

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, January 18, 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: [6:30:43 PM](#) Mayor Broderick-Villa

INVOCATION: Waterford Ministerial Association [6:31:09 PM](#) Pastor Pete Mar, Community Baptist Church

ROLL CALL PRESENT: [6:31:45 PM](#) >

Present: Mayor Broderick-Villa
Vice-Mayor Krause
Council Member Goeken
Council Member Aldaco

Absent: Council Member Weaver

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

ADOPTION OF THE AGENDA:

Krause moved, seconded by Goeken, to adopt the agenda.

[6:31:55 PM](#)

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

Motion passed by majority.

ADOPTION OF THE CONSENT CALENDAR: Mayor Broderick-Villa requested that Items 1g and 1h be pulled from the consent calendar for discussion. Krause moved, seconded by Aldaco, to adopt the Consent Agenda with amendment of pulling items 1g and 1h for discussion items.

[6:32:22 PM](#)

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

Motion passed by majority.

1. CONSENT AGENDA:

- 1a: RESOLUTION 2007-08: Warrant Register
- 1b: Minutes of the Regular Meeting held on January 4, 2007
- 1c: Building Report – December 2006
- 1d: Business License Report – December 2006
- 1e: Wastewater Daily Flow Summary – December 2006
- 1f: Recognition Certificate to Tyler Scott Johnson for earning the Eagle Scout Rank of the Boy Scouts of America

- 1g: City Engineer Report – Update on Streets Projects [6:32:30 PM](#)
- 1h: City Planner Report – Update on General [6:45:25 PM](#)
- 1i: Price Quote for Publication of FY 05/06 Revenues and Expense Charts

1g: City Administrator Deschenes explained that the Western Ave. project and the F St. /Hwy 132 Signalization project are both moving forward. Deschenes explained that he has with him an updated status map on Western Ave that outlines the properties to which the city has acquired the proper Right-of-Way to do the project and which properties have refused to sign as well as other properties with various situations in regards to right-of-way acquisition. Deschenes stated that he will be authorizing the bid proposals for Western Ave. very soon due to some funding issues. Deschenes explained further that we will lose some of the funding for this project in March if it is not obligated for the project. Deschenes stated that the City Engineer is currently working with MID on the street lighting project which will be a substantial expansion of our street lighting. Deschenes explained further that we are waiting for approval from MID since we need to hook into their electrical system. Deschenes stated that the Welch St. strip park project is completed and closed out. Deschenes stated that the Safe Routes to Schools #3 project is also completed and closed out.

Mayor Broderick-Villa inquired about the status of a recent approval of not more than \$10,000 for a study of sidewalks on Skyline Blvd. Deschenes stated that this was going to be done with CDBG funding, however in order to do this we will need a consultant to go into the census track data to obtain information on block information and see if we can establish through the federal census enough low and moderate income households in this area in order to justify the use of the CDBG funds. Deschenes stated that if this procedure is not acceptable to the federal government, then we would need a consultant to perform a house to house survey on this street. Therefore, Deschenes explained that we are waiting to get the low and moderate income documented before we authorize any engineering expenditure. Deschenes also mentioned that his recollection was the sidewalks in the vicinity of Skyline Park was the focus area for this project and then possibly looking at the right-of-way area on Skyline to see if there is sufficient room available for sidewalks on the remainder of the street.

Mayor Broderick-Villa inquired as to the status of a recent request by Council Member Goeken to look into the possibility of getting a crosswalk at Hwy 132 & Bentley Ave. Deschenes explained that we are at the mercy of Caltrans on this because the state controls the improvements to Hwy 132. Deschenes stated that we have written letters to Caltrans requesting this and that he recently noticed that there was a survey crew surveying this area, therefore hopes that this request may have triggered that.

Mayor Broderick-Villa inquired as to the status of repaving Covey & C Street. Deschenes explained that Covey & C Street was not an approved project on the priority list and that Council would need to determine this in the upcoming goals and objectives sessions. Deschenes stated that fiscal year 2007-08 would be the soonest this could be scheduled, however stated that this project will be determined from the outcome of the new council's project prioritization.

[6:42:59 PM](#) Gus Oberthier, 11605 Yosemite Blvd., addressed the Council with a request for the Council to consider taking out a knoll between F St and the Bait Barn. Mr. Oberthier feels this would help solve drainage problems and at the same time solve a safety issue with this area.

1h: City Administrator Deschenes explained that the City Planner provided a comprehensive report in the agenda packets relating to this item. Deschenes stated that the impact fee study is moving along very well. Our consultant, Charlie Long is proving to be a person that is not afraid to motivate others. Mr. Long is in the process of getting the studies that he needs updated from the engineers that did our water and wastewater studies as well as our traffic study. Deschenes stated that they are trying to determine to the best of their ability what is related to growth and what is basically existing deficiencies. Deschenes stated that the finished product will resemble fees that will enable growth to pay for its impacts. Deschenes stated that the target completion date is sometime in April, but will for sure be done by the end of the fiscal year.

