

WATERFORD CITY COUNCIL MEETING MINUTES

Thursday, March 2, 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

Corbitt Browning, Deputy City Attorney
Charles E. Deschenes, City Administrator
Lori Martin, City Clerk
Jim Silva, Police Chief
Matthew Erickson, Public Works Director

PLEDGE OF ALLEGIANCE – Mayor Turner

INVOCATION: Council Member Gilbert

ADOPTION OF THE AGENDA: By motion of the City Council it was determined that immediate action was needed on two items that are not on the agenda and that this need arose after the 72 hour posting requirement of the agenda. Items to be added to the agenda are 6f: Accepting Lowest Responsible Bid for Welch Street Bike Path Project and item 6g: Accepting Lowest Responsible Bid for the Safe Routes to School Project. A motion was made by VM/Broderick and seconded by CM/Krause to adopt the agenda with the addition of the two new items. M/C Vote: 5-0

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

1. CONSENT AGENDA:

- 1a: RESOLUTION 2006-16: Warrant Register
- 1b: Minutes of Regular Meeting held February 16, 2006

2. PRESENTATIONS:

None.

3. COMMUNICATIONS FROM THE AUDIENCE:

None.

4. PUBLIC HEARING ITEMS:

None.

5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to the Waterford Government Center Project: City Administrator Deschenes stated that he brought with him some of the schedules prepared by Tim Fedorchak' during some of our preliminary discussions with Stanislaus County regarding the Government Center project for Council to review over the next few weeks.
- 5b: DISCUSSION: Relating to the Selection of a Consultant to Initiate Design and Construction of the Waterford Government Center Project: City Administrator stated that he did talk with Tim Fedorchak' today and asked what he thought would be the most appropriate next step. Deschenes stated that he offered a few options. One option would be to contract with a consultant or an architect to assist us. If we go with this option the best approach is to have the consultant start with a master site plan and then go into a modified schematic drawing of the particular facility and how it lays out on the parcels. Deschenes stated that Tim Fedorchak' is going to send him an RFP form and Deschenes stated that he will start filling it out. Deschenes explained that the city is not required to go through a formal process for a professional service contract, however stated that it is advisable to go through a process. For example if Council found a City Hall building that they really liked and felt it was a design that would fit our needs and you wanted to use the architect that was affiliated with the design of that building the Council could choose to do a professional service contract with that architect without going through a formal process. Deschenes explained that the county would like to participate in this process even though they have not made a full commitment to participate. Deschenes stated that the county has budgeted approximately \$300,000 of tobacco funds for this project. Deschenes stated that he feels this is an encouraging sign that the county is at least talking about this and that they want to be involved in the process.
- 5c: DISCUSSION: Relating to the Removal of Hazardous Materials on the Waterford Government Center Parcel including the Property known as the "Caro" Parcel: City Administrator Deschenes stated that at the last council meeting council authorized the solicitation and awarding of bid to lowest responsible bidder if bid came in at or lower than \$30,000. Deschenes stated that he has received a bid to perform the work for under \$30,000. Deschenes stated that he is working with the City Attorney on the contract language. Deschenes stated that the contractor has filed a notice with the Department of Health which is required. Deschenes stated that he expects that the removal process will start on March 10th and we have allowed ten working days to get the job done.
- 5d: DISCUSSION: Regarding the Status of the Waterford General Plan and the Waterford Downtown Plan by Robert Borchard, City Planner: City Administrator Deschenes stated that the City Planner and the City Engineer should be at the next meeting to give an update. Deschenes stated that he just recently received 3 of the 5 studies that we have been waiting for. Deschenes stated that we are still waiting for the traffic and noise studies as well as the waste water plant study. CM/Krause stated he would like to get an update on the new impact fee study that will be implemented along with the General Plan.
- 5e: RESOLUTION 2006-10: A Resolution Appointing One Member to the Parks and Recreation Commission: Mayor Turner stated that he was able to talk with 3 of the 4 candidates. Mayor Turner stated that he left numerous messages for the 4th candidate, however never made contact. Mayor Turner stated that one of the candidates really stood out and has an excellent background and nominated Mr. Joseph See to the Parks & Recreation Commission.
A motion was made to nominate Mr. Joseph See to the Parks & Recreation Commission by:
Mayor Turner
Seconded by: CM/Krause
Absent: 0
Abstain: 0
Vote: 5-0

