

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, June 7, 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: [6:31:40 PM](#) Mayor Broderick-Villa

INVOCATION: [6:32:02 PM](#) Council Member Krause

ROLL CALL PRESENT: [6:32:29 PM](#)

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

Absent: Council Member Weaver
Council Member Aldaco

Also Present: Charles E. Deschenes, City Administrator
Lori Martin, City Clerk
Rob Jackson, Police Chief
Arthur Godwin, Deputy City Attorney

ADOPTION OF AGENDA: Krause moved, seconded by Goeken, to adopt the agenda.

[6:32:41 PM](#)

AYES: Broderick-Villa, Krause and Goeken

NAYES: None

ABSENT: Weaver and Aldaco

Motion passed by majority.

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

[6:32:51 PM](#)

AYES: Broderick-Villa, Krause and Goeken

NAYES: None

ABSENT: Weaver and Aldaco

Motion passed by majority.

1a: RESOLUTION 2007-52: Warrant Register

1b: Minutes of the Regular Meeting held on May 17, 2007

1c: Minutes of the Special Joint City Council / Planning Commission / Parks & Recreation Meeting held on May 10, 2007

2. **PRESENTATIONS:** None.

3. COMMUNICATIONS FROM THE AUDIENCE: [6:33:05 PM](#)

[6:33:08 PM](#) Marvin Cole, 555 D Street, addressed Council to speak on behalf of a neighbor in regards to the portable car ports that are being installed at various properties within the city. Mr. Cole stated that he admits that a majority of the car ports do not look good, there are two in particular in close proximity to his residence that have been installed and that look really good, and feels that they improve the looks and value of the property. Mr. Cole would like to see the city focus on other more important issues within the City before issuing letters and/or red-tags to remove the car ports.

[6:34:56 PM](#) Fidell Torres, 517 D Street, addressed the Council stating that he received a letter from the city in regards to removing his car port. Mr. Torres explained that his car port is five (5) feet away from the property line and that it looks nice. Mr. Torres stated that he does not feel it is fair to ask him to remove it, especially when there are other properties in violation as well as there being many properties in need of trash removal and clean-up. Mr. Torres distributed pictures that he took of other properties around town as well as pictures of his car port. Mr. Torres stated that the letter stated that his car port must be removed due to it being a fire hazard, however stated that there are properties all over town that have dry grass and garbage in their yards and they seem to be able to get away with that, while he has to remove his car port.

Mayor Broderick-Villa asked City Administrator Deschenes to clarify the policy on car ports. Deschenes explained that the Building Inspector recently sent out many letters to homes that had these car ports installed on their driveways. Deschenes explained that the basis for the letters was the city's set back requirements of 21' in the front yard and 3-5' on the side yard. Deschenes stated that this may be something that Council may want to look at and determine if the requirements that are in the Ordinance Code the way Council really wants this to be. Deschenes stated that usually front setbacks are determined based on aesthetic reasons where side setbacks depending on where the structure is located are generally set for fire code reasons. Deschenes stated that if it is Council's desire to modify set-backs that it will take some staff work to figure out how to word it to suit Council's desires, but still get it right to meet public health and safety as well as fire code requirements.

[6:39:49 PM](#) Gus Oberthier, 11605 Yosemite Blvd, addressed Council stating that any fence that is in the front yard of a property that is over 3' in height is in violation of the ordinance code. Mr. Oberthier stated that this code is the same in the County and he has complained about several 6' cyclone fences going up at the property line along Yosemite Blvd. Mr. Oberthier stated that even in the County, the fence can not be more than 3' in height. Mr. Oberthier stated that the County is not enforcing this and the city is not enforcing this code.

Vice-Mayor Krause stated that he would like to know if the Building Inspector could report back to Council on the reasons behind the actions taken. City Administrator Deschenes explained that if Council would like to address the car port and/or the fence issue that he will put this on an agenda and define what the current problem is and then if Council's desire is to change the ordinance code then Council could then direct staff to draft the revision. Deschenes stated that another option may be that Council decides to enforce the ordinance the way it is, or any combination thereof. Council Member Goeken stated that he would like to know what the ordinance code is and what the reasoning behind the language was at the time so that Council will have the background information to determine if this is even a problem that needs to be fixed. Consensus of Council was to put this item up for discussion on the next agenda.