2. PRESENTATIONS:

None.

3. COMMUNICATIONS FROM THE AUDIENCE: None.

4. PUBLIC HEARING ITEMS:

- 4a: RESOLUTION 2007-06: A Resolution Approving Previously Adopted Water Rates: [6:47:42 PM](#) City Administrator Deschenes explained that basically when the Council accepted the River Pointe water system the City had a rate study done which outlined the water rates for a number of years. Deschenes stated that an escalator was built in based on cost of construction, therefore annual water rate increases are built in to the study. Deschenes stated that although this study was previously adopted by City Council, state law requires that we bring the before council in a public hearing each time a rate increase goes into effect. City Attorney Browning commented that the Resolution identifies the government code section that sets forth the procedure to increase rates and includes publication once a week for 2 consecutive weeks, which has occurred and copies of publication have been provided in agenda packets, and that this be adopted pursuant to a public hearing. Browning stated that this procedure conforms to the previously adopted study. [6:53:11 PM](#) - Public Hearing opened and closed with no comments offered from the public.

Krause moved, seconded by Goeken, to adopt Resolution 2007-06, as recommended.

[6:53:49 PM](#)

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

Motion passed by majority.

- 4b: RESOLUTION 2007-05: A Resolution Approving Expenditure of Supplemental Law Enforcement Services Fund: [6:54:04 PM](#) City Administrator Deschenes stated that this used to be referred to as the "COPS" program. Deschenes stated that each city is awarded an amount based on population and stated that Waterford gets the minimum amount of \$100,000 per year. Deschenes stated that we utilize these funds to fund the most current position within the police department which in this case is the Sergeant's position. Any residual funds we utilize for overtime and to fund the community services officer position. As a requirement to receiving these funds we must conduct a public hearing to inform the public on how we utilize these funds.

[6:55:09 PM](#) Public Hearing opened and closed with no comments offered from the public.

Goeken moved, seconded by Krause, to adopt Resolution 2007-05, as recommended.

[6:55:34 PM](#)

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

Motion passed by majority.

5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to the Waterford Government Center Project: [6:55:46 PM](#) City Administrator Deschenes stated that the Architect Firm, RRM will be meeting with Gary

Ingraham, Project Manager tomorrow to strategize on how best to kick off the architectural process. Deschenes commented that he expects our Chairman to move as quickly as possible on this being that we needed this space yesterday. Deschenes stated that he will keep the Council apprised as to proposed meeting dates and expects that they will plan to do some community work.

- 5b: DISCUSSION: Council Member Assignments for 2007 – (Continued from 12/7/06 Council Meeting) Appoint Council Representative to the Stanislaus County Local Task Force on Solid Waste Management: [6:56:43 PM](#)
After a short discussion, Mayor Broderick-Villa made a nomination to appoint Council Member Aldaco to the Local Task Force on Solid Waste Management.

[6:59:37](#) PM Krause moved, seconded by Goeken, to appoint Council Member Aldaco to the Stanislaus County Local Task Force on Solid Waste Management, as recommended.

[7:00:12 PM](#)

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

Motion passed by majority.

6. NEW BUSINESS:

- 6a: RESOLUTION 2007-02: A Resolution Approving the Animal Services Agreement: [7:00:24 PM](#)
City Administrator Deschenes stated that this is a continuation of our Animal Services agreement with the county commencing on January 1, 2007 and terminating on December 31, 2010. Deschenes commented that the County is doing an outstanding job for us and that the city has come along way in regards to the problems we had in prior years with stray dogs.

Krause moved, seconded by Aldaco, to adopt Resolution 2007-02, as recommended.

[7:04:00 PM](#)

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

Motion passed by majority.

- 6b: RESOLUTION 2007-03: A Resolution Authorizing Execution of New Signature Cards for all City of Waterford Bank Accounts: [7:04:05 PM](#)
City Administrator Deschenes stated that this is routine when we get new council members. This allows us to continue to pay vendors and such and authorizes council signatures on City checks.

Goeken moved, seconded by Krause, to adopt Resolution 2007-03, as recommended.

[7:04:36 PM](#)

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

Motion passed by majority.

- 6c: RESOLUTION 2007-04: A Resolution Authorizing Investment of Monies in the Local Agency Investment Fund: [7:04:40 PM](#)

City Administrator Deschenes explained that this is also a routine item when we get new council members. Deschenes explained that a portion of the city's funds are deposited into a local agency investment fund that is administered by the State Treasurer.

Aldaco moved, seconded by Krause, to adopt Resolution 2007-04, as recommended.

