

WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

Thursday, November 15 2007

A regular meeting of the Waterford City Council was called to order by Mayor Broderick-Villa at 6:32 PM at the Waterford Community Center, 540 "C" Street, Waterford, CA 95386.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE: [6:32:37 PM](#) Mayor Broderick-Villa

INVOCATION: [6:32:54 PM](#) Pastor Pete Mar, Waterford Community Baptist Church

ROLL CALL PRESENT: [6:33:25 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

City Attorney Browning explained the need to add an emergency item to the agenda, stating that this item came our attention at last night's StanCOG Policy Board Meeting. Browning stated that the emergency item is for a temporary alternate appointment to the StanCOG Policy Board for a board meeting scheduled on December 6, 2007. Browning stated that December 6th is the City's regularly scheduled meeting date; therefore our Representative and Alternate can not be present at the StanCOG meeting. Browning explained that the purpose for the StanCOG Policy Board meeting is to conduct a closed session in regards to an Eminent Domain proceeding, stating that a certain number of votes are required for this vote, therefore if our representative is not at this meeting there is a good chance that they would not be able to take the action that is needed which could significantly jeopardize the eminent domain or legal action. Browning stated that based on these facts that the two findings that are needed to add something to the agenda are both present. Browning explained the first finding is that this item was not known in advance so that it could be agendaized in a timely manner and the second finding is that this does involve an issue where an urgency exists and where action is needed tonight. Browning explained that with four Council Members present that a unanimous vote would be needed in order to add this item to tonight's agenda.

Krause moved, seconded by Goeken, to approve the addition of Item 6d, relating to the temporary alternate appointment to the StanCOG Policy Board.

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

Motion passed by majority.

ADOPTION OF AGENDA: Goeken moved, seconded by Weaver, to adopt the agenda as amended.

[6:36:20 PM](#)

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

Motion passed by majority.

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

[6:36:39 PM](#)

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

Motion passed by majority.

- 1a: RESOLUTION 2007-110: Warrant Register
- 1b: Minutes of the Regular Meeting held on November 1, 2007
- 1c: Bid Results from Surplus Property Bid held on November 7, 2007
- 1d: Waterford Police Services Report – August 2007
- 1e: Building Report – October 2007
- 1f: Business License Report – October 2007
- 1g: Waste Water Daily Flow Summary – October 2007
- 1f: Minutes of the Waterford Parks & Recreation held on September 17, 2007
- 1g: Stanislaus Economic Development & Workforce Alliance 2008-2012 Strategic Plan – Preliminary Draft
- 1h: F Street / Hwy 132 Job Summary Sheet
- 1i: Western Ave. Job Summary Sheet

2. **PRESENTATIONS:**

- 2a: PROCLAMATION: Mayor Broderick-Villa to present a Proclamation to the Waterford High School Soccer Team for their Undefeated Season: [6:36:50 PM](#) Mayor Broderick-Villa asked the members of the Waterford High Soccer Team along with Coach Barry W to come forward for a photo and then asked Coach W to introduce the members present. Coach W stated that this team started 2 years ago with a 6 win/21 loss record progressing to an undefeated season this year with a 13/0/2 in the league and a 22/0/4 overall at the section final. Coach W stated that the team has done a great job and expressed how proud he is of all of them and thanked the community for all of their support.
- 2b: Doug Sweetland from the Alliance to do a Presentation Relating to the Application for Waterford to be included in the Enterprise Zone: [6:39:40 PM](#) Mr. Doug Sweetland from the Alliance explained some of the details and benefits of expanding the enterprise zone to include Waterford.

3. **COMMUNICATIONS FROM THE AUDIENCE:** [6:57:03 PM](#)

[6:57:20 PM](#) Patricia Green, Parks & Recreation Commissioner addressed Council to share the outcome of recent discussions at the Parks & Recreation Committee meeting. Green stated that the Parks & Recreation would like to take on the Christmas tree lighting at the Museum held on the 1st Saturday of each December at 6:30 p.m. Green stated that she has contacted the Fire Dept to request that Santa arrive on the fire truck and has also put in a request to Pastor Bob Cherry to do the opening prayer. Green invited the Council Members to attend the event and welcomed any Council Member that would like to speak at the event. Green stated that she has also left a message with the school choir teacher to see if they would like to do some carols. Green stated that they are also planning on having a Santa available to do pictures with the kids. Green encouraged community volunteers stating that she would leave her contact information at City Hall for anyone that is interested in volunteering.