- 5f: DISCUSSION: Relating to RV Trailer Parking and Parking Canopies: City Administrator Deschenes explained that due to numerous complaints we will start a proactive stance and increase enforcement on both RV parking and parking canopies. Deschenes stated that there was a good article published in the Waterford News in relation to this. Deschenes stated that in addition there will be a public notice published in the Waterford News next week.
Mr. Gus Schmidt, 11165 Yosemite Blvd, Waterford, CA. inquired if there will be set back requirements that would make these types of things a violation of the municipal code in the updated General Plan. Deschenes stated that this is a violation in our current codes and it will not change. Deschenes also explained that property owners also should not construct anything over a public utility easement and that the property owner should refer to their plot map to determine where these easements exist on their individual property.
- 5g: DISCUSSION: Relating to City Organization: City Administrator Deschenes stated that this will be a continuing item on the agenda for a while. Deschenes stated that at the last council meeting he identified some weak areas that he feels needs coverage. These areas related to the Redevelopment Agency, in particular the low income housing portion of the RDA, the CDBG funding and administration and the HOME grant funding and administration. Deschenes stated that he wanted to clarify that these programs, e.g. CDBG, there are administration funds, approximately \$37,000 that can be utilized for administration costs. These programs typically have administrative costs recapture. Deschenes stated that there may need to be some general funds involved because the feed back he is getting is that we should also include community development duties in this position. Deschenes stated that a community development type of position also includes some planning functions. The city currently contracts out for planning services. Deschenes explained that generally you utilize the contract planners for things such as the general plan update and heavy duty development type of activities because it is difficult to hire the whole range of expertise that you need in a contract planner, especially if we do get intense community development pressure here in Waterford. Deschenes stated that having both a contract planner and a community development planning consultant can work. Deschenes stated that this is just a framework for discussion and stated that this would be one way of addressing our needs and our weak areas.

6. NEW BUSINESS

- 6a: RESOLUTION 2006-17: A Resolution Amending the Contract for Building Inspection Services: Deputy City Attorney Browning stated that at the last council meeting Council was advised of a request from the building inspector to raise his hourly rate by \$10 per hour. Deputy Attorney Browning stated that this is the first increase in 9 years. Deputy City Attorney Browning stated that he has been working with Mr. Stewart and has come up with an amended agreement. Deputy City Attorney Browning explained that with the \$10 per hour increase in the hourly rate the insurance coverage rates were renegotiated and increased as well.
A motion was made to adopt Resolution 2006-17 by: CM/Dugovic
Seconded by: VM/Broderick
Absent: 0
Abstain: 0
Vote: 5-0
- 6b: RESOLUTION 2006-18: A Resolution Amending the Vacant Building Monitoring Fee: Deputy City Attorney Browning explained that he revised the recent vacant building monitoring fee to include the new building inspector contract rate and also included rates for law enforcement in the event it becomes necessary to use their services for the monitoring of vacant buildings.
A motion was made to adopt Resolution 2006-18 by: CM/Dugovic
Seconded by: VM/Broderick
Absent: 0
Abstain: 0
Vote: 5-0
- 6c: RESOLUTION 2006-19: A Resolution Authorizing the City Administrator to Execute Documents Relating to the Safe Routes to School Project No. SR2SL-5406(015): Public Works Director Erickson explained that this is a requirement by the State Department of Transportation and recommended

approval by Council to allow the City Administrator to execute documents relating to the Safe Routes to School project.

A motion was made to adopt Resolution 2006-19 by: CM/Gilbert

Seconded by: CM/Krause

Absent: 0

Abstain: 0

Vote: 5-0

- 6d: DISCUSSION: Authorizing the Public Works Director to Issue Request for Proposals for a Standby Diesel Generator at the Baker Lift Station: Public Works Director Erickson explained that enough funds were included in the 05/06 budget to replace this generator. Erickson stated that the generator at the Baker lift station is inoperable and that there is currently a portable generator on loan from a company in Stockton. Erickson explained that he wrote the bid specifications to be designed the same as the generator that was installed at the new water system. City Administrator Deschenes pointed out that the Baker Lift Station is a very critical location and the exposure if something were to go critically wrong is significant and that we need a good quality piece of machinery there.