[7:05:23 PM](#)

AYES: Broderick-Villa, Goeken, Krause and Aldaco

NAYES: None

ABSENT: Weaver

Motion passed by majority.

- 6d: RESOLUTION 2007-10: A Resolution Approving a Memorandum of Understanding between Stanislaus County and the City of Waterford for Maintenance and Repair of Transit Bus Facilities: [7:05:29 PM](#) City Administrator explained that Stanislaus County is supplying bus shelters in the City of Waterford. Deschenes stated that the County initially wanted us to own the shelters, however we informed them that we did not want to own the shelters, however because they are located within the city and they are an asset to the community that the City Public Works Department would help maintain them.

Krause moved, seconded by Aldaco, to adopt Resolution 2007-10, as recommended.

[7:06:15 PM](#)

AYES: Broderick-Villa, Goeken, Krause and Aldaco

NAYES: None

ABSENT: Weaver

Motion passed by majority.

- 6e: DISCUSSION: Relating to 2007 City Goal Setting Procedures: [7:06:19 PM](#) City Administrator Deschenes discussed his ideas on how to kick off the goals and objectives discussion. Deschenes stated that his plan at this point is to bring in someone from StanCOG that can explain the pavement management study and he is shooting for the next meeting to do this. Deschenes stated that after this session, he will hand out an informal listing of the priorities established at the last goals and objectives session. Deschenes stated from there we can establish a date and time to do goal setting with the new council. Deschenes pointed out that streets are a portion of the goal setting; however there are other city goals that we should take a look at. Deschenes explained that these other goals are typically established from ideas and concerns that Council hears from their constituents. Deschenes explained that on the streets projects prioritization, it typically takes a few meetings because we will need to assign costs to the projects that are determined and then go back and prioritize them. Deschenes stated that this is the process that he has in mind; however this is also subject to discussion and change and stated that the Council is in the driver's seat as far as goals and objectives; however he would like to have it as informed, concise and structured as we can get it. Mayor Broderick-Villa clarified the process with his understanding of having everyone put ideas out on the table first, assign cost, then come back and prioritize. After a short question/answer period and discussion, the council agreed that each council person would prepare a list of goals to compare at the next meeting and that council would determine during next meetings discussion whether or not a facilitator might be needed to help them progress in setting the new goals and objectives for the next few years.

This item is continued to the next City Council meeting.

- 6f: DISCUSSION: Relating to a Pay and Classification Study: [7:14:26 PM](#) City Administrator Deschenes explained that a pay and classification was agreed upon with the City's Employee Organization to be completed by 2006-07 fiscal year. Deschenes explained that we have two

options in moving forward and explained that we can contract directly with an outside firm that has done a study recently for a similar city and hopefully if they have done some of the leg work, may be able to do one for us at less of cost than someone who has not recently prepared a similar study. The second option would be to put out an RFP for comparative proposals. City Attorney Browning stated that some of this was shifted to him in part because what we are thinking about including in this survey is the City Administrator's position, and therefore stated that he has done some investigation by reviewing the study that was done for the City of Riverbank and contacted the consultant that prepared the study to find out what their process was. Browning stated that what he found out was that Riverbank was going to initially contract with this consultant directly, then changed their minds and went out to bid, and when the bids came in this consultant that they were going to contract with initially came in as the lowest bidder. Browning commented that this is reassuring for us because this particular consultant was the low bidder in a bid process for a city with the county of Stanislaus. Browning stated that because this is a personal services contract the city is not required to go out to bid for this service; however it is nice to know that this firm was the low bidder for another city in our area. Browning explained that he discussed a possible scope of work and was able to get a ballpark cost for the service. Browning explained that if the City provides the consultant with updated job descriptions and the consultant just perform the comparison, the cost would be estimated at \$8,000 - \$9,000 and if we have the consultant come in and work with staff to update the job descriptions it would be approximately an additional \$8,000. Browning stated that the timeline for this would be approximately 9 weeks if we provide the job descriptions and if the consultant will be assisting us with the job descriptions and schedules the timeline would be approximately 18 weeks. City Administrator explained the need for the step schedule update and commented that this has not been done since he has been with the City and that this document does need adjustment and maintenance periodically. City Attorney Browning stated that if the council is so inclined to use the services of this firm, the next step would be to further define the scope of work. Browning stated that he is far enough along in discussion with this firm that pin pointing the exact scope of work is really all that is needed to prepare an agreement. Browning stated further that he is confident that they could provide three proposals by next week. One would include the scope, terms and price for doing the study using already prepared job descriptions, another proposal that would include their service in preparing job descriptions along with the pay schedules and comparison study and a third that would include a personnel needs assessment. Council gave direction to the City Attorney to enter into discussions with Hayhurst to determine scope of work and contract price and terms for the three mentioned proposals and bring back to the next meeting for Council to review and decide which proposal they wish to go with and if they want to utilize the services of Hayhurst to perform the pay and classification study.

