

# WATERFORD CITY COUNCIL REGULAR MEETING MINUTES

## Thursday, December 6, 2007

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

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** [6:32:27 PM](#) Mayor Broderick-Villa

**INVOCATION:** [6:32:49 PM](#) Pastor John Price, Empire Church of the Brethren

**ROLL CALL PRESENT:** [6:33:52 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  
Robert Borchard, City Planner  
Darin Gharat, Police Chief

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

[6:34:04 PM](#)

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

Motion passed by majority.

**1. CONSENT CALENDAR:** Goeken moved, seconded by Krause, to adopt the Consent Calendar.

[6:34:11 PM](#)

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

Motion passed by majority.

- 1a: RESOLUTION 2007-114: Warrant Register
- 1b: Minutes of the Special Meeting held on November 8, 2007
- 1c: Minutes of the Regular Meeting held on November 15, 2007
- 1d: Waterford Police Services Report – September 2007
- 1e: Minutes of the Waterford Planning Commission Meeting held on October 30, 2007
- 1f: Reappointment of Armando Garcia to the Stanislaus Consolidated Fire Board as the City of Waterford Representative to a 4-year Term Ending December 31, 2011

**2. PRESENTATIONS:**

None.

**3. COMMUNICATIONS FROM THE AUDIENCE:**

None.

**4. PUBLIC HEARING ITEMS:**

- 4a: RESOLUTION 2007-113: A Resolution Approving the Vesting Tentative Subdivision Map Application 2007-02, Owner, David Hendrick: [6:34:52 PM](#) City Planner, Bob Borchard explained that this is a re-authorization of a map (VTM 2003-05) that expired in May 2006. Borchard explained that the applicant was unable to record the original map because of his inability to obtain a "can-and-will serve letter for water service from the City of Modesto. Borchard stated that the applicant obtained the approval for 5 new residential water connections from the City of Modesto in July 2007. The applicant intends to build out this project in phases to accommodate the City of Modesto's utility capacity requirements.

[6:38:25 PM](#) Mayor Broderick-Villa Opened the Public Hearing.

[6:38:40 PM](#) Mayor Broderick-Villa Closed the Public Hearing with no comments offered from the public.

Goeken moved, seconded by Krause, to adopt Resolution 2007-113.

[6:38:55 PM](#)

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

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

- 4b: RESOLUTION 2007-115: A Resolution Approving Expenditure of Supplemental Law Enforcement Services Funds (SLESF): [6:40:15 PM](#) City Administrator Deschenes explained that this public hearing is an annual requirement stating further that the state supplements our law enforcement services with approximately \$100,000 annually which generally funds the Sergeants position. Deschenes stated that this public hearing was published in the Modesto Bee in accordance with state law and recommended approval.

[6:41:00 PM](#) Mayor Broderick-Villa opened the public hearing.

[6:41:09 PM](#) Mayor Broderick-Villa closed the public hearing with no comments offered from the public.

Krause moved, seconded by Aldaco, to adopt Resolution 2007-115, as recommended.

[6:41:23 PM](#)

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

**NAYES:** None

**ABSENT:** None

Motion passed by majority.

**5. UNFINISHED BUSINESS:**

5a: DISCUSSION: Relating to Update on the Government Center Project: [6:41:28 PM](#) City Administrator Deschenes stated that he and the Police Chief met with the County CAO's office today along with representatives from the Sheriff's Department. Deschenes stated that the next step is to meet with the Architect to quantify costs and see what the architect can do to keep the costs at a more reasonable level, without sacrificing the type of facility that we want. Deschenes stated that he plans to meet with the Architect next week as well as with the Government City Committee to get their input and then will put together a proposal for the County that identifies what we intend to do and what it will cost.

5b: RESOLUTION 2007-111: A Resolution Appointing One (1) Member to the Waterford Parks and Recreation Commission: [6:45:20 PM](#)  
[6:46:24 PM](#) Pat Padrnos, 12936 Covey St addressed Council to introduce herself and discuss her qualifications and desire to be a Parks & Recreation Commissioner. Mayor Broderick-Villa asked each Council Member who their choice would be. Each Council Member stated that this was a difficult decision and that having three very qualified candidates was a good problem to have. Each Council Member stated that their choice would be Pat Padrnos due to her tenure in Waterford and dedication on the River Park Committee.

Krause moved, seconded by Weaver, to appoint Pat Padrnos to the Parks & Recreation Commission.

[6:54:22 PM](#)

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

Motion passed by majority.

5c: DISCUSSION: Related to Covey & C Street: [6:54:40 PM](#) City Administrator Deschenes distributed two maps showing two different scenarios's on how this street could be improved which were drafted by our City Engineer's office. Deschenes briefly pointed out on the maps some of the right-of-way conflicts that may exist. Deschenes stated that our object is to get this project on a list where it can be prioritized. Deschenes stated that the Public Works Director and City Engineer and the City Administrator will be making a presentation in January on what their recommendations will be as far as prioritization of street improvement projects. Council and staff briefly discussed some of the pros/cons to both scenarios of the maps.

**6. NEW BUSINESS:**

6a: RESOLUTION 2007-112: A Resolution Adopting a Written Policy for Assessing and Waiving Fines for the Late Filing of FPPC Regulated Documents: [7:08:44 PM](#) City Attorney Browning stated that staff is requesting Council to set policy that determines when penalties/fines can be waived for late filings of FPPC regulated documents.

Krause moved, seconded by Aldaco, to adopt Resolution 2007-112, as recommended.

[7:12:02 PM](#)

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

**ABSENT:** None

Motion passed by majority.

