

# WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

## Thursday, August 2, 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:** [6:31:04 PM](#) Mayor Broderick-Villa

**INVOCATION:** [6:31:07 PM](#) Vice-Mayor Krause

**ROLL CALL PRESENT:** [6:31:35 PM](#)

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

**Absent:** None

**Also Present:** Charles E. Deschenes, City Administrator  
Lori Martin, City Clerk  
Corbett J. Browning, City Attorney  
Rob Jackson, Police Chief  
Robert Borchard, City Planner  
Matt Erickson, Public Works Director

**ADOPTION OF AGENDA:** Weaver moved, seconded by Aldaco, to adopt the agenda.

[6:32:00 PM](#)

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

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

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

[6:31:57 PM](#)

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

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

- 1a: RESOLUTION 2007-81: Warrant Register
- 1b: Minutes of the Regular Meeting held on July 19, 2007
- 1c: Planning Commission Meeting Minutes – June 26, 2007
- 1d: Waterford Police Services Monthly Report – June 2007

**2. PRESENTATIONS:**

- 2a: PRESENTATION: American Planning Association, Central Section, California Chapter presentation of the 2007 "Comprehensive Planning Award-Small Jurisdiction, Award of Merit" for the Waterford Vision 2025 General Plan to the City of Waterford: [6:32:07 PM](#)
- 2b: DISCUSSION: Waste Management to discuss and clarify the recycling and green waste proposal and conceptual agreement presented to Council on July 5, 2007: [6:36:30 PM](#)  
Due to a conflict of interest, City Administrator Deschenes left the Council chambers during discussion of this item.

**3. COMMUNICATIONS FROM THE AUDIENCE:** [7:19:53 PM](#) None.

**4. PUBLIC HEARING ITEMS:**

- 4a: RESOLUTION 2007-80: A Resolution Approving Lot Line Adjustment No. 07-03 A&B and Authorizing the Planning Director to Prepare a Certificate of Lot Line Adjustment: [7:20:07 PM](#)

Mayor Broderick-Villa opened and closed the public hearing at 7:20PM with no comments offered from the public.

Krause moved, seconded by Weaver, to adopt Resolution 2007-80, as recommended.

[7:20:48 PM](#)

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

Motion passed by majority.

- 4b: RESOLUTION 2007-84: A Resolution Ordering the Levy and Collection of Charges within the City of Waterford: [7:20:59 PM](#)

Mayor Broderick-Villa opened and closed the public hearing at 7:21PM with no comments offered from the public.

Goeken moved, seconded by Krause, to adopt Resolution 2007-84, as recommended.

[7:21:32 PM](#)

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

Motion passed by majority.

- 4c: RESOLUTION 2007-83: A Resolution Establishing the Assessment for the Waterford Lighting District: [7:21:36 PM](#)

Mayor Broderick-Villa opened and closed the public hearing at 7:22PM with no comments offered from the public.

Aldaco moved, seconded by Goeken, to adopt Resolution 2007-83, as recommended.

[7:22:08 PM](#)

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

Motion passed by majority.

- 4d: RESOLUTION 2007-82: A Resolution Establishing the Assessment for the Waterford Landscaping and Lighting District: [7:22:13 PM](#)

Mayor Broderick-Villa opened and closed the public hearing at 7:22PM with no comments offered from the public.

Goeken moved, seconded by Krause, to adopt Resolution 2007-82, as recommended.

[7:22:39 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: [7:22:42 PM](#) City Administrator Deschenes stated that the second phase of this project is out to bid now. Deschenes stated that he is hopeful that if everything goes okay this project should be completed before the rainy season starts.

- 5b: DISCUSSION: Relating to the Government Center Project: [7:24:47 PM](#) City Administrator Deschenes stated that there is a Government Center Committee meeting tomorrow afternoon and stated further that the architect has a lot of material to present to the committee for their review. Deschenes stated that after the Committee reviews the material they should have some recommendations to bring to the next Council meeting. Deschenes explained that he met with the County last week and they are interested in the Sheriff's portion of the Center, however they will not make any definite commitments until they see the order of magnitude cost estimate and formulate a recommendation to take to the Board of Supervisors.

