

# WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

## Thursday, March 1, 2007

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

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** [6:29:45 PM](#) William Broderick-Villa

**INVOCATION:** Pastor Pete Mar, Community Baptist Church

**ROLL CALL PRESENT:** [6:30:37 PM](#)

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

**Absent:** None

**Also Present:**  
Charles Deschenes, City Administrator  
Lori Martin, City Clerk  
Mike Mason, City Attorney  
Rob Jackson, Police Chief

Mayor Broderick requested that item 6d be moved up on the agenda to be discussed as the first item due to a 4-H group that is in the audience and is here to offer input on this item.

Krause moved, seconded by Aldaco, to adopt the agenda with the Mayor's request to move Item 6d to the first item up for discussion.

[6:31:22 PM](#)

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

Motion passed by majority.

### 1. **CONSENT CALENDAR:** [6:30:56 PM](#)

- 1a: RESOLUTION 2007-19: Warrant Register
- 1b: Minutes of the Regular Meeting held on February 15, 2007

Goeken moved, seconded by Krause, to adopt the Consent Calendar

[6:31:13 PM](#)

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

Motion passed by majority.

- 6d: **DISCUSSION:** Relating to Changing the March 15<sup>th</sup> Council Meeting to March 14<sup>th</sup> and Changing the April 5<sup>th</sup> Council Meeting to April 4<sup>th</sup>. If the regular City Council Meeting dates are changed, Consideration to Approve Resolution 2007-21 and 2007-22, Accordingly: [6:31:47 PM](#)

Debbie Larrick, Waterford 4-H Leader addressed the council with concerns of changing the council meeting to Wednesday, March 14<sup>th</sup>. Ms. Larrick stated that this is the same date and time that 4H uses the facility and it would cause them a great deal of imposition. Ms. Larrick stated that 4H is the oldest youth development organization in this community and has been a part of Waterford for over 50 years. Ms. Larrick stated that 4H currently has 70+ members of children ages 5-19 years old with 18 projects that meet monthly with over 50 families. Ms. Larrick stated that it is extremely difficult for the 4H to change meeting dates because of other activities that other family members are involved with. Ms. Larrick stated that in addition she has three guest speakers lined up to do presentations at this particular meeting and stated that she has talked with the speakers and knows that at least 2 of the 3 would not be able to come to a rescheduled meeting date. Ms. Larrick stated that the 4H organization only meets once a month. Ms. Larrick stated that by moving the Council meeting it will disrupt 50+ families' lives. Ms. Larrick stated that the 4H has a big fundraiser coming up and this is the last meeting before the fundraiser and she needs as many members there as possible. Ms. Larrick stated that anytime she has tried to move a meeting date she loses about 40-50% of her members because they have other things going on.

Mayor Broderick-Villa inquired as to moving the Council meeting to the Museum. Vice-Mayor Krause inquired as to moving the Council meeting time to 5:00 p.m. City Administrator Deschenes discouraged moving the meeting to the Museum due to an audio/visual presentation scheduled for that meeting and in addition the Museum is not set up for the digital recording or the cable television recording. Deschenes stated that it would be more feasible to move the meeting to an earlier time as long as we still have the CDBG public hearing at 6:30. Deschenes also recommended that Council think about adopting a policy to where they only change meeting dates/times when absolutely necessary. Deschenes reminded Council that during the busier building times of the year that public hearings are noticed sometimes 30 or more days before the actual meeting date, which would make it very difficult to change a meeting.

Krause moved, seconded by Weaver, to change the March 15, 2006 Council Meeting Date to Wednesday, March 14, 2007 starting at 5:00 p.m. with the CDBG public hearing to start at or about 6:30 p.m.

[6:43:29 PM](#)

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

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

[6:43:55 PM](#) Mayor Broderick-Villa inquired as to the possibility of changing the April 5<sup>th</sup> meeting to April 4<sup>th</sup> due to the normal Thursday meeting falling on Holy Thursday. Deputy City Attorney Mason informed Council that they should not change a meeting date due to a religious function because they would be violating state law. Deputy City Attorney Mason stated that if Council is stating that there will not be a quorum for the meeting because Council members will be attending other activities then that would be a different situation.