[6:43:33 PM](#) – Marvin Cole, 555 D Street addressed Council with a concern about a garage on Church Street that hangs over the sidewalk and the fence come out almost to the light pole with the roof being about 3 feet from the light pole. City Administrator Deschenes explained that Mr. Cole brought that to his attention and he passed that information on to the Building Inspector. Deschenes stated that the property owner will have to correct this problem, which may involve jacking up the garage, pour another foundation and move it. Deschenes stated that this issue is being addressed.

4. PUBLIC HEARING ITEMS:

- 4a: ORDINANCE 2007-06: SECOND READING & ADOPTION: An Ordinance Adding Sections 17.03.060 to Title 17 of the Waterford Municipal Code Regarding Prohibiting Illegal Uses in the City of Waterford:

[6:44:49 PM](#) City Administrator Deschenes gave a brief description of the Ordinance.

[6:45:31 PM](#) Mayor Broderick-Villa opened the public hearing.

[6:45:37 PM](#) Mayor Broderick-Villa closed the public hearing with no comments offered from the public.

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

[6:45:50 PM](#)

AYES: Broderick-Villa, Krause and Goeken

NAYES: None

ABSENT: Weaver and Aldaco

Motion passed by majority.

4b: ORDINANCE 2007-07: INTRODUCTION & FIRST READING: An Ordinance Amending Title 1 by Adding Chapter 1.40 Titled Appeals of the Waterford Municipal Code:

[6:45:58 PM](#) Deputy City Attorney Godwin explained that this came about with the recent adoption of the Social Host Ordinance. Godwin explained that the Social Host Ordinance did not adequately allow for an appeals process in that ordinance. Godwin explained further that this ordinance puts an appeals process in place for not only the Social Host ordinance, but also puts in place a process for other types of appeals as well.

[6:48:12 PM](#) Mayor Broderick-Villa opened and closed the public hearing with no comments offered from the public.

Krause moved, seconded by Goeken, to approve the Introduction & First Reading of Ordinance 2007-07, as recommended.

[6:48:22 PM](#)

AYES: Broderick-Villa, Krause and Goeken

NAYES: None

ABSENT: Weaver and Aldaco

Motion passed by majority.

4c: PUBLIC HEARING: Consideration and Approval of a 10-Year Plan Ending Long Term Homelessness in Stanislaus County and Power Point Presentation on Hunger and homelessness in America's Cities by Stanislaus County CDBG Representative Aaron Farnon:

[6:48:42 PM](#) Aaron Farnon, County CDBG Representative gave a short Power Point presentation on hunger and homelessness in America's Cities.

[6:58:31 PM](#) Mayor Broderick-Villa opened the public hearing.

[6:58:39 PM](#) Mayor Broderick-Villa closed the public hearing with no comments offered from the public.

Krause moved, seconded by Goeken, to approve the 10-year plan ending long term homelessness in Stanislaus County, as recommended.

[6:58:50 PM](#)

AYES: Broderick-Villa, Krause and Goeken

NAYES: None

ABSENT: Weaver and Aldaco

Motion passed by majority.

5. UNFINISHED BUSINESS:

5a: DISCUSSION: Relating to Western Ave. Street Improvement Project:

[6:58:58 PM](#) City Administrator Deschenes stated that Teichert will start construction next Monday on phase 1 of this project. Deschenes stated that phase 1 consists of storm drain and sidewalks. Deschenes stated that he does not have a date for the work MID will be doing, however does have their commitment on pole moving and the deposit that is required. Deschenes stated that StanCOG has submitted the paperwork to CalTrans in sufficient form to get our RSTP funds which will be used for the paving portion of the project. Deschenes stated that he hopes to get approval from CalTrans shortly to go out to bid for phase 2.

5b: RESOLUTION 2007-34: A Resolution Accepting Easement Deed for Public Roads and Utility Purposes at 333 N. Western Ave., Portion of 080-49-26:

Krause moved, seconded by Goeken, to adopt Resolution 2007-34 as recommended.

[7:00:40 PM](#)

AYES: Broderick-Villa, Krause and Goeken

NAYES: None

ABSENT: Weaver and Aldaco

Motion passed by majority.