**7. COMMENTS:**

7a: Law Enforcement Comments/Reports: [7:12:06 PM](#) Chief Gharat stated that he has started to get familiar with his new role and has had a chance to get out a little to meet members of the community and business owners and plans to do more in the coming weeks. Chief Gharat stated that he has implemented bike patrols over the holiday season on a rotational basis and on different days of the week as to not set a pattern. Chief Gharat stated that he and Sgt. Yatsuya met with Don Davis, High School Principal to become familiar with what kind of issues he faces at the school and how the Police Department might be able to help. Truancy and gang issues were the top issues. Chief Gharat stated that as part of a countywide alcohol beverage control enforcement grant, an enforcement operation was conducted in the City of Waterford, and was happy to report that all of the businesses in Waterford that sell alcohol passed the test, stating that the officers were very pleased with the compliance in Waterford. Chief Gharat stated that the Stanislaus County Police Activities League will be putting on their annual Christmas program at the Waterford High School on December 18, 2007 from 6:30PM – 8:30PM. Chief Gharat stated that as a board member for PAL, they pick different locations throughout the county to do this program and this year they chose Waterford.

7b: City Attorney Comments/Reports: [7:15:15 PM](#) Requested Closed Session Discussions under Anticipated Litigation under GC 54956.9, Real Property Negotiation under GC 54956.8, Labor Negotiation under GC 54957.6 and Public Employee Performance Evaluation under GC 54957.

7c: City Administrator Comments/Reports: [7:16:32 PM](#) City Administrator Deschenes distributed an email correspondence from the City Planner which identifies the projects he will be working on this year. Deschenes stated that he has delegated the Enterprise Zone Application process to the City Planner. Deschenes stated that the 19.6 acre property purchase is proceeding along with the phase one environmental process in the beginning stages. Deschenes stated that he does not anticipate any problems with the environmental since it has been used as agricultural use. Deschenes stated that he solicited three banking entities to submit proposals (Bank of the West, Muni-Financial and County Bank) for financing the property. Deschenes stated that Muni-Financial submitted a proposal to finance with a tax-exemption and interest rate of approximately 4.5%. County Bank's proposal was more along the line of a traditional mortgage at an interest rate of approximately 6% and did not include a tax exemption. Deschenes stated that Bank of the West did not submit a proposal. Deschenes stated that he will get an agreement in process with Muni-Financial and after review by the City Attorney he will bring the agreement to City Council for their consideration. Deschenes reported on a recent downtown business owners meeting stating that the business owners have an interest to share the costs to install a commercial sign that would have downtown business names on it that would direct traffic to the downtown area. Deschenes stated that this would fall under advertisement which the city would not be able to participate in, however stated that it is possible to look to Redevelopment funds to put up a directional sign that would point to the historical/old downtown area. Deschenes stated that he is trying to obtain more information in regards to the vacant downtown buildings and reported that it appears that an escrow has been started on the old hardware store building. Deschenes stated that the other vacant buildings have a lot of liens on them and stated that they most likely will be going through a formal foreclosure process.

7d: City Council Comments/Reports:

Jose Aldaco: [7:22:27 PM](#) CM/Aldaco thanked everyone involved with putting on the WHS Football banquet and also thanked the Fire Department for their help with the Parks

Recreations Christmas Tree Lighting Event. CM/Aldaco suggested having a community calendar just so that we avoid having too many events on the same day. CM/Aldaco informed the City Administrator that there are two pedestrian signs missing that used to be in front of the Valero Station on Hwy 132 and asked if he could follow up as this is a major crossing for kids going to school. CM/Aldaco asked the City Administrator to see what the city ordinance is in relation to vehicles being parked on front lawns.

CM/Weaver: [7:24:26 PM](#) CM/Weaver congratulated Pat Padrnos on her appointment to the Parks & Recreation Commission. CM/Weaver stated it is exciting news to hear about the possible escrow on the old hardware store. CM/Weaver congratulated WHS for their recent recognition in the US World & News Reports on being one of the best High Schools academically and the only High School in the County to be recognized in the report. CM/Weaver welcomed the new Chief of Police, Darin Gharat. CM/Weaver asked that everyone be safe and drive safe during the holidays.

CM/Goeken: [7:25:16 PM](#) CM/Goeken welcomed the new Chief of Police, Darin Gharat and congratulated Pat Padrnos on her appointment to the Parks & Recreation Commission. CM/Goeken reported on a recent EDAC meeting.

CM/Krause: [7:26:25 PM](#) CM/Krause also welcomed the new Chief of Police and congratulated Pat Padrnos on her appointment to the Parks & Recreation Commission. CM/Krause stated that it is exciting to see so many things happening in our small town.

Mayor Broderick-Villa: [7:26:58 PM](#) MBV also welcomed the new Police Chief, Darin Gharat. MBV also congratulated the Waterford High Schools on being rated one of the top high schools in the US News & World Reports.

ANNOUNCEMENTS: none.

ADJOURNMENT/RECESS: [7:27:39 PM](#) Mayor Broderick-Villa recessed the City Council Meeting at 7:27PM. 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 20, 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)  
  
Direction given to City Administrator consistent with his existing authority.
- Item 9c: "CONFERENCE WITH REAL PROPERTY NEGOTIATOR"  
(PURSUANT TO GOVERNMENT CODE 54956.8)  
  
Direction given to Negotiator by Council to inquire of listing agent as to whether expenditure on  
appraiser would be wasted money.
- Item 9d: "CONFERENCE WITH LABOR NEGOTIATOR"  
(Pursuant to Government Code Section 54957.6) Charles Deschenes, City Administrator,  
Designated Labor Negotiator  
  
Direction given to Negotiator by Council.
- Item 9e: "PUBLIC EMPLOYEE PERFORMANCE EVALUATION"  
(Pursuant to Government Code Section 54957)  
  
Update provided to Council regarding the status of negotiations on City Administrator contract.
- 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.