Vice-Mayor Krause commented that he would like to keep the Council meeting on the regular date of March 5<sup>th</sup>, however keep the agenda as short as possible. Mayor Broderick-Villa stated that he would like to continue this portion of the discussion to the next meeting to give him a chance to talk with members of the community. There were no objections from Council to continue the discussion to the next meeting.

**Continue to next meeting.**

**2. PRESENTATIONS:**

None.

**3. COMMUNICATIONS FROM THE AUDIENCE:**

None.

**4. PUBLIC HEARING ITEMS:**

- 4a: ORDINANCE 2007-01: INTRODUCTION & FIRST READING: An Ordinance Amending WMC Chapter 2.24 and Chapter 2.28: [6:48:09 PM](#) City Administrator Deschenes explained that this amendment makes is permissible for the Chairpersons of both the Planning Commission and the Parks & Recreation Commission to have successive terms and puts us in compliance with our code.

Krause moved, seconded by Weaver, to approve the Introduction and First Reading of Ordinance 2007-01.

[6:49:24 PM](#)

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

Motion passed by majority.

- 4b: ORDINANCE 2007-02: INTRODUCTION & FIRST READING: An Ordinance Amending WMC Chapter 10.28 By Adding Section 10.28.205 Titled Parking – One Hour Limit: [6:49:30 PM](#) City Administrator Deschenes explained that our municipal code only allows for a 25 minute and a 2 hour parking limits based on recommendation by the traffic engineer. Deschenes stated that this new section will allow for a 1 hour parking limit.

Aldaco moved, seconded by Krause, to approve the Introduction and First Reading of Ordinance 2007-02.

[6:50:38 PM](#)

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

Motion passed by majority.

**5. UNFINISHED BUSINESS:**

- 5a: DISCUSSION: Relating to Western Ave. Street Improvement Project: [6:50:43 PM](#) Deschenes updated on the status of this project stating that there are 11 properties that we do not have sufficient right-of-way to install sidewalks for various reasons, however informed Council that he sent letters to these property owners asking them to sign and return a form if they do want sidewalks and also to sign and return form if they do not wish to have sidewalks. Deschenes stated that he is also sending letters to property owners that have already dedicated the right-of-way to give them the option of letting us know whether they do want a sidewalk or not. Deschenes explained that there is a third category of property owners where we do have sufficient right-of-way; however these property owners are not the original owners that dedicated the right-of-way to us. Deschenes stated that since it is the desire of Council to put as much sidewalk in as we can that he intends to install the sidewalks along the properties where we do have the dedicated right-of-way, unless Council gives other direction. Deschenes stated that he will follow up with any non-responsive residents by phone in two weeks to ensure that they received the letter and understand what we want to do.
- 5b: RESOLUTION 2007-14: A Resolution Approving a Professional Services Agreement with L.B. Hayhurst Associates, Inc. to Prepare a Pay and Classification Study for the City of Waterford: [6:55:04 PM](#) City Administrator Deschenes explained that our current pay and classification schedules were put into place in the mid-1990's and have not been updated and brought current. Deschenes stated that we have an agreement with the

employee's association to update our pay & classification schedules by the end of this fiscal year. Council had questions as to the two separate service proposals and because City Attorney Browning was not present to answer the questions it was the consensus of Council to continue this item to the next meeting.

**Continue to next meeting.**

- 5c: DISCUSSION: Relating to 2007 City Goals and Objectives – Pavement Information Presentation: [6:59:04 PM](#) City Administrator Deschenes explained that the pavement management specialist was unable to do a presentation tonight because he came down with the flu, however stated that he will reschedule this for another meeting. Deschenes stated that a list of the goals that Council discussed at a previous meeting was compiled and is included in the Council packets. Deschenes added that in addition to the goals council discussed there is a listing of the goals and objectives discussed by the Parks & Recreation Commission as well as the Riverfront Park Committee ideas for park improvements. Mayor Broderick-Villa stated that he would like to add to the list a grant writer position. In addition, Mayor Broderick-Villa stated he would like to add that we investigate the pros/cons of becoming a charter city vs. general law city. Deschenes stated that we will create a separate goal listing in regards to streets so that Council can prioritize the various streets projects. Deschenes stated that staff will also have some recommendations on streets to add to the list. Mayor Broderick-Villa inquired as to when costs would be assigned to the various goals and objectives so that they can start to discuss prioritization. Council requested that staff go through and put the goals into groups and from the groups Council will then prioritize their top choices from the groupings. Council Member Goeken requested that the goals and ideas of city employees be added to the list as well.
- 5d: DISCUSSION: Relating to Water Service to Proposed New Development Areas: [7:13:18 PM](#) City Administrator Deschenes stated that this was carried over from last meeting and pertains to a developer on the west side of the city that would like to buy the water system from the City of Modesto and donate it to the City of Waterford. Deschenes stated that he prepared a staff report for the last meeting. Deschenes explained that the developer just received a copy of the staff report the night of the meeting, therefore asked for additional time to read the report before attempting to respond. Deschenes stated that it appears that the developer is not in the audience tonight. Deschenes stated that he also sent a copy of his staff report to the Modesto City Manager and expects to get some comments back from him. Deschenes stated that his objective in this was to spell out the facts that are known to him and to let the City of Modesto know that if they would like to negotiate an agreement for the water service that they should be negotiating with City of Waterford officials and not a third party. Deschenes stated that he expects this to be an ongoing situation, however will not carry this over to the next agenda. Deschenes stated that when this issue comes up again he will put it back on the agenda.