5c: 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 meeting. Signatures still pending

5d: DISCUSSION: Relating to Proposed Lease Agreement with Mobile Modular for a 36 X 60 Modular Building:

[7:00:55 PM](#) City Administrator Deschenes stated that as per Council's direction staff has placed an ad in the Waterford News and stated that he expects proposals to come to us before the first meeting in July with time to analyze and quantify them. Deschenes stated that he intends to bring all proposals submitted in front of Council for review at the first meeting in July. Item continued to next meeting.

5e: DISCUSSION: Relating to the Fiscal Year 2007-2008 City Budget:

[7:01:37 PM](#) City Administrator Deschenes stated that he has started on the budget, however does not have any preliminary numbers to share yet. Deschenes stated that it does appear that the recent construction downturn will affect next year's budget; however feels the city is in good shape. Deschenes stated that his recommendation will be to focus on the projects that we have started on which are the government center project and the Western Ave and F & Hwy 132 construction projects, our CDBG program that we are trying to get off the ground along with other minor projects that have been started. Deschenes stated that he hopes to have some raw numbers to share with council at the next meeting.

6. NEW BUSINESS:

6a: RESOLUTION 2007-53: A Resolution Accepting Easement Deed for Public Roads and Utility Purposes at 219 N. Western Ave., Portion of 080-48-19:
Continued to next meeting. Signatures still pending

6b: RESOLUTION 2007-54: A Resolution Accepting Public Works Proposal 2007-06 for Two (2) Dedicated CNG 4-Door Sedans:

[7:02:52 PM](#) City Administrator Deschenes stated that the bids were opened and read aloud June 1st at City Hall with only one bid received from Pacific Honda located in San Diego in the amount of \$52,683.22. Deschenes explained that the bid amount was based on San Diego's sales tax rate of 7.75% and it should have been calculated at Stanislaus County sales tax rate of 7.375%. Deschenes recommended approval of the contract to Pacific Honda in the amount of \$52,184.55.

Krause moved, seconded by Goeken, to adopt Resolution 2007-54, as recommended.

[7:04:03 PM](#)

AYES: Broderick-Villa, Krause and Goeken

NAYES: None

ABSENT: Weaver and Aldaco

Motion passed by majority.

6c: RESOLUTION 2007-55: A Resolution Approving Second Extension Agreement for County to Perform Law Enforcement Services for the City of Waterford:

[7:04:39 PM](#) City Administrator Deschenes explained that this is a requirement of our contract with Stanislaus County for law enforcement services. Deschenes stated that the contract requires us to notify the County one year prior to the expiration of the contract our intent to continue another 5 year contract with the County to perform law enforcement services. Deschenes stated that the feedback he has received from the community and council is that we would like to continue services; therefore with Council approval he will initiate correspondence with the County of our intent to continue services

Goeken moved, seconded by Krause, to adopt Resolution 2007-55, as recommended.

[7:05:29 PM](#)

AYES: Broderick-Villa, Krause and Goeken

NAYES: None

ABSENT: Weaver and Aldaco

Motion passed by majority.

6d: RESOLUTION 2007-56: A Resolution Ordering an Engineer's Report for the Waterford Landscape & Lighting District for Fiscal year 2007-2008:

[7:05:39 PM](#) City Administrator Deschenes explained that this is an annual requirement that allows us to place our Landscape & Lighting Assessments on the tax roll and stated that this Resolution gets the process started.

Krause moved, seconded by Goeken, to adopt Resolution 2007-56, as recommended.

[7:06:09 PM](#)

AYES: Broderick-Villa, Krause and Goeken

NAYES: None

ABSENT: Weaver and Aldaco

Motion passed by majority.

6e: RESOLUTION 2007-57: A Resolution Ordering an Engineers Report for the Waterford Lighting District for Fiscal Year 2007-2008:

[7:06:19 PM](#) City Administrator Deschenes explained that this is an annual requirement that allows us to place our Lighting Assessments on the tax roll and stated that this Resolution gets the process started.

Krause moved, seconded by Goeken, to adopt Resolution 2007-57, as recommended.

[7:06:48 PM](#)

AYES: Broderick-Villa, Krause and Goeken

NAYES: None

ABSENT: Weaver and Aldaco

Motion passed by majority.

6f: RESOLUTION 2007-59: A Resolution Adopting a Revised Fee Schedule for Services by the Fire Warden's Office, Fire Prevention Bureau:

[7:07:00 PM](#) City Administrator Deschenes explained that the Stanislaus County Fire has done cost studies and has revised their fees to more reflect the actual cost to render services. Deschenes recommended adoption.