4. **PUBLIC HEARING ITEMS:**

- 4a: ORDINANCE 2007-09: SECOND READING & ADOPTION: Adopting a Prezone

(PZ07-01) for Certain Property Known As the "Lake Pointe Development": [7:01:17 PM](#) City Administrator Deschenes stated that this was discussed at length at the last council meeting and recommended opening the public hearing to allow comments from the public.

[7:01:41 PM](#) Opened Public Hearing

[7:01:52 PM](#) Barry O'Regan with the Grupe Company stated that he is available to answer any questions.

[7:02:12 PM](#) Closed Public Hearing

Krause moved, seconded by Weaver, to adopt Ordinance 2007-09.

[7:02:46 PM](#)

AYES: Krause, Goeken and Weaver

NAYES: Broderick-Villa

ABSENT: Aldaco

Motion passed by majority.

5. UNFINISHED BUSINESS:

5a: DISCUSSION: Relating to Western Ave. Street Improvement Project: [7:02:52 PM](#) City Administrator Deschenes stated that the physical work is winding down. Deschenes stated that he plans to set up the speed trailer very soon and stated that we will increase enforcement because he anticipates that there will initially be a need for that. Deschenes stated that we were fortunate to have had hard working contractors and hard working city staff to get this job done. Deschenes stated that we are in the finishing stages now doing driveway tie-ins and raising man holes, lamp holes, etc.

Mayor Broderick-Villa stated that he will be hosting a block party at his home on Western Ave. and invited his Western Avenue neighbors along with City Staff, Public Works and all Commission Members to attend. The block party will be held on Fri, November 30, 2007, from 3:00-6:00 p.m. at 432 N. Western Ave.

5b: DISCUSSION: Relating to Government Center Project Update: [7:06:24 PM](#) City Administrator Deschenes reported on recent meeting with the County CEO's office, stating that they discussed the financing of the Government Center. Deschenes stated that the County Sheriff's Department is committed to the decentralization process which should bring in more deputies out to our area, mostly for the county, however they will have more of a presence in our community and more services will be offered to the community. Deschenes stated that the impediments are getting a project and project costs and designing a project that the City and County can afford, therefore this is where we will emphasize our efforts in the next few months. Deschenes stated that the County CEO's Office has not adopted a formal position on this; however this would be the next step. Deschenes explained that in order for the County CEO's office to adopt a formal position they will want to see costs and our costs will have to be relatively competitive and reasonable in comparison with the lease and rental market in regards to what they will be paying. Deschenes stated that we do have our financial consultants working on this and stated that he will be meeting with the committee soon and work on getting our cost per square foot down to a degree where we can make this work for everyone. Deschenes stated that the first estimates came in at about \$330-350 per square foot and at a minimum we need to get the costs down to \$300 or below.

5c: DISCUSSION: Relating to Disposition of City Property – Triangle Park Parcel: [7:08:40 PM](#) City Administrator Deschenes stated that this was discussed at the last meeting, however he wanted to allow time for Council to think about this. Deschenes stated that Council has previously authorized disposition of the Triangle Park parcel, however the question is on how we want to dispose. Deschenes stated that the options that were discussed at the last meeting were

to either go with a sealed bid process with a minimum or no minimum bid and conduct it only within the city or engage a realtor through a competitive process that will actually go out and market the property. Deschenes stated that this is based on what Council feels would get us the best price and best value. Deschenes stated that it is a constrained market now and feels that a realtor could be a good investment. Deschenes stated that he does not necessarily need a decision tonight, however would like input and ideas from Council. Deschenes explained that once Council does make a decision it does not necessarily lock them into that decision because we would advertise for requests for proposals for example if Council decided to have a realtor market the property, if you find a proposal that you like and select one that is okay and if you find that you do not like any of the proposals you would not have to select one. CM/Goeken asked if there has been any interest in the property to date. Deschenes stated that there has not been any interest expressed in the Triangle Property. CM/Goeken stated that he felt the best approach would be to enlist a realtor to market the property. Deschenes asked if any other Council Members had any comments. No other comments were noted. Deschenes stated that he will look for an appropriate RFP for realtor services format and will try and get one in draft to the Council within the next 30 days.