## **6. NEW BUSINESS:**

- 6a: DISCUSSION: Consideration to Authorize the City Administrator to enter into a contract with Quad Knopf to provide Community Development Block Grant Studies Services and Administration: [7:16:58 PM](#) City Administrator Deschenes explained that the RFP's that were submitted were analyzed by him and Aaron Farnon, CDBG Coordinator for Stanislaus County. Deschenes stated that three proposals were received. The firms that submitted proposals were California Engineering, Quad Knopf and Laurin and Associates. Deschenes explained that the criteria for evaluating was included in the proposals and in addition, after evaluating the proposals they did talk with staff in regards to their knowledge of reputation and past work with these firms. Deschenes stated that staff is recommending that we enter into a contract with Quad Knopf. Deschenes stated that a representative for California Engineering is in the audience and wanted to tell him publicly that they had a very good proposal and that he feels they are a quality firm. Deschenes stated that this was not an easy slam-dunk type of decision. Deschenes

pointed out that the least expensive proposal did not fit our needs because the City does not have the staff to carry some of the load and the city needs a firm that can carry the ball and get things done without much help from staff. Deschenes stated that California Engineering was not the least expensive proposal and is a firm that could have met our needs, however stated that this was basically a value judgment by the folks that evaluated the proposals. Deschenes recommended that we enter into a contract with Quad Knopf subject to review of the contract by the City Attorney.

Krause moved, seconded by Aldaco, to authorize the City Administrator to enter into a contract with Quad Knopf to provide CDBG Services and Administration, as recommended.

[7:20:35 PM](#)

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

Motion passed by majority.

- 6b: DISCUSSION: Relating to Parks & Recreation Commission Recommendation on Utilization of Proposition 40 Grant Funds: [7:20:43 PM](#) City Administrator Deschenes stated that the Parks & Recreation Commission is recommending that the Prop 40 grant funds be utilized for the following equipment and improvements; a tot lot, the addition of a basketball court and a new pavilion. Deschenes stated that we have approximately \$60,000 allocated in Prop 40 funds. Deschenes stated that this is earmarked funds for park improvement purposes. Deschenes stated that approximately \$80,000 of Prop 40 funds were utilized for new restroom facilities at the new Riverfront Park. Deschenes stated that staff is recommending adoption of the Parks & Recreation Commission's utilization of the Prop 40 grant funds.

Krause moved, seconded by Weaver, to adopt the Parks & Recreation Commission recommendations on the utilization of Proposition 40 grant funds.

[7:27:09 PM](#)

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

Motion passed by majority.

- 6c: RESOLUTION 2007-20: A Resolution Awarding Bid for the Western Ave. Improvements Project: [7:27:48 PM](#) City Administrator Deschenes stated that the City Engineer did a good job at getting the CDBG portion of the Western Avenue project which is primarily engineering, utility relocation, curbs, gutters and sidewalks and some storm drain work. Deschenes explained that this is phase one of the bidding for this project. Deschenes stated that we had some tight timelines to work with because some of this funding had to be obligated by the end of March. Deschenes stated that the bids were opened today and analyzed by the City Engineer. Deschenes stated that the City Engineer has found Teichert to be the lowest responsible bidder and recommended approval to award the project bid to Teichert Construction.

