

# WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

## Thursday, May 3, 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:** [6:31:58 PM](#) William Broderick-Villa

**INVOCATION:** [6:32:22 PM](#) Pastor Glen Stanford, Waterford Church of the Brethren

**ROLL CALL PRESENT:** [6:33:41 PM](#)

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

**Absent:** Council Member Aldaco

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

**ADOPTION OF AGENDA:** [6:33:48 PM](#) Krause moved, seconded by Weaver, to adopt the agenda.

[6:33:57 PM](#)

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

Motion passed by majority.

**1. CONSENT CALENDAR:** Krause moved, seconded by Goeken, to adopt the consent calendar.

[6:34:10 PM](#)

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

Motion passed by majority.

- 1a: RESOLUTION 2007-46: Warrant Register
- 1b: Minutes of the Regular Meeting held on April 19, 2007
- 1c: Planning Commission Meeting Minutes for March 27, 2007
- 1d: Parks & Recreation Commission Meeting Minutes for March 13, 2007
- 1e: Police Services Report – March 2007

**2. PRESENTATIONS:**

2a: PROCLAMATION: Asthma Awareness Month – May 2007

2b: Mayor Broderick-Villa to present a recognition plaque to Public Works Director, Matthew Erickson in Recognition of his 20 Year Anniversary with the City of Waterford  
[6:35:12 PM](#): Mayor Broderick-Villa read aloud a recognition plaque and presented it to Public Works Director, Matt Erickson and congratulated him on his 20 years of service.

**3. COMMUNICATIONS FROM THE AUDIENCE:**

[6:36:02 PM](#) Robert Stanford, Modesto, CA, Civil Rights Activist spoke in regards to educating the community and raising awareness of gang activity and preventing it before it become a bigger problem. Mr. Stanford stated that he will have a booth at the Heritage Days festival this weekend and will be passing out flyers in regards to gang awareness. Mr. Stanford provided a copy of his flyer to Council members.

**4. PUBLIC HEARING ITEMS:**

4a: ORDINANCE 2007-04: SECOND READING & ADOPTION: An Ordinance Amending Title 3 by Adding Chapter 3.60 Titled Public Facilities Fees of the Waterford Municipal Code: [6:40:12 PM](#) City Administrator Deschenes stated that this fee schedule reflects the best knowledge that we have right now to predict the cost of services in the future and recommended adoption of the ordinance.

Krause moved, seconded by Weaver, to adopt Ordinance 2007-04, as recommended.

[6:41:47 PM](#)

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

**NAYES:** None

**ABSENT:** Aldaco

Motion passed by majority.

4b: RESOLUTION 2007-45: A Resolution Adopting Capital Facilities Fees for Capital Improvements: [6:41:51 PM](#) City Administrator Deschenes explained that this is the fee structure that goes along with the previous item. Deschenes stated that this follows the Council's philosophy of having growth pay for its own impacts to the community.

Goeken moved, seconded by Krause, to adopt Resolution 2007-45, as recommended.

[6:43:40 PM](#)

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

**NAYES:** None

**ABSENT:** Aldaco

Motion passed by majority.

4c: ORDINANCE 2007-05: INTRODUCTION & FIRST READING: An Ordinance Amending Title 9 by Adding Chapter 9.17 Titled "Prohibition Against Underage Drinking and Social Host Liability of the Waterford Municipal Code: [6:43:45 PM](#) City Attorney Browning explained that this ordinance will be helpful to law enforcement in addressing underage drinking and it allows for additional remedies and penalties for people that host parties or events that provide alcohol to underage citizens. It allows opportunity to go after costs of various types of expenses that are incurred when enforcing this law. Browning stated that this is before Council as an introduction and first reading and is set for a public hearing. Browning further stated that if the Council is so inclined to move forward with this ordinance, he would like to make a wording change in section 9.17.090 to read "The

Waterford Law Enforcement Agency” instead of “The Waterford Police Department due to the fact that law enforcement agency is more applicable to our contract situation with the Stanislaus County Sheriff Dept. Mayor Broderick-Villa pointed out a typographical error under section 9.17.040, item 2E. The word “graduation” should be changed to “guardian”.