Krause moved, seconded by Goeken, to adopt Resolution 2007-59, as recommended.

[7:08:53 PM](#)

AYES: Broderick-Villa, Krause and Goeken

NAYES: None

ABSENT: Weaver and Aldaco

Motion passed by majority.

7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [7:08:57 PM](#) Chief Jackson stated that Deputy Bays is training a new recruitment here in Waterford. August 11th will be National Night Out in Waterford and stated that there will be an event for such at either the River Park or the Waterford Community Center to include a barbeque and fun events. Jackson reported on a recent arrest of three individuals that were breaking car windows with bats. Jackson stated that a citizen eye witness was able to find the suspects which lead to their arrests. Jackson stated that he is looking forward to the June 28th meeting with the River Pointe Home Owners Association to establish a neighborhood watch program.
- 7b: City Attorney Comments/Reports: [7:11:11 PM](#) Deputy City Attorney Godwin distributed new CD copies of the Waterford Municipal Code as the prior CD is now expired.
- 7c: City Administrator Comments/Reports: [7:12:07 PM](#) City Administrator Deschenes reported that he has renewed the city's employee health insurance plan with Blue Shield and stated that the new renewal rate is an increase of approximately 7% which is considerably below the state average and credited the employees for taking good care of themselves. Deschenes stated that there were no changes in the benefits and that everything remains the same, therefore there are no meet and confer issues. Deschenes stated that he spoke with the local person that came to

us with concerns of pigeon problems. Deschenes explained that their desire is for the city to get involved and somehow gain access to the warehouses to exterminate the pigeons that are living in there. Deschenes stated that he just wanted to inform council of this conversation and if there is a desire from council to discuss this further then he will put this on a future agenda. Deschenes reported that he and Council Member Krause attended a recent NIMS training. Deschenes stated that he will keep Council informed of any future training dates and explained the importance of all Council Members obtaining this training as it is required in order for the city to be eligible for FEMA funding in the event of a disaster. Deschenes informed Council that the city has been receiving some requests for business licenses for mobile vending type of businesses. Deschenes explained that our municipal code does not allow for this type of business. Deschenes explained further that our code requires a permanent location, kitchen, sanitary facilities, customer seating, rubbish disposal, etc. Deschenes stated that if Council desires to review the code to determine if they feel a change is needed to let him know and he will put it on a future agenda. Deschenes stated that our current code seems to reward businesses who make investments into our community with permanent facilities. Deschenes informed Council that he has been verbally notified by the Health Department about a failing septic system that has become a public health issue. Deschenes stated that this may require the residents to vacate the property if they can not abate the issue. Deschenes stated that he expects to have a letter from the County Health Department tomorrow that will put this in writing. Deschenes notified Council that there will be a delay of the city's general plan that is scheduled to go before LAFCO. Deschenes stated that the June meeting has been canceled due to lack of quorum. Deschenes explained further that LAFCO's agenda for July was booked; therefore we took the next available slot in August. Deschenes reported that he attended a recent Blue Ribbon Committee meeting and stated that the school district seems to be moving forward in making facility plans as it relates to new development. Deschenes requested closed session discussions for Real Property Negotiations that includes the three river front properties, APN's 080-07-68, 080-11-01, 080-35-04

7d: City Council Comments/Reports:

Jose Aldaco: Absent

CM/Weaver: Absent

CM/Goeken: [7:18:32 PM](#) Congratulated the City Planner, Planning Commission and staff for receiving a merit award for the American Planning Association California Chapter Small Cities Award.

CM/Krause: [7:19:17 PM](#) Echoed CM/Goekens comments.

Mayor Broderick-Villa: [7:19:19 PM](#) Also echoed CM/Goekens comments. Mayor Broderick-Villa mentioned that he ran into Planning Commissioner Denise Finch at City Hall and reminded her that her term would expire in July and gave her an application to re-apply.

8. ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [7:20:07 PM](#) Mayor Broderick-Villa recessed the City Council Meeting at 7:20PM. 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 June 21, 2007, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Lori Martin, CMC, 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)

Direction given to Real Property Negotiator regarding acquiring park lands around the river.

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)