

WATERFORD CITY COUNCIL MEETING MINUTES

Thursday, July 20, 2006

A regular meeting of the Waterford City Council was called to order by Mayor Turner at 6:45 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

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

PLEDGE OF ALLEGIANCE – Mayor Turner

INVOCATION: Pastor David Womack, Waterford Assembly of God

ADOPTION OF THE AGENDA: A Motion was made by CM/Dugovic and seconded by VM/Broderick to adopt the agenda. Vote: 5-0

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

1. CONSENT AGENDA:

- 1a: RESOLUTION 2006-70: Warrant Register
- 1b: Minutes of Regular Meeting held July 6, 2006
- 1c: Waste Water Daily Flow Summary – June 2006
- 1d: Building Report – June 2006
- 1e: Business License Report – June 2006
- 1f: Police Services Monthly Report – May 2006

2. PRESENTATIONS:

None.

3. COMMUNICATIONS FROM THE AUDIENCE:

None.

4. PUBLIC HEARING ITEMS:

- 4a: ORDINANCE 2006-02: 1st READING & INTRODUCTION: An Ordinance Extending, as an Urgency Measure, an Interim Ordinance Prohibiting the Establishment of Medical Marijuana Dispensaries in the City of Waterford for a Period of 10 Months and 15 Days, Pursuant to CGC Section 65858: City Attorney Browning explained that an urgency ordinance was adopted at the last meeting which is valid for 45 days and stated this is the next step in the process to extend the ordinance for a period of 10 months and 15 days. City Attorney Browning stated that a staff report and summary of the ordinance is included in the agenda packets. Mayor Turner opened and closed the public hearing with no comments offered from the public.

**A Motion approving the Introduction of Ordinance 2006-02 made by: CM/Dugovic
Seconded by: CM/Krause**

Absent: 0
Abstain: 0
Vote: 5-0

- 4b: ORDINANCE 2006-03: 2nd READING & ADOPTION: An Ordinance Amending the Official Zoning Map by Rezoning Certain Property Known as the "Bearden Multi-Family Project" from Neighborhood Commercial (C-1) and Planned Community (P-C) to Multi-Family Residential (R-3): City Administrator Deschenes stated that the City Planner explained at the last meeting that the multi-family designation is more appropriate for this parcel than the commercial use and planned community use which was originally zoned for this property. Deschenes stated that this has received a favorable recommendation from the Planning Commission. Deschenes stated that we did receive correspondence from the City of Modesto today stating that they do not plan to issue any will-serve letters for this project. Deschenes stated that approving this zone change does not guarantee that they will be able to build. The applicant will have to work with the City of Modesto to get approval for water service. Mayor Turner opened and closed the public hearing with no comments offered from the public.

A Motion was made to adopt Ordinance 2006-03 by: CM/Krause
Seconded by: CM/Gilbert
Absent: 0
Abstain: 1 VM/Broderick
Vote: 4-0

5. UNFINISHED BUSINESS:

- 5a: DISCUSSION: Relating to the General Plan Vision 2025 Update: City Administrator Deschenes stated that the draft EIR is currently being reviewed by staff and consultants. Deschenes stated he received comments from one consultant in regards to the water section in which the consultant felt that RMC had a good conclusion; however felt in needs some more substantiation behind it. The City Planner is exploring this with the engineering consultants that prepared our urban water management plan and the water study.
- 5b: DISCUSSION: Relating to the Waterford Government Center Project.
 City Administrator Deschenes stated that there is a Government Center Planning Committee meeting scheduled for July 27th at 2pm. Deschenes stated that he feels things are moving along in the right direction. Deschenes stated that the committee will be reviewing the RFP for architectural services. Once the architect is on board that person will be interacting with the committee members on what they envision.
- 5c: DISCUSSION: Relating to the Removal of Hazardous Materials on the Waterford Government Center Parcel including the Property known as the "Caro" property: City Administrator Deschenes stated that all the structures have been removed on the Government Center parcel and the last of the hazardous materials which was the old Post Office flooring was removed last Friday. Deschenes stated that there is a bit more to do but it is very close to being done.
- 5d: DISCUSSION: Relating to City Organization and Software Reporting Improvements and Presentation of Software Provider Contract:
 City Administrator Deschenes requested continuation of this item to the next meeting.
- 5e: Relating to the Fiscal Year 2006-07 Budget: City Administrator Deschenes stated that he looked at the 06-07 budget briefly today while doing the budget amendments for FY 05-06. Deschenes stated that he should be farther along with the 06-07 budget in August, however stated that so far it looks as though the city is in good fiscal shape. Deschenes stated that the possibility of bringing on another police officer looks good. In addition Prop 42 funds will be coming in this year. Deschenes stated that the Prop 42 funds have to be used for road maintenance only. Deschenes stated that this will be an exciting year with a lot of possibilities to doing a lot of projects.
- 5f: DISCUSSION: Relating to Trench Patch and Miscellaneous Work Relating to the Welch Street Project: City Administrator Deschenes stated that he has received a quote of approximately \$19,000 on the trench patch. Deschenes stated that he is working with the City of Modesto to get some participation from them on this cost.