[6:52:31 PM](#) Mayor Broderick-Villa opened the Public Hearing at 6:52PM.

[6:52:50 PM](#) Robert Stanford, Modesto, CA, addressed Council and thanked them for moving forward with this law and stated he would like to see the clock disappear altogether, stating that by having the clock reset after a year it creates habitual repeaters without consequences, but none the less he is very pleased that the Council is moving forward with this very important law.

[6:55:48 PM](#) With no other public comments offered from the public, Mayor Broderick-Villa closed the public hearing at 6:55PM.

Weaver moved, seconded by Krause, to approve the introduction and first reading of Ordinance 2007-05.

[6:56:29 PM](#)

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

**NAYES:** None

**ABSENT:** Aldaco

Motion passed by majority.

- 4d: ORDINANCE 2007-06: INTRODUCTION & FIRST READING: An Ordinance Adding Sections 17.03.060 to Title 17 of the Waterford Municipal Code Regarding Medical Marijuana Dispensaries: [6:56:35 PM](#) City Attorney Browning explained that he brought this ordinance before the council for consideration tonight, however is asking that the Council not act on this tonight and explained that his request to hold off on this ordinance is for two reasons. The first reason is because the Police Chief is providing him a little broader proposed language for this type of activity and stated that he would like some more time to review this new language to determine if it will better serve our purpose. Mr. Browning stated that the second reason is because he does not feel that the ordinance is drafted as well as he would like it to be. Browning stated that the proposed fix that he will come back before the Council is one that has been upheld through challenge in the courts through trial and at the appellate level and the fix is basically to prohibit any type of illegal activity. Browning stated that the ordinance should read that we are amending the code to prohibit illegal activity as defined by state, local and federal law. Browning stated that this has been posted as a public hearing and therefore would like for the Mayor to open the public hearing, however requested that the Council not take any action on this item tonight.

[6:58:49 PM](#) Mayor Broderick-Villa opened the public hearing at 6:58PM.

[6:58:57 PM](#) Robert Stanford, Modesto, CA, addressed the council stating that he was a proponent of the medical moratorium in Modesto primarily due to the problems he faced in the airport district with fake I.D.'s, and not enough police officer to handle the dispensaries that were in place. Mr. Stanford stated that he is not against people using marijuana for medicinal purposes, however the way the dispensaries were being operated they were feeding a drug cartel that we have in our county and it became out of control. Mr. Stanford stated that the marijuana feeds the cartel that provides other drugs such as, crack cocaine, black tar heroine, methamphetamine, etc. and stated that it is manipulated and over-used and we do not have enough law enforcement to protect our community from a marijuana dispensary.

[7:01:39 PM](#) with no other comments offered from the public, Mayor Broderick-Villa closed the public hearing.