6. NEW BUSINESS:

- 6a: RESOLUTION 2007-109: A Resolution Accepting Public Improvements for the Ridgcrest Estates Development Project: [7:11:24 PM](#) City Administrator Deschenes stated that the public improvements have been completed and inspected and approved by the City Engineer. Deschenes explained that once the public improvements are accepted by the City the performance bond is retired and replaced with a one year maintenance/warranty bond. Deschenes stated that this is a routine item that occurs at the end of a project and recommended approval.

Goeken moved, seconded by Krause, to adopt Resolution 2007-109, as recommended.

[7:12:16 PM](#)

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

Motion passed by majority.

- 6b: RESOLUTION 2007-111: A Resolution Appointing One (1) Member to the Waterford Parks and Recreation Commission: [7:12:21 PM](#) City Administrator Deschenes stated that there is a vacancy on the Parks & Recreation Commission and that to date we have received two applications. Mr. Henry Rodriquez addressed Council with an application for their consideration. Mayor Broderick-Villa stated that he would like to continue this item to the next City Council meeting to allow Council more time to review the applications. Deanna Ricks and Henry Rodriquez both introduced themselves and outlined their qualifications to the Council.

Item continued to next meeting.

- 6c: DISCUSSION: Related to Covey & C Street: [7:15:17 PM](#) City Administrator Deschenes explained that this item was put on the agenda at the Mayor's request and stated that this is not a new item although it has been awhile since we last discussed this and opened up the item for questions/comments from the Council and public. Mayor Broderick-Villa stated that now Western Ave is almost completed he would like to get the ball rolling on Covey & C St. CM/Goeken asked the City Administrator to outline the issues and funding options if any. Deschenes stated that the engineering assessment for this project has started, however we do know up front that we will

have some right-of-way issues and the Engineer at least preliminarily, because this is not a major collector or arterial, is entertaining a concept where we may need more right-of-way due to it possibly becoming a double cul-de-sac instead of a through street. Deschenes stated that there are utilities on Covey that will need to be addressed. Deschenes stated that this is not a big deal; however it does require some notification because these are City of Modesto utilities. Deschenes stated that the City Engineer is in the process of doing an aerial which would put a proposed template of the improvements on a map or photograph which would illustrate where we do have right-of-way constraints and those types of issues. Deschenes explained further that Covey & C Street is a unique situation and what he was planning on doing after the first of the year was to bring this to Council as part of an overall streets projects recommendation from engineering and staff for Council to prioritize. Deschenes explained that based on the outcome we would start working on the top priorities. Deschenes explained how staff evaluates streets and that they also factor in where the street is in its current life cycle and they factor whether or not it is the best application of our funds for the overall benefit of the streets system. Deschenes stated that staff also factors in traffic volume and whether or not it may be an economic development feature that needs to be considered. Deschenes gave an example of the downtown area and that we may want to prioritize that differently than a residential street because of the potential of having an attractive downtown. Deschenes explained that another impediment would be funding and that certain streets qualify for categorical funding and others do not. Deschenes stated that Tim Bell and Western are eligible for federal funds that other streets are not eligible for. Deschenes explained that this doesn't necessarily affect how Council prioritizes the projects; however we may find that we have to skip a priority that isn't eligible for one that is.

- 6d: LATE ADDED EMERGENCY ITEM: Council to designate a Temporary Alternate member to the StanCOG Policy Board: [7:26:36 PM](#) City Administrator Deschenes recommended Matt Erickson, Public Works Director to be designated as the temporary alternate member for the December 6, 2007 StanCOG Policy Board meeting.

CM/Weaver moved, seconded by CM/Goeken to designate Matt Erickson, Public Works Director as the temporary alternate member to the StanCOG Policy Board for the December 6, 2007 Policy Board Meeting and authorizes the temporary alternate the same voting rights as the appointed alternate member.

[7:28:11 PM](#)

AYES: Broderick-Villa, Krause, Goeken and Weaver

NAYES: None

ABSENT: Aldaco

Motion passed by majority.