5g: RESOLUTION 2006-75: A Resolution Approving Professional Services Agreement with USA Elite to Provide a Parks & Recreation Gymnastics Program: City Administrator Deschenes stated that this is pursuant with Council's direction to move forward in re-establishing a gymnastics program. The City Attorney has prepared an agreement. City Attorney Browning stated that the applicant most likely has not had a chance to review the agreement and stated that with Council's direction he will work with the applicant if there are any proposed changes. City Attorney Browning stated that the Resolution states that Mr. Trost will be the instructor, however included in the agreement is language relating to third party and employees.

A Motion was made to adopt Resolution 2006-75 by: CM/Krause

Seconded by: VM/Broderick

Absent: 0

Abstain: 0

Vote: 5-0

6. NEW BUSINESS

6a: RESOLUTION 2006-71: A Resolution Approving a Change Order in the Amount of \$6525 to the Waterford Bike Safety Bid Project #2006-01: City Administrator Deschenes explained that this change order relates to the raising of man holes that Teichert felt was not addressed in the bid documents. The City Engineer stated this was addressed in the bid documents and after they both debated this, they arrived at this amount as a resolution. Deschenes stated that there will be a few more change orders with this particular job.
(NOTE: Resolution 2006-71 will be cancelled. Item to be approved by Motion. Motion # to be assigned.)

A Motion was made to approve the Change Order in the Amount of \$6525 by: CM/Krause

Seconded by: CM/Dugovic

Absent: 0

Abstain: 0

Vote: 5-0

6b: RESOLUTION 2006-72: A Resolution Approving an Amendment to Grant Agreement No. 106230-00 for the Tuolumne River Parkland Acquisition: **City Administrator Deschenes stated this is to** formerly extend the timelines for this property purchase until June 2007.

A Motion was made to adopt Resolution 2006-72 by: VM/Broderick

Seconded by: CM/Gilbert

Absent: 0

Abstain: 0

Vote: 5-0

6c: RESOLUTION 2006-73: A Resolution Approving a Request for Proposal for Architectural Services for the Waterford Government Center: City Administrator Deschenes stated that this is a work in progress and may need to make a few changes to this. Deschenes stated that the basic format and structure of the RFP is pretty much where it needs to be, however in consultation with the committee, the consultant feels we should incorporate some additional requirements of the architect. This RFP gets us to the conceptual design phase and what we originally thought would be a negotiations to get to final design and specifications, however Gary Ingraham feels it may be advantageous to also get some percentages and dollar amounts that would able us to know what it would take to get this to the final design and specifications. Deschenes stated that he is trying to keep this moving forward and he will keep the Council up to speed on this. City Attorney Browning added that the Resolution verbiage will be modified to allow staff to add verbiage to the RFP to allow Professional Services up to and including final design if they deem it appropriate.

A Motion was made to adopt Resolution 2006-73 with language change to allow staff to modify RFP to allow professional services up to and including final design by: CM/Gilbert

Seconded by: VM/Broderick

Absent: 0

Abstain: 0

Vote: 5-0

6d: RESOLUTION 2006-74: A Resolution Approving Service Level Agreements with Stanislaus County Strategic Business Technologies for Computer Network and Desktop Support: City Administrator

Deschenes explained that the IT consultant that we have been using is working for the County IT Department now. The County Strategic Business Technologies will maintain our network environment and provide desktop support. This includes performing Microsoft updates, security software updates, troubleshooting our equipment when necessary, ensuring completion of daily data back-ups, etc. Deschenes stated that he has reviewed the agreement and feels what the County is proposing is reasonable and recommended Council approval.