Goeken moved, seconded by Krause, to adopt Resolution 2007-20, as recommended.

[7:29:27 PM](#)

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

Motion passed by majority.

6d: DISCUSSION: Relating to Changing the March 15<sup>th</sup> Council Meeting to March 14<sup>th</sup> and Changing the April 5<sup>th</sup> Council Meeting to April 4<sup>th</sup>. If the regular City Council Meeting dates are changed, Consideration to Approve Resolution 2007-21 and 2007-22, Accordingly: **(Item moved and discussed after adoption of Consent Calendar)**

## 7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [7:29:49 PM](#) Chief Jackson reported on a recent staff meeting. Meeting topics included; shift change, scheduling, goals and objectives.
- 7b: City Attorney Comments/Reports: [7:32:04 PM](#) Requested closed session discussions in regards to Pending Litigation pursuant to Government Code Section 54956.9.
- 7c: City Administrator Comments/Reports: [7:32:28 PM](#) City Administrator Deschenes informed Council that Matt Erickson, Public Works Director has now been with the city 20 years and stated that he plans to do a special recognition at an upcoming Council meeting. Deschenes informed Council that he will be working with the City Attorney to do put an ordinance in place that deals with residences that are on slopes subject to erosion. Deschenes pointed out the lots in Riverpointe that have a 2 to 1 slope and mentioned that as long as people stay off of the slopes they will naturally be okay, however if people ride up/down the slope on bicycle's or walk on them it will cause a lot of erosion and be quite expensive to fix. Deschenes stated that the homeowner's association will be putting up signs to keep off the slopes, however if the signs do not keep people off the slopes having an ordinance in place to enforce it will certainly help. Deschenes informed Council on another ordinance he will be asking the Attorney's office to draft relates to a long term parking issue that is being experienced by the business in the IGA shopping center. Deschenes stated that they would like us to adopt an ordinance that allows the property owner to tow cars at car owners' expense if they are not customers of the businesses in the shopping center. Deschenes stated that the city will not enforce this because it is private property, however this ordinance will give the property owner the authority to enforce it. Deschenes reported on a recent fire to a downtown business. Deschenes reported on his attendance at the City Manager's meeting earlier today. Deschenes stated that he had a presentation scheduled in regards to the 2-1-1 program for the next meeting, however will reschedule that since the Council wishes to keep the next meeting short. Deschenes stated that this presentation could be lengthy. Deschenes updated Council on the problem downtown buildings stating that he has received word from the press that the properties are in foreclosure.
- 7d: City Council Comments/Reports:
- Jose Aldaco: [7:43:35 PM](#) commented that the recent Mayors/Council Member training was an outstanding event and wished that all of the council could have attended.
- CM/Weaver: [7:44:47 PM](#) distributed a pamphlet on neighborhood watch programs.
- CM/Goeken: [7:45:04 PM](#) thanked everyone that helped with the 1<sup>st</sup> annual Lions Club Crab Feed and everyone that attended. Also sent a thank you to Mountain Mikes Pizza, Stanislaus Food Products and the Waterford News for their donations. CM/Goeken reminded everyone of other upcoming community events such as Heritage Days, the Education Foundation is having a golf tournament on Saturday, April 21<sup>st</sup> at Waterford High School, and the Booster Club is having a dinner/dance on May 19<sup>th</sup>.
- CM/Krause: [7:46:23 PM](#) Commented on the successful crab feed event and thanked CM/Goeken for all of his hard work.

Mayor Broderick-Villa: [7:46:35 PM](#) Echoed comments in regards to the crab feed. Offered his prayers to Monica Garcia and her family and explained that Monica's brother recently had a heart plant surgery that did not take and is in very critical condition.

8. ANNOUNCEMENTS:

ADJOURNMENT/RECESS: [7:47:22 PM](#) Mayor Broderick-Villa recessed the City Council meeting at 7:47 p.m. To reconvene to closed session after recess. To adjourn the City Council meeting directly following closed session.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on March 14, 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)  
City of Waterford v. Stine, et al., Stanislaus County Superior Court Case No. 377276
- City Attorney provided the status of the case and the City Council gave direction to the City Attorney.
- City of Waterford v. Waterford 200 Partners, et al., Stanislaus Superior Court Case No. 353383
- City Attorney provided the status of the case and the City Council gave direction to the City Attorney.
- 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  
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.