- 5c: DISCUSSION: Select a Meeting Date for a Special Joint Meeting with the Waterford School Board: [7:26:00 PM](#) City Administrator Deschenes explained that he has not received word from the School Superintendent yet on possible dates. Deschenes stated that he will continue to pursue a meeting date.

## 6. NEW BUSINESS:

- 6a: RESOLUTION 2007-85: Relating to Rental Fees for the Snack Bar at Beard Park: [7:26:44 PM](#) City Administrator Deschenes explained that this item originated from the Parks & Recreation Commission. Deschenes stated that the Parks & Recreation Commission discussed snack bar rental fees about six months ago and arrived at a fee that was acceptable at this time to the WBSA and the Parks & Recreation Commission. Deschenes explained that the fee agreed upon was a \$200 per month season fee plus a \$3/day fee with the \$3.00/day fee to go directly into the Parks & Recreation fund to help with programs and to offset some of the costs of the baseball fields and other uses of it. Deschenes stated that WBSA gets an exclusive use of the snack bar for the duration of their season. Deschenes explained that Parks & Recreation recently

discovered that this portion of the agreement did not get brought before council for adoption, therefore in order to clear this from their list of things to do, they would like to get this adopted.

Weaver moved, seconded by Krause, to adopt Resolution 2007-85, as recommended.

[7:28:23 PM](#)

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

Motion passed by majority.

- 6b: DISCUSSION: Relating to a Petition from the International Union of Operating Engineers, Stationary Engineers, Local 39, ("Local 39") for Recognition as Exclusive Representative of the Miscellaneous Employees Bargaining Unit: [7:28:29 PM](#) City Administrator Deschenes explained that the city received a petition earlier this year that indicated an interest with the employees affiliating with a union. We then received a request for this union to be registered in which we sent that correspondence back a month or so ago. Deschenes stated that this is the next step in the process where they will actually take this to a ballot determine if this will be the bargaining unit that represents the employees. City Attorney Browning explained that this is before Council to give direction that an election be held. City Attorney Browning stated that the City Administrator is required to bring this before council not later than 20 working days after receipt of the petition. Therefore, the City Administrator has brought this before council to direct that an election be held. Browning explained that there are a couple of mechanisms detailed within the merit rules in which this can be done. Browning stated that once an election has been held consistent with proper procedure the City Administrator will bring this before council to confirm the results of the election.

Goeken moved, seconded by Krause, giving direction that an election for certification of an exclusive representative for the Miscellaneous Employees Bargaining Unit be held as soon as appropriate arrangements can be made by the City Administrator with appropriate notice.

[7:31:07 PM](#)

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

Motion passed by majority.

- 6c: DISCUSSION: Relating to Half Rate Sewer Fees: [7:31:12 PM](#) City Administrator Deschenes explained that we are trying to do some clean up and get our books in the best shape that we can before the conversion to the new software that was authorized by Council last year. Deschenes explained further that when the city took over the sewer system the ordinance that was adopted mandated that residents within a certain distance of the main lateral hook up to city sewer. Apparently sometime after that, this mandate was very difficult for some residents, so the City Council decided to impose a half rate fee that these residents would have to pay that would hopefully give an economic incentive for these residents to at some point in time hook up to the city sewer. The nexus of the half rate fee being in place was the benefit of increased property value due to their home having the availability to hook up to city sewer. Deschenes stated that this half rate went into effect in the mid 1990's. Deschenes explained that there have been various payment histories on these accounts with some people not paying the half rate at all, some have diligently paid it, and some have only paid some of it. Deschenes stated that this did not accomplish the originating motivator in getting residents to hook up to the city sewer system. Deschenes stated that Council was provided a listing of these accounts in their agenda packets. Deschenes stated that he would like to entertain some way of cleaning up these accounts. Deschenes explained that this is something that Council will need to be involved with because the Council was involved with setting up this program in the past. Deschenes discussed a few ideas

that he has thought of and asked Council if they could think about this and get back to him with their ideas or suggestions. Deschenes stated that this program has not been consistently applied over the years; therefore he would have a hard time justifying enforcing this program. After a short discussion period a consensus of Council was to have the City Administrator identify his recommendations in a staff report for the next council meeting for review and discussion with City Council.