## 5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to Western Ave. Street Improvement Project: [7:02:15 PM](#) City Administrator Deschenes stated that his understanding is that the City of Modesto is still doing water hook-ups to the new water line that they installed and stated that he hopes that MID will be able to start the relocation of power poles soon which is necessary for the installation of the sidewalks. Deschenes stated that as soon as these two things are done we can get Teichert started on the curb, gutter and sidewalk. Deschenes stated that our engineer, Tony Marshall has applied for "Request for Authorization" on the pavement portion of this project to get this out to bid. Deschenes stated that we have not yet received the authorization from CalTrans, however we are pushing hard to get it.
- 5b: DISCUSSION: Relating to 2007 City Goals and Objectives: City Administrator Deschenes stated that staff has sent out emails asking the Commissions and Council if they would be able to attend a goal setting workshop next Thursday, May 10, 2007 at 5:30PM at the Community Center. Deschenes stated that this should be an interactive process to get everything out on the table. Deschenes encouraged participation and input from Commissioner's, Council Members and the public and if people are unable to attend the workshop they can submit by phone call, e-mail or in writing. Consensus of the City Council was to schedule the workshop for May 10, 2007 at 5:30PM in the Council Chambers located in the Community Center.
- 5c: RESOLUTION 2007-34: A Resolution Accepting Easement Deed for Public Roads and Utility Purposes at 333 N. Western Ave., Portion of 080-49-26: Continued to the next City Council meeting: Continued to next council meeting, signatures still pending.
- 5d: RESOLUTION 2007-44: A Resolution Accepting Easement Deed for Public Roads and Utility Purposes at 406 N. Western Ave., Portion of 080-54-18: Continued to next council meeting, signatures still pending.
- 5e: DISCUSSION: Relating to Proposed Lease Agreement with Mobile Modular for a 36 X 60 Modular Building: [7:07:17 PM](#) City Administrator Deschenes stated that the purchase option that Council requested at the last meeting is included in their council packets. Council discussed other alternatives for a temporary facility such as purchasing some vacant downtown properties, renovating them to use temporarily, and then reselling the properties later. Mayor Broderick-Villa made a request for staff to try and obtain and provide a cost comparison to purchase and renovate the downtown buildings. Mayor Broderick-Villa stated that once they have the information on the downtown buildings, Council can compare the two options. City Attorney Browning stated that he does have some issues with some areas of the lease agreement, however will wait for the green light from Council before he starts the negotiating process with the vendor.

**6. NEW BUSINESS:**

- 6a: RESOLUTION 2007-47: A Resolution Approving Agreement with Maze & Associates to Perform Audit Services for Fiscal Year 2006-07: [7:21:43 PM](#) City Administrator Deschenes stated that we have contracted with Maze & Associates for the last 4 years or so and stated that in his opinion they are a very good audit firm. Deschenes further stated that this firm is competent and is familiar with our system and recommended that the city continue its relationship with Maze & Associates. Deschenes stated that this is done on a year by year basis; therefore we are not obligated to a long term agreement.

Krause moved, seconded by Goeken, to adopt Resolution 2007-47, as recommended.

[7:23:43 PM](#)

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

Motion passed by majority.

- 6b: RESOLUTION 2007-48: A Resolution Approving a Three-Year Funding Commitment, Beginning FY 2007-2008, to 2-1-1- Stanislaus Help Line: [7:23:48 PM](#) City Administrator Deschenes stated that Liz Gimble from United Way gave a presentation on the program at the last council meeting and stated that Ms. Gimble is in the audience and available to answer any further questions. Deschenes explained that the 2-1-1 Stanislaus Helpline is requesting a 3 year funding commitment of approximately \$900 each year. Ms. Gimble addressed the council stating that since she last spoke at the Waterford Council meeting, she has obtained funding commitments from all of the other cities within the county with the exception of Oakdale and stated that she is currently working with Oakdale.

[7:26:05 PM](#) Gus Oberthier, 11605 Yosemite Blvd., addressed the council inquiring if the public would get caught up in a phone tree when they dial the 2-1-1, or if they would get a live person. Ms. Gimble responded by saying that 2-1-1 is a live answer, however due to some calls that may be "phantom" calls it may drop them into a holding spot that will say something like, "you have reached the 2-1-1 helpline, press any key to continue", and once a key is pressed, they would go directly to a live person.

Goeken moved, seconded by Weaver, to adopt Resolution 2007-48.

[7:28:04 PM](#)

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

Motion passed by majority.

**7. COMMENTS:**

- 7a: Law Enforcement Comments/Reports: [7:28:14 PM](#) Chief Jackson reported that crime prevention unit has made contact with the River point Homeowners Association and stated that the crime prevention unit plans to attend the next homeowners association meeting to start a neighborhood watch program. Chief Jackson stated that now that the weather is nicer the deputies will be doing bicycle patrols and hopefully make an impact on some of the problems downtown with vandalism, graffiti etc. Jackson reported that our new Sergeant will be starting on May 14<sup>th</sup>. Chief Jackson thanked Mr. Stanford for coming tonight to raise awareness on gang activity. Jackson stated that he is looking forward to the Rip Roaring Reading at Moon School on May 17<sup>th</sup>.