7. COMMENTS:

- 7a: Law Enforcement Comments/Reports: [7:28:26 PM](#) Sgt. Yotsuya stated that he is working on some community meeting dates to initiate more neighborhood watch programs throughout the city, stating that as soon as the dates are determined he will notify council and the public. Sgt. Yotsuya informed Council that the Department Coordinator will be delivering food baskets on November 19th to ten families that were identified by the School District. Sgt. Yotsuya reported on a graffiti incident at the Little Caesar's Pizza and thanked the community members that were willing to identify the suspects.
- 7b: City Attorney Comments/Reports: [7:31:10 PM](#) City Attorney Browning reported on a Delinquent Assessment Item that has now been paid and cleared up and paid in full as a result of all of our demand efforts. Browning requested two closed session items. The first closed session item is for labor negotiator under GC 54957.6 and public employee performance evaluation relating to the City Administrator performance evaluation under GC 54957.

7c: City Administrator Comments/Reports: [7:32:26 PM](#) City Administrator Deschenes stated that he will have a item on the next agenda relating to an appointment to the Stanislaus Consolidated Fire District Board and stated that he handed out some correspondence that illustrates that Armando Garcia's term on the Fire Board is expiring. Deschenes stated that he does desire to remain on the board and stated that Mr. Garcia has done a great job on the Fire Board. Deschenes stated that this will be a Council decision on whether to re-appoint Armando Garcia or if they desire to recruit for other applicants. Deschenes made a suggestion to have a meet the Chief type of reception since we do have a new Police Chief on board. Deschenes stated that this will give the new Police Chief a chance to meet members of the community.

7d: City Council Comments/Reports:

Jose Aldaco: absent.

CM/Weaver: [7:34:56 PM](#) CM/Weaver gave kudos' to the community member that helped identify the graffiti artist. CM/Weaver stated that Western Ave really looks great. CM/Weaver stated that the High School Soccer team is a good example of what great team work we have in Waterford, stating that this team is one of Waterford's treasurers. CM/Weaver recognized and thanked the Boy Scouts for attending the meeting tonight, stating that they were the most engaged audience the Council has had all year and stated further that the Boy Scouts sat through the entire meeting and wanted to give recognition for that and endorse their merit badges. CM/Weaver wished everyone a great Thanksgiving.

CM/Goeken: [7:35:46 PM](#) CM/Goeken stated that there was an excellent community turnout at the Soccer finals with ten times as many fans as the team they played. Goeken also thanked Donald Null and all of the coaches and volunteers for another great soccer season for the city league. In addition, CM/Goeken gave recognition and thanks to Keith and Patty Self and Patricia Green along with their coaches and volunteers for another great season of the Waterford Sabercats. CM/Goeken stated that the Sabercats had three teams go to the playoff's which is great for only the third season. CM/Goeken stated that the Dracula Play by the Drama Club at the High School was excellent. CM/Goeken also thanked the Boy Scouts for attending the meeting.

CM/Krause: [7:37:30 PM](#) CM/Krause wished everyone a safe and Happy Thanksgiving. CM/Krause stated that Waterford has so many positive things going on stating that we can not let the negatives block out the positives.

Mayor Broderick-Villa: [7:37:51 PM](#) MBV stated that Western Ave looks really great and encouraged anyone that has not seen it to take a drive down Western to see for themselves. MBV thanked Patricia Green for taking on the Christmas Tree Lighting event at the Museum. MBV thanked the Boy Scouts for attending the meeting tonight. MBV stated that he is happy to see so many applications for the Parks & Recreation Commission. MBV congratulated Lorraine West and Vicky Johnson who won the recent School Board election and thanked Elisa Godoy for running and doing a good job with her campaign. MBV stated that he looks forward to working closely with the School District in the future.

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [7:39:20 PM](#) Mayor Broderick-Villa recessed the City Council meeting at 7:39PM. To reconvene to Closed Session directly following the recess. To reconvene to the City Council meeting to adjourn directly following Closed Session.

PASSED AND ADOPTED by the Waterford City Council at a regular meeting held on December 6, 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)

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)

Item 9d: "CONFERENCE WITH LABOR NEGOTIATOR"

(Pursuant to Government Code Section 54957.6) Charles Deschenes, City Administrator,
Designated Labor Negotiator

Direction was given to the Labor Negotiator by the Council.

Item 9e: "PUBLIC EMPLOYEE PERFORMANCE EVALUATION"
(Pursuant to Government Code Section 54957)

Direction provided to City Attorney regarding negotiations with the City Administrator.

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.