- 6d: DISCUSSION: City Council to Make a Determination on the Annual Performance Evaluation Form Type to be Utilized for Future City Administrator Performance Evaluations: [7:45:51 PM](#) City Attorney Browning introduced the item asked for direction from Council on what form type they would like to use for the next City Administrator evaluation. City Attorney Browning stated that council was provided a copy of the form used in the past and a copy of a form submitted by one of the council members for consideration. After a short discussion it was decided by consensus of council that the City Attorney would revise and expand the old form to include some of the suggestions made by the council and bring back the revised form to the next council meeting for review.

## 7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [7:56:40 PM](#) Chief Jackson reported that we are lucky enough to have two field officers currently working and training new deputies in Waterford. Jackson commented that this gives our brand new employees their first look at contract cities. Jackson stated that as of August 18<sup>th</sup> we will have a third FTO out here training employees in Waterford. Jackson reported that the bike patrols have been very effective and they will continue for awhile. Jackson reported on attendance at a recent Chief's meeting and stated that reports are showing that Waterford is the least likely city to have your vehicle stolen. Jackson reminded everyone about National Night Out scheduled for August 11<sup>th</sup> and discussed details of the itinerary.
- 7b: City Attorney Comments/Reports: [8:00:11 PM](#) City Attorney Browning reported that we have received the final classification report today from Hayhurst which is the first of two components for this project. Browning requested a Closed Session item discussion relating to real property negotiation under government code section 54956.8 for APNs: 134-007-053 134-007-076 134-007-077.
- 7c: City Administrator Comments/Reports: [8:01:46 PM](#) City Administrator Deschenes explained some recent issues with mobile vendors. Deschenes explained further that these types of operations are not permitted in our municipal code. Deschenes stated that he has suspended any issuance of these types of licenses and will be discussing with legal counsel with input from the City Planner on how we can amend our code to make this more clear, understandable and enforceable. Deschenes stated that we may put in an exception for special events like Heritage Days. Deschenes reminded Council of the upcoming LAFCO meeting on August 22<sup>nd</sup> which our General Plan and Sphere of Influence will be up for approval by LAFCO stating this is a huge accomplishment for Waterford. Deschenes stated that he felt it was important to have Council presence at this meeting because it could make a difference, therefore encouraged all of the Council to attend.
- 7d: City Council Comments/Reports:
- Jose Aldaco: [8:05:32 PM](#) No comments.

CM/Weaver: [8:05:39 PM](#) stated that the bike patrols are great and it is nice to see the children go up and talk to them and stated that the officers are great ambassadors of the city.

CM/Goeken: [8:05:59 PM](#) thanked Chief Jackson and his staff for all of their hard work in putting together the National Night Out program on Saturday, August 11<sup>th</sup> and encouraged everyone to attend this event.

CM/Krause: [8:06:20 PM](#) thanked the Parks & Recreation Commission for another great concert in the park and reminded everyone that there is another concert in the park coming up next Wednesday at 6:30PM and encouraged everyone to attend. CM/Krause reminded everyone that the Historical Society opens the Museum on the 1<sup>st</sup> and 3<sup>rd</sup> Saturday of every month from 11AM to 2PM.

Mayor Broderick-Villa: [8:06:53 PM](#) stated that he just returned home from the Eternal City late last night stating that it is good to be back. Mayor Broderick-Villa commented that it was a very humbling experience to see a place working on its 3<sup>rd</sup> Millennium and to see the various city issues going on. Broderick-Villa stated that he received education units which was a great way to get the required time this experience will benefit the students.

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**ANNOUNCEMENTS: The Waterford City Council will Hold a Special Joint Meeting with the Planning Commission and the Parks & Recreation Commission on August 23, 2007 at 6:30PM at the Waterford Community Center to Continue Discussions in Regards to Fiscal Year 2007/2008 City Goals & Objectives.**

ADJOURNMENT/RECESS: [8:07:53 PM](#) Mayor Broderick-Villa recessed the City Council Meeting at 8:07PM. 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 August 16, 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)  
None.
- 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)  
  
Direction given to Negotiator.
- 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.