7b: City Attorney Comments/Reports: [7:31:29 PM](#) City Attorney Browning reported that he is attending the League of California Cities – City Attorney Conference this week which will wrap up tomorrow. Browning reported to Council that he received a request from Stanislaus County Counsel that we adopt a scrap metal recycling ordinance and explained that Stanislaus County recently adopted an urgency measure due to an alarming amount of theft of metal from County streets, parks, businesses, schools and stated that the theft is occurring due to the cost of recyclable metals, copper, etc. Browning stated that what the County has found is that it is costing \$20,000 – \$30,000 to repair the damage caused from thieves stealing \$200 - \$300 worth of metal or copper. The ordinance would require licensing of junk dealers, application and fee, and it would also require these facilities to issue reports to the Sheriff's Dept. that would identify who they receive the metals from, who they are giving it to and to keep a running list of names with valid I.D.'s, and anytime they receive any material that is likely to have come from a governmental agency or utility provider they would be mandated under the ordinance to contact the Sheriff's Dept. Browning stated that he wanted to bring this to the Council's attention, and if this is something they would like to move forward with, he feels he could have an ordinance prepared for the next meeting. Browning requested closed session for pending litigation under government code section 54956.9 and also requested closed session for public employee performance evaluation under government code section 54957.

Gus Oberthier, 11605 Yosemite Blvd, addressed Council making comment that he thought the penal code addressed this problem. City Attorney Browning replied that the ordinance would be much more restrictive on junk dealers than what exists currently in the penal code.

Chief Jackson spoke in favor of adopting this ordinance stating that it has been very successful in the county and stated that the Sheriff's Dept has been able to make arrests from these reports. Jackson stated that this gives them another tool to work with to help fight this type of crime.

Mr. Robert Stanford, Modesto, CA. addressed Council and spoke in favor of adopting this ordinance. Mr. Stanford stated that he attended the county meeting when they adopted this ordinance because it affects the district that he lives in. Mr. Stanford stated that MID alone has reported a \$70,000 loss from damage to equipment from this crime since January.

7c: City Administrator Comments/Reports: [7:49:14 PM](#) City Administrator Deschenes reported that he will also be attending the Moon School Rip Roaring Reading on the 17<sup>th</sup>. Deschenes reported on his attendance at the City Manager's meeting and stated that City Managers, Police Chief's and Council Members have been invited to attend the Central California Mayors conference to be held in Modesto on May 31 through June 1<sup>st</sup>. Deschenes encouraged the Council's attendance at this event. Deschenes explained an informal policy on the loan of city tables and chairs from the Community Center and stated that some commitments were made by the Heritage Days Committee and stated that we will honor it this year, however wanted Council to know about it and we will enforce our informal policy on not loaning the equipment next year.

7d: City Council Comments/Reports:

Jose Aldaco: absent

CM/Weaver: [7:52:17 PM](#) CM/Weaver stated he was pleased to see the 2-1-1 program approved, and stated that it would be nice to quantify the data on the relief to the 9-1-1 number. Weaver stated that he would like to see the River Pointe neighborhood watch meeting publicized so that other members of the community can learn about this.

CM/Goeken: [7:53:32 PM](#) CM/Goeken reminded everyone of the Heritage Days Festival this weekend and thanked everyone that has volunteered time to organize this event.

CM/Krause: [7:54:06 PM](#) CM/Krause encouraged everyone to come watch the parade which begins at 9:30AM.

Mayor Broderick-Villa: [7:54:21 PM](#) Mayor Broderick-Villa echoed the comments on Heritage Days this weekend and encouraged attendance by all. Broderick-Villa stated that he is also looking forward to the Moon School Rip Roaring Reading on the 17<sup>th</sup>.

8. ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [7:55:10 PM](#) Mayor Broderick-Villa recessed the City Council Meeting at 7:55PM. To reconvene to closed session directly following the recess. To reconvene to open session to adjourn directly following closed session.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on May 17, 2007, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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Lori Martin, CMC, 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. Waterford 2000 Partners, et al.,  
Stanislaus County Superior Court Case No. 353383

Direction provided to the City Attorney

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)

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)