A motion to proceed with the RFP process for a generator at the Baker Lift Station was made

by: VM/Broderick

Seconded by: CM/Dugovic

Absent: 0

Abstain: 0

Vote: 5-0

- 6e: DISCUSSION: Accepting the City of Waterford Audited Financial Statements for Fiscal Year Ending June 30, 2005: City Administrator Deschenes stated that these financial statements are designed for sophisticated investment companies and that most of the information in these documents are meaningless from a day to day management prospective. Deschenes stated that the budget documents and schedules are really more meaningful on a day to day management basis. Deschenes explained that prior to the new GASB 34 requirements the audited financial statements used to be more practical for citizens to use and understand. Mayor Turner stated that Council would like another week to review the audited financial statements before accepting.

- 6f: RESOLUTION 2006-20 (added by majority vote of Council at beginning of meeting): A Resolution Accepting the Welch St. Bike Path Project Bid: Public Works Director Erickson stated that two bids were received and the City Engineer reviewed the lowest bid of \$150,225 from Vanguard Construction and made a recommendation that the City Council accept the bid from Vanguard Construction as the lowest responsible bidder.

A motion was made to adopt Resolution 2006-20 by: CM/Krause

Seconded by: CM/Dugovic

Absent: 0

Abstain: 0

Vote: 5-0

- 6g: RESOLUTION 2006-21: (added by majority vote of Council at beginning of meeting): A Resolution Accepting the Safe Routes to School Project Bid: Public Works Director Erickson stated that 5 bids were received with the lowest bid coming in at \$270,277.80 from BDS Construction. Erickson stated that the bid package from BDS Construction was reviewed by the City Engineer and has determined that it meets all requirements. Erickson made a recommendation that the City Council accept the bid from BDS Construction as the lowest responsible bidder. Mayor Turner made a request that the Public Works Director provide a map to the Waterford News that outlines the improvement areas. Deputy City Attorney Browning stated for the record that the Bid Opening Logs were analyzed by the City Engineer which he determined was consistent with government requirements and that the bid opening logs have been provided to the City Council.

A motion was made to adopt Resolution 2006-21 by: CM/Dugovic

Seconded by: VM/Broderick

Absent: 0

Abstain: 0

Vote: 5-0

7. COMMENTS:

7a: Law Enforcement Update: Chief Silva stated that he attended a Chief's meeting today with the main topic for discussion was the ongoing medical marijuana facilities saga. Chief Silva stated that the City of Modesto has banned this type of business and is expecting some expensive litigation in regards to this. Chief Silva stated that these types of facilities generally apply for a business license under the business types of medical supply equipment, holistic supplies, etc. Chief Silva stated that there will be an article in the Modesto Bee tomorrow. Chief Silva reported smooth operations in the law enforcement department and that they are waiting out the education period for the 72hr parking citations to be issued.

7b: City Attorney Update: Deputy City Attorney Browning requested closed session for item 9g: Public Employee Appointment.

7c: City Administrator Update: City Administrator Deschenes reminded Council of upcoming ethical leadership training on April 26th in Sonora and also informed Council of an upcoming Executive Committee meeting of the League of California Cities on March 9th in Manteca. Deschenes stated that there are some proposed Federal Government cuts to the CDBG program of approximately 25%; therefore we may see a few less projects in town. Deschenes stated that he has received correspondence from the League of California Cities which is trying to encourage the State Legislators to put state infrastructure bonds on the June ballot and the League has requested cities to support their efforts. Deschenes stated that the League of California Cities is circulating petitions for Proposition 42 which relates to the gas tax and requiring these funds to only be used for transportation issues.

7d: City Council Update:

VM/Broderick: stated that it is exciting seeing the movement with all the public works projects and thanked CM/Krause for heading up the Parks Committee. VM/Broderick stated that he will not be able to attend the next council meeting due to his attendance at the Academic Decathlon state competition.

CM/Gilbert: No Comments.

CM/Dugovic: No comments.

CM/Krause: Thanked the Public Works Director for a job well done.

Mayor Turner: No comments.

8. ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: Recessed at 8:05PM. After a short recess Council to reconvene to Closed Session under government code section 54956.8. Council to reconvene to City Council Meeting directly after Closed Session to adjourn.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on March 16, 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)

None.

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)

Direction was provided to City Attorney and Staff.

9H. "CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY STATE LAW."
(Penal Code Section 832.7)

None.