A Motion was made to adopt Resolution 2006-74 by: CM/Dugovic

Seconded by: CM/Krause

Absent: 0

Abstain: 0

Vote: 5-0

- 6e: RESOLUTION 2006-76: A Resolution Accepting the Lowest Responsible Bid for the F Street / S.R. 132 Signal Project – Federal Aid Project CML 5406 (006): City Attorney Browning explained that a bid protest was received at City Hall late this afternoon from an organized Union in regards to a sub-contractor identified by the low bidder. Browning stated that he only became aware of this as of an hour ago. Browning stated that this addresses some historic alleged issues regarding payment of prevailing wage. City Attorney Browning stated that his recommendation would be to continue this item to the next meeting to allow Teichert a chance to review this protest and have an opportunity to provide a response. City Administrator Deschenes stated that he also feels this is wise to continue this item until next meeting to allow Teichert the opportunity to review the protest and provide a response. Mayor Turner agreed and stated he would rather error on the side of safety and continue the item. Consensus of the City Council was to continue this item to the next meeting.
- 6f: RESOLUTION 2006-77: A Resolution Amending the City of Waterford Budget for Fiscal Year Ended June 30, 2006: City Administrator Deschenes stated that he has provided a staff report outlining ten budget amendments that are needed for FY 2005-06. Deschenes stated that these amendments are necessary for several reasons with the majority of the adjustments needed are due to timing differences. Other reasons for adjustments are differences in how things are budgeted versus accounted for and cost overruns. These types of adjustments make the auditors happy. Deschenes answered Council's specific questions relating to each adjustment.
- A Motion was made to adopt Resolution 2006-77 by: CM/Dugovic**
- Seconded by: CM/Krause**
- Absent: 0**
- Abstain: 0**
- Vote: 5-0**
- 6g: RESOLUTION 2006-78: A Resolution Authorizing the City Administrator to Proceed with the Purchase of Real Property from the Lucinda Rae Trust Located on the North Bank of the Tuolumne River and Authorizing the Appropriate Budget Amendment to the Fiscal Year 2005/2006 Budget: City Administrator Deschenes stated that we have an agreement from the land owner and we have done an MAI appraisal according to State standards which has been through a State review. Deschenes stated that the owner wishes to proceed with this transaction. Deschenes stated that this is a willing buyer/willing seller situation that are primarily being funded by a State grant; however one of the parcels contains about an acre that is contiguous to our waste water treatment fund and will probably be merging this portion with the waste water treatment plant and funding it through the waste water capital funds.
- A Motion was made to adopt Resolution 2006-78 by: CM/Dugovic**
- Seconded by: CM/Krause**
- Absent: 0**
- Abstain: 0**
- Vote: 5-0**

7. COMMENTS:

7a: Law Enforcement Update. Police Chief, Rob Jackson reported on the new bicycle program which started up recently and three arrests have been made so far. Chief Jackson stated that the word is out now that the officers are out and about town with the criminal element and is hopeful this will make a big impact on theft and vandalisms.

7b: City Attorney Update: City Attorney Browning requested closed session discussion under item 9a: Pending Litigation under GC. 54956.9. In addition Browning requested closed session discussion under item 9c: Real Property Negotiator under GC. 54956.8 which relates to properties west of the waste water treatment plant.

7c: City Administrator Update: City Administrator Deschenes stated that CalTrans will be doing an overlay on Hwy 132 over the stretch of road that runs through the city. This will be rubberized asphalt which is more durable and less noisy than traditional asphalt.

Deschenes stated that he received word today that Mr. Weichert no longer wishes to do the volleyball camp this year, however does want to do this next year. Deschenes stated that we did some things that are out of the ordinary to try and make this work this year due to the very limited timing placed on us to try and make this program work for Mr. Weichert. Deschenes stated that he would like to re-analyze this for next year. Deschenes stated that he would like to explore a bit further on what went south with Mr. Weichert's relationship with the school district being that he has been a long time educator with this school district and has been running this program for many years. Deschenes stated that we tried to accommodate the Parks & Recreation Commission and Mr. Weichert. Deschenes stated that as a professional and qualified individual he feels it would be better that Mr. Weichert explore the option of getting his own liability insurance for this program and build this cost into his registration. Due to the lack of time put upon us to accommodate this program, we allowed this program to run under the city's insurance policy. Deschenes stated that there is plenty of time now to look into this for next year.

CM/Krause asked if the City Administrator can put an item on the next agenda to update Council on the Triangle parcel that the City owns. VM/Broderick also asked to add to this item to update Council on the city owned property at F St. & Hwy 132, also known as "Overlook Park" as well as the parcel known as the "Church of the Brethren park".

7d: City Council Update:

Mayor Turner: commented on the recent vandalism done to the front door of the Community Center.

VM/Broderick: agreed with Mayor Turner's comment. Also stated that he is excited pleased with the demolition work done on the Government Center parcel and was very pleased with all the efforts done to save the oak tree and feels this will make a nice addition to the new facility.

CM/Gilbert: with the summer heat wave this year she is anxious to open communications with the School District and discuss the possibilities of getting a pool.

CM/Dugovic: no comments.

CM/Krause: stated he is also excited with the progress made on the Government Center parcel and the river walk park.

8. ANNOUNCEMENTS: None.

ADJOURNMENT/RECESS: Recessed at 7:32 PM. After a short recess will reconvene to Closed Session. Will 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 August 3, 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)
City of Waterford v. Stine, et al., Stanislaus County Superior Court Case No. 377276.
Direction given to City Attorney.
- 9B. "CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION" (PURSUANT TO GOVERNMENT
CODE SECTION 54956.9)
- 9C. "CONFERENCE WITH REAL PROPERTY NEGOTIATOR"
(PURSUANT TO GOVERNMENT CODE 54956.8)
Discussion regarding acquisition of additional real property for parkland. Direction given to Real Property
Negotiator.
- 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)

None.
- 9H. "CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY STATE LAW."
(Penal Code Section 832.7)
None.