Continued to next meeting.

- 6g: RESOLUTION 2007-11: A Resolution Approving the Fiscal Year 2006/07 Budget: [7:33:51 PM](#)
City Administrator Deschenes explained that basically by approving the budget the Council is adopting the budget by fund and not the detail behind it. Deschenes explained further that they will basically be adopting the budget narrative along with the two budget accounting worksheets identifying the budget by fund. Deschenes stated that the detail that he has provided is basically used for Council's information and management. Deschenes explained that we are not bound by the budget resolution and if we stay within the parameters of what we adopt on a fund level then we are legally okay. Deschenes stated that Council can take more time to review if they would like, but also reminded Council that the budget can be amended at any time as well. Mayor Broderick-Villa requested additional time to review the budget worksheets. Mayor Broderick-Villa obtained consensus from Council to continue this item to the next meeting.

Continued to next meeting.

- 6h: RESOLUTION 2007-07: A Resolution Approving the Contract with JHK Construction Regarding the Riverwalk Park Restroom Facility Project: [7:35:49 PM](#)

Krause moved, seconded by Aldaco, to adopt Resolution 2007-07, as recommended.

[7:37:40 PM](#)

AYES: Broderick-Villa, Goeken, Krause and Aldaco

NAYES: None

ABSENT: Weaver

Motion passed by majority.

7. COMMENTS:

7a: Law Enforcement Comments/Reports: [7:38:04 PM](#) Police Chief Rob Jackson stated that he does not have much to report on tonight. Jackson stated that he spent most of the day working on getting a good solid answer on the new position that we are requesting. Jackson stated that he has been working with Captain on this and they are in the process of recruiting someone to fill this position.

7b: City Attorney Comments/Reports: [7:39:32 PM](#) City Attorney Browning requested a closed session discussion under GC 54957 for Public Employee Performance Evaluation which is noted on the agenda.

7c: City Administrator Comments/Reports: [7:39:59 PM](#) City Administrator Deschenes reported on a 2-1-1 presentation at a recent City Managers meeting. Deschenes stated that the organization doing this also gave a presentation to council sometime last year. This is a service where citizens can call 2-1-1 and get information on non-emergency services such as drug counseling, domestic violence shelter, etc. Deschenes stated that the organization that was awarded this will be asking for funding from the cities. Deschenes stated that the county feels that the cities should share the costs for this service. Deschenes stated that this is an interesting concept because generally the county is responsible for rendering human services and these types of social programs. Deschenes stated that he is providing this information to Council so they can think about this and investigate on their own before they come before council asking for funding. Deschenes stated that he is getting some questions from property owners in regards to when their rental properties are vacant they would like to terminate the billing on their sewer service. Deschenes stated that the City Ordinance requires property owners to maintain sewer service if they continue to have water service. Deschenes stated that he feels this is a good ordinance and stated that one of the issues is when there is a duplex with one side rented and one side empty, the property owners would like to discontinue billing on the empty unit. Deschenes commented that this would be hard for the city to monitor. Deschenes explained that he just wanted Council to be aware of this in case they get asked the same questions from property owners in the city.

7d: City Council Comments/Reports:

Jose Aldaco: [7:44:46 PM](#) Council Member Aldaco thanked Matt Erickson for sending Frantz Nursery the letter thanking them for the use of the Christmas tree. Also thanked a community member for sending a question to "ask the city" in regards to Parks & Recreation and wanted this person to know that people are discussing his concerns.

CM/Krause: [7:45:27 PM](#) welcomed the new businesses in town.

CM/Weaver: absent

CM/Goeken: [7:45:59 PM](#) no comments.

Mayor Broderick-Villa: Echoed CM/Krause's comments welcoming the new businesses. Gave recognition to Gregory Bibbens for his time served on the Consolidated Fire District Board. Also recognized Tyler Johnson for earning the Eagle Scout. Also congratulated

Brandon Dorsett for his acceptance to the Naval Academy. Broderick-Villa regretfully reported that Waterford School Superintendent, Dr. Cohen recently suffered a heart attack and asked the community to keep Dr. Cohen in their prayers. Broderick-Villa shared a news article that was forwarded to him from a past student going to law school in Notre Dame.

8. ANNOUNCEMENTS:

ADJOURNMENT/RECESS: [7:50:37 PM](#) Krause moved, seconded by Goeken, to recess the City Council meeting. Will reconvene to Closed Session directly after the recess. Will reconvene the City Council meeting directly following Closed Session to adjourn the City Council meeting.

[7:51:10 PM](#)

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

Motion passed by majority.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on February 1, 2007, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Lori Martin, City Clerk

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)

- 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 the 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)