probably need some more direct discussion by the County before this project is acted on. Borchard explained further that this is not negative and it fits within the framework of what they call the background growth for the community. The unincorporated areas of the county are expected to grow by so much and this is on of the projects that will part of that. What we are interested in is how this particular project is going to affect the City of Waterford, particularly the Hickman Bridge, and the intersection of Hwy 132 and Oakdale-Waterford Hwy future signalization. This project expects to add to the existing traffic load of potential development of approved projects by 10%. They did not address the issue with respect to the Waterford/Oakdale Hwy heading north. They just looked at Hwy 132 being the main corridors in and out of the city.

7b: City Attorney Update: Deputy City Attorney Browning requested closed session for items 9a and 9b, Pending and Anticipated Litigation.

7c: City Administrator Update: City Administrator Deschenes thanked Chief Silva for the positive changes that have been made while serving as Chief of Police in Waterford. Deschenes explained a concern with an irrigation line that comes off of the town siphon which is at the Welch St. strip park. Deschenes stated that there is a potential for this line to connect to lines that go to Western Ave. Deschenes explained that he and the engineer's and Public Works Director have been discussing this possibility because the Welch St. line will not withstand the construction that will be done on Welch St. It will collapse and MID has basically abandoned this section of line because they can service the parcels in this area by pumping backwards from another canal which is the most cost effective way for them to do it. We have discussed the possibility of changing this to a purple pipe system. Deschenes stated that this is something that we are looking at. Deschenes explained an ongoing dispute with the State of California HCD and stated that we might not ever agree totally with them, but basically what we have to do is get them some more information on our indirect costs. Deschenes informed council that the County is inviting City Managers along with Water Districts Managers to a meeting to talk about regional water systems and needs. Deschenes stated that he will work with the City Planner on determining the impacts of the Grizzly Development project in the unincorporated area of the county. Deschenes stated that the buildings on the Caro property and the RC Car lot will be going out for bid soon.

7d: City Council Update:

VM/Broderick: Thanked the citizens that addressed council tonight with their comments and concerns. VM/Broderick echoed some of the concerns and stated that before the recent heavy rains he visited a property located in the Grupe development that had a drainage problem in the back yard that was designed and suppose to drain into the street, however a temporary fence

was removed to put up a more permanent fence and when they did that it damaged the drainage system on the property and created a swimming pool in his backyard. City Administrator Deschenes explained that the homeowner does have recourse against the builder for a certain period of time after they occupy the house. Deschenes stated that typically the builder likes to have satisfied customers and it should be fairly easy if the construction workers caused the damaged to get it resolved. Deschenes stated that now is the time to resolve it before all the CO's are issued and the contractor has left town. VM/Broderick stated that it is good to be back from Spain. He went on a trip to Spain with a group of 31 people.

CM/Gilbert: No Comments.

CM/Dugovic: No Comments

CM/Krause: Stated that the Council has a big list of things to accomplish this year and is looking forward to being as proactive as possible to get all of these projects done and behind us.

CM/Krause apologized if anyone took offense to the Council's reception of public comments and stated that no ill will was intended.

Mayor Turner: Mayor Turner echoed CM/Krause's comments and invited any member of the public to come to the Council meetings and express their concerns. Mayor Turner stated that when citizens come to the Council with problems and questions that it is the Council's responsibility to assist citizens to help them understand the procedures and policies that we institute as a city so that they have an opportunity to have their voices be heard at many different levels.

8. ANNOUNCEMENTS: The City of Waterford is Accepting Applications for a Parks & Recreation Commissioner to fill a vacant unexpired term.

ADJOURNMENT/RECESS: Recessed at 8:15PM. Will return to Closed Session after recess. Will return to City Council Meeting directly following Closed Session to adjourn the City Council Meeting.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on January 19, 2006, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Lori Martin, City Clerk

Charles Turner, Mayor

CLOSED SESSION:

9A. "CONFERENCE WITH LEGAL COUNSEL, PENDING LITIGATION"
(PURSUANT TO GOVERNMENT CODE SECTION 54956.9)
None.

9B. "CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION" (PURSUANT TO GOVERNMENT
CODE SECTION 54956.9)

Discussion regarding City/County project APN: 134-007-079. Stanislaus County Superior Court Case No.
377276. Update given by Deputy City Attorney; direction provided by City Council.

9C. "CONFERENCE WITH REAL PROPERTY NEGOTIATOR"
(PURSUANT TO GOVERNMENT CODE 54956.8)
None.

9D. "CONFERENCE WITH LABOR NEGOTIATOR" (PURSUANT TO
GOVERNMENT CODE 54957.6)
None.

9E. "PUBLIC EMPLOYEE PERFORMANCE EVALUATION" (PURSUANT
TO GOVERNMENT CODE SECTION 54957)
None.

9F. "PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE"
(PURSUANT TO GOVERNMENT CODE SECTION 54957)
None.

9G. "PUBLIC EMPLOYEE APPOINTMENT" (PURSUANT TO
GOVERNMENT CODE SECTION 54957)
None.

9H. "CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY STATE LAW."
(Penal Code Section 832.7)
None.